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LEGISLATION TO STRENGTHEN FEMA AND BETTER INTEGRATE IT INTO THE DEPARTMENT OF HOMELAND SECURITY, AND FOR OTHER PURPOSES

FULL HEARING

BEFORE THE

COMMITTEE ON HOMELAND SECURITY
HOUSE OF REPRESENTATIVES

ONE HUNDRED NINTH CONGRESS

SECOND SESSION

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LEGISLATION TO STRENGTHEN FEMA AND BETTER INTEGRATE IT INTO THE DHS, AND FOR OTHER PURPOSES

Tuesday, May 9, 2006

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC.

The committee met, pursuant to call, at 2:05 p.m., in Room 345, Cannon House Office Building, Hon. Peter King [chairman of the committee] presiding.

Present: Representatives King, Lungren, Rogers, Pearce, Reichert, Dent, Brown-Waite, Thompson, Dicks, DeFazio, Norton, Jackson-Lee, Pascrell, Christensen, Etheridge, and Meek.

Mr. KING. The Committee on Homeland Security will come to order. The committee is meeting today to hear testimony on proposed legislation addressing emergency management problems within the Department of Homeland Security, which were exposed by Hurricanes Katrina and Rita.

I recognize myself for 5 minutes, and my opening statement will be brief, but I want at the very outset to commend Chairman Dave Reichert and Chairman Mike McCaul for the leadership they have shown on our side in putting together what I believe is very comprehensive legislation.

I would also, since this is, I believe and I hope, to be a very bipartisan effort, want to once again the Ranking Member Mr. Thompson from Mississippi for the work that he has done and also my good friend from New Jersey, Bill Pascrell, and Congressman Etheridge from the State of North Carolina for the work they have done in working to I think bring together a very, very worthwhile piece of legislation.

All of us saw what happened last summer, August and September, with Katrina, and then after that, Rita. We saw serious deficiencies at all levels of government. It is our job, however, to do what we can to address the serious gaps which did exist at the Federal level, and that is the purpose of this hearing, and that is what the purpose of the legislation is going to be. Those of us supporting the legislation strongly believe that FEMA should not be taken out of the Department of Homeland Security.

We can't always be overreacting or have a knee-jerk reaction to the last crisis. We have to do what is best, and what is best for the long term, I believe, is for FEMA to be kept within the Department of Homeland Security. However, as the testimony today and as the markup, which we hope to have conducted next week, will

bring out, we want to combine the preparedness and response functions of the Department of Homeland Security and provide the under secretary for Preparedness with a direct reporting relationship to the President during incidents of national significance. By raising it to this under secretary level, by setting in motion this direct line of communication with the President, that, to me, is probably the most significant change that is going to be brought about by this.

But, in any event, we have experts here today that I want to thank for coming, and I certainly want to thank those of the members of the committee on both sides who are working so hard to come up with a coherent response, not just a knee-jerk response, but one which makes sense and which will get results and will certainly and hopefully have us much better prepared the next time if, God forbid, such a tragedy should occur as Katrina.

With that I now recognize the ranking member of the committee, the gentleman from Mississippi, Mr. Thompson. And before I ask him to speak, I want to thank him again for the bipartisan help he gave us on the port security bill, which did pass the House overwhelmingly last week by a vote of 421–2. I think it was a great, great effort by this committee, and it certainly asserted ourselves as real players in the areas of great national and international importance.

With that, I recognize the ranking member from Mississippi.

Mr. THOMPSON. Thank you very much, Mr. Chairman, and I appreciate your kind comments. I think a lot of us, even though we supported the port bill, we would have loved to have had 100 percent cargo screening as one of the components, and I look forward to a conference report or something to try to get that in.

However, we are here today to look at FEMA. As most of you know, my area was impacted by Hurricane Katrina. I was without lights personally for 7 days. However, those persons impacted in the gulf coast region couldn't communicate with each other for 3 days, and that was a problem.

All of us recognize that FEMA failed the test. The question is whether or not they will become any better inside the Department of Homeland Security or outside. There are examples where they failed as an independent agency, and, obviously, the Katrina-Rita experience indicates that they failed inside. But there are some basic things that I am convinced that we have to have.

First of all, we need someone to run the agency who is qualified. We just can't have a political crony running an agency as important as FEMA. The other thing is that person has to have direct communication with the White House. That individual in time of an incident of national significance should not have to go through some chain of command to marshal the assets necessary to respond to that emergency. It just should not be.

So with all of the lessons learned from Katrina, I hope we can put together and support legislation that is being considered by this committee. Moving the furniture is not just good enough, we have to fix the internal controls. Why have we put the preparedness directorate outside of FEMA? That is absolutely a no-brainer for a lot of us on this committee because that adds one layer of bureaucracy to an already cumbersome process.

So I look forward to the testimony. I want to compliment the chairman in moving forward on trying to get something done. We have to do it. The public demands it. I was embarrassed at what I saw, especially in the New Orleans area. As a member of the committee and as a Member of Congress, I was assured we could do better, and we didn't.

I would not want to see any of the calamities associated with Katrina repeated again. I am not certain that by June 1 we are there. I have not had any briefings, as far as I know, Mr. Chairman, by FEMA or the Department to assure us that the lessons learned from Katrina won't be repeated. So this legislation is timely. It is unfortunate that in some instances we might have to micromanage the agency rather than let the professionals do it. But I think we are convinced that this hearing is in order, and I look forward to the testimony.

I yield back the balance of the time.

The CHAIRMAN. Thank you, Mr. Thompson.

I have been advised by staff that the new FEMA Director Chief Paulson has offered to come in and brief us, so we will certainly take him up on that.

Mr. THOMPSON. Good.

The CHAIRMAN. Thank you.

Under our committee rules, opening statements are limited to the chair and ranking member. However, all members are entitled to submit written opening remarks for the record. Due to our time constraints today, we will move immediately to the testimony from our witnesses.

And now I would recognize the gentleman from Washington, Mr. Reichert, who along with Mr. McCaul has done so much work on this legislation, and I would ask him to introduce our distinguished panel.

Chairman Reichert.

Mr. REICHERT. [Presiding.] Thank you, Mr. Chairman, for yielding, and I am pleased to welcome our distinguished panel today to share their thoughts and opinions on the National Emergency Management Reform and Enhancement Act of 2006, the proposed legislation before us, which is based on multiple hearings and countless hours of testimony from emergency response providers, emergency response support providers, emergency managers, State and local and tribal officials, and many others.

It is completely bipartisan and is the product of much hard work by Congressman McCaul, Pascrell, Etheridge, King, and Thompson. As the legislation's sponsor, I want to thank all of them for their tremendous work, partnership, and their support on this important bill. The legislation offers a 21st century solution to the Department's problem by strengthening and better integrating FEMA into DHS, and by implementing many of the commonsense lessons learned from the various investigations into Hurricane Katrina.

This panel is representative of the transparent and inclusive process that Congressmen McCaul, Pascrell, Etheridge, King, Thompson and I adopted in drafting the legislation at issue here today.

Testifying on behalf of the Government Accountability Office is Dr. William Jenkins. Dr. Jenkins has been with the GAO for more

than 26 years and is widely recognized as an expert on homeland security issues.

Dr. Jenkins, it is good to see you today. Thank you for being here. It is a pleasure to have you, and we look forward to your testimony.

Representing the International Association of Fire Fighters today is Barry Kasinitz. I hope I pronounced that halfway correctly. The IAFF has testified before this committee on numerous occasions, and we are pleased to see them represented here again today.

You have been involved, I know, in some of the most critical issues related to firefighters, such as the creation of the Fire Act Grant Program, and we welcome your comments on behalf of IAFF.

As a former cop, it is good to see a representative of the International Brotherhood of Police Officers and the Law Enforcement Steering Committee. Stephen Lenkart is no stranger to testifying before this committee. And, as always, we appreciate your sharing your views with us today.

Finally, I am especially pleased to introduce Eric Holdeman, the Director of the Office of Emergency Management in King County, Washington, where I served as sheriff, and Eric and I worked as partners. Not only is he a resident of the district but a good friend.

Good to see you, and thank you for being here.

He participated in and the TopOff two exercise in Seattle. As the Director of Emergency Management, Eric has been with King County since 1996, and he is responsible for facilitating regional coordination between all levels of government, as well as across emergency management programs in the public and private sectors. Eric is the past president of the Washington State Emergency Management Association, and in 2005, Eric was given a national award by the National Association of Counties for establishing a regional approach to homeland security. Additionally, the September 11th Commission recognized King County's regional disaster response plan as a best practice for integrating the private business sector into community-wide disaster planning.

Immediately prior to assuming his position in Kent County, Eric worked for the Washington State Division of Emergency Management for 5 years. And previously, Eric completed a 20-year career in the U.S. Army as an infantry officer. While in the military, he served in a variety of assignments in which he developed and managed operation centers and was responsible for contingency planning.

I am very pleased the full committee is holding this hearing today, and I look forward to hearing from our panel and I thank the chairman.

We will begin by recognizing Dr. Jenkins.

STATEMENT OF WILLIAM O. JENKINS, JR., DIRECTOR, HOMELAND SECURITY AND JUSTICE GOVERNMENT ACCOUNTABILITY OFFICE

Mr. JENKINS. Congressman Reichert, Ranking Member Thompson, and members of the committee, I appreciate the opportunity to be here today to discuss some of the issues associated with the future success of the Federal Emergency Management Agency and national emergency management functions. In geographic scope,

severity of damage, and the number of persons displaced from their homes, Hurricane Katrina was a catastrophic disaster without precedent in our Nation's history. It strained and, in many cases, overwhelmed the response capacities of affected State and local governments and the Federal Government. The effects of Katrina will be felt for many years to come.

As the various reports on Katrina have detailed, Katrina graphically demonstrated the limitations of the Nation's readiness and ability to respond effectively to a catastrophic disaster, even one for which we had clear and accurate warning. FEMA within DHS has the primary responsibility for coordinating and implementing key aspects of emergency management preparedness and response. Reports from the House, Senate, White House, DHS Inspector General and FEMA itself have all identified shortcomings in FEMA's performance before and after Katrina landed, and a number of those recommendations have been made for addressing those shortcomings.

Among these proposals, some have recommended altering the organizational placement of FEMA, including returning it to an independent agency. In the last 40 years, there have been several organizational structures for Federal disaster preparedness, response and assistance responsibilities. In the 1960s and 1970s, disaster assistance activities were within the Department of Housing and Urban Development. FEMA was created as an independent agency in 1979, consolidating responsibilities with a number of other Federal agencies, and was elevated to Cabinet status in 1996. In March 2003, FEMA became part of the new Department of Homeland Security.

The history of the Federal Government's approach to emergency management reflects the experience with specific major disasters, such as Hurricane Andrew in 1992, the September 11th terrorist attacks and, most recently, Hurricane Katrina. As Congress considers the future of FEMA, it is useful to remember that FEMA provides little direct assistance. Rather, historically, its role has been generally one of coordination: to identify, marshal and coordinate the resources and actions of others.

A catastrophic disaster such as Katrina almost immediately overwhelms local and State capacity to respond effectively or even to respond at all. In preparing to respond to any major disaster, but particularly a catastrophic one, the roles, responsibilities and lines of authority at all levels of government must be clearly defined and effectively communicated to facilitate rapid and effective decision-making. At the same time, the best decision-making can have little results unless it can rely upon the trained and experienced leaders equipped with the resources and capabilities needed to implement those decisions effectively.

Capabilities, that is the ability to carry out specific tasks with desired results, are built upon the appropriate combination of resources, including people, technology and funds. Ensuring those capabilities are available and effective requires sound planning, coordination, training and exercises in which capabilities are realistically tested, problems identified and appropriately addressed.

Although organizational placement is important, other factors may ultimately be more important to FEMA's future success. These

include, number one, the clarity of FEMA's mission and related responsibilities and authorities; number two, the experience of and training provided to FEMA's leadership; three, the adequacy of its human, financial and technological resources; and four, the effectiveness of planning, exercises and related partnerships with State and local governments and nongovernmental entities.

At the same time, as Congress considers the most appropriate placement for FEMA, they may also wish to consider some additional issues, such as the following: the relevance of FEMA's mission to any broader organization in which it may reside; the extent to which there are shared goals and objectives; the ability to leverage effectively the resources of other agencies and programs; and any gains in efficiency and effectiveness through eliminating unnecessary duplication and overlaps.

The next major response and recovery challenge the Nation will face, whether from natural or manmade causes, is unpredictable. However, success in responding to the next catastrophe is less likely to rely on organizational placement than upon such factors as clear focus, skilled leadership, clear roles and responsibilities, operational plans realistically exercised, and key resources appropriately and effectively deployed.

That concludes my statement, and I will be happy to answer any questions members of the committee may have.

[The statement of Mr. Jenkins follows:]

United States Government Accountability Office

GAO

Testimony before the Committee on Homeland Security, House of Representatives

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FEDERAL EMERGENCY MANAGEMENT AGENCY

Factors for Future Success and Issues to Consider for Organizational Placement

Statement of William O. Jenkins, Jr., Director, Homeland Security and Justice Issues

GAO-06-746T

Mr. Chairman and Members of the Committee:

I appreciate the opportunity to participate in today's hearing to discuss the future of the Federal Emergency Management Agency (FEMA). My remarks today are grounded in the work GAO has done to-date on FEMA's performance in the days, weeks, and months after Hurricane Katrina, as well as our completed work on FEMA's role in responding to and recovering from prior disasters and catastrophes before and after its incorporation into the Department of Homeland Security (DHS). My remarks are also fully consistent with Comptroller General Walker's previous testimony on this subject matter.

The events of Hurricane Katrina graphically demonstrated the limitations of the nation's ability to respond to a catastrophic disaster. FEMA, within DHS, has the primary responsibility for coordinating and implementing key aspects of the federal emergency response and, as a result, has come under fire for shortcomings in its mission performance after the disaster. Reports from the House, Senate, White House, DHS Inspector General, and FEMA all identified problems in FEMA's leadership and capabilities in the preparation for, response to, and short-term recovery from Hurricane Katrina.[1] These reports, along with our own observations, indicate that there were concerns about FEMA's leadership of the federal response and questions regarding the missions, roles, and responsibilities of FEMA and other federal, state, and local officials and organizations in preparing for and responding to Hurricane Katrina. FEMA's capabilities were stretched to the limit and beyond, as reflected by, for example, a limited ability to marshal, transport, and track the delivery of commodities to areas of greatest need; difficulties in providing the number of emergency response staff with the knowledge and experience to meet the needs of thousands of disaster victims; and the inadequate capacity of FEMA's information systems. Finally, the reports and our own work identified concerns regarding the effectiveness of planning, exercises, and related partnerships, functions traditionally supported by FEMA emergency preparedness, response, and recovery programs.

[1]These reports are: *A Failure of Initiative: Final Report of the Select Bipartisan Committee to Investigate the Preparation For and Response to Hurricane Katrina* (House Select Committee, February 2006), *The Federal Response to Hurricane Katrina Lessons Learned* (White House, February 2006), *A Performance Review of FEMA's Disaster Management Activities in Response to Hurricane Katrina* (DHS Office of Inspector General, March 2006), *DHS/FEMA Initial Response Hotwash: Hurricane Katrina in Louisiana* (FEMA, February 2006), and *Hurricane Katrina: A Nation Still Unprepared* (Senate Homeland Security and Governmental Affairs Committee, May 2006).

The observations in this statement are based on prior GAO reports, our ongoing work on Hurricanes Katrina and Rita, and GAO field visits to the affected Gulf Coast areas. We also have done a great deal of work on prior disasters. In 1993, we conducted several reviews examining the federal response to Hurricane Andrew. All of these reviews focused on the unique challenges involved in responding to catastrophic disasters. These reviews defined catastrophic disasters as a subset of other disasters requiring federal assistance. Unlike the bulk of disasters requiring FEMA to respond, catastrophic disasters can overwhelm the ability of state, local, and voluntary agencies to adequately provide victims with essential services, such as food and water, within 12 to 24 hours. We also conducted extensive work following the events of September 11, 2001.[2] These prior GAO reports focused on improving the immediate response to catastrophic disasters, and we made various recommendations within this context, many of which continue to apply and help form the basis of our views on the issue of FEMA's future organizational placement today.

We have visited the areas most affected by Hurricanes Katrina and Rita—Alabama, Louisiana, Mississippi, and Texas. We interviewed officials and analyzed information from the various involved federal agencies such as FEMA and the Department of Defense (DOD); state and local organizations, including state emergency management agencies; state adjutant generals; local officials; and representatives from nongovernmental agencies. Additionally, we have closely followed the hearings conducted by the Senate Homeland Security and Governmental Affairs Committee, the House's Select Committee to Investigate the Preparation for and Response to Hurricane Katrina, and other Congressional committees on Hurricane Katrina issues. We have studied the House Select Committee report, the White House report on lessons learned from the federal response to Hurricane Katrina, the Department of Homeland Security's Office of Inspector General (OIG) report, FEMA's initial response assessment of the agency's performance during Hurricane Katrina, as well as the report released last week by the Senate Committee on Homeland Security and Governmental Affairs. We discussed our preliminary observations with the Deputy Secretary of the Department of Homeland Security in March 2006 before testifying on our observations of

[2]GAO, *Disaster Assistance: Information on FEMA's Post 9/11 Public Assistance to the New York City Area*, GAO-03-926 (Washington, D.C.: August 29, 2003); *September 11: Overview of Federal Disaster Assistance to the New York City Area*, GAO-04-72 (Washington, D.C.: October 31, 2003).

federal preparation, response, and recovery efforts related to Hurricane Katrina.[3]

Summary

A catastrophic disaster, such as Hurricane Katrina, almost immediately overwhelms state and local response capacity, degrading the ability of state and local response personnel to respond effectively. Hurricane Katrina destroyed or crippled essential communications infrastructure in the hardest-hit areas, further exacerbating the ability of state and local personnel to respond. In preparing for and responding to any major disaster, but particularly a catastrophic one, the roles, responsibilities, and lines of authority for the preparation and response at all levels of government must be clearly defined and communicated in order to facilitate rapid and effective decision making. At the same time, effective decision making depends on having trained and experienced leaders equipped with the resources and capabilities needed to implement those decisions. Capabilities—the ability to carry out specific tasks with desired results—are built upon the appropriate combination of resources including people, processes, funds, and technology. Ensuring that those capabilities are available and effective requires planning, coordination, training, and exercises in which the capabilities are realistically tested, problems identified, and issues subsequently addressed in partnership with other federal, state, and local stakeholders.

Because of FEMA's mission performance during Hurricane Katrina, questions have been raised regarding the agency's organizational placement, including whether it should be disbanded and functions moved to other agencies, remain within DHS, or again become an independent agency. In our view, taking actions to improve the weaknesses identified in after-the-fact analyses of FEMA's performance before, during, and after Hurricane Katrina may be more important to FEMA's success in responding to and aiding the recovery from future disasters, most importantly the 2006 hurricane season, than its organizational placement. Factors that might affect performance include:

- the clarity of FEMA's mission and its related responsibilities and authorities;
- the experience of, and training provided to, FEMA leadership;

[3]GAO, *Hurricane Katrina: GAO's Preliminary Observations Regarding Preparedness, Response, and Recovery*, GAO-06-442T (Washington, D.C.: March 8, 2006).

- the adequacy of its human, financial, and technological resources; and
- the effectiveness of planning, exercises, and related partnerships.

If a change in FEMA's organizational placement is considered, we believe certain other issues should be considered to assess alternative approaches. These include issues such as mission relevancy and shared goals and objectives, and leveraging effectiveness and gains through consolidation.

Background

In considering FEMA's future, it is useful to understand its past. Before the establishment of FEMA and its placement within DHS, federal disaster response and recovery was also managed by an agency within an executive department. The 1960s and early 1970s brought massive disasters requiring major federal response and recovery operations by the Federal Disaster Assistance Administration, established within the Department of Housing and Urban Development. Hurricane Carla struck in 1962, Hurricane Betsy in 1965, Hurricane Camille in 1969, and Hurricane Agnes in 1972. The Alaskan earthquake hit in 1964 and the San Fernando earthquake rocked Southern California in 1971. To respond to national concern regarding these events, the Congress passed the 1974 Disaster Relief Act that established the process of Presidential disaster declarations.

However, emergency and disaster activities were still fragmented. Many parallel programs and policies existed at the state and local level, compounding the complexity of federal disaster relief efforts. In 1979, President Carter issued an executive order that merged many of the separate disaster-related responsibilities into a new, independent Federal Emergency Management Agency. Among other agencies, FEMA absorbed the Federal Insurance Administration, the National Fire Prevention and Control Administration, the National Weather Service Community Preparedness Program, the Federal Preparedness Agency of the General Services Administration, and the Federal Disaster Assistance Administration activities from HUD. Civil defense responsibilities were also transferred to the new agency from the Defense Department's Defense Civil Preparedness Agency.

FEMA led the federal response to Hurricane Andrew, which slammed into and leveled much of South Florida in August 1992. We conducted several reviews examining FEMA and the widely criticized federal response that focused on the unique challenges involved in responding to catastrophic disasters and raised questions about whether and how national disaster

response efforts had incorporated lessons from experiences with Hurricane Hugo in 1989. These prior GAO reports focused on improving the immediate response to catastrophic disasters and we made various recommendations within this context. While some of our prior recommendations were acted upon, others were not. For example, President Clinton elevated the FEMA director to cabinet status in 1996, providing the type of direct communication and lines of responsibility we had recommended. However, we also recommended that FEMA improve its catastrophic disaster response capability by using existing authority to aggressively respond to catastrophic disasters, assessing the extent of the damage, and then advising state and local officials of identified needs and the federal resources available to address them. One criticism of the FEMA response to Hurricane Katrina was that FEMA officials were more reactive than proactive in identifying the emergency needs of communities in the immediate days after the disaster.

The Homeland Security Act of 2002,[4] which established DHS, created new requirements for emergency preparedness and response, including developing a comprehensive National Incident Management System (NIMS) and a comprehensive National Response Plan (NRP). NIMS is intended to provide a consistent framework for incident management at all jurisdictional levels regardless of the cause, size, or complexity of the situation and to define the roles and responsibilities of federal, state, and local governments, and various first responder disciplines at each level during an emergency event. NIMS established the Incident Command System (ICS) as a standard incident management organization with five functional areas—command, operations, planning, logistics, and finance/administration—for management of all major incidents. It also prescribes interoperable communications systems and preparedness before an incident happens, including planning, training, and exercises. The NRP is intended to be an all-discipline, all-hazards plan establishing a single, comprehensive framework for the management of domestic incidents where federal involvement is necessary. It is to operate within the framework of NIMS.

On March 1, 2003, FEMA became part of DHS pursuant to the Homeland Security Act of 2002. FEMA retained its authority to administer the provisions of The Robert T. Stafford Disaster Relief and Emergency

[4]Pub. L. No. 107-296, 116 Stat. 2135 (2002).

Assistance Act (the Stafford Act),[5] which sets forth the primary programs and processes for the federal government to provide major disaster and emergency assistance to states, local governments, tribal nations, individuals, and qualified private nonprofit organizations. Among its missions within DHS, FEMA is to lead the effort to prepare the nation for natural and man-made disasters and effectively manage federal response and recovery efforts following any presidentially-declared incident. FEMA is also to initiate proactive mitigation activities, train first responders, and manage the National Flood Insurance Program. FEMA shares responsibility for preparing the nation for natural and man-made disasters with other organizations within DHS, such as the Office for Domestic Preparedness, the principal office administering federal homeland security grants for state and local first responders.

Factors Other Than Organizational Placement May Affect FEMA's Performance

Organizational changes, such as separating FEMA from DHS, are often viewed as a fix to address performance issues. Our institutional knowledge regarding organizational performance factors suggests that organizational changes alone may not adequately address underlying systemic conditions that result in an organization's performance problem. Hurricane Katrina was one of the largest natural disasters in our nation's history; its size and strength will have effects for years to come. It exacted terrible human costs with the loss of significant numbers of lives and resulted in billions of dollars in property damage, clearly overwhelming the capabilities of several federal, state, and local agencies. Nevertheless, after-the-fact analyses point to improvements needed in (1) the clarity of FEMA's mission and related responsibilities and authorities to achieve mission performance expectations; (2) the experience and training of FEMA leadership; (3) the adequacy of FEMA's human, financial, and technological resources; and (4) the effectiveness of FEMA's planning, exercises, and related partnerships. If successfully implemented, such improvements may obviate the need for major organizational changes.

Clarity of FEMA's Mission and Related Responsibilities and Authorities

In the event of a catastrophic disaster, the leadership roles, responsibilities, and lines of authority for the response at all levels must be clearly defined and effectively communicated in order to facilitate rapid and effective decision making, especially in preparing for and in the early hours and days after the disaster. In the aftermath of Hurricane Andrew in

[5] 42 U.S.C. §§ 5121-5206.

1992, we discussed the critical importance of clearly defining and communicating leadership roles, responsibilities, and lines of authority for catastrophic response in advance of such events. Based on our assessments of the federal response, we recommended that in a catastrophic disaster a single individual directly responsible and accountable to the President should be designated to act as the central focal point to lead and coordinate the overall federal response when a catastrophic disaster has happened or is imminent. President Clinton's elevation of the position of FEMA director to cabinet status in 1996 provided the direct lines of communication and accountability envisioned in our recommendation. The subsequent incorporation of FEMA into DHS changed the direct reporting relationship between FEMA and the President. With the passage and subsequent implementation of the Homeland Security Act of 2002, the Secretary of DHS, rather than the FEMA Director, became the cabinet-level focal point for natural and manmade crises and emergency planning. The incorporation of FEMA into DHS raised questions during Hurricane Katrina regarding lines of authority, not only with respect to the DHS Secretary and the FEMA Director, but the key officials reporting to them, the Principal Federal Official (PFO) and the Federal Coordinating Officer (FCO), respectively.

During incidents of national significance, including catastrophic disasters, the overall coordination of federal incident management activities is executed through the Secretary of Homeland Security under the Homeland Security Act of 2002, Homeland Security Presidential Directive-5 (HSPD-5), and the NRP. There are three key leadership roles defined under the NRP needed to manage a catastrophic disaster. First, the role of the Secretary of Homeland Security is to provide strategic, national leadership as the focal point for federal response and coordination. Second, the role of the PFO is to act as the Secretary of Homeland Security's formally designated representative locally to oversee, coordinate, and execute the secretary's incident management responsibilities. Third, the FCO is a position created by the Stafford Act and is appointed by the FEMA Director to manage federal resource support activities related to Stafford Act disasters and emergencies. The FCO is responsible for coordinating the timely delivery of federal disaster assistance resources and programs to the affected localities by making mission assignments to specific federal agencies that have needed resources and capabilities.

FEMA's incorporation into DHS appears to have introduced some uncertainty regarding the respective roles and responsibilities of the DHS secretary and the PFO relative to the FEMA director and the FCO. The questions raised by the various assessments of the federal response during

Hurricane Katrina highlight the importance of clarity in FEMA's mission and related responsibilities and authorities. For example:

- The White House report recommended that the PFO be given operational authority to manage and coordinate federal response, assets and, in a multi-state disaster, to oversee the multiple federal coordinating officers operating in the various states and make any operational decisions necessary, within the law, without having to obtain approval from headquarters.

- The DHS OIG recommended that FEMA clarify the roles of the PFO, the FCO, the Federal Resource Coordinator, and the Disaster Recovery Manager to provide a clear distinction for the types and levels of response activities that warrant a combination or modification to those roles; develop procedures for the timely activation of each role; and, ensure that these officials be provided with the necessary training to complement their qualifications for serving in these positions. Similarly, the OIG recommended that FEMA establish clear roles and responsibilities for the Housing Area Command and define its reporting requirements and chain of command relationship with the FEMA headquarters, Joint Field Offices, and Technical Assistance Contractors.

- FEMA's internal assessment identified the need for senior management to develop doctrine to provide a single, simplified command structure for operations in temporary joint field offices created to lead federal response and recovery efforts.

- The Senate report recommended that the Stafford Act should be amended to clarify the roles and responsibilities of the FCO, and the NRP should be revised to eliminate the PFO position for Stafford Act-declared emergencies and disasters.

More explicit authority is needed to enhance federal leadership in situations when it is possible to respond to incidents maturing to catastrophic magnitude in a more proactive manner. In our July 1993 report on the federal response to Hurricane Andrew, we also noted that encouraging agencies to do as much catastrophic disaster preparation as possible in advance of a Stafford Act declaration could reduce the federal response time to the ensuing catastrophe. We stated that when there is early warning, as there usually is with hurricanes, federal agencies must mobilize resources and deploy personnel before the catastrophe strikes. However, the Stafford Act did not, and still does not, explicitly authorize such pre-declaration activities. As a result, federal agencies may fail to undertake extensive pre-declaration preparations because of uncertainty

over whether FEMA will request their assistance under the Stafford Act and ultimately reimburse their pre-declaration costs. Therefore, we continue to believe that Congress should consider giving federal agencies, including FEMA, explicit authority under the Stafford Act to take actions to prepare for a catastrophic disaster when there is warning.

Experience and Training of FEMA Leadership

In order to effectively fulfill the leadership roles and responsibilities and to exercise lines of authority for the response at all levels to facilitate rapid and effective decision making in the event of a catastrophic disaster, leaders should have the experience and training needed to perform effectively, especially in the early hours and days after the disaster. In the aftermath of Hurricane Andrew in 1992, we discussed the critical importance of the quality of leadership during catastrophic disasters. For example, we noted that leadership creates a powerful, meaningful perception that the federal government recognizes an event is catastrophic, is in control, and is going to use every means necessary to meet the immediate mass care needs of disaster victims. Assessments of FEMA's performance during and after Hurricane Katrina have raised similar issues and resulted in recommendations related to the experience and training of FEMA leadership. For example:

- The House Select Committee concluded that federal agencies, including DHS, had varying degrees of unfamiliarity with their roles and responsibilities under the NRP and NIMS. According to the Committee's report, senior officials were ill prepared due to their lack of experience and knowledge of the required roles and responsibilities prescribed by the NRP, and FEMA lacked adequately trained and experienced staff for the Hurricane Katrina response. The report noted that, since 2002, FEMA had lost a number of its top disaster specialists, senior leaders, and experienced personnel and that even before Hurricane Katrina, FEMA suffered from a lack of sufficiently trained procurement professionals.

- The White House report included recommendations to enhance DHS expertise and experience and to develop DHS regions that would be fully staffed, trained, and equipped to manage and coordinate all preparedness activities and any emergency that may require a substantial federal response. The report also recommended the establishment of a formal training program on the NIMS and NRP for all department and agency personnel with incident management responsibilities, noting that each Regional Director should have significant expertise and experience, core competency in emergency preparedness and incident management, and demonstrated leadership ability.

- FEMA's assessment of the agency's performance during and after Hurricane Katrina resulted in a recommendation that emergency management personnel at all levels should be required to have training on ICS and the NRP and recommended the creation of a rotational training program for field personnel to spend time at FEMA headquarters and for FEMA managers at headquarters to train in the field on simulated and actual disaster events. The assessment also recommended that FEMA identify and name qualified personnel with leadership ability and emergency response experience as FEMA liaison officers for counties, parishes, or boroughs in advance of disasters. Further, it recommended a more comprehensive training program to prepare existing and new personnel for Disaster Recovery Center assignments.

- The Senate report concluded that training and exercises were needed to ensure that everyone involved in disaster response understands their roles and responsibilities and is prepared to carry them out.

Adequacy of FEMA's Human, Financial, and Technological Resources

Even trained and experienced leaders who share a clear and common understanding of their mission and authorities across a community of federal, state, and local emergency management officials cannot effectively implement those authorities or exercise leadership without access to the human, financial, and technological resources needed to take action. For non-catastrophic disasters, the federal government should be in a support and assist role, providing resources and other assistance to enable state and local governments to carry out their responsibilities. However, with respect to catastrophic disasters which can overwhelm the ability of state and local and voluntary agencies to adequately provide victims with essential services, the federal government should be more proactive, anticipating state and local needs, pre-positioning resources, and providing selected resources where they are needed or likely to be needed. The federal government must develop more capabilities and expertise to respond proactively when a catastrophic disaster is imminent or occurs.

When we reviewed FEMA's response to Hurricane Andrew in 1992, we concluded that FEMA's National Preparedness Directorate had many of the people and resources needed, with people skilled in such areas as strategic and tactical planning, logistics, command and control, and communications, and resources including communications, transportation, life support, and sophisticated computer-modeling equipment. At that time we reported that, through constant planning and

exercising, the directorate had maintained a high level of readiness and was able to quickly deploy people and resources from a number of locations to anywhere in the United States (although we identified a number of shortcomings in FEMA's response that primarily reflected the magnitude of the disaster.) Unfortunately, the various reports and our own work on FEMA's performance before, during and after Hurricane Katrina suggest that FEMA's human, financial, and technological resources were insufficient to meet the challenges posed by the unprecedented degree of damage and the resulting number of disaster victims of the hurricane. For example,

- The Senate's report concluded that FEMA did not have the resources to fulfill the mission and respond effectively in a catastrophic event and recommended that DHS must develop the national capabilities—especially surge capacity—it needs to respond to catastrophic disasters, ensuring it has sufficient full time staff, response teams, contracting personnel, and adequately trained and sufficiently staffed reserve corps to ramp up capabilities, as needed. In terms of technology, the Senate report recommended that DHS complete and/or adopt technology and information management systems to effectively manage disaster-related activities and develop an efficient ordering system that minimizes delays and provides order status and accurate, timely commodity tracking, as well as a transportation protocol that moves commodities and resources directly from the supplier to the users. The report concluded that resources are needed for staffing and preparation of regional Strike Teams, better development of a trained cadre of reservists, and the development of new logistics capabilities.

- DHS's OIG report included a number of recommendations related to enhancing human and technological resources and capabilities, directing FEMA to:

  - develop a disaster workforce plan that accounts for standing capability for permanent, temporary, and reserve staff that is responsive to the needs demonstrated in response to previous disasters, and also develop a plan that is scalable to other events irrespective of cause, size, or complexity;

  - provide training to additional National Processing Service Center staff and contractors to enhance FEMA's capability to perform applicant assistance and case management activities responsive to the needs of applications;

- develop a more comprehensive program to recruit, train, and retain local hires for use in augmenting FEMA's disaster assistance employees and permanent staff;
- determine and fill requirements to provide emergency responders with communications equipment capable of performing in austere conditions; and
- develop and implement a resource tracking system that is capable of documenting whether resources were delivered and the efficiency with which the resource was provided.

- FEMA's initial response assessment concluded that the agency needs to lead an audit of current staffing capability and workforce demands for staff in a severe or catastrophic event and determine the number of personnel available to serve in each position or unit for such a disaster. This information is to be used to develop and implement a strategy for addressing any identified staffing gaps. The assessment also concluded that FEMA needs to develop a communications suite that operates independently of normal communications infrastructure and is able to be moved into disaster locations.
- The White House report identified the need for each homeland security region to have access to the resources, equipment, and personnel needed to establish a self-sufficient temporary Joint Field Office to direct response and recovery efforts anywhere within the region.
- The House Select Committee also concluded that despite extensive preparedness initiatives, DHS was not prepared to respond to the catastrophic effects of Hurricane Katrina. For example, the report noted that FEMA's logistics and contracting systems did not support a targeted, massive, and sustained provision of commodities; long-standing weaknesses and the magnitude of the disaster overwhelmed FEMA's ability to provide emergency shelter and temporary housing; and the readiness of FEMA's national emergency response teams was inadequate and reduced the effectiveness of the federal response.

Effectiveness of FEMA's Planning, Exercises, and Related Partnerships

Fewer federal resources are needed to respond to a catastrophic disaster if state and local governments' response capabilities are greater. The goal of emergency planning is simple: to have the skills and resources to respond, when needed, with well-planned, well-coordinated, and effective efforts to save lives and property and aid recovery from the emergency or disaster—regardless of the size or nature of the emergency. However,

because FEMA is not a first responder, state and local government officials and emergency and homeland security managers must take the lead in developing strategic and operational plans and identifying the basic capabilities each jurisdiction might need to meet local, regional, and state prevention, mitigation, response, and recovery expectations—whether defined by federal guidance or by state and local assessments. That is because local officials are most knowledgeable of their communities, including their needs and capabilities. In addition, local emergency first responders—police, fire fighters, emergency medical personnel and others such as public health and hospital personnel—will still be the first on the scene of an incident.

Regular training and periodic exercises provide a valuable way to test emergency management plans. It is important that exercises be designed to be both as realistic as possible and "stress the system" as almost any major event will. The training should also be linked to the essential capabilities and emphasize identifying, developing, and sustaining baseline capabilities at separate levels of government for prevention, preparedness, response, and recovery. This would involve defining baseline capabilities at each level of government—federal, regional, state, and local—and surge capabilities in the event of a catastrophic disaster, based on risk to an individual jurisdiction and what would be required to support mutual aid compacts.

In our previous work on Hurricane Andrew, we identified the critical importance of conducting strong advance planning and robust training and exercise programs and the need for the federal government to upgrade training and exercises for state and local governments specifically geared towards catastrophic disaster response. Our review uncovered shortcomings both in the way FEMA helps state and local governments train and conduct exercises in anticipation of catastrophic disasters and in the way it monitors state and local preparedness. Thus, we concluded that FEMA could do more to ensure that state and local governments prepare for catastrophic disaster response.

Hurricane Katrina demonstrated the potential benefits of applying lessons learned from training exercises and experiences with actual hurricanes as well as the dangers of ignoring them. For example, confusion with emergency plans complicated the evacuations and everything that followed. Clearly, plans were not implemented or were only partially implemented and state officials requested aid early but in some cases were slow to deploy their own resources. Our own work and assessments of FEMA's performance during and after Hurricane Katrina have made a

variety of recommendations intended to improve the effectiveness of federal planning, exercises, and related partnerships. For example,

- The White House report recommended that DHS (1) develop and implement homeland security regions that are fully staffed, trained, and equipped to manage and coordinate all preparedness activities and any emergency that may require a substantial federal response and (2) conduct training and exercises for key state and local officials.

- The Senate report included recommendations that (1) national emergency response plans be reviewed and coordinated with the states and on a regional basis, to ensure they are understood, trained, and exercised prior to an emergency; (2) emergency agencies at the federal, state, and local levels of government, as well as first responder groups outside of government receive regular training on NRP and NIMS; (3) DHS consider tying future cost-share requirements for preparedness grant funds to performance and results of these exercises; (4) DHS establish regional strike teams and enhance regional operations—building on FEMA's 10 existing regional offices—to provide better coordination between federal agencies and the states in preparing for and responding to disasters; and (5) resources be provided for additional planning and more frequent and ambitious training and exercises.

- The DHS OIG report recommended that FEMA (1) develop and implement a system that automates and tracks the selection, deployment, training, and demobilization of responders; (2) develop more effective and efficient plans for the delivery of assistance to address long-term housing issues, and test these plans in a simulated environment before application in actual disasters; (3) request an appropriation or provide other funding, resources, and institutional support to agency components and to state and local partners to complete draft or proposed catastrophic planning initiatives for natural disasters; (4) develop a formal mechanism to ensure continuity between preparedness, response, and recovery by including FEMA regional staff in the Preparedness Directorate's relationships with state emergency management agencies for grants, exercises, planning, technical assistance, and training.

- The House report observed that the Hurricane Pam exercise reflected recognition by all levels of government of the dangers of a category 4 or 5 hurricane striking New Orleans. Implementation of lessons learned from Hurricane Pam was incomplete.

- FEMA's initial assessment concluded that FEMA must develop a concept of operations for logistically supporting Emergency Management

Assistance Compact resources that are requested for disaster response efforts.

In summary, the difficulties described above would not, we believe, be fixed by simply moving FEMA to an independent status. Indeed, we know that many of lessons learned from Hurricane Katrina were acted on for Hurricane Rita, with a much better response effort, indicating that organizational change is not the primary key to success.

Taking actions to improve these operational weaknesses in FEMA's performance before, during, and after Hurricane Katrina may be more important to FEMA's success in responding to and recovering from the next hurricane season, than its organizational placement. Of course, FEMA will need financial and other resources to address the problems that have been identified in the wake of Hurricane Katrina.

Issues for Consideration of a Change in FEMA's Organizational Placement

A number of alternative organizational changes are now being considered in response to Hurricane Katrina. For example, the White House report recommended keeping FEMA within DHS, but would preserve FEMA as an independent operating agency to perform its response and recovery mission while making other organizational changes, such as transferring the National Disaster Medical System from DHS to the Department of Health and Human Services. The Senate report recommended creation of a new, comprehensive emergency management organization within DHS that would fuse DHS's emergency management, preparedness, and critical infrastructure assets into a new organization. Other observers have proposed removing FEMA from DHS completely.

If an organizational change remains under consideration, our past work could be helpful. Before the formation of DHS, the Comptroller General testified before the House Select Committee on Homeland Security that reorganizations of government agencies frequently encounter start-up problems and unanticipated consequences and are unlikely to fully overcome obstacles and challenges, and may require additional modifications in the future.[6] He also asked a number of questions related to mission relevancy and shared goals and leveraging effectiveness and gains through consolidation that could be used to evaluate whether

[6] GAO, *Homeland Security: Critical Design and Implementation Issues*, GAO-02-957T (Washington, D.C.: July 17, 2002).

individual agencies or programs should be included or excluded from the proposed department. Some of these questions are appropriate today for discussing FEMA's future, and I would suggest that they might be useful if a change in FEMA's organizational placement is under consideration.

Mission relevancy and shared goals

- Is homeland security a major part of the agency or program mission? Is it the primary mission of the agency or program?
- Does the agency or program being considered for the new department share primary goals and objectives with the other agencies or programs being consolidated?

Congress might consider whether or how moving FEMA out of DHS would impact DHS's mission, as stated in the Homeland Security Act of 2002, of acting as a focal point for natural and manmade crises and emergency planning. DHS's Emergency Preparedness and Response Directorate—primarily FEMA—was to help ensure the effectiveness of emergency response providers to terrorist attacks, major disasters, and other emergencies. Removing FEMA from DHS might impact the ability of the department and its remaining components and FEMA itself in fully addressing the close links between preparedness, prevention, response, and recovery for all hazards.

Leverage Effectiveness and Gains Through Consolidation:

- Does the agency or program being considered for the new department create synergy and help to leverage the effectiveness of other agencies and programs or the new department as a whole?
- Does the agency or program being considered for the new department improve the efficiency and effectiveness of homeland security missions through eliminating duplications and overlaps, closing gaps, and aligning or merging common roles and responsibilities?

The dispersion of responsibility for preparedness and response across more than one federal agency was a problem we identified during the formation of DHS.[7] As I mentioned earlier, FEMA was established in 1979 to consolidate federal emergency preparedness mitigation, and response in a single federal agency. Its responsibilities were to include, among other

[7]GAO, *Major Management Challenges and Program Risks: Department of Homeland Security*, GAO-03-102 (Washington, D.C.: January 2003).

things, the coordination of civil defense and civil emergency planning and the coordination of federal disaster relief. FEMA was responsible for responding to a wide range of disasters, including floods, hurricanes, earthquakes, hazardous material accidents, nuclear accidents, and biological, chemical, and nuclear attacks.[8] However, when Congress created DHS, it separated FEMA's responsibilities for preparedness and response activities into two directorates. Responsibility for preparedness for terrorism disasters was placed in the department's Border and Transportation Security Directorate, which included FEMA's Office of National Preparedness. Other types of FEMA disaster preparedness and response efforts were transferred to the department's Emergency Preparedness and Response Directorate. In January 2003, we observed that this organizational arrangement would challenge FEMA in ensuring the effective coordination of preparedness and response efforts and enhancing the provision and management of disaster assistance for efficient and effective response.[9]

A division of responsibility remains under the recent DHS reorganization resulting from Secretary Chertoff's Second Stage Review with preparedness efforts—including planning, training, exercising, and funding—consolidated into a Preparedness Directorate. FEMA reports directly to the Secretary of Homeland Security for response and recovery missions. Secretary Chertoff has stated the reorganization would focus FEMA on its historic mission of response and recovery. We believe this division of responsibility should be reconsidered.

Concluding Observations

The next response and recovery challenge this nation will face, whether natural or man-made, will provide another important test of FEMA's efforts to improve its preparedness and capability. To encourage agility and innovation in preparing for the next major disaster event, focused, skilled leadership is essential and these leaders must have clear operational plans, realistically exercised, evaluated, and adapted with key resources identified, provided, and appropriately deployed. Organizational changes, while important, may not by themselves necessarily produce these desired results. Incentives and sanctions are also important as well

[8] GAO, *Disaster Management: Improving the Nation's Response to Catastrophic Disasters*, GAO/RCED-93-186 (Washington, D.C.: July 23, 1993).

[9] GAO, *Major Management Challenges and Program Risks: Federal Emergency Management Agency*. GAO-03-113 (Washington, D.C.: January 2003).

as the responsibilities and resource commitments of all levels of government and non-government entities.

As the administration and the Congress assess if further organizational changes are immediately necessary, we suggest they use the questions discussed above as a basis for consideration to evaluate whether individual agencies or programs, including FEMA, should be included or excluded from DHS.

This concludes my statement. I would be pleased to respond to any questions that you or other members of the committee may have at this time.

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Mr. REICHERT. Thank you, Dr. Jenkins.

The chair recognizes Barry Kasinitz.

STATEMENT OF BARRY KASINITZ, DIRECTOR, GOVERNMENTAL/LEGISLATIVE AFFAIRS INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS

Mr. KASINITZ. Thank you, Mr. Chairman.

Mr. DICKS. Mr. Chairman, I take it we are going to wait for all the others to testify before we ask questions?

Mr. REICHERT. That's correct.

Mr. KASINITZ. Mr. Chairman, Ranking Member Pascrell, and members of the committee. My name is Barry Kasinitz, and I serve as Director of Governmental Affairs for the International Association of Fire Fighters, and I am pleased to be here today on behalf of General President Harold Schaitberger and more than a quarter million emergency response personnel who belong to our organization.

Whenever and wherever disaster strikes, the Nation's professional fire fighters are on the front lines working tirelessly to save lives and protect the public. Whether it is a terrorist event or a natural disaster, the men and women of the IAFF are the first to arrive and the last to leave. Their dedication is matched only by the technical expertise they bring to their mission.

Today's professional fire fighter, an all-purpose responder, is trained in such disciplines as emergency medical care, hazardous materials response and specialized rescue missions. It is from this perspective, as the frontline emergency responders, that we commend you on the initiative before you today.

Our Nation's emergency response system is badly broken and desperately in need of repair. The National Emergency Management Reform and Enhancement Act is an important stride forward in creating a new paradigm for the way our Nation responds to disasters.

FEMA's response to Katrina offers a case study of all that is wrong with our current system. The first role of government in a disaster is to protect lives, which is what the fire fighters did in the days and weeks following the onset of Katrina. FEMA played no role in aiding emergency response and, in fact, hindered our efforts. By hoarding desperately needed resources, FEMA prevented local emergency responders from doing their job. And as New Orleans fire fighters worked around the clock, exhausted and in desperate need of relief, FEMA called up over a thousand fire fighters nationwide to serving as community relations officers, tasking them with the distribution of informational fliers. FEMA even hindered the deployment of fire fighters under the EMAC system by creating confusion regarding whether or not local communities would be reimbursed for sending fire fighters to the scene.

But perhaps the greatest tragedy of all was that the response to Katrina should have been so much better. Following the cataclysmic events of September 11th, our Nation decided we needed a better way to respond to major disasters. Congress responded forcefully by creating the Department of Homeland Security, the National Response Plan, and the National Incident Management System. And the President issued a series of directives that were

meant to change not only programs but ways of thinking. Katrina was the first test of this new order, and it failed miserably.

So what went wrong? The first problem lies in how the Department was created. Whole agencies, each with their own culture and history, were haphazardly scotch taped together to form the new department. Personnel still functioned within the bubbles of their original agencies and didn't even understand their new missions. DHS officials at the highest level undertook actions in Katrina that ran counter completely to the Natural Response Plan.

Moreover, much of the NRP simply doesn't make sense in the real world. The plan fails to utilize the greatest resource our Nation has to respond to disasters: The network of highly-trained emergency response personnel stationed in nearly every community in America. Responsibility for mobilizing fire fighters is given to the Department of Agriculture.

The legislation before you would address many of these shortcomings and would provide the necessary framework to improve NIMS and the NRP. The Act provides FEMA with a fresh start. By eliminating old boundaries and establishing a new directorate, complete with new structures and relationships, we believe you eliminate many of the problems that have plagued the Department.

The legislation appropriately reunites preparedness and response and restores strong leadership by assuring that the under secretary is an experienced emergency manager with direct access to the President during disasters. We also thank you for including a medical monitoring program to protect the health of our emergency responders. And we strongly support the act's all-hazards approach.

Too much time has been spent on misguided attempts to differentiate between natural and manmade disasters. Whether a building's collapse is caused by an earthquake or terrorist bomb, the response is the same. None of us knows what the next disaster will look like. And by recognizing this fact, the government will be better prepared to respond to the challenges that faces us next.

There remains, however, one significant omission in the current drafted legislation. Government's paramount mission when disaster strikes is to save lives and protect the public safety. Yet the current Federal emergency response system fails to adequately utilize the single most valuable resource we have: our Nation's emergency response personnel.

To be sure, fire fighters and other responders already respond in a massive way to disasters, but they do so largely outside the scope of the Federal Government. Fire fighters are officially deployed under an interstate compact and various mutual aid agreements and unofficially deployed based on nothing more than a personal desire to help.

The arrival of fire fighters on the scene has too often been chaotic and less than fully effective. Too many well—meaning fire fighters self dispatch, not waiting to be mobilized as part of an official call-up. And also the qualifications for fire fighters vary widely. Just because a person calls themselves a fire fighter doesn't always mean they are capable of doing what fire fighters should be able to do.

Standards for fire fighter training are too often ignored, and there is no way to determine who has the proper training. This un-

certainty prevents on-scene incident commanders from fully utilizing their most valuable resources. And there appears to be little coordination between EMAC, which deploys fire fighters, and FEMA, which reimburses communities for the cost.

The solution is to amend the National Response Plan to make full use of everything local fire fighters can provide. We propose establishing a Federal credentialing and deployment system to provide incident commanders with a group of highly-trained and equipped fire fighters in a timely fashion. Making this one change would do more to protect our citizens than anything else we can recommend.

I am pleased to note, Mr. Chairman, that we have been working with your extraordinary staff in recent days on language to achieve this goal, and I thank you for your support of this effort.

In conclusion, let me just say that implementing the changes that you have outlined will be challenging. But the IAFF has every confidence that restructuring our Nation's emergency response system can and will succeed. The National Emergency Management Reform and Enhancement Act is a great start. Our Nation's fire fighters are ready to respond to the next disaster, Mr. Chairman, no matter what form it takes, but we can't do it alone. Congress must act now to help the fire service more effectively respond to future disasters.

I thank you for your attention, and I will be happy to answer any questions you may have.

[The statement of Mr. Kasinitz follows:]

PREPARED STATEMENT OF BARRY KASINITZ

Thank you Mr. Chairman, Ranking Member Thompson and distinguished members of the Committee for the opportunity to testify before you today. My name is Barry Kasinitz, and I serve as Director of Governmental Affairs for the International Association of Fire Fighters (IAFF). I am pleased to appear before you today on behalf of our General President Harold Schaitberger and the more than quarter million full-time emergency response personnel who comprise our organization.

Whenever and wherever disaster strikes, America's professional fire fighters and emergency medical personnel are on the front lines working tirelessly and heroically to save lives and protect the public safety. Whether it is a bomb in Oklahoma City, an earthquake in San Francisco, terrorist attacks on the World Trade Center or massive flooding in the Gulf Coast, the men and women of the IAFF are the first to arrive on the scene and the last to leave.

Our members' dedication and bravery is matched only by the technical expertise they bring to their mission. The days of fire fighters whose primary function was simply putting water on the fire are long gone. Today's professional fire fighter is an all-purpose emergency responder trained in such specialized disciplines as hazardous/WMD materials response and high-angle, confined space and water rescue. The modern fire service is also our nation's preeminent provider of emergency medical services. In a 2004 survey of the 200 most populous American cities by the Journal of Emergency Medical Services, 90% reported that medical first response is provided to their populace by fire service personnel.[1]

It is from this perspective as front line emergency responders that we commend and congratulate the Committee on the initiative before you today. Our nation's emergency response system is badly broken and in desperate need of repair. The National Emergency Management Reform and Enhancement Act is an important stride forward in creating a new paradigm for the way our nation responds to natural and man-made disasters.

[1] Williams, Dave. "2004 JEMS 200 City Survey". *Journal of Emergency Medical Services* 23.2 (February 2005): 42–60.

Our Katrina Experience

The first response to any disaster, no matter its scope, is always at the local level. When Hurricane Katrina ravaged the Gulf Coast last summer, local fire fighters were the first to respond, performing search and rescue, providing emergency medical assistance, and yes, even putting out fires.

But the federal government has a significant role to play as well. The single most important thing the government can do to save lives and protect public safety during a disaster is ensure the effective mobilization, and support, of the fire service. In this respect, the federal government completely botched its response to Katrina.

After Katrina struck, it was over a week before exhausted New Orleans fire fighters first encountered anyone from FEMA. And even then, FEMA hindered, rather than helped, local response by hoarding desperately needed resources. Some local fire fighters in New Orleans were unable to fuel their engines, even though FEMA had a large fuel supply. Other local fire fighters were forced to break into a retail outlet to obtain a generator to charge their radios, because FEMA had stockpiled all the batteries. Despite the urgency of the situation and the lifesaving importance of fire fighters' work, requests to FEMA for such basic supplies went unanswered.

To alleviate FEMA's shortcomings, the IAFF mobilized its own members to deliver supplies and provide general support to fire fighters along the Gulf Coast, assisting over 5000 frontline responders with basic needs such as communications, food, medical care and supplies.

And as New Orleans fire fighters worked around the clock, exhausted and in desperate need of relief, FEMA called up over 1000 fire fighters to serve as "community relations officers," tasking them with the distribution of informational fliers. But rather than deploy these highly skilled and highly trained professionals to relieve local first responders, our members sat in hotel rooms in Atlanta.

Separately, hundreds of fire fighters from around the nation participated in the response efforts under the EMAC deployment system, but here too FEMA hindered rather than helped the effort. By creating confusion regarding whether local communities would be reimbursed for sending fire fighters, FEMA delayed by several days the mobilization of emergency response personnel.

FEMA should be a resource for first responders to do their jobs—not the other way around. Put simply, Mr. Chairman, FEMA failed our first responders.

The Post 9–11 World

These failures of the government's response are horrific, but perhaps the biggest tragedy of all was that the response to Katrina should have been much better. Following the cataclysmic events of September 11, 2001, our nation decided that we needed a better way to respond to major disasters. Congress and the Administration moved quickly and forcefully to develop new systems to be better prepared for the next disaster.

We created the Department of Homeland Security, the largest reorganization of the federal government in half a century. The President of the United States issued a series of Directives that were meant to change not only programs, but ways of thinking, leading to the creation of the National Incident Management System (NIMS) and the National Response Plan (NRP).

Katrina was the first test of this new order, and it failed miserably.

So what went wrong here? Why, after four years, billions of dollars, and countless man-hours, did the first test of our nation's new preparedness and response system fail?

Problems with the Federal Emergency Response System

The first problem lies in how the Department of Homeland Security was originally created. Whole agencies, each with their own culture and history, were "scotch-taped" together, sometimes haphazardly, to form the new Department. The result was as though pieces from various jigsaw puzzles had been forced together to form a single picture. Personnel still functioned within the bubbles of their original agencies, and they kept doing their jobs as they had all along. The result didn't always best serve the new department.

Furthermore, it seems clear that Department personnel didn't even understand their own emergency response plans. According to the Final Report of the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina, "the Secretary [of Homeland Security] was confused about the role and au-

thority of the PFO" as outlined in the National Response Plan.[2] The report cites Secretary Chertoff's designation of Michael Brown as PFO, even though Brown had not completed the training program required by the NRP.[3] Furthermore, the report notes that the Secretary did not seemingly recognize until almost two weeks after Michael Brown's replacement as PFO that it was the FCO who had the authority to direct federal funds and agencies to respond to the disaster.[4]

Perhaps it is understandable that even Secretary Chertoff didn't understand the National Response Plan. In many ways, the Plan didn't, and doesn't, make sense in the real world. For example, the Plan fails to adequately utilize the greatest resource our nation has to respond to disasters: the network of highly trained emergency response personnel stationed in nearly every community in America. Under the NRP, the Department of Agriculture, specifically, the Forest Service, is responsible for "mobilizing firefighting resources in support of State, local and tribal wildland, rural, and urban firefighting agencies."[5] It is hard to imagine a less appropriate assignment.

Reforming National Emergency Preparedness and Response

Mr. Chairman, this Committee has recognized these failures and has taken important steps to correct them in the legislation at hand. The National Emergency Management Reform and Enhancement Act would implement a number of important changes at the Department of Homeland Security, and would provide the necessary framework to improve the National Incident Management System and the National Response Plan.

First and foremost, the Act provides the Department of Homeland Security, and FEMA, with a fresh start. You do what should have been done four years ago when the Department was first created—you ignore the old "pieces of the puzzle" to create an entirely new entity—the Directorate of Emergency Management. By eliminating old boundaries and establishing a new directorate, complete with new names, structures, and relationships, from scratch, we believe you will eliminate many of the problems that have plagued the Department since its inception.

One of the biggest flaws with the Department's Second Stage Review initiative was the separation of FEMA's preparedness and response activities. It makes little sense to have one federal agency work with local communities to develop response plans, and then have different federal agencies implement those plans. By reuniting Emergency Preparedness and Emergency Response under the Directorate of Emergency Management, you are helping ensure that future emergency response efforts are in sync with today's preparedness efforts.

The Act also restores strong leadership to FEMA by ensuring that the Undersecretary of Emergency Management has demonstrable experience, and knowledge of emergency management. Undersecretary-nominee David Paulison is a great example of the sort of leader the Committee has envisoned; as a former IAFF member and fire chief, Paulison has the necessary experience and knowledge to spearhead the federal government's emergency response efforts. We also agree with the Committee that the Undersecretary should be given direct access to the President during disasters, ensuring that he or she is not encumbered by bureaucracy when faced with a snap decision.

We are also extremely pleased that the Act applies an all-hazards approach to emergency preparedness and response. Entirely too much time and effort has been spent on a misguided attempt to differentiate between natural versus man-made disasters. Whether a building collapse is caused by an earthquake or terrorist bomb, the response efforts are the same. Whether a terrorist deliberately releases a toxic chemical into the air or that same chemical is released because a train accidentally derails makes little difference to those working to mitigate the dangers. None of us knows what the next disaster will look like. By recognizing this fact, the federal government will be better prepared to respond to whatever test next faces our nation.

There remains, however, one significant omission in the current draft of the legislation. Government's paramount mission when disaster strikes is to save lives and protect the public safety. Yet, the current federal emergency response system fails to adequately utilize the single most valuable resource we have: our nation's emergency response personnel.

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[2] United States Cong. House. Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina. A Failure of Initiative. 109th Cong., 2nd sess., 2006. H. Rpt. 109–377. Washington: GPO, 2006.

[3] *Ibid.*

[4] *Ibid.*

[5] U.S. Department of Homeland Security. *National Response Plan.* Washington: 2004.

To be sure, fire fighters and other responders already respond in a massive way to disasters, but they do so largely outside the scope of the federal government. Fire fighters are officially deployed under an interstate compact and various mutual aid agreements, and unofficially deployed based on nothing more than a personal desire to help.

Although their impact on disaster response has been overwhelmingly positive, the arrival of fire fighters on the scene has often been chaotic and less than 100% effective. There are several reasons for this.

First and foremost, too many well meaning fire fighters self-dispatch, not waiting to be mobilized as part of an official call-up. Second, the qualifications of fire fighters vary widely. Just because a person calls himself or herself a fire fighter does not always mean they are capable of doing what fire fighters should be able to do. Universally accepted standards for fire fighter training are widely ignored, and there is currently no way to credential those who do have adequate training and experience. This uncertainty prevents on-scene incident commanders from being able to make appropriate use of their most valuable resources. Finally, as noted above, there is little coordination between EMAC, which deploys fire fighters, and FEMA, which reimburses communities for the costs incurred.

The solution is to amend the National Response Plan to make full use of everything that local fire fighters can provide. The NRP should be amended to establish a fire fighter credentialing system (a project already well underway at the U.S. Fire Administration), and a more effective and efficient deployment model.

There simply is no reason why the federal government cannot provide incident commanders with a group of highly trained and equipped fire fighters in a timely fashion. Making this one change would do more to protect our fellow citizens than anything else we can recommend. I am pleased to note, Mr. Chairman, that we have been working with your extraordinary staff in recent days on language to achieve this goal, and I thank you for your support of these efforts.

The challenges in implementing these changes to the Department and to our emergency response system are not insignificant. This Committee has set high standards for the new Directorate of Emergency Management, which we very much appreciate. Although it is a large undertaking, the IAFF has every confidence that, with the right leadership, restructuring our nation's emergency response system can, and will, succeed. Your bill is a great start.

Additional Improvements

I would be remiss if I didn't mention a few additional sections of the bill that we believe will benefit emergency response.

The National Advisory Council on Emergency Management will provide the Emergency Management Directorate with expertise and assistance that, to date, has been largely missing. The nation's fire fighters are looking forward to working within this structure to enhance NIMS and the NRP.

We believe the National Integration Center (NIC) will play an invaluable role in improving federal disaster response efforts. As a focal point for both NIMS and the NRP, NIC should be able to address the coordination and integration problems that have plagued emergency response efforts in the past. We add a word of caution that the responsibilities given to this agency are both critical and very broad, and we urge the Committee to assure that NIC will have the necessary resources and leadership for this massive undertaking.

We have been less than impressed by DHS efforts to date to define the essential capabilities of emergency response providers, and we commend you for including in your proposal a requirement that these capabilities be revised and updated.

Authorizing the Regional Offices will preserve one of the best things about the old FEMA. These offices will ensure better coordination between the Directorate, state and local governments, and local emergency response providers.

We are especially appreciative of the language in the bill authorizing medical monitoring programs following disasters. This language will allow for the early detection and treatment of potential health issues in first responders, and lead to new ways to protect fire fighters and prevent harmful exposures from future disasters. The successful World Trade Center Medical Monitoring program, which evaluated almost 12,000 individuals after 9–11, found respiratory problems among emergency responders that would not have been otherwise detected. We believe similar efforts as part of any response to future disasters would likewise provide vital information to those who rush directly into harm's way.

There is one area of concern that I wish to note. Section 522 of the Act authorizes the National Domestic Preparedness Consortium, and names five specific institutions as its members. While these institutions do a good job training state and local

first responders, we are concerned that naming them in law would limit the Consortium's membership. There may be institutions around the country that would be just as effective, if not more effective, than the institutions currently named in the Act, and there may come a time when DHS wishes to expand or change membership in the consortium. In Congressman Reichert's district, for example, the Department of Energy's Hazardous Materials Management and Emergency Response (HAMMER) training center provides one of the best hazmat/WMD training programs in the country.

My own organization's WMD training program is another case in point. The IAFF's training program is the most cost effective and successful WMD training provided to fire fighters. Using a cadre of instructors who are both certified fire service instructors and certified hazmat responders, we offer real-world training that few institutions can match. And because we send instructors into local communities and use local resources, we have a far lower per pupil cost than any fixed site training facility. We have been providing this training with federal support since the inception of this federal program—before there was a DHS—yet we are not currently designated as a member of the Consortium. We respectfully request that if you do decide to name specific institutions in law, you consider adding exceptional institutions and programs such as HAMMER and the IAFF.

Conclusion: A Great First Step

The National Emergency Management Reform and Enhancement Act takes great strides towards improving the manner by which our nation prepares for, and responds to, natural and man-made disasters. We appreciate this Committee's willingness to incorporate many of the recommendations of the IAFF and other responder organizations, and we applaud the fact that you have worked in a bipartisan manner to produce this legislation.

Mr. Chairman, our nation's fire fighters have never hesitated to put themselves in harm's way to protect our nation and its citizens, and we are at the ready to respond to the next disaster, no matter what form it takes. But our nation's first responders can't do it alone. Congress must now act to help the fire service more effectively respond to future disasters, and to that end, the National Emergency Management Reform and Enhancement Act serves as a great first step.

This concludes my testimony. Thank you for your interest and attention. I am, of course, happy to answer any questions you may have.

Mr. REICHERT. Thank you for your testimony.

Mr. Lenkart is recognized.

STATEMENT OF STEVEN V. LENKART, DIRECTOR OF LEGISLATIVE AFFAIRS, INTERNATIONAL BROTHERHOOD OF POLICE OFFICERS

Mr. LENKART. Thank you, Mr. Chairman, Ranking Member Pascrell and members of the committee. I am Steve Lenkart, Director of Legislative Affairs for the International Brotherhood of Police Officers. My comments this afternoon are also shared by three other national police organizations, the Major Cities Chiefs, the National Troopers Coalition, and the National Association of Black Law Enforcement Executives. All four of these organizations are members of the Law Enforcement Steering Committee, currently in its 21st year of operation on Capitol Hill. I have had the honor of serving as chairman of that committee since January of 2004.

Mr. Chairman, the last time I appeared before this committee was in September of 2004 when I testified on the necessity of the complete integration of law enforcement functions into the National Incident Management System. Much has happened since that time. I was concerned back then, as many of my colleagues were also, that the United States didn't have solid procedures in place to handle large-scale incidents efficiently, be it a natural disaster or human induced. To the credit of this committee, you had the same

concerns and, as a result, stepped forward to redefine how America prepares and responds to its threats and disasters.

Over the past few years, this committee demonstrated how solid policy ideas can trump politics, and for that I commend all of you. In addition, because these policy ideas are written with regard to their practical application to the real world and not how they appear on paper in Congress, these ideas garnered a tremendous amount of support from law enforcement and other first responder communities.

This committee is again seeking the lead in public safety and emergency response by putting forth the idea of consolidating the operations of FEMA with the responsibilities of a Directorate of Emergency Preparedness under DHS, combining them to create a new Directorate of Emergency Management. What is important to note is that the idea to create a new directorate was developed after extensive outreach and discussion with every conceivable stakeholder in national preparedness and response. As a result, the legislative language that this committee has constructed embraces the most important element vital to the success of any emergency management operation, and that is the relationship between preparedness and response.

For some reason, the relationship between preparedness and response is viewed by many as a tug-of-war. Is our priority to invest in preparedness and prevention, or is our priority to invest in responding quickly and recovering completely? Mr. Chairman, that is like asking, which comes first, the chicken or the egg? The answer is very simple: It doesn't matter, because one can't exist without the other. You cannot be prepared without the means for a proper response, and you cannot respond properly without being prepared.

The bill's language incorporates this concept by moving these two pillars of emergency management under one roof, a move that is long overdue. Then the language takes this concept further by elevating emergency management within DHS by establishing a legally qualified under secretary to oversee the directorate and establishing two qualified deputy under secretaries as the chiefs of preparedness and response. In addition, the under secretary is given a direct line of communication to the President during incidents of national significance, and, thus, a clear chain of command is instantly established.

I would like to take a moment to explain why these changes within the senior management structure are so critical. By now, most people are very familiar with the results of our response to Hurricane Katrina. Hurricane Katrina was an unmitigated disaster by any definition and devastated a large region of the country. We spent a lot of time and energy in trying to figure out who failed and how, which resulted in a great deal of finger pointing.

None of that finger pointing would have been necessary if an efficient, well-polished and practiced plan had been in effect. The breakdown in the chain of command could have been pinpointed and not lost to the ambiguities of who had what authority and responsibility and who didn't. The loss of chain of command was the key to a total systematic failure of rescue and recovery operations after Katrina hit, which exposed gaping holes in our Nation's response.

I want to point out that while a systematic failure occurred, some elements of emergency response continued to operate, such as the Coast Guard, certain State agencies and many localized first-responder efforts. These efforts were forced to run independently, but they were able to do so because they had the flexibility to operate under extreme circumstances. They had this flexibility because these smaller components had within them two core components of emergency management: accountability and procedure.

Accountability and procedure within emergency management allows all entities involved to adjust to contingencies quickly, move resources in a timely manner and to continue with the overall mission, which is to preserve life and begin immediately on the road to recovery. By placing preparedness and response under one under secretary and placing the responsibilities of each under two chief deputies, we are closing the infinite loop of accountability and procedure for emergency management.

Perhaps there is no message of greater importance that I can provide here today than the significance of continuity in accountability and procedure during emergency management operations. The simple equation of bringing preparedness and response within distance of each other under one department can revolutionize how we respond to emergency situations. It can decrease uncertainty along the chain of command and can strengthen our abilities to react quickly to other emergencies that often arise from the original incident, such as the levee breaks in New Orleans after the hurricane struck.

In addition to these vital structural changes within the Federal Government, draft language also extends to State and local jurisdictions the opportunity to become better prepared and integrated into a much larger system. This integration is lacking in many areas of the country. And while certain improvements have been made in recent years, we still have a long way to go before we can consider ourselves prepared.

This addition of crucial resources is provided under a design of programs constructed to provide guidance and assistance where it is needed and to ensure our communities take the proper steps to ready themselves without the Federal Government taking charge at the local level. The programs and offices are too numerous to mention in my comments today. However, I would like to emphasize a few of them.

The establishment of regional emergency management offices with mandated staff training to more effectively coordinate and integrate local efforts, including inventory and use of private sector resources; the establishment of an emergency management advisory council, composed of national and local specialists to ensure representation at all levels and in all areas of concern to the Secretary, including an assessment of essential capabilities; several offices to assist with grants, planning, training and education; the establishment of an office for emergency communications to take further the mission of interoperability, as supported by leading communications organizations, such as the Association of Public Safety Communications Officials International; and last but certainly not least, proactive additional safeguards against waste, fraud and abuse.

Mr. Chairman, it has been my experience that this committee is resolved to finding solutions to very tough questions and is also careful to avoid the addition of unnecessary bureaucracy while seeking a remedy. When you ask the right questions of the right people, you get the right answers. This is why the actions of your committee, including the issues discussed today, are so widely supported by law enforcement and other first responders.

I appreciate the great burden this committee has accepted on behalf of the American people, and on behalf of the International Brotherhood of Police Officers and my law colleagues in the national law enforcement community, we look forward to continuing our work with you and to further prepare our country for any crisis. Thank you.

[The statement of Mr. Lenkart follows:]

PREPARED STATEMENT OF STEVEN V. LENKART

Good afternoon, Chairman King, Ranking Member Thompson and Members of the Committee.

I'm Steve Lenkart, Director of Legislative Affairs for the **International Brotherhood of Police Officers,** representing federal, state and local police officers from around the country. Before coming to Washington, I served for 14 years as a police officer, firefighter and emergency medical technician in and around the city of Chicago.

My comments this afternoon are also shared by the **Major Cities Chiefs,** an organization that represents police executives from more than 150 major metropolitan areas; by the **National Troopers Coalition,** an organization representing 30,000 state trooper and highway patrol officers throughout the nation; and by the **National Organization of Black Law Enforcement Executives,** representing executive and command officers from all levels within the law enforcement community.

All four of these organizations are members of the Law Enforcement Steering Committee, currently in its 21st year of operation on Capitol Hill. I have had the honor of serving as its chairman since January of 2004.

Mr. Chairman, the last time I appeared before this committee was in September of 2004 when I testified before the Subcommittee on Emergency Preparedness and Response on the necessity of complete integration of law enforcement functions into the National Incident Management System.

Much has happened since that time. I was concerned back then, as many of my colleagues were also, that the United States didn't have solid procedures in place to handle a large-scale incident efficiently, be it a natural disaster or human-induced. To the credit of this committee, you had the same concerns and as a result, stepped forward to redefine how America prepares and responds to its threats and disasters. Over the past few years, this committee has demonstrated how solid policy ideas can trump politics, and for that I commend all of you. In addition, because these policy ideas are written with regard to their practical application to the real world, and not how they appear on paper in Congress, these ideas garner a tremendous amount of support from the law enforcement and other first responder communities.

I. The Department of Homeland Security, FEMA, and National Preparedness and Response.

This committee is again taking the lead in public safety and emergency response by putting forth the idea of consolidating the operations of the Federal Emergency Management Agency (FEMA) with the responsibilities of the Directorate of Emergency Preparedness under the U.S. Department of Homeland Security (DHS), combining them to create a new Directorate of Emergency Management. It is important to note that the idea to create a new directorate was developed after extensive outreach and discussions with every conceivable stakeholder in national preparedness and response.

As a result, the draft language that the committee has constructed embraces the most important element vital to the success of any emergency management operation: the relationship between preparedness and response. For some reason, the relationship between preparedness and response is viewed by many as a tug of war:

Is our priority to invest in preparedness and prevention, or is our priority to invest in responding quickly and recovering completely?

Mr. Chairman, that's like asking: Which should come first, the chicken or the egg? The answer is simple: It doesn't matter because one can't exist without the other.

You cannot be prepared without the means for a proper response, and you cannot respond properly without being prepared.

The draft language incorporates this concept by moving these two pillars of emergency management under one roof, a move that is long overdue. Then the language takes this concept further by elevating emergency management within DHS by establishing a legally-qualified undersecretary to oversee the directorate, and establishing two qualified deputy undersecretaries as the chiefs of preparedness and response.

In addition, the Undersecretary is given a direct line of communication to the president during Incidents of National Significance, and thus, a clear chain of command is instantly established. I'd like to take a moment to explain why these changes within the senior management structure are so critical.

II. The Importance of Accountability and Procedure.

By now, most people are very familiar with the results of our response to Hurricane Katrina. Hurricane Katrina was an unmitigated disaster by any definition and devastated a large region of the country. We've spent a lot of time and energy in trying to figure out who failed and how, which has resulted in a great deal of finger pointing. None of that excessive finger pointing would have been necessary if an efficient, well-polished and practiced plan had been in effect. The breakdown in the chain of command could have been pin-pointed and not lost in the ambiguities of who had what authority and responsibility, and who didn't.

The loss of chain of command was the key to a total systematic failure of rescue and recovery operations after Katrina hit which exposed gaping holes in our nation's response. I want to point out that while a systematic failure occurred, some elements of emergency response continued to operate, such as the Coast Guard, certain state agencies, and many localized first responder efforts. These efforts were forced to run independently but they were able to do so because they had the flexibility to operate under extreme circumstances. They had this flexibility because these smaller operations had within them two core components of emergency management: Accountability and Procedure.

Accountability and procedure within emergency management allows all entities involved to adjust to contingencies quickly, move resources in a timely manner, and to continue with the overall mission which is to preserve life and begin immediately on the road to recovery.

By placing preparedness and response under one Undersecretary, and by placing the responsibility for each under two chief deputies, we are closing the infinite loop of accountability and procedure for emergency management. Perhaps there is no message of greater importance that I can provide than the significance of continuity in accountability and procedure during emergency operations.

This simple equation of bring preparedness and response within working distance of each other under one department can revolutionize how we respond to emergency situations, can decrease uncertainty along the chain of command and can strengthen our ability to react quickly to other emergencies that often arise from the original incident, such as the levy breaks in New Orleans after the hurricane struck.

III. The Benefit to States and Local Communities.

In addition to these vital structural changes within the federal government, the draft language also extends to state and local jurisdictions the opportunity to become better prepared and integrated into a much larger system. This integration is lacking in many areas of the country and while certain improvements were made in recent years, we still have a long way to go before we can consider ourselves properly prepared. This addition of crucial resources is provided under a design of programs constructed to provide guidance and assistance where it is needed, and to ensure our communities take the proper steps to ready themselves without the federal government taking charge at the local level.

The different programs and offices are too numerous to mention in my comments today, however I would like to emphasize a few of them:

- The establishment of regional emergency management offices with mandated staff training to more effectively coordinate and integrate local efforts, including inventory and use of private sector resources;

- The establishment of an Emergency Management Advisory Council composed of national and local specialists to ensure representation at all levels and all areas of concern to the Secretary, including an assessment of essential capabilities;
- Several offices to assist with grants, planning, training and education;
- The establishment of an office for emergency communications to take further the mission of interoperability as supported by leading communications organizations such as the Association of Public-Safety Communications Officials International; and
- Proactive, additional safeguards against waste, fraud and abuse.

Mr. Chairman, it has been my experience that this committee is resolved to finding solutions to very tough questions, and is careful to avoid the addition of unnecessary bureaucracy while seeking remedy. When you ask the right questions to the right people, you get the right answers. This is why the actions of your committee, including the issues discussed today, are so widely supported by law enforcement and other first responders. I appreciate the great burden that this committee has accepted on behalf of the American people, and on behalf of the International Brotherhood of Police Officers and my colleagues in the national law enforcement community, we look forward to continuing our work with you to further prepare our country for any crisis.

Thank you.

Mr. REICHERT. Thank you so much for your testimony.

The chair recognizes Mr. Holdeman.

STATEMENT OF ERIC HOLDEMAN, DIRECTOR, OFFICE OF EMERGENCY MANAGEMENT KING COUNTY, STATE OF WASHINGTON

Mr. HOLDEMAN. Mr. Chairman and other members, for the record, I am Eric Holdeman, Director for the King County Office of Emergency Management, and thank you for the opportunity to appear before you today.

I would like to say that remarks were made about Katrina being an embarrassment for you. It is an embarrassment for every emergency manager at every level of government, and I am pleased to see someone and organizations working to fix that.

I would like to express my overall support for this bill, and while there are many provisions in the legislation, there are four that are critically important to improving our Nation's collective ability to respond. The first of that is combining once again the function of emergency preparedness with that of disaster response and recovery; secondly, establishing homeland security regional offices; thirdly, supporting an all-hazards approach to funding emergency management and disaster preparedness; and lastly, retaining the name of FEMA as defining the Federal Emergency Management Agency for the Nation.

First of all, there is the reuniting of emergency preparedness with disaster response and recovery into the same organization. Disaster preparedness is the foundation for disaster response. What you do to prepare for disasters by planning, training and exercising will set the tone for your capability to respond collectively when disasters do strike.

We have seen what the impact was of taking disaster preparedness away from FEMA. While it was not made official until the fall of 2005, in essence, FEMA has not had an emergency preparedness function for the last 5 years. Having both functions placed under the control of the Under Secretary for Emergency Management will measurably strengthen our disaster response capabilities. This is

one of those times where the placement of an agency on the organizational chart does make a significant difference.

Secondly, I have been saying for a long time that the one single step the Federal Government can do to quickly improve the Nation's ability to respond to disasters is to establish homeland security regional offices. Without these offices, there has been no one, and that is no one, to coordinate the multiple Federal agency regional efforts in disaster preparedness, and no one in the regions of this Nation to work with State emergency management offices or, like in my case, major metropolitan areas.

Without FEMA regional offices being empowered to perform this function—and FEMA region ten is only 20 miles from my office—our ability to interact with a coordinated Federal agency effort has been eliminated. This legislation would fix that issue and provides for regional offices dedicated to the effort of coordinating and facilitating our Federal, State and local efforts in preparing for disasters and providing for a more effective response when disasters do strike.

Thirdly, taking an all-hazards approach to disaster preparedness has proven over time to be the best way to maximize scarce financial resources and minimize risk to regions by being prepared for a broad spectrum of disasters. This legislation, in many places, uses language such as terrorism, natural hazards and other emergencies. The Senate recently recommended taking an all-hazards-plus approach to emergency management.

The one thing I can tell you, and the one thing that still needs to be fixed in the bill, in section 521, the Office of Grants and Planning, is there is no reference to natural hazards or all hazards in that. I understand that may be an oversight, and so I would strongly recommend in the markup phase for this that you correct it. Because without correcting it, as we have been told previously by the Department of Homeland Security, the money can only be spent on terrorism. That is the direction we have been given by Congress.

And retaining the name of FEMA. I recognize there are some calling recently, again by the U.S. Senate, to do away with the FEMA name and establish a new organization to replace it. Well, this is not a rebranding issue. There is no replacing the functions of FEMA. They must continue if we are once again to have an effective Federal disaster agency.

If you recall years ago, when the Chrysler Corporation had a problem and was on the financial ropes, Lee Iacocca did not come in and say, we're going to fix the problem at Chrysler by changing the name. No, he fixed the problem by rolling out improved products in the form of better automobiles. We need to fix the FEMA product, not the FEMA name.

Lastly, I call on my peers in State and local emergency management offices across this great land to get behind this good bill. As stated before, it is not perfect, but we need something now. Don't let an attempt to try to come up with a perfect piece of legislation become the enemy of doing something good. Implementing this legislation will not change things overnight, but the sooner we reunite disaster preparedness and response, establish regional homeland security offices, fund an all-hazards approach to disaster prepared-

ness, and decide to keep the FEMA name, the sooner we will be on a path to a more disaster-resilient America.

While I have additional recommendations for this legislation, you can read them in my attached written testimony. Thank you for this opportunity to testify, and I look forward to any questions that you might have.

[The statement of Mr. Holdeman follows:]

PREPARED STATEMENT OF ERIC E. HOLDEMAN

Mr. Chairman and other members, for the record I am Eric Holdeman, Director for the King County Office of Emergency Management. A position that I've held for the past ten years. Prior to working for King County I worked for Washington State Emergency Management for five years in a variety of supervisory positions, that included disaster response operations, planning, training, exercises, and public education. Previous to this I completed a 20 year military career as an infantry officer. My experience in the military included four years working as Chief of Operations and Chief of Contingency Planning for the then Fourth U.S. Army. These duties included working on plans such as Continuity of Government (COOP) for the National Command Authorities, Military Support for Civil Defense and Military Support to Civil Authorities. This responsibility was for a seven state area in the Mid-west, and included extensive coordination with FEMA Region V, headquartered in Chicago.

I would like to express my overall support for this bill. While there are many provisions in the legislation there are three that are critically important to improving our nation's collective ability to respond.

- Combining, once again, the function of emergency preparedness with that of disaster response and recovery.
- Establishing Homeland Security Regional Offices
- Retaining the name of FEMA as defining the Federal emergency management agency for the nation.

First of all there is the reuniting of emergency preparedness, with disaster response and recovery into the same organization.

Disaster Preparedness is the foundation for disaster response. What you do to prepare for disasters by planning, training and exercising will set the tone for your capability to respond collectively when disasters do strike.

We have seen what the impact was of taking disaster preparedness away from FEMA. While it was not made official until the Fall of 2005, in essence FEMA has not had the emergency preparedness function for the last five years. Having both functions placed under the control of the Under Secretary for Emergency Management will measurably strengthen our disaster response capabilities. This is one of those times where the placement of the agency on the organization chart does make a significant difference.

Secondly, I have been saying for a long time that *the one* single step that the Federal government can do to quickly improve the nation's ability to respond to disasters is to establish Homeland Security Regional Offices. Without these offices there has been "No One, that is No One" to coordinate multiple Federal agency regional efforts in disaster preparedness, and no one in the regions of this nation to work with State Emergency Management Offices, or like in my case major metropolitan areas. Without FEMA Regional Offices being empowered to perform this function (FEMA Region X is only 20 miles from my office) our ability to interact with a coordinated Federal agency effort has been eliminated. This legislation fixes that issue and provides for regional offices dedicated to the effort of coordinating and facilitating our Federal, State and Local efforts in preparing for disasters, and providing for a more effective response when disasters do strike.

And, retaining the name of FEMA. I recognize that there have been calls, most recently by the U.S. Senate, to do away with the FEMA name and establish a new organization to replace it. Well, there is no replacing the functions of FEMA, they must continue if we are to once again have an effective Federal disaster agency. If you recall years ago when the Chrysler Corporation had a problem and was on the financial ropes. Lee Iacoca did not come in and say we are going to fix the problem at Chrysler by changing our name. No, he fixed the problem by rolling out improved products in the form of better automobiles. We need to fix the FEMA product, not the FEMA name. If the FEMA name is done away with, we will end up like the entertainer Prince, who changed his name to a symbol. Everyone referred to him as "Formerly known as Prince." I can see that repeated in the future if we do away

with the FEMA name. Whatever the new name is we'll end up saying, "You know, what use to be FEMA."

- Lastly, I call on my peers in State and Local Emergency Management Offices across this great land to get behind this bill. As I stated before, it is not perfect, but we need something now. Don't let an attempt at coming up with a perfect piece of legislation become the enemy of something good. Implementing this legislation will not change things over night. But, the sooner we reunite disaster preparedness and response, *and* establish Regional Homeland Security Offices, *and* decide to keep the FEMA name, the sooner we will be on a path to a more disaster resilient America.

Thank you for this opportunity to testify, and I look forward to any questions that you might have.

Mr. REICHERT. Thank you, Mr. Holdeman.

I thank the panel. I have a few questions, and then we will allow other members to ask questions regarding your testimony.

We have done a lot of work over the past several months. We have had multiple hearings and heard hundreds of hours of testimony and the testimony and evaluated the responses to questions that the full committee and subcommittees have asked witnesses regarding incident command, command and control, communication, interoperability, operability, structure of FEMA, FEMA inside DHS, and FEMA outside DHS. All those discussions have taken place.

This legislation that we are talking about, all of you have had a chance to review; am I correct?

[Witnesses nodded affirmatively.]

Mr. REICHERT. And have you had chance to have some input into the language of this legislation?

[Witnesses nodded affirmatively.]

Mr. REICHERT. With respect to FEMA, the Reichert-McCaul-Pascrell-Etheridge legislation will, among other things, create an office of emergency communications. One of the huge problems that we faced as first responders across this country and as emergency managers is our inability to communicate with each other, and we saw that as a big failure in the Katrina disaster.

It also restores the nexus between preparedness and response, as has been stated in some of the testimony, consolidating FEMA and the Directorate for Preparedness. It elevates the Director of FEMA to an under secretary position and gives that person the authority to communicate directly with the President in times of emergency, and it does a number of other things, as has been mentioned.

I have a question. With all those things that you know of in the bill that you have had a chance to review, will these proposed reforms, if enacted, improve the deficiencies in FEMA's structure and leadership, as identified by the numerous investigations into Hurricane Katrina?

And that is to anyone on the panel who chooses. Do you think this will help us improve our response and our preparedness?

Mr. LENKART. Mr. Chairman, I don't see how they can't. You are taking quite a bureaucracy that is in bits and pieces right now, and you are putting them under one chief and supplying him with a couple of deputies. As I said in my testimony, the chain of command is everything in this kind of business.

When we have not only separated response and preparedness, it has been under two different bosses, we have come up with a lot of problems. And when things do go bad, when the chips are down,

there is a lot of finger pointing and people saying, that wasn't me, it was you, and so forth. By consolidating it under ultimately one person who is in charge, with direct lines to the President, I don't see how this can't be more efficient. I just don't see how there won't be more accountability within the upper levels of the government.

Mr. REICHERT. Thank you. Other responses?

Dr. Jenkins, do you have a response.

Mr. JENKINS. Definitely it has a number of things in it that we think are important and will be helpful, without question. I agree with everybody at the table, it is very important to bring preparedness and response together again, as this does, under a single organization, a single responsibility.

It has provisions on interoperability that seem elementary to us, and I don't mean that in a pejorative term. It is sort of silly that they haven't been done already. One of those is the national inventory of communication frequencies and kind of equipment that is used across the country. That is something that seems like a no-brainer and something we recommended in 2004.

We like the fact that it also includes some of the report, in particular the annual report on the status of the Nation's response and capabilities. I think one of the issues that has been a frustration to us is being able to figure out what is actually being accomplished with the grant money, and there is no particular requirement as to what performance enhancements, if you will, have you gotten with the grant money.

So there are a whole number of provisions we think will definitely improve the situation.

Mr. REICHERT. Thank you.

What are the potential benefits of strengthening FEMA but leaving it in the Department of Homeland Security?

Mr. Holdeman.

Mr. HOLDEMAN. If I can address that. I know there is division out there between organizations, individuals, about, should FEMA be a separate cabinet agency; to go back to what it was pre-9/11. But I don't think that you can reinvent the past and romanticize what once was, given we have a new era here in the 21st century.

Creating a new FEMA does nothing to then address, how is FEMA and the Department of Homeland Security going to interact and interface together? Are we going to undo the National Response Plan, the National Incident Management System, which again had been excellent steps in the right direction?

We have seen some States actually take and bifurcate emergency management and homeland security in separate offices within the same State. I think the experience has shown that that is not good for taking an all-hazards approach and will lead to more turf battles and interjurisdictional rivalry that this bill does not promote.

Mr. REICHERT. Thank you for your responses.

The chair now recognizes the ranking member of the Subcommittee on Emergency Preparedness, Mr. Pascrell.

Mr. PASCRELL. Thank you, Mr. Chairman. Just to put my questions into perspective, we seem to all be in agreement that we do believe in the reorganization bill that we have put before everybody right now; that this legislation strengthens FEMA by merging it with the preparedness directorate, so that the preparedness and re-

sponse functions are again unified, which was a major problem with Katrina, a major problem with Rita. In fact, we have kind of neglected southeast Texas, which has very serious problems which we have not addressed.

Secondly, we have decided to listen to those folks who are in the boots on the ground, so that this legislation, correct me if I'm wrong, is an attempt by this committee to have a bottom-up approach, so that it is not something we impose without really going to those people who deal with this on a day-to-day basis. Number two.

And number three, I think you put it best, Dr. Jenkins, that because of FEMA's mission performance, you in your testimony said, during Hurricane Katrina, questions have been raised regarding the agency's organizational placement, including whether it should be disbanded and functions moved to other agencies to remain within DHS or again become an independent agency.

With that as a kind of umbrella, I would like to ask some questions, Mr. Chairman.

Mr. Kasinitz, we have worked very closely since I have been here for the 10 years on the issues facing our first responders, and many of those issues had been ignored. But thanks to all the men and women across the United States who made Congress aware of those issues, we have addressed them, or started to address them.

In your testimony, you said that the department has spent entirely too much time and effort on a misguided attempt to differentiate between natural versus manmade disasters. A quick question, quick answer hopefully: Do you believe that this legislation recognizes an all-hazards approach to emergency preparedness and response so that we don't get caught up in the convoluted discussion about how did this catastrophe originate, be it manmade or natural?

Mr. KASINITZ. Absolutely, Congressman. We are very pleased with the approach the legislation takes to make sure we don't make those sort of artificial distinctions, and it is moving very much in the right direction.

I think there is somewhat of a subtext whenever we hear this FEMA-inside-DHS or FEMA-outside-DHS debate. Although it is not specifically articulated, I think some of that is also people who make that distinction. They say, well, FEMA should really be about natural disasters versus manmade disasters. So by keeping the emergency response directorate within DHS, I think you address that on multiple levels.

Mr. PASCRELL. How do you think this bill addresses the politics or the politicization of disasters that seems to be increasing as the years pass? How can we ensure that our first responders are being put to good use?

You saw what happened during Katrina. You saw how a thousand fire fighters were left up in Atlanta, Georgia, waiting to be called into action, yet the folks down in the action area were given the job to hand out fliers. What is your response to that?

Mr. KASINITZ. We think by creating a credentialing system and a deployment model, what you would have is you would address those issues on the front end. As part of your preparedness plans, you would indicate ahead of time how fire fighters are to be used

when disaster strikes. And then when the disaster does come, you simply are putting the plan into place, so you are not going back to try to figure out what's the best place to plug in this group or that group in any particular function.

Mr. PASCRELL. Thank you. Mr. Jenkins, I have a question for you.

In the GAO's preliminary observations regarding preparedness, response, recovery and Hurricane Katrina, one of the recommendations which was carried forward from the GAO review in the aftermath of Hurricane Andrew in 1992 was that a single individual directly responsible and accountable to the President should be designated to act as the central focal point to lead and coordinate the overall Federal response when a catastrophic disaster has happened or is imminent.

Question: Does the elevation of the FEMA director to Cabinet status during an incident of national significance address this recommendation?

Mr. JENKINS. Yes. In terms of what this bill represents, we do think that it does respond to the recommendation that we made and implements it.

Mr. PASCRELL. Does the fact that the FEMA director serves on a day-to-day basis as the principal adviser to the President affect your answer?

Mr. JENKINS. No. I think it would affect our answer in one way, but the bill has also addressed that. We think one of the other recommendations that we made was that there be a statutory requirement for experience and skills for the FEMA director. And with that proviso, which we think is an important proviso in terms of that recommendation.

Mr. PASCRELL. Well, we are trying that now. We are trying that now, so we will see how it works.

Thank you, Mr. Chairman.

Mr. REICHERT. The Chairman will now recognize other members for questions under the 5-minute rule. Members are advised that those who were present at the start of the hearing will be recognized in order of seniority on the committee. Those members coming in later will be recognized in order of their arrival.

The chair now recognizes Mr. McCaul, chairman of the Subcommittee on Homeland Security Investigations.

Mr. MCCAUL. Thank you, Mr. Chairman. I want to thank you for your leadership, and Ranking Members Pascrell and Etheridge. This is truly a bipartisan piece of legislation. We did get input from all the first responders and emergency managers. It has been a lot of work, and I think we have a good product here. I was proud to coauthor this legislation as well.

I recently led a delegation, along with Ranking Member Etheridge and Bennie Thompson, to the Gulf, to Louisiana and Mississippi, and saw the devastation and, quite frankly, the inadequate response effort that exists today. In addition, my home State of Texas was directly impacted by Hurricane Rita and indirectly impacted by Hurricane Katrina through all the evacuations.

I saw FEMA firsthand and saw a lot of problems, and I think this bill goes a long way to addressing some of those concerns. But I want to get comments on two main areas. The big debate on the

Hill right now is whether we take FEMA out of DHS or leave it inside. My prior experience on counterterrorism investigations is that I think FEMA, if taken out and just focusing on natural disasters, would be a huge mistake.

I believe that it should be an all-hazards approach, fully integrated with the Department of Homeland Security. I think giving the Under Secretary direct reporting to the President alleviates a lot of the concerns about the President's being able to weigh in and the interaction with the White House.

But I want to get comments on that issue first, and then, number two, one of the biggest observations I had after Rita and Katrina was that the complaints coming to me in my office were that we don't even know who our FEMA person is; and, number two, they can't make decisions. They have to go through Washington.

This bill basically sets up regional directors in a fashion where we mandate the Secretary to reallocate those resources, to fully integrate in a support role, not a parental role, in a support role with the State and locals so they are fully integrated at that level. And more importantly, it gives them or empowers them to make decisions on the ground without having to report to Washington.

I think whether you're talking about a terrorist attack or a natural disaster, that kind of real-time response is critical. So I would throw that out to the panel, if you could comment on those two issues.

Mr. KASINITZ. Congressman, we are very supportive of the regional offices. We certainly agree with you that that is a far more effective way to respond. Even in this age of instantaneous communication, you can't get people to respond to a disaster on line. There has to be people on the ground doing the work.

What we have found with the regional offices is, certainly on the preparedness side, there have been tremendous advantages to building relationships. People know who their local FEMA person is, they work together, and that FEMA person brings together different emergency response professionals in the area. So when the unfortunate disaster does hit, these people already know each other, they already have relationships developed, and it makes for a far more effective response.

Mr. HOLDEMAN. If I may, whether the building is blown up or falls down from an earthquake, FEMA and emergency managers are going to be there helping coordinate what we call the consequence management. Both terrorism and, for us, earthquakes are come-as-you-are disasters. And the preparation that is needed for those types of events is not happening now. There is no one orchestrating the Federal agencies, and there is a lot of them out there in the regions, and there is no one integrating the Federal, State, and local response. So those regional offices are absolutely critical. That is the number one thing that we need.

And separating FEMA out, giving it a different name, whatever, is just going to confuse everybody as much as renaming the entertainer Prince by a symbol. We all still refer to him as the entertainer formerly known as Prince. If you give FEMA a different name, we will call it, you know, what used to be FEMA.

Mr. MCCAUL. If I can follow up on that. I think taking it out on the eve of hurricane season would be a disaster. It would lead to

confusion. And not only that, but duplication within our government. I think you would have two organizations that would duplicate efforts, and it would not be cost-effective for the taxpayers.

Mr. HOLDEMAN. Absolutely. It would be duplication and lead to additional turf wars. And if I could add on that, the turf wars exist everywhere, in my local jurisdiction, at the States and all that. But we also need Congress to work also on the issue of oversight and which committees have oversight, because that can cause as much confusion and trickle-down effect for the local and regional level.

Mr. MCCAUL. Mr. Lenkart, do you have a comment?

Mr. LENKART. I would, sir. Thank you. Before 9/11, FEMA, to the police organizations and police officers and agencies, was nothing more than four letters. FEMA meant nothing to us.

We have matured as a country. We have been through a lot. And to take a step back and isolate FEMA again to what it used to be would be isolating the law enforcement portion from our national response. Law enforcement is extremely important. Sometimes we rescue people; sometimes we chase bad guys; and sometimes we do both.

To put us back out where we were before, segregating the efforts on the ground, I think would be a huge mistake.

Mr. MCCAUL. Thank you, Mr. Chairman.

Mr. REICHERT. The chair now recognizes Mr. Dicks.

Mr. DICKS. Thank you. I want to apologize. I had a bill on the Floor, so I had to run over—Congresswoman Donna Christensen was one of the managers of it—so I didn't hear all of your testimony. But I take it that nobody on the panel supports taking FEMA out of DHS; is that right?

[Witnesses nodded affirmatively.]

Mr. DICKS. You all favor having FEMA, but with regional offices; is that correct?

[Witnesses nodded affirmatively.]

Mr. DICKS. Do you think it is a mistake that the Department of Homeland Security doesn't have regional offices?

By the way, I was on Senator Magnuson's staff during the Nixon administration.

Mr. LUNGREN. How old are you?

Mr. DICKS. Older than I look; okay?

And the Nixon administration created regional offices. Now, the bottom line for me here is that we are searching for an answer. But the fact is, the reality is, this administration did not pay attention to this issue.

Mr. DICKS. And put people in management positions who could not respond. There is no James Lee Witt down in that department like there was during the Clinton Administration. So I am glad to see that this committee, led my colleague from Washington State, is taking this seriously. But it is this administration that undermined FEMA and is responsible for what happened out there, in my judgment.

But, all of you agree that it shouldn't be a separate office, I think we are going to have another committee of the House that may say that FEMA should be separated out.

To me, it seems as if the key point is, we have got to put some people in charge of FEMA who are serious and get these regional

offices functioning and start doing the exercises and the preparation for what could happen either in another hurricane. Or you could have the eruption of Mount St. Helens again in the State of Washington. We had some serious earthquakes from it. But it is just the fact that this was not the answer.

Another thing that bothers me, too, is that a lot of changes that Mr. Chertoff made when he came in turned out to be very counterproductive. The efforts to create a strong FEMA were further undermined when, as part of this Second Stage Review, Secretary Chertoff split preparedness and response into separate directorates. Specifically, Secretary Chertoff abolished the EP&R directorate, made FEMA a separate operational response and recovery unit reporting directly to the Secretary, and transferred FEMA's remaining preparedness functions to the office of domestic preparedness. Could we have screwed it up any worse than that? All of you that have testified in favor of this legislation, do you believe this legislation is the right fix for the problem that we are facing, based on your experience out there?

Mr. REICHERT. Could one of you answer with the microphone so we could get a report?

Mr. DICKS. I would love to hear from our colleague from Washington State.

Mr. HOLDEMAN. I am not Steve Bailey, but will talk for him today.

What we have seen is a top-down approach, and if you want to increase disaster preparedness, it has to be this bottom-up approach. People, just like ourselves at the State, fire, police, emergency managers, along with their Federal and State counterparts have to be working together on a daily basis, know one another, have the relationships, and be empowered, like this legislation does, to solve the problem at the lowest level. You can't have direction and control coming from the beltway on every little issue. And that has been a huge issue, not just during disasters, but during our preparedness phase. And there is nobody to talk to out there.

Mr. DICKS. I am pleased—and I want to ask the chairman about this—is it a fact now that the legislation does have provisions in there that deal with reprogramming? The reprogramming, the money that was taken away from FEMA by Secretary Chertoff is disgraceful. And we wouldn't allow the Department of Defense to do that; they have to come up to the Congress and get approval for any transfer of funding over $5 million.

Now, Mr. Chairman, do we have a provision like that in this bill?

Mr. REICHERT. Yes, sir, that is absolutely correct.

Mr. DICKS. To me, the way they drained the resources from FEMA, now that shouldn't be a surprise that they couldn't respond because, one, you have lousy leadership, and two, you gave them the ability—Chertoff the ability to take the money away from the agency. I am surprised they got anything done at all.

Mr. REICHERT. Would the gentleman yield?

Mr. DICKS. Yes, I will yield.

Mr. REICHERT. I want to go back to a question you asked, Mr. Dicks, to the panel that they didn't get a chance to answer on the record, and that is about a regional director for Homeland Security,

I think that is an important point. And could someone address that question that Mr. Dicks posed, please? You all nodded your head.

Mr. JENKINS. I would be happy to offer some observations. There were two things in the bill that I thought were important; one is that the regional directors themselves have to have some expertise. If they don't have expertise in emergency management response, they are not going to have credibility with local first responders. In other words, if they are going to build relationships, they have to be seen as having some credibility in knowing what they are doing. So I think that credentialing in the bill is a very important provision for the regional managers.

Mr. DICKS. Did the regional manager in your bill, Mr. Chairman, have to have credentials?

Mr. REICHERT. Yes. There is language in the bill that addresses that issue.

Mr. DICKS. Thank you, I appreciate your time.

Mr. JENKINS. And I would say the second thing that is important is the importance of working with localities with the advisory council they have and so forth to be able to identify—and this is critical, they have to take this seriously—to identify key gaps in capabilities in their area and what that means in terms of the grants and priorities for the use of grants. One of the big problems, as I mentioned before, is we really don't know how these grants are being used with what affect, and that seems to be the second important—one of the other features of the way the bill is written that is important in terms of the role of the regional director.

Mr. REICHERT. Thank you. The gentleman's time has expired, and the chair recognizes Mr. Lungren.

Mr. LUNGREN. Thank you, Mr. Chairman.

It is always fun to follow the stalwart defender of the Presidency of Richard Nixon; I appreciate that.

Mr. DICKS. I said that all during the 2004 Democratic Convention, that I would give my right arm to have Richard Nixon back.

Mr. LUNGREN. Oh, boy. I am not sure what I want to say. A one-armed Norm Dicks is quite something to think of.

Mr. REICHERT. Mr. Lungren, you have the floor.

Mr. LUNGREN. I appreciate that.

I heard the comments of the panelists, and I appreciate them. What I am trying to do is to figure out what lessons we learned from the Katrina experience that we are addressing in this bill. And let me go at it this way; when I was Attorney General of California and served with Governor Pete Wilson, we had fires. We had floods. We had mudslides. We had riots. I am sure there was something else we had. Maybe we had a plague of locusts. We had everything you could possibly think of, and we always managed to respond with a regional focus within the State. And when we needed help, we got the Federal Government to come in and help through FEMA at the time, and we didn't seem to have the problems that we saw in Katrina. Now you might say that Katrina wasn't as overwhelming—I don't know if I mentioned earthquakes. We had that, too, and they are pretty overwhelming for us. So I am trying to figure out, are we trying to go back to what FEMA was before it got put into Homeland Security? Are we trying to create a new animal in terms of your support for this? And what I mean by that

is, I disagree with the idea of bringing FEMA out. For one thing, I think it would take us so much time to reorganize, to get people in a different spot that we would just waste that time. If we are going to reorganize, reorganize where they are.

Mr. DICKS. Would the gentleman yield? I don't think they have moved. I think they are still right where they were.

Mr. LUNGREN. But I am talking about bureaucratically in those lines and so forth. Is there some synergy that actually would be a positive with FEMA where it is. That is, that we have a department that is supposed to respond to natural disasters and manmade disasters, that even though they are different, there is some commonality in terms of response, in terms of cooperation, in terms of the attitude that is necessary to respond to that? Or are we just making an excuse to keep FEMA where it is and trying to improve it? In other words, is there a benefit that we might see to be derived from actually having FEMA in DHS? Not just shrugging our shoulders and saying that is where it is, we are going to try to make the best of it, but is there a positive that might be established by having within one department an all-hazards approach, whether it is manmade or natural disaster? I would ask all four of the panelists to please respond.

Mr. JENKINS. Well, I think from our institutional perspective that they can be beneficial. It has certainly not been beneficial the way it was structured. From the very beginning, it was almost structured for failure with terrorism being in the Border and Transportation Security Directorate and everything else being in the Emergency Response Directorate, and then things gradually moved until the Border and Transportation Security Directorate had virtually everything and FEMA had very little. And so that structure is part of what led to the problem is that it was set up for failure from the beginning because of the way it was set up. Emergency response, all-hazards response was never set up in the department as a single organization to begin with when the Department of Homeland Security was created.

So that it can be beneficial to have it in the department. To the extent to which you have an integrated coordinated approach and you do not have the kind of divided lines of responsibility that you had within the department, if you keep that, there is no benefit, really, to necessarily keeping FEMA within the department. So it depends upon very much from our perspective on the way you approach it. And it requires a very integrated approach that takes care of both terrorist and non-terrorism incidents.

Mr. KASINITZ. Congressman, certainly we think there are benefits from having response and preparedness together, which is the question if you pulled it out, how that would function, and certainty the all-hazards approach. But I think your question goes to an interesting point because you say, are we leaving it in just to leave it in? Well, we have to remember there didn't used to be a Department of Homeland Security, and now there is. So I think the function, the dynamic would be different to say, back when there was an independent FEMA versus where would it be, and now having an independent FEMA versus in the Department of Homeland Security. For example, FEMA did a very good job in responding to the Oklahoma City bombing, which was a terrorism event. Now my

question would be, if that would happen today, if it was pulled out as an independent agency and we had an incident such as that today, would FEMA be able to respond because there would be a jurisdictional question of, is that FEMA or is that Department of Homeland Security? So I think the very existence of DHS changes the dynamic, not just going back to what it used to be

Mr. REICHERT. The gentleman's time has expired. We are going to try to hold members to 5 minutes so all members have an opportunity to ask questions.

Mr. DeFazio is recognized.

Mr. DEFAZIO. Thank you, Mr. Chairman.

Just in response to the last witness, there is no reason we couldn't give a mandate that says FEMA, an independent agency, Cabinet level office, whatever, has the responsibility to respond both to manmade and terrorist and non-natural and natural disasters. I think they did an admirable job not only with Oklahoma City. They did an admirable job on 9/11. But I would direct my question to Mr. Jenkins of GAO.

Before the reorganization on 9/11, was there substantial criticism of FEMA's response to a terrorist incident initiated by foreign forces?

Mr. JENKINS. No, not—but I would say one thing with regard to that, however. There certainly were some problems with the way that they responded to 9/11. I mean, just there were some issues that we reported on in terms of lack of coordination and that.

Mr. DEFAZIO. But that was essentially under new management. They were a year into the new management at that point.

Mr. JENKINS. Right.

Mr. DEFAZIO. And were those management problems?

Mr. JENKINS. Well, they were not part of the Department of Homeland Security at that point.

Mr. DEFAZIO. No, but were they management problems, i.e. we already had a hack of a political appointee at that point; I believe his name was Mr. Albough.

Mr. JENKINS. There were some management issues.

Mr. DEFAZIO. Okay. Here is my problem with this grand reorganization here. As I count—and I will ask the professionals—do you think that this very serious response issue, potentially they will be involved in a pandemic, potentially they will be involved in another terrorist incident, they will certainly be involved in more natural disasters, should all of the top management be political appointees? Because as I look at this grand reorganization, because the problem has come from political appointments, or lack thereof, because as I understand it, aren't there quite a few vacancies, Mr. Jenkins, at fairly high levels of management?

Mr. JENKINS. Right now FEMA is trying to hire and close those positions, but right now FEMA has 400 vacancies out of 2,400 positions.

Mr. DEFAZIO. Right. Dislodged career people because of the political hacks at the top. Now, under this reorganization, we are going to have eight people, one undersecretary, two deputy assistant secretaries and five assistant secretaries all appointed by the President. Now imagine if they had been Mr. Albough, Michael Brown and all the rest of their roommates from college; how could this

agency better respond with that sort of leadership? Wouldn't it be better to make these into civil service positions so that they would be people who would not change every time an administration changes, with these or even more stringent qualifications? And don't you think we might get some—does anybody object to the idea that they maybe should be permanent, merit-based, civil service with at least these requirements if not more? Do you think there is something inherently good about them being political? Anybody want to volunteer that is a great idea, they should be political?

Mr. LENKART. The issue is not whether they are political appointments or not; the issue is whether they have the experience.

Mr. DEFAZIO. Right. Well, it is because, even if they have the experience and even if they are good—which thus far we didn't have, maybe the new director—but the point is, they are going to change every time the President changes. Will that be good for the organization? Every time a President changes, we are going to change all eight top management positions at FEMA, and they go in what is called the plum book? Have you ever seen the plum book? It is thousands of appointments that are political. Now even if they have some qualifications attached, don't you think t would be better if these were permanent civil service positions? I mean, wouldn't that be better? Are you a political appointee?

Mr. LENKART. In essence, yes, but I competed for my position, and it was selected based on my qualifications, not based on—

Mr. DEFAZIO. Right. But the problem is, you get varying degrees of scrutiny or competence demanded by the White House. And in this case, no one here is going to defend Michael Brown or his management of the agency, right? So that is a real question. Why do we to want continue to make it political?

And you keep saying that well, it can't be all—I want it to be all-hazards, too, but the question is, if you put it under a political appointment or next door to one who is the Secretary of Homeland Security and then, at certain times, the under secretary gets to report to the President, the rest of the time he or she is relating back to this other political—I mean, I think you are creating uncertainty that would be better dealt with with permanent professional appointments. Look, let's face it, this is part of a big cover-up. The Department of Homeland Security was created one night out of the basement of the White House to get Colleen Rowley off the front page of all the newspapers in America. She was spilling her guts about what happened at the FBI before 9/11. The White House to that date had fought it. Suddenly we have got one. It is passed intact in Congress; they use it as a political club against Democrats—

Mr. REICHERT. Does the gentleman have questions?

Mr. DEFAZIO. Yes.

Mr. REICHERT. The gentleman's time has expired.

Mr. DEFAZIO. We tried to take FEMA out twice, and it was resisted by the Republicans. And we have a disaster, and now we are going to try to paper it over again. I think we should go back to an independent agency with professionals and not political appointees.

Mr. REICHERT. The gentleman's time has expired.

We have Mr. George Forsman, who is—

Mr. PASCRELL. Mr. Chairman, can I make just one quick comment?

Mr. REICHERT. Mr. Pascrell.

Mr. PASCRELL. I consider Mr. Forsman to be a professional. Well, he is there now.

Mr. REICHERT. I would also add Mr. Forsman to that list of—there are qualifications that are laid out in the bill that require appointments to be qualified.

Mr. DICKS. I think there is—

Mr. REICHERT. Mr. Dicks is recognized.

Mr. DICKS. I think there is an important point whether you have all political appointees. I can certainly see the director and the deputy, but maybe, after that, you go to a senior executive service and you get more continuity to FEMA and give people to whom this is their whole life. Their whole career is being there at that Federal agency. It is something you might want to consider. I think it is worth considering.

Mr. REICHERT. Thank you, Mr. Dicks.

Mr. Rogers is recognized.

Mr. ROGERS. Thank you, Mr. Chairman.

I would like to get back to what Mr. Lungren referenced, and that is, talk about what we learned from our most recent experience with Katrina and Rita.

After Hurricane Katrina last year, FEMA called on the Federal Protective Service to help with securing food distribution sites as well as other disaster-related sites in New Orleans and other coastal areas. As a part of that effort, they turned to Blackwater USA and Wackenhut Services and St. Bernard's Parish Sheriff's department also turned to DynCorp security personnel to assist in that initiative. I would like to ask, Dr. Jenkins—and maybe, Mr. Holdeman, if you would like to kick in—tell me about your thoughts on the role of private security forces in these disaster response efforts.

Mr. JENKINS. I think it is one of those issues in terms of preparedness, one of the things that FEMA has not done a very good job of is being able to identify non-governmental resources that they can draw on. Certainly, for example, one of the issues in Katrina, in terms of being able to have security forces that could provide public safety, was the effect that normally the way it is set up is, you would draw upon the National Guard to do that. There weren't as many National Guard in the country as there might have been under different circumstances; it was a limited number.

One of the things that we have recommended that FEMA do is identify private resources that they can draw on, identify those resources in advance, have them as a contingency available of training that is needed when it is not possible for local law enforcement as it was in New Orleans to do everything they needed to do.

Mr. ROGERS. But from your review of what happened in New Orleans, Louisiana, Florida and Texas, did they perform adequately, the private security personnel, or have you reviewed that at all?

Mr. JENKINS. We have not reviewed that in detail. We do have some work ongoing on that right now.

Mr. ROGERS. Do you have any thoughts, Mr. Holdeman?

Mr. HOLDEMAN. Just very briefly, as an emergency manager, we are looking for assets that can quickly be deployed and be put to use, whether public, private, Federal, military, volunteers, what have you. So we are not concerned about the source of it but that it is effective in all manners. And I personally have not looked at the security side; I would like to recommend that our law enforcement colleague speak to that directly.

Mr. LENKART. Thank you, Congressman.

There definitely is a value for private security. There is a place for private security within the overall response system. In Europe, a lot of countries where security forces are actually careers more so than they are part-time jobs or temporary jobs. They are actually part of the first responder community. When you see a bomb go off on the subways or wherever, a lot of those folks running around in those vests are private security companies. So there is a place for that. There is room for development of that. Just the same when you are dealing with private security companies; there are some companies in the U.S. where their ability to protect has certainly been questioned—you mentioned Wackenhut was one of them—certainly under the Department of Homeland Security, that has come under scrutiny.

If we were going into a situation where we were going to use them permanently as part of the first responder process, I think there needs to be a lot of careful scrutiny that needs to be done and certainly a lot of training as well. But there is room for that, yes.

Mr. ROGERS. It seems to me, when you look at who FEMA turned to, which is the Federal Protective Service, for assistance; even their organization, which has 15,000 employees, of those 15,000, 13,500 are private contractors. In FEMA or in the post-Katrina New Orleans circumstance, 750 folks from Blackwater, 600 from Wackenhut, and 75 in St. Bernard Parish, these are folks that are available for surge capacity. It just seems to me, and I gather from the responses that you all believe that we ought to be looking at these resources as part of our contingency planning, just like we look to private contractors post-disaster clean-up resources.

And the last thing that I want to leave with—Mr. Kasinitz, you made a comment in your statement that you thought the most important part of this legislation is credentialing of firefighters. I would love to hear you expand on that.

Mr. KASINITZ. Sure. There are models in place for this, but the basic concept of this would be, in advance, the Federal Government would be able to work with the national consensus standards-making bodies which define what qualifications fire fighters should have and develop some protocols where these would be the credentials for people to respond. I should note that the U.S. Fire Administration has already developed a model for this, so it is simply a matter of implementing it.

Mr. ROGERS. Would this be full time or volunteer? See, I represent a poor rural district where most of my firefighters are volunteers.

Mr. KASINITZ. Absolutely, volunteer firefighters would be part of this as well. There is no reason to differentiate on employment status. The only differentiation would be your quality and your level of training.

Mr. ROGERS. Thank you.

I see my time is up. Thank you, Mr. Chairman.

Mr. MCCAUL. [Presiding.]

The chair now recognizes the ranking member on the Subcommittee on Investigations, Mr. Etheridge.

Mr. ETHERIDGE. Thank you, Mr. Chairman.

And let me thank each of you for being here testifying today and to my colleagues for their work on a piece of legislation that I hope we will be marking up next week.

Whether we are talking about an all-hazards approach or others, it seems to me that what you have said is that we don't need one piece of the agency working on terrorism over here and another piece of it working on natural disasters over here, because all that does is create a division of responsibility. And if you have something happen and a fireman shows up, a police officer shows up, EMS shows up, whoever shows up, they are going to have to deal with what is there. So if we haven't already had the prepared people trained for it and ready, we create the problem. And ultimately, not only do we have confusion at the top, but we have a difficult job down where people are getting the job done.

And I, like many of my colleagues, have been to Louisiana and Mississippi twice now, and I think the people there will tell us, folks, those of you in Washington or wherever, fix the problem because it sure didn't work for us, that is what I heard. And they want results. And we are now three weeks away from hurricane season, and whatever we do here, we probably won't have it finished by the time hurricane season starts. And North Carolina is one of those States that is sort of in the middle zone; we sort of have a bull's eye on our back and have for a long time.

So let me ask you a couple of questions. Setting up the scenario of a response from terrorism and a natural disaster, it seems to me—can you agree that that would create confusion for locals and increased bureaucracy? Is that yes or no?

Mr. LENKART. That is yes, especially when the Feds show up.

Mr. ETHERIDGE. So it would create a bigger burden on planning and reporting and all the other things.

With that being said, let me ask you a question, Coach. On Saturday, I was at the establishment of a Fallen Fire Fighters Memorial in North Carolina, the first one we have had, to remind us that they have been at it for a long time. Many of the groups we have heard from have raised a concern over the types and number of reports that they now have to submit to DHS. Can you comment on this? And do you have any suggestions about how we can streamline this process as we are writing legislation now so there won't be such a burden? You know, if we are trying to create an all-hazards approach, can we make sure that our grants and our paperwork, we don't wind up adding more burden than we already have?

Mr. HOLDEMAN. If I may briefly. We actually track our time in the King County Office of Emergency Management. In 2001, we were spending 75 percent of our time on disaster preparedness, and today we are spending about 25 percent of our time on disaster preparedness, and the other 50 percent is now on grant administration. So the big thing that would be very helpful to us is, streamline the grant-making process. We need block grants; give us block

grants. Tell us what the guide is, hold us accountable to it. But that would be immensely helpful.

Mr. ETHERIDGE. Do each one of you agree with that?

Mr. JENKINS. I would say that we believe it is important; it can be streamlined. There are a lot of legitimate complaints by local responders, the number and variety of reports that they have to make, and it is less important what they spend it on than what they have accomplished with it. And so it is—I agree it is the accountability issue that is key, some kind of reporting that gives you accountability for the funds and how you have used them well.

Mr. KASINITZ. Congressman, just to raise one example, in Fire Service grants, as you all know, the FIRE act and SAFER grants, I am sure Mr. Holdeman is familiar with these grants, but I certainly understand from his perspective why block grants are advantageous. We actually see it from a different perspective, from the front line emergency responder, because FIRE grants and SAFER grants are the one grants we know are coming directly to the fire department. And the frustration our people have on the front line is, when they do see block grants, they are saying we are not seeing it, the money is disappearing in the process. So that is why grants that have specific purposes, we see some real benefits to.

Mr. ETHERIDGE. But to streamline the ones that we have, okay.

Mr. Holdeman, you are in county emergency management, and you are probably on the front line if anything happens, whether it is natural—whether it be terrorism or otherwise. Based on your experience, what would you consider the best division of responsibility between the county, the State and the Federal Government, whatever the disaster may come?

Mr. HOLDEMAN. It is not a divisional responsibility, and I think that is one of the issues we have got. We have got to say we, we are in it. The unified command means we. We are not in Iraq. In the former—it was clear who was in charge of Iraq before the Iraqi war. We have a Federal system, and we have to do it. And the only way the we is going to work is if we know one another in advance and we are working the issue before something bad happens. If you see people exchanging business cards at the scene of an incident, it is not going to go well.

Mr. ETHERIDGE. Good answer. Thank you, sir.

I yield back.

Mr. MCCAUL. The chair recognizes Mr. Pearce.

Mr. PEARCE. Thank you, Mr. Chairman.

Mr. Kasinitz—thanks to all of you for your testimony—but thank you for the exact examples. Yours are the only examples that we have that are solid examples of failure to perform. So as you reconsider, you have heard some of the comments here that if we just were rid of the top dog, Bush, if we were rid of that demon, Mr. Chertoff, that this thing would have run a lot better. But when I start looking at your exact examples, do you think it was Mr. Chertoff or Mr. Bush that put those thousand people down there in that Atlanta hotel room and had them sit down there at the government expense rather than coming down helping your firefighters who are beating the daylights out of their bodies to get in

and out and around, do you think that came from the top level or do you think that was a little lower level?

Mr. KASINITZ. I am sorry, Congressman, I have no knowledge of where those orders actually came from.

Mr. PEARCE. What did you say? Could you speak more closely to the microphone?

Mr. KASINITZ. I do not know who it was that—

Mr. PEARCE. Mr. Jenkins, do you want to speculate? Was that any failure from the top levels?

Mr. JENKINS. Probably not.

Mr. PEARCE. Probably not. How about those batteries? In other words, you say in your testimony that it was a failure of resources, to an extent, financial, human, yet we had the money to go out and by the daggone batteries, but we didn't have anybody with enough God-given sense to give them out to the people that needed them. The same thing existed with the fuel. Do you think those decisions to hoard the batteries and the fuel originated with the President of the United States or with the Secretary or with Mr. Brown, for all his failures?

Mr. JENKINS. Really, I doubt that they originated with the President, but I have no idea where they did originate.

Mr. PEARCE. Now your agency went down there to take a look at this. Did you ever take a look at any of the problems that were actually on the ground—let me finish up. Because when I look at your testimony, I see four clear findings on page 3, the clarity of FEMA's mission, and for the life of me I can't see where the mission is going to put a thousand people in an Atlanta hotel room when they are killing our people on site day in and day out, 24/7. I can't see a thing about the clarity of the mission that would cause them to hoard the fuel, buy all the fuel and then not give it to all those fire fighters. And I for the life of me can't see anything about the clarity of the mission that would cause them to do the same thing with batteries. So your first comment related to the actual circumstances Mr. Kasinitz brought up lacks some thoroughness.

Then you talk about experience, and for the life of me, I can't see that people have the experience to go out and know that they are going to need to buy the fuel, but somebody made a decision not to hand that fuel out, and I don't think that came from the President or Mr. Chertoff.

And then your next two findings, the adequacy of human, financial and technological resources. And finally the effectiveness of planning exercises. So none of those things actually address the circumstances that Mr. Kasinitz brought up, and I think he brought them up adequately because every failure—you can talk about it in general terms, but some day you have got to talk about the specific problems. And when I look at the specifics, the only specifics in front of this committee today, I don't see anything in your report that deals with the specific failures. Have I missed something in your report?

Mr. JENKINS. I think, for example, that exercises are crucial. That is how you know what people are going to do, how they are going to get together, what the problems are. Hurricane Pam was an exercise that wasn't followed through on. If you have good exer-

cises, where everybody that is working together knows what you know, one of the things that will come out is, what if I don't know where the batteries are? What if I don't know who is responsible for getting those batteries to the right people? So one of the key areas in terms of knowing what you need to do, what the problems are, specifically what the problems are is very good exercises that are realistic and that address—they are designed to stress the system and identify the problems that you have and correct those problems.

And so one of the things that can address the fuel and the other things is, when you do exercises and the fuel doesn't get there and nobody knows who has the fuel or where it is, you can then identify what the problem is.

Mr. PEARCE. With all due respect, sir, you can take every single person in this room today and you put them in charge of the fuel, and no matter what their written orders were, no matter what the President of the United States is directing them to do and no matter what Mr. Chertoff and Mr. Brown are doing, any single one of those people would have looked at those dog-tired fire fighters and called those thousand people down and quit giving out brochures and get out here where the problem is. They would have handed the batteries out. They would have broken the boxes open and walked out and started giving them to the people to put into their radios. And to say that we need more training to cure those kind of problems in my mind avoids that you have got some problems, and with all due respect to my colleagues, those problems I think originated deep within the department, deep down inside, those people who are merit-based, who are civil service positions; they are the ones making those decisions not to give that stuff out. I don't think I see anything in your report to deal with that.

I thank each one of you for your comments today.

Mr. Chairman, thanks. I am a little bit over.

Mr. MCCAUL. The chair now recognizes the gentlelady from Texas, Ms. Jackson-Lee.

Ms. JACKSON-LEE. Let me thank the witnesses for your presentations. They have been extremely insightful. And let me thank the—instructive, not exciting, but let me thank the proponents of the legislation, one, for your thoughtfulness, but also for allowing those of us who might be celebrating Mother's Day not to go into the holiday with a headache of a mark up, so we thank you very much for your sensitivity to that. But at the same time, it will give us the additional time to review this legislation and to hopefully provide a complimentary, if you will, assessment of some of the areas that I think are keenly in need of addressing.

It is very clear that I have thought that leadership is important, and I made the point. And I will use, first of all, the backdrop of Hurricane Katrina and Rita. And I think it is important to re-state that I think leadership was missing. In fact, I won't say, I think; it was evident that leadership was missing, at least from the very top of the agency. I don't think the present Secretary of Homeland Security gets it. And he didn't get it at the time of Hurricane Katrina. He didn't put on his leadership general hat that Mr. Holdeman, I would imagine, you would put on if there was a disaster in your county. He didn't bother to get an understanding that

you had to gather the troops, whether they were State troops or city troops or—and I use the term in quotes, you had to gather the boy scouts and the girl scouts and you had to make this thing work because people were dying.

So we know that we had a crisis in leadership. We then had a crisis in leadership at the FEMA level. And so I am somewhat empathetic and sympathetic to the idea of an independent FEMA, but I also see a very valid theory with the proposal in this legislation, particularly the concept of an all-hazards leadership, that is very important. So let me pose these questions.

And let me say to Mr. Kasinitz, I don't think there is a time when a firefighter is in front of me that I don't begin trying to remind America and my constituents of the enormous debt of gratitude that we owe our firefighters, not only for the lives and the protection they have given us through the decades, through the centuries, but certainly 9/11 stands as a very prominent example of the heroics and the absolute sacrifice that was made.

So the first question goes to you—and I might add the Fraternal Order of Police and as well your service. We should never forget 9/11 for the ones that lost their lives, but certainly the first responders who went in with no question of their own safety. So this question, Mr. Kasinitz, goes to one of the elements of this bill that I hope that you would think would be crucial, but I want a timing element to it, the interoperability issue; do we need to be doing this yesterday—excuse me, do we need to be waiting to do this next month, 2 years from now? Or is this something that we should be doing or should have done yesterday, last month, last year? This whole question of interoperability, how damaging, how much of a concern do you have on the issue of interoperability?

Mr. KASINITZ. Thank you, Representative, and it is a huge problem, a continuing problem. You cannot name a major disaster where we have not seen serious communication issues. We think the provisions of this bill are extremely helpful and will go a long way toward addressing the problems, but the problems are even broader than that. Before we can even address the question interoperability, we have to address the problem of basic operability. You have firefighters within the same department, even within the same company who at times are unable to communicate on an emergency scene. So it is a very serious issue that keeps cropping up. You are absolutely right; we were long overdue. This is a problem that has been identified for more than 10 years, and we are very eager to see it is addressed as quickly and as rapidly as possible.

Ms. JACKSON-LEE. So along with this authorizing bill, you obviously need money and you need to move quickly, and you need to include language possibly dealing with the operability question for fire departments across America.

Mr. KASINITZ. Absolutely.

Ms. JACKSON-LEE. First responders.

Let me go to Dr. Jenkins and say to you that one of the appalling representations or acts that occurred with Hurricane Katrina was the enormous abuse of American taxpayer dollars. I don't think we will ever come from underneath the mud of the abuse of funds.

Let me ask you this question about the layering of contracts. And also, even though we are talking about FEMA, one of the nexus that we failed to include is the nexus of the Army Corps of Engineers. I believe that there should be some connection, because when you go into a disaster area, part of your colleagues come from the Army Corps, part of the letting of contracts. And we found that the Feds overpaid by 20 percent, some $39.5 million dollars in no-bid contracts. Can you speak to this question of layering of contracts? I don't know where that came from. All of a sudden you are giving a contract to big shot corporation so and so—I am going to be nice maybe and not call out a name—but big shot so and so, somebody's friend, and all of a sudden you have four and five layers so the guy at the bottom is making $6, but the taxpayers are being hung around the neck. Is there something that we can point at and fix, or is there something you would like to point out that really addresses that question in this legislation?

Mr. JENKINS. I am not sure I can point out something specific in the legislation.

Ms. JACKSON-LEE. Do you find that to be a problem?

Mr. JENKINS. It definitely is a problem. It is not my area, but the GAO has issued a couple of testimonies on this. Two basic issues here, one is having, in Katrina, the big contracts, the ones where there were the biggest problems were contracts that didn't have in advance express contracts with accountability of who was going to do what; they just simply made what are called mission assignments or blocked mission assignments to the Corps and to these large corporations and said, this is what we want you to do. There wasn't a lot of accountability for the subcontracts and how they were priced, accountability for them. And so one of the recommendations that GAO has is that these contracts, you do not let these contracts, after the disaster you have these contracts with performance clauses in them and pricing clauses in them before the disaster happens, and then they can be activated after the disaster happens. But part of the problem was that issuing very large contracts to get something done quickly, they were done without competition for the most part, and they were done without clear pricing.

Ms. JACKSON-LEE. And maybe we needed to go to the smaller companies in the first place. There was no advantage to going to large companies who then were going to let it to smaller and smaller and smaller and up the price; was there an advantage to that?

Mr. JENKINS. You know, with regard to debris removal, for example, there was no reason that FEMA could not also have contingency contracts with local companies for debris removal as opposed to having a national company do that. There is all sorts of options in terms of who they have that contract with, but the important thing is that they contract in advance for a specific price. There were lots and lots of problems with these contracts, people getting paid for the same dump load because they took it to point A, and they got paid for it. And then they took it to a second point and they got paid for exactly the same load of debris over again.

Ms. JACKSON-LEE. I thank the chairman for his indulgence, and I see there are other members. I do have an additional 1 minute, I would like to probably wait and ask the chairman for his indul-

gence to be able to probe another individual on a question that I had.

[The statement of Ms. Jackson-Lee follows:]

PREPARED STATEMENT OF THE HONORABLE SHEILA JACKSON-LEE

I thank the Mr. Chairman and the Ranking Member. I thank the witnesses for their attendance.

The devastation and wreckage wrought by Hurricane Katrina last summer is powerful testimony to the damage that can be done to our country by natural disasters and terrorist attacks. Hurricane Katrina also showed us how unimagined human suffering can be exacerbated when leaders fail to prepare adequately or simply do not measure up to the requirements of their job. We simply can no longer afford to entrust the safety of our people and the security of our nation to those who are unqualified to do the job entrusted to them.

Today we hear from representatives of the fire service, law enforcement, and emergency management on how the Department of Homeland Security could enhance its preparedness and response to acts of terrorism, natural disasters, and other emergencies. I am particularly interested in hearing from the witnesses as to whether they endorse the "National Emergency Management Reform and Enhancement Act of 2006," the bill the Committee will be marking up next week. I hope the witnesses are able to tell us whether the proposed legislation is likely to succeed in:

(1) strengthening and better integrating the Federal Emergency Management Agency (FEMA) into DHS;

(2) implementing many of the lessons learned from the inadequate national response to Hurricanes Katrina and Rita;

(3) enhancing Federal coordination with State, local, and tribal governments, the National Guard, emergency response providers, emergency response support providers, nongovernmental organizations, including faith-based groups, and the private sector;

(4) restructuring DHS' activities and programs to accelerate the development of redundant, survivable, and interoperable emergency communications capabilities; and

(5) preventing waste, fraud, and abuse in all DHS assistance programs.

Finally, Mr. Chairman, I want the record to be clear that the problems FEMA encountered before, during, and after Hurricanes Katrina and Rita did not plague the agency during the 1990s under the Clinton Administration. Leadership matters. Competence matters. It was a Democratic Administration that valued the importance of emergency management and FEMA by appointing a qualified leader in James Lee Witt. This Administration appointed Michael Brown. No legislation, no matter how well drafted or crafted, can compensate for the lack of competent leadership.

Thank you. I yield the balance of my time.

Mr. MCCAUL. Sure. And I would like to make a quick response that I share the gentlelady's concern about fraud. That is why we put a fraud, waste and abuse provision in this bill that mandates that the Secretary put fraud controls in place.

The chair now recognizes Mr.Dent.

Mr. DENT. Thank you, Mr. Chairman.

I would like to thank our panelists today.

There was a lot of talk about whether FEMA should become an independent agency as it had been before or remain in the Department of Homeland Security, but my question to all of you—and I would like to hear what you think about this, but given the catastrophic nature of Hurricane Katrina, do you believe that if FEMA evolved as a stand-alone independent agency, it would have been able to respond adequately under those difficult circumstances?

Dr. Jenkins, do you want to try it?

Mr. JENKINS. To be honest with you, probably not. FEMA had problems—I mean with logistics, it just had no ability to track material, where it was, where it was headed. We were asked to do

some work looking at, fairly quickly, about mission assignments and whether or not the material that FEMA approved to be delivered actually got there, and there was no way to find that out.

So there were some fundamental problems that FEMA had in terms of logistical support, particularly for anything of the size that it was, housing and so forth, and it is unlikely, to be honest, that those problems would have been much different had FEMA been independent.

Mr. DENT. So merely moving FEMA wouldn't enhance its capabilities, in other words.

Mr. JENKINS. No.

Mr. DENT. Anybody else wish to comment on it?

Mr. HOLDEMAN. The House report that calls it a failure of initiative I think nails it right on the head there that this was a catastrophe, and all resources are overwhelmed there. But they were doomed from the start by not maintaining situational awareness and having the leadership in place to be able to respond quickly.

Mr. DENT. My other question was, under James Lee Witt, do you think FEMA's effectiveness was a function of his personal relationship with President Clinton or because FEMA was an independent agency?

Mr. HOLDEMAN. Absolutely. It is one of the things—James Lee Witt came out of Arkansas, he was his Governor's emergency manager. There was a personal relationship aspect to that, so you can't discount that. But I don't think that could be a selection criteria for the director of FEMA for the future. I think the qualifications are key, and then ensuring that the access is there.

Mr. DENT. I guess the question I have, too—maybe this would be again to Dr. Jenkins—but if we were to move FEMA out of Homeland Security and say we also moved some areas as it relates to preparedness, prevention and first response activities, and if you look at the budget for DHS, we are talking about 39 percent of DHS budget in that area; it is about $14 billion, if we were to move those functions out of Homeland Security, I guess my question would be, what would be the remaining mission of the Department of Homeland Security if we moved those functions out of the Department?

Mr. JENKINS. Well, I mean, obviously FEMA has Secret Service, and it has Coast Guard. It has Border and Transportation Security, Immigration, so it would still have all of those functions, those are not really preparedness emergency response functions, so it would still have all of that.

Mr. DENT. Anybody else wish to comment?

I yield back the balance of my time.

Mr. REICHERT. The chair recognizes Mrs. Christensen.

Mrs. CHRISTENSEN. Thank you, Mr. Chairman. And with less than a month to go until hurricane season, and for other reasons, I really want to commend the committee chairs, subcommittee chairs and ranking members for this bill and for today's hearing. It is very important.

And on many occasions over the last 3 years or so, I have asked why FEMA was not the Office of Preparedness and why preparedness and response was so separated. And even after several responses by the Secretary as late as his last appearance before the

full committee, I had to say to him that I was not satisfied with his response and this structure. I just couldn't understand it. So this bill, the National Emergency Management Reform and Enhancement Act of 2006 provides the appropriate remedy, I think. And most important, I think it responds to some of what we have heard through many, many hearings, especially with our first responders, those on the front line.

And I am also glad that we have such a substantive bill that does not take FEMA out of the Department of Homeland Security, perhaps because I have had experience with FEMA over the years and seen it working in a much more effective manner, even though I would—granted, this was a catastrophe, I feel that it can work. It needs to be torn down and rebuilt from scratch, and I think this bill does that.

I want to make a couple of suggestions though before I go to questions; one you can probably guess at, which is that wherever it says State, local and tribal, it also say territorials. I know my people at home and those in Guam and American Samoa and Puerto Rico would want to have that.

And I also want to just say for the record, too, that I strongly support the GAO recommendation that gives explicit authority to FEMA to predeploy resources and personnel and assets before the incident. They have a history of doing that even without the explicit authorization, but I think that would just make it firmer, and it would be a good thing to also have in the bill.

Mr. MCCAUL. If the gentlelady will yield, territories are defined as States in the Homeland Security Act, and we thought that would be important to note.

Mrs. CHRISTENSEN. It is as States? Okay. Thank you. Thank you for that clarification.

My first question would be to Dr. Jenkins. I wonder if you had a chance to look at section 505, the Chief Medical Officer part of the section, and if you would be able to tell me whether this is a—this clearly defines his role, vis-a-vis that of the assistant secretary for emergency preparedness and response in the Department of Health and Human Services and whether it also defines how they coordinate activities? I am always concerned that we are going to get into a situation, and there will be this person in HHS and this person in DHS or FEMA, and something will fall between the cracks.

Mr. JENKINS. And I actually asked—we have a healthcare group, and I have actually asked them to look at that to see—because they are more expert on that, and so I can get back to you on that. But I did ask them to look at that for that very reason, though, the whole issue of clarity and roles there.

Mrs. CHRISTENSEN. I would really appreciate that. And Mr. Chairman, I think that—both chairmen, I think that would be something that the committee would find useful as we move this through mark-up and to the floor.

Mr. Lenkart, in your testimony, you say the draft language also extends to State and local jurisdictions the opportunity to become better prepared and integrated into a much larger system. And I would ask you and Mr. Kasinitz, do you see this all providing a better and more structured opportunity for first responders to be

an integral part of the planning and the standard setting as we move forward if this bill were passed?

Mr. LENKART. Yeah, absolutely. I would say a great model for it is how this committee has handled the construction of this bill. It was reached out to the first responder industry, police, fire, EMS, public, private entities, environmental, medical folks. By reaching out to the folks on the ground to build this bill, this bill is more reactive to those folks all the way on the ground. So it is a bottom-up and top-down bill and absolutely will give the first responder industry—it will give them the tools that they need to do and get more integrated at the same time.

Mrs. CHRISTENSEN. Thank you.

Mr. Kasinitz.

Mr. KASINITZ. In addition—and I do wish to compliment the staff, who have done a tremendous job of reaching out, including the input from emergency responder groups, but there is actually a provision in the bill which creates a new advisory council which will guarantee that we will have an ongoing opportunity to provide input into revisions to the National Response Plan and the National Center Management System and other systems and protocols.

Mrs. CHRISTENSEN. Thank you, Mr. Chairman.

Mr. MCCAUL. The chair now recognizes Ms. Jackson-Lee for 1 minute.

Ms. JACKSON-LEE. I thank the Chair very much.

Let me ask you—I am just going to probe you, Dr. Jenkins, because I may not have read every line in your report. Mr. Kasinitz has talked about the 30-person advisory committee. Walking through the areas of New Orleans with Hurricane Katrina and seeing some of the damage of Hurricane Rita in parts of Texas and then of course living with 200,000-plus Hurricane Katrina survivors, people were impacted by this horrible disaster, and my colleagues already said we are approaching hurricane season; I think it would be helpful to have—the language on the advisory committee says experts—I think it would be enormously advisable to have citizen type, at least a representative of that individual who represents the impactee, if you will. Would you find that valuable in such a committee?

Mr. JENKINS. I think it is useful to have citizen input generally. One of the reasons for that, to be honest with you, is, in many instances, what is most valuable for people to do is understand why staying in place is the best thing. And so they have a better sense of what the considerations are.

Ms. JACKSON-LEE. And I have another question—

Mr. JENKINS. It is a communications tool.

Ms. JACKSON-LEE. So there is value from their input.

And the other question I will put together. There is an aftermath that FEMA was responsible for. And I am still looking through the bill to see if that happens, the whole housing question, disaster recovery centers; a complete mess, one, because it again contracted out for huge conglomerates, not using local people. What is the value looking at the aftermath treatment? And also, there is a small minority provision in here, but it creates a database. And I don't want to get into affirmative action and such. But can we be

more forceful in looking for those local businesses that can get on the ground faster?

Mr. JENKINS. Again, as I mentioned earlier, what we recommended that FEMA do, whether it is housing, whether it is immediate food and shelter, whether it is security or whatever, that FEMA really needs to be reaching out to look at non-governmental entities that can help them and particularly ones that have knowledge of the local community, whether it is the faith-based organizations or others, that they need to be reaching out to be able to do that and communicate with them and be able to draw them into the process.

Ms. JACKSON-LEE. So, in conclusion, then, I hear what you are saying is that, in the aftermath, where they have done housing and the collapse, where people were saying, I didn't get my benefits, the disaster recovery center wasn't working because they brought massive numbers of corporate strangers—not the FEMA workers who come in from around the country, but corporate strangers into the area; we need to be a better job with the aftermath. And you are saying the same thing with the small business scenario, that it can be better by looking at the local community to be of help.

Mr. JENKINS. Yes.

Ms. JACKSON-LEE. I thank the gentleman.

Mr. MCCAUL. The chair recognizes Mr. Etheridge.

Mr. ETHERIDGE. Thank you, Mr. Chairman.

I would say to the gentlelady that one of the reasons for the advisory committee is to help this very situation, not only is it to hear from first responders but also to get input from the communities. And I think that would be a valuable piece to the legislation.

Thank you, Mr. Chairman.

Mr. MCCAUL. Thank you.

And I want to thank the witnesses for your valuable testimony and the members for their questions. The members of the community may have additional questions for you, and I would ask that you respond in writing to those.

The hearing record will be open for 10 days. And the chairman again thanks the members of the committee and our witnesses. And without objection, the committee stands adjourned.

[Whereupon, at 3:58 p.m., the committee was adjourned.]

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