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FEDERALISM AND DISASTER REPONSE: EXAMINING THE ROLES AND RESPONSIBILITIES OF LOCAL, STATE AND FEDERAL AGENCIES

HEARING

BEFORE THE

COMMITTEE ON HOMELAND SECURITY
HOUSE OF REPRESENTATIVES

ONE HUNDRED NINTH CONGRESS

FIRST SESSION

OCTOBER 19, 2005

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EXAMINING THE ROLES AND RESPONSIBILITIES OF LOCAL, STATE AND FEDERAL AGENCIES

Wednesday, October 19, 2005

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

The committee met, pursuant to call, at 10:14 a.m., in Room 345, Cannon House Office Building, Hon. Peter T. King [chairman of the committee] presiding.

Present: Representatives King, Smith, Linder, Lungren, Gibbons, Simmons, Pearce, Harris, Reichert, McCaul, Dent, Brown–Waite, Thompson, Sanchez, Markey, Dicks, Harman, DeFazio, Lowey, Norton, Lofgren, Jackson-Lee, Pascrell, Christensen, Etheridge, Langevin and Meek.

Also present: Representative Poe.

Chairman KING. Good morning. The Committee on Homeland Security will come to order. The committee is meeting today to hear testimony on federalism and disaster response, examining the respective roles and responsibilities of local, State and Federal agencies. And we are very privileged to have with us an—actually both panels of absolute ultimate expert witnesses as to confronting the hazards of nature, and, as Governor Bush unfortunately knows, perhaps confronting another, you know, terrible storm within the next several days. And it is especially appropriate that we have this certainly in the aftermath of Katrina and Rita, and now with another storm coming to Florida this weekend, it is essential.

I believe that the committee should consider the whole issue of what the appropriate Federal response should be, what the obligations of State and local governments are, and how it is best to make this combination work. Obviously, your States have dealt with the wildfires and flash floods, mammoth hurricanes, tornados, and it is really the real-life experience that you can bring to the hearing today that we are really looking forward to.

I also want to say especially to Governor Bush and Governor Perry to thank you for what your States have done in helping other States. Many people from Louisiana who have gone into Texas, and almost half a million Louisiana residents are now in the State of Texas; the fact that the Florida National Guard was so quick to go into Mississippi during Katrina really, I think, speaks volumes and shows that all of us are in this together.

And I know I speak on behalf of all the members of the committee when we talk about the tremendous sorrow and destruction

that was caused in Harris County, in Beaumont and Sugarland by Rita. And, Governor Perry, also I know Judge Eckels and Mayor Wallace and Audwin Samuel on the next panel, I really want to commend you for your dedication and hard work in recent weeks.

And, of course, Governor Napolitano, it seems as a New Yorker—by the way, we lost Governor Napolitano from New York many years ago, and so it is good to have you back at least for today. You and I can sort of talk the same language even though you have lost most of your good accent. But we do see you with the wildfires in Arizona, what you have to confront, and it is again the fact that all of you are here today is very significant.

To me there are a number of issues we have to look into, and that is the extent of the Federal response, what it should be; what the role of the Federal Government should be ensuring that local governments are coordinated, that they are making adequate use of Federal funds, that there are plans in place at the State and local level to be coordinated with the Federal Government; and what role, if any, should the Federal Government play in addition to what it does today.

I know the President has discussed the possibility of the greater use of the military. All of that, I believe, should be part of the hearing today.

I—because of the caliber of our witnesses today, I am keeping my opening statement short. I will ask to have it inserted into the record. But I do want to get directly to the testimony of our witnesses because it is so important. And the first witness will be Governor Bush of Florida, and Congresswoman Harris has asked to make a few remarks introducing the Governor. Oh, I am sorry. The distinguished Ranking Member from Mississippi Mr. Thompson.

Mr. THOMPSON. Thank you very much. I look forward to the testimony. If you can give me about 5 minutes, we will get to it.

Chairman KING. The Ranking Member can have as much as he wants.

Mr. THOMPSON. Thank you very much, Mr. Chairman. Welcome to our panel.

I, too, am interested in federalism and Federal response that we, as a government, should adequately do. In the past 2 months, Hurricanes Katrina and Rita have devastated much of the gulf coast of Alabama, Louisiana, Texas and my home State of Mississippi. I am always impressed by the spirit and resolve of the American people in a crisis. Faced with unthinkable circumstances, we saw many acts of heroism and compassion by first responders and average citizens. However, both hurricanes left us with many questions on our Nation's preparedness and the role the Federal Government must play in disaster response.

Our Federal Government failed the American people, who they were here to protect and serve, by not facilitating an organized and adequate response. As a former volunteer firefighter and local official, I know that response should be local, and the folks in Washington, D.C., sometimes forget that the Federal Government is here to make our communities as strong and as robust as they need to be. That means stepping up to the plate when communities are overwhelmed with natural disasters of national significance.

I have spoken to local officials, mayors, firefighters and police throughout the Gulf coast, and have uniformly discussed the dysfunction and disconnects between the Federal Government and our first responder communities. I have here several statements, Mr. Chairman, I would like to have entered into the record: the mayor of Hattiesburg, Mississippi, Mayor Johnny Dupree; State representative Billy Broomfield. I have also testimony from the Tahono Nation in Arizona that I would like to also inject into the record.

Chairman KING. Without objection.

[The information follows:]

FOR THE RECORD

PREPARED STATEMENT OF MAYOR JOHNNY L. DUPREE

As the Mayor of the City of Hattiesburg, Mississippi, a city about 70 miles from the Mississippi Gulf Coast, I witnessed first-hand the impact that a storm of Katrina's magnitude could have on an in-land community and the effect that massive numbers of evacuees could have on a city without proper federal and state disaster support.

The single most important thing I discovered after Katrina was that FEMA and state officials have not thought enough about how to support cities that are near enough to the scene of a natural disaster to be somewhat affected by it, but also far enough away that they will be a location to which large numbers of evacuees flee.

Hattiesburg suffered damage from Katrina—including widespread loss of power and communications. Additionally, as the first major city in Mississippi north of the Coast, we were a prime location for evacuees to flee. As a result, even as our city's infrastructure suffered from Katrina itself, we were faced with trying to help thousands of people in the worst of conditions.

Although FEMA officials bragged about the way they had pre-positioned supplies before the storm's impact, I found that the materials we needed to help thousands of evacuees in the first crucial days after Katrina's landfall were not available. It does not seem that FEMA did a good job pre-positioning supplies to help communities directly on the Coast, but it certainly did not do a good job pre-positioning supplies for in-land locations that would house massive numbers of evacuees.

Federal and state officials also failed to properly accept requests for resources or to monitor them once made. We would request items without always receiving a response as to whether they would be delivered. Sometimes items we requested would just show up without any notice they were arriving, which made it difficult to distribute them. In other cases, resources arrived very late. We requested 50 portapotties a day after Katrina struck, but we did not receive them until 3 weeks later when we did not really need them anymore.

Additionally, federal and state officials did not have an effective means for local officials to report the damage they were observing. Instead, these federal and state officials were often working in areas that were not necessarily the greatest in need.

In addition to correcting these problems, I believe there are two other key things that can be done to improve federal and state response and coordination in a disaster.

First, in the case of potential natural disasters we know are coming, such as a Category III or above hurricane approaching, there needs to be a genuine FEMA decision-maker on the ground ahead of time in communities that can be directly affected or that will be sites for evacuees. The FEMA official sent to Hattiesburg before Katrina struck could do little more than help us answer telephones.

Second, the federal government needs to work more with state and local officials to develop evacuation plans for communities and the regions in which they are located, as well as the responsibilities for each of these levels of government in case the plan must be implemented. The Ranking Member of the Committee, Representative Bennie Thompson, has introduced legislation that would assist in evacuation planning, and I wholeheartedly endorse his proposal.

Thank you for accepting my testimony.

PREPARED STATEMENT OF THE HON. BILLY BROOMFIELD

As the Mississippi State Representative representing Moss Point, Mississippi, a town in Jackson County along the Mississippi Gulf Coast, I witnessed first hand the devastation caused by Hurricane Katrina and the lack of coordination by federal, state and other first responders afterwards.

If I were to recommend a single thing that federal and state officials could do to better improve response to a disaster, it would be establish ongoing communications with local officials before and after the disaster occurs to the greatest extent possible.

By "local officials," I do not just mean the mayor or local head of emergency services. I believe disaster response efforts could also be well served if state and federal officials better worked with state representatives like me, along with city councilpeople, sheriffs, county supervisors, and others. We know our communities very well, and after a disaster, we are often the officials that are contacted for help by people who cannot find it elsewhere. I will give several examples of the problems I witnessed, and what could have been done differently if state and federal officials had contacted me.

Although I represent several predominantly African American neighborhoods severely affected by the storm, I did not personally see any Federal Emergency Management Agency (FEMA) officials until the Sunday almost a week after the Katrina struck. They were taking photographs of some destroyed residences along the waterfront, which struck me as a poor use of resources at the time considering there were several neighborhoods further from the beach that had severely damaged buildings that were still capable of being saved if help arrived quickly. If FEMA had returned any of my calls prior to then, or reached out to me on its own, I could have told the agency what neighborhoods could best be helped.

FEMA and the Red Cross's initial disaster response offices nearest Moss Point were located near the interstate, a long way from many of the minority and other neighborhoods severely affected by Katrina. When I held a meeting with the Red Cross in an African American neighborhood in order to discuss whether a new office could be located nearby in order to better serve the area, FEMA did not attend even though its officials were invited.

Pascagoula, Mississippi, which is near Moss Point, had a Navy hospital ship docked nearby for several days after the hurricane. According to the ship's commanding officer, it had treated 3,000 people since the storm. However, while I was on the ship discussing efforts with the commanding officer to bus in many of my constituents who still needed medical care, he received orders to move the ship. Apparently state officials had told the Navy the ship was no longer needed. I was standing right there—I could have told the federal or state officials making these decisions that it was still desperately needed.

In the days after Katrina struck, there were also numerous volunteer doctors and other medical professionals who came to Moss Point to help, but were turned away for various reasons, such as being told that their medical licenses were not good for working in Mississippi. We desperately needed this help at the time. I am sure that state and federal officials could have worked out these problems if they had been willing to communicate better with one another or other elected officials, like myself, who could have encouraged the appropriate state authorities to provide whatever waivers were necessary.

Even now, more than six weeks after Hurricane Katrina struck, I have not been able to get any FEMA officials to return my calls. I have received numerous questions and complaints from my constituents about everything from mobile home availability to the level at which their house needs to be rebuilt to qualify for loans for rebuilding. I could serve as a valuable tool for FEMA to communicate with many of these victims of the hurricane—if the agency would just return my call. Yesterday, I asked for Representative Bennie Thompson's help to get FEMA to contact me. While I appreciate Mr. Thompson's assistance, it should not have been necessary for a Congressman to intervene to get my calls returned.

Finally, in addition to better reaching out to local officials before and after a disaster, I also believe that FEMA and other federal agencies could be of valuable assistance helping local communities, like Moss Point, develop and test evacuation plans. If Hurricane Katrina had struck my town head on, I am not sure that we would have adequately evacuated all our at-risk citizens ahead of time. Representative Thompson has introduced legislation requiring FEMA to help local communities with evacuation planning, and I wholeheartedly support this effort.

Thank you for accepting my testimony.

Mr. THOMPSON. The Federal Government has the ability, assets and responsibility to help State and local governments respond to major disasters that overwhelm or threaten to overwhelm their resources. Anyone who has been a local official knows that it is absurd for the Federal Government to sit back and watch our towns struggle to respond to disasters of national significance. Indeed, the National Response Plan clearly lays out what assistance the Federal Government and DHS are expected to provide in the case of a catastrophic event.

Mr. Chairman, I also have a copy of the DOD severe weather order that I would like to also enter into the record.

Chairman KING. Without objection, it will be part of the record.

[The information follows:]

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Subject:	SEVERE WEATHER EXECUTE ORDER (EXORD) FOR DOD SUPPORT TO FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

DTG: 192500Z AUG 2005

UNCLASSIFIED
MSGID/ORDER/CJCS EXORD//
REF/A/MSGID:DOC/DOD DIRECTIVE 3025.1/YMD:19930115/-/NOTAL//
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REF/G/MSGID:DOC/STAFFORD ACT AMENDED 42USC5121/-/NOTAL//
REF/H/MSGID:DOC/ECONOMY ACT 31 USC 1535/-/NOTAL//
REF/I/MSGID:DOC/FEMA RFA (DOD SUPPORT)/YMD:20050815/-/NOTAL//
AMPN/REFS A THROUGH G OUTLINE THE DOD ROLE IN PROVIDING MILITARY SUPPORT TO CIVIL AUTHORITIES. REF H IS THE STATUTORY AUTHORITY UNDER WHICH THE DEPARTMENT OF DEFENSE IS REIMBURSED FOR SUPPORT PROVIDED TO ANOTHER FEDERAL AGENCY OR TO FEMA UNDER CIRCUMSTANCES WHEN A PRESIDENTIALLY DECLARED DISASTER OR EMERGENCY HAS NOT BEEN ISSUED. REF I IS THE FEMA REQUEST FOR ASSISTANCE (RFA) FOR DEFENSE COORDINATING OFFICERS (DCO), DEFENSE COORDINATING ELEMENTS (DCE), AND DOD INSTALLATION SUPPORT FOR USE AS FEDERAL MOBILIZATION CENTERS.
//
NARR/THIS IS AN EXORD FOR DOD SUPPORT TO FEMA IN CONDUCTING DOMESTIC DISASTER RESPONSE OPERATIONS AS A RESULT OF A SEVERE WEATHER INCIDENT IN FEMA REGIONS I, II, III, IV, AND VI. THE SECRETARY OF DEFENSE HAS APPROVED AND DIRECTS THE CDRUSNORTHCOM TO PROVIDE DOD SUPPORT TO FEMA IN CONDUCTING DISASTER RESPONSE OPERATIONS.//
ORDTYP/EXORD/CJCS..-//
TIMEZONE/Z//
GENTEXT/SITUATION/
1. SITUATION

A. FEMA IS THE FEDERAL COORDINATING AGENCY (FCA) RESPONSIBLE FOR FEDERAL RESPONSE TO A NATURAL DISASTER OR EMERGENCY WITHIN THE UNITED STATES AND ITS TERRITORIES, POSSESSIONS, AND PROTECTORATES.

B. ACCORDING TO THE NATIONAL WEATHER SERVICE TROPICAL PREDICTION CENTER, A WELL ABOVE-AVERAGE HURRICANE SEASON IS FORECAST FOR THE ATLANTIC BASIN IN 2005 AND 2006. ALSO, AN ABOVE-AVERAGE PROBABILITY OF A MAJOR HURRICANE LANDFALL IN THE UNITED STATES IS ANTICIPATED. FROM INFORMATION OBTAINED IN AUG 05, THE FORECAST FOR THE ATLANTIC HURRICANE SEASON IS AS FOLLOWS:

(1) 20 NAMED STORMS (9 AS OF 15 AUG 05); THE AVERAGE IS 9.8 NAMED STORMS.

(2) 10 HURRICANES, INCLUDING 6 INTENSE (CATEGORY 3-4-5) HURRICANES. THE AVERAGE NUMBER OF HURRICANES IS 5.7 AND THE AVERAGE NUMBER OF INTENSE HURRICANES IS 2.3.

(3) 95 NAMED STORM DAYS (AVG 49.3 DAYS), OF WHICH 55 ARE HURRICANE DAYS (AVG 22.7 DAYS) AND 18 OF THOSE ARE INTENSE HURRICANE DAYS (AVG 6.0 DAYS).

C. IT IS ANTICIPATED THAT THE DAMAGING EFFECTS FROM STORMS THAT MAKE LANDFALL WILL EXCEED THE CAPABILITIES OF STATE AND LOCAL EMERGENCY SERVICES AND THAT PRESIDENTIAL DISASTER DECLARATIONS WILL BE NECESSARY. DUE TO THE HEIGHTENED SEVERE WEATHER FORECAST FOR THE 2005 SEASON, FEMA HAS REQUESTED DOD SUPPORT UNDER THE AUTHORITY OF THE ECONOMY ACT (REF H), AND IF A PRESIDENTIAL DECLARATION IS ISSUED, UNDER THE AUTHORITY OF THE STAFFORD ACT (REF G).

D. NO PRESIDENTIAL EMERGENCY OR DISASTER DECLARATION HAS BEEN ISSUED THAT REQUIRES A RESPONSE UNDER THE AUTHORITY OF THIS ORDER AS OF THE DATE OF THIS ORDER.//

GENTEXT/MISSION/

2. THE DEPARTMENT OF DEFENSE (DOD) PROVIDES SUPPORT TO FEMA IN PREPARATION FOR AND IN THE CONDUCT OF DISASTER AND EMERGENCY RESPONSE OPERATIONS IN REGIONS I, II, III, IV, AND VI, TO AUGMENT LOCAL, STATE, AND FEDERAL DISASTER RESPONSE CAPABILITIES, COMMENCING UPON SECDEF APPROVAL OF THIS EXORD AND ENDING ON OR ABOUT 30 NOV 06. //

GENTEXT/EXECUTION/

3. CONCEPT OF OPERATIONS.

A. THE SECRETARY OF DEFENSE AUTHORIZES CDRUSNORTHCOM TO PROVIDE SUPPORT TO FEMA FOR PLANNING AND CONDUCTING DISASTER RESPONSE OPERATIONS IN AFFECTED AREAS OF FEMA REGIONS I, II, III, IV, AND VI.

B. THIS ORDER CONSTITUTES SECDEF APPROVAL FOR THE DEPLOYMENT AND USE OF:

(1) DEFENSE COORDINATING OFFICERS (DCO(S))

(2) DEFENSE COORDINATING ELEMENTS (DCE(S))

(3) DOD INSTALLATIONS FOR USE AS FEDERAL MOBILIZATION CENTERS (EXAMPLES OF WHICH INCLUDE USE AS AN OPERATIONAL STAGING AREA, PORT OF EMBARKATION AND/OR DEBARKATION, DOD BASE SUPPORT INSTALLATION. HOWEVER, USING INSTALLATIONS AS DEBRIS STORAGE OR PROCESSING CENTERS IS NOT AUTHORIZED UNDER THIS ORDER).

C. PRIOR TO MISSION EXECUTION THE FOLLOWING REQUIREMENTS MUST BE MET:

(1) FEMA WILL SUBMIT A WRITTEN MISSION REQUEST(S) TO CDRUSNORTHCOM AND THE JOINT STAFF, JOINT DIRECTOR OF MILITARY SUPPORT (JDOMS), PROVIDING THE FOLLOWING:

(A) AFFECTED OR POTENTIALLY AFFECTED LOCATIONS REQUIRING DOD ASSISTANCE OR SUPPORT AND CAPABILITY REQUESTED (E.G., DCO OR DCE).

(B) DOD INSTALLATIONS REQUESTED FOR USE AS A MOBILIZATION CENTER (EXAMPLES OF WHICH INCLUDE USE AS AN OPERATIONAL STAGING AREA, PORT OF EMBARKATION AND OR DEBARKATION, DOD BASE SUPPORT INSTALLATION. HOWEVER, USING INSTALLATIONS AS DEBRIS STORAGE OR PROCESSING CENTERS IS NOT AUTHORIZED UNDER THIS ORDER).

(C) OBLIGATED DOLLAR AMOUNTS AND FUND CITE NUMBER.

(D) FEMA MISSION NUMBER.

(E) REQUESTED DATE OF DEPLOYMENT OR EMPLOYMENT AND REQUESTED DURATION OF SUPPORT (NTE 30 DAYS).

(F) SIGNATURE OF FEMA APPROVING AUTHORITY.

(2) UPON CONCURRENCE OF THE MILITARY DEPARTMENT SECRETARIES, CDRUSNORTHCOM MAY APPROVE REQUESTED DCO, DCE, OR MOBILIZATION CENTER AND WILL SEND A NOTIFICATION MESSAGE TO THE SECRETARY OF DEFENSE, THROUGH CJCS, AS OUTLINED IN PARAGRAPH 11.B. BELOW.

D. ALL FEMA REQUESTS FOR ASSISTANCE OTHER THAN DCO, DCE, AND DOD INSTALLATIONS (FOR FEDERAL MOBILIZATION CENTERS) WILL BE SUBMITTED TO OASD(HD) AND JOINT STAFF, JDOMS, FOR PROCESSING, VALIDATION, AND SUBSEQUENT SECDEF ACTION. A SEPARATE ORDER IS REQUIRED FOR ALL DOD REQUIREMENTS NOT CAPTURED IN THIS ORDER.

E. CDRUSNORTHCOM AND/OR MILITARY DEPARTMENT SECRETARIES WILL SUBMIT PROBLEMATIC OR CONTENTIOUS REQUESTS FOR PERSONNEL, INSTALLATIONS, OR OTHER SUCH MATTERS TO THE JOINT STAFF, JDOMS, FOR PROCESSING AND RESOLUTION.

F. OTHER COMBATANT COMMANDS, MILITARY DEPARTMENTS, AND DEFENSE AGENCIES ARE SUPPORTING ORGANIZATIONS AND WILL PROVIDE ADDITIONAL FORCES AND EQUIPMENT AS APPROVED BY THE SECRETARY OF DEFENSE.

4. CDRUSNORTHCOM TASKING ASSIGNMENTS.

A. AS REQUESTED BY FEMA AND FOLLOWING DIRECT COORDINATION WITH AND CONCURRENCE OF MILITARY DEPARTMENT SECRETARIES, APPROVE DEPLOYMENT OF DCO AND ASSOCIATED DCE.

B. AS REQUESTED BY FEMA AND FOLLOWING DIRECT COORDINATION WITH AND CONCURRENCE OF MILITARY DEPARTMENT SECRETARIES AND THE CHIEF OF THE NATIONAL GUARD BUREAU, APPROVE USE OF DOD FACILITIES OR INSTALLATIONS AS FEDERAL MOBILIZATION CENTERS (EXAMPLES OF WHICH INCLUDE USE AS AN OPERATIONAL STAGING AREA, PORT OF EMBARKATION AND OR DEBARKATION, DOD BASE SUPPORT INSTALLATION. HOWEVER, USING INSTALLATIONS AS DEBRIS STORAGE OR PROCESSING CENTERS IS NOT AUTHORIZED UNDER THIS ORDER).

C. ACCEPT DEPLOYING FORCES AND EXERCISE OPCON OF DOD PERSONNEL AND EQUIPMENT PROVIDING SUPPORT TO FEMA UPON ARRIVAL IN THE AREA OF OPERATIONS.

D. DCO/DCE ARE REQUIRED TO COORDINATE WITH RESPECTIVE FEMA REGIONS IN THE EVENT THE JOINT FIELD OFFICE IS NOT ESTABLISHED OR IS DISPLACED.

E. BE PREPARED TO (BPT) PROVIDE ADDITIONAL PERSONNEL, UNITS, EQUIPMENT, AND/OR OTHER SUPPORT AS REQUESTED BY FEMA IN SUBSEQUENT RFAS AND APPROVED BY THE SECRETARY OF DEFENSE.

F. NOTIFY THE SECRETARY OF DEFENSE, THROUGH THE CJCS (NATIONAL MILITARY COMMAND CENTER (NMCC)), OF THE DEPLOYMENT, REDEPLOYMENT, AND/OR MOVEMENT OF ALL DOD DISASTER RELIEF ASSETS PRIOR TO EXECUTION, PER PARAGRAPH 11.B. BELOW.

5. SUPPORTING COMBATANT COMMANDS TASKING ASSIGNMENTS.

A. CDRUSJFCOM: BPT PROVIDE PERSONNEL, UNITS, EQUIPMENT, AND/OR OTHER SUPPORT AS REQUESTED BY FEMA IN SUBSEQUENT RFAS AND APPROVED BY THE SECRETARY OF DEFENSE.

B. CDRUSTRANSCOM. BPT PROVIDE PERSONNEL, UNITS, EQUIPMENT, AIRLIFT, AND/OR OTHER SUPPORT AS REQUESTED BY FEMA IN SUBSEQUENT RFAS AND APPROVED BY THE SECRETARY OF DEFENSE.

6. MILITARY DEPARTMENTS TASKING ASSIGNMENTS.

A. SECRETARY OF THE ARMY

(1) COORDINATE WITH CDRUSNORTHCOM FOR THE DEPLOYMENT OF DCO, DCE AND/OR USE OF DOD INSTALLATIONS.

(2) UPON CONCURRENCE IN A DCO AND/OR DCE MISSION REQUEST, ATTACH THE DCO AND/OR DCE TO CDRUSNORTHCOM, WHO WILL ASSUME OPCON UPON ARRIVAL IN THE AFFECTED AREA.

(A) DCO, O-6 IN GRADE (OR EQUIVALENT CIVILIAN GRADE), WILL SERVE AS THE SINGLE DOD POINT OF CONTACT FOR THE FEDERAL COORDINATING OFFICER (FCO) AND FEMA REGIONS WITHIN THE DISASTER AREA.

(B) DCE WILL BE COMPOSED OF APPROPRIATE STAFF ELEMENTS TO ASSIST THE DCO IN PLANNING AND COORDINATING POTENTIAL DOD SUPPORT MISSIONS.

(C) DCO AND DCE AUTHORITIES AND RESPONSIBILITIES EXTEND TO THE FEMA REGIONS IN THE EVENT THE JOINT FIELD OFFICE IS NOT ESTABLISHED OR IS DISPLACED.

(3) UPON CONCURRENCE IN A USE ARMY INSTALLATIONS, PROVIDE SUPPORT FOR USE AS A FEMA MOBILIZATION CENTER (E.G., USE AS AN OPERATIONAL STAGING AREA, PORT OF EMBARKATION AND OR DEBARKATION, DOD BASE SUPPORT INSTALLATION. HOWEVER, USING INSTALLATIONS AS DEBRIS STORAGE OR PROCESSING CENTERS IS NOT AUTHORIZED UNDER THIS ORDER). LEVEL AND DURATION OF INSTALLATION SUPPORT IS AS FEASIBLE, WITHIN THE CAPABILITIES AND LIMITATIONS OF THE INSTALLATION, AS DETERMINED BY THE INSTALLATION COMMANDER. FEMA WILL PROVIDE SECURITY FOR ANY PROPERTY STORED OR STOCKPILED ON THE INSTALLATION.

(4) BPT PROVIDE ADDITIONAL PERSONNEL, UNITS, EQUIPMENT, AIRLIFT, AND/OR OTHER SUPPORT AS REQUESTED BY FEMA IN SUBSEQUENT RFAS AND AS APPROVED BY THE SECRETARY OF DEFENSE.

B. SECRETARY OF THE NAVY.

(1) UPON CONCURRENCE IN A USE OF NAVY AND/OR USMC INSTALLATIONS, PROVIDE SUPPORT FOR USE AS A FEMA MOBILIZATION CENTER (E.G., USE AS AN OPERATIONAL STAGING AREA, PORT OF EMBARKATION AND OR DEBARKATION, DOD BASE SUPPORT INSTALLATION. HOWEVER, USING INSTALLATIONS AS DEBRIS STORAGE OR PROCESSING CENTERS IS NOT AUTHORIZED UNDER THIS ORDER). LEVEL AND DURATION OF INSTALLATION SUPPORT IS AS FEASIBLE, WITHIN THE CAPABILITIES AND LIMITATIONS OF THE INSTALLATION, AS DETERMINED BY THE INSTALLATION COMMANDER. FEMA WILL PROVIDE SECURITY FOR ANY PROPERTY STORED OR STOCKPILED ON THE INSTALLATION.

(2) BPT PROVIDE ADDITIONAL PERSONNEL, UNITS, EQUIPMENT, AIRLIFT, AND/OR OTHER SUPPORT AS REQUESTED BY FEMA IN SUBSEQUENT RFAS AND APPROVED BY THE SECRETARY OF DEFENSE.

C. SECRETARY OF THE AIR FORCE

(1) UPON CONCURRENCE IN A USE OF AIR FORCE INSTALLATIONS, PROVIDE SUPPORT FOR USE AS A FEMA MOBILIZATION CENTER (E.G., USE AS AN OPERATIONAL STAGING AREA, PORT OF EMBARKATION AND OR DEBARKATION, DOD BASE SUPPORT INSTALLATION. HOWEVER, USING INSTALLATIONS AS DEBRIS STORAGE OR PROCESSING CENTERS IS NOT AUTHORIZED UNDER THIS ORDER). LEVEL AND DURATION OF INSTALLATION SUPPORT IS AS FEASIBLE, WITHIN THE CAPABILITIES AND LIMITATIONS OF THE INSTALLATION, AS DETERMINED BY THE INSTALLATION COMMANDER. FEMA WILL PROVIDE SECURITY FOR ANY PROPERTY STORED OR STOCKPILED ON THE INSTALLATION.

(2) BPT PROVIDE ADDITIONAL PERSONNEL, UNITS, EQUIPMENT, AIRLIFT, AND/OR OTHER SUPPORT AS REQUESTED BY FEMA IN SUBSEQUENT RFAS AND AS APPROVED BY THE SECRETARY OF DEFENSE.

7. DIRECTORS OF DEFENSE AGENCIES. BPT PROVIDE PERSONNEL, UNITS, EQUIPMENT, AND/OR OTHER SUPPORT AS REQUESTED BY FEMA IN SUBSEQUENT RFAS AND AS APPROVED BY THE SECRETARY OF DEFENSE.

8. CHIEF, NATIONAL GUARD BUREAU (NGB)

A. CONSISTENT WITH REF C, PROVIDE A DAILY STATUS REPORT OF NATIONAL GUARD SUPPORT TO THE JOINT STAFF AND CDRUSNORTHCOM ONCE SUPPORT COMMENCES.

B. PROVIDE SITUATIONAL AWARENESS TO USNORTHCOM AND THE JOINT STAFF ON NATIONAL GUARD MATTERS RELATED TO SUPPORT TO FEMA, AND FACILITATE INTEGRATION OF FEDERAL AND STATE SUPPORT ACTIVITIES.

9. COORDINATING INSTRUCTIONS.

A. APPROVED SUPPORT PERIOD FOR DCO, DCE, AND DOD INSTALLATION IS FROM RECEIPT OF THIS ORDER TO O/A 30 NOV 06. HOWEVER, SPECIFIC MISSION DURATIONS WILL NOT EXCEED 20 DAYS, UNLESS AN EXTENSION REQUEST IS SUBMITTED USING THE FORMAT OUTLINED IN PARAGRAPH 3.C. ABOVE.

B. FEMA WILL SUBMIT REQUESTS FOR ADDITIONAL DOD DISASTER RESPONSE ASSETS NOT IDENTIFIED IN THIS ORDER TO OASD(HD) AND JOINT STAFF (JDOMS) FOR PROCESSING AND SECDEF ACTION.

C. CONTINUOUS SUPPORT THROUGHOUT THE DESIGNATED SUPPORT PERIOD REMAINS CONTINGENT ON OTHER DOD REQUIREMENTS AND PRIORITIES. TERMINATE OPERATIONS WHEN DIRECTED BY CDRUSNORTHCOM OR THE SECRETARY OF DEFENSE.

D. UNDER IMMEDIATE RESPONSE AUTHORITY, WHEN TIME DOES NOT PERMIT PRIOR APPROVAL FROM HIGHER HEADQUARTERS, LOCAL MILITARY COMMANDERS, OR RESPONSIBLE OFFICIALS OF OTHER DOD COMPONENTS, MAY PROVIDE SUPPORT TO SAVE LIVES, PREVENT HUMAN SUFFERING, OR MITIGATE GREAT PROPERTY DAMAGE. COMMANDERS OR RESPONSIBLE DOD OFFICIALS WILL SIMULTANEOUSLY REPORT ALL ACTIONS AND SUPPORT PROVIDED THROUGH THE APPROPRIATE CHAIN OF COMMAND TO THE NATIONAL MILITARY COMMAND CENTER (NMCC), IAW REF E, AND TO CDRUSNORTHCOM.

E. DIRLAUTH ALCON UNLESS INFORMED OTHERWISE. KEEP THE JOINT STAFF INFORMED.

F. PUBLIC AFFAIRS (PA). PA GUIDANCE IS ACTIVE WHEN CONDUCTED

IN COORDINATION WITH FEMA. PERSONNEL IDENTIFIED TO SUPPORT DISASTER RELIEF OPERATIONS MAY ACTIVELY ENGAGE THE MEDIA TO EXPLAIN THEIR ROLE; HOWEVER, ANY COMMENTS REGARDING A SPECIFIC DISASTER SITUATION WILL BE REFERRED TO FEMA. DISASTER RELIEF PA GUIDANCE WILL BE ISSUED BY CDRUSNORTHCOM. POC FOR PA PLANNING AT USNORTHCOM IS MR. DON MILES, DSN 692-4652, COMM 719-554-4652. FOR PA OPERATIONS AND MEDIA CONTACT MR. MIKE KUCHAREK, DSN 692-9618, COMM 719-554-9618.
//
GENTEXT/ADMIN AND LOG/
10. TRANSPORT
A. THE USE OF JOINT OPERATIONS PLANNING AND EXECUTION SYSTEM (JOPES) IS DIRECTED.
B. MIL/COM AIR IS AUTHORIZED.
C. PRIORITY. AIR MOVEMENT PRIORITY FOR DEPLOYMENT IS 1A3. PRIORITY FOR REDEPLOYMENT IS 1B3.
D. ALL DOD REQUIREMENTS FOR TRANSPORTING HAZARDOUS MATERIALS ARE IN EFFECT.
11. REPORTING
A. SUPPORTED COMBATANT COMMAND WILL SUBMIT A DAILY SITREP TO CJCS IAW CJCSM 3150.05A.
B. MISSION EXECUTION NOTIFICATION PROCESS IS AS FOLLOWS:
(1) UPON RECEIPT OF THE MISSION REQUEST FOR DOD ASSETS FROM FEMA, CDRUSNORTHCOM WILL NOTIFY THE NMCC VIA THE DDO WITH A GENADMIN MESSAGE, FOLLOWED BY AN EMAIL, AND A FOLLOW-ON PHONE CALL.
(A) UNCLASS DDO EMAILS ARE: J-3ADDO,S@JS.PENTAGON.MIL AND J-3ADDO,S@JS.PENTAGON.MIL
(B) CLASS DDO EMAILS ARE: J-3 DDO,S@JS.PENTAGON.SMIL.MIL AND J-3 DDO,S@JS.PENTAGON.SMIL.MIL.
(C) DDO PHONE NUMBER: 703-695-0100, DSN: 225-0100.
(D) INCLUDE JDOMS IN THE EMAIL OF THE GENADMIN MESSAGE.
(2) GENADMIN MESSAGE WILL INCLUDE:
(A) TYPE OF SUPPORT REQUESTED BY FEMA (E.G., DCO, DCE, OR INSTALLATION).
(B) NUMBER, BY TYPE, OF DOD ASSETS TO BE PROVIDED OR INSTALLATION REQUIREMENTS NEEDED.
(C) DURATION OF SUPPORT.
(D) CONFIRMATION OF CONCURRENCE FROM MILITARY DEPARTMENT SECRETARIES.
(E) DEPLOYMENT LOCATION, BY TYPE, IF APPLICABLE.
12. FUNDING
A. PRE-DISASTER DECLARATION SUPPORT TO FEMA. THE ECONOMY ACT (REF H) IS THE FUNDING AUTHORITY FOR DOD SUPPORT TO FEMA IN PLANNING AND PREPARING TO CONDUCT DISASTER RELIEF OPERATIONS IN ADVANCE OF A PRESIDENTIAL DECLARATION OF DISASTER. FOR ALL SUPPORT RENDERED BY DOD TO FEMA UNDER TERMS OF THE ECONOMY ACT, UNIT COMMANDERS WILL CAPTURE AND REPORT ALL COSTS TO THEIR MILITARY DEPARTMENT COMPTROLLER AND WILL RECORD MAN HOURS PER GRADE PER PERSON EXPENDED IN PROVIDING SUPPORT TO FEMA, FMR AND COMPTROLLER WEBSITES CONTAIN REIMBURSEMENT RATES, BASED ON HOURS WORKED THAT INCLUDE FRINGE BENEFITS. ALL ACTUAL COSTS SHALL BE BILLED.
B. POST-DISASTER DECLARATION SUPPORT TO FEMA IS REIMBURSABLE IAW THE STAFFORD ACT, REF G. THE SUPPORTED COMBATANT COMMANDER, MILITARY DEPARTMENT SECRETARIES, AND DIRECTORS OF DEFENSE AGENCIES WILL ENSURE OPERATIONAL SUPPORT PROCEDURES AND FUNDING GUIDELINES ARE ADHERED TO IAW REF G. UNITS WILL CAPTURE AND REPORT INCREMENTAL COSTS IAW REF G. ALL REQUESTS FOR ASSISTANCE WILL BE SUPPORTED BY A MISSION ASSIGNMENT WITH FUND CITE.
C. IN ALL CASES, THE SUPPORTED COMBATANT COMMANDER, MILITARY DEPARTMENT SECRETARIES, AND DEFENSE AGENCIES WILL ENSURE OPERATIONAL SUPPORT
PROCEDURES AND FUNDING GUIDELINES ARE ADHERED TO IAW REFS A AND B.//
GENTEXT/COMMAND AND SIGNAL/13. COMMAND RELATIONSHIPS
A. FEMA IS THE FCA.
B. CDRUSNORTHCOM IS THE SUPPORTED COMBATANT COMMANDER.
C. CDRUSJFCOM AND CDRUSTRANSCOM ARE SUPPORTING COMBATANT

COMMANDERS.

D. MILITARY DEPARTMENTS AND DEFENSE AGENCIES ARE SUPPORTING ORGANIZATIONS.

E. UPON COMPLETION OF A SUPPORT MISSION, AS DETERMINED BY THE CDRUSNORTHCOM OR THE SECRETARY OF DEFENSE, CDRUSNORTHCOM WILL RELINQUISH OPCON OF REDEPLOYING PERSONNEL AND/OR EQUIPMENT UPON DEPARTURE FROM THE AFFECTED AREA. SUBSEQUENTLY, SUPPORTING COMBATANT COMMANDERS, MILITARY DEPARTMENT SECRETARIES, AND/OR DIRECTORS OF DEFENSE AGENCIES ACCEPT RETURN OF DOD PERSONNEL AND/OR EQUIPMENT FROM CDRUSNORTHCOM.

14. SIGNAL

A. JOINT STAFF, JDOMS, POC INFORMATION IS DSN 227-9400. COM 703-697-9400. FAX DSN 227-3147, COM 703-697-3147. EMAIL JDOMS@JS.PENTAGON.MIL OR CLASS EMAIL JDOMS@JS.PENTAGON.SMIL.MIL. AFTER DUTY HOURS CONTACT NUMBER IS 703-693-8196.

B. DOD POC AT FEMA HQ IS COL DON HARRINGTON AT 202-646-2591.

C. USNORTHCOM POC IS THE JOINT OPERATIONS CENTER OPERATIONS CHIEF, DSN 692-2361, COM 719-554-2361, LAND EAST OFFICER DSN 834-0435, COM 719-556-0435, E-MAIL NCJOC.CHIEF.OMB@NORTHCOM.MIL//

GENTEXT/AUTHENTICATION/JOINTDIRMILSPT OFFICIAL: DD ATHD/BRIG GEN SCHERLING/LTC PADILLA//

AKNLDG/YES//

Mr. THOMPSON. With Hurricane Wilma potentially looming over the gulf coast, I am concerned.

I look forward to hearing from the witnesses here today about how we can improve a broken system and ensure that State and local communities are protected whether from a natural disaster or a terrorist threat.

Thank you, Mr. Chairman. And I look forward to the testimony.

Chairman KING. Thank you, Mr. Thompson.

And now, without any more delay.

Ms. HARRIS. Thank you, Mr. Chairman. Thank you very much. I am grateful to have been afforded the honor of introducing to this committee a man whose disciplined leadership and innovative governance have placed him in a league of his own. As Florida's 43rd Governor, Jeb Bush has developed a well-earned repetition as a common-sense manager armed with uncommon and noble ability to steer his ship of state through the most trying of times. As a Floridian it is with respectful pride that I call him Governor. As an individual it is with an equal level of honor that I call him friend.

Prior to the truest test of leadership skills, Winston Churchill noted even ordinary life and business involve the encountering of unknown factors and require some effort of the imagination, some stress of the soul to overcome them. In the course of his two terms in governance in office, Governor Bush has proven eminently qualified to exert an effort of the imagination and a stress of the soul. This prosperity was maintained even in the face of the destructively active 2004 hurricane season in which four devastating storms, including three of which hitting my district directly, challenged residents and public officials alike. Yet Florida was able to retain its position as the top travel destination in the world and as the Nation's number one State in job growth for the past 3 years. This resilience was needed.

Even with Hurricane Wilma approaching and through seven hurricanes, two tropical storms in the past 13 months, Governor Bush and his administration have displayed the qualities which I believe distinguish them as an emergency response team without peer. The lessons learned through congressional hearings and media reports echo what we as Floridians already know: Florida can serve the Nation as a model for State response to emergency situations. As the Governor of South Carolina stated when asked what he would do if his State was threatened by a hurricane he said, call Jeb.

Thank you Mr. Chairman.

Chairman KING. I thank the gentlelady.

And now Congressman Smith will introduce Governor Perry.

Mr. SMITH. Thank you, Mr. Chairman.

Mr. Chairman, before I get to the formal introduction, let me say that in my judgment, not many elected officials emerged from the aftermath of Hurricane Katrina as genuine heroes, but I believe that Governor Perry is a hero given his actions after that hurricane. Texas welcomed hundreds of thousands of evacuees. Governor Perry immediately committed the State's resources to make them feel welcome, and he did so not knowing where those resources were going to come from, only knowing that we had to help, and for that, as I say, I think he deserves to be called a genuine hero.

Rick Perry was sworn in as the State's 47th Governor on December 21, 2000. Prior to that he was Lieutenant Governor and also served two terms as Texas Commissioner of Agriculture. From 1985 to 1991, he served in the Texas House of Representatives representing a rural west Texas district.

Between 1972 and 1977, Governor Perry served in the United States Air Force, flying C–130 tactical airlift aircraft in the United States, Europe and the Middle East. He is a 1972 graduate of Texas A&M University, where he was a member of the Corps of Cadets.

Governor Perry grew up in the small community of Paint Creek, 60 miles north of Abilene, on his family's farm and ranch. Rick and Anita Perry are the parents of two adult children.

Mr. Chairman, thank you again for the opportunity to introduce the Governor of the largest State that does not consist of ice, Governor Rick Perry.

Chairman KING. Since Texas always tries to be twice as big as everyone else, Congressman McCaul wants to say a few words.

Mr. MCCAUL. Thank you, Mr. Chairman.

It is an honor to share in the introduction. And first I would like to say as accustomed as Texans are to bragging, I would like to brag a little bit about my Governor. You know, they say crisis brings out true leadership, and I think we saw that with this Governor. After the tragic events of Katrina, he welcomed nearly a quarter of a million of his neighbors to his home State, gave them clothes, food, shelter. It was the right thing to do, it was the compassionate thing to do, and I was proud to be a Texan.

I remember visiting the emergency operation center when the Vice President came to Austin, and we went over the plan of what would happen if a Katrina hit the Gulf, the State of Texas. And they showed us these computer models of how it would literally cover the island of Galveston and flood Houston. Little did we know that about a week later we would be faced with that very threat. Fortunately it did not hit the most populated area of Texas, but fortunately the Governor implemented the evacuation plans along with the State and local officials. He did federalize the National Guard, and remarkably there was no direct loss of life due to the hurricane.

My grandfather survived the 1900 Galveston hurricane. They found him in a tree. He climbed to the top of the tree, and he was rescued from that tree. Ten thousand people died in that hurricane.

I think the fact that we survived with no one losing their life in that instance is a real tribute to your leadership, and I am proud that you are my Governor, and I am proud to call you my friend. Thank you.

Chairman KING. Mr. McCaul, I don't know if the gentlelady from Texas has recovered from Monday night's baseball game yet, but if she has and would like to make some remarks, she is recognized.

Ms. JACKSON-LEE. Mr. Chairman, first of all, it is certainly an honor to share this podium with you as the new Chairman of the Homeland Security Committee, along with a very stellar and outstanding Ranking Member. I expect great work that we will proceed with.

Governor Perry, you have to defend me. Obviously we know that both of us share the dream of go Astros, but with my colleagues, let me acknowledge all three of the Governors and specifically point to Hurricane Rita.

I want to say to my colleagues that Texas was blessed and we are blessed even to be able to share our lives with Hurricane Katrina survivors. The Governor has opened up our home to them. I thank you for that. But watching the work that we were able to do together during Hurricane Rita, you in Austin and those of us at the transfer center, let me thank you for respecting the work of Mayor Bill White and Judge Robert Eckels and all of the local officials for the work that they did. I think if there is a stellar comment to be made about the work of the Governor's office and our local community was that we, you, worked with them and their leadership. Let me thank you, and we look forward to your testimony.

Chairman KING. I thank the gentlelady.

The Ranking Member.

Mr. THOMPSON. Thank you very much, Mr. Chairman. I am happy to introduce Governor Napolitano from Arizona. She comes, as you know, with sterling credentials. She is Vice Chair of the NGA. She has made it her career to be a person of the people. We are excited to have her. We had an opportunity to have conversation earlier. I look forward to it.

We want to welcome you. The camaraderie, Governor, you see here this morning, we do this every day. There is never a cross word on this committee. And so we look forward to the testimony.

And, Mr. Chairman, if I might, I want to yield the balance of my time to the gentlewoman from California.

Chairman KING. The gentlelady is recognized.

Ms. SANCHEZ. Thank you, Mr. Chairman, and I thank my great colleague from the State of Mississippi, and I, too, want to welcome a good friend, Governor Napolitano from Arizona, as a daughter of parents who grew up on the Douglas, Arizona, and Nogales border, with plenty of family in Kearney and Tucson and Mesa and every place you can imagine in Arizona. I have had the pleasure of being out there to hear your people and how much they love you. And we love you also. We are glad that you are here, and we look forward to your testimony.

I also want to add that this Governor's State is one of only three States that has an accredited program in the emergency area.

So we look forward to hearing your testimony this morning, Governor.

Chairman KING. For those of you who didn't get to make introductory statements, you will know that opening remarks can be inserted into the record.

[The information follows:]

PREPARED STATEMENT OF HON. SHEILA JACKSON-LEE

I thank the Gentleman from New York, the Chairman, and the Gentleman from Mississippi, the Ranking Member for holding this very necessary hearing today. The distinguished panel of witnesses will afford me a unique opportunity given that my District in Houston, Texas, represents a significant stakeholder with respect to both Hurricanes Katrina and Rita respectively. Prior to Hurricane Katrina, never a disaster caused such a massive displacement of a U.S. population. Furthermore, never

has the United States seen so vividly the exposure and vulnerability of displaced persons—primarily the poor, the infirm, and the elderly. We know from experience that disasters take their greatest toll on the disenfranchised, but the distressing television images of our citizens stranded without basic human necessities and exposed to human waste, toxins, and physical violence awakened the public health community to a frightening realization: given the ineffective response mechanisms that were in place, Katrina could become a public health catastrophe.

The Homeland Security Act of 2002 established DHS to: prevent terrorist attacks within the United States; reduce the vulnerability of the United States to terrorism, natural disasters, and other emergencies; and minimize the damage and assist in the recovery from terrorist attacks, natural disasters, and other emergencies. The act also designates DHS as "a focal point regarding natural and manmade crises and emergency planning." Poor response time, leadership, competency levels, and recognition of the central needs of the people illustrate the fact that this Administration simply failed at implementing the Homeland Security Act and its legislative intent. All the finger-pointing in the world will not bring back the individuals who have perished as a direct result of the acts or the failure to act by the government in connection with the administration of disaster relief for Katrina and Rita.

Relative to the border emergency that occurred at the Arizona-Mexico border, the Administration's failure to maintain or to restore dollars to Arizona's emergency medical response system proved detrimental when the state had to respond to this situation. The U.S. border with Mexico is some 2,000 miles long, with more than 800,000 people arriving from Mexico daily and more than 4 million commercial crossings annually—clearly, this Administration was on notice that funding cuts would adversely affect prevention of the kind of emergency situation that befell Arizona.

Local school districts are not under the jurisdiction of the City or County government. Even though FEMA, the City/County are assisting evacuees with housing, other than school districts making classroom space available, there is no coordinated effort to see to it that children's education continues. The record-keeping is inadequate, and it is presumed that many of the Katrina evacuee school-aged children are not enrolled. We must immediately find ways in which the federal government can assist with communication when issues cross jurisdictional lines.

Following Katrina, the American Red Cross used the Reliant Astrodome as a shelter. A shelter at the George R. Brown Convention Center was set up by the City of Houston with the help o faith-based organizations. Voluntary relief organizations were quickly included. Red Cross opened many smaller shelters across the region. However, there were times that no one had a complete list of open shelters. At the same time, the faith-based community generously opened their doors to evacuees. There is no single entity or resource that these organizations could turn to for information or for help. The federal government has a role in coordination, but it seems limited at this point. This body must hold a separate hearing in order to revisit the scope of this role and to assess whether additional statutory or other regulatory responsibility should be crafted.

As Co-Chair of the Congressional Children's Caucus, it continues to trouble me that my District's Head Start providers have classroom space and funding to accommodate most of the evacuee's children; however, there is no direct liaison to help identify the students who need enrollment. One of our Head Start representatives on the ground in Houston expressed an interest in receiving training on how to prepare for a natural disaster as well as policy briefings on suggested disaster response procedures. These issues are part of the evidence that our *preparedness* is severely lacking.

A letter from the Honorable Mayor Oscar Ortiz of the City of Port Arthur accurately states the problem that we face:

[We have been told that local jurisdictions are responsible for much of this care; however, we do not think it is realistic to believe that local jurisdictions can provide the quality of care needed for hundreds, even thousands, of evacuees for an extended period of time.]

Today, we must let the record reflect that local jurisdictions need help, and they need it to be in place quickly and in adequate fashion!

Mr. Chairman, Mr. Ranking Member, again, I thank you and the panel of witnesses for their time, and I hope that the record created today will aid us in fixing the many problems that hinder our ability to adequately respond to both natural disasters in addition to terrorist attacks. I yield back.

[The information follows:]

OSCAR G. ORTIZ, MAYOR
RONNIE H. THOMPSON, MAYOR PRO-TEM
COUNCIL MEMBERS:
WILLIE LEWIS, JR.
FÉLIX A. BARKER
THOMAS J. HENDERSON
MARTIN FLOOD
JOHN BEARD, JR.
DELORIS PRINCE
MICHAEL "SHANE" SINEGAL

STEPHEN FITZGIBBONS
CITY MANAGER
EVANGELINE "VAN" GREEN
CITY SECRETARY
MARK T. SOKOLOW
CITY ATTORNEY

October 17, 2005

United States House of Representatives
Committee on Homeland Security
Attn: Marisela
101 Independence Avenue, SE
Washington, D.C. 20540

RE: Hurricane Rita

To Whom It May Concern:

The City of Port Arthur placed over 2,000 residents on buses and sent them to a shelter hub in Lufkin, Texas. Working with the County, State and local officials, the City helped evacuate thousands of special needs citizens by airlift.

We believe there were considerable problems in sheltering those who evacuated by bus and other means. Realizing that we do not have all of the information, and realizing that Katrina had placed a great demand on shelters and motels, it still seemed to us that the State of Texas was not as responsive as it could have been in insuring that our evacuees were in a safe and healthful environment, with sufficient food, water and proper medical care. We have been told that local jurisdictions are responsible for much of this care, however, we do not think it is realistic to believe that local jurisdictions can provide the quality of care needed for hundreds, even thousands, of evacuees for an extended period of time.

The City of Port Arthur was fortunate that local business was able to provide resources for the City to operate immediately after the storm. Local refineries, and local retailers, or wholesalers were able to provide fuel for hundreds of police and DPS vehicles. This fuel, along with diesel and other fuels allowed us to operate generators for the City to operate our water plant, sewer plant and dozens of lift stations. Most all the needed generators came from a private disaster mitigation firm the City had a preexisting contract with. Food and ice also came mostly from donations and from the private sector.

P.O. BOX 1089 • PORT ARTHUR, TEXAS 77641-1089 • 409/983-8115 • FAX 409/983-8291

The City of Port Arthur has high levels of poverty and unemployment. With limited financial resources the City faces great challenges to rebuild. Many in Port Arthur, living in apartments and rental homes, have no place to live and limited resources to help themselves. If the City is to recover and rebuild, it will need partnerships with the State of Texas, FEMA and other federal agencies. With these needed partnerships, I believe, over time, the City of Port Arthur will recover and come back stronger than ever.

Sincerely,

Oscar G. Ortiz
Mayor
City of Port Arthur, Texas

Chairman KING. And due to our time constraints today, we will need to move immediately to testimony from our witnesses. The Chair now recognizes the Governor of Florida, Governor Jeb Bush. And also if the witnesses can try to keep their remarks to 5 minutes.

STATEMENT OF THE HONORABLE JEB BUSH, GOVERNOR, STATE OF FLORIDA

Governor BUSH. You bet. Thank you, Mr. Chairman. Congresswoman Harris, Congressman Meek, Congresswoman Brown-Waite, it is a delight to be with you all. The last time I was at this committee, I believe this same committee was convened in New York City after September 11, 2001, and we came to share the response at the local and State level to the attack on our homeland. And as I reflect back on that meeting, many of the same lessons learned from four hurricanes, three—excuse me, seven hurricanes now, two tropical storms and a hurricane that is approaching our State, over the last 13-1/2 months apply.

The resources that local governments and State governments apply to emergencies have a direct, positive benefit to protecting our homeland as well, and so it is a joy to be here to talk about something that is important for the safety of our citizenry and also, I think, for the protection of our country.

I have prepared remarks, but this morning when I woke up at 4:00 to fly up here, I turned on the Weather Channel, which now, unfortunately, I seem to do more often than not, and I saw that Hurricane Wilma, the W storm—we are going to the Greek alphabet next—now a Category 5 storm, and in all likelihood will hit either the Florida Keys or southwest Florida hopefully not at Category 5 force by Saturday. So perhaps rather than tell you kind of in the esoteric or the abstract why this is important, maybe I can tell you what I have done this morning.

The emergency operation center in Tallahassee has been activated. It will be working by tomorrow 24 hours-a-day. So have the emergency operations centers of all of the impacted areas from Tampa Bay on the southwest coast down to Collier County, as well as Monroe County. By 12:00 today, because we have our protocols established, uniquely depending on each county, evacuations, mandatory evacuations, will occur for visitors in the Florida Keys at noon today. We have contractual arrangements with every hospital in the State for them to evacuate when they are required to do so, and that process will begin in the Florida Keys by 1:00 today. Transport will be provided by the Florida National Guard, and emergency room service will be available for the Keys should a storm hit there. Other places will evacuate probably by Friday.

Our special needs shelters, which we have expanded dramatically in the last 2 years, will be staffed in advance by dedicated public health nurses. We have learned lessons from the previous storms that it is important to pre-stage people. If we need to bring them in by Chinook helicopters, we have actually contracted already with the North Carolina National Guard to have Chinook helicopters be made available, so that we can have an immediate massive response to make sure that we save lives, as well as bring the recovery as quickly as possible to our State.

We have pre-staged ice and water in trucks that we control, that we contract with, in our own warehouses so that we can—and we have created actually—because of lessons learned, we now have points of distribution that we have designed for maximum through—put. We brought in logistics experts from the private sector to teach us how to do this. If Wal-Mart can do it, why can't the government do it is kind of the question that I have been asking for the last 6 months, and, in fact, we can. So within 24 hours our hope is, depending on the magnitude of this storm, that in the impacted areas, in the pre-staged, pre-planned places and selected places designed and selected by the communities themselves, we will have points of distribution to provide water and ice and food and tarps for the residents of these impacted areas.

We have pet shelters now, because we heard from our citizens that they weren't leaving unless there was a place to take their beloved pets as well. And so those will be activated beginning probably tomorrow.

This will be done in a joint command, by the way, with the FEMA representative in our State and our very able emergency management director making these decisions together. And you know, I have watched TV like the rest of America about the response to the storms of this year. I can tell you one thing. I appreciate FEMA's ability to work with States and communities that are prepared and take this as a serious enterprise. We have never had a problem with FEMA responding in preparation for storms. There are things that we can all do better and FEMA can certainly do better as it relates to processing all of the voluminous paperwork that Governor Perry's State and community and our States have to go through when there is a disaster. They can do a better job in a lot of different ways. But we appreciate the Federal response, and we appreciate the seamlessness of it, and if you were in Tallahassee today, you would see that the seamlessness works.

And so I would urge you not to lose the bottom-up approach to preparing and providing relief for the citizens of our country. If this process is federalized, the innovation, the creativity, the sense of responsibility, the passion for service would subside, and the local knowledge that makes it more effective.

I appreciate the chance to come, and I hope that you will be praying for the residents of the southwest coast of our State in the next few days as they prepare for the big storm that is coming.

Chairman KING. Thank you very much, Governor Bush.

[The statement of Governor Bush follows:]

PREPARED STATEMENT OF HON. JEB BUSH

Thank you, Mr. Chairman and distinguished Members of the Committee for allowing me to speak before you today. I appreciate the opportunity to share with you some of Florida's learned lessons with emergency management and also provide you with some thoughts on how the federal response system could be enhanced.

Florida learned a hard lesson about response and recovery after Andrew, a Category 5 hurricane, which stormed through South Florida in August of 1992. Hurricane Andrew was the most destructive of hurricanes in the United States. It was responsible for many deaths and caused $26.5 billion in damages. That catastrophic storm was a wake-up call for all Floridians.

The improvements and investments made in the years since Andrew are the reason Florida was able to effectively respond to seven hurricanes and three tropical storms affecting our state in the past 14 months (Hurricanes Charlie, Frances, Ivan, Jeanne, Dennis, Katrina, Rita and Tropical Storms Bonnie, Ophelia, Tammy) and

is able to help our neighboring states in their time of need. We continue to learn lessons from our experiences and improve our system after each disaster.

This is why I can say with certainty that federalizing emergency response to catastrophic events would be a disaster as bad as Hurricane Katrina. The current system works when everyone understands, accepts and is willing to fulfill their responsibilities. Florida's system can be successful in states throughout the nation, without the federal government stepping on state's rights.

In fact, when local and state governments understand and follow emergency plans appropriately, less taxpayer money is needed from the federal government for relief. Cities, counties, states, the federal government and we as Americans need to accept responsibility for these disasters and learn our lessons. More importantly, if we do not apply the lessons learned to future disasters, the problems will continue to snowball and the disasters will become more costly—in the number of lives and the number of dollars.

Lesson learned: the bottom-up approach yields the best results.

Just as all politics are local, so are all disasters. The most effective response is one that starts at the local level and grows with the support of surrounding communities, the state and then the federal government. The bottom-up approach yields the best and quickest results—saving lives, protecting property and getting life back to normal as soon as possible.

Craig Fugate, our able Director of Emergency Management, says, "Response can be quick, cheap or perfect—pick one." Florida invests substantial funding in planning and training for disasters so our response is as efficient as it can be when preparing for the unknown. But when a disaster strikes, our focus is on speed. Our goal is to respond quickly to needs of our citizens. Because our cities and state have a solid plan in place, our response capabilities are able to better serve our residents.

Although we remember a lot of destruction and damage from last year's unprecedented hurricane season, we also remember how Floridians united and worked as a team to overcome a crisis. County emergency directors, law enforcement officers and first responders remained on the job even after losing their own homes. After each storm, many of our doctors, nurses and health care workers left their own families to care for the hundreds of displaced residents in general and special needs shelters. Despite the impact the storms had on their own homes and families, these selfless individuals gave security, comfort and care to others in a time of need. Throughout all the storms, I was proud to be governor and witness first-hand how the worst of times brought out the best in Floridians.

The current emergency response system plays to the strengths of each level of government. The federal government cannot replicate or replace the sense of purpose and urgency that unites communities working to help their families, friends and neighbors in the aftermath of a disaster. If the federal government removes control of preparation, relief and recovery from cities and states, those cities and states will lose the interest, innovation and zeal for emergency response that has made Florida's response system better than it was a decade ago.

Local officials should be responsible for emergency management; however, the federal government also plays an important role. The Federal Emergency Management Agency (FEMA) should serve as a conduit to the tremendous resources available at the federal level. For example, communities may not have the expertise or wherewithal to provide temporary housing to thousands of displaced residents. It makes sense for FEMA to coordinate a temporary housing plan that can be implemented anywhere a disaster may happen in our country.

The federal government is capable of providing access to equipment, manpower, programs and funds to meet the large, but temporary needs created by a catastrophic disaster. FEMA can also provide an invaluable service to state and local communities by coordinating the federal response to disasters. Knowing where to get help, especially in the maze of the big federal bureaucracy, ensures quick and effective results in the impacted area.

Lesson learned: a successful response depends on teamwork and a clear command structure.

Florida's emergency response team is made up of numerous agencies at all levels of government, charitable and faith-based organizations and private sector businesses. Members of the Florida National Guard and state law enforcement officers work side-by-side with local policemen and firemen. Volunteers with the Red Cross and Salvation Army join local community organizations, volunteer groups and churches, synagogues and mosques to provide aid and comfort to those in need. Hospitals, nursing homes and power companies are among the many business partners in our disaster planning, response and recovery. Once a storm is forecast for landfall

in Florida, these groups put their disaster response-and-recovery plans into high gear.

Florida's team is led by a unified command, a partnership between the state and federal government to coordinate efforts, share resources, make decisions and provide direction with one voice. During a disaster, I designate Craig Fugate, Director of Emergency Management, to serve as the chief coordinating officer of our state response. I delegate statutory authority to him so he can do his job effectively and report directly to me. He works with all of the agencies in a way that fosters respect and loyalty. Perhaps more importantly, his colleagues, even those who may technically "outrank" him in our state bureaucracy, understand his role and support our mission as a team.

Last year, FEMA designated Bill Carwile as the chief federal coordinating officer. Together, Craig and Bill, and all the officials from local offices to federal offices, worked as one, unified team and as a result, did a phenomenal job helping the people of Florida.

Lesson learned: local and state governments that fail to prepare are preparing to fail.

Natural disasters are chaotic situations. But with proper preparation and planning, it is possible—as we in Florida have proved—to restore order, quickly alleviate the suffering of those affected, and get on the road to recovery. In Florida, we plan for the worst, hope for the best and expect the unexpected.

Because critical response components are best administered at the local level, planning for disasters and emergencies also begins at the local level. In Florida, each county and municipality has a plan that covers every aspect of emergency management—before, during and after a disaster. Our year-round planning anticipates the needs and challenges of each community—well before a storm makes landfall.

To ensure an efficient evacuation, plans to reverse traffic along major interstates, called contra-flow, have been developed and modeled where feasible. Shelters that provide medical care for the sick and elderly take reservations long before a storm starts brewing. Since 1999, Florida has been successful in reducing the deficit of hurricane shelter space by more than 50 percent. Twelve Florida counties now demonstrate a surplus of public hurricane shelter space. Due to retrofitting existing schools and public facilities, capacity within shelters is approximately 764,170 and by next year, shelter capacity will grow to 816,778 spaces.

Practicing the plan is also important. We hold several statewide tabletop exercises a year to test the plan under different scenarios and most local governments do the same. Our first responders meet annually at the largest hurricane conference in the country to share new and innovative ways to respond to emergencies. Since Hurricanes Katrina and Rita, emergency managers from Broward, Miami–Dade, and the Tampa region have briefed federal officials and me, reviewed plans, and identified ways to improve our local and state response system. After each storm, wildfire, drought, flood, other disaster or exercise, we hold a "hotwash" to discuss what went right and wrong. This is an important part of the cycle that continually allows us to improve.

Lesson learned: a successful response requires strong communication and coordination.

When a serious storm threatens our state, the State Emergency Operations Center, the National Hurricane Center, regional weather services, state agencies and county emergency managers conduct numerous conference calls to share information, identify needs and plan the response. To ensure people get out of harm's way in a safe and orderly manner, counties coordinate with each other and issue evacuation orders in phases. Additionally, some counties provide shelters for other counties.

Communicating with the public is also important before a storm is forecast and after a storm makes landfall. One of the messages we frequently tell Floridians is that a storm is not just a skinny black line on the hurricane tracking map, meaning hurricanes do not only affect a small forecasted area, but a very vast area, so all residents need to be prepared. In communicating this and other messages, people listen and heed the directions of their trusted leaders. Providing accurate information immediately before and after a storm reassures citizens that its government is responding to their plight.

Lesson learned: the state needs to support—not supplant—local efforts.

The leadership of the Florida state government meets regularly as a team to ensure each agency has an emergency response plan that can be executed in the event

of a disaster. Each agency plays a role in preparing, responding and mitigating disasters.

Florida's Department of Health, in coordination with federal, state and local officials, mobilize the Disaster Medical Assistance Teams (DMAT) to provide medical care in the aftermath of the storm. Our Department of Health also works together with the Department of Elder Affairs to ensure special needs shelters are open and prepared to care for Florida's most vulnerable citizens. Following the storm, our healthcare agencies work together to transition patients, veterans and the elderly from shelters to stable, long-term care facilities.

The Agency for Health Care Administration works with hospitals, nursing homes and assisted living facilities to assist in evacuation and relocation of sick and injured patients. The agency allows pharmacies to refill prescriptions early to ensure residents, including those on Medicaid, have medication to treat chronic illnesses such as diabetes, hypertension and heart conditions.

Natural disasters can be very stressful events, causing high levels of anxiety and depression, and an increase in spouse and child abuse. The Department of Children and Families created Project Hope, and collaborated with FEMA and community-based organizations, to provide short-term crisis counseling to those affected by the hurricanes. We also expanded the state's *Violence Free Florida* campaign to develop and distribute domestic materials to organizations involved in the relief and recovery efforts. We asked government agencies, corporate and business leaders, professional associations and other organizations to establish or renew their "no tolerance for domestic violence" policies.

Florida's Department of Transportation lifts restrictions on weight limits for trucks so supplies can get where they are needed quickly. Immediately after the storms, transportation officials work with local officials to clear debris and reopen roads. Thanks to the speedy efforts of the Department and its contractors, travel and commerce returned to the Interstate 10 Bridge within three weeks after Hurricane Ivan washed out dozens of the massive spans that connect Pensacola to the rest of Florida and provide a critical transportation link across the nation from California to Jacksonville, Florida.

The Department of Environmental Protection works with power companies to restore electricity to critical facilities, hospitals, schools, homes and businesses, as well as the impacted areas as quickly as possible. The Department works closely with petroleum companies and our neighboring states to maintain fuel supplies before the storms along major evacuation routes and after the storms for emergency response vehicles. Fuel distribution is based on the region's priorities and is replenished as quickly as possible.

Hurricanes impact every aspect of a community and we work quickly for individuals to have a return to normalcy. Education is a top priority in Florida, and it remains that way even when a hurricane makes landfall. Children attending school is a leading indicator of recovery. Officials with the Department of Education help county school superintendents reopen schools quickly. Last year, after many school bus drivers lost their homes and could not immediately return to work, the Florida National Guard stepped in and drove Florida's children to school.

Florida's Agency for Workforce Innovation had its personnel on the ground shortly after last year's disasters to offer unemployment assistance to people who lost jobs from the storms. Through their mobile one-stop centers they were able to bring assistance to the impacted areas to help claims be processed from impacted businesses. They were also able to provide job training and placement for workers whose employment was affected by the storms.

Florida's Small Business Emergency Bridge Loan Program provides funds for small businesses to make repairs, replace inventory and reopen for business quickly. Obtaining a loan through the U.S. SBA and waiting for an insurance claim to be processed can often be a slow process. These short-term, no interest loans are intended to "bridge the gap" between the impact of a major catastrophe and when a business has received insurance proceeds and secured other more long-term financial resources. These loans are critical to keeping businesses open and Floridians working while a company makes arrangements for more long-term financing. Florida has made approximately $50 million available for this loan program for the 2004–2005 hurricanes. Historically the repayment rate has been approximately 90 percent.

Officials with our Secretary of State supported local Supervisors of Elections to ensure counties that lost all or many of their polling places could participate in the primary election held 18 days after Hurricane Charley tore through Southwest Florida.

We also learned that government cannot respond alone. During last year's hurricanes, the generous outpouring of support from the private sector filled the gaps left

by government. The Florida Hurricane Relief Fund, established after the first storm, raised and spent more than $20 million on relief efforts that could not be met by other volunteer, federal, state or local agencies.

Lesson learned: investing in the right tools enhances response capabilities.

As the world learned from Katrina, receiving and providing accurate and timely information is essential to a successful response. Good intelligence about what is happening on the ground allows emergency managers to make decisions about what resources are needed and where they are needed most. Technology can improve our ability to share information when the electricity, phones and cell towers go out.

Last year, Florida invested in a uniform statewide radio system that allows state and local first responders to communicate with each other during a crisis—regardless of the kind of radio system or frequency they use. Today, more than 200 local public safety dispatch centers in all 67 of Florida's counties are equipped to connect first responders and law enforcement even if the radio systems they use on a daily basis are not compatible. Simultaneous conversations can be established quickly and seamlessly on a private network without disruption to normal operations.

Technology, such as Global Positioning Systems (GPS) and mapping software, can improve our preparation and response in other ways. Identifying the likely path of storm surge and testing the impacts of wind speed on buildings provides a sound, scientific basis for evacuation plans. Knowing who needs to evacuate—as well as who does not—can greatly improve disaster planning, especially in large urban areas. The size of the evacuated population impacts nearly every aspect of emergency preparation, response, and recovery, such as managing traffic and gas supplies, ensuring adequate shelters, and even anticipating potential damage to accelerate recovery.

Lesson learned: prepared citizens make the difference.

All Floridians play a role in preparing, responding and recovering from disasters. Before hurricane season starts, we encourage our residents to create a family disaster plan based on where they live and the survivability of their homes. Citizens know if the order comes from their local officials to evacuate, they may only need to travel tens of miles rather than hundreds of miles. Citizens that don't need to evacuate—those that can safely shelter in place—are urged to secure their homes against potential damage and gather water, non-perishable food and necessary supplies to last them at least three days. This year, I partnered with the Federal Alliance for Safe Homes Inc. (FLASH), a non-profit organization, to develop a public service campaign in English and Spanish aimed at educating homeowners about the correct way to board up their homes against the high winds of a hurricane. Additionally, to encourage our citizens to prepare for hurricane season this year, Florida suspended the state sales tax for 12 days on disaster supplies, such as flashlights, batteries and generators.

Individuals must also plan for the financial impacts of a catastrophic natural disaster, especially with regard to insurance. Last year, we enacted a law that simplifies homeowners' insurance policies. Florida requires insurance companies to offer plain language policies with financial disclosures and a checklist of what is—and is not—covered by their policy. Florida also requires companies to offer policies that replace the actual value of the home rather than the amount of the mortgage. This provision is especially important in our fast growing state where property values are increasing by double digits annually.

After Hurricane Andrew in 1992, the private reinsurance industry abandoned Florida. In response to this void, Florida established the Florida Hurricane Catastrophe Fund, which requires insurance companies to purchase reinsurance from the fund for protection against major disasters. Private insurance would not exist in Florida today without our established state catastrophe fund.

After last year's hurricanes, insurance companies received more than $3.6 billion from the Catastrophe Fund, stabilizing the Florida market and cushioning the impact of $21 billion in insurers' losses from the 2004 hurricane season by pooling the catastrophic risk of hurricanes in Florida.

By providing reliable, affordable protection against catastrophic losses to insurers doing business in Florida, only one company went bankrupt from the most devastating hurricane season in our state's history. In contrast, after Hurricane Andrew, at least nine insurers were rendered insolvent as claims mounted. Others left the market altogether.

Those who prepare for a storm, by gathering their documents, protecting their home, stocking extra food, water, medication and other supplies and sheltering properly in place or evacuating in the proper amount of time, are better prepared to successfully overcome the impacts of a storm than those who are unprepared.

Lesson learned: innovation born from disasters can improve daily operations.

Last year, more than a million Floridians needed immediate access to public assistance. As a result, our Department of Children and Families launched a web based emergency system for people to apply and receive certain benefits, including food stamps. ACCESS Florida (Automated Community Connection to Economic Self–Sufficiency) is now a model for the nation.

Automating the application system enabled the state to quickly provide $161 million in disaster aid to 1.3 million people in 27 Florida counties. These innovations were so successful they became the cornerstone of ACCESS Florida and optimized the Department's efforts to modernize and improve the everyday delivery of public assistance for all Floridians. The new system saves taxpayer dollars while providing greater access and better service to the public.

Lesson learned: good plans can always be improved.

Florida has made great strides in our hurricane response; however, no system is perfect. Each day we continue working to address needs, vulnerabilities and areas of weakness in our communities and states.

Last year, we learned we could not wait until after the storm made landfall to launch our relief mission. Trucks of ice, water and food need to be ready to roll into impacted areas as soon as the skies clear and the winds die down. To further improve the system, we needed to know in advance where to deliver these critical commodities. This year, the state developed criteria and standard layouts for distribution sites to provide maximum throughput of supplies. The true measure of success is a strong logistics system that gets much-needed products off the trucks and into the hands of those affected as quickly as possibly.

Using this guidance along with geography and population, counties pre-determined locations for these "points of distribution" or PODs. Depending on where a storm makes landfall and damage to the location, counties can activate one or more of these PODs within 24 hours of landfall.

This year, we identified three priorities for improvement. First, continuing to improve evacuation plans to ensure we move our vulnerable population out of harm's way. This includes those with disabilities, the elderly and medically dependent residents. Second, we must continue to improve upon our communication by ensuring sign language interpreters are available for our hearing-impaired community and translators are available for our Spanish and Creole speaking citizens. Third, we need to provide options for Floridians with pets. Families are hesitant to seek shelter if they cannot bring their pets with them. Providing alternatives ensures they evacuate when the order comes.

Florida will continue building on lessons learned and will not accept the status quo. We have a responsibility to continue improving our response and recovery efforts as Florida continues to grow.

Lesson learned: Washington needs to improve FEMA's response capability.

Just as we have a role in preparing and responding to all hazards, the federal government also has a responsibility to understand and tailor its role to meet the needs of impacted states. As I have said, the State of Florida is very appreciative of the federal response that flows through FEMA to assist Floridians and our communities. It is important to note, if Florida had not prepared last summer, it would have looked like FEMA had not prepared. However, there are lessons learned from our shared experiences of the last 14 months that can enhance the agency's effectiveness.

I do not have a preference on whether FEMA is an independent agency or remains part of the Department of Homeland Security, however, when a disaster is declared, the FEMA director should report directly to the President, just like Craig Fugate, Florida's Director of Emergency Management, reports directly to me.

The divisions within FEMA that handle preparation, response, recovery and mitigation comprise a complete cycle of disaster. These four components need to be managed together as one unit. FEMA's logistics program is broken and needs to be fixed. For example, to move one truck of ice last year, FEMA officials in Florida had to send a request to the regional office in Atlanta, who wrote a separate contract for each leg of the trip, who then sent it to the trucking company, who then sent it to the trucker on the ground in Florida. Having a strong tracking system that shows where trucks are, what they are carrying and when they will arrive at the destination is crucial. The process needs to be faster, more efficient and more direct.

In terms of housing, last year, the program was slow to start because we could not gauge demand. FEMA needs a better plan to anticipate, identify and meet the housing demand. The current system requires several telephone interviews, which

lack efficiency for someone who lost their home, is staying with friends, without cell phone coverage or needs to provide a "call back number."

The joint FEMA-Florida Long-Term Recovery office, ably led by Scott Morris, can serve as a model for the nation. The structure provides consistency in processing the volumes of paperwork for reimbursement. In the nine months before the Long–Term Recovery office opened in Florida, we were reimbursed for less than $600 million of the billions we spent as a result of the 2004 hurricanes. In less than five months, the Long–Term Recovery team has brought more than 90 percent of eligible dollars to the state, totaling almost $2 billion. The average dollars sent to Florida per day have seen a near seven-fold increase and the office has written 100 percent of project worksheets for all 67 counties, while taking on three additional storms this season.

Eligibility standards for financial assistance should be uniform across the nation. Aid to governments should be based on the impact to the community, not the size of the state. Currently, disasters need to meet a certain per capita cost statewide to meet eligibility requirements for financial assistance to repair and replace infrastructure. This process penalizes small communities in large states. Because of our size, damage from Katrina did not meet the threshold for program. Had the same amount of damage occurred in a state the size of Rhode Island, those citizens would have received aid. Additionally, once a state meets the threshold, then all of the damage becomes eligible. Lowering the threshold to one standard amount and requiring cities and states fund a certain level of repair—like an insurance deductible—might be a better approach.

Rules should promote personal responsibility. Under the current process, two neighbors can both lose their homes in a hurricane. Both are homeless and both need help. Neighbor One demonstrated personal responsibility and acquired insurance to protect his home and business, making him ineligible for timely federal assistance. Neighbor Two neglected to purchase insurance, but is eligible for as much as $26,000 in cash assistance, a travel trailer for six months and maybe even a mobile home for a year and a half. To us, both people need help. In the eyes of FEMA, only the neighbor who did not prepare receives immediate help. The system assumes insurance companies will be able to settle claims quickly, which we learned from last year is not always possible. This needs to change.

Rules should also promote responsible governing by providing incentives for governments to invest in preparation. Right now, the federal government provides a minimum of a 75 percent match for response and recovery. To provide incentives for upgraded emergency management capabilities and investment in preparedness, perhaps an 85:15 percent match would be more appropriate. Additionally, the federal government should not bail out communities that make poor planning decisions, have inadequate building codes and fail to invest in emergency management.

Removing debris is a tremendous cost and can place a huge financial burden on communities. The debris left in Florida after last year's storms was enough to completely fill, and then pile a mile high, five of Florida's largest football stadiums. The rules for reimbursing debris removal from private property need to be clear and applied consistently.

Conclusion

I am proud of the way Florida has responded to the hurricanes. Through the congressionally approved Emergency Management Assistance Compact, 725 first responders from 35 states aided Florida after the storms last year. This year, the Compact allowed Florida to provide much-needed relief to our neighboring states. Within hours of Katrina's landfall, Florida began deploying more than 3,700 first responders to Mississippi and Louisiana. Today, hundreds of Florida National Guardsman, law enforcement officers, medical professionals and emergency managers remain on the ground in affected areas. Along with essential equipment and communication tools, Florida has advanced more than $100 million in the efforts, including more than 5.5 million gallons of water, 4 million pounds of ice and 934,000 cases of food to help affected residents.

Steve, a resident from Diamondhead, Mississippi, summed it up best. He wrote, "The first responders I remember were Florida State Troopers. They have been nothing less than awesome. They brought us water, ice, food and most important, they brought truck loads of compassion, understanding and a wonderful attitude."

As you develop plans to improve our nation's emergency management system, I ask that you consider Florida's three guiding principles in emergency response. Our team knows them as Craig's Rules:

1. Meet the needs of the victims.
2. Take care of the responders.
3. See Rule 1.

Rather than assume everything should be done at the federal level, our nation is much better off holding localities to higher expectations and improving FEMA. Taking away Florida's ability to respond takes away our passion for creativity and service that makes us good first responders.

Before Congress considers a larger, direct federal role, it needs to strengthen areas within FEMA and hold communities and states accountable for properly preparing for the inevitable storms to come.

CRAIG'S OPERATIONAL RULES

1. Meet the Needs of the Victims

2. Take Care of the Responders

3. See Rule Number 1

Government works best in emergencies
By: Bill Cotterell
July, 11, 2005
Tallahassee Democrat

Hanging around the state's Emergency Operations Center, you get the feeling that this is how Gov. Jeb Bush would like Florida government to be all the time—without the emergency, of course.

Imagine putting all agencies into one big room. Just a few hundred people. Everybody busy and intensely focused on the task at hand. Golf shirts and windbreakers with agency names on them. Lots of high-tech computerized stuff.

If Bush created a video game of state government, it would be sorted into 17 "support functions" and have big, colorful satellite maps overhead, just like the EOC. Instant teleconference hookups, yes; bureaucracy or paper-shuffling, no.

If he could get rid of the acronyms the federal government loves so much and outsource half the operations, Bush might never want to leave the bunker near Southwood.

Just as hard times bring out selfless qualities in family, friends and strangers, emergencies show the people of Florida what they're paying taxes for. It's state government at its best, everybody working together with no complaining or grandstanding.

"I'm inspired by the response that is underway right now," Bush said after one of his weekend briefings on Hurricane Dennis. "I think people should expect people to respond the way they do, but it's gratifying to see."

Hurricane preparation and response didn't always run so well. When Hurricane Andrew hit in 1992, the command post was a bunch of offices in the Rhyne Building, where Gov. Lawton Chiles passed out paper maps and held briefings in a small Department of Community Affairs conference room.

At the modern operations center this weekend, somebody crafted a little cartoon of Dennis the Menace with a muscular little twister following him. It flashed on the center screen, amid constantly changing satellite images and written updates on everything from evacuation shelters and generator supplies to animal safety and nuclear power plant status.

Bush had almost all of his department heads on hand. Those who were missing—probably because they were out in the field—sent their top deputies. Federal agencies, military units and representatives of the insurance and utility companies, Red Cross and Salvation Army all had seats at the big tables.

That's the drill. Hurricanes involve a lot of agencies you'd never expect to see. Department of Juvenile Justice Secretary Anthony Schembri, for instance, was there to decide about evacuating youthful offenders who can't be left in danger but can't be put in adult jails, either.

During the past session, legislators said the work of state employees during last year's four hurricanes justified a 3.6 percent pay raise. Actually, the fact that they didn't get a raise last year—just a one-time $1,000 "bonus" that worked out to about $675 take-home pay—was reason enough for the 3.6 percent.

But the sentiment was appropriate. Bush said it several times during the weekend.

"People across the state should know that their fellow Floridians are going to be by their side in the relief effort," he said as the storm approached. "It includes a lot of people who are true quiet heroes in our state."

Think Locally On Relief

By Jeb Bush
Washington Post
Friday, September 30, 2005; A19

In the wake of Hurricane Katrina, Americans are looking to their leaders for answers to the tragedy and reassurances that the mistakes made in the response will not be repeated in their own communities. Congressional hearings on the successes and failures of the relief effort are underway.

As the governor of a state that has been hit by seven hurricanes and two tropical storms in the past 13 months, I can say with certainty that federalizing emergency response to catastrophic events would be a disaster as bad as Hurricane Katrina.

Just as all politics are local, so are all disasters. The most effective response is one that starts at the local level and grows with the support of surrounding communities, the state and then the federal government. The bottom-up approach yields the best and quickest results—saving lives, protecting property and getting life back to normal as soon as possible. Furthermore, when local and state governments understand and follow emergency plans appropriately, less taxpayer money is needed from the federal government for relief.

Florida's emergency response system, under the direction of Craig Fugate, is second to none. Our team is made up of numerous bodies at all levels of government, including state agencies, the Florida National Guard, first responders, volunteer organizations, private-sector health care organizations, public health agencies and utility companies. Once a storm is forecast for landfall in Florida, all these groups put their disaster response-and-recovery plans into high gear.

Natural disasters are chaotic situations even when a solid response plan is in place. But with proper preparation and planning, it is possible—as we in Florida have proved—to restore order, quickly alleviate the suffering of those affected and get on the road to recovery.

The current system plays to the strengths of each level of government. The federal government cannot replicate or replace the sense of purpose and urgency that unites Floridians working to help their families, friends and neighbors in the aftermath of a disaster. If the federal government removes control of preparation, relief and recovery from cities and states, those cities and states will lose the interest, innovation and zeal for emergency response that has made Florida's response system better than it was 10 years ago. Today's system is the reason Florida has responded successfully to hurricanes affecting our state and is able to help neighboring states.

But for this federalist system to work, all must understand, accept and be willing to fulfill their responsibilities. The federal government and the Federal Emergency Management Agency are valuable partners in this coordinated effort. FEMA's role is to provide federal resources and develop expertise on such issues as organizing mass temporary housing. FEMA should not be responsible for manpower or a first response—federal efforts should serve as a supplement to local and state efforts.

Florida learned many lessons from Hurricane Andrew in 1992, and we have continued to improve our response system after each storm. One of the biggest lessons is that local and state governments that fail to prepare are preparing to fail. In Florida, we plan for the worst, hope for the best and expect the unexpected. We understand that critical response components are best administered at the local and state levels.

Our year-round planning anticipates Florida's needs and challenges—well before a storm makes landfall. To encourage our residents to prepare for hurricane season this year, for 12 days Florida suspended the state sales tax on disaster supplies, such as flashlights, batteries and generators. Shelters that provide medical care for the sick and elderly take reservations long before a storm starts brewing. To ensure that people get out of harm's way in a safe and orderly manner, counties coordinate

with each other and issue evacuation orders in phases. Satellite positioning systems, advanced computer software and a uniform statewide radio system allow all of these groups and first responders to communicate when the phones, cell towers and electricity go out.

The Florida National Guard is deployed early with clear tasks to restore order, maintain security and assist communities in establishing their humanitarian relief efforts. Trucks carrying ice, water and food stand ready to roll into the affected communities once the skies clear and the winds die down. Counties predetermine locations, called points of distribution, that are designed for maximum use in distributing these supplies.

Florida's response to Hurricane Katrina is a great example of how the system works. Within hours of Katrina's landfall, Florida began deploying more than 3,700 first responders to Mississippi and Louisiana. Hundreds of Florida National Guardsman, law enforcement officers, medical professionals and emergency managers remain on the ground in affected areas. Along with essential equipment and communication tools, Florida has advanced over $100 million in the efforts, including more than 5.5 million gallons of water, 4 million pounds of ice and 934,000 cases of food to help affected residents.

I am proud of the way Florida has responded to hurricanes during the past year. Before Congress considers a larger, direct federal role, it needs to hold communities and states accountable for properly preparing for the inevitable storms to come.

HURRICANE
K A T R I N A

Florida's Response

Florida aid committed to neighboring states to date: $138,329,353
- Mississippi: $136,577,345
- Louisiana: $1,752,008

Total Florida responders committed to date: 6,330
- Mississippi: 6,283
  - Civilian: 5,785
  - Florida National Guard: 498
  - Entire US EMAC Response: 23,518
- Louisiana: 47
  - Civilian: 40
  - Florida National Guard: 7

Emergency Operations Center Status: The State Emergency Operations Center remained at a full Level 1 activation for 17 days in response to Hurricane Katrina.

Florida First Responders: 2,165
- State and Local Law Enforcement Officers: 1,425
- State and Local Urban Search and Rescue Teams: 740

Florida Department of Health Medical Assistance Personnel: 556
- Doctors, nurses and support personnel: 416
- Emergency Medical Services personnel: 140
- Logistical Support Vehicles: 20

Florida State Emergency Response Team Incident Command Officials: 215
- State and Local Emergency Management Officials: 194
- Mass Care Coordination Team: 21 Specialists

Resource and Commodity Support Personnel: 2,261

Response Mission Support Personnel: 73

Agriculture and Animal Protection Personnel: 77

Florida Radio and Network Communications Specialists: 10

Volunteer and Donations Management Teams: 14

Florida Recovery Personnel: 20

Florida Public Information Officer Deployment Teams: 14

Florida Hazardous Material Teams: 9

Local Utility Personnel supporting drinking and wastewater programs in Mississippi: 101

Florida Department of Elder Affairs' Community Responder Teams: 30

Florida Department of Transportation: 23

Florida Division of Forestry Support Missions:
- 217 Personnel

- 46 Pickup trucks
- 15 Vans
- 11 SUVs
- 1–30 KW Generator Trailer
- 2 Dump trucks
- 1 Mechanic truck
- 1 Semi Unit
- 2 Fuel Trailers

Essential commodities committed to impacted communities by Florida's State Emergency Response Team or managed by Florida:

- 954 trucks of water (768 State of Florida purchased)
- 940 trucks of ice (457 State of Florida purchased)
- Baby Food—8,438 cases; 10,318 cases of formula; 4,000 cases of juice
- Ensure—2,100 cases
- Juices—16,000 cases
- Diapers—1,755 cases; bottle nipples—2,495 cases
- 1,000-person self-contained Base Camp, including provisions for sheltering, feeding and hygiene needs of rescue workers, deployed to Stennis NASA Logistical Staging Area for emergency workers
- 500-person Life Support Package for feeding and hygiene needs of rescue workers Urban Search and Rescue Teams
- Logistical Staging Area and Points of Distribution material:
- 154 Forklifts
    - 125 Pallet Jacks
    - 97 generators
    - 93—4,000 watt light tower sets
    - 25 pumps
    - 5 Field HVAC Units
    - 25 Truck Shuttle Fleet
- 11 satellite data systems
- 4 emergency deployable interoperable communications systems
- 1 loading ramp
- 2 Logistics Support Trailers
- 110 Satellite Phones
- 1 AM/FM Radio Station Tower

Supplemental Page

Governor Jeb Bush

Designated Representative: Nina Oviedo

Summary

I appreciate the opportunity to share with you some of Florida's learned lessons with emergency management and also provide you with some thoughts on how the federal response system could be enhanced. I can say with certainty that federalizing emergency response to catastrophic events would be a disaster as bad as Hurricane Katrina. The current system works when everyone understands, accepts and is willing to fulfill their responsibilities. Florida's system can be successful in states throughout the nation, without the federal government stepping on state's rights. More importantly, if we do not apply the lessons learned to future disasters, the problems will continue to snowball and the disasters will become more costly—in the number of lives and the number of dollars.

- Lesson learned: the bottom-up approach yields the best results.
- Lesson learned: a successful response depends on teamwork and a clear command structure.
- Lesson learned: local and state governments that fail to prepare are preparing to fail.
- Lesson learned: a successful response requires strong communication and coordination.
- Lesson learned: the state needs to support—not supplant—local efforts.
- Lesson learned: investing in the right tools enhances response capabilities.
- Lesson learned: prepared citizens make the difference.
- Lesson learned: innovation born from disasters can improve daily operations.
- Lesson learned: good plans can always be improved.
- Lesson learned: Washington needs to improve FEMA's response capability.

As you develop plans to improve our nation's emergency management system, I ask that you consider Florida's three guiding principles in emergency response:

1. Meet the needs of the victims.
2. Take care of the responders.

3. See Rule 1.

Rather than assume everything should be done at the federal level, our nation is much better off holding localities to higher expectations and improving FEMA. Taking away Florida's ability to respond takes away our passion for creativity and service that makes us good first responders.

Before Congress considers a larger, direct federal role, it needs to strengthen areas within FEMA and hold communities and states accountable for properly preparing for the inevitable storms to come.

Chairman KING. Now Governor of Texas, Governor Rick Perry. Governor.

STATEMENT OF THE HONORABLE RICK PERRY

Governor PERRY. Chairman King, thank you very much. It is an honor to be with you and the members of the committee, including my fellow Texans Lamar Smith and Sheila Jackson-Lee. And, yes, go Astros. And tonight Mr. Thompson will be—

Chairman KING. I would ask the Governor to confine his remarks to relevant topics, not the Astros.

Governor PERRY. Oh, I am sorry.

And I promise not to talk about any football from last week either. And, Michael McCaul, it is an honor to be with you. And, Michael, just one thing to make sure there is not any misinformation, I did not federalize the National Guard during our—we obviously used them substantially, but we directed them from Austin, Texas. And as we go through these remarks, that will become abundantly clear why I did not federalize them.

And I want to testify before you today with a very clear point of view. I opposed the federalization of emergency response efforts to natural disasters and other catastrophic events. And I say this with absolutely no malice towards the Federal Government or the military, which can and should bring tremendous resources to bear in responding to catastrophes. I have the highest appreciation for the capabilities of our military partly because, as Lamar shared with you, I spent 4–1/2 years flying those aircraft and flying a number of those relief missions. I know what the military does best, and their expertise is in preparing for wars, fighting wars and winning those wars. The mission of our military is not that of a fire department or a police department or a hospital. It is not designed to be a first responder. Our firefighters, our peace officers, our EMS personnel, they respond to emergencies every day in our local communities. They know their communities best. They have done the emergency training exercises in those communities, and they can respond the quickest to the emergencies in their communities. I say leave first response to first responders. Leave decisionmaking in the hands of the local and the State leaders. And leave, for our military, the most important job that they have of fighting wars and keeping the peace.

The idea of federalization raises many questions, first being perhaps the most important. You know, if, from the President right on down, we recognize that the Federal response may not have been as adequate as we would have liked to have seen during Katrina, you know, does that inspire confidence in a greater Federal role in the solution? And if the Federal Government takes this over, will they perform 150 emergency exercises in Texas over the next 4 years, as we did over the last 4 years, while also attending to the

needs of the other 49 States? Will the Federal Government take over responsibility for coordinating with our States 1,200 nursing homes, hundreds of hospitals concerning the evacuation of people with special needs? If the military creates a special division of first responders, will we have highly trained, well-equipped Federal troops unavailable for duty overseas as they wait for an emergency large enough to respond to? Would this not turn them into the equivalent of the Maytag repairman, waiting for the call when an emergency strikes at home, but underutilized as part of our main military mission at home and abroad?

First responders must train together because they respond together. When you add a new layer of bureaucracy, decisionmaking becomes paralyzed. Decisions are placed in the hands of those who know less about the community, and miscommunication becomes rampant as lives hang in the balance. Think about it this way. When you call 911 because your loved one's life is on the line, do you want an operator who knows your community, or do you want an operate or who lives in Washington, D.C.?

The military's most vital role in a disaster is to provide specialized heavy equipment, aviation assets and the personnel to operate them. The lesson of Hurricanes Katrina and Rita is that while Federal resources are incredibly important, they are going to be very important to Jeb over the course of the next few days, no State or local community should wait on the Federal Government to act.

We are responsible for the safety of our citizens before and after a natural disaster, and we are responsible for creating detailed emergency response plans and testing them. In Texas, we ran into challenges, and we had to adapt to rather unforeseeable circumstances. But most important to our response is that we had a clear chain of command. We had responsible local leadership. We had tested our capacity and our capabilities during training exercises, and we exercised and implemented a plan that did not depend on the Federal bureaucratic execution. And because of that, and despite the challenges that remain, I would call the Texas response to both hurricanes a success.

In conclusion, let me just say that the discussion of federalizing emergency response makes me wonder what these mayors behind me, what Mayor Ortiz from Port Arthur, what Woodville Mayor Jimmy Cooley would say if they were told that the Federal Government would lead the response in the next major hurricane. And I think they would tell you to leave the resources and the manpower and the decisionmaking to the folks of Texas, and let Texans run Texas.

Thank you, sir.

Chairman KING. Thank you, Governor Perry.

[The statement of Governor Perry follows:]

PREPARED STATEMENT OF HON. RICK PERRY

Thank you Chairman King and members of the committee. I testify before you today with a clear point of view: I oppose the federalization of emergency response efforts to natural disasters and other catastrophic events.

I say this with no malice toward the federal government or the military, which can and should bring tremendous resources to bear in responding to catastrophes.

I have great appreciation for the capabilities of our military because I served for four and a half years. I know what the military does best: their expertise is preparing for wars, fighting wars and winning wars.

The mission of our military is not that of a fire department or police department or hospital—it is not designed to be a civil first responder.

Our firefighters, peace officers and EMS personnel respond to emergencies every day in our local communities. They know their communities best, they have done the emergency training exercises in those communities, and they can respond the quickest to emergencies in their communities.

I say leave first response to the first responders, leave decision-making in the hands of local and state leaders, and leave for our military the important job of fighting wars and keeping the peace.

The idea of federalization raises many questions, the first being perhaps the most important:

If, from the President on down, we recognize the federal response was not adequate during Katrina, does that inspire confidence that a greater federal role is the solution?

If the federal government takes this over, will they perform 150 emergency exercises in Texas over the next four years, as we did in the last four years, while also tending to the needs of the other 49 states?

Will the federal government take over responsibility for coordinating with our state's twelve hundred nursing homes, and hundreds of hospitals concerning the evacuation of people with special needs?

If the military creates a special division of first responders, will we have highly trained, well-equipped federal troops unavailable for duty overseas as they wait for an emergency large enough for their activation? Would this not turn them into the equivalent of the Military Maytag Repairman, waiting for the call when emergency strikes at home, but underutilized as part of our main military mission at home and abroad?

First responders must train together because they respond together. When you add a new layer of bureaucracy, decision-making becomes paralyzed, decisions are placed in the hands of those who know less about the community, and miscommunication becomes rampant as lives hang in the balance.

Think about it this way: when you call 911 because your loved one's life is on the line, do you want an operator who knows your community, or do you want someone at a switchboard in Washington, D.C.?

The military's most vital role in a disaster is to provide specialized heavy equipment and aviation assets and the personnel to operate them.

The lesson of Hurricanes Katrina and Rita is that while federal resources are very important, no state or local community should wait on the federal government to act. WE are responsible for the safety of our own citizens before and after a natural disaster, and WE are responsible for creating detailed emergency response plans and testing them.

In Texas, we ran into challenges and had to adapt to unforeseen events. But most important to our response is that we had a clear chain of command, we had responsible local leadership, we had tested our capabilities during training exercises, and we implemented a plan that did not depend on the federal bureaucracy's execution. Because of that, and despite the challenges that remain, I would call the Texas response to both hurricanes a success.

In conclusion, the discussion of federalizing emergency response makes me wonder what local leaders like Port Arthur Mayor Oscar Ortiz, or Woodville Mayor Jimmie Cooley, would say if they were told the federal government would lead the response to the next major hurricane. I think they would tell you give us your resources and manpower, but let Texans run Texas.

It would be a great mistake to do otherwise. Thank you.

Chairman KING. Now Governor Napolitano.

STATEMENT OF THE HONORABLE JANET NAPOLITANO

Governor NAPOLITANO. Thank you, Mr. Chairman and Ranking Members, members of the committee. It is a pleasure to be here with Governor Bush and Governor Perry.

Arizona does not have hurricanes, but we do have large flash floods in the winter and huge forest fires in the summer, among many things that I have confronted as Governor. And I echo what Governor Bush and Governor Perry said. We operate an emergency operations center. We are able to activate that on a moment's no-

tice. We have evacuation plans. We practice, practice, practice to make sure that when a catastrophe happens, things go smoothly.

There is a Federal role, but the Federal role is not to lead that effort, it is to support that effort when the circumstances warrant.

We learned lessons from the catastrophes and the disasters that happened in 2002 in Arizona. We had the Rodeo-Chediski fire; burned over 400,000 acres in northern Arizona, had to evacuate many communities. The fires cost over $150 million to suppress. We found out in the course of that fire that our communities up in the rural parts of the State did not have evacuation plans, and we did not have interoperability capability of communications among the many different departments that had to respond to the fire.

Now every one of those communities has an evacuation plan. We have all practiced them, and we used some of the homeland security money we got from the Federal Government to purchase five vehicles that provide patch interoperability capability that we can drive anywhere in the State whenever a fire or other related disaster occurs. In fact, one of those vans was sent to Louisiana to help with interoperability problems in the aftermath of Katrina.

We also want to make sure that priorities are properly set in light of the particular needs of a particular State, and I think the State Governors are in the best position working with their mayors and others to know what those needs happen to be.

It is no surprise that the National Governors Association, the Governors of the States, Republican and Democrat alike, have issued a joint statement against federalizing emergency relief. And I think that statement is important, and I commend it to you for your attention.

One of the things that I think this committee might want to focus on is preparation for emergency in two specifics ways. One is general preparation, the things you need to do all the time for whatever emergency, making sure you have evacuation plans, making sure you have taken care of your special needs citizens, making sure that you have dealt with problems like communications interoperability, and then to practice those plans over and over and over again.

The second kind of preparation has to do with what Governor Bush is doing now. He knows a hurricane is coming to his State. He has some sense about the strength of that hurricane, and he is taking specific action to prepare ahead of time. In those areas, these are places where the Federal Government can team with the States in terms of preparation. But, again, the leadership must come from the State level.

I don't want to leave my testimony without mentioning a particular problem in our country for which I declared a state of emergency, and that is the situation at the border, because in its own way, that has been a disaster for us, and it is one where we request and need Federal help. We have now at the Tucson sector of the Arizona-Mexico border over 1,500 people being arrested per day. Those are the people they are finding. Several hundred people were found dead in the desert who had come across and been abandoned by the coyotes who brought them and then left in the desert to die. This is an area where homeland security and emergency relief com-

bine, because we cannot say that we have a secure country, we cannot say that we have a national homeland security plan without a secure border, and we have lost operational control of the border in Arizona.

Let me close with several suggestions in response to the question presented for this hearing. First, I would ask the committee to respect the historical and constitutional authority of States and the Nation's Governors in emergency situations.

Second, I would ask that you look at restoring homeland security and emergency response resources that the Federal Government has actually cut in the last years. Homeland security resources to the State of Arizona have been reduced 35 percent in the last year, although I don't think our incidences or our security issues have been reduced in the same level. The value of proper funding for preparation and practice in advance of an emergency cannot be underestimated.

Third, I would ask this committee and the Congress to better evaluate and examine disaster threats such as the Federal levees in New Orleans and prioritize funding for those areas. Obviously securing the border must be a top funding priority here.

Fourth, work with the States to obtain accreditation for State emergency preparedness plans. The accreditation process is extremely thorough and provides a mechanism for States to ensure they have covered all that is necessary.

And last but not least, let us not forget the public health aspects of disaster and recovery and that they must be integrated into any response plan. Preparations or the lack thereof for the Avian flu help illustrate this point.

Before I close, I would like to recognize the members of the Tahono O'odham Nation that are here with us today. This is an Indian reservation that actually covers 70 miles of the Arizona-Mexico border. Their statement is quite compelling in terms of their special needs, and I would hope the committee would pay special attention to that.

PREPARED STATEMENT OF VIVIAN JUAN-SAUNDERS, CHAIRWOMAN, TOHONO O'ODHAM NATION-ARIZONA

I. INTRODUCTION

In the wake of Hurricanes Katrina and Rita, the Committee will examine the historical and constitutional roles and responsibilities of Local, State, and Federal governments in responding to disasters and other emergencies. The Committee will explore the issue of Federalism and disaster response, and the policy implications of expanding the Federal role with respect to disaster response. This statement is submitted by the Tohono O'odham Nation to apprise the Committee of the Nation's unique emergency response role with regard to the 75-mile stretch of international border that the Tohono O'odham Reservation shares with Mexico, and to explain the impact of Federalism. Before addressing the specifics of these issues, this statement provides general background about the Nation and the historical background that created the Nation's current border security crises.

II. BACKGROUND

The Tohono O'odham Nation ("Nation") is a federally recognized Indian Tribe in South Central Arizona with over 28,000 enrolled tribal members. The Tohono O'odham Reservation consists of four non-contiguous parcels totaling more than 2.8 million acres in the Sonoran Desert, and is the second largest Indian Reservation in the United States. The largest community, Sells, is the Nation's capital. The 75-mile southern border of our Reservation is the longest shared international border of any Indian Tribe in the United States.

As a federally recognized Indian Tribe, the Nation possesses sovereign governmental authority over its members and territory. Accordingly, the Nation provides governmental services to one of the largest Indian populations in America and is responsible for managing one of the largest Indian reservations in the America. Moreover, the Nation spends approximately $7 million annually from tribal revenues to meet the United States' border security responsibilities. The Nation's longest international border of any Tribe in the United States has created an unprecedented homeland security crises for America.

Prior to European contact, the aboriginal lands of the O'odham extended east to the San Pedro River, West to the Colorado River, South to the Gulf of California, and North to the Gila River. In 1848 the United States and Mexico negotiated the terms of the Treaty of Guadalupe Hidalgo, which among other things, established the southern boundary of the United States. The Treaty placed the aboriginal lands of the O'odham in Mexico. In 1854 through the Gadsden Purchase, the United States and Mexico further defined the southern boundary by placing the boundary at its present location cutting into the heart of our aboriginal territory. Consequently, the boundary displaced our people on both sides of the international border bisecting O'odham lands and separating our people from relations, cultural sites and ceremonies, and access to much needed health care, housing, and transportation. Not surprisingly, neither the United States nor Mexico consulted with the O'odham during the Treaty negotiations in 1848 and 1854. Respect for the sovereign status of the O'odham was simply ignored.

Unfortunately, the lack of consultation or input from the O'odham continued throughout the generations leaving the Nation with a modern-day border security crisis that has caused shocking devastation of its land and resources. The genesis of this crisis stems from the development and implementation of the U.S. government's border policy in the last decade. Again, without the benefit of consulting with the Nation, federal border security policy was developed focusing on closing down what were considered to be key points of entry along the U.S. southern border. This policy was implemented by extensively increasing manpower and resources at ports of entry and located at popular entry points such as San Diego (CA), Yuma (AZ), and El Paso (TX), and therefore, created a funnel effect causing the flow of undocumented immigrants, drug traffickers, and other illegal activity to shift to other less regulated spots on the border.

Consequently, because of the lack of border security resources and attention to the Nation, illegal immigration through the Reservation has become a prime avenue of choice for undocumented immigrants and drug trafficking activities traveling into the United States. This has created urgent challenges to protect against possible terrorists coming through a very vulnerable location on our Reservation. Although the Nation has neither the sufficient manpower nor the resources to adequately address this crisis, we continue to be the first line of defense in protecting America's homeland security interests this highly volatile and dangerous region.

III. BORDER SECURITY CRISIS ON THE TOHONO O'ODHAM NATION

The modern day consequences of the border security crisis facing the Nation is indeed devastating to our people, lands, culture and precious resources. While immigrant and drug trafficking have decreased on other parts of the southern border of the United States, levels have sky rocketed on the Nation causing a flood of crime, chaos and environmental destruction on our Reservation. By conservative estimates, over 1,500 immigrants illegally cross daily into the United States via the Nation's Reservation. A Border Patrol spokesman recently reported that the Nation is in the "busiest corridor of illegal immigration in the [America]." Tribal members live in fear for the safety of their families and their properties. Often times, homes are broken into by those desperate for food, water and shelter. It is no longer just Mexican nationals crossing the Nation's reservation land. Over the last year, undocumented immigrants from Guatemala, Honduras, and Central America have been apprehended on the Nation.

The Nation's seventy-one member police force provides primary border security law enforcement services against the unrelenting and increasing traffic of undocumented immigrants and drug traffickers who cross our border to enter America. The Nation has sustained a loss of millions of dollars annually in manpower, health care, sanitation, theft and destruction of our property and lands from the relentless flow of illegal immigration. Equally devastating is the adverse impact on our cultural resources and traditions as our Tribal elders no longer gather ceremonial plants in the desert for fear of their safety. The Nation stands on the front line of this crisis but is inhibited from directly accessing funding and other resources from the Department of Homeland Security.

Consider the following statistics:

• In 2004 alone, 111,264 entries into the Nation, resulting in 84,010 actual apprehensions.

• Since October 2003, approximately 180,000 pounds of narcotics have been seized.

• When combining federal and Tribal law enforcement efforts, more than 300,000 pounds of illegal narcotics were seized on the Nation's lands in 2004.

• There are 160 known illegal crossings along the 75 mile shared border with Mexico—in 36 locations and there are no barriers at all.

• In 2003, sixty-nine people died on the Reservation crossing the border, leaving the Nation to pay for the burial and related costs. The Nation pays for autopsy costs at $1,600.00 per body out of tribal police funds.

• The Nation loses $2 million annually from its allocation of Indian Health Care funding due to emergency health care treatment of undocumented immigrants taken to our health clinic.

• The Nation is forced to address the 6 tons of trash a day that is littered on the Nation's Reservation by fleeing undocumented immigrants. This predicament has caused serious environmental problems and contributes to the 113 open pit dumps on the Nation's Reservation that need to be cleaned up.

Moreover, the Tohono O'odham Nation Police Department (TOPD) has stretched its resources to the limit and now spends over $3 million annually in tribal funds on homeland and border security law enforcement function and activities, more than half of its annual budget. To date, the Nation has spent more than $10 million dollars for these functions, which we believe are clearly federal responsibilities.

For example:

• On an average day, every public safety officer in the TOPD spends 60% of his or her time working on border related issues.

• In 2004, TOPD officers responded to over 6,000 calls for assistance with undocumented immigrant apprehensions; Border Protection estimates over 111,000 individual apprehensions on the Nation's lands in 2004.

• Between 2002–2003, an estimated 1500 illegally crossed through the Nation each day. While apprehensions continue to rise, more than 700 additional undocumented immigrants are estimated to pass through the Nation every day undetected. In FY 2002–2004, the U.S. Border Patrol-Casa Grande Sector apprehended 166,514 undocumented immigrants on the Nation's lands.

• In 2002, 4300 vehicles were used for illegal drug and immigrant smuggling. A total of 517 stolen vehicles were recovered on tribal land. From 2003–2004, Tribal police investigated 15 vehicle crashes involving undocumented immigrants.

• From January 2003 through mid-2005, 4380 abandoned vehicles were found on the reservation with 308 stolen vehicles used for criminal activities en route to Mexico. These vehicles were stolen in Tucson, Phoenix, and Chandler etc and used for illegal activity.

• Between January 2003 and March 2004, 48 undocumented immigrant deaths from heat and exposure were investigated by Tribal Police. A total number of 7 staff members are in the criminal investigations unit.

Many other areas on the Nation, such as limited hospital and ambulance services, have been similarly negatively affected. Overall, the Nation expends $7 million of its tribal resources annually on services directly relating to border issues. Part of the expenditure relates to health care and environmental clean up services. When the Nation pays for federal responsibilities, we are unable to address education, health care, housing, roads, infrastructure priorities, to name a few. Below are a couple of key examples.

• In 2003, the Indian Health Service (IHS)-Sells Service Unit spent $500,000.00 on emergency health care services to undocumented immigrants, for example, for those at risk of dying from dehydration. These funds are not reimbursed to IHS and result in the inability of certain tribal members to receive health care services that are allocated for their benefit.

• The Nation spends millions of dollars a year to pay for the 6 tons of trash per day left by undocumented immigrants and the Nation is faced with cleaning up the 113 open pit dumps on the Reservation.

• 758 homes on the Reservation (20% of all homes on the Reservation) are without potable water and 1,393 (38% of all homes) are without a sewer or water system. Many of the residents at these homes use either hand-dug or agricultural wells for drinking water and are exposed to contaminants such as fecal coliform, arsenic and fluoride in excess of the federal Safe Drinking Water Act

standards. The total need to construct suitable drinking water and waste water systems for these homes is estimated at $24.4 million.

• The Nation has been forced to deal with all of these issues because we must protect our people and our lands. The Nation's efforts are complemented by the Border Patrol, which recently increased its presence on the Reservation through the Arizona Border Control Initiative, for which support the Nation is thankful to have. We also acknowledge the efforts of Arizona Governor Janet Napolitano, who provided the Nation more than $100,000 in resources from additional funding the State received as a result of the Governor's recent border emergency declaration.

• However, our needs are overwhelming and we need immediate federal assistance and direct communications with the Department of Homeland Security on policy, funding and other important matters that affect our Nation. Unfortunately, the Nation has not received sufficient federal attention to address our law enforcement/border security activities. In the wake of the creation of the Department of Homeland Security, the increased federal funding for the Department, and the announcement of a number of federal initiatives to address homeland security challenges, the Nation has respectfully requested a seat at the table as well as the appropriate level of federal funding to support our efforts in providing homeland security for America. Again, we thank Governor Napolitano for her leadership and support in ensuring that we have a role in the State's homeland security planning and grant distribution process. We commend her outstanding leadership and efforts to work with the Nation. We believe that the federal governments must step up to the plate and work directly with the Nation on addressing the border crises we face on a daily basis.

IV. BARRIERS TO SECURING FUNDING FROM THE HOMELAND SECURITY DEPARTMENT & LEGISLATIVE RECOMMENDATIONS.

In response to the September 11, 2001 terrorist bombing and related events in the United States, the 107th Congress passed the Homeland Security Act of 2002 (P.L. 107–296) authorizing the reorganization of existing federal agencies under the Department of Homeland Security (DHS) umbrella. This led to expanded border protection policies through the National Homeland Security Reorganization Plan. Once again, although these changes have had dramatic impacts on the Nation's people and land, we were not consulted and have been inhibited from receiving direct funding for homeland security expenditures.

Under the DHS organic legislation, Indian Tribes are not eligible to obtain direct funding for homeland security purposes. This barrier is particularly unfair to the Nation given the unique circumstances in protecting the 75-mile international border with Mexico on the Reservation. This lack of consultation and lack of access to direct funding has strained the Nation's Government-to-Government relationship with the United States placing the Nation in a difficult and untenable position of having to react policy decisions as opposed to proactively working together in a unified fashion with the proper respect accorded to the Nation's sovereign status.

To improve the federal government's emergency response and assistance to our border security challenges, Congress must take legislative action to authorize the Nation to obtain direct access to Homeland Security resources. We believe this approach will significantly improve our emergency preparedness and ability to response to terrorist threats that may occur in this vulnerable Southwest region. Specifically, the Nation supports the immediate passage of H.R. 1544, *The Faster and Smarter Funding for First Responders* which would accomplish the following:

• Require states to consult with Tribes and ensure that Tribes are eligible to receive pass-through funding from states;

• Allow Tribes to petition directly to the Department of Homeland Security (DHS) for funding (local units of government also have this right under H.R. 3266).

• Establish a pilot program for up to 20 "directly eligible tribes" (which can include a consortia of tribes) to receive direct funding grants each year from DHS, rather than through the states if the petitioning Tribes meets the following threshold eligibility criteria: (i) having administrative capability under P.L. 93-638 to enter into self-determination contracts or compacts, (ii) employing at least 10 full-time emergency response or public safety personnel, and (iii) having a demonstrated level of threat as determined by its location on or within 5 miles of an international border, near critical infrastructure, adjacent to a large metropolitan area or having more than 1,000 square miles of tribal land (roughly the equivalent of the state of Rhode Island).

• Set aside for the 20 directly eligible Tribes collectively, at least 0.08 percent of the amount appropriated for first responder grants in a given year.

• Authorizes Tribes which are not selected for direct funding, may apply to the DHS for direct funding in the event the State fails to award funding to the Tribe consistent with the state homeland security plan.

We will continue to coordinate and collaborate our efforts through Arizona's regionalized approach, and we are pleased that the Nation has been recently successful in securing funds through this process. However, the Nation is unlike any city or municipality in Arizona. As a constitutional matter, the Nation is a sovereign entity whose governance is separate from that of the State. Accordingly, the Nation supports H.R. 1544 which provides a meaningful government to government role to Indian Tribes having discrete homeland security concerns.

Similarly, the Nation supports the following provisions in H.R. 1320—*Secure Borders Act,* would be of particular significant and assistance to the Nation:

• Section 151 would establish an Office of Tribal Security (OTS) within DHS to coordinate all of its homeland security efforts in Indian Country and to serve as an official point of contact within DHS for Indian Tribes.

• Section 152 would transfer the Shadow Wolves from the Bureau of Customs and Border Protection (BCBP) to the Bureau of Immigration and Customs Enforcement (BICE). This provision would keep the Shadow Wolves in tact as a distinct unit focused on identifying, following, and arresting illegal drug smuggler along the 75 miles of international border along and within the Nation. The Shadow Wolves better fit within BICE because their work is more similar to BICE agents who investigate and crack down on substantial drug smuggling operations. In recognition of the Shadow Wolves' success, the provision also authorizes the DHS Secretary to establish additional BICE special units whose mission, similar to that of the Shadow Wolves, is to prevent the smuggling of illegal drugs, weapons and other contraband on Indian reservations, where such law enforcement is clearly needed.

The Nation supports these legislative proposals because they will strengthen the homeland security capacity of the United States through a government-to-government relationship with Tribes to protect and secure America. Indian Tribes subject to the highest security risks and vulnerabilities should not be left out of the discussion to improve national security.

Finally, the Nation proposes that the BCBP have an specific agreement relating to federal access on the Nation's lands. BCBP is working on an memorandum of understanding with the Department of Interior governing federal access on public lands under Interior's authority. In these discussions, the Bureau of Indian Affairs expressed its view that it cannot make decisions for Indian Tribes due to tribal sovereignty, and therefore recommended that BCBP enter into an agreement with the Nation governing federal access on our lands. We believe this approach would greatly improve coordination among law enforcement personnel as well as promote and foster better government to government relations. Because our territory is so vast, and given the recent boost in border security activities, the Nation believes it is imperative to have a written agreement which details our respective roles and policies, in addition to important tribal protocols that are otherwise unknown to law enforcement personnel inexperienced in working with Indian tribes.

Thank you, Mr. Chairman

Chairman KING. Thank you, Governor.

[The statement of Governor Napolitano follows:]

PREPARED STATEMENT OF JANET NAPOLITANO

Chairman King, Ranking Member Thompson, and Committee Members, thank you for inviting me here today to speak about an issue foremost on the minds of all Americans: how the local, state and federal governments should respond to disasters and emergencies in our homeland.

Less than two months ago, we saw the harrowing affects of Hurricane Katrina, and the human tragedy that occurs when the government response is delayed and disorganized.

In its aftermath, every American is rightfully asking, what if another Hurricane Katrina happened in my community? Is the federal government meeting its responsibility in assisting my state prepare for a natural disaster or a terrorist attack? Will my government learn the important lessons of Hurricane Katrina?

I applaud Congress for holding these hearings so we can learn from the lessons of Katrina. I am increasingly troubled, however, by suggestions that the federal government pre-empt the constitutional authority of states and the nation's governors during an emergency.

While the federal government is often a critical partner in disaster relief, it is the states that have historically responded well. State and local governments are in the best position to prepare for, respond to, and recover from emergency and disaster.

Just last week, our nation's Governors joined together—Republicans and Democrats—and with one voice called on the federal government not to undermine the authority and rights of states.

I encourage all of you to read the joint statement we issued through the National Governors Association, and as vice chair of National Governors Association and chair of the Western Governors Association, I ask that you pay special attention to our state commanders-in-chief throughout this process.

Governors have a particular relevancy in our nation's response plans. Because of the continued critical role of the National Guard in emergency and disaster response, governors would have to be universally supportive of any changes to our nation's response strategy, or the federal government would risk its ability to utilize the Guard.

The Constitution is clear: when a National Guard unit assists in a primarily federal purpose under Title 32, it does so under the command and control of governors—not Congress or the President.

When National Guard troops so admirably and capably responded to Hurricane Katrina and in the wake of the terrorist attacks September 11, they did so under the command and authority of governors. The law of the land demands that it stay that way.

States also have a strong track record of working together during emergencies without federal involvement.

Through the national Emergency Management Assistance Compacts, or EMACs, states have mutual aid agreements that direct emergency equipment and staffing to areas that need it most during a disaster. Because these agreements determine reimbursement and liability issues before a disaster strikes, states are able to deploy resources to other states quickly without the need to enter into a new agreement first.

Katrina notwithstanding, states have a long and successful history in responding to natural and man-caused disasters. In Arizona, we have experienced many disasters, ranging from wildfires during the summer months to flash floods in the winter, and have learned lessons along the way.

We have a long record of success in managing our relationship with the federal government, and coordinating a system that works well in fighting fires.

In Arizona, if a wildland fire starts on state land, Arizona officials coordinate the efforts to fight the fire; if the fire grows beyond our capacity to suppress it, or we need additional assistance, we call on the U.S. Forest Service for help. It is a complex relationship, and there are many elements to fighting fires, but the system works.

We also work with other states to fight fires. We frequently draw on resources from other states, and we often send experienced firefighting crews from Arizona elsewhere.

Similarly, the Forest Service is the lead response agency in fighting fires on federal land in our state. If a fire starts on national forest land, it is the federal government that coordinates the fire suppression efforts, and calls on Arizona for additional assistance.

Unfortunately, as federal budget cuts take hold, we find ourselves fighting with the federal government for reimbursement to the state for its fair share of costs in fighting fires on federal lands.

While we have built a solid record of success, we have also had difficulties. Some of these disasters have been particularly devastating, but rather than re-inventing the wheel every time something goes wrong, we learn from our experience and understand how we can be better prepared next time.

This is particularly true of the Rodeo-Chediski Fire in 2002—a fire that burned more than 450,000 acres, destroyed more than 400 structures including many homes, and cost more than $150 million to suppress.

Arizona learned some tough lessons from that fire. Our emergency responders couldn't communicate with each other, and communities caught in the middle of the fire did not have evacuation plans.

Those communities have since developed evacuation plans, and Arizona's fire-prone communities are also working to remove hazardous fuels to lower the risk of fire. Further, we have purchased five incident command vans with interoperable communications capabilities that can travel wherever they are needed, allowing our emergency crews to communicate with each other during any incident. In fact, one of those vehicles was deployed to Louisiana following Hurricane Katrina.

We learned our lessons, and are better prepared for future emergencies. That is the same approach the federal government should take: to understand what it did wrong, and to better prepare for the future.

Rather than embarking on a course that could have many unknowable and unfortunate consequences, Congress should focus its attention on how the federal government can best team with states. That analysis should break into two parts: what the federal and state governments should do in advance of an emergency; and what they should do afterward.

Pre-emergency has two aspects. First, there is general preparation for all different types of scenarios. Second, there is specific preparation when a known emergency is developing—such as in the days immediately preceding Katrina. In the wake of September 11, Congress initially understood that role, and provided states with resources to prevent and prepare for disasters. Those resources are how Arizona paid for the five mobile communications vans I mentioned a moment ago; they also paid for the Arizona Counter-Terrorism Information Center, a 24–7 intelligence gathering and dissemination center that links together representatives from the local, tribal, county, state and federal levels to detect and prevent acts of terrorism.

Federal dollars also paid for critical capability-specific training and equipment along the Arizona-Mexico border, where we are at risk for a terrorist strike. We exercised a mutual-aid agreement with the Mexican State of Sonora in conducting a federally funded bi-national training exercise—simulating a WMD attack at the border—with 22 Mexican law enforcement, medical services and emergency management agencies and 50 local, state and federal agencies from the United States.

We established interoperability capabilities in the four counties that border Mexico, trained more than 900 Mexican firefighters, medical responders and law enforcement officers, and developed the ability to communicate with Mexican authorities during an emergency. We will have interoperability capabilities in the entire state of Arizona by the end of 2006.

In addition, we have also forged homeland security and preparedness partnerships with tribal governments—like the Tohono O'odham Nation—whose lands include 78 miles of porous international border.

Our ability to handle a disaster along the border was tested just a few months ago when a train in Mexico derailed and spilled 10,000 gallons of sulfuric acid into the Santa Cruz River. Even though the spill occurred in Mexico, it contaminated the water that flows through the river into Arizona.

Arizona's local governments—from cities to counties to the state—responded to the disaster quickly and effectively, and worked with their counterparts in Mexico to avert what could have been a very dangerous situation.

Arizona puts homeland security resources to good use. That's why I am frustrated and disappointed that Congress and the Administration cut Arizona's homeland security resources. The federal government cut our Homeland Security Grant Program resources by 36 percent, our Metropolitan Medical Response System by 50 percent, and our Law Enforcement Terrorism Prevention Program by 22 percent, and failed to fund many worthwhile homeland security projects in other states. In terms of general preparation, having properly-funded emergency relief initiatives is key.

In terms of specific preparation for known and anticipated crises, the federal government needs to participate more in joint planning with states to identify necessary assets and have them pre-positioned where they will do the most good.

I am troubled that in recent years the federal government has severely limited our ability to fight the huge forest fires that have plagued the West. In March 2004, the federal government made available 33 heavy air tankers to states to fight fires, but just three months later—at the height of our fire season—none were at our disposal. There were many reasons for this, but none justifies the lack of pre-planning with the states and the timing of the decision to ground the air tankers.

Once a disaster occurs the lead responsibility should reside with the states. One of the purposes of preparation and prevention is to develop an ongoing partnership between state personnel and their relevant federal counterparts. And, with specific respect to FEMA, governors need more, not less, authority to make decisions.

Arizona is one of the states that received Katrina evacuees; we experienced firsthand FEMA's total breakdown in providing any meaningful information regarding the status, welfare or destinations of those evacuees.

I cannot leave the topic of preparation for known risks without discussion of the Arizona—Mexico border. Securing the international border is a federal responsibility, but time and time again the federal government has refused to provide the proper resources—and enough Border Patrol agents—to secure it. On average, 1500 people are apprehended *every day* while attempting to cross the Arizona border illegally; that number obviously does not include those who are never caught. The Arizona-Sonora border is the gateway for more than half of the illegal cross-border ac-

tivity that occurs along the U.S.—Mexico border. In fact, of the 1.1 million Southwest border apprehensions in 2004, nearly half were apprehended in the Tucson Sector alone. While most of the people who cross seek to work in the United States, we have no way of knowing if some of those who cross seek to attack us. Congress must make it a priority to regain operational control of the border.

I hope that one of the lessons we learn from Hurricane Katrina is that certain emergencies can be prevented or minimized, and that the best disaster response actually happens years before a first responder ever arrives on the scene.

Aside from learning that lesson, there are many things this Congress should do to prevent and prepare for future disasters in the United States:

- First, respect the constitutional authority of states and the nation's governors in an emergency situation.
- Second, restore critical homeland security and emergency response resources that the federal government has cut in recent years. The value of funding for preparation and practice in advance of a true emergency cannot be underestimated.
- Third, better evaluate and examine disaster threats, such as the federal levees in New Orleans, and prioritize funding for those areas. Obviously, securing the border must be a top funding priority here.
- Fourth, work with the states to obtain accreditation for state emergency preparedness plans. The accreditation process is extremely thorough and provides a mechanism for states to ensure they have covered all that is necessary.
- Last but not least, the public health aspects of disaster and recovery must be integrated into any response plan. Preparations, or the lack thereof, for the avian flu illustrate this point.

I appreciate your time and consideration, and am pleased to answer any questions you have at this time.

Chairman KING. Governor Bush, I want to assure you that the prayers of all Americans are with the people of Florida, for the people of Florida, especially those in the southwest, and we certainly wish you the very best as you confront this latest crisis. You detailed very systematically what you have already begun to do, how you are preparing for this weekend's hurricane. Obviously it is based on past experience. It is constantly being updated. But as you know, the best plans, there is always glitches along the way.

Something unexpected is going to happen. What other preparations do you make? For instance, what contact do you have with the Federal Government now as to what they will do, assuming something goes wrong, the storm goes a different way, some evacuation doesn't work, some hospital can't be evacuated or whatever? Are you in contact with representatives in the Federal Government now for the unexpected?

Governor BUSH. Absolutely; including the President of the United States when appropriate. I mean, the Governors will have, during an emergency, have direct contact with the Secretary of the Department of Homeland Security, the head of FEMA, the military. There is—what is interesting about hurricanes, or disasters, is that I think the rule book gets thrown-out about all the nooks and crannies of government at every level. And there is a unified command structure in our State, so for starters, in our emergency operations center we will have a FEMA representative, and we will have a Homeland Security representative, typically high level, typically the admiral from the regional Coast Guard that is based in Miami. And so we will have direct access to agencies of the Federal Government.

And you are right. You can't plan for every contingency in a disaster. Things happen. We prepare for the worst. We hope for the best, and then we expect the unexpected, and that is exactly what happens every storm. So we have a seamless relationship. We don't

expect, and if we don't get, we push hard. We plan massively as well and worry about the paperwork later. That can get—you know, after the fact sometimes that may not look as pretty as you did when you make that decision, but when you are preparing for a storm where you know there is going to be major devastation, you don't worry about that.

And we have found that the problems with FEMA isn't at this time—you know, the 2 or 3 days before the storm—the problem can be in the recovery phase, trying to get housing, trying to get individual assistance, dealing with creating a consistent reimbursement means for debris removal, which is a much bigger problem than you could ever imagine. The tonnage of debris that comes from a natural disaster of any kind is enormous. And so the bureaucratic part of FEMA becomes a problem in the recovery, not in the relief and preparation, in my opinion.

Chairman KING. Governor Perry, with Rita what contacts or what lines of communication and coordination did you have with the Federal Government as you prepared and as the storm was beginning its onslaught? And did you feel that those lines of communication were adequate?

Governor PERRY. Mr. Chairman, one of the—I think the keys is the preparation that is done prior to an event. And again, I can't stress enough how important it is for those exercises to have been conducted, for that homeland security dollars to have been appropriately spent, for those State and local first responders to work together in exercises prior to, and I might add the Federal Government is in our State operation center working with us during those exercises.

Chairman KING. Who is the Federal Government at that stage?

Governor PERRY. The FEMA representative, the Air Force, the Army, the Navy, all of those Federal agencies that you would deal with, they game play with us on these exercises. I mean, they are occurring, and so the issue of is your communications there with the Federal Government, from our time that we have worked with them, yes. I mean, the fact of the matter is this isn't—I mean, I will tell you that from a Texas perspective, we have had—with Rita in particular and with Katrina, our work with the Federal Government was good. You know, was it perfect? No. I mean, as you said, you throw out the play book. But the fact of the matter is it is at the local level, I think, where the first decisions have to be made, and that response is being made.

Again, you know, I am not here to particularly criticize FEMA or criticize any of the other agencies of government, but, you know, the fact is that the less bureaucracy that we have to deal with in an emergency, the better. We operate just like Jeb and Florida in the fact that we ask for forgiveness later. We are going to not ask for permission today to go save the lives of our citizens, and as appropriately it should be. And, you know, we will work out the—any bureaucratic details later.

But, so, you know, I talked to the President a number of times prior to Rita hitting our coast and afterwards. You know, we talked to Secretary Chertoff and to—and I talked to Jeb. I mean, we called each other before Katrina actually. We had a conversation, and he called me and he said, listen, we are the bookends on this

thing. And what—are we doing everything that we need to do to help the people in Alabama and Georgia and Mississippi and Louisiana? Because he said the fact of the matter is, he said we are perfectly suited, and he needed some things from us, some gasoline, and that had been disrupted from a previous storm, and so these Governors work together. And I think it is very important to realize that there is a lot of good communications. There is a heck of a lot more good that goes on than things that are bad. And it seems like there are some folks that want to focus on the bad.

Chairman KING. Thank you very much. My time has expired.

Ranking Member Mr. Thompson.

Mr. THOMPSON. Thank you very much. And I appreciate the testimony of the witnesses.

One of the things I would like to be very clear on is there is some discussion here in Washington that the Federal role in disaster preparedness should be expanded to become a primary role rather than a secondary role. Is it your testimony here today that, as Governors of your State, you reject that notion and assume the responsibility of disaster preparedness and response for your particular State? All three of you.

Governor BUSH. Absolutely. I think if this responsibility is federalized, then that will be as big of a disaster as any natural disaster that hits our communities.

Governor NAPOLITANO. We can't do our jobs if it is federalized. Our job is to protect the safety and welfare of our citizens. We are on the ground there every day working with our first responders, our sheriffs, our fire Department, our police officers. Moving the locus and focus to Washington, D.C., would be a disaster.

Governor PERRY. It would be a great mistake, Mr. Thompson.

Mr. THOMPSON. Thank you very much, Mr. Chairman. I yield back.

Chairman KING. Gentleman from Texas Mr. Smith.

Mr. SMITH. Thank you, Mr. Chairman.

Governor Perry, a lot of observers do feel that Texas did respond well to both Hurricane Katrina and Hurricane Rita, both in the response to the disaster itself, as well as to meeting the needs of hundreds of thousands of evacuees. Why was Texas able to respond so quickly and appropriately, in your judgment?

Governor PERRY. And I will be very brief because I am going to repeat myself, but it was because of the preparation and the appropriate coordination from our State emergency operation center. You are going to have the opportunity to talk to local officials from Beaumont and Jefferson County and from over in Sugarland, and I think you are going to hear that exact same story is that because of the preparation and the gaming out and the exercises that we went through, we were as prepared as you can be, and always knowing that there is going to be some curve ball thrown at you that you did not perceive. The idea that we were going to have evacuees from Louisiana to the numbers that we had, and then we had to evacuate those evacuees, I am not sure anybody put that one into the game book. But now we know how we would deal with this massive evacuation out of one of the most populous areas along the gulf coast. And we didn't get it perfect. We learned, and we are analyzing and deconstructing that as we speak so that we

can make it better the next time, because we know there will be a next time.

Mr. SMITH. Governor Perry, in your prepared statement, in fact it was the second sentence of your prepared statement, you said, I oppose the federalization of emergency response efforts to natural disasters and other catastrophic events. That is pretty clear, and it sounds like all three Governors agree with that statement. And—but my question is, that being the case, what do you think is the appropriate—when is it appropriate for the Federal Government to be involved, if ever, in natural disasters?

Governor PERRY. I look at the military's role. I think we need to be careful as we talk about the government's role here. What I was making reference to is the military taking over as the first responder. That is the clear concern that I think all three of us share. But there is an absolute role for the Federal Government in a number of ways, obviously, but the military's is to come in with their assets, with their transportation assets, with their personnel to operate that heavy equipment, et cetera, whether it is, you know, the removal of huge amounts of debris on the road so that the emergency responders can get in, and there are a lot of different roles that they play. But it is not to come in and be the first responder of the fire and police and people who have been working together for years, and they almost instinctively know what one is going to do and how those work together.

The military's role should be not unlike the National Guard or the Reserve's role when we are in a conflict and the military has—needs some assistance; then that is when we call up our National Guard and our Reserves to complement the military. I look at the Active Duty military as our Reserves in these disasters, and we will call them up when we need them.

Mr. SMITH. Okay. Thank you, Governor Perry.

Governor Bush, do you tend to agree with that response? What do you think is the appropriate Federal role of the government when it comes to natural disasters? I assume it is pretty much in line with what Governor Perry said.

Governor BUSH. It is. And there are unique things that can be accessed through the EMAS system, the Emergency Mutual Aid System that exists. Remember, in a Federal system, to put in perspective, we had 3,700, at the peak, 3,700 firefighters, police officers, National Guard, State law enforcement agents, fish and game folks, and public health people in mostly Mississippi, and some in Louisiana. That was the Federal response, because it was asked for by the Governor, mostly the Governor of Mississippi, some the Governor of Louisiana; it went through FEMA and through this mutual aid pact; we responded.

We happened to be in better shape to do it, because you couldn't get to Mississippi from Texas or from the north. The only way to get there was from the east. We had already mobilized because the storm could have hit our State. So we were the first responders literally in southern Mississippi.

That is a federalist response, coordinated by the Federal Government. It worked. It worked really well. Ask the folks that—at least I have gotten a lot of comments about how much they appreciate the fact that there was that quick response in southern Mississippi.

There are unique things that right now we are asking for, we are beginning to plan for. If the storm hits the Florida Keys, there is one way in, one way out. We are going to have to have a unique means of getting in there to make sure we do our search and rescue. That will probably be a Hoover craft. We don't have Hoover crafts in State government. That is from the military, and the military is already beginning the process to see if it is possible to stage that in a way that would be helpful.

That is the kind of response we asked for, and, again, we typically get it. I think the problem with the Federal response gets more burdensome in the recovery, not the preparation and relief part of this. When people are there in line, you know, waiting to get an SBA loan or trying to get public assistance or communities that may have a small budget that are overwhelmed by debris removal or having to build their infrastructure up and are trying to get reimbursed through FEMA, that is the place where I think there needs to be some work. It can get really frustrating is all I can tell you.

Mr. SMITH. Thank you, Governor Bush. Thank you, Mr. Chairman.

Chairman KING. The gentlewoman from California, Ms. Sanchez.

Ms. SANCHEZ. Thank you all, governors, for being before us. The President just signed this week a Homeland Security appropriations bill, the spending monies for 2006, and in it he cut by half the State Homeland Security grant program, from $1.1 billion to $550 million, and he also cut the Urban Area Security Initiative, UASI, by over $120 million.

Will this affect you at all? Will this affect your programs, governors, in particular for example, Governor Napolitano? You spoke about trying to get more of our agencies interoperable on communications equipment, et cetera. Do you think this will affect you at all?

Governor NAPOLITANO. Mr. Chairman, Congresswoman, yes, it will. It can't help but not to. I think that what the Congress should look at is what is—what are the States doing and how do they need to be properly funded at the Federal level to do what we are asking the States to do? That means funding for all of the exercises that Governor Perry has discussed. That means funding for the right kinds of equipment so that as we preposition it before a hurricane or forest fire, we have that kind of equipment. It means really evaluating risks and funding for no able risks as well as those that may be unknowable.

So from a State perspective, yes, it definitely will have an impact and not a good one.

Ms. SANCHEZ. Anybody else want to talk about what impact it might have?

Governor PERRY. I would like to respond first and foremost. I don't know what the rest of the Federal Government budget looks like, just because they cut back in one area doesn't necessarily mean we are not going to have dollars flowing to the State of Texas. It is up to us to make those decisions and prioritize where those dollars are spent. If that is the only dollars that are going to be flowing to the State for the purposes of Homeland Security, then the obvious answer would be there might be some concerns

there. But I would need more information about the total budgetary outlay for Homeland Security for those types of operations.

When you just describe it as that is the only—

Ms. SANCHEZ. Governor, I was assuming you might know what types of production or what you are using those particular Homeland Security programs for in your State.

Governor PERRY. The fact of the matter is we don't know what the total budget is, Ms. Sanchez, and I think to try to talk about how a reduction in one line item is going to impact your entire State's appropriation and your entire State's activities relative to Homeland Security is inappropriate, and I can't tell you without looking—

Ms. SANCHEZ. Thank you, Governor. I understand. Just for your own information, there were three law enforcement programs, including the COPS, which have significantly been scaled back, and one of the reasons that this administration has said they had done that is they were putting more monies into these times of programs in Homeland Security. So it came to me as somewhat of a surprise this was cut in this year's bill.

Governor Bush, do you have any comment on those particular programs, the State Homeland Security grant and the UASI programs? Do they affect your State at all?

Governor BUSH. I don't know, to be honest with you. You know what, in a perfect world, I think you probably hear this from governors a lot—

Ms. SANCHEZ. You just want the money and you want no strings attached?

Governor BUSH. Exactly.

Ms. SANCHEZ. Thank you, Governor Bush.

I have another question. We understand that.

Governor PERRY. Just for the record, Governor Napolitano agrees with that also.

Ms. SANCHEZ. I have a question in particular for Governor Napolitano, but you all are, in a sense, border States, maybe not Florida, but you certainly have this issue of ports and a lot of coastline where people may come in. I am the ranking member on the subcommittee here that deals in particular with border security and the Border Patrol, et cetera, and there have been several governors who have mentioned that this is a national security problem.

So, my question is, in particular to Governor Napolitano, and if we have time, to the other two, I am not picking just on her, but she happens to have an ongoing problem of people coming across the Sonora Desert there, as does Texas, but we hear more of it coming out of Governor Napolitano's area, we are looking at doing some immigration reform here in the Congress, maybe in this next 2 months, maybe beginning with the whole issue of border security.

Can you talk to me about the number of border patrol, what the problem is, what we vice president done at the Federal level, what you need to see? Not only from securing the border, but also what happens if we do nothing about the people who are already inside of the United States who may not have documents or have overstayed their documents for staying here. What problems does this

cause you? What would you like for us to do here at the Federal level?

Governor NAPOLITANO. Congresswoman, I would like the Federal Government to put more resources into the Arizona border, as has been promised now for many, many years. The resources were put in the San Diego-Tijuana area in Operation Gatekeeper, they were put into the El Paso–Juarez area in Operation Hold-the–Line, and the Arizona border was left unresourced and the traffic, quite frankly, moved into Arizona.

The border has to be dealt with as a whole, the whole stretch of it, and we need more by way of resources there. We need Border Patrol agents north of the border. The County of Maricopa, where Phoenix is located, is the point of destination for literally hundreds of thousands people who are crossing on an annual basis. We have no Border Patrol agents to pick them up. They are caught and released. That is the policy, catch and release. So the rule of law is not being applied. That has to be a top priority.

Accompanying that needs to be a thorough examination of our Federal immigration law and policy and how it should be changed to match the economic realities of today.

Governor PERRY. Absolutely, if I could, Mr. Chairman, I would like to just give you some numbers, Mrs. Sanchez. Other than Mexicans, that is the individuals, OTMs, that is the biggest area of concern, not the biggest, it is one of the great areas of concern. From 2002 to 2005 in the Del Rio sector, the OTMs went up that were apprehended by 613 percent. In the McAllen area, the very far southern part of the Texas area, those numbers went up 429 percent. The number of Mexican aliens that were apprehended stayed basically level.

But we are seeing a huge problem with OTMs, and there is a very much a nonsensical policy today by Homeland Security to bring those people inwards 150 miles in the case of from the border of Texas to San Angelo, and release them on to that community without knowing who these people are, with the directions that he would want you to show up at a deportation hearing in X number of days and the fact of the matter is none of them show up. This is a real problem and it has to be dealt with. We need more technology, we need more Border Patrol agents, we need more dollars along the border to pay for the overtime for our law enforcement officials that are there.

So, I think all of us share in the fact of the matter is with all due respect, the State of Texas has about 1,200 miles of that border to deal with, and in between those ports of entry is where a lot of those resources are going to have to be spent.

Ms. SANCHEZ. Thank you.

Governor BUSH. Well, while we don't have a land border, we do have a significant border with the Caribbean and we also are the recipient of a tremendous number of people that cross the Texas and Arizona borders to come to pursue their dreams in our State. So I think protecting the homeland, one of the main ways that you could do that, I don't know about all of the little programs you were talking about, this is an area where Border Patrol enforcement, more agents for the Border Patrol, not just in the southwest, not at the expense of the southwest, we certainly don't want to do

that, but including areas like Florida where we have seen a dramatic increase in the number of interdictions of people coming by boat.

Then this is a dicey subject, but the treatment of illegal immigrants, their status, is something that can't be ignored.

Ms. SANCHEZ. You are talking about people who are already here who are working who might be part of the community.

Governor BUSH. Which is part of your question.

Ms. SANCHEZ. We can fortify the border. What does that do for the people inside?

Governor BUSH. I think in turn for fortifying the border, strengthening the border, there needs to be some recognition of the fact that these are, by and large, most of these folks are hard-working people, they are working so that they can provide for their families. There needs to be a policy I think that respects them. Until we can control our borders, I doubt that that will be done in Washington, D.C.

So I think the first step is the proper one we are talking about, but immediately to ignore the fact that we have millions of people here that don't have documentation, that are making contributions, but they are not being recognized. That may be politically correct in this day and age, but I think it is important to recognize.

Chairman KING. The gentlewoman's time has expired.

Ms. SANCHEZ. Thank you, Mr. Chairman, for your indulgence.

Chairman KING. I am always willing to indulge the lady.

I would just note for the record that this is an ongoing debate that we do, but the amount of homeland security grants has actually increased over the last 4 years from $200 million to $1.7 billion, and there are some States who have not spent more than half the money that has been awarded to them from the Department of Homeland Security, and there is almost $6 billion in the pipeline. Again, this is debate that we have ongoing.

I recognize the gentlewoman from Florida, Ms. Harris.

Ms. HARRIS. Governor Bush, I wanted to ask you specifically about some the issues that we have faced in Florida, most notably the debris situation.

What we have had from FEMA are a number of different rules and regulations, different types of issues that they have told us and that has made it very difficult on counties, particularly in my economically challenged counties like Hardy and DeSoto. So I wanted to ask you what you saw about the actual policies concerning debris removal?

For us, what our experience was is that FEMA focused more on semantics, not on the sewage and waste that were overwhelming communities. In their clean-up processes, they instituted unworkable definitions and standards for what constituted gated communities, for what were movable and what was removable. It just got into a bureaucratic morass.

From Tallahassee's standpoint, we want to know you felt that you could deal with that better. It seemed like the rules continue to change daily. And the costs that were incurred and then the interest rates that were incurred, that small communities, small counties, had to borrow in order to accommodate what government

had told them on the front end, what the Federal Government told them on the front end was going to be permissible.

I would like to know what your thoughts are on that.

Governor BUSH. I think this is a serious issue. There needs to be greater transparency and clarity in treatment of debris in Phoenix just as it should be treated in Orlando, just as it should be treated in Austin. I think the interpretation of these rules varies from community to community, which makes it hard to determine when you should pick-up debris and when you shouldn't.

The question of debris removal on private property, one would think that is a legitimate restriction. But you have many communities that have public functions but private streets. Those aren't gated communities that you think of in affluent areas. In Florida, as you know, many of these gated communities are mobile home communities. Those are the ones hurt the most, but yet they couldn't get the debris removed. I think having greater transparency and clarity of interpretation would be very important.

Secondly, one of the problems that we face has been just getting the reimbursements done. The grind-it-out process which, Congressman, you are going to probably begin to hear about from your constituents increasingly because of Katrina, getting invoices through the process has been quite difficult.

Thankfully, in Florida, Scott Morris came to be part of the long-term recovery effort in Orlando and made a commitment that he would deal with this issue and has done so. But it really required his effort. It shouldn't be based on one individual. There ought to be systemic change, so that the reimbursement that we thank you for—and I haven't expressed my thanks for the appropriation last year that saved our State—but for the supplemental that you provided made it possible for us to recover.

Accessing that supplemental budget that you appropriated has been a challenge that we have now finally resolved.

Going forward, I think there should be higher expectations of FEMA to get this process done quickly.

Ms. HARRIS. On another note, and I would like all the governors to address this, we specifically had a hurricane summit this past week, then you commented on the idea that we have been discussing for some time on a national CAT fund. I really liked some of the ideas you had in terms of the accountability, that States should have their own CAT funds established first, some of the building code issues.

Would you elaborate on some of your ideas concerning a national catastrophic fund? I would like to hear from Governor Perry and Governor Napolitano as well.

Governor BUSH. In response to this notion of federalization of the emergency response, maybe a better approach would be to hold local communities and States to higher expectations. Part of that could be to create a culture of preparedness. One of the things we have done in our State to achieve that is we have a statewide building code that is the toughest in the country. It changes the dynamics of evacuations, it changes the dynamics of cost. It creates the possibility of having a private insurance market, which we still have.

We created, after Andrew, a catastrophe fund that had $4.5 billion, I believe, of equity built up that had the capacity to borrow up to, I think, $18 billion to deal with these storms. That created another buffer.

Given the fact we seem to be in an era where there are tremendous amounts of disasters going on, maybe I am so immersed in it, maybe it is not a typical, but it seems like there are more of these going on, and as we see the costs of these rise, perhaps it is time to consider a national catastrophe fund, and to opt into something like that, the Federal Government could perhaps require local and State governments to have preparation second to none, to have a State catastrophic fund to be able to buffer the private insurance market, and to create a culture of preparedness, which I think is essential for quicker recoveries.

Governor PERRY. Just briefly, we have a State CAT fund, but the fact of the matter is with the cost of these catastrophes reaching the level they are today, it is certainly worth the debate and we would be open to discussing of the Federal catastrophic fund and then obviously it is always the strings attached with that. But we are certainly open to discuss that.

Governor NAPOLITANO. Certainly it is an idea worth considering. We, too, have a State catastrophe fund. It goes by a somewhat different name, but that effectively is what it is. One of the things it does is advances costs that are really legitimately Federal costs because the Federal reimbursements come so tardily. So I think the notion of having a national fund with State funds and whatever, leveraging against each other, if we can clear up the paperwork, is well worth doing.

Chairman KING. The gentleman from the State of Washington, Mr. Dicks.

Mr. DICKS. I want to welcome the governors. I appreciate your testimony.

What about the housing issue, Governor Perry in particular, and Governor Bush, since you have been faced with this? This is one that worries me, how do we get these people into the right temporary housing and how do we get them into permanent housing?

Governor PERRY. Absolutely. Yesterday, in a meeting with Secretary Chertoff and his senior staff, we discussed that exact issue. We still have some 287,000 individuals in hotels and in motels and those types of rooms that are very expensive way to put folks up. One of the ideas that I laid out yesterday in some remarks was the concept of a housing voucher that could be used for either mortgage payments, particularly incenting people to go to VA, FHA, USDA type of housing, or for rent, but to put them in the responsible position of taking control of their lives, rather than keeping them in some type of this temporary housing that is incredibly expensive.

Mr. DICKS. Is FEMA paying for that?

Governor PERRY. Yes, sir, that is my understanding. It is $22 million—excuse me, $11 million a day, a pretty expensive hotel bill.

Mr. DICKS. Governor Bush, what is your experience after last year?

Governor BUSH. Well, we had a frustrating experience. This is back to the recovery side of it. As I said, prevention and relief, I thought FEMA did a pretty good job. Recovery is difficult. FEMA

had the responsibility of providing the housing and it just was slow coming, to be honest with you.

We ended up I think with 12,000 mobile homes or mobile structures that, thankfully, many people now have gotten out of, although some continue to use.

It is extraordinarily expensive, and there is really not an easy answer to a Katrina-like storm, where you are overwhelming the housing stock of a broad expanse of area. There is just not a place you can go in the United States and say order me up 200,000 manufactured homes. They are not in the inventory. So it will take an extended period of time.

I think just if there could be a way for FEMA to perhaps challenge how they go through their process of determining if someone is eligible, speeding up that process, it would be very helpful. Eliminating some of just the uncertainties that—when someone has been hit by a storm, they have lost most of their assets typically. People that are most hurt don't have a lot of assets to begin with or a lot of income. To try to go through the maze is extraordinarily difficult.

Mr. DICKS. Thank you very much.

Could I ask one additional question here. On the military side of this, I am on defense appropriations and have been on the committee for a long time. The military isn't excited about taking over this responsibility either, by the way. I wanted to ask you this. Both the Coast Guard, and I think, the active duty forces that had helicopters come in and did a lot of important relief work. Was that done under the leadership of the governors and your emergency people?

Governor PERRY. Yes.

Mr. DICKS. So they weren't acting independently of you. This was all coordinated with you?

Governor PERRY. It came straight out of our State operating center.

Mr. DICKS. There is no way you have that kind of equipment.

Governor PERRY. We do have a substantial number of aviation assets in the Guard, a lot of Blackhawk helicopters, but those Coast Guard choppers that were doing the evacuations that you saw out of Louisiana, those were directed by their assets there.

Mr. DICKS. To be honest with you, I don't know who was in charge of Louisiana. I don't know who was calling the shots there. We are still wondering that ourselves up here.

Governor Napolitano, on Interior appropriations, we have jurisdiction over the forest fires in appropriations, and I am very interested to hear what you might want to say about what were the strengths and weaknesses in the response to these major forest fires that you have endured in Arizona?

Governor NAPOLITANO. Thank you. We have developed a system, if a fire starts on State land, we are the first responder and we coordinate with the Forest Service to provide support. If it starts on Federal land, they are the first responder, we coordinate with them. One of the key things about forest fires is you may not know precisely when or where one is going to start, but you can pretty much predict the month you are going to start your fire season and

you can pretty much predict the areas of your State where they are going to begin.

Mr. DICKS. Did you have problems with the Federal response in terms of getting money back?

Governor NAPOLITANO. Yes, indeed. When we are incurring Federal expenses for helping fight fires on Federal land, delay in reimbursement has been a real problem for the Forest Service. And a second real problem has been the lack of plan and coordination with the States on air tanker support for wildfire fighting. We were literally in the middle of a very, very bad fire season, then the forest season with no real prewarning to the States, grounded all 33 of the large air tankers that are really your first wave of attack on a large fire. We still don't have that situation worked out. So there are problems there in coordinating with the Forest Service.

Overall, historically, it has been a good relationship, but in those particular areas, speed of reimbursement and air tanker support, problematic.

Chairman KING. The gentleman from Texas, Mr. McCaul.

Mr. MCCAUL. Thank you, Mr. Chairman. I want to correct my introduction. It was the Texas National Guard, and it was not federalized.

I don't want to let one bad apple ruin the whole federalist scheme here. I think as you stated, let first responders be first responders. I think the Federal Government can provide the assets, the resources to help, but not take over the entire scheme. I think we had a situation in Louisiana where, quite frankly, there was a breakdown of communication and leadership, but yet that should not change our fundamental laws and Constitution. What Louisiana did raise was the issue of preparedness to not only Mother Nature as a terrorist, but to the terrorists themselves.

I want to see if the panel would comment on that, how well prepared you feel in your States you are to a potential terrorist attack, and then as we talk about the border, which I know in my home State is an enormous issue, could you comment on whether you believe we need to declare a national State of emergency?

Governor PERRY. That is a pretty broad set of questions, and I will try to hit them very quickly.

I think Texas is as prepared as humanly possible for an event, whether it is man-made or whether it is natural disaster. Are we prepared for every eventuality? No. That is physically impossible to be prepared for everything. We know that. We learn every exercise.

But the fact is that, again, I go back to if States have adequately used their Homeland Security dollars and other funds have funneled into their States for those purposes, and we were really thankful to the Federal Government for the dollars we received, and hopefully, as you audit our expenditures of those, that you will find that we have used them in an appropriate way and reflective of how we dealt with Katrina and Rita, and those 150+ plus exercises, that there is proof in the pudding, if you will.

But our big concern, as you rightfully bring up, Michael, is the border, and it is the terrorist individual who we don't know about. In those OTMs, Mrs. Sanchez, that have been apprehended in the State of Texas, we see people from countries like Iraq, Iran, Bangladesh, that tri-border region between Brazil and Argentina and

Paraguay, that we know are al-Qa'ida hot beds. It is those individuals that cause us great concern. And the fact of the matter is, this catch and release program that you heard Janet, that is just the lingo of the industry, but that is a pretty accurate description of what they do. They are apprehended, taken inland and turned loose. If that policy does not change, there will be another terrorist attack on America that comes from that type of immigration policy.

We must have the resources, we must have the border patrol, the technology. And I can't overstate the presence—we have Operation Linebacker that is ongoing in Texas today that our sheriffs along the border have put together. It is following, not unlike Operation Stone garden which occurred in a couple of regional areas along the border. But it is that presence of uniformed individuals in particular that really stops, lowers, the amount of criminal activity that is ongoing.

So, it is a very broad subject that you bring up, but the entire border region, from California all the way to Brownsville, is susceptible to—is a very porous border. It is a huge problem that we have to deal with as a country, because this just isn't about Texas, Arizona and New Mexico and California. This is about the entire country that is being impacted by that type of open border.

Governor NAPOLITANO. I think Governor Perry said it well. It really is resources to be deployed between the ports of entry further north, and the susceptibility is there. This must be a top priority of our Homeland Security effort.

Governor BUSH. I think Florida is better prepared after September 11 than before. We were maybe better prepared than other States because of the fact we have more natural disasters. So the natural disasters actually, and how we respond to them it is a training process to keep local communities and the State focused on what is a huge priority for our State. So I think we are better prepared.

But I guess what I try to tell the team that works so hard on this is success is never final, and that we constantly have to be upgrading how we prevent the damage of a natural disaster and how we prevent an attack on our country. Florida is a place that people move in and out of more than most places. So we are a logical place where there could be a terrorist attack, just given our coast and given our population.

So we are trying to constantly upgrade our skills. One of the ways we have done a better job in the last 3 or 4 years is the communication between fire and police, the sheriffs and police departments. We have these regional security task force structures that demand more transparency and more communication. Then we are using technology to back it up with more interoperability. That has been a problem, I think, across the country.

Chairman KING. The gentleman's time has expired. The gentlewoman from New York, Ms. Lowey.

Mrs. LOWEY. Thank you very much, Mr. Chairman. I want to thank all three governors for appearing before us. It has been tremendously helpful.

I want to switch the subject to the pandemic possible, let's hope, not the reality of a possible pandemic flu. But first, I just wanted to comment briefly on Governor Bush's last comment concerning

interoperability, and Governor Napolitano talked about that as well.

Unfortunately, the Federal Government's office of interoperability really hasn't shown much leadership, and for me, this has truly been unfortunate. Many of us have been talking about it for years with the Department of Homeland Security. I think it was Governor Napolitano that mentioned, I am not sure, one of you mentioned that you have an interoperable system in place. But what did happen in Louisiana, even if they did have an interoperable system in place, when the Federal departments came in, Federal agencies came in, they weren't interoperable.

What we have been calling for is not a prototype that every State has to have the exact equipment, but there should be standards, there should be RFPs sent out, and we haven't done this on the Federal level. So I hope you will work with us to encourage more Federal activity and leadership in that area, and I congratulate you for what you have done in terms of interoperability.

But I want to get to pandemic influenza preparedness, because I have been talking about a year. In hearings on April 12, before that in October, about the need for a Federal preparedness plan to deal with the possible influenza pandemic. I am pleased to learn that each of your States has begun working on this kind of preparedness plan. In fact, it makes me wonder why the Federal plan has been in draft form since last August, and we still don't have a permanent Federal influenza plan.

Now, I think we would all agree that we wouldn't look to Michael Chertoff to be the Nation's doctor, nor would we ask the CDC to train firefighters and police and EMS workers.

Clearly, there is a role for multiple Federal agencies as well as State and local governments. But in my judgment, and I think the judgment of so many of us, we really need to plan ahead to make sure everyone is equipped and ready to coordinate an immediate response.

For example, do you open the schools? Do you close the schools? Do you allow planes to fly intrastate? Does the President stop all flights? There needs to be a great deal of planning.

So I was pleased to learn that you have begun to make these plans, and I would like you to perhaps give us some information. Where are you in your planning? Have you developed plans to date? I am sure if and when the Federal Government comes out with their final plan, you will amend your plans. But if you can give me an update, if, God forbid, a flu outbreak reaches our shores and your State, what is your understanding of your role in this scenario? Whoever would like to begin. What have you done, what kind of meetings have you held, what kind of—I am not sure if all that chat is you haven't done anything.

Governor BUSH. No, we were trying to figure out who gets to go first. I think I volunteered.

Mrs. LOWEY. I appreciate that. What I would like to know is what have you done? Has there been any assistance from the Federal Government?

Governor BUSH. Absolutely. We do table-top exercises for natural disasters—

Chairman KING. If I could intervene, we are going to be voting in about 25 minutes. I would ask if the governors can try to keep their remarks brief. Thank you, Governor.

Governor BUSH. We train for these exercises. In fact, the public health issues are probably the highest priority for us, given the nature of our State. So what would happen if there was a pandemic in Florida, and Florida was a participant in it, would be the Secretary of the Department of Health, rather than the head of the emergency management team, would be the lead, but we would use the exact same structure that we have in place which is battle-tested.

Through the departments of health in the 67 counties, in coordination with the CDC, there are protocols in place already to deal with these issues.

There will be circumstances in the—God forbid if that happened—that wouldn't be part of the plan that we have in place. But many of the same lessons learned from the hurricanes and preparing for emergencies would apply for this, as well.

Again, I hope that this is something that is only theoretical, because it is just an enormously—it would be an enormous challenge. But there has been significant preparation in place. When this news came out, we had already had several briefings. The Secretary of the Department of Health has already begun the process of implementing the beginning parts of this plan to be prepared.

Mrs. LOWEY. What does that mean?

Governor BUSH. Again, to make sure—have 67 counties in our State; we have 67 health departments. All of them have to be part of a successful preparation. It simply means know what your plan is. Run through it. Make sure that the community partners in the hospitals, for example, in the emergency rooms, make sure that people know what their role is. Assure that—one of the key elements of this is to identify the flu as early as possible. There are places, whether it is schools or emergency rooms in hospitals or doctors offices, there are ways that you can do that if you have prepared for it in advance. That is what we are doing.

Mrs. LOWEY. Governor Napolitano.

Governor NAPOLITANO. Congresswoman, yes, we have worked on a flu plan, but a flu plan can apply to a number of other scenarios as well. But the kinds of preparation includes looking at who—

Who we would require physical exams. How we would describe medicine and vaccine. How we would procure medicine and vaccine. How we would provide for transportation of medical and support personnel, if a particular area were particularly hard hit. Those all go into a flu plan, a disease plan, as it were.

Just as in Florida, I think in most States it will be the State Department of health services that will be the lead agency coordinating with county health departments and providers in terms of providing the care. But another essential element, quite frankly, is the Department of Agriculture, because there is an animal kind of interface that you also have to look at.

Mrs. LOWEY. I am glad you mentioned that. In fact, my colleague, Rosa DeLauro—

Chairman KING. Nita, we are really running out of time.

Mrs. LOWEY. Let me just close—

Chairman KING. Actually, no.

Mrs. LOWEY. Can I close with one other statement?

Chairman KING. No, we are really out of time. We have many members and we only have 20 minutes to go. I hate to do this. This is the only time in my life, I have to shut the gentlelady off.

I have discussed this with Congresswoman Sanchez. If we can limit the questions to a total of 3 minutes so we can try to get as many members to ask them, and if the governors would keep their statements within the 3-minute time period.

Mr. Dent.

Mr. DENT. Governor Perry, you obviously had an experience recently with a major evacuation of a large metropolitan area. My question to you is, what should the role of the Federal Government be in preparing and implementing an evacuation plan that is directed toward a major metropolitan area like Houston or Philadelphia or New York City?

Governor PERRY. Right. I think what you will see is what happened in Houston and the surrounding Gulf Coast area will be a model, not a perfect model, but a model that will be, again, analyzed and deconstructed and talked about. We have a group already working on recommendations on how to do this better, to preposition fuel, to rest stops, to how you contra-flow highways. All of those issues are in front.

I will just briefly conclude by saying that what happened in Texas is now a model that everyone can look at, whether you are in L.A. or New York or Atlanta or whatever major metropolitan area, and to start looking at all of the contingencies that occur and how to possibly make their plans better.

Mr. DENT. As a quick follow-up, my district is less than 80 miles from New York City and the City of Philadelphia. My question is, what was the ability of communities that were receiving evacuees to absorb all those folks coming in?

Governor PERRY. You saw some Herculean efforts by the local folks. Again, you have the opportunity with the next group of individuals to talk to those mayors and those county judges. Those are the people that really have the absolute best information. Again, it goes back to why you need to keep the first responders being the first responders, because these are individuals who have the real live experiences that can share with you exactly how they absorbed those people and how they were able to very quickly bring them in, shelter them, and now dispersing them after the fact.

Mr. DENT. Can I quickly ask one last question?

Chairman KING. Mr. Dent, we have to wrap up within one minute.

Mr. DENT. Posse comitatus. Do you think we should reconsider it?

Governor PERRY. No.

Governor NAPOLITANO. No.

Chairman KING. The gentlelady from the District of Columbia, Ms. Norton.

Ms. NORTON. Thank you very much, Mr. Chairman. I thank the governors for their respective views. It has been very important.

Let me get the red herring out of the room. I don't think you will see a single member here that wants to federalize first responders.

I want to assure you of that. President Bush has asked to me it seems a responsible question, and essentially that requested asked before Katrina and since is under what circumstances should the military be used. That is all we are interested in.

It is about disaster response here. Not only natural disaster response. I just wanted to put the dilemma we face to you. Assuming that the State and local responses were as perfect as they could be, the preparation and execution, in Katrina, of course, there is the Emergency Assistance Act, Stafford Act. He used the military, my friends, every branch of the military there. We, of course, want to fix FEMA. I was surprised the gentlewoman—rather, at the governors' response on FEMA, because I am on the subcommittee that has taken a lot of hits for not having calling FEMA in in 2004 when we are told that four hurricanes in Florida had the handwriting all on the wall about problems in FEMA. So we bear responsibility for looking at what we can do to make all of this moot.

But I think the reason the President has put this to us is that in any case, for example, a disaster could be a terrorist disaster, the information then the response could be totally in his hands or if not the response, the intelligence, the Northern Command, ladies and gentlemen, are already gaming on the theory that there would be circumstances where any local and State would be overwhelmed and where the military would be necessary, if you are serious about saving human lives.

I want to know if you oppose the use of the Army, the Navy, the Air Force, every branch of the military as it was used in Louisiana, apparently with the approval of the Governor and it was also used in Mississippi. Would you oppose the use of the military if there were a terrorist attack? And do you think this committee ought to try to figure out what circumstances should lead to the use of the military in either of those situations? For me, that is the only issue before us today, frankly.

Chairman KING. I would ask the witnesses to give the briefest possible answer they could.

Governor BUSH. I do think this committee needs to look at the circumstances in which the military would play and the President would play a direct role and the military play the direct role. There are, God forbid, we would be in this circumstance where an overwhelming event of national importance could take place, where the intelligence and the information available would be provided the commander-in-chief and not a Governor or mayor. Again, God forbid that would happen. Under those circumstances, in some way it could be appropriate for direct action. But it should not be in natural disasters, where we have a responsibility and we should be held accountable for that responsibility to respond.

Ms. NORTON. You don't oppose the use of the military, with the Governor, as was done in Louisiana, or not?

Governor BUSH. I do not oppose the military's involvement in preparation and relief, so long as the Governor of the State is in charge of that effort.

Chairman KING. Governor Perry?

Governor PERRY. Briefly, there is an absolute military aspect to most disasters. The military, the active duty military, should be at the discretion of the local Governor.

Ms. NORTON. The active duty Federal military?

Governor PERRY. Yes, ma'am.

Ms. NORTON. With the permission of the local government?

Governor PERRY. Yes.

Ms. NORTON. You don't have any authority over the active duty military?

Governor PERRY. The fact of the matter is with the State operations center shall the people who are organizing, we do work as a team. I think that is a very important thing to understand, is we do work as a team. If our State operations center says to the active duty C–130 crews that are sitting there waiting to move people with special needs, we need three C–130's in Beaumont, Texas, at 10:30 in the morning.

Ms. NORTON. I am talking about the Army, Air Force and Marines.

Chairman KING. The gentlewoman's time has expired. Other members have waited a long time.

Governor PERRY. The fact of the matter is we worked together. It can be the active duty Air Force, and they do, in fact, work with us. When we say this is what we need, yes, we go through the chain of command, but the fact of the matter is, that is the important part of this, is that realizing that we have this organizational chart and it is the States that would continue to be at the heart of the decisionmaking on where these assets would be placed.

Chairman KING. Governor Napolitano?

Governor NAPOLITANO. Very quickly, there is a role for the military, but it needs to be under the direction of the State Governor and in cooperation. That is exactly what we practice and prepare for, and we do use active duty military in these response plans, but we don't cede control over the response to the Pentagon.

Chairman KING. The gentleman from the State of Washington for 3 minutes.

Mr. REICHERT. All three of you have commented on three major points, communication planning and joint exercises and practice. I want to focus just on the communication piece that was mentioned earlier, a two-part question for anyone on the panel who chooses to answer.

One, how can the Federal Government help those States that do not have a statewide communication? If you were just setting up a system in your State and you all three have systems, as does my State, the State of Washington, what could the Federal Government do to help you or the State do that?

The second part of the question would be do you have a plan in place that would, in case your communications systems totally collapsed?

Governor PERRY. We do. In Texas, as a matter of fact, we have a substantial amount of satellite communications, the Texas task force 1 also has that type of capability. As a matter of fact, they were the first people in Louisiana with the ability to communicate because every land-based and cell tower was down in Louisiana, so those are already in place. We prepositioned them.

If Jeb has the need for those over the course of the next three or four days, they will be prepositioned to the west of Florida to go in to assist.

Chairman KING. Governor Napolitano.

Governor NAPOLITANO. Thank you. The answer is we have an interoperability. We used our Homeland Security money not to create a statewide system of fixed assets, but to buy vans that you could literally drive anywhere, that Federal, State and local responders can all plug into. It is like having mobile patches that we can make available throughout Arizona, but, as I said, we made available in Louisiana.

What you can do is work with States to help them develop strategies like that, if they haven't done so already.

Chairman KING. Governor Bush.

Governor BUSH. Absolutely. The key to this is to have a robust system that is redundant. We have that, and it is mobile. It has been funded by State and Federal dollars. So Washington has done its part. Again, have I expressed my appreciation for the money you all have given us?

Chairman KING. Yes, Governor. We know that.

Governor PERRY. Mr. Chairman, let me just add one thing. The private sector plays a very important role in that also. For instance, our satellite trucks went into the Gulf Coast regions, Gycom, which is one of the local satellite trucks, to give us real-time pictures in the advent that we lost all of our electrical power. So the private sector also plays a very important role in this, as well as both the State and the Federal.

Chairman KING. The gentlewoman from Texas is recognized for 3 minutes. We have cut the time to 3 minutes because of the votes coming up, not that I have to remind you in particular, but I just thought I would do it.

Ms. JACKSON-LEE. Thank you, Mr. Chairman. It is hard to count, but you have given me that number, and I do appreciate it very much.

Let me, first of all, again, acknowledge the governors for their work and let me also acknowledge Michael Williams, who I have had the pleasure in the State of Texas to work with on the Texas Railroad Commission. For those uninformed about the processes of government in Texas, I commend you to—I have taken up about 30 seconds—but I commend you to Texas history. In any event, it is a very important commission. We thank you very much for your leadership.

You can tell we are troubled by this question dealing with Federal levels of help. Let me share my focus with you and raise some questions so that we can be appropriately instructive in our work.

One, we agree, I believe, that you have heard no interest in federalizing local law enforcement. In fact, one of my questions at the end will be that we like to take the burden of border security, which is another point, off of the States and do the job we are supposed to do.

But just noticing a White House declaration shortly after Hurricanes Charlie and Francis, I think in the fall of 2004, if I am correct, and Governor Bush, you have certainly, if you will, been tested. But the efforts were defined and definitive, if you will.

He submitted a request for emergency funds to Congress to ensure response efforts in Florida and elsewhere continued without any interruption. The President announced he would submit a sup-

plemental request for approximately $2 billion to pay for the response and recovery efforts related to the hurricane, and the request for the first supplemental appropriation requests will total $2.2 billion that went to FEMA, primarily for emergency clean-up, et cetera.

I also noted in your comments that you had talked about pre-deployment. Some of the other issues, about 100 trucks of water and 280 trucks of ice are present and will arrive in Jacksonville staging area today. 900,000 meals ready to eat. I notice 7,000 cases of food. So we concede there is a prime role for the Federal Government.

What I would appreciate hearing, I am going to first start with my own governor, because we did one of the most massive evacuations, Governor Perry. Can I ask you to place in there where an appropriate government role would have been?

For example, the added fuel trucks along the freeway, the utilization you did of the National Guard, but whatever other resources you might have needed, ice and water down in port Arthur. Is there not a role in synergies am with you, and Governor Napolitano, would you answer that? I am not asking Governor Bush, because you laid it out for us. If there is time, I welcome you to answer that question as well, and comment on the need for Federal resources and border security.

Chairman KING. Actually, there isn't enough. I would ask Governor Perry and Governor Napolitano to answer questions as briefly as possible.

Governor PERRY. Absolutely, there is a Federal response, and the coordination and its assets. It is those transportation assets, those heavy equipment assets, it is those fuel trucks. It is just the coordination of them. That is the important thing again that we can reiterate, the continual coordination between the State and the local and the Federal Government, and that is the real key to an evacuation, is having thought through all of those places where you need those individuals, where the bottlenecks are going to be, where you can use either the active duty or the military to direct traffic. It is a matter of managing those assets.

Governor NAPOLITANO. I would agree with Governor Perry, although I would say that border security issue itself on an ongoing basis is a Federal responsibility and requires federally-trained and paid-for law enforcement at the border. But in terms of managing a disaster and how you interact with the military and other Federal resources, it is a matter of coordination.

Chairman KING. The gentleman from California, Mr. Lungren.

Mr. LUNGREN. With respect to the issue everybody has brought up, border security, I just might advise people that the bill the President signed yesterday, the fiscal year 2006 appropriations bill for first responders, specifically added money for more Border Patrol officers, more interior enforcement, more beds, so that we don't have the OTMs caught and released.

In reflection of that, or as a factor in that, it was the Congress that made the decision with respect to lesser money for the State Homeland Security Grant Program. We transferred some of the funds so that those things could be done in light of the fact that we discovered there are literally billions of dollars still in the pipe-

line from the previous two years that had not yet been spent. I would like that for the record.

Secondly, and this is the question I would like to direct to you, when I was Attorney General of California, we dealt with fires and floods and earthquakes and riots and so forth and we dealt with the Federal Government on all levels, and we dealt with these issues. We never had a problem of where the Federal Government should be and where we should be.

The problem that has really come out, and the big elephant in the room, is the fact that there was a failure of leadership, at least some of us think, at the State and local level, in Katrina. So some of the discussion here in Congress has been where does the Federal Government enter in? Not when under the Insurrection Act the Federal Government can use the military to subdue any insurrection, domestic violence, unlawful combination or conspiracy as an exception to posse comitatus, but is there another level of decision that ought to be made by the Federal Government?

That is, some members have come to me and said when we have a certain size hurricane, Category 5, we ought to assume that the Federal Government is going to come in. Others have said when we make a decision that there has been a certain amount of loss of life, then the Federal Government should come in. Others have said we ought to reserve the ability to make the judgment when there has been a failure of leadership at the Governor level or at the local level, that the Federal Government should then presume it can come in, using Federal forces, including active military, as first responders. That is the real issue here.

I would like to have your response to that, because I feel very strongly that posse comitatus has served us well and that we should be very leery of giving a President that kind of authority. But I would like to ask the three of you to respond to that.

Governor BUSH. I will start very briefly simply by saying that of the scenarios you described, that the only one that possibly would be appropriate is the last one, and it is not different than what happens—it hasn't happened in Florida since I have been Governor, it may have happened in the past, where a mayor was derelict in their duties, and under our emergency powers, we have the ability to countermand a decision made by a mayor or county chairman that endangers the lives of the people of that community as it relates to maybe not evacuating when they are supposed to or something like that.

The last thing that should happen though is to create a system where you enable bad behavior. We should be rewarding—we should make it a higher priority in every community, emergency response needs to be a higher priority, given the realities of the world we live in. And the more that the Federal Government assumes responsibility, the less likely it is that local first responders, local elected officials and governors, will feel compelled to make it their first priority.

Chairman KING. Governor Napolitano, and then Governor Perry.

Governor NAPOLITANO. I agree. As a former attorney general myself, the saying is bad cases make bad law, and I think changing the whole system because of one incident would be unwise.

Governor PERRY. Here is what I think that the government can do, is the dollars, you have had 4 years to see whether or not the States had expended those Homeland Security dollars appropriately. I think that is one of the real keys for you to look at, each State, and I don't know how you do that, you look at each State, see how those dollars have been spent, see if they are exercising and gaming out the types of events that could happen in those States and make a decision at that particular point in time. If they are not directing their States to these types of activities, then the public will respond appropriately to that Governor or to that mayor or to that doubt I judge, that you are not spending the money right to protect our citizens.

Chairman KING. The gentleman's time has expired.

The gentleman from New Jersey, the Ranking Member of the Emergency Preparedness Subcommittee, Mr. Pascrell.

Mr. PASCRELL. Thank you, Mr. Chairman.

I have three questions, yes or no, from each and every one of you, and then a final question which I would ask Governor Bush to respond to, if you would. So this should go very quickly, like teeth extraction.

Since the creation of the Department of Homeland Security, much of the Federal focus has been on preparing for and responding to terrorist attacks. Is the Department giving enough adequate focus, in your opinion, to natural disaster? Governor Bush?

Governor BUSH. Yes.

Mr. PASCRELL. Governor Perry.

Governor PERRY. Yes.

Mr. PASCRELL. Governor Napolitano.

Governor NAPOLITANO. No.

Mr. PASCRELL. Thank you.

Second question is this: Does the Federal Government have a role in ensuring that each State has interoperable, better known to us in Paterson, New Jersey, as proper communications systems? Do you think that the Federal Government has a role? Governor Bush?

Governor BUSH. Yes.

Governor PERRY. Yes.

Mr. PASCRELL. Governor Napolitano.

Governor NAPOLITANO. Yes.

Mr. PASCRELL. All right. Thank you.

The third question is this: Do you think—should the President have the ability to declare a disaster under the provisions of the Stafford Act and direct Federal aid without a State request? Governor Bush?

Governor BUSH. I would say no just to keep it simple.

Mr. PASCRELL. No. Okay.

Governor PERRY. I will take a pass on that one.

Mr. PASCRELL. Okay.

Governor NAPOLITANO. No.

Mr. PASCRELL. All right. Here is my final question. This is to you Governor Bush

Governor BUSH. Is this like the $500 Jeopardy question?

Mr. PASCRELL. You are doing very well so far.

Governor BUSH. I don't know where this is leading.

Mr. PASCRELL. Do you think, Governor Bush, that FEMA—and you have had more experience here because of the disasters that have occurred in your State—do you think it should be extracted from the Department of Homeland Security?

Governor BUSH. I don't think it matters one way or the other. I think what matters is that the business practices of FEMA need to be reviewed and updated, and I think in an emergency the FEMA Director needs to report directly to the President of the United States, just as the director of emergency management who is embedded in a department in State government reports directly to me when there is a declaration of an emergency.

Mr. PASCRELL. You said in your testimony, Governor, that the FEMA logistic program is broken, and I agree with you 100Rrcent. You gave an example. You gave an example of the ice that was supposed to get to Florida, and, you know, we don't have the time for you to go through that whole example. It is right in your testimony. It would seem to me that we need to do something very substantial here to get FEMA up and going again, to give it teeth so that it is of value to you before and in preparation and afterwards, God forbid, if the catastrophe does happen. It would seem to me that we should look at your testimony here, and then we ought to be thinking and talking amongst ourselves as we should make some very fundamental changes with FEMA. It is not working, in my estimation. Thank you.

Chairman KING. There has been a series of votes called, which means it is probably going to last over an hour. What we will do is try to go through two more questioners, and then we will have to excuse the panel. The committee will stand in recess subject to the call of the Chair for approximately 1 hour, and then we will resume with the second panel after that.

The gentleman from Nevada Mr. Gibbons.

Mr. GIBBONS. Thank you, Mr. Chairman.

And to our Governors, thank you for being here today. We appreciate your testimony.

My question would deal with the military, of course, serving on the Armed Services Committee. As you know, under State law, title 32 gives each Governor control of the National Guard within their respective States. Title 10 controls Active Duty Forces. There is a provision to allow for activation of title 32, National Guard into the Active Duty Forces, but not vice versa. In other words, no title 10 can go down to title 32.

My question would be, I read with interest the New York Times dated October 11, the military proposes an Active Duty Force for relief effort. Now, in each of your jurisdictions, do you believe that Congress would be better suited to ensure that our National Guard Forces who deal primarily with first responders within their individual States should be better prepared and better equipped to deal with natural disasters, or do you feel that it is better for Congress to take that giant leap and create a new division within our military forces that would be an overriding singular entity to deal with natural disasters with the equipment and the kind of responses that you talked about earlier?

Governor NAPOLITANO. My initial response without knowing the details is that, no, you want to work with your existing National

Guards. There is a mechanism by which title—you can have a joint task force of title 32 National Guard married with title 10, and that happened at the national conventions last summer. That is how they managed the security at both the Democratic and Republican convention. You can do it under existing law.

Mr. GIBBONS. But you would also agree that there is no legal jurisdiction and chain of command in title 10, too.

Governor NAPOLITANO. No. You have to use the mechanism of the joint task force approach. But it has been used before.

Governor PERRY. Yes, sir. You just have to coordinate, and we do that very well in Texas, and I think these, all these Governors work. But my statement that I talked about the Maytag repairman I think is what you are talking about. If you create an Active Duty military group that is sitting around waiting for the next disaster, they may sit 6 months out doing anything when they could be out serving the people, keeping the peace, you know, fighting the wars that the military is supposed to be doing. So I would certainly be opposed to creating a special military unit just for disasters.

Governor BUSH. I agree. And I think enhancing the Guard is the way to go. We will have 1,000 guardsmen and women activated by tomorrow and 6,000 available for this storm, and they are citizen soldiers. They want to do this, and they do a darn good job.

Mr. GIBBONS. And States can share resources through a memorandum of agreement between States for anything.

Governor BUSH. Absolutely

Chairman KING. The gentleman's time has expired.

The gentlelady from the Virgin Islands, Donna Christensen.

Mrs. CHRISTENSEN. Thank you, Mr. Chairman.

I have gone through several hurricanes, being from the Virgin Islands, both on the hurricane side and then FEMA side, and I will say that in the response to Katrina, I did not recognize FEMA at all, the FEMA that I am accustomed to. I am going ask a question; I guess one question is what I have time for. The National Response Plan outlines seven responsibilities of the Federal Government in a catastrophic event, and I consider Katrina catastrophic: mass care, housing, urban search and rescue, decontamination, public health, medical support, medical equipment, supplies, casualty and fatality management and public information. Is there any one of those seven in which you would give the Department or the Federal Government a C or better? Did you think that they met their responsibility?

Governor NAPOLITANO. With relation to Katrina or other—

Mrs. CHRISTENSEN. Katrina.

Governor NAPOLITANO. With relation to Katrina, no.

Governor BUSH. I can only speak from the Florida experience, and as it relates to the emergency response, the first response, I would give FEMA strong grades. As it relates to recovery, I think there is a lot of work that needs to get done.

Mrs. CHRISTENSEN. Even given the fact that there were people standing on bridges not being fed for 3 days?

Governor BUSH. I am talking about the Florida experience, which, again, you know, I think you can't grade FEMA based on that particular disaster where it is possible that the local and State response was inadequate.

Mrs. CHRISTENSEN. In my experience, FEMA is supposed to come in, the Federal Government is supposed to come in at the level at which the State is at capacity and fill in the gaps. One State is perhaps better prepared than another. FEMA should be coming in at the level at which that State has maxed out its capacity and build from there. Your State is well prepared. But through the coordination process they should be able to assess the capacity of the State and build up that capacity.

Governor BUSH. I guess the number of employees in FEMA, there is 2,500 employees in FEMA. We had 3,700 people that went to the aid of people in Louisiana and Mississippi. Because this system is not a FEMA system, it is a Federalist system, there were people from all over the United States, and still are in these regions. And I am not sure that you can grade FEMA as an agency by itself based on the emergency system that we have in place.

Governor PERRY. And I think the very key phrase that you used was that his State was prepared. And I think that is a very important aspect of this debate that we are having is there are some States that are very well prepared. There are some that aren't.

Mrs. CHRISTENSEN. And FEMA should come in and build up the level of preparedness and the coordination of it.

Governor PERRY. You have obviously had some good experiences with FEMA with the hurricanes that you have. As you said, that wasn't the FEMA that you recognized. So I think the analysis of Katrina may be as much with the local level as it is with how do you make FEMA better. And the fact of the matter is if the Federal Government is perfect in its activation and its efforts, and the local is less than adequate, then you are going to have some problems.

Chairman KING. The gentlelady's time has expired.

There are about 6 minutes left in the vote, so I recognize the gentleman from New Mexico for 2 minutes.

Mr. PEARCE. Thank you, Mr. Chairman.

Again, those yes or no answers, Mr. Pascrell.

Governor Napolitano, you said that the border security is your real emergency, and that the national and the Federal Government is not doing enough. Are there any immigration enforcement-free zones either in Arizona or any locality in Arizona?

Governor NAPOLITANO. Any what?

Mr. PEARCE. Enforcement-free zones; that is, free spaces where immigrants can come without having any fears of having Federal—

Governor NAPOLITANO. The answer is no. And, in fact, I signed legislation this year including—

Mr. PEARCE. Thank you. This is just a yes or no question.

Governor Napolitano, you said that you would be greatly inconvenienced by the cuts that—in answer to Ms. Sanchez's question. Are you aware that Arizona, according to the DHS spending report, has, fiscal year 2002, $28 thousand unspent; fiscal year 2003, $16 million unspent; fiscal year 2004, $47 million; and fiscal year 2005, $40 million unspent, $131 million total unspent dollars nationwide? It was the same with all States, about $3 billion unspent. So we did go in and we cut the budget, but it is hard to see where you would be inconvenienced

Governor NAPOLITANO. May I respond, please? Those monies have been allocated.

Mr. PEARCE. Ma'am, I have got 2 minutes. You are either aware of it or you or not. Yes or no?

Governor NAPOLITANO. You either want the information or you don't want the information. Everything has been allocated.

Mr. PEARCE. It has been allocated, but if it is like my State, we continually go things have been allocated back in 2002, but the checks never been written to the first responders. Thank you.

Again, in the last of my 2 minutes, Mr. Chairman, looking at the national preparedness goal and national preparedness guidance, are you all aware that the Federal homeland security grants are going to be contingent on complying with those goals starting next year? Yes or no?

Governor BUSH. Am I aware of that?

Mr. PEARCE. Yes. Federal national preparedness goal. Are you aware that your Federal homeland security grants are going to be contingent on you all being in compliance with that?

Governor BUSH. I am now.

Mr. PEARCE. Okay. Thank you, Mr. Chairman

Chairman KING. The gentleman's time has expired.

The gentleman from North Carolina for 1–1/2 to 2 minutes, if you can try to wrap it up.

Mr. ETHERIDGE. Thank you, Mr. Chairman.

Let me thank each one of you for being here this morning. And, Governor Bush, in your written testimony you talk about the need for the Department of Homeland Security to consolidate preparedness response recovery mitigation in the one shop. I agree. I hope the Secretary is listening to that and he reads your testimony.

We had Floyd in our State. I would share with each one of you as we talk about—I don't want to get into what happened with Katrina and others other than to say when a State is overwhelmed, and we were in North Carolina, the military and others moved in. They were there and helped. We can prepare for hurricanes. As you well know, North Carolina has had a lot. But when you get overwhelmed, you need the Federal Government to be there as a partner, and then you move very quickly and respond immediately. And I won't go there other than to say that.

But let me ask you a question to answer as has just been followed up. What can FEMA and DHS do to enhance your States' ability to respond quickly to a natural disaster or terrorist attacks? You know, currently a lot of our funds are focused on terrorism, but for many of you and our State, natural disasters may be greater than the terrorist attack. But for the individual at the end of the line, the first responder, it doesn't matter which one comes. You have the same problem.

Chairman KING. Could you answer it within 15 seconds?

Governor NAPOLITANO. They can help with training, preparation and equipment.

Mr. ETHERIDGE. Resources.

Governor BUSH. And I think Governor Perry is correct that it is legitimate for you all to hold us accountable for how our homeland security dollars are being spent. You can spend this money in a way that does allow you to prepare for natural disasters at the same time that you are training and preparing for the defense of the homeland.

Governor PERRY. Yes, sir.

Let me just say it has been a real honor to be with you, Mr. Chairman.

Chairman KING. Again, I will overlook the fact that in our prior meeting you did make some deprecating remarks about the Notre Dame-Southern Cal game. Mr. Lungren was very upset over that. But we will overlook that.

Mr. MEEK. Mr. Chairman,

Chairman KING. Mr. Meek.

Mr. MEEK. Yes. I would just like 1 minute, if you can give it to me.

Chairman KING. You can get 1 minute with no time for answers. Just total 1 minute.

Mr. MEEK. Thank you very much. I appreciate it.

Thank you all for being here today. I just basically have one question for you. A lot of you, I have heard your testimony, I have actually read your testimony about the importance of lessons learned so that we can all do better in the future. As it relates to Katrina and Rita, Governor, I know that you had a lot with traffic and a lot of things, but I look at this as being a member of the Homeland Security Committee as something that we really need to know more about, because it could be a terrorist attack and we need to evacuate a U.S. city, so we need to review this. And this book, this 9/11 Commission report, has helped to improve security here in America. We are asking for the same thing as it relates to an independent commission looking into Hurricane Katrina and Rita.

I wanted to ask you all, do you believe that we need an independent commission of—a bipartisan, independent commission that is away from this Congress that can do the work to be able to find the success and failures in the recovery of Katrina at this particular time?

Governor PERRY. I can save you a little money, and we will tell you everything that we did with Katrina and with Rita and no charge.

Mr. MEEK. Governor Bush.

Governor BUSH. I think Congress is more than capable of exercising its responsibilities in terms of an oversight over how to improve.

Governor NAPOLITANO. I most respectfully disagree. I think the national public would have more credibility if there were an independent commission created as it was for 9/11.

Mr. MEEK. Thank you. Thank you, Governors.

Thank you, Mr. Chairman.

Chairman KING. Thank the Governors for their testimony.

The committee stands in recess subject to the call of the Chair.

[Whereupon, at 12:17 p.m., the committee recessed, subject to the call of the Chair.]

Chairman KING. The subcommittee will come to order.

First of all, let me thank the witnesses for staying around. We had a very unfortunate situation with the votes today, and then Secretary Rice is speaking to Members of Congress, which is also cutting into the turnout here at the hearing. So I really want to thank you for being here, for staying with us.

You certainly have valuable testimony to give. We look forward to it, and I have discussed this with Congresswoman Christensen. Congressman Poe has asked to introduce the guests today. He is not a member of the committee, so I ask unanimous consent that he be allowed to sit on the dais and conduct the introductions. Without objection.

So ordered, Congressman Poe.

Mr. POE. Thank you, Mr. Chairman. I appreciate you having this important hearing on appropriate roles of local State and Federal officials when it comes to disaster management and the response.

As all of you know, Texas was recently hard hit by Hurricane Rita and this committee is indeed fortunate to hear from local officials in Texas, who just recently served on the front lines of that disaster. County Judge Robert Eckels, who was going to testify, has been asked to be over at the White House, so he will not be here this afternoon to testify. But his testimony is in the record.

[The statement of Mr. Eckels follows:]

PREPARED STATEMENT OF HON. ROBERT A. ECKELS

Mr. Chairman and members of the Committee, I am Robert Eckels, and I serve as the County Judge of Harris County, Texas. To clarify my role, a County Judge in Texas is the presiding officer of the Commissioners Court, the governing body of the county. I represent all the citizens of the third most populous county in the United States.

Harris County is 1,756 square miles in area and home to 3.6 million residents, making it more populous than 23 states. There are 34 municipalities within the county, including the City of Houston, the fourth largest city in the country. More than 1.2 million people live in unincorporated Harris County and rely on the county to be the primary provider of basic government services.

As County Judge, I am charged by statute with the responsibility for emergency management planning and operations for Harris County. Most departments within Harris County have emergency functions in addition to their normal duties and play key roles in our emergency operations strategy. All departments work together to coordinate services and prepare for an emergency or disaster.

I want to thank the Committee for inviting me to testify on Federalism and Disaster Response. Because of my involvement in emergency management, I have had numerous opportunities to consider the best alternatives and I will try to make a case for the National Response Plan (NRP) because I believe it is the best way to respond in Harris County and in our region to catastrophic events.

I also believe that there are situations that would call for a Federal response, such as military intervention, but only when circumstances prevent implementation of the NRP. I expect the more serious incidents to seriously strain our resources and capabilities and it would only be when we are overwhelmed to the point of failure that I could see asking for a Federal response to take over. Other than extreme situations, I believe that the best method of handling response is at the local level where we have first responders who are closest to the incident not only in proximity but in their training. No one knows Harris County better than those who live and work in Harris County.

As we seek to make our communities more prepared for any kind of disaster and resilient to those disasters, it is clear that all government functions are interrelated. A healthy and robust community is better prepared for emergencies. I believe that local governments which work well together and work well with the state and federal governments in day-to-day operations, will work well together in times of stress. A number of issues stand out as we look at Hurricane Katrina and Hurricane Rita and there were a number of lessons learned as we responded quite differently to these two Incidents of National Significance.

Hurricane Katrina Response

Harris County played a major role along with the State of Texas and, in fact, nearly every other state in the nation to address the short-term effects of the devastation of Katrina. Harris County provided shelter and comfort to Hurricane Katrina victims in what became the largest mass evacuation in US History at that a time. It is estimated that more than 373,000 evacuees came to Texas and more than

150,000 came to Harris County alone. Our response was an unprecedented coalition of the Harris County government as well as the City of Houston, the State of Texas, the Federal government, the private sector, non-profit organizations, and citizen volunteers. The mission of the coalition was to provide temporary shelter, social services and relocation options for the citizens displaced by Hurricane Katrina. In less than a day a city was created which, at its peak, offered more than 27,000 people shelter, health care, child care, mental health services, housing assistance, travel vouchers, employment services, and much more. The population eventually became so large at the Reliant Park Complex that the US Postal Service assigned the complex its own zip code.

Harris County and the greater Houston area is a caring community. We welcomed our neighbors in need when they had no where else to turn. Harris County through its Reliant Astrodome shelter and later expansions to our related venues absorbed the sudden shock of the exodus from Louisiana for a few days and gave the rest of the nation time to respond by creating more shelters.

We had a plan and we executed the plan. It was not a plan for the Dome, but a plan for action. We learned as we went along, but the structure was sound and the people knew their roles and responsibilities.

We dealt with problems and forces beyond our control and kept a giving spirit. I believe that the Katrina victims were a blessing to our city and that we are stronger today for our service to our neighbors.

Hurricane Katrina Houston Response Unified Command

As we watched Hurricane Katrina intensify in the Gulf of Mexico after passing over Florida and approach New Orleans, it became clear that the threat was serious and growing. On Sunday, August 28, 2005, I visited with Jack Colley, the State Coordinator of Governor Rick Perry's Division of Emergency Management (GDEM). He asked if the Reliant Astrodome was capable of housing potentially as many as 2,000 evacuees, should the need arise. I assured him that we would do whatever necessary to make our facilities available.

When the levees breached on August 30 and New Orleans began to flood, it forced the evacuation of the Superdome, where residents had gone for initial sheltering. I received a call at 3:00 a.m. on Wednesday, August 31, from Jack Colley asking me to implement our plan to open the Reliant Astrodome to evacuees who would be coming to us from the Superdome that night. The number of evacuees he expected grew to 23,750.

At approximately 6:00 a.m. on August 31, 2005 we began to organize the Hurricane Katrina Houston Response Unified Command under the Harris County Emergency Management Basic Plan and the National Response Plan. We created a relatively flat unified incident command center in accordance with the National Incident Management System (NIMS) at the Reliant Park Complex composed of the Federal government, the State of Texas, Harris County, the City of Houston, and non-governmental organizations. The Reliant Park Complex which includes the Reliant Astrodome, the Reliant Arena, and the Reliant Center is managed by SMG Management. Other non-governmental organizations include Aramark Food Services, which provided all food services in the Reliant Park Complex; Contemporary Services Corporation (CSC), which provided security; the Red Cross which provided shelter operations; and numerous other charitable organizations.

We also recognized that with such a large number of evacuees, we would need to have a strong and unified communication to those housed in our facilities, to those evacuees in other shelters and motel and hotels in Harris County and in other parts of Texas and other states, to our volunteers, to our citizens, and to the news media covering the event. The Joint Information Center (JIC) was established in the Reliant Astrodome headed by a Public Information Officer who was responsible for unified coordinated communications, both internally to the unified command and externally. We established an extensive telephone system and created an Internet Web page at *www.hcjic.org* that contained situation reports, press releases, media alerts, and other critical command announcements. We had frequent press conferences each day and media updates to keep the public informed about developments and to share information.

Another element of the JIC that gave us greater communication opportunities was the interoperable communication system that we have been developing in Harris and surrounding counties over the past 8 to 10 years. With a price tag in excess of $250 million, neither Harris County, nor most counties around the country, are capable of purchasing such a system as a replacement for existing systems. What we have done is to develop our communication system in stages to give us the ability to communicate across jurisdictional and disciplinary lines. We are currently working to expand our system geographically and to have more mobile communica-

tion devices and lap top computers/personal data assistants (PDA) with text and file transfer capabilities in the hands of our first responders. Our objective is to have streaming video capability so that first responders can send live video from the field back to incident command and better tactical decision-making can be done with real time information. With our system in the Reliant Park Complex we were able to respond to developing situations and bring in the correct professional and voluntary assistance to resolve problems as quickly as possible.

It is very important for Congress to continue to fund state and local government efforts to evolve or transform existing system capabilities to achieve interoperability. I know that in our situation we can't afford the downtime required to learn how to operate a new system, so we have chosen to make improvements in manageable bites that enhance rather than disrupt our capabilities. Congress and the federal agencies should create rules that set minimum standards but allow local government the flexibility to work within their means to achieve those standards.

On September 20, 2005, at approximately 7:00 p.m. we announced that our mission had been completed and our unified command at the Reliant Park Complex was standing down after 21 days of around-the-clock operation. Lt. Joe Leonard of the US Coast Guard, who led the operation, said, "Our success is directly attributable to the strong personal relationships developed long before the Hurricane in Louisiana."

Many members of the Hurricane Katrina Houston Response Unified Command staff first worked as a team during the Tropical Storm Allison disaster that hit our community in June 2001. We learned a lot from responding to this disaster and then rebuilding our own community. We also developed those relationships over time by developing a coordinated emergency preparedness and response plan and then having serious and frequent training exercises to enable us to work the plan when incidents occur. These relationships were absolutely critical to the success of our mission.

Developing and working a plan requires complete communication, coordination, cooperation, and even friendships between emergency managers and professionals at all levels of government.

I urge Congress to continue to provide adequate funding to assist the funding provided by state and local governments as well as to provide incentives for thorough training and exercises for further improvements to the NRP. Lee Trevino, the great golfer, said it best, "The more you practice the luckier you get."

Based upon the risks facing a community, preparedness is ultimately defined differently in different areas of the country. Local leaders must determine the level of faith that their constituency have in their emergency response plan and improve it until citizens will follow the plan with the highest degree of confidence when an emergency arises.

The current model of the NRP with uniform standards for training, equipment, and procedures among state and local governments can continue to work well. As more counties and municipalities operate under that plan and our capabilities increase over jurisdictional lines, first responders from Harris County could go to Florida or California or any other area of the country or first responder could come help us if we need it. The more interoperable our equipment is and the more common training we have the better our capability will be to respond under the NRP.

We began housing evacuees in the Reliant Astrodome. It became apparent as the population grew that we could not safely house all of the evacuees that we expected in the Astrodome. The City of Houston's fire marshal ordered us to cap the evacuee population in the Astrodome at 8,000. Houston's mayor overrode his fire marshal and authorized up to 12,000 evacuees. Eventually the population inside the Astrodome would reach 17,500. As additional evacuees came in we included the Reliant Arena that housed 4,500 evacuees, while 2,300 were housed in the Reliant Center. The City of Houston opened the George R. Brown Convention Center downtown in order to handle 2,800 more.

Evacuees received hot meals and plenty of liquids and were able to sleep on cots with blankets and pillows. They were given comfort packages that included basic toiletry needs and, importantly, they were able to take a hot shower for the first time in several days. They were comforted by volunteers and were able for the first time to begin to have a feeling that they were finally in a secure location.

Not everything went as smoothly as I would have liked, but we were able to quickly adapt. Emergency planning coordinators in our Homeland Security & Emergency Management division had to learn on the fly what worked and what didn't work. Our plan was evolving continuously. Our Unified Command and the Joint Information Center allowed us to reach decisions more easily and to communicate changes and adaptations more quickly. We arranged communications between evacuees not only within our compound, but also in the various centers around the coun-

try to expedite reunification of families. We accomplished this by establishing television viewing areas, telephone service areas, and Internet service areas. We also worked with airlines and bus companies to arrange tickets for travel to help families reunite.

Because the county is the landlord of the Reliant Park Complex and we have an ongoing relationship with SMG Management who manages the complex, we were able to get the lights and air conditioning turned on immediately so we could began operations. The management team, with security assistance provided by CSC, was able to prepare various buildings within the complex and secure sensitive areas. Aramark, who already had the concession contract for the complex to provide food service, hired an additional 800 food service professionals in order to prepare meals to feed the masses when they arrived. We began food service on September 1 and continued until the mission was completed, having served some 450,000 meals.

Other County Departments Response to the Katrina Disaster

This was truly an all county effort, and most of our county departments participated in the relief operation by assisting evacuees directly or supporting those that did. We are still assessing the expenses that were incurred and will know the extent of the reimbursement we will be seeking, but our estimates total more than $1 million for these departments in just the first two weeks of the operation.

- **Children's Assessment Center**—This agency supported the mental health needs of children at the Reliant Complex. Expenses include salaries, contract therapists and supplies.
- **Commissioners Precincts**—Commissioner Pct .1, El Franco Lee; Commissioner Pct. 2, Sylvia Garcia; Commissioner Pct. 3, Steve Radack; and Commissioner Pct. 4, Jerry Eversole provided buses for various purposes including medical transport and taking individuals from shelters to other temporary housing. Pct. 1 supported various community-based shelter operations and also opened and operates two temporary shelters for evacuees having their own transportation.
- **Constables**—All Constable Precincts provided security and related services for shelter operations that were not at the Reliant Park Complex.
- **County Attorney,** Mike Stafford—Advised various agencies and officials on legal matters related to the operation.
- **County Library**—The library system made computers available primarily for Internet access for evacuees seeking assistance and locating lost relatives. The library also provided library services to evacuees at the Reliant Center.
- **District Clerk,** Charles Bacarisse—Assisted child support activities for evacuees by helping them get child support payments forwarded to the right location.
- **Domestic Relations**—The Family Court Services Division has provided mental health assistance at the Reliant complex in partnership with Youth and Family Services.
- **Fire and Emergency Service**—Provided fire protection services and fire prevention advice related to shelter operations. The Harris County Fire Marshal's office was part of the operation command staff.
- **Hospital District**—Our medical teams administered 10,000 tetanus shots and other inoculations as well as filling more than 15,000 prescriptions. The 2,700 volunteer doctors and other medical professionals examined some 15,000 patients in the Reliant Park Complex and another 10,000 at the George R. Brown Convention Center.
- **Housing and Community Development**—Provided food, temporary shelter and related services to evacuees.
- **Information Technology Center**—Provided support for computer and communications for shelter operations.
- **Juvenile Probation**—95 staff members provided services for juveniles in the shelter effort
- **Medical Examiner**—Provided services related to deceased evacuees.
- **Office of Homeland Security and Emergency Management—**Initially established operations and continued support service for incident command.
- **Protective Services for Children and Adults**—Thirty of our clinical staff provided mental health and other social services at the Reliant Park Complex.
- **Public Health and Environmental Services**—The Executive Director of HCPHES coordinated all medical operations conducted at the Reliant Park Complex. An additional 500 HCPHES staff performed approximately 15,000 Katrina-related hours of service for many critical duties at the Reliant Park Complex around the clock.

- **Sheriff,** Tommy Thomas—Coordinated security and provided law enforcement protection for the Reliant Park Complex.
- **Social Services**—Provided transportation to and from the shelters at the Reliant Park Complex to the Harris County Housing Authority at Lantern Point for voucher applicants and then transported applicants to housing developments around the county.
- **Tax Assessor Collector,** Paul Bettencourt—Provided personnel to the emergency management center, the County Judge's office, the joint information center and other operations so service levels could be maintained.
- **Youth and Family Services Division**—was a first responder to the social and emotional needs of Katrina victims evacuated to the Reliant Park Complex.

The Role of the Harris County Citizen Corps

After the September 11 terrorist attack, President Bush called upon all Americans to dedicate at least two years of their lives—the equivalent of 4,000 hours—in service to others. He launched the USA Freedom Corps initiative to inspire and enable all Americans to find ways to serve their community and country. The Citizen Corps is a component of the Freedom Corps. In August 2002, I launched the Harris County Citizen Corps to create opportunities for individuals to volunteer to help their neighborhoods prepare for and respond to emergencies by bringing together local leaders, citizen volunteers, and the network of first responder organizations, such as fire and police departments. I believe the Citizen Corps is an integral part of our participation in the NRP and it allows us to respond to our own needs much quicker than could ever be possible under a Federal response.

The Community Emergency Response Team (CERT) Program is a subset of the Citizen Corps. This program educates people about disaster preparedness and trains them in basic disaster response skills such as fire safety, light search and rescue, and disaster medical operations. Using their training, CERT members can assist others in their neighborhood or workplace following an event and can take a more active role in preparing their community.

The program is administered by the US Department of Homeland Security as part of the National Response Plan for community preparedness. It was the Citizen Corps with some 7,000 volunteers, including more than 1,200 CERT members, that made our relief efforts possible. Our volunteers came from all walks of life and disciplinary backgrounds. They were organized, trained, and had already volunteered collectively more than 200,000 hours of community service.

We realized that we were going to need at least as many, if not more, volunteers than the number of evacuees we were going to shelter. Estimates were enormous not only for Harris County but for the entire State of Texas. When the initial e-mail was sent out to the Citizen Corps seeking volunteers at about 9:00 a.m. on August 31, we were overjoyed when we had 1,000 volunteers in the first hour and more coming in continuously.

I can assure you that without these volunteers and tens of thousands more who came forward through the organization of Citizens Corps, we could not have responded to the disaster as we did. Volunteers were organized into teams, and the newly recruited volunteers were given orientation upon arrival and then assignments in all areas of service to the evacuees. I am particularly proud to report that our citizens in Harris County acted with courage, compassion, and unity. We had more than 60,000 volunteers come forward, and they were absolutely essential to the success of this operation.

I have spoken to many volunteers who said that they experienced something during this operation that brought personal rewards far beyond their expectations. They accomplished the near impossible with kindness and compassion in a situation unparalleled in anyone's experience. In the future I envision taking our Citizen Corps and CERT members to the next level by organizing them within many more neighborhoods so they are capable of being truly the first responders to an incident, while they await the arrival of professional first responders. In the role of neighbor helping neighbor, our CERT members and Citizen Corps volunteers will be able to communicate with incident command regarding situation reports on the ground and be prepared to assist neighbors who need help. I can see the Citizen Corps volunteers being able to assess the capabilities and needs of their neighbors in the event of a needed evacuation and being able to communicate those needs to the incident command to expedite evacuations more smoothly. A network like this could also provide a head-count and location of those who refuse to evacuate.

I urge Congress to continue to provide the funding necessary to help us further develop our Citizen Corps, to develop Citizen Corps in more communities around the country, and to provide the funding for training of CERT members. Training and organization will be the key to our success. I would like to invite each of you to come

to Harris County to see first hand how our Citizen Corps operates and to see where we are in our development and where we plan to be.

The Role of the Faith Based Community

Organized through Houston's Second Baptist Church (*www.second.org*) and its pastor, Dr. Ed Young, an interfaith ministry made up of a dozen denominations came together for Operation Compassion. Collectively they organized and provided Red Cross training for 43,500 additional volunteers. Of these, 17,300 volunteers served 109,613 meals in the George R. Brown Convention Center to the evacuees there. They also produced nearly 90,000 personal hygiene kits.

Another organization, Interfaith Ministries of Greater Houston, (*www.imgh.org*) has organized a program called Neighbors 2 Neighbors (*www.neighbors2neighbors.org*), where volunteers are matched with evacuees who have found housing. Most of these people have no transportation, don't know their neighborhoods or the city, and don't know how to get their services started. The objective is to help them adjust to life in Harris County and their new surroundings.

The Houston Area Pastors Council, Catholic Charities, and many other faith based organizations provided countless hours of service and opened their homes and places of worship to evacuees. This outpouring of volunteerism made it possible to serve evacuees at the Convention Center and to make them more comfortable as they worked through the process of seeking more permanent housing. This kind of community service through volunteerism is possible under the NRP and would be difficult to adequately coordinate without a coordinated local response. It may be too difficult to coordinate the level of volunteerism we realized in Harris County under a Federal response.

Corporate Community Giving

Many Houston area corporations, from Fortune 500 to smaller regional companies, stepped into the forefront to support the Katrina relief effort. CenterPoint Energy provided IT support for the GRB Shelter operations, built showers for the George R. Brown Shelter, and helped start the transitional housing Task Force. Jim MacIngvale of Gallery Furniture provided the "Town Center" with recreational facilities from the YMCA for the Reliant Park shelters as well as thousands of cans of baby formula and other support. Tilman J. Fertitta of Landry's Restaurants loaned helicopter support to supplement Houston Police Department aerial surveys. Continental Airlines offered air transport to reunite families. John Nau and Silver Eagle Distributing Co. provided thousands of cans of water for Katrina evacuees in Houston and in the Louisiana, Mississippi, and Alabama disaster zone.

Maintaining support for a response infrastructure is difficult for local and state governments. For future events, the corporate community has business continuation plans and resources beyond those of local governments. Emergency preparedness is a high priority for the Houston area today, but that commitment could fall through the cracks as political leadership and priorities change. A "virtual organization" with a sustainable response capability could be built around the corporate community in Harris County and the greater Houston region. Future plans should include these community resources. Congress should look for ways to encourage corporate support for community preparedness.

Charitable Giving

In addition to providing volunteers, faith based organizations, corporations and individuals contributed more than $7 million to help Katrina victims. Those contributions made it possible to provide comfort to he victims and help them begin the long road of recovery. Houstonians and residents of Harris County brought, literally, mountains of clothes to help victims and brought toys and books for children. When volunteers got to know the victims better, they would bring some of their favorite things like cookies and other favorite dishes.

Volunteers worked endless hours to help victims find family members and get information on the Red Cross and FEMA Debit Cards and other benefits. It was the volunteers and those who made contributions to Katrina victims who defined the character of our community, and I am overwhelmed with our spirit of caring and giving.

City of Houston Mayor Bill White and I have established the Houston Katrina Relief Fund (*www.houstonkatrinarelief.org*) that will raise money to help evacuees and to transition them from shelters into the community.

Lessons Learned—Ways to Improve the National Response Plan

Pay for Regular Time for Reassigned Employees

There are two strong disincentives for communities to accept evacuees that should be addressed and rectified. The typical disaster declaration will pay only for overtime for qualified first responders and other professionals. This is because the com-

munity where the disaster is declared would have normally paid the regular time of these workers and the overtime is *extraordinary* time caused by the disaster. In accommodating evacuees from another community our citizens had to forego the services of these qualified workers and yet pay for those services even though they were reassigned to serve the evacuee population.

The Executive Director of the HCPHES demonstrated quite well what this means to our constituents. In a press release dated September 5, 2005 she informed the public that there would be delays in service while she and another 500 HCPHES professional staff members provided public health services to the evacuees at the Reliant Park Complex. She also advised the public that there would be a temporarily reduced staff at each of our five health clinics and that she anticipated there would be an increased number of individuals accessing the WIC program. She warned that residents who utilize our public health services may experience a longer than normal "wait-time" while staff responded to this relief effort, and she asked for patience while this inconvenience lasted.

This concern applies not only to our public health workers, but also to all of our employees who participated in this operation. They were reassigned from normal duties, and those duties went unfulfilled, yet we still have to pay for that regular time. For example, the Harris County Sheriff's Office incurred expenses for a little more than $1 million during the sheltering operation. Of that, about 80% or $800,000 was regular time that was paid by Harris County taxpayers even though these officers were not performing their regularly assigned duties. This is blatantly unfair to our citizens and is a serious disincentive to local governments to accept a request to host evacuees.

I urge Congress and FEMA to recognize the need for an exception to existing policy and for Congress to provide sufficient funding to pay for regular time for reassigned workers. I hope that Congress and the Administration will recognize the fact that in this situation, Harris County's response to Katrina, we acted more as a contractor for DHS under the National Response Plan and as such we should be fully compensated for our expenses in providing these services.

Pay for Lost Revenue from Cancelled Programs at Public Facilities

It is also a strong disincentive for local governments to use their convention centers and other public facilities for evacuee shelters, because FEMA will not reimburse for lost income. Harris County, the City of Houston, and our enterprise funds lost millions of dollars in revenue that is needed to meet debt service schedules. Millions of dollars will be lost due to canceled events in the Reliant Park Complex and the George R. Brown Convention Center. Harris County's convention center and sports venues are not supported by property or sales taxes. Our reimbursement schedules have been thrown off, and we may face penalties and additional interest. I urge Congress and FEMA to reimburse this loss of income.

Health Care

At over $1 billion, Harris County's single largest budget item is health care. The Houston region's health care surge capacity is at its absolute limits. Louisiana, and to a lesser extent Alabama and Mississippi through the Katrina evacuees, as well as Beaumont, Port Arthur and east Texas through their Rita evacuees, have sent their most medically dependent to Houston. The ability to respond to a disaster depends on a robust system—**and America does not have a robust health care system.**

The reasons are many and the subject of another hearing, but the Harris County Hospital District and the health care providers of our community were stressed before these disasters with high numbers of uninsured patients and uncompensated care. Some short term needs are addressed in my written remarks. In the long term, Katrina evacuees will continue to stress our overburdened system. A sustainable system to deal with long term needs and future disasters will require at least **a statewide initiative and federal programs that support long term solutions.**

Critical Infrastructure—

Critical infrastructure includes locally critical infrastructure, such as water, power, transportation and communications and nationally strategic infrastructure such as our refining and petrochemical complex which represents as much as 15% of the nation's capacity.

These local and national interests can coincide with each other. After Hurricane Rita, Baytown lost power to its water treatment and distribution system. It's primary power supply was struck by lightning and its backup generator caught fire. This problem was well on its way to being solved, but they still had only four more days of water supply. It turned out that the pumps for the canal supplying 12 million gallons of water each day to Baytown had also lost their power supply in the

hurricane. Upon further inquiry I learned that this canal supplied 80 million gallons a day to the ship channel refining industries for industrial processing as well. Without this process water, the refineries cannot produce gasoline for Maine, Connecticut, Michigan or California. This canal also supplies drinking water to Houston and other cities in the Houston area. The nation was faced with a possibility of a severe strain on refined petroleum production and over 600,000 people were faced with the loss of their primary water supply because of a power outage at a single pumping station. The problem appears to be resolved and appropriate federal agencies including the Departments of Energy, Homeland Security and the Corp of Engineers are all engaged. But the incident reinforces the need to identify potential single points of failure and build redundancy into systems. It also shows why a Member from the east coast should care about Houston's requests for funds for security and resiliency in our critical infrastructure.

Evacuations and Transportation

The gridlock in Texas during our evacuation in the face of Rita was unacceptable. My wife, Jet and our daughter, Kirby were caught in a traffic jam 20 miles long one hundred miles west of our home because a subcontractor did not get the memo to cancel a pavement overlay project. Precious hours were lost because of poor communications. The next day the construction was gone but the traffic jam was worse as conflicts as simple as a traffic light in a small town caused traffic to back up 100 miles or more.

The state plan had recently been updated and models showed that we could evacuate 1.2 million people from the coastal surge areas of Galveston, Brazoria and Harris Counties within 33 hours of a hurricane's impact. What we did not anticipate was an additional 1.5 million people leaving the non-surge areas well in advance of the mandatory evacuation order for the coast. By the time we ordered the mandatory evacuation, the road system had ceased to function.

Our medical examiner released a list of 31 people who died during the evacuation. Most had underlying medical conditions and it is not clear that they died as a result of the evacuation. However, these were the very people who most needed to evacuate the area to avoid the same result we saw in Louisiana where similar tragedies struck entire nursing homes. Any loss of life due to the stress of traffic congestion is tragic and our thoughts and prayers are with these families.

In Texas, the evacuation occurs over long distances. Dallas is 220 miles from Houston, Austin 170 miles and San Antonio is 200 miles away. We will learn from Rita and build a better evacuation plan.

And just as a robust health care system is necessary to successfully deal with a massive influx of patients from areas struck by disaster, so is a robust transportation system necessary to handle a mass evacuation.

Louisiana's initial evacuation prior to Hurricane Katrina reaching land went relatively smoothly, but less than half of those who needed to evacuate actually did. After the levees breached and evacuation entered its second phase, the faced similar problems to ours when the road capacity was diminished and the car count soared. Some evacuees from New Orleans spent 17 hours or more on busses to Houston after spending days on their roofs or standing on the side of the road or in the Superdome or Convention Center. Many had to stand the whole way and were sick from dehydration or exposure.

Texas and the nation need support for the I–69 corridor, I–35 and I–45 running north from our coastal areas. Governor Rick Perry's Trans Texas Corridor to finance new highway and rail capacity and our High Speed Rail coalition linking the East Coast through Atlanta and New Orleans with Beaumont, Houston, Dallas, Austin and San Antonio take on a whole new significance when we look at our experiences with Katrina.

Interstate-10 which crosses our state and goes into New Orleans and on to Florida should be a priority corridor as well. These corridors are not only important for an evacuation every 10 years, but are critical to the economic vitality of the nation. They all serve America's 2nd largest port in terms of total tonnage in Houston and link America's major economic and population centers. Transportation infrastructure is vital to our nation's economic health and critical to the success of the National Response Plan as well

Mr. Chairman and members of the committee, I want to thank you again for allowing me to discuss our experiences with the National Response Plan. I hope our experience can be helpful to other communities if they are called upon to respond to a disaster in this way. I hope those communities will benefit from the things that worked for us and that they can improve upon those things that did not. I also hope that Congress will not leave us out alone on the financial ledge and will be respon-

sive when we come back to tell you that we need reimbursement for Katrina and Rita related expenses.

Mr. POE. The county judge serves in Texas as what we would call the "county mayor" for Harris County, which is the fourth largest county in the United States. It includes Houston, Texas.

We have also with us Sugar Land Mayor Dave Wallace. He and Judge Eckels were able to organize and plan the evacuation of Harris County and surrounding counties before Hurricane Rita hit and helped to bring about the orderly return of residents to the city after the hurricane passed. Over 2.5 million people evacuated from southeast Texas because of Rita.

We also have with us one of my constituents, Councilman Audwin Samuel. He has been working with the mayor of Beaumont, Mayor Goodson, and they, working together, helped to evacuate the city of Beaumont. They worked with my office and FEMA and DOD to make sure that folks were able to get out of the city before Hurricane Rita hit. The city of Beaumont was very organized, and the city of Beaumont now has started to let residents return to that city.

So I am glad that both of them are here today. I am glad they are able to come here to talk to you about their experiences and explain the important role of local government in the disaster management's response.

And thank you, Mr. Chairman.

Chairman KING. Thank you, Judge Poe.

Let me again, at the outset, thank you for being here. All of us as Americans—no matter what part of the country we are from, we suffered with you. It is easy to suffer when you are thousands of miles away, but believe me, the hearts of America were with you.

And also we are very thrilled, if you will, with the response of Texas, both of the government and the people, the way you really stood up and did everything that had to be done with Hurricane Rita. So I want to thank you for coming here today to share with us what you have learned, what you have done, and also what you have achieved and what lessons you can give us as far as the committee is concerned as we go forward and try to resolve this issue of federalism.

So unless Congresswoman Christensen has any opening statement to make, I will ask Mayor Wallace if you would go first, and also welcome Mayor Samuel. Mayor Wallace, who again is the mayor of Sugar Land, Texas, but also testifying on behalf of the United States Conference of Mayors.

Chairman KING. Mayor Wallace.

STATEMENT OF THE HONORABLE DAVID G. WALLACE, MAYOR, CITY OF SUGAR LAND, TEXAS

Mr. WALLACE. Thank you, Chairman King. As you indicated, I am Dave Wallace. The city of Sugar Land is in the southwest portion of the Houston region. The other gentleman testifying today is in the eastern portion of the city of Houston.

And I am providing my comments here today, again, on behalf of the U.S. Conference of Mayors as a trustee and then also cochair of the Homeland Security Task Force, but also as a result of some

comments, recent experiences on behalf of with Hurricane Katrina and also Hurricane Rita.

I would like to focus on three particular areas today with my testimony. In all of these, I would like to start with the backdrop being the lessons learned as a result of Hurricane Allison in the Houston region. The entire region, the entire State, there were a number of lessons learned, a number of best practices that we were able to implement within our area, and so I do believe that we had a high level of preparedness.

The first area I would like to talk about are issues on behalf of the U.S. Conference of Mayors, then move into the lessons learned with Hurricanes Katrina and Rita and then move into what a broad group of cities are working with the Houston-Galveston Area Council on the creation of some regional logistic centers. On behalf of the U.S. Conference of Mayors, there are four issues I would like to start out discussing.

The city of Sugar Land works very closely with the State of Texas in the chain of command. We work very closely in the flow of funds coming through the State, work quite effectively in the State of Texas. However, on behalf of the U.S. Conference of Mayors, we continue to talk about enhanced direct funding, directly to the cities, because there are a number of cities, a number of States where we feel that that flow of funds can be improved. So on behalf of the Conference of Mayors we would like to find ways to speed that up.

A second area—and we talked about this earlier this morning—has to do with communication. We urge Congress to make expansion of the communications spectrum for public safety a congressional priority.

The third area deals with enhanced transportation security. The U.S. Conference of Mayors supports advance notification of hazardous freight rail. We recognize that the manifest information for what is on these trains is very sensitive. We don't want to see that manifest get into the hands of terrorists.

At the same time, there are some commercial reasons. But nevertheless, Sugar Land is diligently working with Union Pacific to develop a pilot program for immediate disaster manifest notification. This notification model can be duplicated nationwide with the help of Congress and then other governors.

The fourth issue is military involvement in disaster response and recovery. And the Federal Government does not currently provide 911 related services, and I think the debate today is "Should they?"

Now, the Federal Government has a tradition of involvement in certain disaster relief and hazardous response activities. The U.S. EPA, National Forest Service, Army Corps of Engineers, Coast Guard are the Federal agencies that more often than not coordinate activities with State and local agencies. More recently, the Stafford Act has broadened the military's role in civil support, and the Insurrection Act allows the President to call forth troops during an insurrection or civil disturbance. Both of those issues were discussed earlier today.

There are also events that require immediate military intervention and/or prestaging, such as weapons of mass destruction or

other catastrophes, such as Katrina and Rita, where it was anticipated to overwhelm local and State response capabilities.

The military can offer expertise in many areas that support disaster relief. Many of these are already included in my testimony. But the current legal paradigm is that the military is viewed as the resource of last resort deployed to restore order.

Mayors favor a coordinated approach to deploying military and State assistance in response and recovery efforts. The role of first responders should always be filled by true first responders—the police, the fire fighters, the EMTs in our communities.

Rather than confer lead agency status on the military, it would be helpful if the process that triggered Federal assistance were improved. Some of the lessons learned—I have got a number of lessons in my testimony; I am just going to cover three. One of them deals with the evacuation plan during Hurricane Rita.

Again, there were a number of things that we have learned with Hurricane Allison. Many of those have been implemented. We can always continue to improve. And although the evacuation was successful and citizens of one of the Nation's largest urban areas were moved to safety, there were some clear challenges. Many of those are listed in the testimony.

Emergency plans proved inadequate for a disaster of the magnitude of Hurricane Katrina; again, we heard that this morning. Despite the noble efforts of FEMA, Red Cross, faith communities, so many different organizations, I think many people were underprepared for the size and scope.

And last, the general lessons learned: The mass evacuation and sheltering process that resulted from both hurricanes will provide a template for revision of plans for weapons of mass destruction and other events that may result in mass population relocation. Both events require seamless Federal, State and local coordination, and regional coordination proved invaluable in these incident experiences; and it is the regional approach that I would like to close with.

This deals with the city of Sugar Land and the Houston-Galveston Area Council that have worked for the last 2 years to create a mechanism to enhance local first responder capabilities for natural and terrorist disaster. A summary of this regional logistic center concept is included in my testimony. The idea behind the concept was to establish a mechanism that would pool the resources of cities to deal more effectively with first responder activities during a major catastrophe, in short, a prepositioning of a cache of equipment.

Enhancing local first responder capabilities is necessary because the Federal Government cannot be expected to mount a substantial emergency response for a period of 72 to 120 hours after a natural disaster of the magnitude of Katrina, Rita or a weapon of mass destruction. This critical logistic capacity gap could be fulfilled by this regional logistic center, developed and managed under local authority.

The House and Senate Homeland Security Appropriations Committees recently stated support for the idea in their conference committee report that, in part, I would like to read. It stated that "The conferees encourage ODP to review the use of logistic centers

to consolidate State and local assets, provide life cycle management and allow for rapid deployment during an incident and allow for the sharing of inventories across jurisdiction. We urge Congress to encourage the Office of Domestic Preparedness to proceed without delay the concept and use of logistic centers. We also urge Congress to provide the funding this year for a demonstration program to establish and make operable a regional logistics center in the United States."

Ladies and gentlemen, it is a pleasure to be here. I have provided a complete summary of the testimony that I have given and I have submitted that for the record. Thank you.

Chairman KING. Thank you Mayor Wallace. Without objection your full statement will be made part of the record.

[The statement of Mr. Wallace follows:]

PREPARED STATEMENT OF HON. DAVID G. WALLACE

Chairman King, Ranking Member Thompson and Committee Members, I want to thank you for allowing me to submit written testimony. I am David G. Wallace, Mayor of Sugar Land, Texas. Sugar Land is a city of 71,000 people within our city limits, and a further 45,000 people within Sugar Land's Extraterritorial Jurisdiction, situated in the southwest portion of the Houston-Galveston area.

My written comments cover three areas of concern about emergency preparedness, response and disaster recovery. These comments originate from my recent experience with hurricanes Katrina and Rita and events in Sugar Land, as well as from my experience serving as Co-Chairman of The U.S. Conference of Mayors Homeland Security Task Force.

The Conference of Mayors will be holding a special meeting of Mayors and local emergency management personnel the week of October 24, 2005 to share recent disaster response experiences and further refine our thoughts on emergency response policy and the federal-state-local intergovernmental partnership.

These written comments delivered this morning will be focused on three key areas of disaster event concerns:

1. Emergency response and management issues and priorities identified by The U.S. Conference of Mayors.
2. Key "lessons-learned" at the local government level from the Katrina and Rita natural disaster events.
3. What a broad group of cities/counties are doing in conjunction with the Houston-Galveston Area Council (H-GAC) to establish and implement a Regional Logistics Center (RLC) to build local capacity to deal effectively with the immediate needs of a community following natural or terrorist disasters.

EMERGENCY RESPONSE AND MANAGEMENT ISSUES AND PRIORITIES BEING DEVELOPED BY THE U.S. CONFERENCE OF MAYORS

The U.S. Conference of Mayors identified a number of first responder issues that are critical to local government. Four of the most important issues are discussed herein.

1. ***First Responder Funding—A Better Distribution System is Needed:*** Since the early days after September 11, 2001, the nation's mayors have expressed serious concern with the system for coordinating preparedness and response to both acts of terrorism and natural disasters.

Many mayors have positive working relationships with state and federal partners, as I do, but there was a real concern from the beginning that a complex, federal distribution system which involved various approval levels for first responder resources and training would be slow and result in serious delays in funding reaching high-threat, high-risk population areas.

Unfortunately, the many surveys our organization conducted proved this to be the case. Time and time again, our surveys showed that money was not reaching our cities quickly. Federal restrictions and rules made it very difficult to spend on what was needed most, such as limitations on the use of overtime.

By raising concern on this issue through the release of our studies, we were able to get the support from President Bush and former Secretary Ridge to examine why money was "stuck" in many states. The special Department of Homeland Security

task force created to work on this effort came up with a number of meaningful recommendations, some of which, like a waiver from the Cash Management Act, have been implemented for new funding, although not for previously appropriated funding.

But major changes to the current system still have not been implemented. I know that this Committee has been very concerned with the issue of the first responder funding and has been championing a number of changes to the program, including more regionalization of efforts. The U.S. Conference of Mayors has continued to support the concept of direct funding, and we would like to make the following recommendations:

- Congress should ensure the restrictions and rules that govern the distribution and use of federal homeland security funds, such as limiting the use of funds for overtime, do not adversely affect the ability of cities and local areas to protect citizens.
- Authorizing legislation should ensure that the waiver of the Cash Management Act, that has been approved by Congress for fiscal years 2005 and 2006, is made permanent, and made retroactive for fiscal years prior to 2005
- Congress should work with the Conference of Mayors to make other refinements needed to the first responder program

2. ***Communications Spectrum for Public Safety:*** Local government continues to identify the limited access to communications spectrum as a major impediment to effective first responder interoperability and public safety efforts.

- We urge Congress to make expansion of the communications spectrum for public safety a Congressional priority
- Congress can support local first responders by passing legislation to establish a firm date for the transition of analog broadcast to digital—hopefully by no later than December 31, 2006
- This is needed to avoid the dangerous congestion on existing voice channels that we experience today
- It is essential to have this public safety access to enable deployment of advanced mobile technologies such as images and video to police and fire fighters in the field

3. ***Enhanced Transportation Security:*** This is an area characterized more by neglect than the development of thoughtful policy.

- The recently adopted Homeland Security Appropriations bill includes only $150 million to protect a transportation system that generated over 9.6 billion trips in 2004
- Similarly, the potential for disaster with commercial rail freight is substantial
  - Sugar Land joined many Mayors in discussions concerning public safety and rail freight
  - The U.S. Conference of Mayors supports advance notification for hazardous freight rail. Mayors recognize that there are sensitive issues that need to be addressed, such as concern that terrorists might also mistakenly gain access to such information, and the freight rail carriers are apprehensive about sharing their client's proprietary commercial information. We want to work with Congress and the Administration to address these issues so a system of advance notification can be implemented
- Sugar Land is diligently working with the rail companies to develop a Pilot Program for Immediate Disaster/Manifest Notification
- The process is such that if a derailment occurs in Sugar Land, a single phone call from our EOC/First Responders to the Dispatch Department for Union Pacific in Omaha, Nebraska would trigger an immediate and comprehensive manifest, by rail car number, to all the first responders dealing with the situation
- This notification model can be duplicated nation-wide with help from Congress and the Governors

4. ***Military Involvement in Disaster Response and Recovery:*** The federal government, and more specifically the Department of Defense and the armed forces, does not currently provide 9–1–1 related services, but should it? And, should federal authorities be given broader authority to be designated the lead agency in disaster response activities?

The federal government has a tradition of involvement in certain disaster relief and hazardous response activities. To name a few, for example, the US EPA is the lead federal agency for hazardous and toxic substance response and clean-up. The National Forest Service has traditionally been the agency that addresses catastrophic forest fires. The U.S. Army Corps of Engineers often participates in flood control activities at the local level. The U.S. Coast Guard has direct jurisdiction over disasters in ports and harbors. The federal agencies, in some of these circumstances,

takes a lead role but more often than not, coordinates activities with state and local government agencies.

The use of military armed forces to support civilian response, however, is conditioned by certain legal restrictions that define their possible activities. The military is precluded, except under certain circumstances, from conducting law enforcement operations in civilian setting under the Posse Comitatus Act. Posse Comitatus means "power of the county," and is derived from the old west days of the sheriff having authority to raise a posse to pursue outlaws.

More recently, the Stafford Act has broadened the military's role in civil support.

Under the Stafford Act, the military may engage in:

- Debris removal and road clearance
- Search and rescue (EMS)
- Sheltering and feeding
- Public information
- Providing advice to local government on disaster and health/safety issues

Under the Stafford Act the military may not engage in:

- Traffic control
- Security at non-federal facilities
- Patrolling civilian neighborhoods except to provide humanitarian relief

The Stafford Act requires the local government to make an assessment and declaration that local resources have been overwhelmed. The state must then make an assessment that state resources have been overwhelmed. The federal government may then take action and send resources. This time consuming process is frequently circumvented and informal calls are placed to state and federal agencies to activate resources while the declarations are processed.

The Insurrection Act allows the President to call forth troops during an insurrection or civil disturbance. The Department of Defense Directive 3025.12, Military Assistance for Civilian Disturbances, permits the military to intercede in local events without a Presidential Order. The Directive may be invoked if duly constituted authorities are unable to control the situation and circumstances preclude obtaining a Presidential Order, and the military action will prevent human suffering, save lives and/or mitigate great property damage.

There are events of a certain nature that require immediate military intervention and/or pre-staging. For example:

- The detonation of a nuclear device, such as a suitcase nuclear device, would be expected to render the local and state government incapable of mounting adequate disaster response
- Widespread biological attack or disease outbreak would require national command and control measures be implemented
- Mega catastrophes such as Katrina and Rita that could be reasonably anticipated to overwhelm local and state response capabilities

The military can offer expertise in many areas that support disaster relief:

- Ability to mobilize large numbers of self-sufficient personnel
- Advanced logistical operations support
- Experience with command and control methodologies just now being implemented at the local level via NIMs
- Capability to provide mass feeding, water, shelters and other support to disaster victims
- Easily move across political boundaries
- Provide specialized equipment and trained personnel to address incidents involving chemical, biological, radiological, nuclear, and explosive (CBRNE) agents
- Re-establish critical infrastructure including communications and mass care

The military does not routinely provide the following response and relief efforts:

- Urban search and rescue
- Firefighting
- Civilian law enforcement duties (e.g., patrols, arrest, seizure)

The military's primary role is the provision of national defense and security. There is a natural question that arises—what impact would deployment of forces to overseas conflicts have on their availability to support disaster response. Furthermore, if local/state disaster response plans rely too heavily on the military does their mobilization for defense and national security leave local and state emergency plans vulnerable? It should be pointed out that terrorist DO NOT act at a time and place that is convenient to our national security. For example, if our military has resources deployed in foreign land fighting a war on terrorism, and a natural disaster occurs in the domestic USA that requires a significant deployment of military per-

sonnel and equipment, one should be prepared for a terrorist to plan an attack on assets in a more geographically vulnerable and less protected area.

The current legal paradigm is that the military is viewed as the "resource of last resort" deployed to restore order. Because of the sheer magnitude of the hurricane events recently experienced, and because acts of terrorism may spring up during or in the wake of such natural disasters, it is natural that there is a discussion about the military in disaster response.

Mayors favor a coordinated approach to deploying military and state assistance in response and recovery efforts. The role of first responder should always be filled by true first responders—the police, fire fighters, and EMTs in our communities. Rather than confer lead agency status on the military it would be helpful if the processes that trigger federal assistance were improved.

Virtually every municipality has entered into "mutual aid" or "inter-local" agreements for first responder activities, debris removal, etc. However, as was seen with hurricanes Katrina and Rita, such agreements were rendered useless as ALL municipalities in the respective target region required full deployment of their personnel and assets. What should be explored is the ability of municipalities to enter into such "mutual aid" agreements with other cities/metro areas with geographic dispersion to enable regions to provide "real time" assistance and aid to the target region.

Under the leadership of the co-chairman if the Homeland Security Task Force of the U.S. Conference of Mayors, Baltimore mayor Martin O'Malley is looking to formalize "inter-metropolitan" agreements with many of our member mayors and their cities. The U.S. Conference of Mayors is currently researching the benefits and logistical/legal issues surrounding such "inter-metropolitan" agreements. Nevertheless, a rough draft of the pertinent language of such agreement can be found attached hereto in Exhibit "A."

Clearly, the military should always be focused on fighting wars and winning peace. And the primary focus of Congress should be to help local first responders develop military like logistics capabilities to address the immediate needs of both natural and man-made disasters.

KEY "LESSONS-LEARNED" AT THE LOCAL GOVERNMENT LEVEL FROM THE KATRINA AND RITA NATURAL DISASTER EVENTS

The second area of testimony is derived from first-hand experience involving evacuation efforts related to hurricane Rita, and relief efforts for hurricane Katrina evacuees in the Houston-Sugar Land area.

1. ***Reverse Nine-One-One: Communicating with the Public During Hurricane Rita:*** Reverse nine-one-one is, simply stated, instead of citizens calling in to report an emergency, local government sends calls out to the citizens. In the case of hurricane Rita, Sugar Land arranged to have its contract 9–1–1 auto-dialer service send a taped message to its residents to encourage evacuation for those having medical or physical disabilities/impairments. This turned out to be not only partially effective, but also counterproductive to some extent.

- It was determined that the contract "Reverse 9-1-1" service provider was also used by numerous cities, counties, etc. in the H–GAC area
- The auto-dialer services were inundated by a myriad of city and county agencies sending similar messages
- The queue of calls was so long that when Sugar Land placed its 12:00 Noon order for the call, it fell behind over 750,000 other "reverse 9-1-1" calls, and the "emergency message" was not received by our residents until 8:00 to 9:00 PM, a full eight to nine hours later
- Inasmuch as the weather patterns adjusted materially during such an eight to nine hours period, it is counter-productive to have the auto-dialer message sent out after the decision is made to halt the evacuation encouragement, and to suggest residents to shelter-in-place
- Now the obvious response to this dilemma is to contract with numerous auto-dialer services to increase the rate of calls per minute.

2. ***Limited Evacuation Transportation Service Provider Capacity- Hurricane Rita:*** Many hospitals, nursing homes, hospices and other health care institutions housing or treating disabled patients have established contracts with emergency evacuation transportation service providers. Yet, many of these institutions found themselves waiting for services that came late or did not come at all.

- When the list of emergency transportation service providers was examined it became clear that the overall list was relatively limited in the immediate region

• It also became clear that the service providers had sufficient vehicles and personnel for limited evacuations, yet were "oversubscribed" in the case of a major disaster event where several institutions would be affected
• The lesson-learned is to educate institutional consumers about contracting arrangements that go beyond the small-scale local evacuation need situations and ensure redundant capabilities
• Where institutions are responsible for evacuating clients or patients, they should ask service providers to disclose their other client demands in a large-scale disaster event

3. ***Evacuation Plan Lacking in Hurricane Rita:*** The decision to evacuate residents when hurricane Rita was about to hit land in the Texas gulf area was made by local governments, who have the responsibility for deciding what is best for their jurisdictions, and was led by Houston/Harris County. Although the evacuation was successful and the citizens of one of the nation's largest urban areas were moved to safety, there were some clear challenges.
• The regional evacuation plan had not been fully adopted by all affected local jurisdictions.
• Police in small towns along the evacuation route were not as coordinated as possible in order to move traffic through their jurisdictions (i.e., a red light in Giddings, TX literally backed-up traffic to Brenham, TX.)
• Construction on major highway routes caused immediate traffic problems
• There were shortages of food, water and fuel supply on major evacuation routes.
• These were all very important lessons learned in Texas from the Hurricane Rita evacuation, and I am confident these lessons will lead to immediate improvements in our ability to evacuate citizens during an emergency.

4. ***Media Coverage and Public Perception Exacerbated the Situation:*** Local government often relies on the media to help in emergency situations, but in the case of hurricanes Katrina and Rita, the massive media coverage ended up confusing the public.
• Recent video and print media images of devastation along the Gulf Coast fueled the public's perception of danger, resulting in an urge to flee the region ahead of the storm. This resulted in evacuation of areas in the region that are not normally required to evacuate during a hurricane
• The media coverage presented dramatic predictions of widespread destruction resulting from a Category 5 hurricane thereby reinforcing the public's urge to flee
• Future calls for evacuation are likely to be met with skepticism and reluctance on the part of the public
• The lesson-learned is that local government should re-evaluate the regional evacuation plan and continue to develop and improve a coordinated public education plan to ease public concern over the evacuation process

5. ***Hurricane Response and Recovery Issues—Hurricane Katrina:*** The state of Texas, in its efforts to provide care and compassion to its Gulf Coast Neighbors, offered to accept hurricane Katrina evacuees. Because of the emergency, ''life saving'' requirements, state and local officials were forced to make many decisions based on out-dated or incomplete information from federal partners, including FEMA, as well as the Red Cross. With better information, we could have adequately assessed the impact a sudden influx of people would have on local governments.
• Inaccurate or insufficient information lead to adjustments in the normal procurement process, which may result in an inability of municipalities to obtain reimbursement for response, care and recovery expenditures
• This may affect local government budgets and liquidity, and could adversely affect the business economics of vendors who came to the aid of the evacuees
• If this is not dealt with fairly, and if new policies and procedures are not adopted to reflect such situations, then it may have a chilling affect on municipal mutual aid and disaster response efforts in the future.

6. ***Emergency Plans Proved Inadequate for a Disaster of the Magnitude of Hurricane Katrina:*** The events surrounding Katrina overwhelmed affected local governments, states and federal response agencies.
• Notwithstanding the required time frames to mobilize personnel and equipment, FEMA appeared to be under-prepared for an incident of this magnitude
• The Red Cross was overwhelmed with requests for shelters and could not staff or operate the number of shelters required in outlying areas
• The efforts of good Samaritans (faith communities, service organizations, and other groups) were key to supporting evacuee needs. However, at times the effort was fragmented and lacked coordination
• The lesson-learned was that disasters of great magnitude quickly overwhelm affected local governments, states and federal response agencies. Emergency

plans and various assumptions contained in those plans must be examined for accuracy, adequacy, and be modified to address disasters of great magnitude.

7. ***General Lessons-Learned from the Hurricane Katrina and Rita Incidents:*** The mass evacuation and sheltering process that resulted from both hurricanes will provide a template for revision of plans needed to address bioterrorism, radiological dispersal devices, nuclear, and other events that may result in mass population relocation. Both events required seamless federal, state and local coordination. Regional coordination proved invaluable in these incident experiences. Working with the state, the region should move forward with the development and adoption of regional based emergency response plans. In fact, the state of Texas has performed such research and has previously developed a regional proposed plan for deployment of personnel and equipment in twelve pre-selected regions of the state (See Exhibit ''B'').

THE HOUSTON-GALVESTON AREA COUNCIL—REGIONAL LOGISTICS CENTER (RLC) MODEL: BUILDING LOCAL CAPACITY TO DEAL EFFECTIVELY WITH NATURAL AND TERRORIST DISASTERS

Sugar Land and the Houston-Galveston Area Council (H–GAC) communities have worked for the last two years on developing a mechanism to enhance local first responder capabilities for natural and terrorist disaster events. The mechanism is referred to as a Regional Logistics Center (RLC). The H–GAC communities adopted a resolution in 2004 (See Exhibit "C" for the unanimously H–GAC Board approved concept) to support the establishment of an "all-hazards" logistics center that would service the region in a disaster event. Sugar Land and H–GAC convened a local/regional government Summit in October 2004 to further develop the concept, and it garnered considerable political support.

The idea behind the concept was to establish a mechanism that would pool the resources of cities to deal more effectively with first responder activities during a major catastrophe. While individual communities are adding to their disaster supplies and equipment inventories with homeland security federal financial assistance granted from Washington through the states, the scattered state of supplies and equipment, as well as the lack of military-like logistics support make their coordinated application less likely to be efficient and effective in the event of a major disaster. The RLC approach remedies that shortcoming by pooling some of those emergency response resources coupled with professional grade logistics management to a pre-positioned cache of equipment that is maintained and managed for a response ready deployment.

Enhancing local first responder capabilities is necessary because the federal government can not be expected to mount a substantial emergency response for a period of 72 to 120 hours after a natural disaster of the magnitude of hurricanes Katrina and Rita, or in a WMD event where there is no warning. This is called the ***Critical Logistics Capacity Gap"*** period. This response ***Gap*** manifests itself in the time it takes to stage, transport and distribute life support commodities from sources outside the region. In the case of man-made terrorism events, this ***Gap*** extends to time required to assess the type of critical and sophisticated equipment needed for the identification, suppression and remediation.

This ***Critical Logistics Capacity Gap*** could be fulfilled by Regional Logistics Centers developed and managed under local authority. An RLC or multiple RLCs would provide the metro region with the first responder supplies and equipment necessary to help the general population experiencing a major disaster during that critical 72 to 120 hours until state and federal relief can arrive on the scene to augment and replenish the local resources. The RLCs would continue to provide support for first responders during the post incident recovery period after state and federal aid arrives at the incident scene.

The House and Senate Homeland Security Appropriations Committees recently stated support for the idea in their conference committee report. ***"The conferees note that there is no real-time exchange of information at the regional or interstate levels regarding equipment and supplies inventory, readiness, or the compatibility of equipment. The conferees encourage ODP to review the use of logistics centers to consolidate State and local assets, provide life-cycle management and maintenance of equipment, allow for easy identification and rapid deployment during an incident, and allow for the sharing of inventories across jurisdictions."***

We urge Congress to encourage the Office for Domestic Preparedness in the Homeland Security Department to proceed without delay in reviewing the value and use of logistics centers. We also urge Congress to provide funding this year for a demonstration program to establish and make operable a number of Regional Logistics Centers in the Untied States.

EXHIBIT "A"

MUTUAL AID AGREEMENT

WHEREAS, the cities of ——————— and ——————— (collectively the "parties") recognize the value and the potential need of assisting each other in the event of some emergency, and each city has personnel, equipment, and resources that could assist the other in an emergency,

NOW, THEREFORE, the parties agree as follows this ——— day of ———————, 2005:

1. In the event of an emergency as declared by the Mayor of one of the cities that is a party to this agreement, and upon the request of the Mayor of that city, the Mayor of the other city commits to send forthwith and without delay such public safety (fire and police), public works, transportation, and other personnel, equipment, and resources as may be of assistance to the city confronting an emergency. This obligation to provide assistance shall be subject to the right of any city sending resources to withhold resources to the extent necessary to provide reasonable protection for the safety and protection of its citizens.

2. The city sending personnel, equipment, and resources to respond to an emergency in the other city agrees to bear the cost of its action pending the execution of any necessary contracts or other documents to seek reimbursement from any agency of the federal or state governments, including, without limitation, the Federal Emergency Management Administration, or any similar or counterpart state emergency management agency. The parties shall work together closely and cooperatively to obtain any federal or state reimbursement that may be available. In the event that reimbursement for some or all provided services is unavailable, the city sending personnel, equipment, and resources shall be entitled to request reimbursement from the other city and that city shall make a good faith effort to provide in a timely fashion reimbursement for all unreimbursed expenses.

3. All personnel, equipment, and resources made available to a city confronting an emergency shall, while in the city confronting an emergency, operate under the command, control, and supervision of the appropriate responsible officials in the city confronting the emergency.

4. Within 45 (forty-five) days of the parties' execution of this mutual aid agreement, each city shall, to the extent necessary, modify or amend its respective emergency management plans to reflect the obligations set forth in this agreement.

EXHIBIT "B"

EXCERPT FROM STATE OF TEXAS REGIONAL INCIDENT MANAGEMENT TEAMS PRESENTATION TO THE GOVERNOR DIVISION OF EMERGENCY MANAGEMENT

Office of the Governor

Synopsis: Establish Regional Incident Management Teams (IMT's) to assist with command and control of large-scale terrorist attacks and/or natural/man-made disasters. The IMT's will be comprised of fire, EMS, law enforcement, public works and public health professionals from multiple jurisdictions. Each team should have a minimum of 42 members for triple redundancy for each of the 14 positions.

Summary: Establishing Regional (Type III) Incident Management Teams (IMT's) will provide a cadre of highly trained, qualified, and experienced incident command officers and staff to support and complement the existing jurisdictional command staff during significant and long-term incidents. The IMT concept is applicable for managing any type of chemical, biological, radiological, nuclear, or explosive (CBRNE) terrorist attack. This initiative is based on an ''all-hazards'' and unified command approach. As an added value, the regional IMT's can provide command and control at natural and/or man-made disasters such as severe weather events (hurricane, floods, tornados, etc.), hazardous materials releases, civil unrest, public health emergencies, etc. The IMT concept is a national model and is utilized extensively for command and control of large-scale incidents under NIMS and Presidential Directive HSPD–5.

The Regional IMT's will be multi-disciplinary team comprised of approximately 42 members from fire, emergency medical services, law enforcement, public works and public health professionals from the participating regional jurisdictions. This 42 person team allows for three deep in each of the 14 critical team positions. Each team member will be trained and certified in command and general staff or support positions. Regional IMT's can be activated for local response through existing mutual aid agreements or by the DPS Disaster District Chairman. A full staffed team will entail approximately 14 positions (see slide). Individual Team staffing may vary as needed based on specific incident requirement.

EXHIBIT "C"

REGIONAL LOGISTICS CENTER CONCEPT (AS PRESENTED IN SEPTEMBER, 2004)

The H–GAC region, through the leadership and cooperation of its local elected officials and first responder agencies, has made dramatic progress in enhancing homeland security preparedness, and the ability to respond to other hazards. Additional resources will continue to enhance local and regional capabilities. All Texas local jurisdictions continue to benefit from the Governor's initiative and focus on homeland security, and an all hazards approach.

These outstanding efforts and capabilities equip the region to meet many emergency response challenges. Some challenges, however, are inherently beyond the scope of even the best coordinated local efforts. Among those could be: a 9/11 magnitude terrorism event, multiple category 4 storms such as those that occurred in Florida, a major event in a remote location. Events of this type might quickly exhaust local resources, not only for specialized response equipment, but even for such common items as shovels or gloves.

Critical supply needs for an unusually large or extreme emergency response event can be addressed through an Emergency Preparedness and Response Logistics Center, a ready store of equipment available if and when local stocks are in danger of being exhausted. Because the timing of a major event is unknown, as is the location, a public/private partnership could be developed to take advantage of capabilities already in existence in the military supply sector, and possibly access innovative financing, if necessary.

Among the types of equipment that could be stocked in quantity at a logistics center are:

- Specialized detection and metering equipment for radioactive and biological hazards. This equipment is expensive to acquire in quantity and must be calibrated and maintained.
- Decontamination equipment and supplies in quantities for hundreds or thousands of persons.
- Highly specialized and expensive equipment.
- Basic tools and equipment to augment local resources and quickly replace local stocks as exhausted.

The inventory of the prototype logistics center would be determined collaboratively through the efforts of appropriate officials of the Department of Homeland Security, State of Texas, local first responders and emergency managers. A process would be developed to allow agencies to quickly access logistics center stocks as needed.

Next Steps

- Obtain broad local government support for concept.
- Develop support from State of Texas and Department of Homeland Security.
- Request designated Federal authorization and appropriations.
- Detail local plans and processes.

Chairman KING. And now Mayor Samuel, who is testifying not just on behalf of the city of Beaumont, but also on behalf of The National League of Cities.

Mayor Samuel?

STATEMENT OF HON. AUDWIN M. SAMUEL, MAYOR PRO TEM, CITY OF BEAUMONT, TEXAS

Mr. SAMUEL. Thank you, Chairman King, Ranking Member Thompson and members of the House Committee on Homeland Security for this opportunity to speak to you today.

I am Audwin Samuel, Councilmember and Mayor Pro Tem of the city of Beaumont, Texas. I am pleased to testify on behalf of The National League of Cities.

Our policy at The National League of Cities states that the local governments are the first levels of government to respond to most disasters and emergencies and must be regarded as the focal point of all disaster mitigation and recovery activities. Seamless integration with all levels of government is critical to prepare, respond and recover from natural or terrorist disaster.

Beaumont, Texas, was exemplary in its planning and response to Hurricane Rita because there was a clear understanding of who was responsible, who had the authority to direct whom to do what. What Beaumont did correctly to evacuate over 300,000 individuals from our area, without the loss of life, was, we had plans under way for at least 4 days before Hurricane Rita made landfall. There were regular telephone conferences with key decision makers as well as Governor Perry's office at least three times per day prior to the storm, during the storm and after the storm.

Our command system went into effect with the county judge as the designated command chief. Affected industries were provided regular updates. A positive public-private sector relationship was critical.

Entergy, the local utility company, provided necessary space for the repositioned command center when the storm veered on a more direct path toward Beaumont. They helped to provide generators when the Federal bureaucratic red tape frustrated our local officials.

We had to consider the timing, the speed, the strength and the path of the storm, the evacuation of the special needs populations, the volume of traffic that we expected, and the unavailability of inland shelters already filled with evacuees from Katrina.

Despite our careful planning, there were problems with our emergency communications systems. Local police, with their personal knowledge of our geographic layout of the city and the back roads had to be paired with other law enforcement agencies to serve as communication conduits to the State and other officials.

Local and State first responders performed search and rescue of the community while the Federal officials established their staging site at Ford Park, which contained ice trucks, generators and other amenities. The city officials were upset to learn that the Federal officials at the staging site could not release the generators necessary to power up our city or the ice trucks to provide to our citizens until Washington approved the assessment process. In reply, our county judge made an executive decision to expend over $500,000 for generators.

It became clear after the storm, that local authority was marginalized by the requirements out of Washington, not our regional command system or the Federal officials on the ground.

Local governments must be prepared to be on their own for the first 48 to 72 hours before Federal assistance arrives to assist with a catastrophic event. Equally important, we need not a national, but a Federal homeland security response to catastrophic disasters.

Here are seven National League of Cities recommendations to establish an effective, intergovernmental preparedness and response plan:

One, Federal and State emergency management officials must work closely with and directly involve local officials in key decisions affecting Homeland Security, disaster preparedness, and response;

Two, there must be adequate funding for local emergency preparedness, disaster planning, technical and regional training to allow the cities to tailor planning to the special circumstances and needs of their area;

Third, Congress should adhere to the promise that was made in 1997 to set December1, 2006, as a date certain for the broadcasters to vacate the spectrum by passing the Homeland Emergency Response Operations Act, H.R. 1646, which legislation is sponsored by Representatives Weldon and Harman, both esteemed members of this committee;

Fourth, the Federal Government must also share information with local governments without jeopardizing national security. We should collect the data on the effects of disaster and the lessons learned from Katrina and Rita, then disseminate that analysis to aid State and local disaster related efforts;

Fifth, the Federal Government should also provide assistance to State and local governments to help them conduct annual hazard and risk assessments to determine the vulnerability of particular areas or structures to disasters or terrorist acts based on historical and intelligence information. A unified, uniform emergency warning system should be developed to ensure that as people travel throughout the Nation, they will be informed of existing emergencies and advised how to respond; and

Number seven and lastly, local governments should be supported in their efforts to encourage the public-private sectors to retrofit existing structures to reduce future losses from natural disasters, to locate new constructions outside of high-risk areas such as flood plains, coastal areas or near earthquake faults.

In conclusion, Homeland Security is about relationships. Whether we are talking about responding to hurricanes or fires or the work of terrorists, clear delineation of responsibilities and trust are critical to deploying the response and recovery plan. Intergovernmental coordination will improve the preparedness and response to disasters and thereby mitigate the losses incurred, thus helping to maintain viable communities and an economically sound Nation.

When we have a truly organized system to respond to emergencies, the Nation will realize a natural disaster does not have to be a national disaster.

Thank you for the opportunity to testify before this committee. May God bless each one of you, this committee and our great Nation.

[The statement of Mr. Samuel follows:]

PREPARED STATEMENT OF MAYOR PRO TEM AUDWIN M. SAMUEL

Thank you, Chairman King, Ranking Member Thompson and members of the House Committee on Homeland Security for the opportunity to speak with you today. I am Audwin M. Samuel, Councilmember and Mayor *pro tem* of Beaumont, Texas. I am pleased to testify on behalf of the National League of Cities on "Federalism and Natural Disaster Response: Examining the Roles of Local, State, and Federal Agencies." My remarks are based on my service as the Vice-chair of the Public Safety and Crime Prevention Policy and Advocacy Committee of the National League of Cities. Most importantly, I am also relying on my seventeen years as a council member in Beaumont, Texas—my beautiful city which recently experienced the fury of Hurricane Rita.

The National League of Cities is the nation's oldest and largest association representing municipal interests before the federal government—representing more than 135,000 locally elected officials in more than 18,000 cities of all sizes. Our largest member is New York City, NY with a population of 8 million and our smallest member is Vernon, CA with a population of 91. As the representative of the nation's local leaders, the National League of Cities has a vital interest in clarifying the roles and responsibilities of local government and how the federal policies impact

the stability of municipalities and their ability to deliver key services to America's citizens and residents.

Beaumont, Hurricane Rita, and Intergovernmental Relationships:

The National League of Cities (NLC) has adopted policy which states that "local governments are the first level of government to respond to most disasters and emergencies and must be regarded as the focal point of all disaster mitigation and recovery activities." (*2005 National Municipal Policy,*[1] § 6.01(A)) The highest priority of all levels of government in addressing disaster and terrorism issues should be prevention and mitigation. Mitigation saves lives and reduces injuries; reduces economic losses; maintains and protects critical infrastructure; and reduces the liability borne by local governments and elected officials.

All in all, seamless integration with all levels of government is critical to prepare, respond, and recover from natural and terrorist disasters. The two most important questions that must be understood are:

(1) *Who is responsible* for homeland security—whether natural or man-made?

(2) Who has *authority* to tell *whom to do what?*

Members of the Committee, Beaumont, TX was exemplary in its planning and response to Hurricane Rita because there was a clear understanding of who was responsible and who had authority. Plans were underway at least four days before Hurricane Rita made landfall in my city. As *Mayor pro tem,* I was among the city and county officials who joined Governor Perry's office on regularly scheduled telephone conferences to discuss our incident management system. As the storm neared and a hurricane watch turned into a hurricane warning, the command system went into effect within the region. Specifically, the county judge, the designated command chief, took the helm and all the regional officials began to communicate and share their plans.

There were three telephone conferences per day at 10:00 a.m., 3:00 p.m., and 10:00 p.m. as of Tuesday before the storm. The regularly scheduled phone calls offered an excellent opportunity for everyone to familiarize themselves with the key decision makers—which included the surrounding mayors, county judge, state officials, Coast Guard, and the principle first responders. The command team received updates regarding the storm's track and intensity, estimated time for landfall, and the location for the pre-positioning of the necessary emergency and response equipment. The affected industries and their representatives, although not part of the telephone conferences, were provided regular updates since the refineries in the area need advance notice to shut down.

Direct communication among the regional command center continued as the storm intensified. When the storm veered more directly toward Beaumont, the regional command center was forced to relocate inland. Entergy, the local utility company, graciously provided the necessary space for the repositioned command center—a true public/private partnership.

At 6:00 a.m. on Thursday, the county judge called for a mandatory evacuation of the southernmost part of the county, Sabine Pass, and then Port Arthur, the mid-county cities, then Beaumont at noon. The decision for mandatory evacuation came after many post-conference call breakout sessions. Let me state clearly, that the decision regarding evacuation rested with the county judge—the incident command chief who took into consideration the input of the area mayors. There were many discussions regarding the timing, speed, strength, and path of the storm before the mandatory evacuation was declared. Local officials also engaged in planning for the evacuation of vulnerable population by coordinating with the Coast Guard and other key players to airlift those with compromised health.

Local officials were also in constant communication with the Department of Public Safety (state police) and county sheriff regarding how to deploy the evacuation. The volume of the traffic from the previous evacuations of Galveston, Chambers, and Harris Counties and the unavailability of inland shelters posed a great problem. Evacuees from Katrina were housed in the designated shelter areas which were about 70 to 80 miles from Beaumont. This forced many seeking shelter to have to drive 200 to 600 miles to find the next available shelters. Once the evacuation was in effect, the state played a more prominent role because of the use of state highways and traffic concerns.

As the stormed intensified on Friday night and unleashed its fury on Saturday, the city was deserted. The regional command system remained in place, nevertheless. Devastation and darkness greeted me when I returned from Dallas late Satur-

[1] The National Municipal Policy (NMP) contains the formally adopted positions taken by the organization on national issues. As a national membership organization, NLC focuses its policy positions on federal actions, programs, and proposals which directly impact municipalities.

day evening. A typical four-hour ride took seven hours because of the lack of gasoline along the interstate and the need to rely on secondary roads. The Coast Guard and some key FEMA officials (without their teams) were on hand.

I was struck to learn, however, that despite our careful planning there were problems with our emergency communication systems. As the state police prevented people from reentering the city, their units had to be coupled with a Beaumont police or county sheriff because their communication system was not interoperable. The residents' return home was prevented by downed power lines, uprooted trees and other damage. Local police, with personal knowledge of the geographic layout of the city and back roads, had to be paired with other law enforcement agencies to serve as communication conduits to the state and other officials.

Local and state first responders performed search and rescue of the community while the federal officials established their staging site at Ford Park coliseum center, earlier used as the Katrina command operation center and evacuee site. The staging site contained ice trucks, generators, and other amenities needed to alleviate the plight of residents. The city hall, police stations and hospitals were without power and there was significant flooding near the underpasses of the highway. City officials were upset to learn that federal officials at the staging site could not release the generators necessary to power-up the city or ice trucks until Washington, D.C. approved the "assessment process." Local officials who helped to pre-position the equipment before the storm had to, in some reported instances, put in new requests for generators. After the storm, however, local authority was marginalized by the requirement that Washington, D.C.—not the regional command system or federal officials on the ground—act as the final decision makers.

The public's frustration grew considerably on Sunday and Monday as they weathered the Texas heat without power, while generators and ice stayed in the trucks awaiting approval by Washington, D.C. In reply, the Jefferson County Judge, where Beaumont is located, made the executive decision to expend over $500,000 for generators. The local utility company, Entergy, also helped to provide generators.

As our recent experience with Rita indicate, a clear understanding of who is responsible and who has authority to do what is key to an effective intergovernmental response. In our case, federal bureaucratic red tape prevented the county judge, who was the designated command chief, from making the decisions on the ground necessary to mobilize needed supplies.

Recommendations to Improve Intergovernmental Coordination

Based on my Hurricane Rita pre-planning and recovery experience, I am now convinced more than ever that the local governments should be prepared to be "on their own" for the first 48 to 72 hours before federal assistance arrives to assist with a catastrophic event. Equally important, we need a *national, not federal* homeland security response to catastrophic disasters. Only a national effort will ensure that all levels of government participate in the disaster planning and recovery as full and equal partners. Listed below are the National League of Cities' recommendations to establish an effective national preparedness and response plan:

(1) An effective system must be developed to ensure that federal and state emergency management officials conduct substantive consultations with local officials to make key decisions affecting homeland security, disaster preparedness and response at the local level. NLC embraces efforts to develop a comprehensive national homeland security and disaster preparedness strategy because the likelihood of natural disasters and the potential for hazardous or radioactive material spills, pipeline accidents, large scale social disorders, and domestic and international terrorism require that all levels of government coordinate efforts to protect communities. This is why NLC has strongly urged that the Department of Homeland Security continue to have a central office for coordinating local and state domestic preparedness activities. Regional plans and cooperation must be fostered through this central office. It is also critical that local officials are afforded the maximum flexibility to use the federal and state technical and financial funds to meet the needs of their constituents.

(2) There must be adequate funding for local emergency preparedness and disaster planning to allow a city to tailor planning to the special circumstances and needs of the area, particularly to areas with facilities and dense populations that have the potential to be terrorist targets or are prone to natural disasters. The federal government must also increase funding to local governments for preparedness and response, including processes to resolve equity issues in disaster relief efforts. Specifically, when multiple cities have been damaged by a disaster, a formula or waiver process should be available to allocate resources for disaster-related damage in a fair manner.

Clearly, the transfer of funding from the from the Preparedness, Mitigation, Response, and Recovery Program at the Federal Emergency Management Agency (FEMA) has hampered recovery and response to Gulf State areas affected by Hurricanes Katrina and Rita. One such example is the transfer of $79 million from FEMA's preparedness office to the operational programs of the Transportation Security Administration. Also, FEMA regional offices, which are central to effective intergovernmental communication, have experienced shortages in staffing levels which has left them with seventy-percent of authorized positions filled. These are the types of resource allocation and policy decisions that hinder cooperation among levels of government, as demonstrated by the shortcomings of the responses to areas impacted by Hurricanes Katrina and Rita.

(3) Local governments must haveappropriate emergency communication systems. NLC policy calls for the federal government to take "immediate action to provide local governments with the broadcast channels needed to enhance their communications capabilities. . . . The federal government should encourage regional planning for public safety communication needs and address the current shortage of spectrum channels with a long-term plan that ensures available broadcast channels to meet future public safety needs across the nation." (*2005 National Municipal Policy* § 6.02(E)(2))

In the wake of the emergency communications problems experienced during and after Hurricane Katrina, NLC called on Congress to take immediate action on legislation that would set a firm date for television broadcasters to return the radio frequencies that have been set aside for public safety purposes. NLC has been a vocal advocate for legislation that would permanently clear broadcast spectrum for emergency communication since the 1995 bombing in Oklahoma City. In 1997, Congress promised first responders that the radio frequencies would be available to them by December 31, 2006. The 9/11 Commission's Final Report concluded that the inability of these first responders to talk with each other and the congestion of the frequencies on the spectrum resulted in the significant loss of life on September 11, 2001.

Members of the Committee, when first responders cannot talk to each other, lives are lost. This is why NLC has called on Congress to pass the Homeland Emergency Response Operations Act (HERO), H.R. 1646, sponsored by Representatives Weldon and Harman, both esteemed members of this committee. NLC is again appealing to you to do the right thing and pass legislation sets a date certain of December 31, 2006, or as close to that date as possible.

(4) Local governments must be provided with the technical assistance and regional training devoted to disaster preparedness and response. This technical assistance should include the gathering and regular dissemination of information to local governments on general disaster issues and terrorist threats as well as specific disasters where they occur.

(5) The federal government must also share the information with local governments without jeopardizing national security. Regions, as part of federal technical assistance efforts, should be encouraged to share resources and equipment needed for preparedness and response through mutual aid agreements and regional coordination.

There also needs to be an extensive effort to expand and improve the relationships that exist among federal, state, local, and private sector personnel responsible for networking, prevention, preparedness, response, and recovery. Expertise can be pooled from national state and local government associations along with the professional associations for public health, public works, police and fire fighters, and the National Emergency Management Associations and its Homeland Security Consortium. Policy makers can also get valuable information from advisory groups and task forces from the Department of Homeland Security.

(6) Knowing that improved safety from disasters in the future relies on what we can learn from the disasters of today, the federal government should collect data on the effects of disasters and lessons learned from Katrina and Rita and disseminate that analysis to aid state and local disaster-related efforts. Similarly, the federal government should provide assistance to state and local governments to help them conduct annual hazard and risk assessments to determine the vulnerability of particular areas or structures to disasters or terrorist acts based on historical and/or intelligence information.

(7) A uniform emergency warning system should be developed to ensure that as people travel throughout the nation they will be informed of existing emergencies and advised how to respond.

(8) Local governments should be supported in their efforts to encourage the public and private sectors to retrofit existing structures to reduce future losses from

natural disasters and to locate new construction outside of high-risk areas such as flood plains, coastal areas or on or near earthquake faults.

Conclusion

The familiar mantra after every natural disaster or act of terrorism is that the nation needs to improve federal, state, and local coordination regarding preparedness, recovery and response. A 1993 report by the U.S. General Accountability Office (GAO) found that there was a need to "provide state and local governments with training specifically geared towards developing such necessary skills for responding to catastrophic disasters."[2] However, despite the fact that GAO has published over 120 reports on preparedness and response, it has found that "the extent to which many of our earlier recommendations have been fully implemented remains unclear.".[3] What is clear is that Hurricane Katrina, and to some extent Rita, revealed the need for improved intergovernmental response to catastrophic disasters.

Homeland security is about relationships—whether we are talking about responding to hurricanes and fires or the work of terrorists. Public servants at all levels of government cannot accomplish the goals of preparedness and response if they are not familiar with the people with whom they have to work and the area and the people they need to serve. The clear delineation of responsibilities and trust are critical to deploying the response and recovery plan. Intergovernmental coordination will improve the preparedness and response to disasters and thereby mitigate the losses incurred; thus helping to maintain viable communities and an economically sound nation. When we have a truly organized system to respond to emergencies, the nation will realize that a natural disaster does *not* have to be a national disaster.

On behalf of the National League of Cities, I thank you for the opportunity to submit this testimony on this most critical issue.

Chairman KING. Thank you, Mayor Samuel.

Mayor Wallace, Mayor Samuel pretty much laid out a time line of what was done in preparation for Rita. Would that be similar also in Sugar Land?

Mr. WALLACE. Identical. Actually, there were certain activities that we had to do from a flood control perspective where we started to bring the levels down in different lakes that we had, starting about a week prior to Rita hitting, and those were certain advances that we did.

And again, there were a number of things from a preparedness perspective that all of the cities, I think, in the greater Houston, HGAC area, had learned as a result of Katrina. And so I think a lot of people started much earlier than some other cities might have done if it weren't for Katrina.

Chairman KING. Mayor Samuel, you mentioned that in addition to what is on paper and what is practiced as far as the plans, what is really important—or almost as important—are the personal relationships or the working relationships between the various levels of government and the various officials involved.

In the off years or the off seasons, when you are not having hurricanes, what is the extent of those relationships? Like, do mayors in one city discuss this problem with one another? Are you in contact with people in the Federal Government?

I mean, again, with whom in the Federal Government would you have regular contact when there are no hurricanes.

Mr. SAMUEL. Well, in preparedness, we had disaster exercises which was coordination between officials from FEMA, the State and local governments, so I believe that because of the exercises

[2]Disaster Management: Improving the Nation's Response to Catastrophic Disasters, Government Accountability Office, July 1993, page 9.

[3]Norman J. Rabkin, Managing Director, Homeland Security and Justice Issues, Government Accountability Office, Testimony before the Subcommittee on Oversight and Investigations, House Committee on Energy and Commerce, September 28, 2005.

prior to the hurricane, as well as the exercise with Katrina, it allowed us to be better prepared when Rita came.

Chairman KING. Do you feel the Federal Government has been cooperative, not just before and during, but actually in the off seasons, when there are no hurricanes, do you find the Federal Government willing to work with you? Are they a willing partner or a reluctant partner?

Mr. SAMUEL. I believe they have been a willing partner. We have enjoyed the relationship with those officials that were in our area working with us. However, because of the staffing level, we believe that created some problems in FEMA. And in preparedness, it was a good job, response, there were some concerns; and it was because of the lack of local authority within the Federal agency that could have been better suited.

I believe that is a lesson that was learned, not only from the local and State perspective, but also from the agency perspective.

Chairman KING. Mayor Wallace.

Mr. WALLACE. I would comment also particularly on the last portion from a FEMA preparedness standpoint.

I think, prior to an event, the training exercises, all of those things, the relationships that we have between the cities, the counties, the State and the Federal Government, I think are very, very strong, and I think they work well. However, I think the recovery aspect could have been done better, and I think all of us are learning new things that we can do the next time—God forbid this were to happen again.

But when FEMA arrived, when other—Red Cross, other folks came in, it appeared that the rules continued to change. People started operating—whether it was for public assistance issues, things of that nature, people were operating on one set of circumstances; and then a few days later that would change. And so there was a great deal of miscommunication that I think took place in that regard.

And so I think, as we move forward, we need to look at that, refine it and make sure that that becomes policy.

Chairman KING. Some of these red tape problems that you are talking about, have you seen any improvement from one hurricane to the next, or the same problems remain there?

Mr. WALLACE. Well, I think, from a red tape perspective, you are talking about funding reimbursements, things of that nature. I believe that some of these issues were around with Hurricane Allison, because I know that there are still some dollars that are in the pipeline.

Chairman KING. Things like the decision about the generators, I believe you said, that—

Mr. SAMUEL. I can address that.

One of the concerns we had, there were requisitions for generators. We knew that that would be a problem and a concern. We went out to Ford Park, and there were generators on trucks available and the specifications were absolutely what we needed. However, they could not be released until a full assessment was done, and the authority was given from Washington to release those generators.

There were ice trucks. There were 12 on site. Ice ready, water ready, but they would not release it to our citizens until a full assessment was done. I personally made trips to one of the neighboring cities to load up my truck with water and ice to deliver to our constituents. And there is no reason that that should happen when it is right there.

Chairman KING. Now, did you have similar problems in previous hurricanes? What I am getting at—is FEMA getting better or worse is, I guess, the question I am trying to get at.

Mr. WALLACE. I think—again, I think in this particular case, I think that the magnitude of the storm in Katrina, followed up by the magnitude of the evacuation of those evacuees, which we talked about this morning, I think outstripped the capabilities of FEMA; and so whether or not they had policies and procedures in place for many of the agencies that were there, I think many of those got dwarfed just because of the magnitude.

Mr. SAMUEL. And, Mr. Chairman, I believe that what Governor Perry stated has to be considered. This was not an ordinary situation. We had just come off the heels of Katrina. We had thousands of evacuees in our city and then we had to evacuate the evacuees as well as our own citizens. So this is a different situation.

But I believe, in the preparedness, I think FEMA did a very good job in coming in to assist in preparation.

The response, I think there are some areas that we all learned from and there have to be some adjustments.

Chairman KING. Thank you. My time has expired.

Ranking Member Mr. Thompson.

Mr. THOMPSON. Thank you very much, Mr. Chairman. I appreciate the testimony of our two panelists here today.

Mr. Samuel, can you tell me whether or not Beaumont has an evacuation plan?

Mr. SAMUEL. Yes, Beaumont has an evacuation plan that has been in place with our entire region. Our mayor, our county judge, as well as the other mayors in the surrounding cities all work together in the planning; and they go through the exercises for—in the event of a natural disaster or a planned disaster.

Mr. WALLACE. Yes, we do; and again it is part of an overall evacuation plan for the region.

Mr. THOMPSON. So, to your knowledge, most of the adjoining communities have this evacuation plan?

Mr. WALLACE. Yes.

Mr. THOMPSON. Now, do you know whether it is required, or is it just something that you have done on your own?

Mr. WALLACE. I know from our perspective, as a member of the Houston-Galveston Area Council, we are required to participate in that overall evacuation plan. So it is required.

Mr. THOMPSON. Mr. Samuel.

Mr. SAMUEL. I am not sure if it is required, but I know that it has been a practice in our region to develop that evacuation plan.

Mr. THOMPSON. And you think—and I would assume from your comments, both of you—that you deem this as something that is reasonable and practical and should be basically in place by all communities?

Mr. WALLACE. Well, I think an evacuation plan should be. Again, I think there are a lot of lessons learned as it relates to the evacuation of the greater Houston area. And there are things that we are going to learn from this that we can implement the next time we have some type of an evacuation.

In the city of Sugar Land, many of the folks leaving Galveston came right through the city of Sugar Land because the evacuation route is through our city. So we, as a pass-through community, not just evacuating our own citizens but as a pass-through community, had to deal with hundreds of thousands of cars that were going through streets that were just six-lane divided roads. So we were able to get that done in a 24-hour period.

Mr. THOMPSON. Mr. Samuel, this FEMA person that you said that showed up in your town, what did they have authority to do?

Mr. SAMUEL. Well, I am not sure how much authority they had. But one of the dire needs immediately after the storm was ice and water to those citizens that were still in the city, and they did not have the authority to release ice and water.

Mr. THOMPSON. Mayor Wallace, can you just—I guess what I am saying is, if the person that appeared in your community representing FEMA, did they have sole authority to make decisions? Or did they have to bump it up the ladder, and if they did, how long did it take to make decisions?

Mr. WALLACE. The way I would like to respond to that is, within the first couple of days of FEMA being on the scene—I am going back to the Katrina situation, because on a daily basis we met with Judge Eckels, Mayor White and several others, including the FEMA representatives.

The first few days, again, it was just trying to mobilize the people and trying to get them there, and there was a great deal of confusion. I think a lot of questions that were being asked, trying to get real-time decisions, needed to be—to go up the ladder. As time went by, that process got smoother and smoother, and it seemed that more apparent authority was granted to the people-on-the ground.

Mr. THOMPSON. So would you say to us that for FEMA to be this robust agency responding to any natural disaster, that those individuals that become embedded in communities need to have the authority, real-time authority to make decisions?

Mr. WALLACE. Clearly. And I also think that when we go back and do an analysis of the things that went well and things that went wrong, I think we need to go back and look at the policies as to what authority will be granted to those on-the-ground individuals.

Mr. THOMPSON. I guess the only other situation is, is it too early for you all to start talking about reimbursement at this point? Or are you involved in it at this point?

Mr. WALLACE. We have already submitted reimbursables to FEMA.

Mr. SAMUEL. It is still too early. We still are attempting to recover. There is an enormous—there are tons of trash and debris. We are still attempting to clean up. We still don't have full power, so there are—it is too early to make an assessment.

Mr. THOMPSON. So I would assume from lessons learned in this situation, that as the emergency grew, people started responding better in terms of making decisions and other things.

Mr. WALLACE. I think that that is definitely the case.

Mr. THOMPSON. Well, Mr. Chairman, I hope that if this continues to be the practice, we are in good shape. But at the next emergency, if it takes us 3 or 4 days to kind of get the system in place, we still have a problem.

Now, I think our concern is, if the cavalry shows up, we want the cavalry to be ready to respond. And I mean, I would say that that is all our intent.

Mr. WALLACE. If I might, sir, just from a local response, this is a group effort. It is not just FEMA, it is not local. It is the private sector. It is the faith-based communities, things of that nature.

In less than a week within the city of Sugar Land, the Houston area, we had a couple of hundred thousand people in our community, thousands of people, just new kids going to school, things of that nature. And what we wanted to do as a private sector was put together a single-shop location where the evacuees could go to for many of the issues, whether it was housing, whether it was educational issues, reimbursement for medical needs, things of that nature.

So I would encourage, as we continue to move forward, that that be one of the first things that the local community try to create and replicate a model that we have, because we literally in the first week were helping thousands of people a day that were coming through for medical needs, and in the first week we placed over 500 jobs to people that were coming into our community.

Again, it is not just a FEMA issue. I think it is an issue that we all learned a lot of new lessons.

Mr. THOMPSON. Thank you.

Chairman KING. The gentlelady from the Virgin Islands, Donna Christensen.

Mrs. CHRISTENSEN. Thank you, Mr. Chairman. I just wanted to follow up on the cavalry being ready when they show up. And it amazes me to hear some of the testimony, and I am particularly taken aback by the fact that the local authority was marginalized by the requirement of Washington, D.C. not the regional command system or Federal officials on the ground were the final decision makers.

The issue of ice and generators, those things have—the procedure for dealing with ice and generators was something that has been used in disasters before. It was used, we learned about, in Hugo in 1989. We used it in Maryland in 1995 and in subsequent hurricanes.

So it is just amazing to me how much of the experience and the institutional knowledge of FEMA has been lost over the years, so that when we have a disaster today, we have to reinvent the wheel and it has already been done and invented. We really shouldn't have had to go there.

Mr. Samuel, Mayor Samuel, you talked about—well, both of you did, really, about the coordinating meetings between the cities and the State, and they were happening two, three times a day. That is my experience with FEMA as well.

Were there those kinds of coordinating meetings two or three times a day that involved the FEMA command center near Washington with your local officials, happening from time to time before, during and after the storm?

Mr. SAMUEL. Our experience, most communications with FEMA came about 2 ys after the storm. There was constant presence.

Mrs. CHRISTENSEN. But the coordinating meetings where you sit down and you look at what the problems are and you develop a plan to meet them—

Mr. SAMUEL. They were a part of the operation plans, yes. There were representatives from FEMA in our planning.

Mrs. CHRISTENSEN. And so you all were meeting on a daily basis or more than once a day?

Mr. SAMUEL. Yes.

Mr. WALLACE. And we were, as well, through our emergency operation center, on a daily basis about every 2 hours, particularly as we were getting closer to the onset of the storm from Rita's perspective, where we plugged into the State's direct—the Department of Homeland Security, FEMA was on those calls as well.

Mrs. CHRISTENSEN. Then I don't understand why the judge had to go and buy generators and ice.

But, okay, one of the problems that we saw in Katrina was a communication problem. Everybody, different people were talking. Sometimes the messages were confusing. It was confusing the public and probably scaring the public, and the media kind of took control.

It seemed as though both of you had that communications issue under control. How did you do it? How did you centralize? What did you do to have the city speaking with one voice, or were you able to do that?

Mr. SAMUEL. Well, one thing we had to deal with, we had to deal with the guards that were preventing individuals from coming back into the city early on. We had to deal with State troopers throughout our city doing patrols. And one of the things—the interoperability was not there; therefore, we had to couple our local law enforcement officers, one officer with one of the State officers, in order for there to be clear communications because of the lack of a spectrum that they could all communicate on.

That was somewhat creative in a means of maintaining clear communications for all entities.

Mrs. CHRISTENSEN. All right. Now, what about communicating to the public?

Mr. WALLACE. I think from our perspective—let me also talk about it from a regional view.

One of the things that benefits the greater Houston area is what I referred to earlier about the HGAC, the Houston-Galveston Area Council, because what that agency does is several counties that come together, where you have county judges, you have mayors, you have emergency responders, all coordinate; and at that point from a communication standpoint it is not trying to find who you are supposed to talk to, it is picking up the phone and communicating with the people that you know.

So I think there was a level of preparedness as it relates to communicating with individuals on a daily basis. The city of Sugar

Land is a suburb of Houston. Yes, that is a major TV market in the Houston area, but going into every single one of our homes is a local access channel, so on a daily basis we updated that.

One of the areas that I indicated in my testimony that is of great concern and something that needs to be fixed is the reverse 911 capability. I think the reverse 911 capability is a wonderful tool if you want to alert a couple hundred homes about a hostage situation, tanker derailment and evacuation type of a situation. But when we made the decision at noon on Thursday to let our community know what the status was—and, remember, this is hours after we received a weather report saying 140-mile-an-hour winds in Sugar Land—we started to communicate with our public on a reverse 911.

Everybody in the Houston region uses the same Reverse 911 service provider. We were behind a queue of over 750 Reverse 911s. The people in our community got the emergency call at 9:00 that evening when we wanted to start it at 12:00. That is something that clearly needs to be fixed. And whether that is a bandwidth issue, whether that is having multiple service providers, those are things we need to definitely go back and look at.

Mrs. CHRISTENSEN. Thank you, Mr. Chairman.

Chairman KING. Thank the gentlelady.

At this time he will get his full 5 minutes. The gentleman from Florida, the long-patient gentleman from Florida, Mr. Meek.

Mr. MEEK. Thank you, Mr. Chairman. I want to thank the Councilman and Mayor for joining us here under the circumstances.

I think you had an opportunity to hear some of the discussion that took place in the last panel with the governors. And I only had 1 minute and because of the clock, not because of the chairman, for the vote that came up on the floor. But I think it is important for us to—and I was taking a look at your testimony. I think it is important for us to realize that after the aftermath of Katrina and Rita that there are a lot of lessons that we all learned from it.

I can tell you one thing, that this is the first, you know—and I know the chairman is new being the chairman, but this is the first hearing that we have had that had anything to deal with the response, the good or the bad, to Hurricane Katrina and Rita. And I think, several months and several weeks afterwards, of course, we should have been on top of it earlier, but it goes to show you that this is beyond partisanship. This is about preparing the country for future events, need it be natural or need it be a terrorist event for us to be able to respond.

Now I am creature of the State legislature in Florida. I was there for about 8 years prior to my arrival here. And I can tell you from watching the time of devolution of taxation on the Federal commitment—and I know that you represent your respective national organizations also. But as we look at devolution of taxation, we look at the lack of resources, we look at the priorities not being what they used to be.

And so your presence here is important and I am glad that I was reading—Mayor Wallace, I was reading your statements here as it relates to first responders funding. I think that is important.

Mr. MEEK. But I also think it is important to have the validation of what I call third-party validators. What I mean by third-party

validators, when I asked the governors do you believe that it is important to be able to have an independent body outside of this political body to look at what went right, what went wrong, what can we correct, you have heard, I don't need to repeat the responses, but definitely from the Texas Governor it was important, if I had more than a minute, I would have said I can help you save a lot of money. I will tell you what we learned.

Well, that is the kind of attitude that got us into a levee situation. I am pretty sure fixing the levee in New Orleans was something like, oh, well, we are doing something, but we are not necessarily addressing it.

We want to be make sure that local government has what it needs to be able to respond, since now you are being painted into the corner of being the responder to natural disasters. Catastrophic.

So I think it is important to take this seriously, we take our partisan hats off, we take our regional hats off, and take our big city versus small city hats off, big States versus little States, because even looking at the budgets as it compares to Texas and Florida, compared to Louisiana, Alabama and Mississippi, it doesn't compare. So that means that the local governments, relating to the tax base, are running into the same issues.

So I am saying all of this to say yes, there are going to be some delays in response, and, yes, it is kind of hard for folks that are elected to lead and be there for people in their time of need and at the same time say I would endorse an opportunity for all of us to be reviewed, not only on our job performance, but also on our responsibilities.

Now, these are hurricanes that we saw coming. What happens when someone decides to show up in a town with a Greyhound bus with a dirty bomb and we are down at the diner drinking coffee, and the next thing you know, our constituents hear about it and there are all kinds of rumors out here? Oh, if you stay here 10 more minutes, you are going to die. And you have to evacuate an entire city, or an entire county, or an entire State. What are we going to do? How do you respond?

We have done top-off programs, in New York City and counties and the national organizations throughout this country. We had Hurricane Pat in New Orleans. We knew what the deal was. But the bottom line was it was when what we call here in the Congress under regular order. It wasn't an independent commission to deal with this issue and raise these issues to the forefront so that we can be able to do something about it.

That is what we need. It may sound small, but I am hoping that your perspective national organizations will call for an independent commission, a Katrina Commission, which is verbatim, which is a House bill that is now introduced here in the Congress, many members have signed on to it, 81 percent of Americans support it. But the bottom line is, this isn't about who did and who didn't or what have you, it is about saving lives, American lives.

So I wanted to hear if there is any discussion within your national organizations that you represent, the League and the Council of Mayors, is there any discussion on how can we support or promote an independent commission outside of political bodies to

be appointed to be able to ask the real questions of governors and mayors and emergency responders and hurricane preparedness people and individuals who carried out the top-off programs. Because I can tell you right now, with all due respect to the institution that I serve in and the voting card I carry in my wallet, we don't have the ability to do it and then follow through on the task, because it was education for all Americans, and I hate to see local elected officials put in the posture it was.

Why didn't you do everything you were supposed to do when you were supposed to do it? It was your responsibility. Didn't we say that?

Or you didn't send a letter to the Governor and the Governor didn't send you a letter back, and the President said they didn't receive a letter, but we were talking the whole time. What are you talking about?

So we don't have to get into that. If we can streamline it, take it out of that process, I think that is important. I think the League and the Council of Mayors and the Association of Counties and the State governors and all of these folks are missing a great opportunity, and the Federal Government, to be able to respond to all of the people that we represent here in the United States.

Mr. WALLACE. I personally think it would be a grave injustice if we did not create some type of a document, whether it is an independent entity that creates it or whatever, to come up with what is the best practice. That is one of the things that the Conference of Mayors I know does quite well. Whenever I go to talk with a mayor, whether it is a 2 million population mayor or a 100,000 population mayor, everyone shares. This is the best way we are responding to this issue.

We start that process that you just defined Sunday evening, in a few days, here in Washington with the U.S. Conference of Mayors. So we are starting that to sit down and what are some of the things we can do better. We don't want to create a situation of pointing fingers, that somebody did this or that wrong. We just want to improve. There are lives at stake. That is what is important, and how we can best improve our communities. We are going to start that process this coming Sunday.

Mr. SAMUEL. The National League of Cities at this point has not taken a position as to whether or not there should be a bipartisan committee to evaluate it. But personally, I believe in order for us to not repeat some of the things we have done in the past, we have to make an assessment of what has been done and what we are doing now and move forward, whether it be a bipartisan committee, outside committee. But it has to be honest, straightforward communications to make sure the real issues are brought to the table so they can be identified and addressed.

Mr. MEEK. Mr. Chairman, I thank you very much. Mr. Chairman, I just want to say in closing, sir, I think it is important that we continue to have oversight hearings on this very subject. The 9/11 Commission, which, sir, you represent the area and you were dealt with a lot of the victims of that disaster, human disaster that was brought about, is that we have learned so much from it, intelligence is so much better because even though it took the Congress a year to create it, it helped this country protect itself and it is still

helping us protect ourselves, because it put in front of the American people where we did not—where we were failing and what we were doing good in.

I think it was important, an area of failing, I think it is important for us to be able to take this, the largest natural disaster, and especially if you put Rita into it, it is really the worst natural disaster that has ever hit this country in the history of our existence, and not learn from it. And I think the only thing that is stopping us, Mr. Chairman, from doing that, is the fact that someone may feel that somebody may say someone about someone or an administration or this person didn't do it or an e-mail, all the silly stuff we are reading about in the paper.

But meanwhile, back at the ranch, there were Americans waiting for 4 or 5 days, and we watched this happen, and we watched the loss of life and we watched the loss of property and we watched the disorganization, the world watched it, and we need to be able to learn from it.

So it was a year before it was created, there were a lot of other people that came up with their own scenarios on what we should do and how we should do it. As you know, both intelligence committees came together and put forth a report. The 9/11 Commission was able to take the reports, the work that different organizations did, and put it together in a way that it can be useful to bring about a piece of legislation to the floor that we all voted on and the appropriations bill that many of us went to the White House, I didn't get an opportunity to go, I mean, I was invited but I didn't get an opportunity to go, to sign this Homeland Security appropriations bill, and some of the ingredients in that bill came out of that 9/11 Commission.

So, Mr. Chairman, I want to thank you for today's hearing, okay, that we had the governors here and that we have these fine local elected officials here representing their national organizations. But for one member, I will be here to support future hearings under your leadership and under the ranking member's leadership so we can protect America even more.

Chairman KING. I look forward to continuing to work with you on that. I would also note that Chairman Reichert had a hearing in the subcommittee last week that dealt with this issue, and we will continue to hold hearings on this, at both at the committee and subcommittee level.

With that, I recognize my good friend from Texas, Ms. Jackson-Lee.

Ms. JACKSON-LEE. Thank you very much, Mr. Chairman. I would like to just pursue a line of questioning to both of my distinguished friends and colleagues from Texas, and might I say that having started in local government as a member of local government, elected official, City Council, I am well aware of the extensive burden that local officials do face. In fact, you are probably the first responders in terms of the community looking toward you.

With that in mind, Mr. Chairman, I would like to make a specific inquiry, Chairman King, to you, and to try to decipher where I believe that we can be most effective in this committee, and then I am going to pose some questions.

We have already had the jurisdictional mayhem, if I may define it as such, but the will of the leadership to establish a Katrina separate committee, and I realize that we are both respectful and sensitive to that delineation. However, I think that what we have heard these two panels say is a cry for the continued work of homeland security.

Let me tell you how it can be done, to establish our base of investigation under the heading of Hurricane Rita, because there are distinctive issues that we can continue to look at that would help us in our preparatory work and our going forward work. Let me cite for you the way that I would suggest.

First of all, I think some of the key elements that I saw being at the TranStar Emergency Center through the entire time of Hurricane Rita was the question of evacuation and the orderliness of evacuation. Therefore, I think it is important that we can look under Hurricane Rita to those issues.

Let me also say an ongoing problem is how do you respond to overlapping natural disasters and/or man†made disasters, which is what we face in the State of Texas? We were already hosting, Beaumont, Port Arthur, Sugar Land, Houston, we are already hosting Hurricane Katrina survivors. Our hearts have already been poured out. Our volunteers. Your churches, mayor, I know, were filled. You are a faith community.

Then came Hurricane Rita with our own constituency that compounded the impact. Right now we have some 40,000 to 50,000 in hotels that will eventually have to move out. We have cities that turned the lights out, I hate to say, in my own State, on evacuees that were coming. Why? Because there was not a state†wide Web, if you will, or connectedness, to say this is a system that is in place.

So short of hoping that the insight that you have been given by staff will not counter what I think is a way to delineate the distinction of what our committee is doing, and we have two very able committees, including the full committee, the management committee my colleague chairs, or is ranking member with another colleague, and, of course, I think there has been established a new investigatory committee.

I can tell you for one those of us from Texas we would like to be a guest on that kind of review, and that is not the kind of review that can really tie with Hurricane Katrina, because there are distinct issues that come to the receiving States who are then impacted by an incident or event.

So, Mr. Chairman, I would welcome your studied response on that. I will turn to the witnesses because they might give you some greater insight to say that it is very important that are we have these kinds of hearings.

Let me just go on this line of reasoning—

Chairman KING. If the gentlewoman yield, I can give a preliminary response. I have said all along that I intend this committee to go, I think the way idea find it, was right to the edge of Katrina. I think this morning's hearings were an indication of that. Hopefully, we will not have to have hearings on Wilma, but the purpose is to learn whatever we can to deal with future Katrinas and do

it in such a way that does not interfere with others jurisdiction, but does go to the edge.

I think today's hearing was very wide ranging. It did not use Katrina as a base, but it used that also as the opportunity to go off into the issues addressed by Katrina. What staff counsel was mentioning to me is to let you know that next week there is going to be a subcommittee hearing on interoperability.

So all these issues are being discussed. They all have relation to Katrina, not all, but many of them will, certainly the issues raised by Katrina, and that is my intention as the Chairman of the full committee.

Ms. JACKSON-LEE. Well, I am grateful for that, and to keep us truly pure in our jurisdiction, I am sure Rita would not mind me using her name. I say that not that we would have hearings on Wilma or someone else, but it represents a very good case study of what happens through the leadership of the ranking member and yourself. I appreciate it, and I would like to be able to offer some suggestions, particularly on this question of evacuation, which is a very, very difficult lesson to learn.

If the gentleman would yield me additional time that I may just conclude?

Chairman KING. I will yield the lady an additional 5 minutes. If we could finish in that 5 minutes, I would greatly appreciate it, for my own reasons.

Ms. JACKSON-LEE. You are very kind, and I will do that, with great appreciation.

Let me just, to both of you, say that I appreciate the U.S. Conference of Mayors and certainly the National League of Cities, but let me get to the point.

Mario Wallace, would you please share how we could have been more helpful as we evacuated and gave the signal? Obviously, your governor was here. You were very keenly in collaboration with Judge Eckels, and might I just express my disappointment of his previous engagement and thank him publicly, Judge Robert Eckels of Harris County, and Mayor Bill White of Houston, for their coordinating actions together.

But you were involved key to the evacuation issues. Tell us how the Federal Government and State Government might have been more effective in answering after the fact that long traffic jam, lack of gas, as you perceive it?

Mr. WALLACE. Right. I think there are a number of things, again, that we can learn from this. The issues as it relates to fuel, the issues as it relates to water. There were a number of people that, of course, were stuck in traffic. My family included, once they evacuated that morning. So I think with the equipment that the Federal Government might be able to assist, and I think that was mentioned this morning, fuel tankers, water, ice, things of that nature, to assist, I think it would be helpful. I think some of the other issues as it relates to the evacuation process, I know that everybody had the perception of Hurricane Katrina on their mind. They saw the footage and it was a very frightening experience that I think everyone lived through. And when the discussion came out as far as sending the first two tiers out of Galveston and out of the

Gulf, I think everybody within the Houston area got on the roads, as opposed to it being in a staggered manner.

Ms. JACKSON-LEE. If, for example, we had engaged the Federal presence, again in collaboration, meaning because they have the numbers, not, if you will, overcoming our first responders, but because they may have the logistical experience, would that have been helpful in evacuating individuals?

Mr. WALLACE. I don't know if it would have been helpful in the evacuation, because I know there were many people from the law enforcement, on the State level as well as local, and sheriffs, to assist in that process. Obviously the stretch of land was pretty significant, going all the way up through I think Buffalo or Columbus going north and then heading west on Interstate 10. So it was a very large area of land.

I think it did take time just to get the cones out and just to go through the process of getting both of the roads going in one direction. So I am not sure whether the Federal Government could have assisted in that process.

Ms. JACKSON-LEE. When you say the Federal Government, obviously you are talking about federalizing the National Guard or utilizing them, but also providing Reservists and other military personnel, which both Louisiana and Mississippi and Texas are blessed with a bounty of. So what I am suggesting to you, logistically with the ability of military to move people, would that have been helpful as you were eking to have those logistical procedures in place?

Mr. WALLACE. I think as it relates to Rita, I don't think it would have been helpful.

Ms. JACKSON-LEE. Let me say to the council member, I for one am aware of some of the strains that you had on your local community. Let me thank you, one, for what you did for Hurricane Katrina, and knowing that you had a number of residents, but also let me thank you for some of the leadership that I saw as a member of the Homeland Security committee visiting Beaumont and Port Arthur, in particular, your county judge and your mayor and certainly you and your leadership role.

So the issue becomes, if you will, I did not see any predeployment. What I heard from, as we had a letter submitted in the record by Mayor Ortiz, no predeployment of water, no predeployment of ice, no ability to get food. One thing I noticed was that the FEMA meeting was at the Ford Arena. The Beaumont meeting was downtown. That doesn't seem to be a coordinated scenario that would appropriately get the right response.

So as the chairman gavels, would you answer for me whether predeployment would have been helpful and also whether or not military in the right way would have been helpful as well, getting things quickly to your area?

Mr. SAMUEL. First let me preface any statements I might have: Anytime military assistance is called, I believe it should be on an as†needed basis.

Ms. JACKSON-LEE. Absolutely.

Mr. SAMUEL. From discussions in retrospect to what has happened, there has been some conversations stating that a military presence could have been helpful in the evacuation process as we

move from dual directional traffic to single directional traffic, there was a lot of dangers that had to be considered and manpower became an issue.

That could have been better handled or possibly handled with military presence. But, again, on an as†needed basis.

So I believe there is definitely a need for a working relationship with the national, State and local governments, and there was a statewide web in place. However, it wasn't taken under consideration when we prepared the statewide web, it wasn't considered that we would be dealing with two sets of evacuees. So that complicated the issue.

Also when we talk about evacuation, this particular storm, Rita, changed directions, or there were projections of different locations. Immediately Galveston County began to evacuate, Harris County began to evacuate. Then it came down to a lot of the traffic coming from South Texas was coming up the evacuation sites through Houston, even through but month. That complicated the issue when the storm took a turn toward Beaumont.

So, yes, we are looking at what we did. A lot of things were done right. The military presence was critical to get our special needs people out once the storm changed and came toward Beaumont. We probably couldn't have evacuate as well as we did had it not be been for the assistance in flying out those special needs patients.

So there is a need. Where that comes into play, I think that is best left with the local decisionmakers working with the national government to make those decisions.

Ms. JACKSON-LEE. They must be present and available for you to call on them?

Mr. SAMUEL. Yes, and have the local authority in the Federal prisons to make decisions on the local level.

Chairman KING. The gentlelady's time has expired. I want to thank the witnesses for their testimony. I understand Judge Eckels has arrived. The hearing has gone on.

Just so you know, Congressman Poe gave you a very fulsome introduction.

Mr. ECKELS. My testimony has been submitted in writing, Mr. Chairman. I apologize for the conflict and being late.

Ms. JACKSON-LEE. Congresswoman Jackson-Lee thanked him very much as well for his great work.

Chairman KING. And we take all of your compliments with great interest. So Judge Eckels, you are in great company if you can be complimented by Ms. Jackson-Lee.

I want to thank all the witnesses for their testimony. The hearing record will be open for 10 days for any members who have additional questions. I would ask if the witness could respond to those questions in writing. I want to thank the witnesses again, thank Ms. Jackson-Lee for being here, and without objection, the committee stands adjourned.

[Whereupon, at 2:22 p.m., the committee was adjourned.]

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