

# NOMINATION OF W. CRAIG FUGATE

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## HEARING

BEFORE THE

### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS UNITED STATES SENATE

OF THE

ONE HUNDRED ELEVENTH CONGRESS

FIRST SESSION

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NOMINATION OF W. CRAIG FUGATE TO BE ADMINISTRATOR, FEDERAL  
EMERGENCY MANAGEMENT AGENCY, U.S. DEPARTMENT OF HOME-  
LAND SECURITY

APRIL 22, 2009

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## NOMINATION OF W. CRAIG FUGATE

WEDNESDAY, APRIL 22, 2009

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

The Committee met, pursuant to notice, at 10:05 a.m., in room SD-342, Dirksen Senate Office Building, Hon. Joseph I. Lieberman, Chairman of the Committee, presiding.

Present: Senators Lieberman, Akaka, Carper, Landrieu, Burris, and Collins.

### OPENING STATEMENT OF SENATOR LIEBERMAN

Chairman LIEBERMAN. Good morning. The hearing will now come to order. Today, our Committee will consider the nomination of W. Craig Fugate to be Administrator of the Federal Emergency Management Agency (FEMA).

Mr. Fugate, I welcome you here this morning, and I particularly want to welcome our friend Senator Mel Martinez, who will be introducing you.

Senator Martinez, if you are under a time pressure, I would be happy to have you go ahead right now.

Senator MARTINEZ. That would be wonderful. Thank you, Mr. Chairman.

Chairman LIEBERMAN. I know you would like to hear the opening statements that Senator Collins and I are going to offer, but—

Senator MARTINEZ. I will be reading them later.

Chairman LIEBERMAN. All right. [Laughter.]

Very good, my friend. Please proceed.

### TESTIMONY OF HON. MEL MARTINEZ, A U.S. SENATOR FROM THE STATE OF FLORIDA

Senator MARTINEZ. Thank you, Mr. Chairman and Senator Collins. I am really honored to be here today to introduce to you a great Floridian, and I am really proud that he will be serving our country. He is Craig Fugate, who is the Director of the Florida Division of Emergency Management. All Floridians have benefited from Mr. Fugate's leadership, and I am pleased to know that he will soon be serving all Americans at the national level as the next Administrator of the Federal Emergency Management Agency. In my view, there is no more qualified person for the job.

Anyone who has worked with Mr. Fugate—and I have at the local, State, and national levels—will tell you that he has forgotten more about emergency management than most people will ever

(1)

know in a lifetime. That is because he has spent most of his lifetime working at all levels in this field. As a volunteer firefighter, a paramedic, and later a lieutenant with the Alachua County Fire Department, he spent the early part of his life at the local level and ended up serving as the county's emergency manager.

In 1997, Mr. Fugate was promoted to the State level as Chief of the Bureau of Preparedness and Response with the Florida Division of Emergency Management, and in this role, he helped to build what has become the model emergency management program for the Nation. He has helped to manage the response to major floods, tornados, wildfires, and hurricanes. One hurricane, Hurricane Georges, resulted in more than 200 days of activation for the State Emergency Response Team.

In October 2001, former Governor Jeb Bush elevated Mr. Fugate as Director of the Florida Division of Emergency Management. As you might imagine, preparing for hurricanes and dealing with the aftermath is a way of life for us in Florida, but rarely has Florida, let alone any other State or region, for that matter, been impacted by as many storms as we saw during the 2004—as I was running for the Senate, as a matter of fact—and 2005 seasons. In total, three tropical storms and eight hurricanes made landfall, including Hurricanes Charley, Frances, Ivan, Jeanne, Dennis, Katrina, Rita, and Wilma. Despite the constant threat of these storms, Floridians were prepared and the State was ready to respond, and that is in no small measure thanks to Director Fugate's steady leadership.

Throughout this time as Director, Mr. Fugate managed 23 declared State emergencies, including 11 presidentially declared disasters, requiring more than \$4.5 billion in Federal assistance. It was his tremendous ability to coordinate disaster response, recovery, preparedness, and mitigation efforts with each of the 67 counties and local governments that earned him reappointment after Governor Charlie Crist was elected governor in 2006.

Although we, in Florida, will be sad to see him leave, our Nation needs him, and we continue to look forward to working with him to improve our national response to disasters.

I want to thank Mr. Fugate for all that he has given in service to Florida, and I would urge my colleagues to give him a swift confirmation so that he can be our next FEMA Administrator.

Thank you very much.

Chairman LIEBERMAN. Thanks very much, Senator Martinez. That was a very strong statement, and certainly it means a lot to the Committee. Senator Collins and I will have copies of our statements on your desk by the time you return. [Laughter.]

Senator MARTINEZ. Thank you very much, yes.

Chairman LIEBERMAN. Thank you very much. When Senator Bill Nelson arrives, we will obviously be honored to hear from him as well.

Let me begin my opening statement and say that the extraordinary record of experience in emergency management that Mr. Fugate has is, of course, very important, and I want to say how historically important it is to this Committee and put it in some context.

The Post-Katrina Emergency Management Reform Act, which Senator Collins and I were honored to co-author and the Com-

mittee was good enough to report out, aimed at addressing the failures uncovered by this Committee's investigation into the response to Hurricane Katrina. The law requires that the FEMA Administrator have a demonstrated ability in and knowledge of emergency management and homeland security and at least 5 years of executive leadership and management experience.

Now, you would think that would be kind of normal to request that of the FEMA Administrator, but that was not the case prior to the adoption of the Post-Katrina Emergency Management Reform Act, and the obvious fact is—and I note this with much appreciation—that Mr. Fugate has a background that not only meets but far exceeds these requirements.

Obviously, the ultimate test of a leader, an Administrator in this case, is the qualities that the person brings personally to the task, qualities of leadership, ability to work with others. But it seemed to us that we had to at least guarantee that the person going into this position, so critical to the lives and safety of Americans at times of emergency, have had the basic experience to give us the confidence to believe that he could do this job. And again, I note with great pleasure, Mr. Fugate, that you more than satisfy those requirements.

The Post-Katrina Emergency Management Reform Act also strengthened FEMA in many different ways, giving it both new and enhanced responsibilities and missions. A very important aspect of that Act was the decision to keep FEMA within the Department of Homeland Security (DHS). I must say that since passage of the Act, FEMA has come a long way, showing steady improvement year by year. FEMA's successful responses to Hurricanes Ike and Gustav in 2008 were proof of the agency's progress. And I think few now dispute that FEMA is a stronger agency, much stronger than it was before Hurricane Katrina. I particularly hope that the career public servants who are in FEMA now appreciate the fact that we appreciate what they have done and what the agency has done in the last couple of years.

Last April, Department of Homeland Security Inspector General Richard Skinner testified before this Committee that FEMA was better prepared for a catastrophe now than it was when Hurricane Katrina struck and that actions taken to implement the Act have resulted in a much more muscular agency. More recently, Mr. Skinner testified that FEMA is stronger now than it has ever been in its history as a result of its cooperative relationships within the Department of Homeland Security, the implementation of Post-Katrina Emergency Management Reform Act, and other improvements made as a result of the lessons learned from Hurricane Katrina. Additionally, Mr. Skinner reported in February of this year that removing FEMA from DHS would be a mistake.

So I take all those to be encouraging signs, and I hope they are the death knell of the attempts to remove this important agency from the Department of Homeland Security, though I would like to ask you about that during our question and answer period.

Although FEMA has come a long way, if you are confirmed as the new Administrator, Mr. Fugate, as you know, you still will face some tough challenges. Among the top priorities will be accelerating the full recovery from Hurricane Katrina, developing a

long-term recovery strategy and improving FEMA's recovery programs, completing plans to respond to future large-scale disasters, working with States to ensure that they are better prepared for response and recovery responsibilities, and better tracking where our homeland security grant dollars are going to ensure they are being used most effectively to strengthen our national preparedness.

The next FEMA Administrator, of course, will be responsible also for continuing to implement the Post-Katrina Emergency Management Reform Act so that FEMA really does become the world-class standard for emergency management, which we want and need it to be.

I want to say for the record that Mr. Fugate has the support of his peers, having been endorsed by the International Association of Emergency Managers, the National Emergency Management Association, the International Association of Fire Chiefs, the National Sheriffs Association, and even by Florida Governor Charlie Crist. So I look forward to your testimony this morning and to working with you, if you are confirmed.

Senator Collins, do you want to proceed?

Senator COLLINS. Thank you, Mr. Chairman.

Chairman LIEBERMAN. And then we will go to Senator Nelson.

#### OPENING STATEMENT OF SENATOR COLLINS

Senator COLLINS. Thank you, Mr. Chairman. I will be very brief in my remarks, given the presence of Senator Nelson.

I just want to join you in welcoming Craig Fugate to the Committee. This Committee's comprehensive investigation into the flawed response to Hurricane Katrina was the most extensive investigation this Committee has ever done, and it produced this very lengthy report. I am, of course, going to quiz the nominee to make sure he has read every single page of the report. [Laughter.]

But in all seriousness, the Committee's investigation revealed fundamental problems with our Nation's preparedness for catastrophic disasters and also, following up on the point the Chairman made, a lack of qualified leadership at the top levels of FEMA. As a result of our Committee's work, as the Chairman has noted, Congress passed the Post-Katrina Emergency Management Reform Act, which the Chairman and I authored, and as a result, our Nation's ability to prepare for and respond to all disasters has improved dramatically. And I will say, Mr. Fugate, that I was disappointed that in your prepared remarks you did not discuss this landmark law and the impact that it has had in improving our Nation's emergency preparedness.

Perhaps the most significant of all the reforms that we implemented was the requirement that the FEMA Administrator have substantial emergency management experience. Mr. Fugate brings 8 years of experience as the Director of Florida's Division of Emergency Management. During those 8 years, he oversaw the response to 11 presidentially declared disasters. So, clearly, the Administration has followed the requirement in the law that the head of FEMA bring this sort of experience to the position.

I also am impressed with the widespread bipartisan support that Mr. Fugate's nomination has garnered. Clearly, this should not be a political post. It should be a nonpartisan post that is filled by the

most experienced individuals that we can find. So, Mr. Fugate, it does speak well for you that both of Florida's Senators of two different parties have taken the time today to be here to endorse your nomination, and I look forward to hearing your testimony and hearing from Senator Nelson, whose words will be added to those of Senator Martinez.

Thank you, Mr. Chairman.

Chairman LIEBERMAN. Thanks very much, Senator Collins.

Senator Bill Nelson, it is an honor to welcome you to the Committee for the purpose of introducing the nominee.

**TESTIMONY OF HON. BILL NELSON, A U.S. SENATOR FROM  
THE STATE OF FLORIDA**

Senator NELSON. Thank you, Mr. Chairman. And as you know, our lives here often have conflicts. I have been chairing a meeting of the Armed Services Committee, and thank you for scheduling it so that I could temporarily recess that committee to come here on behalf of Mr. Fugate. And everything that you have said already about Mr. Fugate is true, and I can testify to that because I have been sitting by his side in the Emergency Operations Center of the State of Florida since 1995 and have seen him perform under very difficult circumstances.

I have referred to the two of you as either "Madam FEMA" or Mr. FEMA." You certainly have the knowledge of this organization, its deficiencies, and, therefore, you have corrected a number of those deficiencies by what we have seen, the mistakes in the past. So thank you for what you have contributed in the reform of FEMA. Now you have to have the personnel that can take the law as you crafted it and have this country respond to the natural disaster or other manmade disasters in a way that the American people have come to expect. And that, of course, is a huge task. That causes all the resources of government to be brought together and coordinated, and you have to have somebody on the ground who does that and somebody who is a professional in doing that. And you all in your reports and your hearings before have chronicled the mistakes that have been made. Well, I can tell you that now you have a professional before you for confirmation.

In addition, his personal training is that he has been in these emergency responder positions before he assumed these leadership positions. He has been a firefighter. He has been an emergency medical services (EMS) person. And then when he graduated to the ranks of leadership, he was right there on the job ever since we got hammered back in the early 1990s with the monster hurricane, which we had to figure out how to get through. And we had a very bad experience because the emergency responders did not respond. And there was chaos in the aftermath of Hurricane Andrew in 1992.

In the decade that followed, FEMA got its act together, and then we saw, with the experience of Hurricane Katrina, FEMA did not have its act together, and we knew that in Florida the year before when four hurricanes hit Florida in 2004 within a 6-week period. At first, you could say FEMA certainly was going to be overwhelmed with four hurricanes. That is true. But then you saw that the professional expertise coordinated from the Federal level was

not there. It was a precursor, it was a warning of what was to come. And, finally, that happened, to the knowledge of everybody, in 2005 in the Hurricane Katrina debacle.

So you have a knowledgeable professional to whom, under his leadership, we have seen Florida respond. His style of leadership and the Emergency Operations Center that he coordinated, and the response, became the role model for the rest of the country. That is who you have here in front of you today.

He has a homespun Florida way of describing how he handles his professional duties. He calls it "the Waffle House test." After a hurricane, if the Waffle House is open, it means that there is power and there is water, and so you keep going. But if the Waffle House is closed, something has shut them down, and you have to start getting it open. And if they are open and they have a limited menu, it means that power has been out for a while because everything in the freezer that was frozen has now melted and you are facing that kind of a situation.

So I want to commend him to you. As I said, I have had the opportunity to sit by him. I will never forget when Hurricane Charley suddenly took a right turn and surprised everybody, coming right up Charlotte Bay and hitting Punta Gorda head on. The good news was it was a confined hurricane with the hurricane force winds only 10 miles in diameter. The bad news is that it hit people, surprisingly, because it was supposed to go further north, a lot of people who had fled Tampa were in Punta Gorda. And you can imagine the ensuing chaos, during which in the middle of the hurricane the Charlotte County Emergency Operations Center roof gets blown off and they have to evacuate the Emergency Operations Center in the middle of the hurricane. You can imagine the scene at which Mr. Fugate arrives a few hours after the hurricane in the Mobile Emergency Operations Center and starts to take charge. And this is a skilled, experienced professional. It is what this Nation needs. It is what Florida has been fortunate to have. And I commend him to you for your consideration, Mr. Chairman.

Chairman LIEBERMAN. Thanks very much, Senator Nelson. I will tell you that is one of the most compelling statements we have had made by a colleague on behalf of a nominee because it is so personal and based on experience. I appreciate it very much.

I also thank you for giving us a Florida definition of "the Waffle House test." Usually around here, "waffling" means something else. [Laughter.]

Let me say, in your opening statement you did not waffle. Your introduction was very clear and strong. We appreciate it very much. Thank you.

Senator COLLINS. Mr. Chairman, before Senator Nelson departs, I want to acknowledge that he was the first person to come to me when I was Chairman to point out problems with FEMA, long before Hurricane Katrina struck. And, indeed, this Committee, when I was Chairman—back in the good old days—in May 2005, held a hearing looking at FEMA's response to the 2004 hurricane season. And you brought to my attention the widespread fraud that, unfortunately, became prevalent after Hurricane Katrina as well. So I just want to acknowledge your longstanding leadership in this area. Thank you.

Chairman LIEBERMAN. Thanks, Senator Collins, for pointing that out. Thanks again, Senator Nelson.

Mr. Fugate has filed responses to a biographical and financial questionnaire, answered pre-hearing questions submitted by the Committee, and had his financial statements reviewed by the Office of Government Ethics. Without objection, this information will be made part of the hearing record, with the exception of the financial data, which are on file and available for public inspection in the offices of the Committee.

Our Committee rules require that all witnesses at nomination hearings give their testimony under oath, so, Mr. Fugate, I would ask you to please stand and raise your right hand.

Do you swear that the testimony you are about to give to the Committee will be the truth, the whole truth, and nothing but the truth, so help you, God?

Mr. FUGATE. Yes, sir.

Chairman LIEBERMAN. Thank you. Please be seated.

Mr. Fugate, we would be honored now to hear your statement and the introduction of any family members or guests that you have with you today.

**TESTIMONY OF W. CRAIG FUGATE<sup>1</sup> TO BE ADMINISTRATOR,  
FEDERAL EMERGENCY MANAGEMENT AGENCY, U.S.  
DEPARTMENT OF HOMELAND SECURITY**

Mr. FUGATE. Thank you, Mr. Chairman, Senator Collins, and Senator Landrieu. Senator Nelson and Senator Martinez were very kind, and having worked with them, I know that they are outstanding people, and I have always enjoyed my relationship with them. But I also have somebody else here, Mr. Chairman, that is probably the most important person in this room to me, sir, and that is my wife, Sheree, who is joining me in this endeavor. I could not be here without her, and it is, as we all know, families first.

There are other people here representing a variety of groups: My good friend Max Mayfield, former Director of the National Hurricane Center; Mike Walker, who has served this country in numerous capacities but, most importantly, is here to remind me of somebody that has passed, and that is Lacy Suiter, who was once described as the "best Director FEMA ever had," and often times is my guidepost when looking at difficult situations. I go back to the question, "What would Lacy do?"

There are others representing various organizations from the International Association of Fire Chiefs, National Emergency Managers Association, and the International Association of Emergency Managers.

Mr. Chairman, I come before you today as the nominee for Administrator of FEMA. I am honored that the President has asked me to serve in this capacity. I have a statement. The Senators have already provided much of that information, so if it would please you, I would just like to enter my statement into the record.

Chairman LIEBERMAN. Without objection, so ordered.

<sup>1</sup>The prepared statement of Mr. Fugate appears in the Appendix on page 29.

Mr. FUGATE. And I just want to hit on a couple of things, less about my past, about which much has been said, but what I see as the challenges.

Senator Collins is absolutely correct that the Post-Katrina Emergency Management Reform Act is one of the most monumental things to come about in emergency management. Many people forget that much of what was assumed about FEMA was never actually codified. There are oftentimes very gray areas in roles and responsibilities. And we were oftentimes welded to the Stafford Act as the determining factor of what our roles and responsibilities should be.

Some of the things that the Post-Katrina Emergency Management Reform Act has done have made it clear that FEMA is part of the Department of Homeland Security. It has made clear that the Administrator reports to the Secretary and serves as the emergency management advisor to the President and Homeland Security Council under the Secretary. It lays out responsibilities that go beyond just administering the Stafford Act to ensure that this Nation is prepared for all hazards, not just those natural hazards that many of us have experienced, not just the threats that may come about because of acts of terrorism, acts of violence, or failures of technology, but prepared for those disasters and those events we may not have experienced yet, and to build a team that is not just based on FEMA.

I think sometimes we talk a lot about what FEMA's role is and we forget what we are really talking about is how the Nation is going to prepare to respond. And that is how I really look at this opportunity. As much as we have a lot of work to do within FEMA, and there are many things from the Post-Katrina Emergency Management Reform Act that we still owe this Committee, as well as the recovery that we are still responsible for after Hurricanes Katrina and Rita and the rebuilding of the Gulf, we also need to recognize that we have to build a national focus on the next disaster, some of which we can forecast. There is a lot of reference made to hurricane season, which starts June 1, 40 days away. Mr. Chairman, the next disaster that could be a catastrophe could strike today. We do not have the luxury of always knowing what the next disaster will be, nor will there always be a disaster that there is a forecast for.

That responsibility means that we have to begin looking at our citizens as a resource, not as a liability in our plans; that we have to integrate and build capacity and capability at the local, State, and Federal levels; that it has to incorporate the volunteer, faith-based, and community-based organizations and the private sector; that we cannot look at some of our challenges and basically try to determine what we will do based on our capabilities, but based on what the challenges are.

We cannot forget that many of our citizens who, because they do not have the resources, face additional challenges. That cannot be an afterthought in our planning. You cannot write a plan for disability preparedness after you write your main plan. It has to be incorporated as a core element of how we make sure that our most vulnerable citizens are taken care of.

When you read the Post-Katrina Emergency Management Reform Act, you find the answers to many of the questions that have been out as far as what should be the Federal role, how should FEMA integrate, and what is the purpose of this organization. Previously these questions were addressed through funding, appropriations; they were addressed through an interpretation of the Stafford Act. I truly believe that the Post-Katrina Emergency Management Reform Act has finally defined what this Nation expects from its emergency management program, what FEMA's role is in that program, and our task to go forward to build that team that can respond to the next catastrophe.

Thank you, Mr. Chairman.

Chairman LIEBERMAN. Thank you, Mr. Fugate, for a very thoughtful statement. I am going to start my questioning with the standard questions we ask all nominees.

First, is there anything you are aware of in your background that might present a conflict of interest with the duties of the office to which you have been nominated?

Mr. FUGATE. Mr. Chairman, the only thing that I am aware of is that as the Emergency Management Director of the State of Florida, I serve as the signature and governor's authorized representative on currently open disasters as well as the State administrative agency for homeland security grants. I have met and will be, if confirmed, signing an ethics agreement which will clearly state that I will recuse myself from any of those activities involving my previous job as State director for open disasters or open homeland security grants. But other than that, no, sir.

Chairman LIEBERMAN. Very well. That is acceptable.

Do you know of anything, personal or otherwise, that would in any way prevent you from fully and honorably discharging the responsibilities of the office to which you have been nominated?

Mr. FUGATE. No, Mr. Chairman.

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

Mr. FUGATE. Enthusiastically, Mr. Chairman.

Chairman LIEBERMAN. I hope you continue that level of enthusiasm as you go on. [Laughter.]

We are going to start the first round of questions with 7 minutes each.

Your far-reaching opening statement leads me to ask you a question that I had not planned to ask you first, and I do not expect that you will have a full answer to it, but I appreciated what you said. This is an emergency management job, and we naturally think of it first in terms of natural disasters—hurricanes, tornados, the like. And now we have come to think of it in terms of unnatural disasters—terrorist attacks—and we will get into these—biological, chemical. But this Committee and, I would say, the Congress have a rising interest in and concern about the danger of cyber attacks. In fact, there is a report expected any day now from the White House about possible reorganization of roles.

There is a Cyber Security Center within the Department of Homeland Security. The Homeland Security Department has a natural responsibility for protecting the nondefense elements of the

Federal Government's cyber systems and, most critically, working with the private sector to beef up their defenses and their capacity to respond to a cyber attack.

I have no idea whether you have given any thought to this. I want to just put it in front of you to see if you have, and frankly, I had not thought about it before, but it seems to me that FEMA and you, if confirmed, really ought to be at the center of the Department of Homeland Security's planning for both prevention and particularly response to a cyber attack.

Mr. FUGATE. Mr. Chairman, as the Emergency Management Director of the State of Florida, I am well known for doing no-notice exercises, which we call "Thunderbolts." We have actually done exercises involving critical failures in our communication infrastructure through various cyber attacks, such as shutting down a central office where all Internet traffic, phone traffic, and cell traffic would be disrupted.

I think that, again, our role in FEMA is to be prepared for the consequences. If the power goes out, it is really not relevant what caused it to go out if the impacts are now affecting health care critical infrastructure, and what those impacts could be.

Chairman LIEBERMAN. Right.

Mr. FUGATE. So I think our role in FEMA is, again, not so much always focusing in on the things we know, but looking at what would be the consequences if that attack occurred, if the utilities were shut down, if phone line and cell communication was disrupted. We have seen a few examples of this. Once when a satellite shut down, we lost all pager capacity across the Nation for about 90 percent of the hospitals and other folks who depend on pagers.

We would look at the consequences of that. We would want to look at what kind of vulnerabilities and systems could be affected. And I think our role at FEMA is, again, looking at the impacts and consequences and building capacity and capability to address that.

Chairman LIEBERMAN. Well, that is excellent. I did not know that you had done any work on that in Florida. That is very encouraging. And I think we are going to have to really spend some more effort and resources. I believe Secretary Napolitano is committed to this as well in the area, unfortunately, of cyber defense. But you are right. If there was an attack on our power systems, for instance, a cyber attack, the role that you would have through FEMA would be not so much the focus on how it happened, because hopefully the power companies themselves would have spent some time on that so that they would be able to get the system back up, but you would have to deal with a cyber attack just as you deal with any other power failure.

Let me briefly ask you, without belaboring the point, but it is an important one to us on the Committee. I know that in the past you have made public statements that you thought it would be a mistake to take FEMA out of the Department of Homeland Security. Do you still hold that position?

Mr. FUGATE. Mr. Chairman, yes, I do. I believe that the next confirmed Administrator of FEMA needs to be focused on the next disaster, and being focused on that means that the debate, as far as I am concerned, is over.

Chairman LIEBERMAN. I appreciate that answer.

One of the things that I think we did in the Post-Katrina Emergency Management Reform Act that was most significant—I hope it is, and I want to get your view on it; I think it has begun to work—is to really beef up, to establish these 10 regional FEMA offices, give significant new responsibilities to the FEMA Administrators, to put in one place in each of the 10 regions representatives from a very wide range of Federal response organizations, including, incidentally, in every one of them now a Department of Defense representative to coordinate the response and to train, as much as one is able, for the particular disasters, certainly the natural disasters, that are more likely to occur there. Obviously, in the Gulf Coast you train for hurricanes and the like.

I wanted to get your view on what the role of the regional office is, as you see it, in enabling FEMA to achieve its critical mission.

Mr. FUGATE. I believe the role of the regional offices is to be the principal interface with the States in building that team. I believe very much that we should be delegating down to those administrators the ability to deal with much of the day-to-day issues and the response that they may have supporting a State and to build those partnerships prior to the next event.

There has to be accountability. There has to be responsiveness. But I think we will be best able to achieve that by using the regional structure so that we can address, as you point out, the unique aspects of the threats that those regions face, their capabilities, and the geographical distances that have to be covered.

Chairman LIEBERMAN. Do you think there has been adequate involvement of State and local emergency management with FEMA up until this time? And, if not, what would you do to improve it?

Mr. FUGATE. Mr. Chairman, I think that there has been that dialogue, but it oftentimes comes at the point when many of us felt decisions had already been made and we were just being asked to validate that decision.

My approach is to bring the stakeholders in to help us come up with the solutions and answer the questions, not present them with the solutions to ratify.

Chairman LIEBERMAN. So would you do that exclusively through the regional offices or do it yourself from Washington, or moving out of Washington yourself?

Mr. FUGATE. I believe we have a variety of options there. We have the National Advisory Council. We have our regions. But I also believe that the responsibility of the Administrator is to go meet people at conferences and go to their States and go to the local governments because only through that process can we really see the challenges we are facing.

Chairman LIEBERMAN. Thank you very much. Senator Collins.

Senator COLLINS. Thank you, Mr. Chairman.

Mr. Fugate, you and I have talked about the tension between making sure that aid gets out to the potential victims or the actual victims of a disaster as quickly as possible and yet ensuring that waste, fraud, and mismanagement are not permitted, and in the wake of Hurricane Katrina, we unfortunately saw not only a failure to aid the victims in an effective way, but widespread and in some cases completely preventable waste and fraud.

This tension, however, is not unique to a large hurricane like Hurricane Katrina. Back in 2005, when our Committee looked at the 2004 hurricane season in Florida, we found significant problems. We found that the Miami-Dade Emergency Operations Center reported that the damage from Hurricane Frances was minimal and that, in fact, Miami-Dade County did not incur any hurricane force winds, tornados, or other adverse weather conditions that would cause widespread damage. And yet what happened in this case is FEMA designated this county as eligible for the individual assistance programs without first conducting, as it should have, a damage assessment to determine whether Federal assistance was warranted. And this was the issue that Senator Nelson first brought to my attention, and our Committee found that these two goals of quick and effective aid and yet preventing waste, fraud, and abuse are not mutually exclusive.

I would like you to comment on what happened in that case, whether you played any role in encouraging the designation, and what can be done to ensure that we are not pouring millions of dollars into aid to a region that simply did not meet the threshold.

Mr. FUGATE. Yes, ma'am. Senator, I was the one that in the request for the major presidential disaster declaration placed the names of the counties that I thought were going to experience hurricane damage prior to landfall. At that time, what we felt was the most appropriate route to receive assistance and have FEMA release resources to us was to ask for a major presidential declaration at the landfall of Hurricane Frances, and that would preclude having any damage assessments to make that determination. We were basing it on the forecast. That and the fact that we were also a relatively small agency trying to administer that response meant that we did not have any controls or oversight within our response to monitor that in real time.

Post that 2004 hurricane season, we saw FEMA begin addressing this through a clear policy of when they would issue or when they would solicit a request from a governor for a pre-landfall emergency declaration. This is important because, previously, without the emergency declaration or major presidential disaster declaration, prior to the Post-Katrina Emergency Management Reform Act, FEMA could not release or actually turn over resources to the State to respond. So we were driven more by ensuring that we had the capability to respond to that disaster and trying to get as much of that done under the tools we had.

In retrospect, the emergency declaration is actually a preferable route because it does not provide long-term complete assistance to people but addresses the most critical emergency needs in the immediate pre- and aftermath of a threatening storm or other type of disaster. So that gave us a new tool with more guidance on when to ask for that versus defaulting back to asking for a declaration at landfall.

Senator COLLINS. I think we need to strike the right balance. We want to make sure and indeed our Post-Katrina Emergency Management Reform Act provides for the authority for FEMA to preposition assets. That is absolutely essential. That did not happen with Hurricane Katrina. Disaster struck, and it was very difficult to get the needed supplies into the area. But, on the other hand,

we do not want to trigger individual assistance programs and the expenditure of millions of dollars to individuals who did not suffer harm because that takes away from our ability to provide assistance to those who do suffer harm. So that is an issue on which I look forward to working with you and making sure that we strike the right balance.

I would like to turn to another issue. This Committee has had a series of hearings chaired by Senator Lieberman to look at how government and other private sector and nonprofit organizations communicate with our citizens when a disaster strikes, and one of the most important services that government can provide before and during an emergency is notifying citizens of impending danger. Technologies are now available so that we can target the notification to a geographical location through Reverse 911, text messaging, and E-mail. And we can give people notice of impending danger as well as instructions on what to do.

FEMA has been experimenting with various parts of an integrated public alert and warning system that would take advantage of these new technologies. What are your thoughts on how we can improve communication? And will you make it a priority to move this project forward?

Mr. FUGATE. Senator Collins, absolutely. Here is the bottom line: If we cannot reach the population at risk with the information on which they need to act on a Sunday morning at 3 a.m. when nobody is watching TV or listening to the radio, the system fails. You have to define the outcome and then apply the process and technology to achieve the ability to warn people when they are not prepared, when they are not paying attention, when they may not know a threat exists.

Senator COLLINS. Thank you, Mr. Chairman.

Chairman LIEBERMAN. Thanks, Senator Collins.

Senator Collins' last question is a very important one, and I appreciate your answer about communication to the public in a disaster. I cannot resist saying that you have behind you one of the great all-time communicators to the American people in disasters in Max Mayfield. I must say it makes me feel comfortable just having him in the room. [Laughter.]

It is an honor to have you here.

Next is Senator Landrieu. As you know, Senator Landrieu chairs the Ad Hoc Subcommittee on Disaster Recovery that we created that has specific jurisdiction with regard to the Stafford Act and emergency management generally. In that capacity, I am happy to call on her now.

#### **OPENING STATEMENT OF SENATOR LANDRIEU**

Senator LANDRIEU. Thank you, Mr. Chairman, and let me add my compliments to Max Mayfield. His is a wonderful face to see, and we in Louisiana so appreciate his voice at probably the most difficult time our State has ever faced. And without his persistent notification, we may have lost even more than the 2,000 people that we did lose in that storm. We thank him and look forward to continuing to work with him.

Mr. Fugate, I am very impressed with your background, and of course, Senator Nelson has commented to me many times about

the confidence that he and the people of Florida have in you. Based on our several meetings and your responses to the 36 questions that I have submitted prior to this hearing, I am convinced that you are the right person for this job. But I will say, Mr. Chairman and Madam Ranking Member, that we still have a tremendous amount of work to do, despite the great work of this Committee, which you mentioned in your opening statement. And I am happy that my office helped to inform a lot of those discussions about what has gone into the Post-Katrina Emergency Management Reform Act and the good work of the Chairman and the Ranking Member. I think this area is still ripe for aggressive reform. And I am pledging to work with you today to help to get a better, stronger FEMA and to identify the right team members to strengthen that team so that we never have to see and experience what happened in Hurricanes Katrina and Rita, let alone what you have experienced in Florida.

I have six questions. I am probably only going to get to three of them, and I will try to stay for the second round, if I can. And these are very Louisiana and Gulf Coast specific, so forgive me, but we still have our eyes on this recovery.

Mr. Fugate, on the question about the V-Zones as we build out from a catastrophic disaster, these are coastal high hazard areas known as Velocity Zones. I agree that construction and development should follow sound flood and storm surge data. As you know, the Army Corps of Engineers and FEMA are conducting a review of our levee system in the country. New flood maps are being issued.

However, some of these actions have left viable Louisiana communities, most notably in Cameron Parish, which is home to small but very longstanding communities that are working communities—oil and gas, commercial fisheries. There are other areas in Plaquemines Parish. I am sure this is happening in parts of Texas, and along the Alabama and Mississippi coasts.

Federal regulations permit FEMA to authorize construction in a V-Zone if no practical alternative sites are available. Will you use your authority to approve some construction for fire stations and police stations in communities that obviously need those basic protections?

Mr. FUGATE. Senator Landrieu, if I am confirmed, one of the things that in our discussion I wanted to be able to do is look at V-Zones and make sure we are pragmatic in our decisionmaking. Obviously, when a community is at risk and we can move that community and minimize that risk to their lives and property in the future, we should achieve that. But there are times when that is not practical, and we need to look at what are the potential options through engineering or other types of mitigation techniques that we can use to mitigate that hazard.

Senator LANDRIEU. Can I ask you how many communities you have moved in your experience?

Mr. FUGATE. Generally, the ones in Florida that have been moved—Caryville is one from the Tropical Storm Alberto floods—have been small.

Senator LANDRIEU. And how large was that community?

Mr. FUGATE. Relatively small.

Senator LANDRIEU. Like how many, approximately?

Mr. FUGATE. Approximately, I believe, the total was less than 100 structures. And, again, in Florida we are facing a very similar concern around Lake Okeechobee with the dike and the areas there that have now found themselves being upgraded as to risk if something happens to Lake Okeechobee.

Senator LANDRIEU. And I just want to bring this to the attention of this Committee, that moving communities is an option if the communities are small enough to move and if they are not contributing to the Nation through intrinsic links to significant infrastructure. If it is a retirement community, if it is a community of condominiums that just were built in the wrong place, that is one thing. But, Mr. Chairman, to move communities of several thousand people who are maintaining the river systems, pipelines, infrastructure, and ports is a whole other issue. And this is a very important rebuilding aspect this Committee has to focus on, and I am glad to see that this nominee is focused. But a tremendous amount of work is going to have to be done.

Let me ask you about arbitration. As you know, after years of trying, we finally succeeded at putting a system in place that could bring to an end the endless disputes between FEMA and local governments about the costs associated with rebuilding. There are legitimate differences of opinion sometimes, but nonetheless, communities need those differences to be resolved. Do you support implementing the law that is now in place for some type of arbitration panel?

Mr. FUGATE. Senator Landrieu, if confirmed, absolutely. I also want to look at that arbitration process as an opportunity to look at repeated issues and see if there are patterns or trends that we need to address through policy and rulemaking. Again, if these are similar issues, time and time again, this may be an opportunity to look at those, identify them, and look at what the remedy is so they do not become a continuing issue for other jurisdictions.

Senator LANDRIEU. I asked you also, if you would, about the community disaster loan program, and for the life of me, I cannot figure out why more of my colleagues do not appreciate just the numbers on this. But you indicated that in some instances you did not think that the \$5 million cap on community disaster loans was adequate, with which I agree, and that you would consider other options. But I want to bring to the Chairman and Ranking Member's attention, the fact that the budget of the City of New Orleans is, as I recall, \$264 million a year. How could a \$5 million loan be anywhere near adequate if a city of that size is either completely or half destroyed? Could you comment?

Mr. FUGATE. Senator Landrieu, the City of Miami is probably all by itself in Miami-Dade County one of the largest economies in all of the State of Florida—

Senator LANDRIEU. What would a \$5 million loan do for Miami if half of the city was destroyed?

Mr. FUGATE. I doubt we could make payroll on a monthly basis.

Senator LANDRIEU. I doubt you could pay—

Mr. FUGATE. Weekly.

Senator LANDRIEU [continuing]. One department 2 weeks for \$5 million.

Mr. FUGATE. Absolutely.

Senator LANDRIEU. So I am urging this Committee to understand that in a major catastrophic disaster, the current amounts on the books are wholly inadequate to maintain basic operations and that our fire departments, police departments, teachers, and public school system are at tremendous risk because of it.

On your staff turnover, which is also very troubling, we are reviewing right now the 1,400 people that are in the office in New Orleans. We are going to find out how many are full-time FEMA employees, how many are contract employees, and how many are part-time employees.

One of my goals is to get a highly qualified and well-trained reserve force for this Nation. The people who are at risk, at their time of need, do not want to see green recruits. They want to deal with trained professionals, like when the National Guard shows up—someone that they can rely on. Can you promise us that you will make that a priority issue in rebuilding and retraining your force and developing creative ways to build a trained—even though they may be temporary—but qualified workforce for the people who may be subject to multiple disasters as we move forward?

Mr. FUGATE. Senator Landrieu, if confirmed, to the best of my ability, we need to address the disaster assistance cadre and make sure those people are ready to go and serve their citizens if they are called to be activated.

Senator LANDRIEU. And do you have at least one specific suggestion about how you could do that?

Mr. FUGATE. Yes, ma'am. Using similar techniques from the Incident Command System, we need to make sure that they are typed and trained to the capacity when they deploy. Obviously, we do not want to put people with little experience running major components in a large disaster. We want to make sure our most experienced people are leading, and we bring people in to train them and gain that experience, but not at the expense of trying to manage a disaster.

Senator LANDRIEU. Mr. Chairman, I am going to conclude and submit some more questions for the record. This nominee will have my support, but I want you and the Ranking Member to know that I am going to be working weekly, as we rebuild our region in the Gulf Coast, with both of you to get a better system because while we have made great improvements, we have quite a significant way to go.

Thank you, Mr. Chairman.

Chairman LIEBERMAN. Thank you, Senator Landrieu. I could not agree with you more, and I think the work goes on, and your role in it is very important. Thank you.

Senator Carper, welcome.

#### **OPENING STATEMENT OF SENATOR CARPER**

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

The first question I want to ask of our witness is what does the "W" stand for?

Mr. FUGATE. The "W" stands for William. I was blessed by a mother who called me by my middle name from the time I was born, and so I always went by Craig. It was not until kindergarten

that I found out I had a first name when the teacher kept calling me "William" and "Billy" and "Bill" and could not understand why I did not answer. [Laughter.]

Senator CARPER. I understand your wife is sitting right behind you?

Mr. FUGATE. Yes, sir.

Senator CARPER. Welcome. Thank you for your willingness to share this guy with us, and we will return him to you in 4, 5, 6, or 7 years. All right. In the meantime, hopefully you can E-mail, or you can text message, or whatever they do.

The experience we had in Delaware with FEMA even in the worst of times has been pretty good, and they have been there for us to work with the Delaware Emergency Management Agency (DEMA). You probably know some of our folks at DEMA. They send their best, and you have some people in our State who know you and have enjoyed working with you and admired you.

I appreciated the opportunity to meet with you during vote-arama down by the Ohio clock. We could not find a place that worked, so we found a quiet corner and met there, and I went back and forth about every 10 minutes to vote. But I came away impressed with your credentials, and I think we are fortunate that somebody with your credentials and background is willing to serve our country.

Every one of us has worked in organizations where the morale has been real high, and we have worked in organizations and been part of a team where the morale was real low. And during the time I have been around, I have seen morale at FEMA pretty high, and I have seen it pretty low.

I think FEMA continues to struggle with a number of internal issues that are contributing to, still in some cases, the low morale of folks in the organization. Some people say it is the absorption into the Department of Homeland Security. Some say it is the backlash from a bunch of hurricanes, including Hurricanes Katrina and Rita, that have contributed to this.

What lessons have you learned along the way in the leadership roles that you have played? What do you bring to FEMA, particularly from the Florida Department of Emergency Management, that will help to improve the human capital side of FEMA?

Mr. FUGATE. Senator Carper, you alluded to my friend Jamie Turner, the Director of Delaware Emergency Management, a great person to have as your friend and to work with.

Senator CARPER. It is a small world. His daughter was my scheduler, used to tell me where to go every day. A lot of people would like that job.

Mr. FUGATE. In any organization that faces the challenges that FEMA faces, it is oftentimes easy to not always have a clear picture and understanding of roles and responsibilities. I have always, from personal experience, felt that I really was happiest when I felt that I was doing my job, when I clearly understood what my role and responsibility was, when I was given the leadership to empower me to do my job, when I had the resources to do my job, and when I had leadership that backed me up when things did not go perfect.

I think that sometimes we have to understand that as much as we try, things will not always turn out the way we wanted it to. I think that too often, it is not easy for the leadership to stand up and take responsibility when the team did not meet the expectations, or to make sure that when the team does do well, that the team gets recognized; that it is not about an individual, it is about the team effort.

And I think that when I have been a part of those teams, people felt they had actual ownership in the process. They were not just told what to do, but they knew why they were doing it, and they bought into that vision. And it was clear and unwavering where we were taking the organization and focusing on outcomes, and we did not sacrifice individuals when things did not go well, but the leadership took the ownership and responsibility and bore that, but the team when we did well, got the recognition.

Senator CARPER. Those are my rules, too. Those are great rules. Thank you.

We talked a little bit about this when we met privately, but let me just ask you for the record: If confirmed, what would be some of your top priorities on taking over as Administrator? Are there any current policies that have not worked in your mind that you plan on modifying or reversing? For example, some former agency leaders recommended, I think, that FEMA get out of the long-term housing business and transfer that function over to the Department of Housing and Urban Development (HUD). That is just an idea, but give us some thoughts that you have, some of your key priorities, please.

Mr. FUGATE. Well, I think obviously the priority is being prepared for the next disaster, whatever that may be; continuing the recovery that we currently have underway with Hurricanes Katrina and Rita and rebuilding the Gulf Coast. And the challenges then are from the Post-Katrina Emergency Management Reform Act—what is our national strategy for recovery and our national strategy for housing.

I think one of the things we have to define is what are we really talking about as far as numbers. I know that with a hurricane in Miami, we would be looking at about half a million housing units, and that would not be an 18-month to 24-month program. So we naturally have to build the team of Federal, State, and local government agencies and groups that have the resources to address what would happen in our case, looking at Florida. But when we look at other States, whether we had, again, a storm come up the Mid-Atlantic States or if we had the New Madrid earthquake, look at what would be the potential number in a worst-case scenario. And then I think we start going back to our programs and say, "Where are the gaps at?" I think too often we try to take our programs and build up to a number, not really having an expectation that the number may be so large that the process will not get us where we need to go. And I think that will give us better clarity as to the roles and responsibilities of FEMA in the immediate term, as well as HUD in the long term, because if we lose half a million units in Florida, I can assure you that the need for affordable housing will be there long after the Stafford Act programs would have sunsetted.

Senator CARPER. I have heard folks complain that FEMA has too much bureaucracy and red tape in responding to disasters, which slows the pace of recovery. That has not been our experience in Delaware. But do you agree with that assessment? And if so, what ideas do you have on how to streamline FEMA's recovery programs?

Mr. FUGATE. I think we need to go back and look at our policies and procedures and make sure that they are not an impediment to the intent of the Stafford Act or to CFR 44, which was the intent of this body and the Congress in order to support State and local governments. I think that the dispute resolution panel that we are looking to support in the Gulf Coast may give us some indicators. Those issues that we are seeing repeatedly, we need to address in that process.

Senator CARPER. All right. The last word, there is a necessity to try to align the agency and the work that you all do with the law. Also, I think you have a responsibility—I think certainly with the leadership of this Committee, an opportunity—when the law does not make much sense to come to us and say this does not really make a lot of sense and here is why, and just suggest that we change it, and I think you will get a pretty fair hearing.

Mr. FUGATE. Senator Carper, my approach is let us make sure FEMA has not put limitations on itself that the law did not intend, and then if we find that it still does not address the challenges and it does not get the outcome we want, then that is when we would want to come back and provide that information, which may require additional legislative action to address.

Senator CARPER. Good. Thanks so much. Thanks for your willingness to take this on. If confirmed, we look forward to working with you. I think you might be confirmed. Good luck, sir.

Chairman LIEBERMAN. Thank you, Senator Carper. Next is Senator Akaka.

Senator Akaka, wherever you go, you bring the warmth and tranquility that I associate with Hawaii, but today you bring an extra measure of the beauty of the islands. Is there a special occasion?

#### OPENING STATEMENT OF SENATOR AKAKA

Senator AKAKA. Yes. Thank you very much, Mr. Chairman. I have some visitors from Hawaii, and these are students, and they adorned me with the lei that I have on. The lei is a symbol of inclusion, saying that we belong together.

Chairman LIEBERMAN. Hear, hear.

Senator AKAKA. Thank you very much, Mr. Chairman. I want to thank you very much, and the Ranking Member, Senator Collins, for holding this hearing and for moving on with trying to confirm the people that we need to operate our government.

First, I want to congratulate you, Mr. Fugate, for your nomination, and thank you so much for coming to visit me. We had a chance to chat about what you might be doing. And I also want to thank you for bringing your wife, Sheree, and your other loved ones who are here with you today at this hearing. I know how important their support is for you and will be in the future as you head FEMA.

As you know, FEMA's primary role in a disaster is to provide State and local entities with critical Federal support and, of course, to help the people of that particular State, and you will be charged with leading these efforts. And FEMA must have strong, experienced, and capable leadership.

And after chatting with you, I believe that you will be able to provide the kind of leadership that FEMA needs, and that is, the confident leadership and vision that it needs for its current time and also the future.

I want to encourage you to reach out to the stakeholders and engage their perspectives, too, and to be a strong advocate for ensuring that FEMA has its resources.

Before I move on to my questions, Mr. Chairman, I want to ask that my full statement be included in the record.<sup>1</sup>

Chairman LIEBERMAN. Without objection.

Senator AKAKA. Mr. Fugate, according to the Partnership for Public Service, FEMA places 211 out of 222 agencies on its most recent ranking of the best places to work in the Federal Government. Are you aware of this?

Mr. FUGATE. Yes, Senator, I am.

Senator AKAKA. Well, then, you know that team work, effective leadership, strategic management, training and development, and support for diversity are among the areas where FEMA was rated particularly low. You spoke about your human capital priorities, but I would like you to discuss how you will address these specific concerns.

Mr. FUGATE. Well, in looking at that and also having read the memo from the union that represents many FEMA employees and their concerns, I think that we oftentimes find ourselves in the roles that we are placed in emergency management without clear guidance, clear direction, and authority to do our jobs. And I know of nothing else that would sap morale faster than to be put into a situation where I was not allowed to solve the problems given the rules and regulations under which I operate. I think that part of it has to go back to building a team based on empowering people to make decisions to carry out the tasks they are assigned, giving them the resources they need to do it, and providing the support from the leadership of the team that says we are going to move forward, we are going to address these issues, and we want to empower our staffs to do their jobs through the regional structures, through closer partnerships with local and State governments.

I think that doing our job well, doing it with respect for each other, and building a team that understands roles and responsibilities is the way to build that morale versus trying to address it from the standpoint of case by case. I think we have to look at the overall efforts within the organization and make sure that we are one team supporting our State and local governments and meeting the needs of disaster survivors, that our members are treated with respect, are empowered to do their jobs, and have a clear mission and outcome and the expectation to do a job well, and that the leadership supports them in that process.

<sup>1</sup>The prepared statement of Senator Akaka appears in the Appendix on page 27.

Senator AKAKA. You also mentioned in our chat the importance of working together, coordinating activities, and fostering partnerships, and as you mentioned, personnel that can support these efforts. As FEMA's Administrator, you will be responsible for assisting States with all Federal resources, including coordinating assistance for other Federal agencies. Coordinating all of these agencies takes a great deal of planning and leadership.

What steps will you take to ensure proper coordination among all agencies?

Mr. FUGATE. Again, Senator, if I am confirmed, I plan to meet with the various components of the Federal response family. In particular, I would like to schedule early on the opportunity to meet with the National Guard Bureau, with NORTHCOM's leadership. And I want to take a little bit different approach. I think too often we look at our team and say, "What can you do to support my mission?"

The reality is that FEMA's mission is to ask them what we can do to make sure they are successful in meeting the needs of our citizens during a disaster. And I want to take an approach that when we sit down and talk, it is not about what they are going to do for us or how FEMA is going to be in charge. The way I want to approach and build that team is by asking how do we support them? Where do they need FEMA to be strong in order that they can be successful in their mission?

Senator AKAKA. Yes, and I am glad you are describing it that way. It is a two-way street, and we need to use the capacities of other agencies as well to help with FEMA's efforts. So with that type of leadership, it will be great to have you confirmed in this position.

I want to wish you well, and your family as well, and to tell your family that you are depending on their support in fulfilling your responsibilities.

Mr. Chairman, I thank you very much for this opportunity.

Chairman LIEBERMAN. Thanks very much, Senator Akaka.

Senator Burris, good to see you. Welcome this morning—even though you are not wearing a lei. [Laughter.]

#### OPENING STATEMENT OF SENATOR BURRIS

Senator BURRIS. Thank you, Mr. Chairman, Madam Ranking Member, and Members of the Committee.

Mr. Chairman, if I were to check the record, I think that the agency that I worked for as a young law student at Howard University in 1962 was the Office of Emergency Planning, and we were then doing all the planning, primarily in case there was a nuclear attack on the country. And I am glad to be able now to talk with a potential Director of the agency that used to be my employer. So just as a kind of historical and personal note, Mr. Fugate, I do not think you will have much problem with this Senator in reference to your confirmation vote.

Of course, I also remember seeing you on television quite a bit as you were battling all those Florida issues, and you were very articulate, very precise, and you had a no-nonsense attitude. Now, that certainly impressed me. I did not know that someday you would be sitting here seeking to give your service, time, and talent

to the whole Nation. And at this time, we are going to need you. So we are just hoping, of course, that everything will go all right with your confirmation. And coming from the heartland of the country, we have some major problems, two of which are earthquakes and flooding. I think that we must certainly be prepared to deal with what we have coming down the Mississippi River out of North Dakota and Minnesota when that thawing occurs, and I just hope that our State preparedness agency will be ready to work with you and that FEMA will be able and prepared to respond.

I would like to ask you, though, if you have been able to assess the personnel situation in the agency operation? Have you really been able to look at what the needs might be? Is there understaffing? Are there, from your limited knowledge at this point, turf problems with other agencies or within the agency itself? And this story about wanting to take FEMA from Homeland Security, could you give me some insight on what your current knowledge is of this situation as you walk into this, I hope, challenging position?

Mr. FUGATE. Well, Senator Burriss, thanks for the kind words. As a nominee, my interaction with staff has been minimal. I have been getting a lot of staff briefings. But my one observation is this: I cannot give you percentages, but my sense is I can divide FEMA staff into three groups: Those who are doing their jobs and working to the best of their ability and know what their role is; there are some who would like to see FEMA outside of Homeland Security; I even believe there are some who have joined the agency that perhaps would like to see themselves outside of FEMA.

My message to all of them is, obviously, if you are still thinking about other things, you are not focused on our primary mission: Are we ready for the next disaster? I think that is the message we have to send loud and clear, which is that we have a job to do. We need to build that team. We need to utilize the folks who are there and empower them to get the job done. And we need to stay focused on our mission because I do not know where the next disaster is going to be, and I know because I am from a hurricane-prone State that there is a lot of reference made to hurricane season. But I also understand as an emergency manager that a disaster is a come-as-you-are event. It does not matter what you are planning to do next year, how many people you are going to have on board 2 years from now. All that matters is when disaster strikes, are we ready to coordinate on behalf of the President the assistance to a governor in his time of need, and that requires a team effort. And at that point, if we are still having internal debates, if we are not good partners within our Federal family within DHS and with our other partners, then we are going to fail. And we have to focus on our mission making sure we are ready for the next disaster, and we have to build those relationships and partnerships not only with our Federal partners but with our State and local partners. We cannot do this as an agency response. We have to be a team.

Senator BURRIS. That is certainly the proper attitude to take, and I understand also that during the Hurricane Katrina crisis, HUD had offered help for housing, and there was just no type of response. I just hope that when you get there, you will have the opportunity to work with the cross-support of other agencies that

will be able to lend their expertise. And, of course, also looking at that New Orleans situation, how are we going to deal with those trailers that had formaldehyde in them, where people are now living in those conditions? I do not know whether or not Congress has to do something about that or whether or not it is the Administration, but we cannot put our citizens, even in emergencies, in temporary housing in more danger than the disaster itself. So I hope that some of those issues will be addressed.

Have you given any thought to those circumstances?

Mr. FUGATE. Yes, Senator Burris. In regard to the options and types of products we can use for housing, I think some steps were taken by my predecessor, Dave Paulison, to look at how we could specify products that did not have a formaldehyde risk. I am not advocating that there is any particular best solution. But I think when you look at what we are facing, we have to make sure that we are able to address the housing situation both in the immediate aftermath of a disaster as well as what the long-term outcome will be so we can assure that communities are able to survive a disaster and that we are not left with the option of only being able to move people away from their community for an extended period, if not sometimes permanently, when a disaster strikes.

Senator BURRIS. Mr. Fugate, we are looking forward to your confirmation. We hope and pray that we will have no disasters in my State, which we know will not be the case. But I certainly will be looking forward to FEMA's response when the Mississippi River starts overflowing and the New Madrid fault starts acting up and my constituents get shaken up by earthquakes and flooding.

Good luck to you, and I am pretty sure that now you have gotten yourself into it; I hope your family is ready to kiss you good-bye and see you in about 4 years. [Laughter.]

Mr. FUGATE. Thank you, Senator.

Chairman LIEBERMAN. Thanks very much, Senator Burris.

I am going to ask that, if Members of the Committee have additional questions, we submit them to you in writing. It has been a very good hearing and exchange. We actually, unusually, are going to adjourn in a moment and then reconvene immediately to hear the nomination of John Morton to be the head of Immigration and Customs Enforcement at the Department.

Is there anything you would like to say, Mr. Fugate, in conclusion?

Mr. FUGATE. Mr. Chairman, it has been an honor to be here. I ask for your support. I want to be part of the team that can support our local governments and States.

Again, I would like to see the Post-Katrina Emergency Management Reform Act be fully implemented. I believe it is our way forward. But I also understand it cannot be done by one organization by itself. It requires full partnership, and it needs to be a team effort.

Chairman LIEBERMAN. Well, thanks for that. You will certainly have my support. I hope to move this nomination as quickly as possible so we can get you into the office where I know the Secretary and the American people need you to be. We are going to keep the record open until tomorrow at 12 noon for submission of any written questions or statements for the record.

Senator Collins, would you like to say anything in conclusion?

Senator COLLINS. Thank you, Mr. Chairman. I just want to wish our nominee well. I, too, am impressed with his background and responses this morning, and I look forward to working with him.

Chairman LIEBERMAN. Thanks, Senator Collins.

Before I officially adjourn, I am going to ask—this is a little unusual, so if you are staying, stay. If you are leaving, try to leave as quickly as you can. We are going to bring Mr. Morton on.

With that, thanks, and all good wishes to you. This hearing is adjourned.

[Whereupon, at 11:23 a.m., the Committee adjourned and proceeded to other business.]

## A P P E N D I X

### OPENING STATEMENT OF SENATOR LIEBERMAN

Good morning. The hearing will now come to order. Today our Committee will consider the nomination of W. Craig Fugate to be Administrator of the Federal Emergency Management Agency. Mr. Fugate, welcome. I also want to welcome my friends and colleagues, Senators Bill Nelson and Mel Martinez, who will be introducing the nominee.

Senators Nelson and Martinez have worked closely with Mr. Fugate in his capacity as Director of the Florida Division of Emergency Management, a position he has held since October 2001 and which has provided essential preparation for the post to which Mr. Fugate has been nominated.

Before being appointed Director, Mr. Fugate was the Division of Emergency Management's Chief of Preparedness and Response. Before that, he served for 15 years in local government, including 10 years as the Emergency Manager for Alachua County, 3 years as a Lieutenant with Alachua County Fire Rescue, and many years as a volunteer firefighter and paramedic.

In each of these positions, Mr. Fugate has provided strong leadership, helping guide the State of Florida and relevant local governments through a range of challenges, including several devastating and deadly hurricanes.

The Post-Katrina Emergency Management Reform Act—authored by Senator Collins and myself in 2006 to address the failures uncovered by this Committee's investigation into the response to Hurricane Katrina—requires that the FEMA Administrator have a demonstrated ability in and knowledge of emergency management and homeland security and at least 5 years of executive leadership and management experience. Mr. Fugate's background far exceeds these requirements.

The Post-Katrina Act strengthened FEMA, giving it significantly new and enhanced responsibilities and missions. A very important aspect of the Post-Katrina Act was the decision to keep FEMA within the Department of Homeland Security.

Since passage of the Post-Katrina Act, FEMA has come a long ways, showing steady improvement year by year. FEMA's successful responses to Hurricanes Ike and Gustav in 2008 were proof of the agency's progress and few now dispute that FEMA is a stronger agency than it was before Hurricane Katrina. I particularly hope the career public servants in FEMA appreciate the fact that we appreciate what they have done and what FEMA has done over the last couple of years.

Last April, Department of Homeland Security Inspector General Richard Skinner testified before this Committee that FEMA was better prepared for a catastrophe now than it was when Hurricane Katrina struck and that actions taken to implement the Post-Katrina Act have resulted in a more muscular agency. More recently, Mr. Skinner testified that FEMA is stronger now than it has ever been in its history as a result of its cooperative relationships within the Department of Homeland Security, the implementation of the Post-Katrina Act, and other improvements made as a result of the lessons learned from Hurricane Katrina.

Additionally, Mr. Skinner reported in February this year that removing FEMA from DHS would be a mistake.

Despite clear signs of FEMA's improvement and the Inspector General's assessments, some continue to advocate for taking FEMA out of DHS. When we drafted the Post-Katrina Act we thought it would be a serious mistake to remove FEMA from the Department and sever its cooperative relationship with other DHS assets.

Our Hurricane Katrina investigation found that FEMA had never been capable of handling a hurricane the magnitude of Katrina, even when it was a stand-alone agency. And we are certain that stripping FEMA from DHS now would undermine the positive developments of the past few years and once again throw FEMA and its employees into turmoil.

Although FEMA has come a long way, the new Administrator will face many tough challenges. Among the top priorities will be kick-starting what has become a stalled recovery to Hurricane Katrina; developing a long-term recovery strategy and improving FEMA's recovery programs; completing plans to respond to future large-scale disasters; working with states to ensure they are better prepared for response and recovery responsibilities; and better tracking where our homeland security grant dollars are going to ensure they are being used most effectively to strengthen our national preparedness.

The next FEMA Administrator, of course, will be responsible for continuing to implement the Post-Katrina Act so that FEMA really does become the world class standard for emergency management that we want and need it to be.

Everything I know of Mr. Fugate's record suggests he is the best man for this job. Furthermore, he has the support of his peers, having been endorsed by the International Association of Emergency Managers, the National Emergency Management Association, the International Association of Fire Chiefs, the National Sheriffs Association, and Florida Governor Charles Crist.

I look forward to your testimony this morning and working with you in the coming months and years if you are confirmed.

Thank you.

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#### OPENING STATEMENT OF SENATOR COLLINS

I join the Chairman in welcoming two nominees: Craig Fugate to head the Federal Emergency Management Agency and John Morton to lead Immigration and Customs Enforcement.

This Committee's comprehensive investigation into the flawed response to Hurricane Katrina revealed fundamental problems with our nation's preparedness for catastrophic disasters. As a result of our Committee's work, Congress passed the Post-Katrina Emergency Management Reform Act in 2006. Our nation's ability to prepare for and respond to all disasters has improved dramatically due to this legislation.

Perhaps the most significant of our reforms, however, was the requirement that the FEMA Administrator have substantial emergency management experience. Mr. Fugate brings eight years of experience as the Director of the Florida Division of Emergency Management to the office. During those eight years, Mr. Fugate oversaw the response to 11 Presidentially Declared Disasters.

The logical combination of all-hazards prevention, preparedness, response, and recovery underscores the need to keep FEMA within DHS. Detaching FEMA in the vain hope of recapturing mythical halcyon days would weaken its effectiveness, reduce the ability of DHS to carry out its all-hazards planning mandate, cause needless duplication of effort, and foment confusion among state and local first responders during a disaster.

It is my expectation that Mr. Fugate will see the clear benefit of keeping FEMA within DHS, particularly given the strong views of our nation's first responders in favor of this structure.

Turning to our other nominee, John Morton has been nominated to head Immigration and Customs Enforcement, which is tasked with enforcing our nation's immigration and customs laws. ICE faces huge challenges, not the least of which is the fact that the United States has an estimated 12 million illegal immigrants within its borders. ICE plays a vital role in coordinating interior enforcement to detain and remove those who have violated our immigration laws.

ICE also conducts complex investigations of human, drug, weapons, and cash smuggling networks. This role has recently received significant attention because of the impact of increasingly violent Mexican drug cartels on our southwest border. The agency also combats the use of fraudulent documents and practices to obtain visas and other immigration benefits.

To accomplish its mission, ICE must forge effective partnerships with state and local law enforcement. ICE stands on the front line against numerous threats to our nation. It helps ensure that we continue to let our friends in while keeping our enemies out.

To enhance the nation's border security, Secretary Janet Napolitano recently announced the appointment of a border czar that will focus on the cross-border flow of humans, drugs, weapons, and cash. I will be interested in hearing from Mr. Morton about how he would anticipate working with the new border czar and what authorities that czar will have over ICE policies and operations.

## OPENING STATEMENT OF SENATOR AKAKA

Thank you, Mr. Chairman. Mr. Fugate and Mr. Morton, I want to congratulate you on your nominations. I also want to thank your family and loved ones for making the trip to be here today. I know how important their support is through this process.

Mr. Fugate, in the aftermath of Hurricane Katrina, this Committee worked to improve FEMA's ability to meet its preparedness and response mission. The Committee's investigation of the response to Hurricane Katrina found a critical failure of leadership. FEMA must have strong, experienced, and capable leadership.

If confirmed, you will face many challenges as FEMA Administrator. Hurricane season is around the corner, pandemic influenza continues as a serious public health threat, and man-made disasters could strike at any time. In Hawaii, we have had six disaster declarations over the past nine years due to severe storms and flooding, mudslides, and earthquakes. Major flooding in December caused the current disaster declaration, which FEMA is responding to on the islands of Oahu and Kauai. Within my home state, we also have one of the most active volcanoes in the world, the Kilauea Volcano. FEMA has done a good job of working with the State Civil Defense Office to monitor and support Hawaii when disasters hit. However, Hawaii's isolated location and unique geography require greater planning and preparation for disaster preparedness and response.

FEMA's primary role in a disaster is to provide state and local entities with critical Federal support, and if confirmed you will be charged with leading those efforts. I believe that you will provide FEMA with the confident leadership and vision it needs to meet current and future challenges. As a life-long public servant, you have a depth of experience at the state and local level handling small and large-scale emergencies. You know first-hand how the Federal Government can work with stakeholders, and you have seen FEMA's strengths and weaknesses.

I encourage you to reach out to all the various stakeholders and engage their perspectives. I also hope you will be a strong advocate for ensuring that FEMA has the resources it needs.

Immigration and Customs Enforcement (ICE) likewise needs strong leadership that will direct the agency in a way that makes it more cohesive and effective.

Mr. Morton, many problems that were a result of the merger between the Immigration and Naturalization Service and the Customs Service still plague the agency today. ICE has struggled with poor morale and creating a cohesive ICE culture. Additionally, ICE has a wide range of responsibilities, making it especially important to manage the agency's resources efficiently and to properly coordinate and prioritize its activities. I know you will use your contacts at the Department of Justice to the agency's advantage, and I hope you also will develop close working relationships with the DHS components including Customs and Border Protection and Citizenship and Immigration Services, as well as other agencies, to coordinate ICE's efforts and eliminate duplication.

I am pleased that improving immigration detention standards and refocusing worksite enforcement on employers are priorities of yours. As you know, ICE has been criticized for poor detainee treatment and healthcare, detaining families with children in prison-like facilities, and mistakenly detaining legal residents. I look forward to seeing the changes that you will bring forth, once you are confirmed.

Finally, I urge you to review Federal Protective Service (FPS) operations, in particular whether FPS relies too heavily on contract security guards. There are limitations to what contract security guards can do, which can weaken security at Federal buildings. The challenges that FPS faces require your focused attention and support.

I look forward to working with both of you to meet these challenges.

**U.S. Senator Mel Martinez**  
**Introduction of Craig Fugate (As Prepared for Delivery)**  
**Senate Homeland Security and Governmental Affairs Committee**  
**Wednesday, April 22, 2009, 10:00 am**

Thank you, Mr. Chairman. It gives me great pleasure to introduce to the Committee someone who has played a central role in making Florida a national leader in preparing for hurricanes and other natural disasters – **Craig Fugate**, Director of the Florida Division of Emergency Management.

All Floridians have benefited from Craig's leadership, and I am pleased to know he will soon be serving all Americans at the national level as the next Administrator of the Federal Emergency Management Agency. In my view, there is no one more qualified for the job.

Anyone that has worked with Craig will tell you that he has forgotten more about emergency management than most will ever know in a lifetime. That is because he has spent most of his lifetime working at all levels of the field.

As a volunteer firefighter, a paramedic, and later a Lieutenant with the Alachua County Fire Rescue, Craig spent the early part of his life at the local level and ended up serving as the county's Emergency Manager.

In 1997, Craig was promoted to the state level as the Chief of the Bureau of Preparedness and Response with the Florida Division of Emergency Management. In this role, Craig helped to build what has become a model emergency management program for the nation. He has helped to manage the response to major floods, tornadoes, wildfires, and hurricanes. One hurricane, Hurricane Georges, resulted in more than 200 days of activation for the State Emergency Response Team.

In October of 2001, former Governor Jeb Bush elevated Craig as Director of the Florida Division of Emergency Management.

As you might imagine, preparing for hurricanes and dealing with the aftermath is a way of life in Florida. But rarely is Florida – let alone any other state or region – impacted by as many storms as we saw during the 2004 and 2005 seasons. In total, **three** tropical storms and **eight** hurricanes made landfall including Charley, Frances, Ivan, Jean, Dennis, Katrina, and Wilma. Despite the constant threat of these storms, Floridians were prepared and the state was ready to respond thanks to Director Fugate's steady leadership.

Throughout his time as Director, Craig managed 23 Declared State Emergencies including 11 Presidentially-Declared Disasters; requiring more than 4.5 billion dollars in federal assistance.

It was Craig's tremendous ability to coordinate disaster response, recovery, preparedness and mitigation efforts with each of the state's 67 counties and local governments that earned him reappointment after Governor Charlie Crist was elected Governor in 2006.

Although we in Florida will be sad to see him leave, our nation needs him as we continue to work toward improving our response to national disasters. I want to thank Craig for all that he has given in service to Florida and I urge my colleagues here to approve this nomination so the full Senate can confirm him to be our next FEMA Administrator.

**Opening Statement  
W. Craig Fugate, Nominee  
Administrator, FEMA  
United States Senate  
Committee on Homeland Security and Governmental Affairs  
April 22, 2009, 10:00 a.m., 342 Dirksen Senate Office Building**

Good morning Mr. Chairman, Senator Collins, and Members of the Committee. My name is Craig Fugate. I'd like to start by thanking Senators Nelson and Martinez for their kind introductions. It has been a privilege working with them in Florida during my tenure as State Director of Emergency Management.

I come before you today as the nominee for Administrator of FEMA. I am very honored by the President's nomination and pleased to be here today to address your questions as you consider my nomination. It is a privilege to be considered to contribute one's expertise and experience to further our nation's preparedness for, response to, recovery from, and mitigation against disasters and emergencies at this important moment in our history.

In preparing for this hearing, I had an opportunity to reflect on some key events in my career. I began as a volunteer firefighter, paramedic, and then Lieutenant with Alachua County Fire Rescue. I then served as the Emergency Manager and a first responder for Alachua County, Florida, and had a 15 year career in local government.

Today, as the Director of the Florida Division of Emergency Management since October of 2001 – and as an employee of the Division since 1997 – I have served as the State Coordinating Officer in twenty-three (23) Declared State Emergencies, eleven (11) of which resulted in Presidential Disaster Declarations that received over \$4.5 billion in

federal assistance. In December of 2006, Florida Governor Charlie Crist reappointed me as Director.

During my tenure as Director in 2004, Florida was impacted by 4 major land-falling hurricanes (Charley, Frances, Ivan, and Jeanne) setting a record in both numbers of storms as well as damages for the State of Florida. Again in 2005, Florida was impacted by 4 hurricanes with Hurricane Dennis and Wilma striking as major hurricanes (Category 3 or greater). 2005 also saw Florida's largest mutual aid response to another state due to the impacts of Hurricane Katrina along the Mississippi Coast. Over 7,000 responders from state and local agencies provided assistance to the Mississippi and local communities, and additional resources from Florida were sent to Louisiana.

Although it is well known that Florida annually faces the threat of major hurricanes, we have been impacted by all types of hazards, both natural and man-made. During my time with the Division, we have responded – in close cooperation with our Federal, state, local, and private sector partners – to a multitude of fires, floods, severe storms, and other hazards. Therefore, following the events of September 11, 2001, the Division was tasked with the role of managing the Federal Homeland Security funding and developing Florida's Domestic Security Strategy with the Florida Department of Law Enforcement. Today, Florida's program is recognized as a model for other states.

If confirmed as the next FEMA Administrator, I will address the concerns and seek the active engagement of the many state and local officials, private sector companies, and individual citizens who play key roles in our nation's emergency management system. In addition, I will work closely with Secretary Napolitano, who seeks to create a unified vision for the Department of Homeland Security. In my State

role, I have experienced the negative consequences of parochial lines and the failure to communicate across those lines. We must and will streamline those communications both within FEMA and throughout DHS to make certain the right people have the right information at the right time to take the right action.

And if confirmed, I will re-double FEMA's efforts to work with our key stakeholders – State, local and tribal governments, voluntary organizations, faith-based organizations, and the private sector – to work together, as a Nation, to protect against, prepare for, respond to, and recover from all hazards. I do not subscribe to the “domino theory” of emergency management, where one level of government must fail before the next level takes action. Rather, I will use the authorities granted to the Administrator by this Congress to ensure that the closest available resources will be made available to address the needs of disaster survivors.

I also would like to offer a few comments with respect to the ongoing recovery efforts from Hurricanes Katrina and Rita. As you know, Secretary Napolitano has instituted a dynamic recovery framework that is already producing positive results. Under her leadership, coupled with the aggressive actions already taken by Acting Administrator Nancy Ward, I believe that we are seeing concrete progress on recovery in the Gulf Coast Region. If confirmed, I will continue to implement the strategies that have been initiated by the Secretary.

However, rather than looking back at Katrina and Rita, I believe that it is critical to focus on FEMA's preparedness – for all types of disasters – moving forward. Judging FEMA's future success on the basis of whether it is “better than Katrina” is not viable. Although the media may use the failures of Katrina and Rita as a standard of

measurement for judging the effectiveness of government, this standard does not, in my opinion, meet our sworn commitment to the American people. Therefore, if confirmed, I commit to meeting the demonstrated recovery needs of the Gulf Coast, and at the same time, I will hold FEMA's future response and recovery missions to a much higher standard of success.

I also believe that a close working relationship with Congress and with this Committee is essential. I recognize this Committee's expertise, and I will cooperate fully with the Committee and its important oversight functions. I also look forward to the Committee's assistance with and support for identifying ways to make the work of FEMA more effective and efficient. After all, we share a common goal: a strong and vigorous national emergency management system.

In closing, the Congress has set the bar very high for FEMA, DHS, and the Nation. I would welcome the opportunity to accept that challenge and respectfully ask this committee to confirm my nomination to serve as Administrator of FEMA. I want to thank you, Mr. Chairman, for the opportunity to appear before you, and I would be pleased to answer any questions you may have.

**BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES****A. BIOGRAPHICAL INFORMATION**

1. **Name:** William Craig Fugate
2. **Position to which nominated:** Administrator of the Federal Emergency Management Agency, Department of Homeland Security
3. **Date of nomination:** March 17, 2009
4. **Address:**
  - **Residence:**
  - **Office:** 2555 Shumard Oak Blvd, Tallahassee, Fl 32399-2100
5. **Date and place of birth:** May 14, 1959 Jacksonville, Fl (Duval County)
6. **Marital status:** I am married to Sheree Leigh Weldon (also her maiden name). She is currently employed by the American Red Cross. Pursuant to my March 19, 2009 letter to the Department of Homeland Security Designated Agency Ethics Official, she will resign her position on my confirmation. For further details please refer to the letter.
7. **Names and ages of children:** Stepchildren: Thomas Jared Inman - 28, Kristian Inman Godfrey - 26, Caitlin Elizabeth Inman - Deceased
8. **Education:** List secondary and higher education institutions, dates attended, degree received and date degree granted.
 

12/85-4/86	Central Florida Community College 27 credit hours in Fire Sciences - no degree
8/82-6/83	Santa Fe Community College Paramedic Program Passed State Paramedic Board Examination in 1983. Certificate of Program Completion Issued: 6/83
1/81-2/82	Florida State Fire College Minimum Standards Course Certificate of Program Completion Issued: 2/82
9/78-5/80	Santa Fe Community College 60 credit hours - no degree
9. **Employment record:** List all jobs held since college, and any relevant or significant jobs held prior to that time, including the title or description of job, name of employer,

**REDACTED**

location of work, and dates of employment. (Please use separate attachment, if necessary.)

10/1/01 to present    Director  
Florida Division of Emergency Management  
State of Florida, Tallahassee, FL

5/1/97-10/1/01    Chief  
Bureau of Preparedness and Response  
Division of Emergency Management  
Department of Community Affairs  
State of Florida, Tallahassee, FL

9/1/89 – 4/30/97    Emergency Manager  
Alachua County Fire Rescue/Emergency Management  
Alachua County, FL

12/15/86 – 9/1/89    Lieutenant Paramedic/Firefighter  
Alachua County Fire Rescue  
Alachua County, FL

11/1981– 12/15/86    EMT/Paramedic  
Alachua County Emergency Services  
Alachua County, FL

- o The Florida Division of Emergency Management became an agency June 1, 2006 by an act of the Florida Legislature. The name Alachua County Emergency Services changed to the Alachua County Fire Rescue.

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with federal, State, or local governments, other than those listed above.
- NOAA/NWS National Centers for Environmental Prediction  
Member Review Team for the Storm Prediction Center (Volunteer) (2/1999)
11. **Business relationships:** List all positions currently or formerly held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational or other institution.
- None**
12. **Memberships:** List all memberships, affiliations, or and offices currently or formerly held in professional, business, fraternal, scholarly, civic, public, charitable or other organizations.

- National Emergency Management Association
  - Preparedness Committee Co-Chair (2002-2003)
  - Region IV Vice President (2004-2005)
  - Response & Recovery Chair (2007-2009)
- Florida Emergency Preparedness Association –President (1991-1992)
- Emergency Management Accreditation Program
  - Member, EMAP Taskforce (2006)
  - Member, EMAP Commission (2006-2008)
  - Secretary-Treasurer (2006-2007)
- Partnership for Public Warning –Past Chairman (2004)

13. **Political affiliations and activities:**

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

**None**

- (b) List all memberships and offices held in and services rendered to any political party or election committee during the last 10 years.

**None**

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

**None**

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

- Government Technology's Top 25 Doers, Dreamers and Drivers Award (2008)
- Florida National Guard Hall of Fame Inductee (2006)
- Florida's Distinguished Service Medal (April 2005)
- National Hurricane Conference Neil Frank Award (2005)

15. **Published writings:** Provide the Committee with two copies of any books, articles, reports, or other published materials which you have written.

- W. Craig Fugate and Donald Sessions, Section XX *Specialized Management Issues: Disaster Management*, Chapter 178 *Disaster Response* in Civetta, Taylor, & Kirby's *Critical Care*, Fourth Edition (2009).
- W. Craig Fugate, Director, Florida Division of Emergency Management - *Changing the Victim Mindset in Natural Disaster Relief in The Changing Landscape of Natural Disaster Relief: Government Officials on Allocating Financial Resources, Organizing Outreach, and Managing Relief Programs*, Chapter 1 (2008).
- I created and maintain the websites below. I do not derive any financial benefit from these websites. If confirmed, I will not post to these websites during my tenure.
  - Web Site: <http://www.disastersrus.org/index.htm>
  - Web Site: <http://www.seakayakflorida.com/>
  - Blog: <http://disasterstus.blogspot.com/>

16. **Speeches:**

Provide the Committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated. Provide copies of any testimony to Congress, or to any other legislative or administrative body.

- Testimony: "*The 2007 Hurricane Season: Are We Prepared?*" before the U.S. House Committee on Homeland Security, Subcommittee on Emergency Communications, Preparedness & Response, May 15, 2007.
- Testimony: "*FEMA's Preparedness and response to All-Hazards*" before the U.S. House Transportation and Infrastructure Committee, Subcommittee on Economic Development, Public Buildings, and Emergency Management, April 26, 2007.
- I submitted written testimony to the Committee, but did not testify: "*Disaster Response: Is FEMA Up to the Challenge?*" before the House Committee on Appropriations, Subcommittee on Homeland Security, February 26, 2009.
- Florida's Governor Hurricane Conference (2004-2008)
- Florida Emergency Preparedness Association Annual Conference (2004-2009)
- Speaking engagements throughout Florida promoting preparedness and the role of the State Emergency Response Team (2004-2009)

- Briefings to DoD on the view of the State of Florida on Defense Support of Civil Authorities (2004-2009)
  - Senior Leadership Briefings - Florida County and Municipal Officials (2004-2008)
  - While I served as Director of the Florida Division of Emergency Management, I gave frequent public speeches, provided unwritten briefings to legislative and administrative bodies, and participated in many panel discussions. I typically spoke without prepared text. However, I have attached sample power point presentations which served as the basis for my briefings before the Florida state legislature, and that I used to guide remarks and speeches before other audiences.
- (a) Provide a list of all speeches and testimony you have delivered in the past 10 years, except for those the text of which you are providing to the Committee. Please provide a short description of the speech or testimony, its date of delivery, and the audience to whom you delivered it.
- Florida's Governor Hurricane Conference (2002-2003)
  - Florida Emergency Preparedness Association Annual Conference (2002-2003)
  - Speaking engagements throughout Florida promoting preparedness and the role of the State Emergency Response Team (2001-2003)
  - Briefings to DoD on the view of the State of Florida on Defense Support of Civil Authorities (2001-2003).
  - Senior Leadership Briefings - Florida County and Municipal Officials (2002-2003).
  - As I mentioned above, while I served as Director of the Florida Division of Emergency Management, I gave frequent public speeches, provided unwritten briefings to legislative and administrative bodies, and participated in many panel discussions. I typically spoke without prepared text. However, I have attached sample power point presentations that served as the basis for my briefings before the Florida state legislature, and that I used to guide remarks and speeches before other audiences.

17. **Selection:**

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

I believe the President chose me for this position because of my experience as a first responder and my leadership as Florida's Emergency Manager. He has indicated his belief that I will improve our nation's preparedness, response and recovery efforts.

As the Director of the Florida Division of Emergency Management, I have overseen an agency with 138 full time staff. The Division coordinates disaster response, recovery, preparedness and mitigation efforts with each of the state's 67 counties and local governments. In September 2003, the Florida Emergency Management Program became the first state emergency management program in the nation to receive full accreditation from the Emergency Management Accreditation Program.

Beginning as a volunteer firefighter, paramedic, and then Lieutenant with Alachua County Fire Rescue, I have had a 15 year career in local government. I have served as the Emergency Manager and a first responder for Alachua County, Florida.

In May of 1997, I was appointed Chief of the Bureau of Preparedness and Response with the Florida Division of Emergency Management. Over the next four years, the State of Florida faced numerous disasters while continuing to build a nationally recognized emergency management program.

In October of 2001, I was appointed by Governor Bush as Director of the Florida Division of Emergency Management. With the events of September 11, 2001, the Division was tasked with the role of managing the Federal Homeland Security funding and developing Florida's Domestic Security Strategy with the Florida Department of Law Enforcement. Florida's program is recognized as a model for other states.

In 2004, Florida was impacted by 4 major land-falling hurricanes (Charley, Frances, Ivan, and Jeanne) setting a record in both numbers of storms as well as damages for the State of Florida.

In 2005, Florida was again impacted by 4 hurricanes with Hurricane Dennis and Wilma striking as major hurricanes (Category 3 or greater). 2005 also saw Florida's largest mutual aid response to another state due to the impacts of Hurricane Katrina along the Mississippi Coast. Over 7000 responders from state and local agencies provided assistance to the Mississippi and local communities. Additional resources were sent to Louisiana.

In December 2006, Governor Crist reappointed me as Director. This is the role I serve in today.

I have served as the State Coordinating Officer in 23 Declared State Emergencies, 11 of which were Presidential Declared Disasters totaling over \$4.5 billion in federal assistance.

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

Please see response to 17(a).

#### B. EMPLOYMENT RELATIONSHIPS

1. Will you sever all connections with your present employers, business firms, business associations or business organizations if you are confirmed by the Senate?  
Yes
2. Do you have any plans, commitments or agreements to pursue outside employment, with or without compensation, during your service with the government? If so, explain.  
No
3. Do you have any plans, commitments or agreements after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization, or to start employment with any other entity?  
No
4. Has anybody made a commitment to employ your services in any capacity after you leave government service?  
No
5. If confirmed, do you expect to serve out your full term or until the next Presidential election, whichever is applicable?  
Yes
6. Have you ever been asked by an employer to leave a job or otherwise left a job on a non-voluntary basis? If so, please explain.  
No

#### C. POTENTIAL CONFLICTS OF INTEREST

1. Describe any business relationship, dealing or financial transaction which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent,

that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Homeland Security's designated agency ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Department's designated agency ethics official.

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

As required by the State of Florida Legislature, I am registered as a lobbyist on behalf of the Division of Emergency Management. Florida law requires the head of the division of emergency management to register as a lobbyist.

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

Yes

#### D. LEGAL MATTERS

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

No

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

No

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

Yes

- *Galaxy Fireworks v. Jeb Bush*, Case No.: 98-9608-A, 13<sup>th</sup> Judicial Circuit for Hillsborough County (Tampa, FL), April 7, 2006  
I was not a party to this case, however, I was deposed as a witness. The case pertained to issues surrounding Governor Chiles's promulgation of Executive Order 98-165, which prohibited the sale of fireworks authorized under Chapter 252, Florida Statutes. Plaintiff contended that the prohibition constituted a taking by the state. I testified as to why the order was a necessary emergency and public safety action by the Governor.
- *Linda Brown v. Florida Division of Emergency Management*, Case No.: 4:08cv477-RH/WCS, U.S. District Court, Northern District of Florida, Tallahassee Division, March 19, 2009  
This action was against the Florida Division of Emergency Management, not against the Director, but I was subpoenaed for deposition as a witness due to my position as Director of the Division. I was never deposed because the case was dismissed. The case pertained to employment discrimination matters. The plaintiff alleged that her reassignment from an SES position constituted discrimination based upon her sex and race. The case was dismissed with prejudice on March 19, 2009.

4. For responses to question 3, please identify and provide details for any proceedings or civil litigation that involve actions taken or omitted by you, or alleged to have been taken or omitted by you, while serving in your official capacity.

The cases above did not involve actions I took. The first case required my involvement because of my expertise in emergency management. The second case involved the actions taken by a subordinate.

For additional information please contact:  
Tom Congdon  
Assistant General Counsel  
Florida Division of Emergency Management  
2555 Shumard Oaks Blvd  
Tallahassee, FL 32399  
850.294.9071

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

I believe that my resume and the information in this questionnaire provide the relevant information about my background. I would be happy to work with the Committee if any additional information is desired.

**E. FINANCIAL DATA**

All information requested under this heading must be provided for yourself, your spouse, and your dependents. (This information will not be published in the record of the hearing on your nomination, but it will be retained in the Committee's files and will be available for public inspection.)

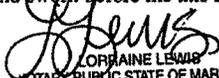
**REDACTED**

**AFFIDAVIT**

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

  
\_\_\_\_\_

Subscribed and sworn before me this first day of April, 2009

  
LORRAINE LEWIS  
NOTARY PUBLIC STATE OF MARYLAND  
My Commission Expires September 27, 2010  
\_\_\_\_\_

Notary Public

**U.S. Senate Committee on Homeland Security and Governmental Affairs  
Pre-hearing Questionnaire  
For the Nomination of William Craig Fugate to be  
Administrator, Federal Emergency Management Agency at the Department of Homeland  
Security**

**I. Nomination Process and Conflicts of Interest**

1. Why do you believe the President nominated you to serve as Administrator for the Federal Emergency Management Agency (FEMA)?

*I believe the President chose me for this position because of my experience as a first responder and my leadership as Florida's Emergency Manager. He has indicated his belief that I will improve our nation's preparedness, response and recovery efforts.*

*As the Director of the Florida Division of Emergency Management, I have overseen an agency with 138 full time staff. The Division coordinates disaster response, recovery, preparedness and mitigation efforts with each of the state's 67 counties and local governments. In September 2003, the Florida Emergency Management Program became the first state emergency management program in the nation to receive full accreditation from the Emergency Management Accreditation Program. I have served as the State Coordinating Officer in 23 Declared State Emergencies, 11 of which were Presidential Declared Disasters totaling over \$4.5 billion in Federal assistance.*

*Beginning as a volunteer firefighter, paramedic, and then Lieutenant with Alachua County Fire Rescue, I have had a 15 year career in local government. I have served as the Emergency Manager and a first responder for Alachua County, Florida. In May of 1997, I was appointed Chief of the Bureau of Preparedness and Response with the Florida Division of Emergency Management. Over the next four years, the State of Florida faced numerous disasters while continuing to build a nationally recognized emergency management program.*

*In October of 2001, I was appointed by Governor Bush as Director of the Florida Division of Emergency Management. With the events of September 11, 2001, the Division was tasked with the role of managing the Federal Homeland Security funding and developing Florida's Domestic Security Strategy with the Florida Department of Law Enforcement. Florida's program is recognized as a model for other states.*

*In 2004, Florida was impacted by 4 major land-falling hurricanes (Charley, Frances, Ivan, and Jeanne) setting a record in both numbers of storms as well as damages for the State of Florida. In 2005, Florida was again impacted by 4 hurricanes with Hurricane Dennis and Wilma striking as major hurricanes (Category 3 or greater). 2005 also saw Florida's largest mutual aid response to another state due to the impacts of Hurricane Katrina along the Mississippi Coast. Over 7000 responders from state and local agencies provided assistance to the Mississippi and local communities. Additional resources were sent to Louisiana.*

*In December 2006, Governor Crist reappointed me as Director. This is the role I serve in today.*

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

No.

3. The Post-Katrina Emergency Management Reform Act of 2006, (P. L. 109-295) ("the Post-Katrina Act") requires that the FEMA Administrator have a demonstrated ability in and knowledge of emergency management and homeland security and not less than five years executive leadership and management experience in the public or private sector. List all qualifications and experience that you have that are applicable to these requirements. List any other specific background and experience that affirmatively qualifies you to be the FEMA Administrator.

*Please see the response to Question 1.*

4. Please describe any experience you have with homeland security and specifically with preparedness for potential terrorist attacks.

*Florida held its first Terrorism Summit from July 27-29, 1999, in Orlando, Florida. As Bureau Chief of Preparedness and Response, I was charged by the Director to implement recommendations from the summit. Those included the establishment of the State Working Group which is comprised of advisory committees of subject matter experts, for functions such as exercises, training, interoperable communications, and intelligence. The Summit also laid the foundation for the development of a regional based system of enhanced WMD teams.*

*Immediately following the terrorist attacks on September 11, 2001, Governor Bush, by Executive Order, directed the Florida Division of Emergency Management and the Florida Department of Law Enforcement to conduct a comprehensive assessment of Florida's capability to prevent, mitigate, and respond to a terrorist attack. As the Director of the Florida Division of Emergency Management, I was charged with overseeing domestic preparedness and also served as the State Administrative Agency for the Department of Homeland Security's first responder grant funds.*

*In my role of Director- I serve as the Vice Chair for the Domestic Security Oversight Council. Florida's structure has three primary components:*

*Regional Domestic Security Task Forces (RDSTF) - Each RDSTF consists of local representatives from disciplines involved in prevention and response, including: law enforcement, fire/rescue, emergency medical services, emergency management, hospitals, public health, schools and businesses.*

*Domestic Security Oversight Council (DSOC) - Established to review and provide guidance to the state's domestic security prevention, preparedness and response activities, to review and provide guidance to the RDSTFs and to make recommendations to the Governor and Legislature regarding expenditure and allocation of resources related to the state's counter terrorism and domestic security efforts. The DSOC formally approves and directs state adoption of the State Homeland Security Strategy.*

*State Working Group On Domestic Preparedness - Representatives and subject matter experts from the Regional Task Forces, designated Urban Areas and other key agency liaisons come together by function to address domestic security issues surfaced by the RDSTFs or the DSOC. Florida has five Tier II Urban Areas which consist of Jacksonville, Orlando, Tampa, Miami and Fort Lauderdale.*

The Division also sponsors the Governor's Annual Domestic Security Tabletop Exercise held annually since 2002. These exercises are for the Governor, members of the Florida Cabinet, and Key State and Local Agency Leadership. Federal Partners participate based on the scenario. Examples of these exercises include:

*Smallpox Biological Attack*  
*Radiological Dispersal Device – Port of Miami*  
*Conventional explosives directed at Toxic Chemical Storage - Port of Tampa*  
*Sabotage of State of Electrical Grid*

In addition – FL conducts no notice exercises known as Thunderbolts which have included terrorist attacks. Two examples –

*Improvised Nuclear Device Detonation with 5 kiloton yield, warehouse district Tampa, FL (Dec 2006).*  
*Executive Office of the Governor – Continuity of Government Exercise – Bombing of the Governor's Agency Head Meeting (Oct 2007).*

5. Have you made any commitments with respect to the policies and principles you will attempt to implement as Administrator for FEMA? If so, what are they, and to whom were the commitments made?

No.

6. If confirmed, are there any issues from which you may have to recuse or disqualify yourself because of a conflict of interest or the appearance of a conflict of interest? If so, please explain what procedures and/or criteria that you will use to carry out such a recusal or disqualification.

*As the Director of the Florida Division of Emergency Management and the State Administrative Agency for Homeland Security Grants Funds, I have served as the Governor's Authorized Representative in open disasters and current State Homeland Security Grants. In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Homeland Security's designated agency ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Department of Homeland Security's designated agency ethics official.*

7. Have you ever been asked by an employer to leave a job or otherwise left a job on a non-voluntary basis? If so, please explain.

No.

## **II. Roles and Responsibilities of the Administrator of FEMA**

8. Why do you wish to serve as Administrator of FEMA?

*I believe that my experiences as a first responder and my leadership as Florida's Emergency Manager will help to improve our nation's preparedness, response and recovery efforts. If confirmed as the Administrator of FEMA, I will focus on the needs of disaster survivors, and work with impacted States and localities to achieve a positive outcome following disasters and emergencies.*

9. What do you see as the principal mission(s) of FEMA?

*The principal mission of FEMA is to build a team of local, state, and Federal agencies; volunteer and community based organizations; the private sector; and the public to work together as a nation to ensure protection against, preparedness for, response to, and recovery from all hazards.*

10. What do you believe are reasonable expectations for FEMA's roles and responsibilities? Do you believe the public has reasonable expectations of FEMA's roles and responsibilities? If not, what do you think can be done to address this problem?

*FEMA's role is to support the States, not to supplant their responsibilities. Primary response to most disasters is based on local and state managed responders and resources. The public has the responsibility to prepare for disasters. Public expectations should be based upon legal responsibilities of each level of government and the public's roles in disaster preparedness.*

11. What do you see as FEMA's principal strengths and weaknesses in its ability to accomplish those mission(s)?

*FEMA's strengths are in its staff and partnerships. These can also be its weaknesses when the staff is not empowered to perform, and partnerships are not based on mutual respect.*

12. If confirmed, what would be your top priorities and goals? What do you hope to have accomplished at the end of your tenure?

*My top priorities and goals for FEMA are to build an organization and a network of key partnerships that will result in effective and efficient response and recovery following the next catastrophic disaster. I seek to form a team at all levels of government that is focused on responding to the needs of disaster survivors, thereby meeting the public's expectations of FEMA, and achieving a positive outcome for the impacted communities.*

13. What do you see as the most critical responsibilities of the FEMA Administrator?

*The most critical responsibilities of the FEMA Administrator are to: (1) address the response and recovery needs of the survivors of major disasters and emergencies; (2) address the resource and other needs of responders to major disasters and emergencies; (3) develop and institutionalize strong operational partnerships with local, State, and Federal government organizations, nonprofit organizations, and the private sector in order to build an effective national preparedness system; and (4) act as the principal advisor to the President, Homeland Security Council, and the Secretary of Homeland Security for all matters relating to emergency management.*

### III. Policy Questions

14. What, if any, changes or improvements do you believe need to be made to the Stafford Act?

*Since taking office, Secretary Napolitano has issued several directives instructing specific offices to gather information, review existing strategies and programs, and provide oral and written reports in order to*

*strengthen and improve missions critical to the Department. For FEMA, these reviews have focused on areas such as FEMA state and local integration, national planning, and the long-term recovery process.*

*Once these reviews have been completed, FEMA can focus on what, if any, changes or improvements are needed in the Stafford Act. That said, the Stafford Act contains rather broad authorities. Therefore, as the Secretary has pointed out, FEMA must also take a fresh look at the regulations, policies, and procedures that have accumulated over time in carrying out the Stafford Act to see if they should be amended or streamlined.*

15. What changes or improvements do you believe need to be made to FEMA's regulations, policies, and practices?

*FEMA is working diligently to enhance its regulations and fully use its existing statutory authorities.*

*FEMA has several active rulemaking projects at the moment. Most are intended to implement existing statutory authorities, revise existing regulations to ensure they are not unnecessarily restrictive, reduce unnecessary burdens on the public, and address lessons learned from past disasters.*

*If confirmed, I am committed to ensuring that regulations and policies are not hampering FEMA's ability to carry out its statutory authority.*

16. As the emergency manager of Florida, you have a long history of dealing with hurricanes. FEMA, however, must prepare for, respond to, recover from, and mitigate against a whole range of natural disasters, as well as man-made disasters.

- a. What commitment will you make to implementing FEMA's all-hazards mission?

*If confirmed, I will continue to implement FEMA's all-hazards mission.*

- b. What measures will you take to ensure FEMA remains an all-hazards agency?

*I will continue to advocate and conduct training, exercises, and evaluation of the National Response Framework (NRF) and the National Preparedness Guidelines (NPG)*

17. In the wake of the failed response to Hurricane Katrina, the Committee conducted a far-reaching investigation and issued a resulting report entitled, "Hurricane Katrina: A Nation Still Unprepared." In its investigation, the Committee found that the FEMA was unprepared – and never had been prepared – for a catastrophic event. In addition to a lack of basic capabilities and resources at FEMA, the Committee found other key failures by the Department of Homeland Security ("DHS" or "the Department") as a whole and its leadership, such as a failure to timely employ the substantial resources of the components of DHS, the lack of effective communication between the then-Secretary of Homeland Security and the then-Director of FEMA, and the lack of situational awareness both at FEMA and DHS. The Committee recommended replacing FEMA with a new, stronger, more robust federal preparedness and response agency. In September 2006, Congress passed the Post-Katrina Act to do just that.

The Post-Katrina Act, which implemented many of the recommendations from the Committee's investigation, created a new FEMA – with responsibilities, missions, capabilities, and resources far exceeding those of FEMA at the time of Hurricane Katrina. The Post-Katrina Act also requires the President to appoint a qualified individual as FEMA Administrator, clarifies that the FEMA Administrator shall serve as the President's and Homeland Security Secretary's principal advisor on emergency management issues, elevates the FEMA Administrator to the level of Deputy Secretary of the Department, permits the President to elevate the FEMA Administrator to cabinet level status during disasters, and preserves FEMA as a distinct entity within the Department.

In testimony before the Committee in April 2008, DHS Inspector General (IG) Skinner concluded that FEMA was better prepared for a catastrophe now than it was in 2005 and found that in the nine areas reviewed by the IG's Office, FEMA had made moderate progress in five areas, modest progress in three areas, and limited progress in only one area. In other recent testimony before Congress, IG Skinner credited the Post-Katrina Act, in part, for his conclusion that FEMA was stronger now than it has ever been. In a report released on December 8, 2008, the Government Accountability Office (GAO) similarly found that DHS and FEMA had taken action to implement many of the Post-Katrina Act's requirements.

- a. If confirmed, what will you do to ensure the new, enhanced FEMA, as envisioned by the Post-Katrina Act, continues to be strengthened?

*The Post-Katrina Emergency Management Reform Act (PKEMRA) and other Congressional initiatives have provided FEMA with needed direction and resources to ensure the Agency's ability to successfully perform its mission. If confirmed, it would be my intention to work closely with the Administration and Congress to continue the efforts already underway to implement the reforms called for in the PKEMRA legislation as well as identify additional improvements needed to address challenges identified during incidents that have taken place since Katrina. It is my understanding that a portion of the PKEMRA reform requirements have already been met, although much remains to be done. As a long-time emergency management professional, I am well aware of the need for continuous improvement, that we can never assume we are fully prepared for any and all eventualities. I also know of the critically important role FEMA plays in our nation's ability to prepare for, respond to, and recover from disasters and emergencies and how important it is that we continue to improve upon its performance and capabilities so it may more effectively support our state and local partners when they face a major disaster or other incident.*

- b. Many of the requirements of the Post-Katrina Act have not been fully implemented and some deadlines have been missed. If confirmed, will you commit to ensuring that these remaining requirements are met and fully implemented as soon as possible?

*Yes. I can assure you that if confirmed I will pursue full implementation of the remaining PKEMRA requirements as quickly as resources and conditions permit.*

- c. What management challenges do you believe you will face in implementing the Post-Katrina Act? What will you do to address those challenges?

*If confirmed, one of the major management challenges will be getting the rest of my management team on board to help address the remaining PKEMRA requirements. I look forward to working with the Department, the Administration and Congress to identify and bring on board the needed senior management team to fully implement the requirements.*

- d. What will you do to ensure that the emergency preparedness functions are properly integrated into FEMA?

*If confirmed, it is my intention to continue the processes already underway to complete the full integration of preparedness functions into FEMA. It is my understanding this effort is already well underway and much progress has been made, and I look forward to moving expeditiously with my management team to complete the full integration effort.*

18. In passing the Post-Katrina Act, Congress decided to strengthen FEMA within DHS rather than remove it from the Department. The Post-Katrina Act recognizes that the kinds of catastrophic disasters for which the nation must prepare require resources far beyond what FEMA can effectively marshal standing alone, and the federal preparations for and response to Hurricanes Ike and Gustav earlier this year suggests that the Post-Katrina Act's goal of giving FEMA the tools to be able to effectively coordinate DHS's substantial assets has been met: in Hurricanes Ike and Gustav, the new FEMA successfully drew on resources from other components of the Department, such as the U.S. Coast Guard, U.S. Immigration and Customs Enforcement, Transportation Security Administration, and U.S. Customs and Border Protection, to support its response. The coordination in Hurricanes Ike and Gustav stands in sharp contrast to the response to Hurricane Katrina in which the Department's considerable law enforcement and communications assets went largely unused in the days leading up to and immediately following landfall.

In addition to the expanded resources that DHS contributes to FEMA's response capabilities, FEMA is an essential part of DHS. Through its new grants authority and preparedness activities as well as through its newly strengthened regional offices, FEMA serves as one of the principal conduits through which the Department interacts with state and local officials. Most significantly, of course, FEMA houses most of the Department's response capabilities, which are integral to the mission of the Department.

The DHS IG recently testified that FEMA is stronger now than it ever had been in its history as a result of its placement inside DHS, the implementation of the Post-Katrina Act, and other improvements made as a result of the lessons learned from Hurricane Katrina. The DHS IG's office also released a February 2009 report concluding that the removal of FEMA from DHS would be a mistake. The July 14, 2006 Miami Herald reported that you were not convinced that FEMA needs to be independent and quoted you as saying, "I just don't see another major reorganization, pulling FEMA out...All the work it would take to make that happen would be counterproductive." In testimony in April 2007 to the House Transportation and Infrastructure Subcommittee on Economic Development, Public Buildings, and Emergency Management you made a similar comment saying that "moving FEMA again isn't really getting to the bottom line...I think we lose more by trying to move it once again."

Do you still believe it would be counterproductive to pull FEMA out of DHS, particularly in light of the fact that some have called for FEMA to be removed from Department?

*At this time, the primary focus of FEMA should be to ensure that FEMA is prepared for the next disaster while continuing to recover from the past disasters, including Katrina and Rita in the Gulf Coast Region. If confirmed, I look forward to working with Departmental and Administration leadership, along with Congressional stakeholders such as this committee, to fully address the question as to whether the nation would be best served by a FEMA that is part of, or outside of, the Department.*

*However, as the Secretary of Homeland Security has stated, our nation faces threats from both natural and man-made sources, and DHS takes an all-hazards approach to emergency management that allows it to respond effectively to all emergencies. FEMA is an integral part of the Department's all hazards response. I am committed to working with my DHS colleagues to seek an approach that assures us that when our State and local partners turn to the Federal government for support, FEMA has an effective, strong, timely and coordinated preparedness, response and recovery effort to address both natural or man-made disasters.*

19. The Committee's report into the failed response to Hurricane Katrina found that FEMA lacked the resources needed to accomplish its mission and that resource shortages contributed to FEMA's failures in responding to Katrina. The investigation found that FEMA was especially short of the resources necessary to be prepared for a catastrophe and that there has not been sufficient investment in capabilities to be able to respond to a disaster. For the past two fiscal years, the Bush Administration asked for increases in FEMA's budget, but some believe FEMA's budget is still not adequate to accomplish its mission. For example, FEMA's Strategic Human Capital Plan 2008-2012 states that FEMA's current permanent full-time workforce is "less than adequate to address [FEMA's] growing mission requirements." Do you believe there is a need for additional increases to FEMA's budget? If so, please identify where such increases should be made.

*Clearly the increases in FEMA's budget and staffing in recent years have significantly increased its ability to meet its preparedness, response, recovery and mitigation missions. As to what remains to be done, if confirmed I will review the planned FEMA budget proposals as well as weigh possible changes in Agency priorities before assessing what need there may be for additional resources. It must be clear to all that the federal government has entered a very constrained budget environment as the nation seeks to address its economic challenges, and government must do all it can to maximize the use of existing resources before seeking additional funding. If confirmed, I will review the purposed budget for FY 2010-11 and make recommendations through the established budget process. In addition, I will full support the Secretary's recently announced*

20. A fundamental principle of emergency management is that all emergency management begins at the local level first, moving to the State and then the federal level only as the local or State managers become overwhelmed. As the Director for Florida's Division of Emergency Management, you particularly have a thorough understanding that State, local, and tribal governments are critical partners in emergency management. If confirmed, how will you ensure coordination and communication with State, local, and tribal governments? How can FEMA best ensure that State, local, and tribal governments are capable of meeting their responsibilities for emergency management?

*If confirmed, I will ensure that all levels of government carry out their legal responsibilities in response to the public needs in a disaster. The role of FEMA is to support, not supplant those responsibilities.*

20. Recent surveys have continued to show that many citizens are unprepared for a disaster. What emphasis will you place on promoting personal preparedness? What ideas do you have to promote better preparedness in order to increase the preparedness of our nation's citizens? What did you do as Director of Florida's Emergency Management to encourage personal preparedness?

*The preparedness and resilience of individuals and families in America is key to reducing the impact and duration of a disaster, regardless of cause. Especially in large-scale events, emergency responders will not be able to assist all individuals in an affected area. The public must be an active partner in strengthening our national resilience.*

*As Florida's Director, I told the public that it had a role in a disaster, that response and recovery is not just the responsibility of government. Our message was simple – Get a Plan. We also recognized the public is our greatest resource in the immediate aftermath of a disaster. We asked members of the public - after ensuring their family was safe, to check on a neighbor.*

*If confirmed as Administrator, I will continue to invest in the community preparedness efforts already in place within FEMA. Citizen Corps is a strong grassroots network of over 2,300 State, tribal, and local councils that foster collaboration between government and civic leaders from all sectors of society. These councils serve as a collaborative planning body to develop goals and strategies for community resilience tailored to specific community vulnerabilities and populations. Elements of local strategies include: outreach and education on personal preparedness with localized information; integration of nongovernmental assets and personnel in preparedness and response protocols; improved plans for emergency notifications, evacuation, and sheltering; and increased citizen participation in community safety.*

*I will work to improve the effectiveness of the "Ready Campaign" as the national awareness campaign on preparedness. I understand FEMA will soon be releasing new Ready Public Safety Announcements (PSAs) that emphasize the need to re-assess personal preparedness and that underscore that individuals are the family's first responder. National Preparedness Month in September also provides a platform for a targeted emphasis on personal preparedness.*

*If confirmed, I will ensure FEMA's division for children's issues on preparedness and response, the Community Preparedness Division, will continue to work closely with the newly created National Commission on Children in Disasters. I will work through our Center for Faith-Based and Community Initiatives and Private Sector Office to partner with leaders in these critical arenas. FEMA's Disability Coordinator provides key input for issues for the Agency to address the unique needs of the disabled, older Americans, pet owners, those with economic challenges, and those with unique language and cultural characteristics.*

*While I will use my voice as a strong national advocate for personal preparedness, it is clear that individuals' preparedness must include critical local information, such as information on local hazards, local alerts and warnings, and local community response protocols. We must also use local social networks to support outreach and education on personal preparedness; such as neighborhoods, the workplace, schools, and faith communities. The concepts of mutual support at the local level should be continuously emphasized.*

21. Given your experience managing emergencies for a state that prepares for and responds to hurricanes almost every year, how can FEMA best meet its responsibility of supporting state and local officials with evacuations?

*Evacuation is the shared responsibility of State and local government. FEMA's role is to support those evacuations through regional coordination, planning and logistical support, and evacuation support tools. Over the long term, FEMA should support shelter programs that build shelter capacity in those areas with deficits in order to reduce travel time and distance.*

22. Sheltering individuals during a disaster is a critical factor in ensuring efficient and timely evacuation. It is much harder to convince individuals to evacuate if they do not have an appropriate place to shelter once they evacuate. What steps did you take in Florida to integrate planning for sheltering with planning for evacuation? What steps did you take in Florida to plan for the sheltering of those with special needs?

*Following Hurricane Andrew in 1992, Florida began a program of shelter surveys to determine the condition of existing shelters based on the American Red Cross 4496 – Guidelines for Selecting Hurricane Evacuation Shelters. Most shelters could not meet the standard, resulting in a massive shelter deficit. This required the development of regional evacuation and shelter plans. As funding became available, schools were retrofitted to meet ARC 4496. In addition, Special Needs Shelters, Pet Friendly Shelters, and compliance with the ADA have further increased safe shelter options in Florida. The goal of the State of Florida is to build shelter capability and capacity to shelter at risk populations within the region threatened by a hurricane.*

23. The Stafford Act provides for federal assistance where the severity of the incident is beyond the capacity of state and local governments.
- a. How do you believe FEMA should calculate the impact of the disaster at the “local government level” in states that do not have county government? What should be the required damage per capita and what population should be used to calculate the damage per capita in determining whether local governments should be eligible for Stafford Act assistance?

*The fifty States and District of Columbia are comprised of many sizes, demographics, and unique characteristics, particularly with their many forms of local government. I have worked closely with FEMA and the National Emergency Management Association (NEMA) as part of a Disaster Declaration Workgroup formed in 2007, to review and make recommendations for a more equitable process of acknowledging the unique characteristics statewide, country-wide, and at local levels. If confirmed, this is an issue that I would like to explore in more detail.*

- b. What commitment will you make to ensuring that FEMA will fairly calculate the impact of disasters at the local government level in states that have no county government and to make fair disaster declaration recommendations to the President concerning local governments in states that do not have county government?

*I am wholly committed to ensuring that all eligible governments, whether States, Commonwealths, or Island Territories, Native American Tribes, large or small, urban or rural, and all forms of local*

*governments are treated fairly, consistently and effectively to provide necessary disaster assistance. FEMA made great strides over the past year to involve NEMA and its States in discussing potential criteria for individual assistance declarations. I want to follow the same practice and look at the public assistance program as well. The dynamics of public assistance differ from individual assistance because there are per capita financial damage thresholds which do not exist for individual assistance.*

*I know firsthand that repeated public infrastructure damage creates a bureaucratic hardship. I also know from my own experience and those of my State colleagues that more recognition needs to be applied for repeated incidents that individually do not make the thresholds themselves but collectively cause significant disruption of public services and hardship on local governments.*

*However, once a declaration is granted to an area, FEMA assistance is based on damages incurred as a result of a disaster, so the structure of local government would not impact the amount of assistance provided.*

24. The Post-Katrina Act formally established the ten FEMA regional offices and gave significant new responsibilities to the Regional Administrators. For example, they must have regional capabilities for a national catastrophic response system, develop regional plans that support the National Response Plan (NRP), and maintain and operate a regional response coordination center.

- a. What do you believe should be the roles and responsibilities of the FEMA Regional Offices?

*The FEMA Regional Office is an essential component of FEMA that engages most directly with its State partners and disaster survivors to deliver frontline services. It is the Regional Office staff that augment State and local capabilities across the spectrum of prevention, preparedness, protection, disaster operations, disaster assistance, mitigation, and continuity programs.*

*It is also the FEMA Regional Offices that will lead the Federal response and recovery efforts for incidents across the spectrum of all-hazards events. A strong FEMA will rely on strong Regional Offices to maintain the trust and confidence of governors, leaders in the private sector, non-governmental organizations (NGOs), volunteer organizations, and citizens of our homeland.*

- b. Do you believe having strong Regional offices is critically important for FEMA to be able to achieve its mission?

*Yes, strong FEMA Regional Offices are critically important for FEMA to be able to achieve its mission. Events over the years have highlighted the importance of strong, coordinated partnerships and collaborated disaster planning and response operations.*

*The Regions work in partnership with State, local, and tribal governments, emergency managers, emergency response providers, medical providers, the private sector, nongovernmental organizations, multijurisdictional councils of governments, and regional planning commissions and organizations in the geographic area served by the Regional office to carry out the mission. The Regions are the frontline of FEMA and integral to the development of these partnerships.*

- c. What are your priorities for continuing to strengthen the regional offices?

*I plan to continue to strengthen the regional offices of FEMA as enacted under PKEMRA.*

*My priorities will be:*

- *To ensure there are experienced, qualified professionals in all key leadership positions*
- *To appoint a capable and effective cadre of Regional Administrators.*
- *To ensure that the Regional Administrators have a demonstrated ability in and knowledge of emergency management and homeland security, with consideration to the familiarity of each with the geographical area to which they are assigned.*
- *To continue to address regional staffing, training and space.*

25. The hurricane season of 2005 was the most active hurricane season in recorded history, with a total of 28 tropical storms, of which a record 15 became hurricanes, including Hurricanes Katrina and Rita. Some scientists predict that extreme weather events, including hurricanes, flooding, snowfalls, coastal erosion, heat waves, and wildfires, are expected to become more severe and more frequent as global concentrations of carbon dioxide and other greenhouse gases increase. Moreover, an April 2007 report from GAO indicated that private insurers are already incorporating climate-change into their risk models for predicting the frequency and severity of natural disasters. What short-term and long-term strategies and activities do you feel are needed at FEMA in order to prepare the nation to respond and recover from increased frequency and severity of natural disasters that may be caused by climate change?

*One FEMA-administered program that I believe can be effective in mitigating disaster impacts is the National Flood Insurance Program (NFIP). FEMA recently commenced two climate change-related initiatives. The first initiative is a one million dollar study to investigate the impacts of climate change on the NFIP, and to investigate methods for improving coastal floodplain mapping. The climate change study, which is scheduled to be completed in March, 2010, will provide several policy options and recommendations on how FEMA should make changes to the NFIP to accommodate for potential impacts of climate change. These recommendations may include creating new, or modifying existing, flood zones (and modifying associated insurance rates) that better reflect the potential changes resulting from projected climate change.*

*The second initiative is a \$5 million congressionally earmarked grant to the State of North Carolina to conduct a "Sea Level Rise Risk Management Study." The study will assess the long-term fiscal implications of climate change as it affects the frequency and impacts of natural disasters.*

*If confirmed, I will study additional mitigation activities to prepare the nation to respond to and recover from natural disasters.*

26. Do you believe FEMA administers its programs consistently in various disasters? If not, what do you perceive as the reason for the inconsistencies, and how will you address this issue to ensure the programs are administered more consistently?

*Both in Florida during the 2004 and 2005 Hurricane Season, and as reported from more recent disasters, the need to maintain a consistent public assistance (PA) process was critical. Local and State governments can not afford to have projects delayed or de-obligated due to changes in status of the project based on*

*different interpretations of FEMA's PA program by a variety of FEMA staff and its contractors. Consistent application of the PA program is both a leadership and a training issue.*

27. Debris removal after a disaster is a critical step in the process of recovery. Historically, FEMA's management of debris removal activities under the Public Assistance program has been marred with confusion created by the lack of a coherent guide or set of instructions for State and local officials who chose not to use the Army Corps of Engineers for debris removal. This confusion has led to many localities removing debris improperly, putting them at risk of not being reimbursed by FEMA, or losing the funding they already received for their activity. Given your past experiences at the State level with FEMA's Public Assistance programs, do you believe there are any problems in the way FEMA administers its debris removal programs? If yes, please describe the problems you perceive and discuss how you would address those problems.

*As a State Director, I am well aware that applicants who seek reimbursement under FEMA's Public Assistance Program must comply with the Federal procurement requirements contained in 44 CFR §13.36. These regulations state that applicants need to ensure that costs are fair and reasonable and that the contracts are competitively bid to be considered eligible for Federal reimbursement. Reasonable costs are determined by the use of historical documentation for similar work and average costs for similar work in the area. FEMA staff makes the final determination on the reasonableness of cost.*

*If confirmed, I will examine existing reasonable cost policies and procedures for debris removal, and make changes as necessary to resolve confusion on the part of applicants.*

#### **General Management**

28. What is your approach to managing staff, and how has it developed in your previous management experiences?

*My approach to staff management is to empower staff to do their jobs through delegation, promote accountability, and focus on outcomes rather than on process.*

29. In the wake of Hurricane Katrina, the Committee found that in FEMA's rush to meet the needs of thousands of victims, FEMA often failed to implement or follow basic measures to prevent fraud, waste and abuse. To fix these failures, Congress included several measures in the Post-Katrina Act to control waste, fraud, and abuse, which FEMA is implementing. How will you ensure that FEMA is able to lean forward and meet the needs of victims overwhelmed by disasters while also maintaining appropriate controls to prevent fraud, waste and abuse of taxpayer dollars?

*As Secretary Napolitano stated during her confirmation process, "FEMA's traditional system of controls for waste, fraud and abuse was not up to the challenge of disasters of the magnitude of Katrina/Rita." In accordance with PKEMRA and the engagement of this committee, it is my understanding that FEMA has already taken numerous steps to implement new controls to improve FEMA's ability to serve disaster victims while also limiting fraud, waste and abuse. Among the improvements have been automated identity and occupancy verification systems to confirm the identity and residence of applicants for FEMA assistance as well as deployment of a new internet registration application that disallows duplicate registrations thereby*

*preventing duplicate payments. If confirmed, I will continue the efforts to improve FEMA's ability to restrict waste, fraud and abuse while remaining responsive to disaster victim's needs in the years ahead.*

30. One of the lessons learned from the failed response to Hurricane Katrina was that in order to better respond to a catastrophe, the federal government needs to be more forward leaning and be prepared to engage in a more proactive response. Section 681 the Post-Katrina Act codified this lesson, giving the President the authority to provide accelerated Federal assistance and support where necessary to save lives, prevent human suffering, or mitigate damage in the absence of a specific request for assistance. How do you interpret this requirement? If confirmed, how will you implement this section?

*On July 18, 2007, FEMA approved a policy for Pre-Landfall Declaration requests which I will continue to implement if confirmed. Under this new policy, states immediately threatened with impact from an existing hurricane or typhoon will be considered for an emergency declaration when:*

1. *The National Weather Service determines that the State, or a portion thereof, is threatened by landfall of a major hurricane or typhoon, and*
2. *The Governor has declared a State of Emergency, and*
3. *Either of the following:*
  - a. *The State, or any jurisdiction(s) thereof, has issued mandatory evacuation orders for three or more counties/parishes, or any geographical area with a combined population of more than 100,000 residents, or;*
  - b. *The declaration is necessary to provide direct Federal assistance to meet critical emergency protection requirements before landfall, other than pre-positioning, that would overwhelm the capability or capacity of State resources.*

31. FEMA has long suffered from failure to have core management practices. Although it has made improvement during the last few years, what are your views on the importance of having solid core business/management practices? What emphasis will you place on establishing such practices?

*The institutionalization of core management practices have been critical to the success of the Florida Department of Emergency Management and will be critical to the success of FEMA. If confirmed, I will strongly emphasize the establishment of such practices.*

32. Both GAO and the DHS IG found that FEMA's use of noncompetitively awarded contracts exposed FEMA to millions of dollars of wasteful, abusive and potentially fraudulent spending and billing practices. What actions should FEMA take to maximize its use of competition when awarding future contracts?

*If confirmed, I will work closely with the FEMA Management Directorate and the DHS Undersecretary for Management to maximize FEMA's use of competition when awarding future contracts, while at the same time, ensuring that the needs of disaster survivors and responders are met in a timely fashion.*

33. Press reports from 2007 and 2008 indicate that the Florida State legislature devoted \$151 million in State and Federal funds for storm preparedness in 2006. According to the articles, some State legislators criticized the Division of Emergency Management for excessive

spending on a "State Logistics Response Center." Additionally, the Division of Emergency Management spent \$53 million on generators for State shelters, but ran out of money before it could install the generators.

- a. What was your role in the purchase of these generators?

*I proposed the original project to install generators to support HVAC for Special Needs Shelters.*

- b. What is your response to criticisms that this preparedness program resulted in wasteful spending?

*I met with State Senator Fasano to discuss and attempt to address his concerns, and he publicly indicated his satisfaction with the outcome of our meeting.*

- c. What is the status of the generators?

*Eleven remain to be installed.*

- d. Would better planning have resulted in a more realistic cost estimate for the purchase and installation of the generators?

*Yes. This project lacked a design phase for each site, and all sites were based on generic estimates.*

- e. What lessons did you learn from this experience?

*In the future, estimates of total time and cost should be made during the design phase, prior to full initiation of the project.*

34. Contractors are prohibited by law from performing "inherently governmental functions." However, various sources define "inherently governmental" differently and, in any event, it is not unusual for government contractors to provide services that, even if they do not technically meet the definition, closely support "inherently governmental functions." The Committee, GAO, and many outside observers recognized the need for DHS's heavy reliance on contractors during its early days, given the need for DHS to attain specific expertise quickly. More than six years later, many offices remain heavily staffed by contractors who perform a variety of tasks at the core of DHS's operations, including policy planning, the drafting of regulations, intelligence analysis, preparation of budget requests, and even the drafting of an IG report. For example, FEMA's IG report on Katrina contracting provided to this Committee was written by a contractor.

- a. What will you do to strengthen FEMA's own ability to perform those tasks at the core of its operations, whether inherently governmental or closely supportive of "inherently governmental functions?"

*If confirmed, I will fully investigate FEMA's use of contractors to ensure that contractors at FEMA are not performing inherently governmental functions.*

- b. Given the government's extensive reliance on contractors, what would you suggest are the key considerations in determining the appropriate role for contractors in supporting government operations (particularly, in the areas that border on "inherently governmental functions," such as rulemaking and awarding contracts)?

*While there is a long itemization in the laws about what is an inherently governmental function, I apply the rule of thumb that only Federal employees should be making policy decisions or judgment calls on important issues affecting or interpreting the Agency's core mission. That type of judgment should not be handled by contractors.*

- c. Government contractor employees often work side-by-side with federal employees, and also perform the same or similar functions as their federal employee counterparts. Please discuss any experiences that you have had managing such augmented workforce and your views on ensuring that government agencies establish appropriate safeguards to prevent conflicts of interest by contractor employees?

*Throughout my career as Florida's Emergency Management Director, I have worked closely with contractors engaged by both the State of Florida and FEMA for a variety of tasks associated with preparedness, mitigation, response and recovery. If confirmed, I am committed to advocating and implementing appropriate safeguards to prevent conflicts of interest by contractor employees.*

- d. Do you believe that contracting out of work, even if not "inherently governmental," can reduce essential staff expertise or otherwise diminish the institutional strength of agencies? If so, how should such considerations be taken into account in determining whether work should be contracted out or done in-house?

*I have been briefed by FEMA's Acquisition Management Division (AMD) they are not overly reliant upon the services of contractors and are well positioned to ensure that the core of its acquisition operations is performed by permanent full time or two-year CORE employees. I understand that this ensures that AMD maintains a strong institutional acquisition memory, produces quality contracts, and meets emerging acquisition needs in a timely manner. Nevertheless, AMD has a small number of contractors directly and indirectly supporting the acquisition function. Since 2006, FEMA's acquisition staff has increased at least four-fold to a total of approximately 150 staff. Many contractor employees initially under contract to support the acquisition function have been replaced since then by permanent full-time Federal employees or CORE employees. I have been informed that FEMA currently has a few individuals under contract directly supporting the acquisition planning function by assisting in the preparation of some pre-solicitation acquisition documents and the contracts under which these employees perform contain appropriate organizational conflict of interest clauses and the contractor employees are required to execute non-disclosure agreements.*

*I have been told that no current contractor employee executes/ awards contracts on behalf of FEMA, drafts or interprets acquisition policies, regulations, or laws on behalf of AMD, or currently prepares reports, responses, or submits testimony to Members of Congress or to a congressional committee.*

*It is my understanding that the current permanent full-time staffing levels and new initiatives to divert funding from contractor support to salaries and expenses for more permanent full-time employees will ensure that AMD maintains institutional strength of the acquisition function for many years to come.*

35. Last November, FEMA announced their intention to issue a solicitation for the manufacturing of travel trailers. Representatives of FEMA met with staff from the Senate Homeland Security and Governmental Affairs Committee (HSGAC) staff and explained that these travel trailers would be built to meet FEMA's performance specifications, particularly for indoor air quality standard for formaldehyde levels. HSGAC staff were told that the agency intended to provide precise specifications for the travel trailers, including footprint size, and forced ventilation performance and that they fully expected manufacturers to be able to respond to this solicitation. However, HSGAC staff later learned from some industry experts that the proposed specifications were impractical and may not provide the required results. We understand FEMA is currently testing the prototypes provided by interested vendors. However, by using this precise specification approach, FEMA could possibly end up purchasing many travel trailers that once operational in the field, are found not to be an adequate solution to the problem, and cannot be redeployed, placing additional burden on taxpayers who will not have a usable product. An alternate acquisition practice encouraged by the Federal Acquisition Regulation (FAR) is so-called performance-based acquisition where the government provides performance standards, allowing manufacturers more freedom to find better ways to produce the desired results, that is, safe and acceptable living space under normal usage in accordance with the product guidance. How do you plan to ensure that the acquisition staff at FEMA are fully informed and trained with the latest acquisition techniques and that proper market research is conducted for major acquisitions?

*It is my understanding that the majority of FEMA Acquisition Management Division (AMD) staff are trained on and utilize performance based service contracting. When appropriate, the use of performance-based specifications only allows vendors to propose units that they claim would meet our performance standards thus placing the performance burden on them. However, not every contract should be awarded on this basis when a known hazard exists that can be harmful to the users of the product or service. In this regard, and with respect to temporary housing units, FEMA needed to ensure that the temporary housing industry was able to meet our requirements. Through detailed discussions with industry experts and other Federal agencies on existing technological capabilities, FEMA developed a set of specifications that ensured that more than one company could meet them. Prior to releasing the specifications for bid for temporary housing, several actions took place:*

- *Setting up meetings with industry leaders,*
- *Conducting an industry day with the providers to discuss relevant issues, and*
- *Holding meetings with other federal agencies to outline the proposed technical specifications.*

*During this process, changes to the technical specifications were often made to ensure that the desired temporary housing unit could in fact be built and still provide the safe/secure housing FEMA requires. This consolidated effort resulted in successful solicitations with many providers submitting bids to the specifications. Additionally, the specifications are written as a "meet/exceed" to allow many providers to submit in accordance with the solicitation.*

#### **Recovery**

36. What do you see as the proper role of FEMA in recovery from disasters, both man-made and natural?

*Response involves stabilizing the incident venue; recovery involves helping the impacted population and communities re-achieve and return to normalcy. Recovery is the seamless extension of the response process, and may extend for months or many years, depending on the gravity of the incident. FEMA's principal roles are to provide funding in support of rebuilding and restoration of households and communities (including infrastructure), and coordinate the assets and integrate the efforts of the many Federal and non-governmental agencies that play a role or have equities in recovery.*

*However, I strongly believe that the responsibility for recovery decision-making originates from the individual and local level. FEMA's role has been and would continue to be one of support to States as they support their local governments in recovery. FEMA, as the Federal government's management arm for disaster response and recovery must take a more active and stronger recovery leadership role across the Federal government to ensure the full support of the Federal government is brought to bear in support of States. A number of Federal departments and agencies have programs and recourses that are not only helpful, but essential for disaster recovery.*

*If confirmed, FEMA will work closely under my direction with other agencies to ensure they are all working together during the recovery to help states and communities maximize available resources and to coordinate and streamline administrative requirements as much as possible.*

*I intend to work with FEMA's partners and stakeholders to examine and clarify the disaster recovery roles and responsibilities of all agencies and all levels of government as well as supporting NGOs and private sector infrastructure owners. I believe that FEMA should take the lead to establish a forward-looking national model for disaster recovery that captures the wisdom of disaster recovery leaders around the country, reflects lessons learned and best practices in the field, and emphasizes personal and community responsibilities.*

37. What are your goals and priorities for FEMA's recovery programs? What, if any changes, do you believe need to be made to FEMA's recovery programs?

*Based on my state experience, I know that FEMA faces enormous challenges to implement its recovery programs that provide assistance to States, local government, and individuals after disasters. FEMA must balance the needs and desires of the States, communities, and individuals in need of assistance while serving as good stewards of taxpayers' funds. My goal is to ensure that FEMA's Stafford Act authorized grants and technical assistance programs become a model of effectiveness and efficiency. This is no easy task given the competing challenges all of these programs face. If I am confirmed, I will ensure that FEMA takes a fresh look at the underlying authorities and look for opportunities to improve administrative processes and policies to better match state, community, and individual needs while still safeguarding against potential duplications, waste, fraud, or abuse.*

*If confirmed, I will put a priority on partnering with states to build state and local capacity to manage disaster recovery within their jurisdiction. The first step to improving the quality and pace of disaster recovery is preparing to manage the complexities of restoration and redevelopment in the relative quiet of the pre-disaster environment.*

*FEMA is the lead agency for Emergency Support Function #14 Long Term Community Recovery and has Stafford Act authority to provide technical assistance to support states and communities as they grapple*

*with the complex challenges of disaster recovery. If confirmed, I will make Long Term Community Recovery support to states and communities a priority with the objective of helping states and communities to plan for and set priorities for their recovery in an organized and holistic manner. There may be opportunities for efficiencies and possibly outright savings when states and communities work together in strong partnership with Federal agencies and other stakeholders from the beginning and throughout the recovery process.*

*If confirmed, as demonstrated by my work in the State of Florida, I will place a high priority on improving FEMA's recovery programs.*

38. Many have complained that FEMA has too much bureaucracy and red-tape in implementation of its recovery programs which slows recovery. Do you believe any of FEMA's recovery programs need to be streamlined? If so, what ideas do you have on how to streamline FEMA's recovery programs?

*As a state official experienced in dealing with FEMA's recovery programs, I am sensitive to those who criticize the programs as being overly bureaucratic, but I am also aware of the need to be judicious in the use of taxpayer funds, especially in these days of constrained budgets. If confirmed, I will do all I can to streamline and simplify FEMA's programs, while also seeking to protect those programs from waste, fraud and abuse.*

*I think all of FEMA's disaster assistance programs could benefit from a fresh look that may identify opportunities to streamline and reduce red tape. My goal is to ensure that FEMA's Stafford Act authorized grants and technical assistance programs become a model of effectiveness and efficiency. This is no easy task given the competing challenges all of these programs face. FEMA must balance the needs and desires of the states, communities, and individuals in need of assistance while serving as good stewards of taxpayers' funds.*

*Statutory constraints, Federal regulations, and state, local and Federal laws and/or ordinances are among the chief constraints on the smooth delivery of disaster assistance programs. If confirmed, I will conduct a thorough review of the underlying authorities and look for opportunities to improve administrative processes and policies to better match State, community, and individual needs while still safeguarding against potential duplications, waste, fraud, or abuse.*

*Indeed, much of the challenge during a large scale recovery effort lies outside FEMA's immediate control. Current programs supporting recovery directly and indirectly across the Federal government are fragmented and not integrated into a system that adequately supports a State and its communities' comprehensive long term recovery needs. This becomes more readily apparent in large and catastrophic disasters. FEMA must take a stronger leadership role to coordinate various Federal resources for disaster recovery and simplify access for states, communities, and individuals. FEMA and the Federal government as a whole can improve capacity building support to the States so that they can be better prepared to manage recovery from large and catastrophic events.*

*The Post Katrina Emergency Management Reform Act mandated that FEMA develop a National Disaster Recovery Strategy to serve as a guide to recovery efforts after major disasters and emergencies and outline the most efficient and cost-effective Federal programs that will meet the recovery needs of states, local and tribal governments, and individuals and households affected by a major disaster.*

*I have been told that FEMA is working to develop an outline of the key elements and overall approach FEMA will take, determine the level and timing of stakeholder engagement, and the specific role and involvement of its interagency partners. If confirmed, I believe that in working through the strategy's requirements, I will be able to make a better assessment of the programs and processes that FEMA can streamline in order to improve disaster recovery services to the American public. It is my understanding that FEMA's undertaking will require an extraordinary level of effort and unprecedented engagement with a wide array of stakeholders to develop this document, fully engage stakeholders, and incorporate their feedback into the final document.*

39. Do you believe that the current standards under which the President issues major disaster declarations, as articulated in the Stafford Act, its implementing regulations, and FEMA's policies should be changed? If so, what would you do to improve them?

*The Stafford Act provides a great deal of flexibility in outlining the criteria for the President to issue a major or emergency disaster declaration. In making the decision, a number of factors are assessed to determine the severity, magnitude, and impact of a disaster event.*

*I have worked closely with FEMA and the National Emergency Management Association (NEMA) as part of a Disaster Declaration Workgroup formed in 2007, to review and make recommendations for a more equitable process of acknowledging the unique characteristics statewide, country-wide, and at local levels.*

*If confirmed, I will review FEMA's declaration policies and regulations to determine if improvements are necessary, while recognizing that each disaster has unique circumstances and varied impacts.*

40. In the wake of the four powerful hurricanes that hit Florida over a six week span in August and September of 2004, this Committee embarked on an investigation into the Individual Assistance provided to residents. That investigation found that FEMA lacked proper internal controls for its assistance, which resulted in millions of dollars being handed out for rent and household items to people in Miami-Dade County who sustained little or no damage as a result of Hurricane Frances. As a result of the Committee's investigation, as well as recommendations from the Inspector General, FEMA has made significant changes to its Individual and Expedited Assistance programs. Do you believe those changes were sufficient to address the kinds of problems the Committee uncovered in that investigation?

*I understand that FEMA has made significant changes to its Individual Assistance (IA) programs, and I am committed to implementing the IA programs with proper controls to meet the demonstrated needs of disaster survivors created by the specific disaster incident.*

41. A May 3, 2006 *Sun-Sentinel* article titled "FEMA Reimbursement Plan to Shrink, Agency Head Says" quoted you as saying FEMA's Individual Assistance program is not achieving the outcome it should and that you had asked FEMA several times to scale back the program and run it more on need. What changes, if any, would you make to improve the Individual Assistance program?

*If confirmed, I will continue to review how FEMA can better link the IA program to desired outcomes.*

42. The Gulf Coast recovery from Hurricane Katrina has to date been moving very slowly and much work remains to be done. State and local officials have complained that many of FEMA's policies, practices, and regulations are unfair, inadequate, and have greatly contributed to the delayed rebuilding. Secretary Napolitano has taken action to turn these problems around, directing FEMA to take a "fresh look at rebuilding" the Gulf Coast and by establishing a Unified Public Assistance Project Decision Team.

- a. If confirmed, how will you carry out this directive? What is your plan to address the lagging recovery? What are your priorities for rebuilding the Gulf Coast?

*On March 11, 2009, after a visit to New Orleans, Secretary Napolitano announced the establishment of the Unified Public Assistance Project Decision Team in the Louisiana Transitional Office, and her choice of Charlie Axton to lead the newly-created team. At that time Secretary Napolitano also announced the appointment of Tony Russell to be the acting director of the Transitional Office.*

*Tony is leading the Joint FEMA/State Expediting Team. That team is the one that is working to finalize project worksheets (obtaining all necessary paperwork to be able to make a final funding decision). These teams are designed to be tiered – Tony and his staff working collaboratively with the State and applicants to get project submissions to completion and then Charlie helping to resolve any issues that remain in dispute.*

*I am in complete agreement with the Secretary's commitment to take a fresh look at rebuilding the Gulf Coast, and, if confirmed, I will establish closer working relationships with the State of Louisiana and will closely monitor the progress of this joint FEMA/State team in expediting the flow of assistance.*

- b. What changes, if any, do you believe need to be made in FEMA's policies to speed the recovery from Hurricane Katrina?

*If confirmed, I will take a fresh look at FEMA's underlying authorities and look for opportunities to improve administrative processes and policies to better match State, community, and individual needs while still safeguarding against potential duplications, waste, fraud, or abuse.*

- c. Nearly four years after Katrina struck, there are still many Gulf Coast residents, including both renters and homeowners, that receive housing assistance from FEMA, which has been repeatedly extended. This assistance is currently scheduled to end soon. What do you see as key problems in the housing of survivors of Hurricane Katrina and what solutions would you look to explore if you are confirmed as FEMA Administrator?

*As you are aware, the current program for FEMA Temporary Housing Assistance for applicants of Hurricanes Katrina and Rita expires on May 1, 2009, for Louisiana, Mississippi, and Alabama. This reflects 26 months of rent-free assistance beyond the statutory 18-month limit of housing assistance. I understand that FEMA has offered each household at least three rental resources that meets the household's individual housing needs, such as number of bedrooms, accessibility, within Fair Market Rent (FMR) established by HUD for the area, and within a reasonable commuting distance.*

*If confirmed, I will ensure that FEMA continues to allow participants in park models and mobile homes to purchase their units under the Temporary Housing Units Sales-to-Occupants program. In accordance with FEMA policy, FEMA will only sell those units that meet or exceed the state's approved acceptable levels of formaldehyde for occupied park models and mobile homes. I will also ensure that FEMA makes every effort to assist individuals and families to find long term housing to fulfill their needs by continuing to visit and work with each household to transition them into more suitable, long-term housing options between now and May 1. For those who do not vacate their housing unit by May 1, 2009, FEMA will follow its Lease Termination Policy for these individuals.*

*In addition, if confirmed, I will work closely with my counterparts at the U.S. Department of Housing and Urban Development (HUD) on their efforts to assist survivors of Hurricane Katrina who have not yet returned to self-sufficiency.*

- d. Many Public Assistance projects have been delayed due to disputes with state and local governments. If confirmed, what commitment will you make to ensure that such disputes are quickly resolved so that the rebuilding process on the Gulf Coast can be expedited? What measures will you take to resolve these disputes?

*My understanding is that FEMA has established two new teams: a Joint FEMA/State Expediting Team to review all project requests for amending worksheets (versions), and a Unified Public Assistance Project Decision Team to expedite decisions between FEMA and the State on disputed Public Assistance projects.*

*FEMA and the state have jointly established the Unified Public Assistance Project Decision Team to make the final necessary decisions for approving project scopes of eligible work and costs of disputed Public Assistance projects. FEMA has chosen Charlie Axton to serve as the senior-level Public Assistance expert to partner with Mark Riley, the State of Louisiana's senior representative.*

*This effort will assure close coordination between FEMA and the State to identify disputes and work together to address the challenges. In cases in which FEMA and the State or local officials are unable to agree on eligibility, the state or local officials can then submit disputes through the formal appeals or arbitration process, as appropriate. The goal of this effort is to help the State, local governments, and communities speed up the recovery process.*

*If confirmed, I am committed to working directly with the interim director and Decision Team to work through these issues that they cannot resolve on the ground to finalize all projects.*

- e. If confirmed, will you commit to resolving the substantial number of appeals on public assistance projects related to Hurricane Katrina? What measures will you take to resolve these appeals?

*As noted in the previous response, my understanding is that FEMA has established two new teams: a Joint FEMA/State Expediting Team to review all project requests for amending worksheets (versions), and a Unified Public Assistance Project Decision Team to expedite decisions between FEMA and the State on disputed Public Assistance projects.*

*If confirmed, I am committed to working directly with the interim director and Decision Team to work through these issues that they cannot resolve on the ground in order to finalize outstanding projects.*

43. The recovery and rebuilding following Hurricane Katrina has been slow and difficult. In many instances, Congress has made changes to the Stafford Act recovery provisions to adjust to the unique set of problems posed in recovering from a catastrophic event.
- a. If confirmed, what efforts will you undertake to assess FEMA's capacity to assist in the rebuilding and recovery from catastrophic disasters?

*If confirmed, I will conduct an assessment of FEMA's capacity to assist in rebuilding and recovery from catastrophic disasters. This assessment needs to focus both on the Agency's ability to deliver disaster assistance under challenging circumstances, and also on its readiness and capability to coordinate Federal and nongovernmental support throughout the response and recovery phases. This capability relies upon working together in partnership with state and local governments as they prepare both before disasters and after calamity strikes to rebuild communities safer, stronger, and smarter.*

*As I review FEMA's capabilities, plans, and strategies for continually improving its preparedness to manage recovery, I will actively seek input from FEMA's partners and stakeholders at all levels of government and outside of government. FEMA cannot be adequately prepared without understanding the expectations of its partners in the states and other agencies, as well as their level of capability to manage recovery. An important early step is to engage in a national dialogue to clarify the roles and responsibilities expected of each recovery partner for catastrophic disasters as well as smaller incidents.*

*The reality is that managing smaller disasters provides essential practice, operational testing, and opportunities for improving our capabilities at all levels that no plans or exercises can achieve alone. In many cases, such a dialogue involves engaging non-traditional players at other Federal agencies, in state and local governments, and nongovernmental organizations (e.g. experts in housing, social services, economic and community development, transportation and public works planners, etc.) that must be at the table with emergency managers to prepare for and manage successful recovery, particularly for a catastrophic event.*

- b. In your view, what can be done to improve FEMA's ability to provide more effective assistance with recovery efforts if and when future catastrophes occur?

*It is my belief that FEMA can strengthen its ability to manage long-term recovery support by setting aside designated permanent staff resources for long-term recovery planning in each of the FEMA regions. These staff members can assist with building state and local capability to manage recovery by working with states to develop pre-disaster long-term recovery programs and plans, as is required in Florida's coastal communities.*

*In addition, FEMA must encourage states to use their disaster preparedness grants to prepare for post-disaster recovery and reconstruction through recovery-focused planning, capability building, training, and exercises.*

*Finally, utilizing all of the tools above, FEMA must develop and maintain close working partnerships with other Federal, State and local governments and non-governmental agencies who have permanent responsibility for on-going social support programs. For example, FEMA can better leverage the*

*permanent responsibilities of HUD, HHS, and other Federal departments to provide support to States, local communities, and individuals through their recovery and return to self-sufficiency.*

- c. Do you believe that changes should be made to the Stafford Act to provide measures for use only in the recovery and rebuilding from catastrophes?

*I believe that the Stafford Act is remarkably flexible and broad in its authorities. However, to be truly prepared to manage the long term consequences of a disaster so immense and/or with impacts so devastating and long-lasting to be considered catastrophic on a national level, it behooves those of us responsible for our nation's emergency management to review the law against the potential requirements of anticipated catastrophic disaster scenarios.*

*If confirmed, I welcome such a dialogue between Congress and the Administration to conduct such an important review.*

- d. Do you believe FEMA should have different regulations, policies and/or practices for recovery from catastrophic disasters than those used for less destructive disasters?

*The most effective differences between disaster assistance programs after a catastrophic disaster event should be overarching and comprehensive, ideally at the authorizing statute level. While the cost-share incurred by the state may appropriately adjust for catastrophic disasters, the effectiveness with which staff deliver FEMA programs, or execute FEMA's role as the federal coordinator for recovery and reconstruction should not. In each disaster recovery, FEMA should strive to support the state and communities with the highest level of performance, by marshaling, coordinating, and leveraging the skills, expertise, and resources of the entire interagency. Each disaster is an additional opportunity to further improve FEMA's effectiveness and exercise its recovery capabilities, and that of its partners.*

*One of the greatest challenges with defining differences in authorities specifically for catastrophic events is the difficulty with defining and administering the delineation of such a catastrophe. In addition, the reality is that managing smaller disasters provides essential practice, operational testing, and opportunities for improving our capabilities at all levels. Changing the rules based on the size of an event could have unintended consequences.*

*If confirmed, I welcome such a dialogue between Congress and the Administration to conduct such a review.*

- e. What do you believe would be important acts that could be taken to speed the recovery and rebuilding process after a catastrophe?

*If confirmed, my goal is to ensure that FEMA's Stafford Act authorized grants and technical assistance programs become a model of effectiveness and efficiency. I would take a fresh look at the underlying authorities and look for opportunities to improve administrative processes and policies to better match state, community, and individual needs while still safeguarding against potential duplications, waste, fraud, or abuse.*

*If confirmed, I will put a priority on partnering with States to build State and local capacity to manage disaster recovery within their jurisdiction. The first step to improving the quality and pace of disaster*

*recovery is preparing to manage the complexities of restoration and redevelopment in the relative quiet of the pre-disaster environment.*

*FEMA needs to be prepared to provide a safety net of resources and support systems to overwhelmed states and communities so that recovery-related decision making and planning begin quickly, in a strategic and organized fashion, and can be sustained with ever-increasing local autonomy through the long term recovery.*

*After a catastrophic disaster, states and communities suffer a dual challenge: they face recovery needs and complexities greater than any they have experienced before and would reasonably have capability to address, while at the same time their capacity to organize and begin the long term recovery process is significantly diminished by the major challenges of an extended response and stabilization effort. Even when a state or community is overwhelmed by an incident, they still possess a core, sovereign responsibility for the recovery and ultimately must live with the decisions made that determine their communities' future. It is overly simplistic, unrealistic, and self-defeating to think FEMA can build federal capabilities to take over and manage on behalf of states and communities—greater attention and effort to provide additional management and planning resources to assist states and communities during these particularly challenging times is essential.*

44. In some instances, after Hurricane Katrina, Louisiana officials have complained that FEMA officials approved project worksheets for public assistance projects, but then subsequently reversed such decisions, leaving state and local governments in a difficult position and further slowing the recovery and rebuilding process. What commitment will you make to ensure that FEMA officials make clear, reliable and timely decisions related to Public Assistance projects after future disasters? What measures or procedures will you take to implement this commitment?

*It is my understanding that in most instances, FEMA's project worksheets are completed with accuracy, funding is obligated, and States move forward to complete work that is eligible. However, in some instances, after a decision has been made, upon further quality control review, a more senior official will advise the state that a project is not eligible and cannot be funded. In instances where funding has been obligated to the state, FEMA must, by law, de-obligate funding.*

*If confirmed, I am committed to ensuring that FEMA's processes and policies minimize these occurrences of de-obligations.*

45. The Office of the Federal Coordinator for Gulf Coast Rebuilding (GCR) was set up in November of 2005 to assist in the long-term rebuilding of the Gulf Coast after Hurricanes Katrina and Rita. Stakeholders at the State and Local and Federal levels have questioned the effectiveness of the structure, authorities, and mission of the GCR.
- a. What do you see as the role of the GCR office?

*The Office of the Federal Coordinator for Gulf Coast Rebuilding was created to help devise a long-term plan for rebuilding the region devastated by Hurricanes Katrina and Rita.*

- b. If confirmed, what actions will you take to bolster this office's role in the overall Gulf Coast recovery?

*The Office of the Federal Coordinator for Gulf Coast Recovery (GCR) is a separate component within DHS. As such, it is an entity independent from FEMA and I do not have authority to restructure OFC or provide it with additional authority.*

*However, the relationship between GCR and FEMA is a critically important one. If confirmed, I intend to strengthen the communication, ties and cooperation between these two offices. I intend to meet with the Federal Coordinator on a regular basis, both in D.C. and in the region. She and I have already met on one occasion and will do so again immediately after my confirmation.*

46. Housing survivors of a disaster, particularly after catastrophe, has been and continues to be a difficult task.

- a. Section 685 of the Post-Katrina Act gave FEMA more flexibility in the types of housing assistance it could provide to disaster survivors, allowing FEMA to, in addition to providing assistance in the form of temporary housing assistance, provide housing assistance in the form of semi-permanent and permanent housing structure assistance. How do you believe FEMA should use this additional authority?

*It is my understanding that FEMA considers this additional authority to be assistance of last resort as it is obviously more time-consuming and costly to actually build housing. I know that FEMA is striving to move faster in housing eligible applicants through more economical and viable resources using existing rental resources and manufactured housing.*

*If confirmed, I will emphasize that FEMA utilizes all available existing resources first, but I will look at what makes sense for both disaster survivors and taxpayers when making a determination on whether to implement this section of the Act.*

- b. Have you reviewed the National Disaster Housing Strategy released in January 2009? What are your thoughts on this strategy? Do you believe any improvements or changes need to be made to the strategy? If so, please describe.

*I have reviewed the Strategy and generally agree with the underlying principles it puts forth. I believe that disaster housing is too often regarded as an exclusively federal responsibility, rather than as assistance designed and provided to support and augment State capacity.*

*I believe that the ability of the federal government to effectively and quickly meet the needs of disaster survivors is appreciably improved when a state is an active and engaged partner. Accordingly, and consistent with the federal role set forth in the Stafford Act – the NDHS places substantial emphasis on the need for and importance of State-led Disaster Housing Task Forces, and strongly encourages every State to establish such a Task Force now, in advance of their next disaster.*

- c. What are your thoughts on how we can improve methods of housing survivors of a disaster, including a catastrophe?

*I believe FEMA is improving in its development of coordinated and innovative methods to provide disaster housing assistance through partnerships with the Joint Housing Solutions Group, the establishment of the National Disaster Housing Task Force, and state-led housing task force stakeholders and participants.*

*If confirmed, I will work in concert with federal, state, local, private and voluntary organizations to find alternative housing resources in each State to accommodate the housing needs of disaster survivors. This process should begin as part of preparedness efforts and continue through the recovery.*

- d. In the past, FEMA has relied heavily on travel trailers and mobile homes to house disaster survivors. Do you support the use of travel trailers and mobile homes to house disaster survivors? Please explain. Do you see any alternatives to using travel trailers and mobile homes to house disaster survivors and if confirmed, how will you go about looking for additional alternatives?

*Travel trailers have been used effectively in smaller disasters, where housing is short term. In the State of Florida, both have been used successfully. I recognize the need for their use when no other viable housing alternatives exist. I understand that FEMA is working through its Joint Housing Solutions Group and also through the Alternative Housing Pilot Program to secure alternative housing units.*

*The National Disaster Housing Strategy promulgated in January 2009, called for the development and implementation of a National Disaster Housing Task Force (NDHTF). The NDHTF is a joint effort led by FEMA and the Department of Housing and Urban Development (HUD). The NDHTF will focus on all phases of disaster housing, oversee the national effort to implement the NDHS, and ensure the collaborative, effective, and efficient delivery of disaster housing.*

*I understand that FEMA is currently finalizing the structure of the NDHTF, the Work Plan, identifying appropriate funding, and hiring support staff.*

*If confirmed, I will commit to continuing these efforts and to utilizing all viable housing options in future disasters.*

- e. Part of the difficulties in housing survivors of catastrophes revolves around the fact that there is often very little available rental housing. How can the federal government increase the stock of available rental housing for eligible disaster survivors? Do you believe repairing rental housing is a possible solution to address this issue?

*I believe that, in a catastrophic event, we need to keep all options on the table to address the housing needs of disaster survivors. I agree with FEMA's current housing priorities of maximizing the use of available rental housing before looking to other housing options.*

*I understand that FEMA is preparing a report on the results of their Rental Repair Pilot Program in Iowa and Texas. I would like the opportunity to review their findings and assessments before making a recommendation on the effectiveness of this type of solution.*

- f. What do you believe the role of the Department of Housing and Urban Development (HUD) should be in providing long-term housing to disaster survivors?

*Secretary Napolitano has made her commitment to improving intergovernmental and interagency coordination, and I share that commitment. HUD is a partner with DHS/FEMA in meeting the housing needs of disaster survivors, and has the lead for coordinating the federal role in long-term housing issues.*

*As the federal government's primary provider of permanent housing assistance for low-income families, HUD has a strong network of programs and partners nationwide that allow it to provide a wide variety of services to both low-income families and disaster survivors.*

*If confirmed, I look forward to working with Secretary Napolitano and the HUD Secretary to better define the role of HUD in providing long-term housing to disaster survivors.*

47. The recovery and rebuilding process following a disaster in many instances offers a unique opportunity to rebuild "smarter." For example, rebuilding using steps to make our infrastructure more energy efficient could yield future savings and reduce our energy consumption. Given FEMA's role in assisting disaster impacted areas in the recovery and rebuilding process, what steps do you think the agency should be taking to encourage the implementation of energy efficient measures in the recovery and rebuilding process? What do you see as the biggest challenges for this type of work?

*FEMA has a strong policy of supporting the adoption and enforcement of disaster-resistant building codes and standards such as those promulgated by the International Code Council, the American Society of Civil Engineers, the National Fire Protection Association and many others.*

*If confirmed, I want to explore opportunities within existing disaster assistance programs to create incentives for communities to rebuild smarter and more sustainably.*

#### **Personnel**

48. What do you consider to be the principal challenges in the area of human capital management at FEMA and upcoming challenges in the next four years? If confirmed, how do you intend to address these challenges?

*A principal challenge will be balancing the needs of the organization with the need to grow leaders within FEMA.*

*FEMA is competing with the entire federal Government to entice high quality, public service-committed talent from every targeted applicant pool throughout the country. FEMA has an awesome mission – and with that mission comes enormous responsibility.*

*Hiring is only one piece of the human capital management challenge faced by FEMA. The Agency will need to target the expansion of retention management and retention incentives/ motivators if it is to have a positive impact on employee decisions to remain with FEMA.*

*I believe that hiring challenges and employee retention will remain the principle human capital management challenges faced by FEMA over the next four years. I also fully anticipate that retention management initiatives, combined with staffing successes, will maximize agency performance regardless of disaster*

*declarations, size or complexity – and enhance and strengthen FEMA capabilities when fulfilling the Agency's historic and critical mission.*

49. The Post-Katrina Act addresses personnel issues that contributed to FEMA failures in the response to Hurricane Katrina. The Act calls for the FEMA administrator to develop a strategic human capital plan to share and improve the agency's workforce. FEMA's Strategic Human Capital Plan 2008-2012, fails to address some of the requirements of the Post-Katrina Act and instead in many instances simply commits to taking future action.

- a. What commitment will you make to produce a real, actionable plan to better develop FEMA's workforce?

*FEMA's ability to succeed is dependent upon its employees – their commitment and dedication to the mission, professional expertise, and level of engagement. Strategic human capital management provides a map for creating an environment and culture that supports, nurtures, and sustains a workforce that will be ready to meet any challenge. Furthermore, it helps to ensure human resource investments are aligned with FEMA's mission.*

*Working with your staff, DHS, and OPM, I will ensure that we carefully review the FEMA Strategic Human Capital Plan to identify any requirements of the Post-Katrina Act which are not adequately covered. Based on this review, FEMA will revise the plan to address any deficiencies. FEMA also will develop a Human Capital Implementation Plan for FY 2010, identifying specific actions to strengthen the development and management of FEMA's workforce.*

- b. The Strategic Human Capital Plan 2008-2012 states that FEMA's current permanent full-time workforce is "less than adequate to address [FEMA's] growing mission requirements" and states that FEMA, during the next year, will engage in detailed requirements analysis to establish staffing needs. How soon do you believe you can finish this analysis?

*In addition to strengthening the Strategic Human Capital Plan, I also am committed to the development and implementation of an agency-wide Workforce Plan based on an in-depth analysis of FEMA's current workforce. The analysis will include a thorough review of demographic data and will define current and emerging workforce needs based on FEMA's mission and evolving role. This detailed analysis will be used to develop a "right-sized" agency proposal focused on recruiting, developing, and retaining permanent full and part-time employees as well as CORE and Disaster Assistance Employees. Short and long-term strategies and actions to close resource and competency gaps also be developed and implemented.*

- c. What specific policies, programs, and resource allocations are necessary to achieve career paths for FEMA employees?

*FEMA has made significant strides over the past year in establishing programs and policies to strengthen its workforce and develop career paths for FEMA employees. The Disaster Reserve Workforce Division was established in 2008 to better support FEMA's Disaster Assistance Employees (DAE). DRWD is focused on creating career paths for these employees and building a better benefits package to help recruit and retain a strong DAE workforce. The Building Engagement,*

*Strengths, & Talent (BEST) program also was initiated in 2008. This program is designed to improve employee retention by strengthening management, developing employees by focusing on their strengths, and improving FEMA as a place to work. If confirmed, I will work with FEMA's leadership to ensure these initiatives are results-focused and are part of FEMA's human capital strategy to recruit, develop and retain the talent FEMA needs to be successful.*

- d. What staff competencies do you see as key for FEMA to be able to achieve its mission?

*FEMA has identified 9 organizational core competencies – service to disaster survivors, operational planning, incident management, disaster logistics, hazard mitigation, emergency communications, public disaster communications, integrated preparedness, and continuity programs. These competencies are addressed through FEMA's mission-focused curriculum. All new employees are required to take on-line courses regarding the National Response Framework, the Incident Command System, the National Incident Management System and Continuity of Operations. The Workforce Plan will provide FEMA with an opportunity to build an in-depth employee-based competency framework and link competency proficiency with career paths.*

50. FEMA's poor performance in responding to Hurricanes Katrina and Rita was due, in part, to the lack of a sufficient number of trained acquisition personnel. As such, FEMA often found itself too short-handed to clearly define its requirements, negotiate sound business arrangements, and effectively monitor contractor performance. Although progress has been made in improving and expanding FEMA's acquisition personnel, more work remains to be done. What steps will you take to ensure that FEMA is employing the most qualified acquisition personnel?

*FEMA is dedicated to the enhancement of FEMA acquisition personnel not only by training and the provision of guided experience in disaster contracting to existing acquisition personnel, but also by improved acquisition leadership and management and the expansion of the Acquisition Reservist Cadre to recruit and retain individuals with many years of high-level acquisition experience. If confirmed, I will review current policies and procedures governing acquisition personnel to find areas for improvement to develop this critical workforce.*

51. This Committee's investigation into the failed response to Hurricane Katrina found that the reliance on FEMA Disaster Assistance Employees (DAEs) impeded the response to Hurricane Katrina. Traditionally FEMA has, as it did in Hurricane Katrina, relied on a cadre of reservists, called DAEs, to be able to quickly expand its staff to respond to disasters. As found in the Committee's investigation, since 1992, at least 12 FEMA studies have found problems with the DAE workforce. In an interview conducted during the Committee's Hurricane Katrina investigation, FEMA's then-Acting Director of Human Resources called the DAE system "broken."

- a. If confirmed, will you commit to making improvements to the disaster surge workforce?

*I am committed to developing the policy and allocating the resources necessary to consistently prepare the Disaster Reserve Workforce (DRW) for the national, all-hazard response needs of FEMA program managers and regional leadership.*

b. In your opinion, what are the current problems with the FEMA workforce?

*FEMA's primary response and recovery capability resides in its nearly 8,000 Disaster Assistance Employees (DAEs). Historically, this workforce comprises 70 to 80 percent of the FEMA personnel response to disasters. However, in contrast to the importance of its function, FEMA has never provided the organization, doctrine, or resource investments needed to make the DRW a professional workforce ready to deploy to disasters anywhere in the nation. Lack of Agency attention created inconsistent application of workforce policy, inadequate and non-standardized training, and the inability to attract a more diverse array of people into the Reserve workforce.*

*As the Committee states, the need to address this complex issue is not new. Enhancing the DRW has been the subject of several internal studies conducted by FEMA since 1992, as well as several external authorities including this Committee's own investigative report and the Department of Homeland Security's Inspector General. These studies reached the same conclusions: FEMA needs to recruit, train, retain, and support a more capable, more reliable Disaster Reserve Workforce*

*FEMA began the transformation of the legacy Disaster Assistance Employee program into an all-hazards Reserve beginning in FY 2008. FEMA established a program office -- the Disaster Reserve Workforce Division (DRWD) -- dedicated to the needs of the DRW in particular and the deployable part of FEMA's workforce in general. This office identified the internal resources needed to enhance Disaster Reserve Workforce readiness, and has begun work on a recruitment strategy which targets hiring of critically needed skills. Also underway at this time is a complete review of all policies affecting the administration of Disaster Reservists, policies which must be created or updated in order to professionalize and standardize the Disaster Reserve Workforce.*

c. What solutions do you propose?

*If confirmed, I will continue to find ways to develop and empower FEMA's Disaster Reserve Workforce.*

52. The Post-Katrina Act required FEMA to credential its employees and surge personnel. If confirmed, when do you anticipate FEMA will meet this requirement? Does FEMA have the resources needed to meet this requirement?

*It is my understanding that FEMA began the process of developing an accrediting program for its employees and surge personnel. FEMA plans to complete the following activities in 2011:*

- *Develop 23 cadre-specific Credentialing Plans by job title.*
- *Train Cadre Managers and support staff on these new cadre-specific Credentialing Plans, the migration software used to transfer employees to the new Credentialing framework, and the actual implementation process.*
- *Migrate the existing Disaster Reserve Workforce to the specific Credentialing Plan. Migration compares each employee's record to the newly derived credentialing standards; proficiency and typing of the credential assigned will be in accordance with these standards.*

- *Establish a bi-level governance structure made up of subject matter experts from the field and Agency program staffs which will serve as national credentialing authorities in each cadre.*
- *Enforce Credentialing standards to drive consistent levels of performance and proficiency across the Agency.*
- *Use these Agency-wide Credentialing Plans to generate training plans for each cadre as well as for individual employees.*
- *Identify gaps in training curriculum and prepare multi-year plan for development of training courses.*

*If confirmed, I will review FEMA's resource needs to determine if adequate resources exist to meet the credentialing requirement.*

53. What past executive experiences demonstrate your style and approach in the area of labor-management relations?

*The Florida Division of Emergency Management has experienced an 80% turnover of staff since the 2004 hurricane season. However, Florida continues to respond to numerous disasters while maintaining high standards of preparedness, and has become one of the first states to become re-accredited under the Emergency Management Accreditation Program in the Spring of 2009. In order to maintain these standards – emphasis on hiring, training, and motivation are our keys to success – staff understands that their role is that of emergency manager first, job description second.*

54. What is your general approach to managing personnel, including unionized employees at all levels? What past experiences do you believe best demonstrate your approach and style in personnel management?

*Adversarial and antagonistic labor relations are a relic of the past and are counterproductive. FEMA and its labor partners have many of the same interests and I embrace the partnership approach as a model for discussing our differences and finding our common ground. I am pleased to know that FEMA, to this day, has the longest established national level Labor-Management Partnership Council in the federal sector and I intend to promote and support the partnership process.*

*If confirmed, I will maintain an open door policy, walk the hallways of FEMA offices and visit FEMA employees not just in Washington, D.C., but across the country to better understand their needs.*

#### **Preparedness**

55. What do you see as the proper role of FEMA in preparedness for disasters, both man-made and natural?

*FEMA's role as the nation's principal coordinator for all hazard preparedness is clearly articulated in the Stafford Act, Post Katrina Emergency Management Reform Act (PKEMRA), the National Preparedness Guidelines, and the National Incident Management System.*

*FEMA both coordinates and manages a continuous cycle of preparedness activities, including planning, organizing and equipping, training, exercises, evaluations, and improvement. This is done through the development of consistent policies, guidance, standards and doctrine, and with the use of existing multiagency coordination networks. FEMA provides financial, programmatic and planning support, as well as technical assistance to assist entities in building capabilities for all hazards. FEMA leverages its 10 Regions and federal Preparedness Coordinators to enable the federal government to work in close coordination with State, local, and tribal governments, as well as the private sector and non-governmental organizations.*

56. What is your assessment of our nation's preparedness today, both at the federal level and at the State, local, and tribal government level? What are your most important priorities in improving our nation's preparedness and what measures will you take to implement these priorities?

*Since September 11, 2001, the nation's level of preparedness has continuously and systematically improved through enhanced usage of mutual aid, common incident command system processes and terminologies, capability investments, and information sharing and collaboration. The investment of billions of dollars in planning, equipment, personnel, training, and exercises has resulted in tangible improvements in the collective national capacity to prevent, protect against, respond to, mitigate against, and recover from all hazards. Some measures of national preparedness, such as National Incident Management System (NIMS) assessments show steady improvement. Evaluation of After Action Reports from emergency management exercises conducted at the national, state, and local levels show increasing levels of performance on the fundamental capabilities required for national preparedness.*

*We need to do more as a nation to build scalable capabilities for the most severe, though less probable, emergencies. There are still shortfalls in our ability to accurately ascertain quantitatively the nation's level of preparedness given the risks and characteristics that are unique to each State or region. I am aware of programs underway that will be fielded beginning this Fall that are targeted at eliminating that shortfall, such as work on the Comprehensive Assessment System required by PKEMRA.*

*I am also aware that FEMA has instituted a significant effort to streamline bureaucratic processes to more efficiently manage its programs and lessen administrative burdens on State and local governments. If confirmed, I will ensure these efforts deliver on their commitment.*

57. Our national preparedness depends not only on the preparedness of the federal government, but also, perhaps more importantly, on the preparedness of states and localities throughout the nation. What do you view as FEMA's role in promoting state, local and tribal preparedness, so that there are no weak links in our national preparedness for terrorism and natural disasters? How can and should FEMA use the various homeland security grant programs it administers to foster national preparedness?

*The responsibilities to prevent, protect against, respond to, mitigate against, or recover from an incident will almost always be the primary responsibility of states, local governments, private sector, and individual citizens. A culture of preparedness means we share a belief that citizens, local and state governments, and the private sector are equally key to our nation's preparedness. The federal government provides capacity to*

*share knowledge, expertise, and specialized capabilities in direct support of their preparedness, prevention, protection, response, or recovery needs.*

*FEMA provides guidance on preparedness programs and procedures with technical, financial, and other forms of assistance as needed. In certain situations, such as those affecting more than one state, standards and incident command doctrine, promulgated by FEMA help, unify regional and national readiness (e.g., National Incident Management System). FEMA's conduct and support of exercises, evaluations and assessments helps to ascertain levels of preparedness to identify gaps, lessons learned, and best practices. Their identification informs federal support to meet their unmet needs.*

*FEMA's grant programs have been an effective means to promote national preparedness goals. The grants empower state and local governments to use these grants to meet urgent needs and adopt national doctrine or procedures (e.g., Homeland Security Exercise Evaluation Program).*

58. The Post-Katrina Act required the merger of significant parts of what had been DHS's Preparedness Directorate with the response and recovery capabilities then existing in FEMA. Coincident with the reorganization required by the Post-Katrina Act, DHS also chose to create two new and separate offices in the new FEMA – the Grant Programs Directorate and the National Preparedness Directorate – dividing between the two offices a number of responsibilities that had previously been housed together in the Office of Grants and Training in the Preparedness Directorate. The responsibilities of the two new directorates, however, remain closely related. The grant programs administered by FEMA, for example, allow state and local governments to build capabilities that collectively enhance our national preparedness. These grant programs also enable recipients to build the target capabilities and assist governments build successful planning, training, exercise and evaluation programs – all critical elements of preparedness. If confirmed, what will you do to ensure effective coordination between the two directorates? Will you commit to evaluating whether the current division of responsibilities between these two offices is appropriate as well as whether it would be more effective to re-combine these functions in a single office?

*If confirmed, I will work to advance the current level of participation of state, local, and tribal governments in preparedness program and policy development and implementation.*

*The Regions are well-situated to work in close coordination with the state and local governments and understand their risks and needs. I believe existing efforts to strengthen the role of the 10 FEMA Regions in the implementation of preparedness programs, such as establishing Federal Preparedness Coordinators in each Region, is the key to long term preparedness success.*

59. States and local governments have faced similar challenges in developing the necessary plans to respond to catastrophic incidents, as documented in DHS's *Nationwide Plan Review*. FEMA, in collaboration with the Office of the Assistant Secretary of Defense for Homeland Defense and the National Guard Bureau, has initiated a pilot project to provide assistance to state governments in developing plans for the National Planning Scenarios, synchronizing state plans with federal plans, and building the planning capacity at the state level. The program, "Task Force for Emergency Readiness" (TFER), is currently funding

five state governments to hire planners with civil-military planning expertise at a total cost of \$1.5 million; the program is due for evaluation at the end of 2009.

- a. Are you familiar with the TFER pilot program? If so, what is your view of it?

*As I understand it, TFER is designed to provide targeted, skilled planning support to participating States to build and maintain a more robust planning capability. While I have not been directly involved in this program, as Florida was not one of the pilot sites, I am eager to see how the program progresses and to examine the results of the pilot's evaluation.*

- b. If confirmed, will you commit to conducting a timely evaluation of the TFER pilot project to determine whether it is effective and can be expanded or whether there are modifications that can make it more effective?

*Yes, if confirmed I will direct the completion of an initial evaluation of the pilot in a timely manner. I would require the review to address progress to date, initial feedback from sites on its effectiveness, and the potential future direction of the program.*

60. Emergency Support Function 6 (ESF-6) of the National Response Framework was recently modified to make FEMA the lead for providing mass care during an incident. This modification was made because after Hurricane Katrina, it became apparent that the American Red Cross (ARC), the then-lead for ESF-6, could not successfully fulfill this role. FEMA is still building the capacity to fill this new role and it continues to rely on the ARC and other non-profits to support it. Additionally, the ARC and some other non-profits are currently experiencing serious financial difficulties which will likely reduce the amount of support they are able to provide in future disasters.

- a. What will be your priorities in ensuring FEMA builds the capabilities necessary to fulfill its obligations for mass care under ESF-6?

*As part of the National Response Framework (NRF) review process, this change in Emergency Support Function (ESF) #6 lead between FEMA and the American Red Cross occurred because the Red Cross, a private non-profit organization, has no legal authority to lead, direct, or manage federal assets (for example, mission assigning Other Federal Agencies (OFAs)).*

*Additionally, the Post-Katrina Emergency Management Reform Act of 2006 (PKEMRA) expanded the requirements of federal response operations to include evacuation support, specialized sheltering, and pet sheltering support. These are functions that exceed the mission and responsibilities of the Red Cross under its congressional charter and its non-ESF #6 duties. The primary agency for ESF #6 Mass Care must have full authority to act on behalf of the federal government in order to deliver on these authorities.*

*If confirmed, I will ensure that FEMA has the staff and resources necessary, to build these capabilities at all levels of FEMA (field, Regional, and Headquarters), especially by working with States and partner organizations on training and advanced planning for mass care missions.*

*However, the role of the federal government should be supplemental in nature. Therefore, it's important to build partnerships and accurately determine the mass care capabilities of the Red Cross and other non-governmental organizations, as well as State and local governments. The Red Cross continues to support affected and host States and local governments in the provision of traditional mass care services: sheltering, feeding, bulk distribution of emergency supplies, basic first aid, and collecting and providing survivor information to family members.*

- b. How will you go about evaluating the abilities of the non-profits to support FEMA in its ESF-6 responsibilities and taking actions to fill any recognized gaps?

*The FEMA GAP Analysis Tool was developed to quantify and qualify shortfalls and gaps in state resources and capabilities, including those related to mass evacuation, sheltering and feeding. State data generally includes NGO resources that provide assistance in that State's jurisdictions. I understand that FEMA is working to refine the tool to better capture the mass care needs of the states. If confirmed, I will work to ensure that future versions of the GAP Analysis Tool are more reflective of the actual resources available at the State level.*

*If confirmed, I will continue to build upon the long history of the close partnership between FEMA, the Red Cross, and the National Voluntary Organizations Active in Disaster (National VOAD). I understand that FEMA awarded a contract to the Red Cross for 14 Special Representatives to be assigned to all FEMA Regional offices and Headquarters. In partnership with the Red Cross, these staff will work on mass care issues, including assessing the capabilities of all NGOs in the mass care arena. Additionally, FEMA Voluntary Agency Liaisons will continue to work with National VOAD members to identify capabilities and shortfalls and to ensure a coordinated, integrated response to affected States.*

61. In addition to conducting deliberate planning, building the necessary capabilities, and training response personnel, preparing for a successful response to a disaster or a catastrophic incident requires rigorous exercising. Those exercises must involve all of the key players in the roles they would actually play in a response, and those players must receive timely feedback so that they may quickly learn and build upon the gaps. However, the Committee has identified numerous challenges to the National Exercise Program (NEP), which under the Post-Katrina Act, is to be managed by FEMA. Specifically, key agencies and personnel have not been involved in the most significant exercises, the federal exercise schedule has not been synchronized with state and local schedules to enable their participation, and lessons-learned reports have not be distributed to state and local governments in a timely manner, if at all.
- a. The Post-Katrina Act assigns the FEMA Administrator the authority to direct the NEP to realistically test the nation's response capabilities. However, some of the largest domestic disaster exercises have been conducted by DoD, without significant DHS and FEMA participation. While DoD must necessarily exercise its own capabilities under its own authorities, such divergent programs render it impossible to simulate a realistic response, and serve as a drain on state and local participation. What will you do to ensure better cross-government participation under the NEP?

*My understanding is that there were several processes and progress put in place under the Post-Katrina Emergency Management Reform Act to establish a national exercise program that did not exist prior to 2007.*

*In April of 2007, the President approved the National Exercise Program. The principal focus of the NEP is to coordinate, design and conduct a program of exercises designed for the participation of federal department and agency principals and other key officials, which examines and evaluates national policy issues such as the National Preparedness Guidelines, National Incident Management System, National Response Framework, and other related plans and strategies and will focus principally on domestic incident management, either for terrorism or non-terrorist catastrophic events. I am firmly committed to the value of exercises. Secretary Napolitano has clearly stated her interest in strengthening our exercise programs, and if confirmed, I will ensure they deliver the critical and candid performance analysis that confirms our operational preparedness.*

*Since 2007, many of the largest domestic disaster exercises have, in fact, been collaborations between DHS/FEMA and DoD. If confirmed, I will work to continue to build on that collaboration.*

*I am aware that DoD and FEMA are full partners in the recently implemented Federal Training and Exercise Planning Workshops (TEPW's) and in a National Exercise Program Executive Steering Committee (NEP ESC). I will ensure that all participants get the most out of these forums and panels by using them to inform creation of a national training plan and to help shape future exercise priorities.*

*I am aware that Tier I and II exercises under the NEP focus on policy and strategic issues. These exercises ensure all aspects of the response mechanisms, from local through federal (to include DoD's capabilities), are challenged and incorporated in accordance with national plans and policies. I recognize that there is constant pressure between the need to have robust, realistic and challenging exercises and our ability to properly resource them. If confirmed, I will direct the staff to improve synchronization of efforts and to constantly look for more efficient and cost effective ways to build and conduct exercises.*

*If confirmed, my role will be to work with all federal agencies through established processes while seeking new ways to encourage more collaboration. I also want to ensure that FEMA leverages to the fullest extent our FEMA Regional staff. The regional team is the front line in building strong State and local partnerships. These actions would improve processes while building relationships with key stakeholders throughout all levels of government as well as with the private sector and, in particular, with special needs populations.*

- b. The after action report from Top Officials (TOPOFF) 4, conducted in October 2007, has not yet been released, and the after action report from TOPOFF 3, conducted in April 2005, was not released until December 2008. This severely undercuts the value of the exercises in their ability to improve national preparedness. What will you do to expedite the compilation, publication, and dissemination of after action reports from TOPOFF and other major exercises so that state and local governments, first responders, and other participants may learn from it and implement improvements?

*I am aware that recent GAO, OIG, and CRS reports identified challenges in timely dissemination of after action materials, including corrective actions and lessons learned.*

*In my experience, a common reason for delay of after action reports is the important need for all exercise participating agencies to reach consensus on all issues outlined in the report. By consensus, I mean that all participants have a chance to be heard and to provide input, not that we have absolute agreement. Exercises are meant to be self critical, and there can be no fear about testing and stressing our systems to capacity. This is a challenging process, but the official TOPOFF 4 after action report is in the final stages of approval. With the continued maturation of the NEP, this approval process will only quicken.*

*If confirmed, I will initiate a review of after action processes to identify where bottlenecks are located and, more importantly, recommend ways to reduce or eliminate them. I intend to start with the exercise design process and end with the timely release of these vital reports. If confirmed, I will also call for development of a comprehensive lessons-learned collection and corrective action process for both exercises and real world incidents. I understand that this process is underway but I intend to accelerate the effort and to ensure that it receives the resources necessary for success.*

62. The Post-Katrina Act requires that the NEP include exercises that stress the national preparedness system. However, that requirement does not appear to be addressed in the NEP Implementation Plan, nor do recent exercises, such as TOPOFF 4, appear to have been designed at such a scale. What will you do as Administrator to fulfill this statutory requirement and to realistically challenge the preparedness of all levels of government for catastrophic scenarios, while balancing this requirement with the need to continue regular operations of the government and preserve public safety?

*The more realistic the exercise, the more costly it generally is to execute. Many of the most challenging scenarios are on a scale and magnitude that are difficult to physically replicate. I believe FEMA has an important, but partial solution to this vexing problem in the new National Exercise Simulation Center (NESC). This facility was intended to offer state-of-the-art exercise simulation, provide a home for exercise master control cells and to offer the operations community modeling and simulation tools that improve planning, "war gaming" and predictive analysis.*

*If confirmed, I will leverage this capability to shape future exercises and planning events to take full advantage of live, virtual and constructive means of developing and delivering exercises and operational support.*

63. The Federal Preparedness Report, dated January 13, 2009, found that more than two-thirds of federal departments and agencies have not reported their compliance with the National Incident Management System (NIMS). What will you do to ensure agencies and departments that have not yet reported do so to ensure the federal government is in compliance with NIMS?

*I am aware that in Summer 2006, the NIMS Integration Center (now National Integration Center's Incident Management Systems Integration [IMSI] Division) initiated a Federal Partners Work Group as a means to discuss NIMS Implementation guidance and technical assistance needed by Federal departments and agencies. In 2007, the work group drafted written guidance in the form of implementation activities that can be carried out by all federal departments and agencies, as well as metrics to track and report implementation progress. Initially, in September 2007, the federal partners committed to answering a 20-question NIMS implementation survey in the NIMS Compliance Assistance Support Tool*

(NIMSCAST); all Departments and Agencies answered the survey. I believe the intention is to replace the survey with the work group's comprehensive metrics. Federal responses will then provide Incident Management Systems Integration Division with data to track progress relating to NIMS implementation and compliance across all levels of government—federal, State/territory, tribal, and local governments.

*If confirmed, I would expect to have interim compliance metrics reported by 100% of federal departments and agencies at a minimum of one time per federal fiscal year. Like states and local governments, federal department and agencies should report by September 30 of a given federal fiscal year.*

*If confirmed as FEMA Administrator, I will closely monitor the progress of compliance and will provide regular reports to DHS leadership and Congress on the status.*

64. What role do you believe the private sector needs to play in emergency management? How can the private sector become more resilient and prepared? How can the private sector assist federal, state, and local governments in emergency management?

*The private sector can and should be integrated into all phases of emergency and incident management. The 9/11 Commission Report notes that in the World Trade Center incident, "the 'first' first responders on 9/11, as in most catastrophes, were private sector civilians. Because 85 percent of our nation's infrastructure is controlled not by government but by the private sector, private-sector civilians are likely to be the first responders in any future catastrophes."*

*A policy foundation has already been put in place. The National Infrastructure Protection Plan has been expanded to include an increased focus on resilience. If confirmed, I will ensure that FEMA continues to partner with the DHS Office of Infrastructure Protection and the private sector. The National Incident Management System (NIMS) released in December 2008, includes language that indicates where critical infrastructure owners and operators and other private sector partners can be integrated into all of the NIMS components – from preparedness activities and mutual aid, to operational coordination during an incident itself. . . from the incident level up through all of the multi-agency coordination activities that support the incident. After Hurricane Katrina, many critical infrastructure owners and operators have become heavily involved in incident management activities in order to build resilience.*

*Integration of private sector partners through all phases of incident management is essential to building resilience. Such integration will ensure that communities impacted by disaster are able to bounce back as quickly as possible – through a combination of factors including an efficient and effective response and the quick restoration of critical infrastructure – so that businesses are able to rebuild and return to service as soon as possible, and so that communities and their economies can be restored soon as possible. In these challenging economic times, this close relationship with the private sector is absolutely essential to ensure that our systems are resilient enough to absorb shocks and rebuild these economies quickly when disaster strikes.*

65. DHS has encouraged regional planning as one of its national priorities under the National Preparedness Guidelines. To what extent do you believe FEMA should encourage and foster a role for regional or multi-state entities in emergency planning and response?

*In my observations, FEMA and DHS have made strides in support of regional and multi-state planning entities. Currently, FEMA works with a number of entities to advance planning efforts. These entities include the All-Hazards Consortium in the Mid-Atlantic, Central United States Earthquake Consortium*

*for New Madrid Seismic Zone planning, and the regional catastrophic planning teams established as part of the Regional Catastrophic Preparedness Grant Program.*

66. Do you believe FEMA currently does enough to help and/or encourage state, local, and tribal governments to prepare for recovery? If not, what will you do to help and/or encourage state, local, and tribal governments to be better prepared for recovery?

*If confirmed, I will commit the agency to a focused and systematic effort to address what have long been chronic shortcomings in recovery planning. I will attempt to encourage greater emphasis in recovery capability building through four avenues. First, I will personally monitor the development of a National Recovery Strategy. That will greatly increase our preparedness capabilities by enabling every organization charged with some aspect of recovery to understand its roles and responsibilities and to focus its capabilities on achieving critical outcomes. I will promulgate recovery-related preparedness goals that will help assess our current recovery capabilities. Second, I will increase realistic, recovery-related exercises at all levels. Third, I intend to better integrate mitigation activities with national preparedness to reduce risks and lessen the need for response or recovery capabilities. Fourth, I will ensure the Agency works with the critical infrastructure / key resource sectors.*

#### **Mitigation**

67. What do you see as the proper role of FEMA in mitigation against disasters, both man-made and natural?

*FEMA has a legitimate and important role to play in mitigating the affects of natural and man-made hazards and it is making considerable progress in these areas. FEMA's Mitigation Directorate has three main focus areas which serve America well. First, FEMA must understand what risks its faces. Then FEMA must develop a plan for managing those risks. During that planning, communities must decide what risks they are willing to accept, what risks they can eliminate, and against which risks they can insure.*

*If confirmed, I will review and highlight areas for improvement in the mitigation program.*

68. This Committee believes that mitigation has shown itself to be an effective and cost-effective way for reducing loss of life, personal injuries, damage to and destruction of property, and disruption of communities from disasters. This assessment is supported by recent studies. In 2007, the Congressional Budget Office (CBO) issued a report evaluating the assistance that has resulted, and is likely to result, from the Pre-Disaster Mitigation (PDM) program since it was authorized in its current form in 2000. According to CBO, available information suggests that future losses are reduced by about \$3 (present value) for each \$1 spent on mitigation efforts supported under the program. Moreover, CBO found that PDM-funded projects could lower the need for federal post-disaster assistance so that the federal PDM investment would actually save taxpayer money in terms of the federal budget. Additionally, a 2005 report by the Multihazard Mitigation Council shows substantial benefits and cost savings from FEMA's hazard mitigation programs generally.

- a. How much of a priority will you place on mitigation if you are confirmed as FEMA Administrator?

*By encouraging and supporting mitigation efforts, FEMA leads our nation in reducing the impact of disasters. I understand from my experiences in Florida and from FEMA staff that mitigation saves money. In fact, a three-year independent study by the Multihazard Mitigation Council of the National Institute of Building Sciences, released in December 2005, shows that every dollar invested in mitigation saves the nation an average of four dollars in avoided losses.*

*I stand firmly committed to the principle that mitigation is the cornerstone of emergency management and that mitigation is not just about avoided losses in terms of dollars and cents. Those are metrics that are easy to measure. Far more difficult to measure, and far more important from my perspective, are the numbers of people who won't die in a disaster, the numbers of families not disrupted, the number of jobs that weren't lost, the numbers of communities which don't wither. I am absolutely committed to continuing and enhancing in any way possible the work done by FEMA to help communities reduce their disaster losses.*

- b. Do you have any thoughts on whether any changes or improvements are needed to the mitigation programs administered by FEMA?

*If confirmed, I will review all mitigation programs administered by FEMA to determine what changes or improvements might be in order.*

- c. For the last two years, the U.S. House of Representatives have inserted earmarks in the appropriation for PDM despite objections from many in the emergency management community. These earmarks substantially reduce the amount of funds available for competitive awards to states submitting mitigation projects. Given these earmarks, how has FEMA been able to implement or been hindered in its implementation of PDM?

*I have not been fully briefed on the DHS and FEMA implementation of this program. If confirmed, I will review the current appropriation as well as Administration policy and guidance to determine an appropriate path forward. However, I am committed to administering the PDM program as authorized by the statute, and funding appropriate mitigation planning and project work before disasters occur.*

#### **Homeland Security Grants**

69. Homeland security grants are the principal means DHS has to ensure that state and local governments are prepared for all hazards, whether natural or manmade. This year, FEMA will distribute approximately \$4 billion to State and local governments, port and transportation system operators, and first responders. How will you ensure these grants are effectively building our national capabilities to respond to – and, in the case of terrorist attacks and other manmade incidents, prevent – disasters?

*As the designated Florida State Administrative Agency (SAA) for homeland security grants, I am well aware that FEMA continues to refine methods of ensuring that grants funds effectively address national capabilities necessary to address all kinds of disasters. In the past year, FEMA has developed tools to more fully demonstrate the effectiveness of the Grant Programs Directorate's (GPD) preparedness grants and cooperative agreement programs in building State and local all-hazards capabilities outlined in the Target Capabilities List (TCL). FEMA's new Cost to Capabilities (C2C) initiative began by taking a*

*historical look at the grant funded investments across major programs and what capability gaps were addressed with the funds. Using the historical data that was collected, the tool is now being tested to project the effectiveness of future investments.*

*The objective of C2C going forward is to identify the information and develop the tools needed to effectively manage FEMA Grant Programs Directorate's (FEMA GPD) portfolio of federal preparedness grant programs. With the tools generated by C2C, grantees will be able to optimize their local preparedness investment strategy with respect to the Nation's Homeland Security priorities. By design, these tools will adapt to changes in the nation's Homeland Security Strategy – translating national priorities into a clear prioritization of capabilities-based investments that grantees can then operate within.*

70. The Post-Katrina Act gave FEMA the responsibility for administering all DHS grants to state and local governments. A single geographic area may receive funds from many distinct grants awarded by FEMA – the State Homeland Security Grant Program, the Urban Area Security Initiative, port security grants, transit security grants, interoperable communications grants, Emergency Management Performance Grants and more. To be most effective, those grants need to be allocated and used in a coordinated fashion, to work together to promote preparedness in that area. If confirmed, how will you ensure that each of the Department's grants in a single geographic area work synergistically to promote preparedness?

*Again, as the designated Florida SAA for homeland security grants, I am well aware that there are several ways that FEMA supports States and Territories in managing their homeland security grant portfolio in a synergistic manner. FEMA uses several mechanisms to ensure its grants to a single geographic area work synergistically:*

- Each State and Territory is assigned a FEMA Grant Program Analyst. The single point of contact provides FEMA with a holistic view of how each State and Territory is utilizing its various funding sources to address the most critical needs. The Program Analyst can also participate with the State or Territory in strategic planning efforts to identify gaps and prioritize needs and then guide the State to funding opportunities that may be available.*
- For most preparedness grant programs, grants are awarded to a centralized SAA. The SAA is appointed by the Governor of the State or Territory and is responsible for the management of all the various grants awarded to the State, for compliance with pass through requirements and sub-granting process, for monitoring of sub-grantees, and the close-out process. The SAA is designated in order to provide a holistic look across all grant program within the State.*
- Each grant application asks States and Territories to identify how federal funding has been used in previous phases of a project or strategy, and how the project or strategy will be funded going forward. This information helps the reviewers to understand how various funding streams are being coordinated to promote preparedness.*
- FEMA also participates in various working groups such as the Urban Area Security Initiative (UASI) Working Group, Regional Transit Security Working Groups, and the Area Maritime Security Committees in order to ensure that funds are leveraged across multiple disciplines and to provide subject matter-specific groups with a broader perspective on other FEMA grant strategies and initiatives.*

*If confirmed, I will study these current procedures for efficacy and potential areas of improvement.*

71. State and local first responders are on the front lines of our national effort to prevent, prepare for, respond to, and recover from acts of terrorism and natural disasters. For this reason, Congress has restored some or all of the funding the Bush Administration proposed to cut from the budget for DHS's state and local homeland security grants each of the last five years. Do you believe that federal homeland security funding for states and localities should be kept the same, increased, or decreased?

*The Department supports the President's budget, which will outline the funding priorities for the next year. While understanding that resources are finite, the Department has expressed support for continuing to the risk-based approach toward grant funding across the nation. I do believe that there needs to be a baseline capability in every State and jurisdiction.*

72. The FIRE Act is due to be reauthorized in 2009. FIRE Act grants are a vitally important resource for thousands of fire departments across the nation. Will you advocate for maintaining sufficient funding for this grant program, in order to address the ever increasing demands being placed on our nation's firefighters?

*Yes.*

73. After years of debate, Congress, as part of the 9/11 Commission Recommendations Act, enacted amendments to the Homeland Security Act governing the distribution of grants under two of the major homeland security grant programs, the State Homeland Security Grant Program (SHSGP) and the Urban Area Security Initiative (UASI). The grant provisions guarantee each state a minimum allocation under SHSGP, but otherwise largely leave to the Secretary's discretion the allocation of grant funds to states and high-risk urban areas based on a jurisdiction's relative threat, vulnerability and consequences faced from acts of terrorism and on the anticipated effectiveness of the proposed use of the grant, provided that certain basic risk factors are taken into account.

To help it allocate grants and for other purposes, DHS has developed (or contracted with others to develop) a terrorism risk model. Reflecting the difficulties in determining the true risk of terrorism, however, the model in past years has been incomplete, depended on subjective weighting and has been difficult if not impossible to externally validate. Given the uncertainties inherent in measuring the risk of terrorism, how, if confirmed, would you approach the issue of risk analysis and what criteria would you use to evaluate whether a proposed method for allocating grants is appropriate and adequately reflects the likely risk of terrorism? Do you believe that DHS's current risk model should be changed?

*While the Department is responsible for the overall risk activities within DHS, my understanding is that the risk-based formulas for grant allocation are administered by federal staff members within FEMA. The existing models have been developed in collaboration with a number of DHS partners, including the Intelligence & Analysis (I&A) Directorate, the National Protection and Programs Directorate, the United States Coast Guard and the Transportation Security Administration.*

*The risk-informed formulas were first used in FY 2006 and are reviewed annually and adjusted as necessary. While many of the factors in the formula are now codified in statute, FEMA and the*

*Department believe that there is always room for improvement. If confirmed, I will participate in and support efforts to improve the risk assessment methods.*

74. The RAND Corporation noted in a 2004 report, "When Terrorism Hits Home: How Prepared are State and Local Law Enforcement," that "[h]omeland-security experts and first-responders have cautioned against an overemphasis on improving the preparedness of large cities to the exclusion of smaller communities or rural areas, noting that much of our critical infrastructure and some potential high value targets (nuclear power plants, military installations, agriculture facilities, etc.) are located in less-populated areas." Moreover, we know that al Qaeda attackers lived, trained, transited, hid, and otherwise used smaller communities and rural areas as a staging ground for the September 11, 2001 attacks. What steps will you take to ensure that smaller communities and rural states and localities receive adequate federal assistance to prevent, prepare for, respond to, and recover from terrorist attacks?

*Given the finite resources available for homeland security related grants, there will always be tensions between competing priority groups, whether it be driven by interests such as populations of different localities, or various professional stakeholders. Part of the challenge for FEMA is to ensure that all of these competing, but equally critical components, are balanced and accounted for appropriately when developing grant guidance.*

*Most of the grants provided by GPD are awarded to the 56 states and territories. The states and territories are then required to pass down 80% of these funds to sub-grantees at the local and tribal levels. This process allows states and territories who understand their preparedness needs best to prioritize what is the most effective use of funding within their state or territory. Where practicable, FEMA uses the grant making process to incentivize regional strategies and projects that are multi-disciplinary and multi-jurisdictional in scope.*

*In addition, grant programs such as the State Homeland Security Program and Public Safety Interoperable Communications program contain minimum levels of funding for states and territories necessary to fund base capabilities irrespective of population data and economic factors that are included in the current risk formulas. This minimum funding acknowledges that there is a national need to invest in preparedness in both rural areas as well as the more densely populated parts of our nation.*

75. The Department was created to prevent, prepare for, respond to, and recover from terrorist attacks and natural disasters – what is commonly referred to as all hazards – and the 9/11 Commission Recommendations Act that we authored required the Department to develop an all-hazards risk formula for awarding certain grants, such as the Interoperable Emergency Communications Grant Program (IECGP). The Department, however, has not fully embraced this task. For example, the current formula used for IECGP is simply a modified version of the same terrorism-based formula used for the State Homeland Security Grant Program. This modified formula fails to take into account any readily available data regarding natural-disaster risk. It disadvantages many states that routinely experiences significant and damaging natural disasters. What steps will you take to ensure that the Department complies with the law and develops an all-hazards risk formula?

*I understand that certain adjustments have already been made to the IECGP to account for the all-hazards*

*nature of interoperable communications. The formula, however, still needs additional refinement to more fully reflect a true all-hazards approach. FEMA is currently working with the Interoperable Communications subject matter experts at the DHS Office of Emergency Communications (OEC) and the DHS Office of Risk Management and Assessment to make additional adjustments in time for the FY 2010 IECGP grant cycle. If confirmed, I commit to taking a close look at previous and ongoing efforts in this area, and decide what – if any – additional steps need to be taken.*

76. Metropolitan areas and transit systems in some cases extend across state boundaries. UASI grants and transit security grants are therefore sometimes awarded to areas that include jurisdictions from more than one state. If confirmed, what steps will you take to ensure that such regional grants are allocated fairly and appropriately among multiple affected jurisdictions and that the grants are used to effectively protect the relevant region or transit system as a whole?

*FEMA recognizes the value of and strongly supports regionalized preparedness efforts nationwide, and has incorporated the multi-state approach into a number of its ongoing grant programs.*

*Examples include Homeland Security Grant Program (HSGP) and the Regional Catastrophic Preparedness Grant Program (RCPGP), both of which directly support regional preparedness efforts. Since FY 2007, HSGP has allowed multi-state partnerships to submit partner investments, with adjoining States each submitting portions of regional projects that are evaluated holistically. Another example is the PSIC grant program that required that all investments must be multi-jurisdictional and multi-disciplinary in scope. This requirement promoted regional approaches to improve public safety interoperability.*

*If confirmed, I will support FEMA's regional approaches to improving preparedness, within the framework of Congressionally-awarded grants to States and territories.*

77. The Post-Katrina Emergency Management Reform Act of 2006 and amendments made by the 9/11 Commission Recommendations Act require that DHS report annually on the extent to which the homeland security grants administered by the Department have assisted states and localities in achieving target capabilities for preparedness and led to a reduction in the risks faced from natural disasters, acts of terrorism and other man-made disasters. Yet DHS is still in the process of developing systems that can effectively track and analyze how such grant funds have been used.

- a. To what extent are you familiar with DHS's efforts to monitor and evaluate the use of the grant funds it provides? What is your assessment of the current state of DHS's efforts to track and analyze the use of homeland security grant funds?

*As a State administrator who was involved in the receipt of FEMA grants, I am aware that FEMA conducts both programmatic and financial monitoring of grant and cooperative agreement programs throughout the grant life-cycle. If confirmed, I will take a more thorough look at these efforts and determine if further improvements are necessary.*

- b. If confirmed, what steps will you take to improve the Department's systems for monitoring and evaluating state and local use of homeland security grants?

*It is my understanding that FEMA intends to continue to refine its monitoring and evaluation programs and to develop additional guidance to assist in successfully monitor its homeland security grants. If confirmed, I intend to study the program FEMA has in place and other methods that are then best practices in the industry.*

- c. The Florida Division of Emergency Management Acts as the state administrative agency for DHS grants. As Director of the Division of Emergency Management, what measures, if any, have you used to track the homeland security grant funds provided to localities and other entities in Florida to ensure that those funds were being used effectively?

*The Florida Division of Emergency Management recognizes the need to carefully monitor sub-grants to local entities in Florida. Over the last few years, the Division of Emergency Management developed, and continues to enhance, a system to aid in this important monitoring task.*

**Response**

78. What do you see as the proper role of FEMA in response to disasters, both man-made and natural?

*As previously stated, response involves stabilizing the incident venue; recovery involves helping the impacted population and communities re-achieve and return to normalcy. Recovery is the seamless extension of the response process, and may extend for months or many years, depending on the gravity of the incident. FEMA's principal roles are to provide funding in support of rebuilding and restoration of households and communities (including infrastructure), and coordinate the assets and integrate the efforts of the many federal and non-governmental agencies that play a role or have equities in recovery.*

*However, I strongly believe that the responsibility for recovery decision-making originates from the individual and local level. FEMA's role has been and would continue to be one of support to States as they support their local governments in recovery. FEMA, as the federal government's management arm for disaster response and recovery must take a more active and stronger recovery leadership role across the federal government to ensure the full support of the federal government is brought to bear in support of States. A number of federal departments and agencies have programs and resources that are not only helpful, but essential for disaster recovery.*

*Under my direction, FEMA will work closely with other agencies to ensure they are all working together during the recovery to help States and communities maximize available resources and to coordinate and streamline administrative requirements as much as possible.*

*If confirmed, I intend to work with FEMA's partners and stakeholders to examine and clarify the disaster recovery roles and responsibilities of all agencies and all levels of government as well as supporting NGOs and private sector infrastructure owners. I believe that FEMA should take the lead to establish a forward-looking national model for disaster recovery that captures the wisdom of disaster recovery leaders around the country, reflects lessons learned and best practices in the field, and emphasizes personal and community responsibilities.*

79. FEMA is developing disaster emergency communications policies and procedures to facilitate effective emergency management, operability, and interoperability during disasters. However, achieving effective coordination among all DHS components specifically charged with improving interoperable communications remains difficult.

What are your plans to coordinate with the various DHS components that have specific roles and responsibilities for improving interoperability, particularly the Office of Emergency Communications?

*The 2007 Homeland Security Act assigned responsibilities for emergency communications to the DHS Office of Emergency Communications (OEC) and the Federal Emergency Management Agency (FEMA). The primary difference between the roles of the OEC and those of FEMA regarding emergency communications is that OEC performs strategic level planning and policy development, while FEMA performs tactical and operational planning and communications support.*

*If confirmed, I will continue to support the integration of these two offices and functions.*

80. In 2005, Hurricane Katrina highlighted particular concerns faced by disabled, elderly, and other vulnerable populations in the event of disaster. The Post-Katrina Act called for the establishment of a FEMA Disability Coordinator position, among other things, to address concerns of persons with disabilities in emergency preparedness and response.

What measures will you take to ensure that issues involving special needs populations are consistently addressed and that vulnerable populations are fully integrated into emergency planning and preparedness efforts?

*If confirmed, I will ensure that the Disability Coordinator will continue to reach out to special needs and disability partnership organizations at the earliest point to identify how they can be involved in the emergency planning and preparedness dialogue with FEMA. I will also work with the Coordinator to foster ongoing partnerships with the National Council on Disability, the National Advisory Council (specifically the special needs subcommittee) and other federal agencies involved in national emergency planning and preparedness that focus on inclusion of special needs and disability considerations.*

*FEMA will work with state, local and tribal governments and organizations to develop strategies for including and working with special needs populations and individuals with disabilities. State, local and tribal governments will be able to choose from these strategies to develop emergency planning and preparedness processes that include shared responsibility with special needs and disability populations and organizations. This kind of discussion during the development of the disaster plans will ensure that requirements for special needs populations and disability populations are considered and written into the core content of these plans.*

81. The Committee's investigation of Hurricane Katrina found that one of the serious problems contributing to the failed federal response was FEMA's failure to have enough emergency response teams and the failure to have enough trained and exercised personnel and equipment for those teams that existed. The Post-Katrina Act sought to fix this serious deficiency by requiring DHS to maintain an emergency response team called a "strike team," or National Incident Management Assist Team (IMAT), in each FEMA region. FEMA has not created all of these IMAT's as required by the legislation.

- a. Will you advocate for increased funding to finish establishing the required strike teams?

*Establishing full-time strike teams is an important component of FEMA's response capabilities and is an Agency priority. Two National IMAT and four Regional IMAT are currently operational. It is my understanding that FEMA is currently establishing the next generation of emergency response teams, consisting of three National IMAT with 26 fulltime staff each, and 10 Regional IMAT staffed with 15 fulltime personnel each, for a total of 13 IMAT.*

*If confirmed, I will continue to review the IMAT staffing needs in each FEMA Region in consultation with the Regional Administrator.*

- b. How will you ensure that FEMA's emergency response teams and other personnel that deal with disasters are prepared?

*If confirmed, I will continue to ensure that the IMATs and other response teams are prepared to meet their all hazard response mission.*

#### **V. Relations with Congress**

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

*Yes.*

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

*Yes.*

84. Under what circumstances, if any, do you believe that it is appropriate for the Department of Homeland Security to withhold information from Congress when Congress is exercising its legislative or oversight functions?

*I will fully respect the Congressional legislative oversight functions and will establish throughout the Agency a policy and culture of responding appropriately and expeditiously to any and all information requests from Congress.*

#### **VI. Assistance**

85. Are these answers your own? Have you consulted with DHS or any interested parties? If so, please indicate the individuals or entities with whom you have consulted, and the nature of the assistance they have provided.

*Yes. I take full responsibility for all responses. In an effort to be as forthright and responsive as possible to the Committee in the time available, I have participated in pre-confirmation briefings and consultations with staff at FEMA and the Department of Homeland Security. These consultations were used to inform my*

- 85. Are these answers your own? Have you consulted with DHS or any interested parties? If so, please indicate the individuals or entities with whom you have consulted, and the nature of the assistance they have provided.

*Yes. I take full responsibility for all responses. In an effort to be as forthright and responsive as possible to the Committee in the time available, I have participated in pre-confirmation briefings and consultations with staff at FEMA and the Department of Homeland Security. These consultations were used to inform my knowledge regarding the background, current operations and potential policies of FEMA and the Department. However, and in all cases, these answers are my own, and are based on my understanding and consideration of the information provided to me.*

**AFFIDAVIT**

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

  
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Subscribed and sworn before me this 13 day of APRIL, 2009.

  
LORRAINE LEWIS  
NOTARY PUBLIC STATE OF MARYLAND  
My Commission Expires September 27, 2010

\_\_\_\_\_  
Notary Public

**Senator Joseph I. Lieberman**  
**Questions for the Record**  
**Pre-Hearing Questions for W. Craig Fugate**  
**Administrator, Federal Emergency Management Agency,**  
**Department of Homeland Security**  
**April 6, 2009**

1. This Committee has repeatedly identified interagency planning for catastrophic incidents – including, for example, a nuclear or bioterrorism event – as a critical gap in preparedness. According to a FEMA briefing to HGSAC on the implementation of HSPD 8 Annex I, FEMA will develop a Concept Plan for each of the eight sets of National Planning Scenarios, and each of the relevant Federal departments and agencies are responsible for developing detailed operations plans for their own roles in carrying out the Concept Plan. However, according to the briefing, there is no single entity responsible for evaluating the departments' and agencies' operations plans. The Committee is concerned that without a singular official or agency charged with coordinating and evaluating these plans to ensure consistency and compatibility, it will be impossible to achieve a coordinated and integrated response to a catastrophic incident. The Post-Katrina Act gave FEMA the responsibility to lead the Nation's efforts to prepare for, protect against, respond to, recover from, and mitigate against incidents, including by administering and ensuring the implementation of the National Response Framework, including coordination and ensuring the readiness of each emergency support function under the National Response Framework.
  - a. Given the Post-Katrina Act, what do you think would be the most effective process for ensuring integration of each of these department and agency plans?

*I understand from DHS and FEMA that the Homeland Security Council, through the Domestic Readiness Group (DRG), approved a process for the sharing and review of completed Integrated Planning System (IPS) plans on January 14, 2009. The purpose of this new process is to share completed IPS-related plans to increase Federal visibility, coordination, interoperability, and information sharing at the operational level in order to enhance the effectiveness of operations to prevent, protect against, respond to, and recover from attacks and disasters.*

*I recognize the importance of synchronizing federal planning in coordination with the guidance outlined in IPS. Developed with full federal interagency participation, IPS aligns federal planning with State and local planning, using the best doctrine from established planning processes. I believe FEMA needs to have the authority to ensure plans are in compliance with IPS mandates.*

*A collaborative process between departments and agencies, through exercises and interagency planning forums such as the Emergency Support Functions Leaders Group (ESFLG) and Regional Interagency Steering Committees (RISC) are the most effective means of ensuring effective integration.*

- b. Who do you believe should have the responsibility and authority to evaluate each of the plans and, if necessary, compel departments and agencies to redraft insufficient or overlapping plans? Are the sufficient authorities in place for this to occur effectively?

*As DHS and FEMA have explained to me, the Domestic Readiness Group (DRG) is responsible for facilitating the resolution of any Federal department and agency IPS-related plan sharing issues that arise and for establishing interagency working groups to resolve issues involving discrepancies or operational shortfalls between department/agency OPLANs. When activated, this group will be chaired by an HSC staff member and charged with reviewing completed department and agency IPS-related plans.*

*PKEMRA gave FEMA the responsibility to lead the Nation's efforts to prepare for, protect against, respond to, recover from, and mitigate against incidents. This includes administering and ensuring the implementation of the National Response Framework (NRF), including ensuring the readiness of each Emergency Support Function under the NRF. However, it did not specifically give FEMA the authority to be able to compel other departments or agencies to rewrite their own internal agency plans.*

- c. What do you think is the proper role for FEMA with respect to the operational plans, given its central role in developing interagency concept plans?

*Per the approved DRG process mentioned above in the response to question a., DHS established an unclassified "Federal Department and Agency IPS Related Plan Sharing" portal on the Homeland Security Information Network (HSIN). A copy of each approved Federal OPLAN will be submitted through the DRG for posting on the HSIN portal. Federal Department and Agency IPS-related plans posted on the portal may be reviewed to identify best practice, seams, gaps or overlaps. This plan sharing portal makes collaborative review of plans possible and facilitates FEMA's central operational role in ensuring integration of operational plans.*

*If confirmed, I will ensure that FEMA continues to support this process.*

2. In order to improve private sector preparedness, Title IX of the Implementing Recommendations of the 9/11 Commission Act of 2007 (P.L. 110-53) establishes a voluntary accreditation and certification program. The deadlines in the statute for developing and implementing the program have passed, but the program is not yet fully implemented.

- a. If confirmed, will you commit to quickly implementing this program? What steps will you take to quickly implement this program?

*If confirmed, I will engage industry and the public in the selection of an initial set of business preparedness standards and guidelines. FEMA has already selected ANAB to be the accreditation body, under contract to FEMA, to begin the process to create a certification program around the first set of selected standards, guidance, and/or best practices. I am aware that FEMA is working to create an organizational and small business preparedness program which will act as a "good housekeeping" seal of approval from DHS/FEMA. If confirmed, I will*

*ensure that FEMA is aggressive in establishing an outreach program to educate the business community and the public on the available resources to help businesses of all sizes to be better prepared.*

b. What are your priorities in fully implementing this program?

*If confirmed, my priority would be to ensure that standard/best practice selection is conducted through an open, fair and transparent process. This will require ensuring that the private sector and standards development organizations are included in the process. I am committed to reach out and educate the private sector about this program and its benefits to encourage participation and raise the benchmark for business preparedness (both large and small). My goal would be to empower existing business preparedness programs and efforts both in government and in the private sector.*

c. How will you consult with the private sector in implementing this program?

*If confirmed, I will continue the practice of open public comment periods through the Federal Register and will commit to utilizing the Federal Register for all major program announcements/intent actions. It will be important to conduct public meetings across the country, with at least one public meeting in each FEMA Region. I would seek to leverage the reach of the interagency, such as IRS and SBA, as well as partnerships with owners and operators of Critical Infrastructure and Key Resources within the National Infrastructure Protection Plan framework. I think it is important to engage major trade associations and to speak to their members to educate industry on the Private Sector Preparedness (PS-Prep) program and the importance of business preparedness.*

**Senator Mary Landrieu**  
**Questions for the Record**  
**Pre-Hearing Questions for W. Craig Fugate**  
**Administrator, Federal Emergency Management Agency,**  
**Department of Homeland Security**  
**April 6, 2009**

***Organization and Philosophy***

1. You have extensive experience in managing disaster response for state government. What is your view about the appropriate level of federal responsibility? When and how should the federal government assume lead responsibility?

*The Robert T. Stafford Disaster Relief and Emergency Assistance Act (the Stafford Act, P.L. 93-288, as amended), clearly identifies the role of the Federal government as one of support to State and local response and recovery efforts, in response to a finding by the Governor of the impacted State that the disaster is of such severity and magnitude that effective response is beyond the capability of the State and affected local governments. In other words, the appropriate level of federal responsibility is determined by the demonstrated needs of the impacted state, which will be determined by consultations and coordination between FEMA and the Governor, or the Governor's Authorized Representative (GAR). Depending on the magnitude of the disaster and the level of federal assistance required, the Federal government will exercise more, or less, responsibility for specific response and recovery functions, but will always act in support of State and local efforts. In addition, it is critical that at all times, decision-making and resource coordination be a shared responsibility among local, State, and Federal governments.*

*Section 501(b) of the Stafford Act does provide the President with the authority to provide emergency assistance (as outlined in sections 502 and 503) without receiving a request from the Governor of the impacted State. This authority can be exercised only if the President determines that an emergency exists for which the primary responsibility for response rests with the United States because the emergency involves a subject area for which, under the Constitution or laws of the United States, the United States exercises exclusive or preeminent responsibility and authority.*

*In addition, Federal disaster and emergency assistance can be provided to State, local, and tribal governments through numerous other mechanisms and legal authorities, depending on the type of disaster (e.g., major oil spill). In some of these cases, the Federal government assumes lead responsibility for disaster response.*

2. Do you believe that the Federal Emergency Management Agency (FEMA) can be more effective as an agency within the Department of Homeland Security ("DHS" or "the Department"), or as an independent, cabinet-level agency?

*If confirmed, I look forward to working with DHS leadership to fully address the question as to whether the nation would be best served by a FEMA that is part of, or outside of, the*

*Department. I would like to echo the statements of Secretary Napolitano that these are not simple issues, nor do they lend themselves to a quick analysis. I am committed to working with my colleagues to seek an approach that assures us that when our state and local partners turn to the Federal government for support, we have an effective, strong, timely and coordinated preparedness, response and recovery effort to address both natural and man-made disasters.*

3. In October 2006, Congress passed the Post-Katrina Emergency Management Reform Act (P.L. 109-295) in large part to improve the organization and authority of the FEMA following its inadequate response to Hurricane Katrina. The bill prohibits unauthorized reorganizations of the agency or funding diversions by the DHS and provides the Administrator with direct access to the President during a time of crisis.
  - a. Do you support the statutory provision prohibiting Departmental reorganization of the FEMA?

*If confirmed as FEMA Administrator, I will uphold all provisions of PKEMRA.*

- b. What do you believe is the appropriate role of the Secretary of Homeland Security during a time of crisis, and how does that function compare and contrast to what you believe to be the appropriate role of the FEMA Administrator?

*As discussed in the National Response Framework (NRF), the Secretary of Homeland Security is the principal Federal official for domestic incident management. By Presidential directive and statute, the Secretary is responsible for coordination of Federal resources utilized in the prevention of, preparation for, response to, or recovery from terrorist attacks, major disasters, or other emergencies. The role of the Secretary of Homeland Security is to provide the President with an overall architecture for domestic incident management and to coordinate the Federal response, when required, while relying upon the support of other Federal partners. Depending upon the incident, the Secretary also contributes elements to the response, consistent with DHS's mission, capabilities, and authorities.*

*The FEMA Administrator is the principal advisor to the President, the Secretary of Homeland Security, and the Homeland Security Council regarding emergency management. The FEMA Administrator's duties include operation of the National Response Coordination Center, the effective support of all Emergency Support Functions, and, more generally, preparation for, protection against, response to, and recovery from all-hazards incidents.*

#### ***Stafford Act Reform***

4. The President has authority under the Stafford Act to waive the cost-share for Public Assistance completely, but the previous Administration did not elect to utilize that authority for Hurricanes Katrina and Rita, which led Congress to waive those cost-share requirements statutorily instead.
  - a. What is your view of cost-sharing requirements under the Public Assistance program?

*I believe a non-Federal cost share is important in most disasters, because it helps to ensure partnership and fiscal responsibility at the State and local level. When the Federal government finances the entire response and recovery efforts of State and local governments, these entities don't have as strong of an incentive to control costs and complete reconstruction projects in a timely and cost effective manner. However, when catastrophic disasters occur, it may be appropriate for the Federal government to fund the full cost of some of the response and recovery work for a limited time period to alleviate the financial impacts on State and local governments.*

- b. Do you believe that FEMA's current system of considering requests for adjustments is appropriate?

*FEMA considers cost-share adjustments by evaluating the public health and safety threats that State and local governments must address along with the scope of damages caused by the disaster. Currently, FEMA has regulatory provisions that allow the Agency to recommend an increase of the Federal cost share when the per capita cost impact reaches a specific per capital threshold at the State level. This provision is an appropriate measuring stick for determining when a disaster is of such magnitude that an increase in Federal resources is necessary to alleviate the financial hardship at the State and local level. It is my understanding that FEMA may also recommend an adjustment of the cost-share to 100% Federal funding for emergency work in the initial days after a declared major disaster or emergency.*

- c. Do you believe that cost-shares should be eliminated after a catastrophe so that cash-strapped local governments don't have to pay up front for critical recovery work?

*No, I believe a non-Federal cost share is important in most disasters, because it helps to ensure partnership and fiscal responsibility at the State and local level. When the Federal government finances the entire response and recovery efforts of State and local governments, these entities don't have as strong of an incentive to control costs and complete reconstruction projects in a timely and cost effective manner.*

*It is my understanding that when FEMA determines whether to recommend a cost-share adjustment, the Agency considers the impact of the event on the State and local jurisdictions. In extreme situations where State and local hardships necessitate, it may make sense to eliminate the cost-share for a limited time in order to help the local governments and communities recover.*

*If confirmed, I look forwarding to reviewing ways to streamline and improve the Public Assistance process, including the issue of providing some portion of funds earlier in the process based on estimated costs.*

- d. Do you believe the Stafford Act should be amended to provide for these waivers?

*If confirmed, I am committed to taking a fresh look at the Stafford Act, as well as the regulations, policies, and procedures behind it, in order to improve and streamline the assistance FEMA provides to disaster victims.*

*Miscellaneous (Consolidated Reviews, Long-Term Recovery, Mitigation, Flood Maps, CDLs, Case Management)*

5. Do you have any ideas for modifying or streamlining environmental, historic, and benefit-cost reviews that are required under FEMA programs? How can FEMA work with other agencies with similar requirements to consolidate these review processes to save applicants who receive assistance from multiple federal sources time, money, and effort?

*Compliance with national policies for the protection of the environment and the preservation of historic properties, such as the National Environmental Policy Act (NEPA), the National Historic Preservation Act (NHPA) and Executive Order 11988 – Floodplain Management, are essential tools for informing an agency's decisions and providing transparency in that decision-making process. These mandates include common-sense steps that could extend to any planning context, such as identification of a purpose and need for an action, identification of alternatives, evaluation of impacts of the proposed approach and alternatives, and informing the public of the findings. This systematic "think-before-you-act" approach is even more critical in the emergency management areas of planning, preparedness, recovery, and hazard mitigation because the human environment, including a community's natural and historic heritage are integral to a community's economy, infrastructure, livelihood, and recovery. Some of these mandates are aligned with the overall goal of protection of human life and public health and safety such as management of floodplains, management of wetlands, avoidance of releases of hazardous substances and protection of a community's air and water quality.*

*FEMA is an emergency management agency and therefore, its environmental and historic preservation processes should reflect that mission. I believe that FEMA, as in all other areas discussed today, should lean forward by coordinating these environmental and historic preservation requirements with each State and Federal agency before an incident occurs. It should develop tools that allow it to carry out its reviews more efficiently when possible. The agency should modernize its regulations and procedures to bring them up to date and align them with FEMA's expanded programs and mission. The agency should identify programmatic tools, agreements and modifications that would assist in the streamlining and the elimination of duplicative environmental and historic preservation reviews. Finally the agency should develop strong relationships with its stakeholders in the environmental and historic preservation arena. All of these steps and approaches should be captured in an agency-wide strategic plan for the next four years that ties these initiatives with resources needed and commitment from the all agency components, offices and programs.*

6. Does FEMA focus enough on the long-term recovery mission it is designated to lead by Emergency Support Function 14 (ESF-14)? How could this mission be filled in and pursued more robustly? Should FEMA utilize its authority under ESF-14 to coordinate with other agencies involved in recovery, develop unified long-term recovery objectives in agreement with them, and follow a strategy focused on achieving those outcomes?

*I believe that Emergency Support Function (ESF) #14, Long Term Community Recovery is a strong concept but it has not been developed or used to its potential. ESF #14 has proven to be*

*a strong catalyst in promoting smooth recoveries in severely impacted communities such as Greensburg, Kansas in 2007 and flooded Midwest communities in 2008. After a catastrophic disaster, States and communities suffer a dual challenge: they face recovery needs and complexities greater than any that have been experienced before and would reasonably have the capability to address. At the same time, their capacity to organize and begin the long term recovery process is significantly diminished by the major challenges of an extended response and stabilization effort. I believe FEMA should be better prepared to provide a safety net of additional resources to assist overwhelmed States and communities during particularly challenging times to ensure that planning and long term recovery efforts begin quickly and in an organized fashion. States and communities must build their capabilities and prepare for recovery operations in the same systematic manner in which they prepare to respond before a disaster strikes. The Long Term Community Recovery Function will never be fully successful if it does not have a strong pre-disaster element that encourages States and communities to build their recovery management capabilities.*

*If confirmed, I would like to further explore and utilize some of the ideas that have been developed in Florida, particularly with the Post Disaster Redevelopment Planning and catastrophic planning for post disaster economic stabilization.*

*While Federal capability and leadership is very important, the role of the State and local communities in exercising leadership for recovery planning and management is even more important. Ultimately, the ability to achieve recovery outcomes will depend on State and local commitment to recovery goals.*

*In addition, I would seek to more robustly integrate other Federal agencies into long term recovery – such as HUD, USDA, and others – to find the best solutions to long term recovery challenge.*

7. As of late March 2009, no communities in Texas or Louisiana have received Community Disaster Loans (CDLs) as a result of Hurricanes Gustav and Ike, which struck in September of last year. This program is designed to meet the financial operating needs of local governments affected by disasters.
  - a. What is your assessment of the Community Disaster Loan program? How would you increase awareness about this form of assistance and expedite issuance of loans to qualified applicants?

*I believe that Community Disaster Loans (CDL) can be a fiscally prudent way to supplement operational funding for local governments that have incurred a significant loss in revenue due to a major disaster. I am committed to working with State Governors to make them aware of this assistance when funding is available.*

- b. Congress waived the \$5 million cap on CDLs after Katrina and Rita and again for all disasters declared in 2008. Do you think the \$5 million cap on these loans required in the Stafford Act is appropriate?

*I believe that the \$5 million cap is effective for smaller scale disasters. However, I believe that other limitations on loan amounts such that loans may not exceed 25% of the operating budget of the local government is an equally important requirement.*

*It is my understanding that the CDLs issued after the 2005 Hurricane Season were different from FEMA's traditional CDL program. For these "Special" Community Disaster Loans, the 2005 Act removed the \$5 million limit on individual loans, restricted the purposes for which funds could be used.*

8. What is your view of the federal policy that prohibits funding for construction in a Velocity Zone (V-Zone)? Do you believe that FEMA has appropriately utilized its existing waiver authority for this policy in communities where alternative sites outside the V-Zone are not available? Do you believe that structures within the V-Zone can be hardened and mitigated based on existing storm surge risk models in a way that will enable them to survive future coastal hazards?

*As I understand it from FEMA staff briefings, it is Federal regulations (44 CFR 9.11(d)), not FEMA policy, that currently prohibits FEMA funding for new construction in Coastal High Hazard Areas (V-Zones) and floodways unless it is related to a functionally dependent use or facilitates an open space use. However, these regulations do allow FEMA to fund substantial improvements in V-Zones. FEMA is the lead agency in the implementation of Executive Order 11988 (Floodplain Management) and as such should set the example for other Federal agencies in using the Executive Order requirements to reduce the loss of life and property from floods, avoid direct or indirect support to development in highly vulnerable areas, and protect the Federal investment in these highly vulnerable areas. FEMA used the development of these regulations as one of the mechanisms to set a higher standard for Executive Order implementation, in support of FEMA's mission. However, I recognize the challenges that some aspects of these regulations pose to communities during disaster recover. It is my understanding that FEMA currently taking a strategic look at their Executive Order regulations, policies and guidance to determine what changes can and should be made to provide clearer policy and guidance, and identify flexibilities that may be needed in certain situations.*

*In V-Zones, the velocity water and wave action associated with coastal flooding can exert strong hydrodynamic forces on anything that obstructs the flow of water. Standard foundations, such as solid, reinforced masonry or concrete walls or wood-frame walls will obstruct flow and be at risk to damage from high velocity flood forces, breaking waves, and debris impact. For these reasons, the National Flood Insurance Program requires that structures in V-Zones be elevated on open foundations constructed with pile, posts, piers, and columns. The area below the elevated building must be either free of obstruction or enclosure walls must be built with non-supporting, non-load bearing breakaway walls. To further minimize damage, the area below the elevated building can only be used for parking, access and limited storage. Numerous post-disaster assessments indicate that improperly constructed V-Zone structures can experience severe structural damage. However, buildings built to the NFIP V-Zone standards can experience damage in areas, for example, that are subject to erosion and land subsidence and in areas where flood hazards changed or the flood event exceeded the 1-percent-annual-change flood level. For these reasons, FEMA has encouraged communities to site structures away from*

*eroding shorelines and elevate structures one or more feet above the Base Flood Elevation. Because the flood risk can change, it is not possible to guarantee that buildings built to V-Zone standards today can withstand coastal storms in the years ahead.*

*If confirmed, I agree to further analyze this issue.*

9. Do you believe that the current 90-day period under the National Flood Insurance Program is enough time for communities and property owners to review newly issued flood maps for potential inaccuracies and file an appeal?

*Yes, I believe our Flood Insurance Rate Map update process includes ample time for communities and private citizens to be made aware of the revision activities, engage in the process, and provide value into the establishment of the new flood hazard information. I would like to stress that the community engagement process is much more comprehensive than just the statutory 90-day appeal period required under the National Flood Insurance Act of 1968. FEMA's map production effort starts with a scoping meeting between FEMA Regional representatives and local communities to determine what needs to be re-analyzed, and what sciences are most appropriate. Once the study is available in draft format, FEMA provides this information to the local communities for their review and comment. FEMA works with the local officials to schedule a public meeting where FEMA present the draft findings to the public and enable impacted citizens the ability to ask questions. Once FEMA completes these efforts and is comfortable that there are no critical flaws in the new study, it runs two notices in the local paper informing citizens of the upcoming appeal period which begins on the second publication. New mapping efforts will not be finalized until all scientific and technical data submissions received by the end of the appeals period are considered for incorporation as appropriate.*

*Even after a map becomes effective, FEMA continues to be interested in gathering new information that would enable it to improve the quality and accuracy of its hazard information. FEMA has processes in place that enable local governments and citizens to provide new or improved data that would enable FEMA to issue revised hazard mapping.*

*Regardless, I would like to challenge the staff at FEMA with finding more inventive ways of encouraging communities and citizens to get engaged in the study production cycle in the early phases where they can have a greater impact that will save us all time, resources, and frustration.*

10. The Post-Katrina Emergency Management Reform Act authorized case management services under the Stafford Act.
- a. Do you believe case management is an important tool to facilitating individual and community recovery?

*Yes, case management provides individuals and communities with emotional support, hope, and guidance, all of which play a critical role in the overall recovery process.*

- b. What is your assessment of case management services provided since 2005 through programs like Katrina Aid Today, the Disaster Case Management Pilot, and the Disaster Housing Assistance Program?

*The implementation of case management services is still a new initiative. It is my understanding that FEMA has initiated several disaster case management pilots, including response to Hurricanes Katrina, Rita, Gustav and Ike, with the scope and level of services under each pilot modified to meet the targeted needs of disaster survivors.*

*I understand that FEMA is currently evaluating the pilot programs to produce timely, credible and objective findings from reviewing essential program components and performance outcomes. The intent is to extract lessons learned and best practices from each pilot to produce workable solutions for meeting the needs of the applicants, developing a new program and cultivating partnerships with other Federal and Voluntary Agencies.*

*I look forward to reviewing the results of this evaluation and plan to make an informed assessment of the current case management programs at that time.*

- c. Do you have a vision for a consolidated approach to case management?

*I believe it is important to provide case management in a consistent and cost-effective manner whether it is at the State or Federal level. Families affected by a disaster deserve to be provided with equitable services and levels of support. The authority to provide case management services is a new initiative and, if confirmed, I plan to engage all of our stakeholders in continued development of case management processes and procedures.*

**Public Assistance**

11. The State of Louisiana has over 4,100 rebuilding projects that are stuck in the pipeline for infrastructure and facilities damaged by the 2005 hurricanes. After more than three years, FEMA's restrictive legal interpretations and phlegmatic appeals system have failed to yield agreement on many of these disputes, which is why I inserted a provision into the American Recovery and Reinvestment Act that requires the President to establish an arbitration system for Public Assistance projects associated with Hurricanes Katrina and Rita that are valued at \$500,000 or more.

- a. What is your opinion of the arbitration requirement?

*If confirmed, I will work with the Administration and with Congress to implement the provision.*

*The Public Assistance Appeals process, along with other new innovations such as the recently deployed Unified Public Assistance Project Decision Team, is in place to resolve issues among FEMA, the State and applicants. Arbitration is appropriate to resolve an otherwise irresolvable impasse.*

- b. What role will FEMA play in carrying out this requirement under the administration's authority?

*It is my understanding that FEMA is working with the Administration to create an arbitration system in which the development of selection criteria for arbitrators will take into consideration training, technical expertise, and experience. Members of an arbitration panel must be free from conflicts of interest.*

- c. Can you comment on the current status of those implementation efforts?

*As previously mentioned, it is my understanding that FEMA is working with the Administration to develop procedures to implement this new requirement. In the meantime, FEMA will continue to work with the States and Applicants to resolve disputes.*

12. What is your view of FEMA's current post-work audits for debris removal reimbursement claims? Do you believe its practice of deobligating or reducing reimbursements on the basis of contract comparisons for "reasonable cost" is appropriate and consistent with OMB Circular A-87? Would you recommend any changes to the post-work audit procedures or practices that have prevailed within the agency?

*Yes, it is appropriate to review reasonable costs if there is not appropriate bidding. Applicants who seek reimbursement under the Public Assistance Program must comply with the Federal procurement requirements contained in 44 CFR §13.36. Applicants need to ensure that costs are fair and reasonable and that the contracts are competitively bid to be considered eligible for Federal reimbursement.*

*At this time, I do not recommend changes to current post-work audit procedures and practices within FEMA. However, if confirmed, I will examine existing reasonable cost policies and procedures.*

13. Do you believe that FEMA should provide Public Assistance funding in advance rather than on a reimbursement basis for some or all categories of work? If so, please specify which categories.

*If confirmed, I think the concept of providing increased levels of advance funding to applicants is certainly worth exploring, so that States and impacted communities have funding available to make progress on recovery projects. However, this initiative would require changes in FEMA regulations in order to be implemented since the Public Assistance Program is a cost reimbursement program.*

14. What is your view of FEMA's current practice of deducting anticipated insurance proceeds from Public Assistance grants on the front end instead of allowing applicants to repay FEMA for insurance proceeds that they may eventually receive once they have actually received them?

*Insurance is an important element of the Public Assistance Program. FEMA Public Assistance grants are intended to supplement financial assistance the State or Applicant receive from other sources. Public Assistance grants will not be provided for damage or losses covered by insurance. FEMA reduces the amount of insurance proceeds from all grants to avoid duplication of financial assistance.*

*As I understand it from FEMA, if insurance proceeds were not deducted until the final settlement, this could reduce incentives for applicants to seek proceeds and settle with their insurance carriers.*

15. What is your assessment of FEMA's Public Assistance appeals process, and what changes to this system, if any, would you pursue?

*I am committed to ensuring that disputes with State and local governments are resolved quickly. I believe that improved lines of communication and stronger partnerships between these entities and FEMA will speed the decision making process. I am committed to resolving backlogs as quickly as possible, and I will work closely with FEMA staff in the regions, the Louisiana Transitional Recovery Office and headquarters to ensure that they have the resources necessary to respond promptly to appeals.*

*When it is used, I believe FEMA's existing two-level appeals process works in most cases, and a significant number of all appeals are ultimately resolved, in whole or part, in favor of the State or applicant.*

16. The City of New Orleans has reported an average wait of 164 days to obtain a new Project Worksheet version from FEMA after submitting a request to capture eligible work not included in a previous version of a Project Worksheet.

- a. Do you believe this is an acceptable time to wait?

*No applicants should have to wait needlessly. If confirmed, I am committed to instituting processes that ensures consistent and thorough evaluation of projects to minimize delays in project review and approval.*

*Many of these projects are complex in nature from a technical and program eligibility standpoint. These projects require compliance with multiple Federal, State, and local laws and ordinances. For example, FEMA must comply with the National Environmental Policy Act and the National Historic Preservation Act among other Federal statutes and executive orders. There may be instances where facts come to light that could require FEMA to request additional information, perform additional reviews, or address difficult policy issues. However, the process needs to be streamlined to the greatest extent possible.*

- b. If not, what timeframe would you consider to be appropriate, and how would you ensure that the agency meets performance objectives in responding to requests for new versions of a Project Worksheet?

*In Louisiana, it is my understanding that FEMA has committed to completing versions within 30-60 days, depending on the complexity of documentation review. This is subject to continued requests for versions to support additional damages and the assumption that complete packages will be received.*

*FEMA and the State of Louisiana have established a joint FEMA/State Expediting Team to finalize Project Worksheets and a Unified Public Assistance Decision Team to make the final necessary decisions for approving project scopes of eligible work and costs of disputed projects. This team has already shown many benefits as it continues to help the State, local governments, and communities speed up the recovery process by improving FEMA's decision-making. Further, FEMA needs to continue to partner with the state emergency management agencies to ensure they understand State priorities and tailor the responses to accommodate State recovery needs.*

*Moving forward, FEMA needs to address any programmatic changes that affect the eligibility of a proposed project with the State and the applicant at the earliest point possible.*

17. I have heard from numerous state and local officials that frequent staff rotation within the Public Assistance program is one of the greatest challenges they face. Staff turnover forces them to have to continually re-justify their projects, suffer decision reversals about project eligibility, and be told that certain approaches or designs are ineligible after being advised for months or years by their previous Public Assistance Coordinator to follow that approach. There also do not seem to be appropriate procedures in place for warehousing institutional knowledge about a project since guidance is seldom provided to the applicant in writing, and the lack of a formal handoff of projects to incoming staff has exacerbated these problems.
- a. How would you address the human resource challenges and current staffing operations within the Public Assistance Branch?

*By their nature, Joint Field Offices are temporary in nature, and States understand that staff is brought in to assist the State in meeting its immediate disaster needs. I have heard about challenges related to staffing, and I am committed to examining the Public Assistance staffing issues to better understand what fixes can be made to ensure continuity of application of the rules and consistency in program delivery.*

- b. Do you believe it is appropriate to use temporary Disaster Assistance Employees (DAEs) for Public Assistance Categories C-G (permanent work)?

*The PA DAE cadre is staffed with experienced and knowledgeable employees who are deployed to disaster sites across the country. Many of them are fully capable of performing expert work on permanent restoration projects. (i.e., employment status does not affect an individual's expertise). In large scale disasters where the recovery process will be a matter of years as opposed to months, FEMA may hire permanent staff locally who have experience and knowledge in the field in order to sustain the recovery operation.*

***Disaster Housing***

18. The Subcommittee on Disaster Recovery's disaster housing report concluded that FEMA has not made the necessary improvements to its housing programs required to deliver effective assistance in the event of the next catastrophe.
- a. How would you assess FEMA's current capacity to deliver disaster housing assistance in the event of a catastrophe?

*I believe FEMA currently has a robust capacity for delivering disaster housing assistance. FEMA continues to build upon its partnership with the Department of Housing and Urban Development (HUD) to administer long term housing assistance for large-scale and catastrophic disaster housing operations. FEMA today is better prepared to provide direct housing assistance with a safer and more diverse range of available housing units, more efficiently administered contracts, and a well articulated national strategy for providing the continuum of services which will be required to transition from mass evacuation and sheltering towards sustainable interim and permanent housing in a catastrophic event.*

*However, if confirmed, I will ensure that FEMA continues to improve its ability to plan for and execute catastrophic-scale housing missions.*

- b. Do you believe that we have tested and proven housing options available today that we did not when Katrina struck?

*FEMA has temporary housing units within its inventory that are certified to meet accessibility requirements by the United States Access Board. All of FEMA's temporary housing units are independently tested and certified to emit less than 16 parts per billion of formaldehyde by an independent, American Industrial Hygiene Association (AIHA) certified laboratory. Neither of these housing options were available prior to Hurricane Katrina.*

- c. What would you say are the most significant improvements made to the disaster housing apparatus since Hurricanes Katrina and Rita?

*I believe that the three most significant improvements made to the disaster housing apparatus since Hurricanes Katrina and Rita are the National Disaster Housing Strategy (NDHS), the evaluations of alternative housing units under the Alternative Housing Pilot Program (AHPP), and the improvements made in readiness contracts through the Joint Housing Solutions Group (JHSG).*

*The NDHS is the first single document that identifies the roles, programs, authorities, and responsibilities of all entities that collaborate to provide disaster housing assistance. The NDHS outlines the most efficient and cost-effective options for meeting disaster housing needs, and serves as the basis for pre-event planning by all organizations with roles or responsibilities in disaster housing.*

*Through the AHPP, FEMA has established formal processes for evaluating housing unit alternatives to manufactured housing units and travel trailers. The JHSG efforts have identified and secured contracts for alternative units not available from FEMA prior to Katrina.*

*As I understand it from briefings, previously FEMA relied on no-bid, cost plus fixed fee technical assistance contracts heavily administered by contracting personnel from other Federal Agencies to support the FEMA response. FEMA's Individual Assistance Technical Assistance Contracts are currently awarded in advance through full and open competition, and are administered by a cadre of full-time equivalent personnel in the Individual Assistance Division.*

19. FEMA is due to report to Congress by March 31, 2009 on the rental repair pilot program. An expanded repair program is one of the Subcommittee on Disaster Recovery's report recommendations.
- a. If an expanded repair program is used, should it be administered by the Department of Housing and Urban Development (HUD), FEMA, or jointly by both agencies? If a repair program should be implemented jointly by FEMA and HUD, please describe how responsibilities should be split between the two.

*My understanding is that this report is currently under review. Without benefit of reviewing FEMA's analysis, I do not believe it is prudent to speculate on the roles and responsibilities of other agencies at this time. However, I will say that in general there is a need for collaboration and planning at the Federal level.*

*If confirmed, I plan to ensure that FEMA works with all of our Federal and State partners to explore all possible opportunities.*

- b. FEMA documents and strategies suggest that rental repair is a more cost-effective way to house people than other programs, including trailers. Do you share this view, and if so should we place more resources into repair programs?

*I am aware that FEMA is submitting a formal report to Congress that provides information on the effectiveness of the pilot program. Once I receive a comprehensive briefing on these cost comparisons, I would be in a better position to offer my recommendations.*

- c. Would a rental repair program be an effective way of meeting housing needs that still exist in areas hit by Hurricanes Katrina and Rita?

*My understanding is that the legislation authorizing this pilot was not retroactive, so could not be applied to Katrina/Rita declarations. Additionally, this authority expired on December 31, 2008, and the Housing program for Katrina/Rita ends on May 1, 2009.*

20. In its 2009 National Disaster Housing Strategy, FEMA states that trailers are a last resort. During the course of the Subcommittee on Disaster Recovery's investigation however, FEMA officials stated trailers would be extensively relied on in response to another

disaster on the scale of Katrina. The Katrina experience shows that trailers are expensive, inhumane for long term living, and prone to unhealthy levels of toxic substances.

- a. How will alternative housing options be developed so that they can be used to house large numbers of people after catastrophic disasters?

*While I agree that travel trailers, by virtue of their small size, are less-than-optimal solutions for disaster survivors, and particularly as a solution for a sustained, extended living requirement, they may be useful in certain situations. FEMA will only consider the use of travel trailers when requested by the State in extraordinary disaster conditions as a last resort, when no other form of interim housing is available, and only under strict conditions, including a limitation on the amount of time they can be used, and requirements for low formaldehyde levels and air exchange controls. This seems to me to be a reasonable approach for situations where there are no other viable housing options.*

*Traditional forms of direct housing, mobile homes and travel trailers, may not always be either appropriate or adequate, or available in sufficient numbers to provide a comprehensive and timely solution to the needs of disaster survivors in a catastrophic housing environment. FEMA has identified alternative forms of housing through the Alternative Housing Pilot Program (AHPP) and the Joint Housing Solutions Group (JHSG). The JHSG evaluated proposals and initiated contracts with several alternative housing manufacturers. Each manufacturer has been tasked with delivering one prototype unit to FEMA's National Emergency Training Center (NETC) in Emmitsburg, Maryland where the units will undergo pilot testing. In addition, the JHSG continues to develop and field test the Housing Assessment Tool (HAT) to facilitate decisions related to the selection and use of temporary and alternative housing units.*

*In addition, FEMA recently piloted the Individuals and Households Rental Repair Pilot Program. This program authorized FEMA to pilot the identification and repair of existing rental units in order to house disaster victims.*

*In terms of permanent construction, FEMA is only authorized to fund the construction of semi-permanent and/or permanent housing when no other resources are available and temporary housing units are not an appropriate solution. In those rare and catastrophic circumstances when Federal permanent housing assistance is needed, FEMA and HUD will work with State Disaster Housing Task Forces and other Federal and private partners to ensure that permanent solutions for housing are provided.*

*If confirmed, I will continue to explore the development of alternative housing options.*

- b. What is your assessment of the alternative approaches developed through the Alternative Housing Pilot Program, the Joint Housing Solutions Group, and the Individual and Households Program Pilot ("rental repair pilot"), and how would you build upon those efforts to augment alternative disaster housing options?

*I have heard many positive reports on these alternative approaches from our Federal and State partners. I know FEMA has worked expeditiously to identify alternative temporary and permanent housing options which address families' needs that are affected by a disaster. I think it is important to continue these efforts to explore all options.*

*FEMA should augment traditional disaster housing operations by incorporating lessons learned from AHPP and JHSG about (1) strategies for increasing State/local capacity for disaster housing and (2) unit features that may help individuals to recover faster.*

**Senator Jon Tester**  
**Questions for the Record**  
**Pre-Hearing Questions for W. Craig Fugate**  
**Administrator, Federal Emergency Management Agency,**  
**Department of Homeland Security**  
**April 6, 2009**

1. FEMA released the vast majority of FIRE grants funding in fiscal year 2008 during fiscal year 2009. The recession had clearly taken hold during the last quarter of calendar year 2008, forcing many communities to drastically reduce their funding of many activities, including not funding matching requirements for various grants awarded to fire departments. These cutbacks jeopardize more than \$80 million in awarded funds for FY 2008. As you know, Congress waived the matching funds requirement for FY 2009 and FY 2010 for various grants awarded to fire departments. If you are confirmed, will you support making this waiver available in appropriate circumstances to communities that accepted FY 2008 funds during FY 2009?

*As I understand the issue from my consultations with DHS and FEMA, Congress included language in the American Recovery and Reinvestment Act of 2009 waiving the requirement that fire departments provide matching funds under both the FY2009 and FY2010 SAFER grant programs. However, the matching requirement for the FY2008 SAFER grant program is required by law, and the Department of Homeland Security does not have the authority to waive it; even if the actual award was made in 2009.*

*It is my understanding that communities decided whether or not to apply for FY2008 grant awards with full consideration of all information then available with respect to the program rules, including the match requirement.*

*The Department does support and if confirmed, I look forward to providing all interested communities with an opportunity to apply for FY2009 and FY2010 SAFER grants without the burden of a local matching requirement.*



United States  
**Office of Government Ethics**  
1201 New York Avenue, NW., Suite 500  
Washington, DC 20005-3917

March 24, 2009

The Honorable Joseph I. Lieberman  
Chairman  
Committee on Homeland Security and  
Governmental Affairs  
United States Senate  
Washington, DC 20510-6250

Dear Mr. Chairman:

In accordance with the Ethics in Government Act of 1978, I enclose a copy of the financial disclosure report filed by William C. Fugate, who has been nominated by President Obama for the position of Administrator, Federal Emergency Management Agency, Department of Homeland Security.

We have reviewed the report and have also obtained advice from the Department of Homeland Security concerning any possible conflict in light of its functions and the nominee's proposed duties. Also enclosed is a letter dated March 19, 2009, from Mr. Fugate to the agency's ethics official, outlining the steps Mr. Fugate will take to avoid conflicts of interest. Unless a specific date has been agreed to, the nominee must fully comply within three months of his confirmation date with any action he agreed to take in his ethics agreement.

Based thereon, we believe that Mr. Fugate is in compliance with applicable laws and regulations governing conflicts of interest.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert I. Cusick".

Robert I. Cusick  
Director

Enclosures

**REDACTED**

March 19, 2009

Robert E. Coyle  
Designated Agency Ethics Official  
Department of Homeland Security  
Washington, DC 20528-3650

Dear Mr. Coyle:

The purpose of this letter is to describe the steps that I will take to avoid any actual or apparent conflict of interest in the event that I am confirmed for the position of Administrator, Federal Emergency Management Agency, Department of Homeland Security.

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter that has a direct and predictable effect on my financial interests or those of any person whose interests are imputed to me, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

Upon confirmation I will resign from my position of Director, State of Florida Division of Emergency Management. I understand I have a "covered relationship" for a period of one year after my resignation. I understand my participation in particular matters involving specific parties in which the State of Florida is a party or represents a party will be authorized pursuant to 5 C.F.R. § 2635.502(d). This authorization will not extend to any particular matter involving specific parties in which I previously participated in my position as Director.

I will continue to participate in the Florida Retirement System defined benefit plan. I will not participate personally and substantially in any particular matter that has a direct and predictable effect on the ability or willingness of the State of Florida to provide this contractual benefit to me, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2), such as 5 C.F.R. § 2640.201(c)(2).

My spouse is currently employed by the American Red Cross. Upon my confirmation she will resign. Until she receives final compensation from the American Red Cross, I will not participate personally and substantially in any particular matter that has a direct and predictable effect on the ability or willingness of the American Red Cross to pay her final salary, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1).

Sincerely,



William C. Dugate

**Senator Joseph I. Lieberman**  
**Additional Questions for the Record**  
**Nomination Hearing of W. Craig Fugate**  
**April 22, 2009**

1. One important component of response to a natural disaster or terrorist attack is the use of mutual aid, often utilizing the Emergency Management Assistance Compact (EMAC), whereby a state or local government will send emergency response units (such as police, fire services, and EMS) or other assistance to a neighboring or other affected state or locality.
  - a. Please explain how and under what circumstances FEMA reimburses, or provides funds to assisted localities to reimburse, jurisdictions that provide personnel to assist affected localities? Does this reimbursement depend on the type or affiliation of the personnel sent – e.g., whether the assistance provided is a firefighter, a private ambulance service, a USAR team, etc.? Does it depend on whether the assistance is charged for or is being provided to an affected locality as an in-kind service, in exchange for potential future assistance from that locality? Are jurisdictions that provide mutual aid, through EMAC or otherwise, made whole for the expenses they incur in providing assistance?

*Many State, Tribal, and local governments and private nonprofit organizations enter into mutual aid agreements to provide emergency assistance to each other in the event of disasters or emergencies. These agreements often are written, such as the Emergency Management Assistance Compact, but occasionally are arranged verbally after a disaster or emergency occurs. There are a wide range of events where state or local governments may rely on assistance from other localities or other states including local incidents, city or county emergency declarations, state emergency declarations or Fire Management Assistance Grants (FMAG) or Presidential Emergency or Major Disaster Declarations under the Stafford Act. FEMA may only provide funds for such assistance in the event of a FMAG or Presidential declaration.*

*To be eligible for reimbursement by FEMA under the Public Assistance Program, the mutual aid assistance should have been requested by a Requesting Entity or Incident Commander; be directly related to a Presidentially-declared emergency or major disaster, or a declared fire; used in the performance of eligible work; and the costs must be reasonable. FEMA will not reimburse costs incurred by entities that "self-deploy" (deploy without a request for mutual aid assistance by a Requesting Entity) except to the extent those resources are subsequently used in the performance of eligible work at the request of the Requesting Entity or Incident Commander.*

*Generally the reimbursement does not depend on the type or affiliation of the personnel sent, provided that the work performed is eligible, under the same standards as if the state or local government performed the work itself. FEMA Disaster Assistance Policy DAP 9523.6 'Mutual Aid Agreements for Public Assistance and Fire Management Assistance Grants' provides specific guidance on establishing Mutual Aid Agreements. Reimbursement is based on the provisions of the mutual aid agreement and eligibility of the work performed. Reimbursement is for actual costs incurred by an eligible applicant under the mutual aid agreement. FEMA may account for the provision of donated resources to eligible applicants under a separate policy. FEMA reimburses the Requesting entity for the cost of the eligible work based upon the established cost share for the declared emergency or major disaster. The Requesting Entity then pays the Providing Entity for the full cost of the resources that were provided. The Requesting Entity is responsible for any non-Federal cost share. The Providing Entity pays for the full cost of the resources that it provided.*

*The specific wording of each mutual aid agreement may have an impact however almost all are worded in such a manner that the providing state will be eligible for reimbursement in the event of a Stafford Act Declaration at the same rate as the receiving state. DAP 9523.6 provides specific guidance on funding eligibility again these provisions are the same as if the receiving state or local government performed the work directly.*

*As I understand it, the basic provisions of the Public Assistance and Fire Management Assistance Grant programs call for a cost share of not less than 75% Federal share. Cost share can be increased, up to 90% Federal share based on direction of FEMA and up to 100% Federal share based on direction of the President.*

- b. What, if anything, do you think should be done to improve FEMA's processes for reimbursing mutual aid expenses to ensure that the provision of mutual aid is encouraged?

*The National Incident Management System (NIMS) maintains that States should participate in these agreements and should look to establish intrastate agreements that encompass all local jurisdictions. FEMA's policy on reimbursement for expenses under mutual aid supports the NIMS by establishing standard criteria for determining the eligibility of costs incurred through mutual aid agreements. FEMA provides reimbursement for mutual aid costs in a major disaster or emergency through Public Assistance grant funding to the declared (Requesting) State. The declared State is then responsible for the process of reimbursing the expenses of the Providing States. Mutual aid thus encourages critical agreements among States and local jurisdictions so that impacted jurisdictions can call upon the resources they need to effectively respond to incidents whether or not there is a Federal declaration.*

*If confirmed, I agree to work to strengthen this process.*

**Senator Carl Levin  
Questions for the Record  
Nomination Hearing of W. Craig Fugate  
April 22, 2009**

Through its map modernization program, FEMA is in the process of updating the National Flood Insurance Program maps to produce more accurate flood maps that reflect the most current scientific data and techniques, as well as updated information on drainage and hydrology caused by new development and other alterations in the built and natural environment. While the map modernization effort was intended to benefit communities so that they are better informed about flood risks, in some cases, FEMA's re-mapping efforts appear to have taken communities by surprise, have not been well-communicated, and had some local data disregarded by FEMA.

1. In FEMA's map modernization effort, will you work with state and local communities to improve communication so that the re-mapping strategy, and its implications regarding mandatory flood insurance requirements and new zoning and building standards are understood by state and local officials as well as the general public?

*FEMA aims to keep communities engaged and apprised of their flood risk. In fact, FEMA has an extensive communications and outreach process associated with mapping and floodplain management. At the start of the Map Modernization program, FEMA developed the Multi-Year Flood Hazard Identification Plan (MHIP) as a mechanism to provide state and local communities a 5-year forecast of map production activities. The MHIP has been developed and will continue to be updated through a collaborative process with state, local, and national participants impacted by the development of modernized flood maps.*

*Once a flood map update project has been initiated, FEMA schedules a meeting with the impacted communities to review their existing flood hazard data, identify areas of concern, and gather best available data to influence the depiction of the flood hazard prior to map production. In some instances, the new/additional information is provided to FEMA directly from the community. As the project progresses, FEMA provides a preliminary Flood Insurance Rate Map to the community for their review and allows them the opportunity to provide comments on the data provided. In many instances, FEMA coordinates a community meeting with local officials to review the preliminary flood hazard information and potential mandatory flood insurance requirements as well as floodplain management implications. After the community comment period and following two publications in a local newspaper and the Federal Register, FEMA is required to hold a statutory 90-day appeal period to collect any scientific or technical disputes to the revised data. Once all comments and appeals have been resolved, FEMA finalizes the data for the community to adopt into their local ordinances.*

*I understand that this can be a complex process for the State and local communities. If confirmed, I commit to working with the State and local communities on outreach efforts during this process.*

2. Will you work to ensure that local data and input is included in FEMA's updated flood maps at the beginning of the process, and not just through the appeal process?

*At any time after the effective date of the Flood Insurance Rate Map, the community can submit scientific or technical data to update flood hazard information through a Letter of Map Change (LOMC). These revisions through the LOMC process are produced under a shorter timeframe and typically cover a small area of concern.*

*Periodically, FEMA coordinates with local officials to review floodplain management policies and procedures through a Community Assistance Visit. These visits are conducted outside of the map production process, which allow the local community an opportunity to discuss specific issues and impacts related to the NFIP.*

*As I understand it, Risk MAP, the successor to the Map Modernization endeavor, aims to even more closely aligning the mapping process with the local planning processes. This alignment, in addition to increased focus on outreach efforts, will even further improve the communication between FEMA and local communities to influence local actions to reduce their flood risk.*

There is broad consensus that human-induced climate change is occurring, resulting in a wide variety of impacts. For example, while sea levels are expected to rise, water levels in the Great Lakes are expected to fall as a result of climate change.

3. Will the lower Great Lakes levels expected to result from climate change be incorporated by FEMA in its flood map modernization efforts?

*As I understand it, FEMA is currently managing a study that examines the impact of climate change on the National Flood Insurance Program (NFIP) as per recommendations from a 2007 Government Accountability Office report. In part, the study is investigating how predicted changes in precipitation patterns caused by climate change will alter watersheds, flood basins, and flood levels, and how these changes will impact the NFIP. The study is expected to be completed in March, 2010.*

*FEMA understands that many published assessments of the affects of climate change on the Great Lakes, including the latest Intergovernmental Panel on Climate Change (IPCC) reports, project lower water levels for the Great Lakes. These assessments are being incorporated in our climate change study and will be used to reevaluate and/or modify existing policies regarding flood mapping in the Great Lakes basin. Given this: (1) projected climate change-induced Great Lakes water levels will be considered and reflected by FEMA in the successor projects to Flood Map Modernization effort known as Risk Mapping Assessment and Planning (Risk MAP), and (2) it is likely that new flood studies will show changes in the Special Flood Hazard Areas (SFHA)*

4. Would you expect that some areas in Michigan, which is entirely located in the Great Lakes basin, would not be expected to be located in floodplains in the future because of the lower lake levels?

*I understand that FEMA will initiate new Great Lakes flood studies and mapping beginning in fiscal year 2010. It is anticipated that all of the populated areas along the Great Lakes will be completed by the end of fiscal year 2015. If confirmed, I will ensure that FEMA works collaboratively with all of our State and local partners when they conduct these studies.*

**Senator Mark Pryor  
Additional Questions for the Record  
Nomination Hearing of W. Craig Fugate  
April 22, 2009**

1. As you are aware, updates to the FEMA Flood Map Modernization Program have created some problems for rural communities who are trying to certify their levees. FEMA staff has been very helpful to us on a case-by-case basis and we appreciate it. We are hopeful that this cooperation will continue and become policy. Do you have any suggestions on how best to fund, administer, and publicize programs to improve local levees?

*Cooperation between FEMA and local communities, rural and otherwise, has been and will continue to be a vital function of the FEMA flood map production process. At the inception of all flood map update projects, FEMA meets with the impacted communities to review existing flood hazard data, identify areas of concern, and gather best available data that may influence the depiction of flood hazards prior to map production. This is particularly true for levee-impacted communities, where FEMA is reliant upon them, the levee owners, or the Federal Agency responsible for maintaining the levee to provide data and documentation that demonstrates compliance with the FEMA regulatory requirements for levee certification. FEMA relies on these entities to provide such information, as FEMA does not implement or fund the design, construction, operation, maintenance, or certification of levee systems. The depiction of flood hazards associated with a levee and the accreditation status of that levee system on a flood map is driven directly by the data and documentation provided to FEMA during the map production process.*

*As I understand it, Risk MAP, the successor to the recent Map Modernization endeavor, aims to even more closely align map production with the local planning processes. This alignment, in addition to increased focus on outreach efforts, will even further improve the communication between FEMA and local communities to influence local actions to improve their levee systems and reduce their flood risk while ensuring accurate identification of levee-related flood hazards throughout the flood mapping cycle.*

*Additionally, Congress recognized the levee-related risk to the public and made a decision to invest in the establishment of the National Committee on Levee Safety (NCLS). This Committee was charged with developing recommendations for a national levee safety program including a strategic plan for implementation of the program and included representation from the USACE, FEMA, and State, local, and tribal agencies and the private sector. The vision statement for the NCLS is as follows: "An informed public and reliable levee systems working as part of an integrated approach to protect people and property from floods." While serving as an example of a publicized program that included representation at all levels, this very important endeavor on life safety and protection of property behind levees only lay the groundwork for all of the necessary efforts that must begin now and continue into the future to really make a difference in reducing risk, protecting property but most importantly, saving lives. If confirmed, I will*

*ensure FEMA's continued participation in such programs as they occur and ensuring that such programs serve to guide levee owners and communities in their efforts to improve local levees and public awareness of levee-related flood hazards.*

2. In past testimony, you have spoken of the need to reduce reliance on trailers and develop long-term housing solutions, in part through a disaster housing partnership between FEMA and HUD. As you know, I encourage this shift and have re-introduced a bill to require FEMA to transfer, sell, or dispose of the excess trailers in its inventory.
  - a. What resources and/or legislative changes do you think may be needed to reorient the disaster housing programs away from exclusive reliance on trailers?.

*The 2009 Disaster Housing Plan describes FEMA's approach to working with Federal partners, States, Territories, Tribes, local communities, and individual disaster survivors to meet disaster related sheltering and temporary housing needs. This Plan is based on key concepts that are further defined in the NDHS and is intended to serve as an operational guide to FEMA's housing mission for 2009 disasters. Options for interim housing vary greatly, depending on the nature and size of the event. If rental resources are available, and infrastructure is not badly damaged, rental properties will provide the bulk of the interim housing. However, if the damage to the community's infrastructure is more significant and there are not enough rental properties to meet the needs of the impacted population, other options must be considered.*

*As I understand it, FEMA is actively pursuing several housing options for applicants affected by disasters:*

*Joint Housing Solutions Group (JHSG)*

*FEMA launched the Joint Housing Solutions Group initiative as a multi-year effort to develop a systematic process to evaluate and rate various disaster housing options, identify viable alternatives to FEMA travel trailers and manufactured homes, and recommend improvements for conducting disaster housing operations.*

*The Joint Housing Solutions Group evaluated proposals and initiated contracts with seven alternative housing manufacturers. Each manufacturer has been tasked with delivering one prototype unit to FEMA's National Emergency Training Center (NETC) where the units will undergo pilot testing by EMI students who volunteer to stay in the units and provide feedback. In addition, the JHSG continues to develop and field test the Housing Assessment Tool to facilitate decisions related to the selection and use of temporary and alternative housing units.*

*Alternative Housing Pilot Program (AHPP)*

*The AHPP is a one-time, four-year pilot developed to identify and evaluate better ways to house disaster victims. AHPP was a \$400 million Congressional appropriation in 2006 and is identified as a key program in the Federal Emergency Management Agency's (FEMA) National Disaster Housing Strategy. Designed as a*

*grant program to address disaster housing needs, five (5) projects were awarded to four (4) States through a competitive bid process. While each project explores a different solution to locally acceptable transitional and permanent disaster housing, all projects must ensure that individuals continuing to receive housing assistance from the 2005 hurricane season are given first priority for occupancy.*

*To evaluate the structural integrity of the units and their impact on individual recovery, the Department of Housing and Urban Development (HUD) is performing building and social science research for FEMA under an Interagency Agreement. Once completed, HUD will present their findings to Congress and FEMA.*

*Rental Repair Pilot*

*The Rental Repair Pilot Program (RRPP) was launched in Iowa under DR 1763 IA and in Texas under DR-1791-TX. The RRPP provides funding for repairs to privately owned multi-family complexes in exchange for the use of repaired units as temporary housing. The RRPP works through the State led Housing Task Force and includes partners from HUD and U.S. Army Core of Engineers (USACE). FEMA's pilot program authority provided under PKEMRA expired on December 31, 2008. FEMA is finalizing a Congressional report on the implementation of the RRPP.*

*Disaster Housing Assistance Program (DHAP)*

*FEMA continues to work with HUD partners on a daily basis to ensure that all families referred to DHAP are receiving timely assistance. This new pilot program has allowed FEMA to transfer long-term housing assistance to HUD. HUD is able to use its existing network of local Public Housing Agencies (PHAs) to administer rental assistance and provide case management services. FEMA continues to monitor the number of families transferred to the program in order to ensure a seamless transition into DHAP. FEMA has also contributed to the development of Standard Operating Procedures (SOPs) that have increased the overall efficiency of the program and reduced waste in how the local PHAs receive their funding.*

*The DHAP Katrina/Rita pilot has begun the transitional close-out period and FEMA will work closely with HUD to evaluate the effectiveness of the program. The evaluation will assess the goals, processes, and outcomes of the Katrina/Rita DHAP pilot program including cost analysis from initial DHAP funding to Program closure. HUD and FEMA will use the results of this evaluation to strengthen the partnership between the agencies and increase the effectiveness of future implementation of DHAP.*

3. In Spring 2007 you testified before the House Homeland Security and House Transportation and Infrastructure Committee on FEMA's preparedness. In your testimony you listed some key areas that you said need to be addressed in order to secure our preparedness for all disasters. One of those areas was the EMAC system, which you said needs federal support. What would you recommend to enhance the EMAC program?

*Through Congressional funding EMAC has received \$5 million and has produced over 92 mission ready packages that are fully capable and are self sustaining for use in major disaster employments through EMAC. These resource packages were built upon the NIMS resource typing definitions developed by the Incident Management Systems Integration Division of FEMA. My recommendation is continued support of EMAC through an on-going Cooperative Agreement and that FEMA be properly resourced to continue funding of this mutually beneficial relationship.*

4. Secretary Napolitano has stated that she is looking to improve the coordination of DHS activities involving state and local partners. What are some of the things you will do at FEMA to improve the coordination? (Perhaps more state and local interaction with FEMA Regions, more interaction with intergovernmental organizations like NEMA?) What resources do you need to make this happen?

*I agree that we need to improve coordination with tribal, state and local partners, especially considering they are FEMA's main customers for planning, preparing, responding and recovering from a disaster. Next month, FEMA will convene a working group comprised of FEMA staff and external stakeholders from state, local and tribal governments to discuss ways to consolidate and/or reduce reporting requirements and requests from FEMA. If confirmed, I look forward to viewing the recommendations from this working group on how FEMA can better improve coordination with state and local partners.*

*As a State Emergency Manager, I cannot stress enough the importance of having and maintaining a strong working relationship with the FEMA Regional offices. I believe the more we do to strengthen the Regional offices, the better prepared FEMA will be to assist State and Locals in planning and responding to disasters.*

*If confirmed, I look forward to bringing a State perspective to FEMA and examining what more we can do to improve coordination with Intergovernmental organizations, tribal, state and local officials and whether additional resources are needed to do so.*

5. Florida's emergency management program is widely regarded as one of the best in the Nation – proactive and forward-leaning. What are some effective ways to share best practices from Florida and other leading states with states that are not as proficient in emergency management? How will you encourage those changes as FEMA Administrator?

*Florida's "Get a Plan" and the new [www.kidsgetaplan.com](http://www.kidsgetaplan.com) are part of the overall message to look at the public as a resource; they are disaster survivors and have a role in preparedness, response, recovery, and mitigation. The State shares these best practices through conferences and visits from other states to see Florida's program.*

*One of the most effective ways to share information is through joint training and exercising between states and regions. Florida has learned more critical lessons for future disasters by providing mutual aid under the Emergency Management Assistance*

*Compact (EMAC) to other states during their emergencies. Because we don't want to wait for our own, in-state disasters to discover response shortfalls, encouraging the deployment of staff from other states to exercises and training sponsored by neighboring states not only shares best practices, it builds the strength of the Nation's ability to respond to catastrophic events.*

*Finally, the Emergency Management Accreditation Program (EMAP) is another vehicle to share best practices, both from the standpoint of undergoing the accreditation process, as well as providing staff to serve as peer assessors for other states and local governments seeking accreditation.*

6. Arkansas, like your home state, has one of the largest cumulative number of fatalities from tornadoes. Do you have any recommendations (i.e, warning systems, weather radios) that offer hope for reducing the death toll of tornadoes? Do you think this risk factor should be considered for all-hazard DHS grant funding?

*The Nation should move to a warning system based on the devices most likely to be with someone at the time of the emergency (e.g., cell phones, wireless computers, home phones), as well as NOAA weather alert radios, outdoor warning systems, and the Emergency Alert System. There is no one technology that will always be best, but we do need a common protocol for sending emergency warnings to the public using the methods noted above. Stovepipe systems or proprietary technology will fail and cost too much for most local governments and the public. We must understand that the "warning system" is more than just the technologies used to distribute the warning.*

*The basic elements of an effective warning system include:*

- **The Event must be detected** – Example – National Weather Service Detects a Tornado
- **There must be a recommended action** - Example – Tornado Warning has been issued for the following areas, residents need to move indoors to a safe location
- **The Warning Must be Issued to the Public** – Example – NOAA Weather Alert Radios and EAS are activated.
- **The Warning Must Be Received and Understood** – Example – We hear the TV Station broadcasting that there is a tornado warning and the map shows the storm moving to our area.
- **The Public Must Act** – Example – After hearing the tornado warning, the family goes into an interior room.
- **The Public must have a safe place to go or action to take** – Example – the family lives in a new home with no basement, do they have a safe room?

*At each step – FEMA needs to be working with other partners to build out the national warning system and as part of that, ensure that warning systems have a high priority in all hazards funding initiatives.*

*FEMA is presently moving forward on developing a more comprehensive multi-hazard risk methodology for the FY2010 cycle. This methodology would include natural hazard data such as floods and tornadoes. Specifically, this multi-hazard approach will be used for the FY2010 Interoperable Emergency Communications Grant Program.*

**Senator Mary Landrieu  
Additional Questions for the Record  
Nomination Hearing of W. Craig Fugate  
April 22, 2009**

1. You indicated that “ESF-14 is a strong concept but it has not been developed or used to its potential.” In order to further develop ESF-14, would you be willing to increase staff and funding for the program?

*Yes. The ESF-14 program has a core staff within the Disaster Assistance Directorate at the headquarters level, but no dedicated staff in the regions. In order to establish ongoing working relationships with state counterparts and to be positioned to support multiple ESF-14 operations simultaneously, I believe that the program needs a fully dedicated and funded permanent position in each of the 10 FEMA regional offices.*

2. You mentioned achieving “recovery outcomes” and “integrating other federal agencies into long term recovery...to find the best solutions.” In order to achieve interagency coordination, will you establish a working group of agency principals that meets regularly (perhaps monthly) to synergize efforts, seek each other’s help, share best practices, and resolve disputes over legal or financial responsibility?

*The Disaster Assistance Directorate currently hosts a monthly meeting or conference call for the inter-agency ESF-14 working group. This group of senior managers’ works on policy and procedural issues as they surface during the various ESF-14 disaster operations. If confirmed, I will continue to support these synergistic efforts.*

*In addition to this working group, I would like to establish a senior level meeting of agency representatives who have the authority to commit staff time and other resources to the ESF-14 enterprise. It is important that we provide a greater understanding of ESF-14 at the partner and support agency leadership level. I plan to convene such a meeting as well as follow up meetings as needed.*

3. You stated that “FEMA should...provide a safety net of resources to assist overwhelmed states and communities (so) planning and long term recovery efforts begin quickly and in an organized fashion.” In order to achieve that level of speed and organization, will you dispatch recovery planners to provide guidance and technical assistance immediately after a disaster?

*Where states and communities are confronted with severe impacts needing long term solutions, I will dispatch ESF-14 planners to coordinate a recovery strategy with the states, and begin the process of helping communities develop individual recovery plans. But, as noted above, our capacity to do so with multiple simultaneous disasters will be limited until we have dedicated ESF-14 staff in our regional offices.*

4. You declared that ESF-14 “will never be fully successful if it does not have a strong pre-disaster element that encourages States and communities to build their recovery management capabilities.” How can FEMA encourage local governments and states to develop recovery plans before an event?

*I believe that FEMA should be better prepared to provide a safety net of additional resources to assist overwhelmed States and communities during particularly challenging times to ensure that planning and long term recovery efforts begin quickly and in an organized fashion. States and communities must build their capabilities and prepare for recovery operations in the same systematic manner in which they prepare to respond before a disaster strikes. The Long Term Community Recovery Function will never be fully successful if it does not have a strong pre-disaster element that encourages States and communities to build their recovery management capabilities.*

*I believe FEMA needs two additional elements in place to provide States and local communities with pre-event capacity to effectively deal with the long-term consequences of a severe disaster. These are: 1) programmatically expert long term recovery FEMA staff in each regional office to guide State and local emergency managers and planners in laying the ground work for a post-disaster recovery planning process; and 2) a dedicated portion of emergency preparedness grants to enable each State to allocate expert planning resources to engage with FEMA, other Federal agencies, and most importantly, with State, city, and county planners and program managers, as well as elected officials.*

5. You mentioned Florida’s Post Disaster Redevelopment Plan and catastrophic planning for post disaster economic stabilization. Can you tell us about these planning initiatives and their potential to serve as a pre-event recovery planning model for other states?

*Based on Florida’s history after Hurricane Andrew and the 2004 Hurricane Season, the State has developed Long Term Recovery Committees to address coordinating assistance to the survivors in the aftermath of a major disaster. Florida recognized the FEMA’s Individual Assistance program was not designed to make families whole again, nor deal with underlying social issues. By bringing community based organizations together, the State has been able to leverage government, volunteers, and donations in order to provide long term help to Florida communities.*

*Second, the State provides post disaster redevelopment planning tools to impacted communities through the Department of Community Affairs (<http://www.dca.state.fl.us/fdcp/DCP/PDRP/index.cfm>) to assist local governments in the long term recovery challenges associated with rebuilding.*

**Senator Susan M. Collins**  
**Additional Questions for the Record**  
**Nomination Hearing of W. Craig Fugate**  
**April 22, 2009**

1. History has repeatedly shown that terrorists do not always operate solely in areas that they intend to ultimately strike. They plan, recruit, train, and live in places like Norman, Oklahoma, Portland, Maine, Decatur, Georgia, and Vero Beach, Florida - all places the 9/11 hijackers visited. I believe it is therefore imperative that we build prevention and protection capabilities across America – in both urban and rural areas. As Secretary Napolitano recently articulated, every area of America faces some level of risk.

How will you ensure that smaller communities and rural States and localities receive adequate federal assistance to prepare to prevent or respond to terrorist attacks?

*I believe that the Department has developed an allocation method that attempts to help address the needs of all States and Territories, as well as targeting higher levels of funding to those areas determined to be at greater relative risk of a terrorist attack. However, I do realize that risk exist everywhere.*

*Under the State Homeland Security Program, each State and Territory receives a minimum allocation of funds to prepare for, prevent, and protect against acts of terrorism. In addition, the Department evaluates the potential risk of terrorism faced by a given area and the impact an attack could have on people, critical infrastructure, and the economy. Since risk is dynamic, over time we can expect to see changes in relative risk ranking as threats change and populations shift. Consequently, the Department uses the most current data available when calculating the risk formulas.*

2. During her tenure as Governor, Secretary Napolitano hosted the TOPOFF 4 exercise in Arizona in October 2007. After the exercise, the then-Governor sent a letter to Secretary Chertoff articulating several concerns with the exercise, including (1) significant delays in signing an MOU with the Department about hosting TOPOFF 4; (2) the planning process was “too expensive, too protracted, and too removed from a real-world scenario;” (3) inadequate information sharing between the Federal government and State and local officials during the exercise, and (4) the excessive length of time that it takes for the Department to provide feedback to State and local exercise participants. However, having participated in national exercises before, I do not necessarily share all of the Secretary’s concerns – I felt these exercises were well run, helpful to state and local governments, and focused on real-life scenarios.

As FEMA Administrator, you will be directly responsible for the National Exercise Program. What has been your experience with the National Exercise Program, and what will you specifically address each of these problems?

*As FEMA Administrator I look forward to overseeing the National Exercise Program (NEP). To date, my experience with the NEP has primarily been through the National Preparedness Directorate's Regional Exercise Support Program (RESP). The primary goal of the RESP is to support and promote regionally coordinated exercise initiatives. The RESP provides exercise support teams, through a contract vehicle, for all phases of design, development, conduct, and evaluation of preparedness exercises. Over the past 2 years, the RESP has supported 6 exercise initiatives in Florida, which included 2 Training and Exercise Planning Workshops, 3 tabletop exercises, and 1 full scale exercise.*

*Regarding your comments about previous TOPOFF exercises, I understand that based on the comments from then-Governor Napolitano, and other planners and participants in Top Officials (TOPOFF) 4 Full Scale Exercise, FEMA has already identified and resolved a number of areas where improvements can be made. If confirmed, I look forward to working with the National Preparedness Directorate to ensure exercises are properly managed, executed and to ensure lessons learned are shared in a timely manner.*

3. Last year, Senator Lieberman and I sent two letters to then-Secretary Chertoff (7/16/2008, 9/19/2008) expressing concern regarding the potential conflict-of-interest in the FEMA acquisition for the "Top Officials" exercise (TOPOFF 5). The letters expressed concern about the actions of FEMA employees who inappropriately used the work done by the incumbent contractor to prepare a Statement of Work for the next contract for which the same incumbent contractor competed. The Committee learned that even after a competitor for the TOPOFF 5 contract formally notified the FEMA contracting officer of the problems associated with the incumbent's participation in development of the Statement of Work, FEMA determined that the incumbent contractor would still be permitted to compete for the TOPOFF 5 contract.

Although FEMA indicated that the contracting officer's determination was subsequently under reconsideration, FEMA never made a decision to exclude the incumbent contractor from TOPOFF 5 competition. Rather, the incumbent contractor decided unilaterally to suspend several employees and remove itself from contention for the TOPOFF 5 contract. Throughout this series of events, FEMA failed to effectively manage the TOPOFF 5 contracting process.

We are encouraged that DHS and FEMA has since taken some limited steps to address the serious conflict-of-interest and management oversight issues that arose during the TOPOFF 5 contracting process. However, it appears that FEMA did not fully investigate possible violations of the Federal Acquisition Regulation and Procurement Integrity Act by FEMA employees. How do you plan to

improve the acquisition process in FEMA and ensure proper accountability and reward structure is in place for its employees?

*Following the TOPOFF 5 issues, the Contracting Officer conducted an extensive review of the allegations and was well along in the process of eliminating SAIC from the competition when the contractor removed themselves from the competition. Even though the contractor removed themselves from the competition, the possibility of suspension or debarment for their actions still remained. The contracting officer determined that the contractor took this situation very seriously and not only removed themselves from a multi-million dollar acquisition, but also removed six employees who were involved with the conflict of interest.*

*In direct response to this event, FEMA increased Ethics Training across the board to address OCI and PIA issues. In addition, a pilot program of having the awardee of any action at or over \$1 million to submit an OCI Mitigation Plan has been developed. Contract Specialist (CS) work more closely with Program in the development of an acquisition. The CS are required to be more diligent in data mining the Statement of Work and Independent Government Cost Estimate to determine the authors and origins of these and other Procurement Sensitive documents.*

*If confirmed, I will continue to push for continuous improvement of the acquisition processes at FEMA.*

4. In our Committee's investigation of the failed response to Hurricane Katrina, the Committee found that DHS, FEMA, and DOD were poorly coordinated and did not communicate effectively – causing a drastically delayed DOD response to the disaster. Since then, several measures have been put in place to ensure close coordination with DOD. For example, the Post-Katrina Emergency Management Response Act required that DOD send defense coordinating elements to FEMA regional response centers during a disaster to serve as the liaison between FEMA and NORTHCOM, relaying capabilities that are available to FEMA and coordinating movement of active duty personnel and equipment. If confirmed, what would you do as the Administrator of FEMA to ensure that FEMA and NORTHCOM continue to improve their coordination and planning for catastrophic disasters?

*The Department of Defense (DoD) plays a key role supporting FEMA in overall planning, coordination, and integration of Defense Support to Civil Authorities (DSCA) with local, State, and Federal agencies. The DoD domestic disaster response focuses on providing homeland defense, supporting civil operations, and cooperating in in-theater security activities designed to protect the American people and their way of life. FEMA's partnership with DoD continues to evolve and the disaster response support DoD and its multiple components bring to FEMA is critical to enhancing our comprehensive preparedness, protection,*

*response, recovery, and mitigation capabilities for dealing with all types of natural and man-made hazards. Multiple facets of coordination and cooperation are ongoing between FEMA and DoD. DHS/FEMA coordinates with DoD through the Assistant Secretary of Defense for Homeland Defense (ASD/HD), and specifically coordinates with the Joint Staff through the Joint Director of Military Support (JDOMS). The support from the Secretary of Defense in preparing for all types of disasters is critical. FEMA coordinates with numerous DoD components that provide support including:*

- o US Northern Command (USNORTHCOM)*
- o Defense Logistics Agency*
- o U S Army Corps of Engineers*
- o National Guard Bureau (NGB)*
- o National Geospatial-Intelligence Agency*
- o US Transportation Command*
- o US Pacific Command*
- o US Southern Command*
- o Marine Corps Systems Command*

*Collectively, DoD, FEMA, and its partners continue to enhance overall coordination and cooperation to improve future disaster response capabilities. Since Hurricane Katrina, FEMA's collaboration with USNORTHCOM has significantly expanded to the mutual benefit of both organizations.*

*For example, FEMA has posted a representative at USNORTHCOM to help coordinate and integrate preparedness, plans, training, exercises and response operations for all hazards. Similarly, DoD has posted full-time Liaison Officers at FEMA Headquarters, including a USNORTHCOM liaison, and assigned full-time Defense Coordinating Officers (DCO) with Defense Coordinating Elements in each of the ten FEMA regions to facilitate coordination, provide support, and share expertise. In addition to acting as the single point of contact for all Federal agency requests for DoD assets during response operations, DCOs routinely coordinate with the State Adjutants General and other key stakeholders to better understand State response capabilities and gaps to help ensure DoD assets are assigned quickly and effectively when requested. During major hurricanes, FEMA also deploys a representative to ARNORTH to coordinate response activities.*

*In addition, USNORTHCOM directly supports FEMA's operational and logistics planning for all-hazards contingencies described by the 15 National Planning Scenarios. USNORTHCOM and its components participate in the FEMA-led New Madrid Seismic Zone Catastrophic Planning Initiative and other catastrophic planning initiatives to examine preparedness, response, and recovery measures at the local, State and Federal levels.*

*FEMA closely coordinates with DoD and its components and routinely coordinates with USNORTHCOM in a number of areas to facilitate a greater understanding of needs and capabilities to include development and use of mission assignments. To expedite DoD support to FEMA when needed, FEMA and USNORTHCOM have worked together to prepare and refine nearly thirty Pre-Scripted Mission Assignments which facilitate rapid response during disasters. USNORTHCOM's demonstrated ability to respond rapidly with the full range of military capabilities to these requests is critical in saving lives, minimizing human suffering, and preserving infrastructure.*

*Additionally, there is routine communication between FEMA and DoD components through the National Response Coordination Center, which has led to the establishment of critical information sharing and interoperability protocols. FEMA, NGB, and USNORTHCOM exchange operational information daily. FEMA and USNORTHCOM senior leadership also communicate on regular basis, which highlights the close relationship between the two organizations. Senior FEMA officials regularly participate in USNORTHCOM training courses to facilitate information exchange.*

*Extensive planning, training, and exercises conducted by FEMA, USNORTHCOM, NGB, and State and local authorities have immeasurably enhanced the collective ability to provide unity of effort in responding to incidents. As a result of coordinated efforts, DoD is prepared to support FEMA in responding to the full range of natural or man-made events. If confirmed, I will ensure that FEMA continues to actively foster the relationship with DoD and USNORTHCOM to enhance delivery of disaster response assistance to State and local emergency management partners.*

5. In your responses to Senator Lieberman and in your responses to pre-hearing questions, you indicated your willingness to respond to requests for information from the Committee. I would be remiss in my duties as Ranking Member, however, if I did not ask that you treat requests from the Chairman and from me equally. Will you do so?

*Yes.*

**Senator Tom Coburn  
Additional Questions for the Record  
Nomination Hearing of W. Craig Fugate  
April 22, 2009**

**FEMA Grants**

1. Last year, then-candidate Barack Obama stated that homeland security grants should be allocated based on risk only. Do you plan to support President Obama's stance on risk allocation?

*FEMA supports risk-based allocations, but also attempts to ensure the best return on investment of taxpayer resources by measuring the effectiveness of State and local grantee's proposed use of grant funds. Additionally, the appropriations language for the Homeland Security Grant Program (HSGP) indicates that the grants should be allocated by risk and effectiveness. Specifically, per the 9/11 Act, FEMA is instructed to measure, "the anticipated effectiveness of the proposed use of the grant by the State or high-risk urban area in increasing the ability of that State or high-risk urban area to prevent, prepare for, protect against, and respond to acts of terrorism, to meet its target capabilities, and to otherwise reduce the over all risk to the high-risk urban area, the State, or the Nation". When determining final allocations, FEMA has historically placed a primary emphasis on risk by allocating 90% of the funds on the State or urban area risk score and the remaining 10% on the effectiveness score. FEMA believes this methodology meets the intent of the law and directs the majority of the funds to the highest risk areas, while rewarding other jurisdictions that have demonstrated the plans are in place for the effective use of grant funds.*

2. FEMA allocates funding based on risk for a number of different grants – port security, bus, transit, UASI, etc.
  - a. Do you know if the Department assesses risk for each of these grants using the same process?

*In accordance with the 9/11 Act, DHS utilizes risk formulas for grant funding allocations for the State Homeland Security Grant Program, Urban Areas Security Initiative, Port Security, Transit Security and Interoperable Emergency Communications Grant Program. The same basic formula is used for these five programs where risk is determined to be a combination of threat, vulnerability and consequence. While the same basic formula is used, terms are weighted differently depending on the program. Underlying data for each term varies as well. For example, one of the data elements in the vulnerability and consequence term in the Urban Area Security Initiative is population density while the Transit Security Grant Program uses passenger trips instead of population density. In other words, the risk formula is tailored to the program objectives for the individual grant program.*

- b. Does FEMA consider the other grants a particular location receives when considering another grant award for that same location? In other words, if the Port of Long Beach (which is considered a part of Los Angeles under UASI) receives a port security grant, can Long Beach also use UASI money to fund port security projects?

*While a particular urban area may be eligible to receive grant funding under several DHS grant programs, the objectives of and eligibility for each program are different as defined by the 9/11 Act and other authorizing legislation and are further defined by the annual grant guidance. Urban areas could potentially use UASI grant funds to develop and enhance health and medical readiness and preparedness capabilities while a port in the same urban area might use port security grant funds for maritime domain awareness or to implement the Transportation Worker Identification Credential program or the transit agency in that same urban area might use transit security grant funds to harden a high occupancy rail station. DHS expects and requires that the State Administrative Agency, Urban Area Working Group, Regional Transit Security Working Group and Area Maritime Security Committees with in each urban area coordinate such that duplicate projects are eliminated, grant funds can be leveraged and the overall capabilities of the urban area are enhanced.*

- c. How will you as FEMA Administrator address these overlap and duplication issues?

*If confirmed, I will continue to ensure that all of the FEMA grant program objectives are in accordance with the appropriate authorizing legislation and will increase efforts to ensure coordination between grantees within high threat urban areas so that duplicate projects are eliminated, grant funds can be leveraged and the overall capabilities of the urban area are enhanced.*

3. In order for a risk-based funding system to work, the risk assessments performed by FEMA must be legitimate and accurate. A recent GAO report found that the Department has not taken action to address a key GAO recommendation made last year that DHS formulate a method to measure vulnerability that captures variations across states and urban areas, and apply this vulnerability measure in future iterations of this risk-based grant allocation model. FEMA and DHS concurred with the recommendation yet no action has been taken to date. What will you do to ensure that the risk based model used by FEMA to allocate this money is improved so that the risk a community faces is accurately evaluated each year and the grant funding is tied to that evaluation?

*FEMA did concur with the GAO report that indicated improvements could be made in our ability to measure vulnerability from one jurisdiction to the next. The ability to determine a true measure of vulnerability is indeed a challenge and is something FEMA and its partners within the Department continue to explore. However, steps are being taken to ensure grant funds are being allocated where they are needed the most. Specifically, instead of investing against risk, or attempting to "buy down risk" as it is commonly referred, FEMA invests in building capabilities. This is being addressed by assessing the historical and future effectiveness of FEMA's preparedness grant programs in building State and local all-hazards capabilities outlined in the Target Capabilities*

*List (TCL), specifically through efforts such as the Cost-to-Capability (C2C) initiative. The C2C initiative is intended to be a future mechanism for FEMA and its State and local partners to prioritize grant funding decisions by assessing grantees past accomplishments and identifying gaps in capabilities which should be addressed through future funding streams. So, rather than focusing solely on buying down risk, FEMA has taken the initiative to measure the building up of capabilities aligned against risk to limit a jurisdictions vulnerability to a terrorist attack or other natural hazards.*

4. Since 2002, DHS has spent over \$22 billion in American taxpayer dollars on homeland security grants. Despite this massive infusion of money to the states, DHS and FEMA have created no specific benchmarks for states and localities to meet concerning these grants. While FEMA has done good work in establishing national standards for readiness, the department has not yet been able to tie this grant funding to the established standards. Since drafting the target capabilities list in 2005, the department has not taken any measures to ensure that these plans are executed at the federal, state and local levels.
  - a. Do you plan to implement a system to evaluate the use of grants at the state and local level?

*Cost-to-Capability Initiative*

*As I understand from briefings I have received, the Federal Emergency Management Agency's (FEMA) Grant Programs Directorate has the lead role in the programmatic administration of FEMA preparedness grant funding. As one of multiple instruments of preparedness, grant programs can play a key role in demonstrating how capabilities have been developed and maintained by State and local emergency responders. GPD's preparedness grant programs distributed more than \$19.5 billion from fiscal years 2003 – 2007. With respect to those grant programs and their impact on State and local preparedness efforts, GPD has developed the Cost to Capability Initiative to develop the tools needed by GPD and its grantees, to manage performance across a diverse portfolio of preparedness grant programs, and to better demonstrate the historical and future effectiveness of GPD's preparedness grant programs in building State and local all hazards capabilities outlined in the Target Capabilities List (TCL). GPD has developed the Cost to Capability initiative to support the strategic goal of building a robust and standardized data analysis capability to quantify benefits and demonstrate the importance of grants management to Homeland Security priorities. Before creating new data collection and analysis tools, and in order to develop future measures to evaluate the use of grants at the State and local level, GPD has developed a retrospective analysis, by reviewing existing grantee-reported data to establish the feasibility of quantifying its preparedness grant programs' combined accomplishments from past fiscal years. The Cost to Capability Initiative is also closely coordinated with FEMA's National Preparedness Directorate, which manages the Comprehensive Assessment System (CAS) and the Target Capabilities List (TCL).*

*In addition, FEMA is implementing the Non-Disaster component of the Emergency Management Mitigation Integration Environment (EMMIE). Upon the full implementation of the Non-Disaster Component of EMMIE, the grantee and sub-grantee functionalities will allow for visibility and transparency into the expenditures and management of federal funds.*

- b. What type of benchmarks will you require state and local governments meet in order to continue to receive funding?

*There are currently no specific benchmarks required for funding levels, and it would be premature to provide any specific information on such an effort. However, FEMA's Grant Programs Directorate and National Preparedness Directorate are working closely on a number of initiatives to measure the effectiveness of grant funding, to ensure that the Target Capabilities List is a clear and concise document that can be used by our emergency response community and to provide for better preparedness reporting by our States.*

*If confirmed, I will continue to advance this effort.*

- c. How should a state measure its preparedness level? What metrics should be used?

*Measures arise from a variety of sources, including law, regulation, standards, and national goals or guidance. For example, communities surrounding a nuclear power plant are measured against regulations set by the Nuclear Regulatory Commission, while NFPA 1600 and EMAP standards may be voluntarily adopted for emergency management programs. The National Emergency Communications Plan and National Incident Management System are examples of national goals and guidance. The Target Capabilities List (TCL) is national guidance that is informed by the many forms and sources of measures among 37 all-hazard capabilities across prevent, protect, respond, and recover mission areas. Each Target Capability outlines a target outcome, critical activities, and the tasks and performance measures associated with each activity.*

*States currently report their level of preparedness through the State Preparedness Report (SPR). The State Preparedness Report (SPR) showcases the capabilities and targets of each State and Territory's all hazards preparedness program and provides a method for States to communicate their plan to increase preparedness to FEMA. The SPR enables States to articulate their current preparedness capability levels and how they used federal assistance in FY08 to achieve these capability levels. Additionally, the SPR tracks progress made in achieving targets developed by States to enhance their capability levels and future monetary resources required to achieve these targets. The Post Katrina Emergency Management Reform Act (PKEMRA) of 2006 established this reporting requirement. PKEMRA requires any State receiving Federal preparedness assistance to submit an SPR to FEMA.*

5. Federal funds should be used to supplement, not supplant, state and local spending. Unfortunately, each year, multiple news stories surface detailing how grant funds have been used to purchase items totally unrelated to terror prevention and response (examples: purchases of executive leather chairs, air conditioners, payment of delinquent phone bills, exercise equipment, leather coats). These examples show that states are using this federal grant money to finance projects that are clearly local responsibilities and wasteful projects that would probably never be funded if the localities had been forced to bear the financial burden themselves.

- a. What are your thoughts on these stories?

*While there have been several stories in the news detailing how grant funding has been misspent, the overwhelming majority of homeland security grant funding has been spent to improve the capabilities of our nations first responders. However, whenever presented with one of these stories, FEMA staff carefully researches the issue to ensure that, in fact, funds have not been spent inappropriately. If there have been instances of misuse, if confirmed I will ensure FEMA staff work directly with the state and/or local grantee to rectify the situation, which can include the repayment of funds.*

- b. Is this a saturation problem? In other words, are states having trouble absorbing these funds?

*As I understand from briefings, the Department does not believe that the few instances where funding has been misspent demonstrate that there is a saturation problem. Furthermore, there is no evidence that States are having a problem absorbing this funding, rather the recent recession has made states even more dependent on Federal support to fund their homeland security needs.*

- c. Are these stories evidence that states have “built capacity” for terrorism preparedness enough that federal grant dollars can be reduced?

*From briefings I have received, I understand that the Department acknowledges that at some point the amount of Federal dollars spent to improve the preparedness capabilities of State and local communities will need to be reduced. However, it appears that there is still a significant need for preparedness funding across the nation to ensure that our nation's first responders have the necessary plans, tools, equipment, and training to respond.*

- d. Should FEMA funds be used to rebuild (or “renourish”) beaches impacted by hazard events?

*The DHS appropriations specify that preparedness grant funding be spent on preparedness activities. As such, FEMA works with State and local communities to ensure that grant funding is spent towards these types of activities. Funding for other activities, such as rebuilding beaches, while they may be worthwhile and an eligible*

*repair cost under existing disaster assistance legislation, are outside the scope of preparedness funding.*

6. The 9/11 Commission warned in its report that homeland security grants were in danger of becoming pork-barrel funding. While federal spending on homeland security has increased exponentially since 9/11, state spending on homeland security has remained almost flat as a percentage of total state appropriations. Studies suggest that this trend may indicate a more dangerous practice of federal grants supplanting state spending on homeland security.

- a. Are you concerned that states are becoming dependent on this federal cash flow?

*While it is true that State spending on homeland security funding has remained relatively flat, it is important to recognize the important role that the Federal government has in ensuring the all first responders across the country have adequate response capabilities. Federal spending on homeland security fulfills a gap that, prior to 9/11, was not the primary focus of State and local communities. Furthermore, FEMA is encouraging States to share the burden of homeland security costs. As I understand it, there are a handful of FEMA grants that require a cost share, and we believe that this helps our State and local partners make an investment in their own initiatives.*

- b. Are we federalizing our local law enforcement and fire fighters?

*I have not been presented with any evidence to suggest that Homeland Security grant funding is leading the federalization of local law enforcement and fire fighters. Rather, homeland security funding has been used to improve the overall capabilities of our nation's first responders through additional planning, training, equipment, and exercises.*

#### **FEMA Contracting**

7. Would you support a trigger that would temporarily halt funding for FEMA contracts that have shown considerable cost overruns, or lack of performance standards, saving the American taxpayer hundreds of millions, if not billions in the coming years? At what point would you recommend such a trigger?

*Improved surveillance of the contract execution is what is needed so we don't end up in situation described in the question. If, through improved surveillance of contracts, there are indications that a contract has gone "off track", measures can and will be taken to mitigate the identified concerns and to get the contract on track. These measures can include providing more training to the Contracting Officer Technical Representative (COTR) assigned to the contract to improve their project management skills or replacing the current COTR with a more skilled COTR, adding additional contract oversight by assigning additional Program Management staff to oversee the project and increasing contract surveillance by the Contracting Officer.*

*FEMA's contracts are for the delivery of critical goods and services and cutting off funding would only cause harmful disruption of the delivery of these goods and services. If I am confirmed, I will commit to supporting the ongoing efforts within FEMA to improve our ability to carry out contract surveillance activities and enhance our current program management capabilities.*

#### **National Flood Insurance Program**

8. Representative Gene Taylor of Mississippi has reintroduced legislation in the House of Representatives that would add wind coverage to the National Flood Insurance Program (NFIP). Where do you stand on adding wind coverage to the NFIP?

*I oppose adding wind insurance coverage to the NFIP for a number of reasons:*

- *Coverage is available in the private sector and through State wind pools. Property owners are served by the private market, which provides catastrophic windstorm coverage without the need for Federal aid. I oppose extending the Federal government's role and increasing its liability for an insurance program that is readily available in the private sector and through state insurance plans. Many carriers in Florida have told the State's insurance regulator that they would write the wind policies of insurers withdrawing from the state.*
- *Voluntary Federal wind coverage would create significant problems involving coordination of benefits, and adversely affect competition and selection among the various public and private wind programs.*
- *Wind coverage would greatly increase the NFIP's exposure to catastrophic risks at a time when the program has a growing debt and accrued interest of over \$19 billion.*
- *The legislation requires federal wind insurance to be actuarially sound, as it should, hence, the insurance offered through a Federal program will not be less expensive than what is available in the private insurance market.*
- *Unless communities adopt the international building codes without amendments, FEMA would be forced to review thousands of community building codes every three years and continuously monitor them to ensure compliance.*
- *Building codes and standards do not dictate land use and zoning requirements, which have always been reserved for States to decide what is appropriate; and the term 'windstorm' includes any hurricane, tornado, cyclone, typhoon, or other wind event, yet American Society of Civil Engineers Minimum Design Loads for Buildings and Other Structures (ASCE 7-05) and the Nation's model building codes do not address tornadoes.*

9. In the pre-hearing questionnaire, you repeatedly state that, “FEMA’s role is to support the States, not supplant their responsibilities.” If Florida’s Citizens Property Insurance Corp. runs out of funds, what do you believe is the appropriate federal response?

*States are responsible for protecting their citizenry and they are best able to determine what is to be done for their citizens. States that regulate insurance companies to the point where they cannot operate at a profit must realize that the companies cannot and will not operate at a loss. Citizens Property Insurance Corp. and other insurance companies must charge rates that reflect the risk they assume and allow them to earn a reasonable return. When these conditions exist, companies will seek to do business in a state. Market conditions can and do change over time and, in an open market, insurance is available. If the Federal government determines that it is necessary to provide relief to Citizens Property Insurance Corp, they should be required to set their rates at a level that will assure their future solvency. I strongly believe that any relief funding provided to Citizens Property Insurance Corp. should not come from the National Flood Insurance Fund.*

10. The former General Counsel of FEMA has remarked that, “Unless the actual cost of living by the water is reflected in the cost of ownership – including the cost of building property to resist wind damage, elevating out of floodplains, and insuring at actuarial rates for the cost of rebuilding after inevitable floods and hurricanes – the result will only be more development in more risk prone areas...”<sup>[1]</sup> Congress created NFIP to discourage risky coastal construction, yet it has had the opposite effect.<sup>[2]</sup> What policy recommendations do you have to help NFIP become actuarially sound and fulfill its intended purpose?

*The NFIP has a long history of promoting flood awareness and crafting appropriate responses to identify, regulate and thus minimize the exposure of property and lives to the risk of flooding. The NFIP has developed and implemented minimum national standards for floodplain management for local communities and has gone beyond that through the Community Rating System (CRS) to encourage and reward communities for adopting effective floodplain ordinances and flood reduction activities that exceed those standards. The result is that structures built in the Special Flood Hazard Area (SFHA) over the past several decades of the NFIP experience about \$1.4 billion less in average annual flood damage.*

*The NFIP’s insurance premiums are structured to support the floodplain management objectives to minimize the exposure to risk and to reinforce wise building in the floodplain – both in coastal and inland communities. The NFIP charges full-risk premiums to all new buildings in the SFHA. When buildings are at or above the Base Flood Elevation (BFE), flood insurance premiums are relatively affordable. However,*

<sup>[1]</sup> Nicole T. Carter, “Federal Flood Policy Challenges: Lessons from the 2008 Midwest Flood,” February 5, 2009, Congressional Research Service, <http://apps.crs.gov/products/r/pdf/R40201.pdf>

<sup>[2]</sup> Kenneth J. Bagstad, Kevin Stapleton, John R. D’Agostino, “Taxes, subsidies, and insurance as drivers of United States coastal development,” December 2006, *Ecological Economics*

*for those non-compliant structures that are built below the BFE – and are therefore at greater risk of flooding – their NFIP premiums are substantial.*

*However, the NFIP is not presently actuarially sound because of the subsidized premiums that the NFIP is statutorily directed to provide to older structures. Currently 23% of the NFIP's policyholders pay subsidized premiums. I recognize that it is time to re-evaluate which groups of individuals should continue to be eligible for subsidized premiums and to reconsider what level of subsidy is appropriate. The various proposals contained in the proposed NFIP Reform Legislation in the last Congress all seem to be heading in the right direction.*

11. Unfortunately, Congress has compromised the effectiveness of NFIP. While federal law requires mortgage holders for properties in flood-prone areas to purchase flood insurance, many break this law because they continue to be eligible for disaster assistance. In fact, according to the Congressional Research Service in 2005, 61,000 (or 55 percent) properties most at risk for flooding (called “repetitive loss properties”) remain uninsured.<sup>[3]</sup> Attempts by Congress to address this problem have not been successful.<sup>[4]</sup> What suggestions do you have to ensure those required by law purchase flood insurance?

*FEMA does not have regulatory authority over lending institutions. The Federal agencies responsible for regulating lenders, such as FDIC, OCC, Federal Reserve, and others, as well as the Government Sponsored Enterprises (GSE's), Fannie Mae and Freddie Mac, were required by the Flood Disaster Protection Act of 1973 and the National Flood Insurance Reform Act of 1994 to implement regulations that require federally regulated lenders to compel borrowers to purchase flood insurance in connection with the making, increasing, extending or renewing of loans for buildings in identified special flood hazard areas. In addition, the regulators are required to impose fines on lenders that show a pattern or practice of non-compliance with the mandatory flood insurance purchase requirements.*

*If confirmed, I intend to direct the Mitigation Directorate to do the following:*

- *Enhance FEMA's coordination with Federal regulators and GSE's regarding NFIP matters, so as to foster greater compliance by lending institutions with the flood insurance purchase requirements at loan origination and throughout the life of the loan.*
- *Train more lenders on flood insurance compliance via instructor-led workshops, webinars, and other job aids to improve performance.*
- *Continue FEMA's flood insurance public awareness program, FloodSmart, to convey the benefits of flood insurance coverage to homeowners throughout the country.*

<sup>[3]</sup> Rawle O. King, “Federal Flood Insurance: The Repetitive Loss Problem,” Congressional Research Service, June 30, 2005, <http://www.congress.gov/erpf/rl/pdf/RL32972.pdf>

<sup>[4]</sup> Senator Coburn withdrew an amendment to the Flood Insurance Reform and Modernization Act of 2007 (Senate Amendment 4716 to S. 2284) to require persons located in flood prone areas to hold flood insurance as a condition for receiving federal flood disaster assistance on May 8, 2008. <http://www.govtrack.us/congress/record.xpd?id=110-s20080508-15#sMonofilemx003Aimx002Fmmx002Fmmx002Fmhomemx002Fmgovtrackmx002Fmdatamx002Fmusmx002Fm110mx002Fmcrmx002Fms20080508-15.xmlElementm30m0m0m>

**Senator George V. Voinovich  
Additional Questions for the Record  
Nomination Hearing of W. Craig Fugate  
April 22, 2009**

1. Mr. Fugate, as an emergency manager, I am sure you are familiar with the Emergency Management Performance Grant (EMPG) program. This program provides the only source of federal assistance to state and local governments for all-hazards emergency management capacity building. How has Florida used EMPG money since you have served as Director of Emergency Management?

*The EMPG program provides essential funding support to Emergency Management agencies throughout the country. As most states continue to face budget shortfalls emergency management agencies face the dilemma of providing critical emergency functions with fewer resources. Critical activities are supported by EMPG. These include personnel, crisis communications and information, evacuation and emergency response planning, training and exercise programs, and basic Emergency Operations Center functions.*

*In addition to our base level funding for state and local emergency management programs, Florida has used EMPG dollars for statewide projects such as Florida's "Get a Plan" and the new [www.kidsgetaplan.com](http://www.kidsgetaplan.com). The State partners with the National Weather Service's Hazardous Weather Awareness week to use EMPG funds for public education outreach. The State of Florida also used EMPG to upgrade the State Warning Point by adding situational awareness and initial incident management; the State now has its meteorologist, duty officers, planners, and warning point operators working together in the re-designed State Warning Point, now called the State Watch Office.*

2. As Administrator, would you support increased funding for this program?

*While the level of funding for EMPG has fluctuated over time, in recent years, the EMPG program has received significant increases in overall funding. In FY 2009, EMPG is funded at \$315 million, an increase of \$15 million over FY 2008. That said, there remain significant emergency management capability gaps that could be addressed by increased funding. If confirmed, I will work within the budget process to insure funding for EMPG and continue support for funding of state and local staff positions under this program.*

3. Achieving interoperable communications capabilities in urban areas was one of Secretary Chertoff's priorities, and in 2007, DHS released scorecards evaluating the interoperable communications capabilities of major cities which showed varying results. If confirmed, how will you work with the Office of Emergency Communications to achieve interoperable communications capabilities across the country?

*The Post Katrina Emergency Management Reform Act (PKEMRA) assigns the Administrator of FEMA the responsibility of ensuring that first responders have interoperable communication capabilities. As such, FEMA is implementing a tactical*

*disaster emergency communications program to carry out the following assigned PKEMRA responsibilities:*

- *Ensure operable and interoperable communications are available in a disaster;*
- *Provide voice, video, and data communications capabilities for responders and Federal partners; and*
- *Support emergency communications operational requirements across the entire disaster management lifecycle—preparedness, mitigation, response, and recovery.*

*FEMA is coordinating with OEC to improve disaster emergency communications capabilities and to strengthen the Federal response to incidents. Among the areas of coordination between OEC and FEMA are the following:*

- ***National Emergency Communications Plan (NECP):*** *FEMA supported OEC in the development of the NECP and has the primary responsibility for over 20 milestones identified within the Plan.*
- ***State Plans:*** *FEMA supported the development of State disaster emergency communications operational plans to provide an integrated Federal, State, local, and Tribal approach to ensuring effective emergency communications coordination prior to and immediately following an incident. In developing these plans, FEMA leveraged OEC's Statewide Communication Interoperability Plans and its Tactical Interoperable Communications Plan to identify State and local emergency communications requirements and strategies to improve tactical response capabilities.*
- ***Emergency Communications Preparedness Center (ECPC):*** *FEMA is an active participant in the OEC-led working group meetings which provide an opportunity to strengthen interoperability among Federal responders.*
- ***Regional Emergency Communications Coordination Working Groups (RECCWG):*** *FEMA ensures that both OEC and the National Communications System are active participants in all RECCWGs. As established by Congress, the RECCWGs are intended to serve as a focal point for coordinating disaster emergency communications activities in the FEMA Regions.*
- ***Regional Staffing:*** *FEMA has ten Regional DEC Coordinators, one in each Region, who coordinate with each State's Interoperability Coordinator and will coordinate with regional OEC Staff once they are hired to assist in implementing efforts at the regional-level to improve emergency and interoperable communications between local, State, tribal, and Federal emergency responders.*
- ***Training & Workshops:*** *FEMA participates in OEC sponsored training to ensure coordination.*

*If confirmed, I will ensure that FEMA continues to work with OEC and other DHS components to improve operable, survivable, and interoperable emergency communications and ensure effective coordination of these issues within DHS.*

4. FEMA has a long history of high vacancy rates. For example, when Hurricane Katrina hit, FEMA was operating with a 15 percent vacancy rate. As Administrator, how would you work to reduce the length of the hiring cycle at FEMA and improve the FEMA workforce?

*FEMA has been diligently working to reduce the length of the Agency's hiring cycle since post-Katrina assessments indicated that this was an area needing improvement. The Agency has dropped its hiring cycle time from almost 100 days to under 70 days (as reported in the Agency's First Quarter, FY09, Quarterly Vacancy Report to Congress). Efforts to date have been successful and will be re-evaluated and continued quarterly as the data supports.*

5. Last June, the National Academy of Public Administration, or NAPA, reported that across the federal government, about 13 percent of executive positions are non-career political appointees, but at FEMA, non-career appointees filled 34 percent of executive slots. Do you support NAPA's recommendation that FEMA should decrease its number of non-career executives?

*As of June 2008, FEMA had approximately 23% of the Agency's executive slots filled by non-career appointees. If confirmed, I will carefully review the NAPA recommendations related to FEMA staffing via non-career executives and consider any necessary changes.*

6. As you know, FEMA administers SAFER grants, which provide federal funding for State and local fire departments to hire firefighters. It takes some length of time for FEMA to award these grants. For example, the Fiscal Year 2008 Homeland Security Appropriations bill was enacted in December 2007. Guidance for the SAFER program was not released until 5 months after enactment, in May 2008, and FEMA did not begin awarding the grants until 9 months after enactment, in September 2008. As Administrator, how would you work to reduce the time between the appropriation of funds to FEMA and the award of SAFER grants to fire departments?

*The AFG program office has three grant opportunities: the Assistance to Fire Fighters Grant Program, Fire Prevention and Safety grants and SAFER. Before award recommendation is made, each grant involves: the development of program guidance; the development of the electronic grant application and management system requirements testing and deployment; the application period; peer review; technical review and program office review. In order to spread out the staff work load associated with these efforts, the application periods (and the subsequent action including awards) are staggered throughout the year to accommodate this work load.*

*If confirmed, I will look at the entire process to ensure that the Grants are deployed in an efficient and effective manor.*

7. I have heard concerns about rigid requirements in some of FEMA's grant guidance, such as the FY08 guidance for Emergency Management Performance Grants, which required that recipients use at least 25 percent of their FY08 EMPG money for planning activities. I am told that there were no exceptions to this requirement, even for communities that had already undertaken significant planning efforts. As Administrator, how would you work to ensure appropriate flexibility is included in FEMA grant guidance?

*If confirmed, I will ensure that FEMA continues to work closely with its Federal, State, local, tribal, nonprofit, and private sector stakeholder partners in helping to ensure that its grant guidance reflects the needs and priorities of our nation's homeland security community.*

*FEMA regularly works with other partners to improve the grant guidance through a variety of means, such as formal program priorities input requests, mid-term reviews, and After-Action conferences. This feedback enhances FEMA's pursuit of strengthening the Nations preparedness and capabilities to prevent, protect, and mitigate against, respond to and recover from acts of terrorism and other catastrophic events.*

*In addition to the formal processes, FEMA employs Program Analysts (PAs) who serve in informal and formal capacities as liaisons between FEMA and its grantees relative to all of FEMA's homeland security preparedness grant programs. This allows FEMA an opportunity to hear feedback on a continuous and year round basis, which has led to guidance refinement and often real-time updates to program guidance kits.*

*As Hurricane Katrina identified, planning remains a vitally important component within homeland security. Based on historical spending analyses, equipment has been the primary category for which most of homeland security funds have been used for procurement. As a result, FY 2008 EMPG required States to dedicate 25% of their EMPG funds towards planning efforts; States were afforded the flexibility with determining how to distribute this requirement across its boundaries in order to accomplish the objective.*

8. FEMA is responsible for reducing the loss of life and property and protecting the nation from all hazards through preparedness, protection, response, recovery, and mitigation efforts. However, it seems that in recent years, FEMA's focus has been on preparedness, response and recovery. As Administrator of FEMA, how would you improve FEMA's work to reduce the loss of life and property through mitigation?

*FEMA's mission is to lead the nation in an effort to prevent, prepare for, respond to, and recover from all hazards. This comprehensive emergency management system starts with mitigation: sustained efforts by communities, businesses, and individuals to reduce their vulnerability to all hazards. FEMA has a legitimate and important role to play in mitigating the affects of natural and man-made hazards and can continue to make considerable progress in these areas. FEMA has multiple avenues from which to improve mitigation against disasters.*

*FEMA's mitigation goals are to:*

- 1) Create safer communities by reducing loss of life and property.*
- 2) Enable individuals to recover more rapidly from floods and other disasters.*
- 3) Lessen the financial impact of disasters to the Nation.*

*Fundamentally, all of the FEMA mitigation programs seek to create a Nation less vulnerable to the loss of life and property. Mitigation programs work to do this in the pre-disaster environment with actions that reduce the consequences of future disasters, as well as in the post-disaster environment where actions taken lead to faster recovery and reduced costs to respond to and recover from future events. Mitigation is built on the foundation of FEMA's Risk Analysis programs and activities, ranging from flood hazard mapping to risk assessment and mitigation planning. It offers flood insurance to individual homeowners through its Risk Insurance programs and advances safer communities through its Risk Reduction programs.*

*If confirmed, I will continue to work to strengthen FEMA's implementation of mitigation activities.*

9. FEMA operates the Emergency Management Institute, or EMI, to improve the competencies of officials at all levels of government to prevent, prepare for, respond to and recover from disasters and emergencies. Do you believe EMI should be changed, strengthened or improved, and if so, how?

*The Emergency Management Institute is FEMA's "school house" and the training and educational leader for preparing our nation's emergency management community in all four phases of disaster management, for all-hazards disasters, at all levels of governance. As an emergency manager, and having taken many of EMI's courses over the years, I appreciate the need to ensure EMI remains an effective provider of emergency management training and education. While EMI's funding has remained steady or decreased over the years, the programs it runs have dramatically increased in terms of student numbers, course offerings and distant deliveries.*

*If confirmed, I will work with FEMA's National Preparedness Directorate to ensure EMI's mission is clear and their resources are strengthened. I also believe we need to align EMI's training and education activities with the other training entities under FEMA, including the National Fire Academy, Center for Domestic Preparedness, National Domestic Preparedness Consortium, Naval Postgraduate School, and over 60 other training partners funded by continuing and competitive training grants. If aligned properly, FEMA is in a great position to ensure the nation's emergency managers, homeland security officials, and first responders are all properly trained and educated to meet its mission.*



American Ambulance Association  
8400 Westpark Drive, 2<sup>nd</sup> Floor  
McLean, Virginia 22102  
Phone: (703) 610-9018  
Fax: (703) 610-9005  
Website: [www.the-aaa.org](http://www.the-aaa.org)

*"The American Ambulance Association promotes health care policies that ensure excellence in the ambulance service industry and provides research, education, and communications programs to enable members to effectively address the needs of the communities they serve."*

April 6, 2009

The Honorable Joe Lieberman  
Chairman  
Committee on Homeland Security  
United States Senate  
Washington, DC 20510

The Honorable Susan Collins  
Ranking Member  
Committee on Homeland Security  
United States Senate  
Washington, DC 20510

Dear Chairman Lieberman and Ranking Member Collins:

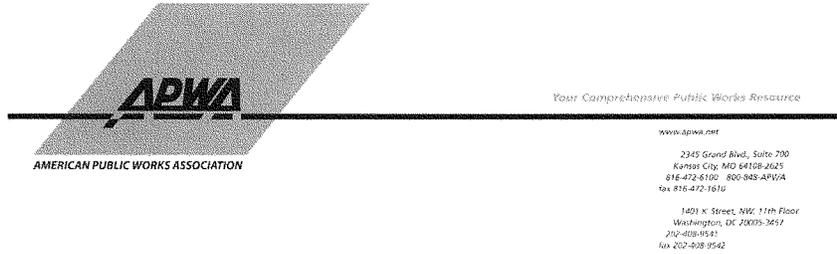
The American Ambulance Association (AAA) supports retaining the Federal Emergency Management Agency (FEMA) within the Department of Homeland Security (DHS). We believe that FEMA has made great strides in the past few years under the oversight of your Committee and the House Committee on Homeland Security. Our organization pledges to continue to work with the Congress and the Administration to further improve FEMA and we believe that can best be done by not moving the agency.

Governmental and nongovernmental emergency medical service (EMS) personnel are critical first responders and as such are a key component of local and national emergency response systems. Governmental and nongovernmental EMS personnel played a pivotal role in the response to the terrorist attacks of September 11, devastation of Hurricanes Katrina and Rita and the recent extreme flooding in the Midwest. To remove FEMA from DHS could be detrimental to improvements made by the agency and impede its ability to support police, fire and EMS in responding to future disasters.

Thank you for your continued leadership on homeland security and EMS issues. If you have any questions or our organization can be of further assistance, please do not hesitate to contact me or AAA Senior Vice President of Government Affairs Tristan North. We can be reached at (202) 486-4888 or [tnorth@the-aaa.org](mailto:tnorth@the-aaa.org).

Sincerely,

Jim Finger  
President



March 5, 2009

Mr. Craig Fugate  
Director of Emergency Management  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

Dear Mr. Fugate:

On behalf of the more than 29,500 members of the American Public Works Association (APWA) and as APWA President, I would like to congratulate you on your nomination as Administrator of the Federal Emergency Management Agency and to take this opportunity to request an appointment to meet with you.

APWA is an international educational and professional association of public agencies, private sector companies and individuals dedicated to providing high quality public works goods and services. Originally chartered in 1937, our members design, build, operate, manage, administer and maintain the transportation, water supply, sewage and refuse disposal systems, public buildings, and other structures and facilities essential to our nation's economy and way of life.

Our members appreciate the strong partnership between APWA and FEMA, as outlined in the attached Memorandum of Understanding. We look forward to working with you to strengthen it for the future. This is a time rich in opportunities to build upon our successes and effectively serve our citizens.

Please keep in mind the powerful impact that you will have on public works, as these professionals provide essential emergency response and recovery services to communities nationwide. As you know from your work in Florida, public works is integral to this country's emergency planning efforts, strengthening security enhancements to critical infrastructure and facilities, and monitoring the safety of the public water supply.

Local governments, as you know, own a majority of our public infrastructure. We value the importance of a strong federal, state and local partnership and offer our assistance as we address the needs for economic recovery, address increasing regulatory requirements and unfunded mandates, and the long-term funding and financing of our vital infrastructure systems.

**PRESIDENT**  
Neil E. Thompson  
11000  
11000  
11000  
11000  
**EXECUTIVE DIRECTOR**  
Peter R. King

Thank you for considering my request. Please contact APWA Executive Director Peter King in our Washington Office at 202-408-9541 to arrange a time convenient for you.

Congratulations again on your nomination. We look forward to working with you.

Sincerely,

A handwritten signature in black ink, appearing to read "Noel C. Thompson". The signature is fluid and cursive, with the first name "Noel" being the most prominent.

Noel C. Thompson  
APWA President

cc: APWA Board of Directors  
APWA Emergency Management Committee



## ASSOCIATION OF STATE FLOODPLAIN MANAGERS, INC.

2809 Fish Hatchery Road Suite 204 Madison, Wisconsin 53713  
608-274-0123 Fax: 608-274-0696 www.floods.org Email: asfpm@floods.org

**Executive Director**  
Larry A. Larson, P.E., CFM

**Deputy Director**  
George Riedel, CFM

April 17, 2009

Honorable Joseph Lieberman  
Chairman  
Senate Committee on Homeland Security  
340 Dirksen Senate Office Building  
Washington D.C. 20510

Honorable Susan Collins  
Ranking Minority Member  
Senate Committee on Homeland Security  
350 Dirksen Senate Office Building  
Washington D.C. 20510

Dear Mr. Chairman and Senator Collins,

The Association of State Floodplain Managers (ASFPM) is very pleased to let you know of our strong support for Craig Fugate as the next Administrator of the Federal Emergency Management Agency (FEMA). His long and commendable experience in emergency management at the local and state levels will serve the nation well.

ASFPM has a membership of 14,000 nationwide and also has 27 state chapters. Our members are the state and local officials as well as other professionals who are FEMA's partners in implementing the National Flood Insurance Program (NFIP) and in working to reduce loss of life and property due to floods. Our state members serve their governors as NFIP Coordinators or hazard mitigation officers for their states and work with their communities to coordinate FEMA's mitigation programs at the local level.

Floods are the nation's most frequent and, cumulatively, most costly disasters. Craig Fugate's long experience with all phases of disaster-related activity – mitigation, preparedness, response and recovery – will be very valuable in the effective implementation of FEMA's programs and in the meaningful development of future policies and programs. Craig is very familiar with the necessity of genuine partnerships among federal, state and local officials to make our disaster practices effective. He has also been successful in working with non-profit organizations and the private sector in pursuit of his public safety mission. In the world of professionals engaged with our nation's hazards policies and programs, he is recognized as a leader.

The Board of Directors, officers and members of the Association of State Floodplain Managers are pleased to endorse Craig Fugate as the next FEMA Administrator and we look forward to working with him. We also very much appreciate the Committee's timely consideration of his nomination.

Very sincerely,

Al Goodman, ASFPM Chair

*Dedicated to reducing flood losses in the nation.*

### Chair

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**CHARLIE CRIST**  
GOVERNOR

April 17, 2009

The Honorable Joseph I. Lieberman, Chairman  
The Honorable Susan M. Collins, Ranking Member  
Senate Committee on Homeland Security and Governmental Affairs  
340 Dirksen Senate Office Building  
Washington, DC 20510

Dear Chairman Lieberman and Ranking Member Collins:

As Governor of the State of Florida, I am writing to provide my full support of President Obama's nomination of W. Craig Fugate to be the next Administrator of the Federal Emergency Management Agency. While I do not relish the thought of replacing him, I have frequently said during the last month that Florida's loss would be the country's gain. Craig Fugate is the right person at the right time for this important assignment.

I have had the pleasure to work with Craig for more than six years, first as Florida's Attorney General and since January of 2007 as Governor. Craig's vision embodies the direction of our state's disaster preparedness, response, recovery and mitigation activities that will benefit our entire nation if confirmed.

Craig Fugate's sole focus is on saving lives and assisting those in need. His distinct and straightforward leadership style was clearly demonstrated when Hurricanes Charley, Frances, Ivan and Jeanne battered Florida in 2004, followed by Hurricanes Dennis, Katrina, Rita and Wilma in 2005. Since that time, Florida has experienced various droughts, tornadoes, wildfires and tropical storms have had significant impacts upon our state. I can state to you it would have been far worse had Craig and his emergency management team not repeatedly implored the people of Florida and local communities to make appropriate plans for their well-being and that of local residents. Florida's "Get A Plan" initiative is a national success story.

Rather than listing his many accomplishments, please allow me to focus on the personal qualities I have witnessed during his tenure. When the very lives of people are on the line and those people depend upon government to fulfill its number one obligation of public safety, they need a person of high character to lead emergency management operations. Craig Fugate fits that description.

He sets high standards for himself and is therefore able to establish high standards and expect high performance from his team. His vision focuses on success as the only option available because the alternative has serious consequences. Craig challenges his team to envision the outcome, then to take the proper steps to make it happen. To him, it is not about personal glory, but it is all about the people we serve.

THE CAPITOL  
TALLAHASSEE, FLORIDA 32399 • (850) 488-2272 • Fax (850) 922-4292

The Honorable Joseph I. Lieberman, Chairman  
The Honorable Susan M. Collins, Ranking Member  
April 17, 2009  
Page Two

In the Florida Emergency Operations Center, Craig posts three simple rules for his team:

1. Meet the needs of the disaster survivors
2. Take care of your responders
3. See Rule One

These simple rules reveal an agency led by someone who knows how to obtain results by understanding its mission. He is not one to rest on his laurels, but instead reviews his performance and that of his team to see if they can better fulfill the requirements of these rules the next time. We are all better off due to such dedication and leadership.

In summary, Craig has clearly demonstrated he has the character, qualifications, temperament, foresight and judgment to lead the Federal Emergency Management Agency to new heights. My respect for Craig as a person, a leader and a dedicated public servant could not be higher. It is my honor to provide my support for his nomination.

Please do not hesitate to contact me if I may provide any further information to the Committee during the confirmation process.

Sincerely,



Charlie Crist



The Council of State Governments

President Governor Joe Manchin III, WV  
Chairman Senator Bart Davis, Idaho  
Executive Director CEO David Adkins

April 22, 2009

The Honorable Joseph Lieberman  
Chairman, Senate Committee on Homeland Security and Governmental Affairs  
Room 340 Senate Dirksen Office Building  
Washington, DC 20510

The Honorable Susan Collins  
Ranking Member, Senate Committee on Homeland Security and Governmental Affairs  
Room 442 Hart Senate Office Building  
Washington, DC 20510

Dear Chairman Lieberman and Ranking Member Collins:

The Council of State Governments (CSG) strongly supports the nomination of Mr. Craig Fugate to serve as the Administrator of the Federal Emergency Management Agency (FEMA).

Mr. Fugate is one of the most experienced, innovative, and respected emergency managers in the country and CSG is confident that through his leadership, both within Florida and nationally through the National Emergency Management Association (NEMA), FEMA will become an effective partner with state and local governments.

Mr. Fugate has been Director of Florida's Division of Emergency Management since 2001, leading the state through numerous devastating hurricanes. Mr. Fugate's unique vision will help to transform and re-define the national emergency management system and help FEMA improve national mitigation, preparedness, response and recovery initiatives.

CSG respectfully encourages the Committee to confirm Mr. Craig Fugate as FEMA Administrator as promptly as possible.

Sincerely,

David Adkins  
Executive Director CEO  
The Council of State Governments

The Council of State Governments

2760 Research Park Drive • P.O. Box 11017 • Lexington, KY 40501-0170 • 606/244-9000 • Fax 606/244-8001 • www.csg.org

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**Florida Association of the Deaf**

PO BOX 971134  
BOCA RATON, FL 33497-1134  
www.fadcentral.org

Andrew J. Lange  
President

Ryan Di Giovanni  
Vice President

Reinaldo J. Vega  
Secretary

Sheri L. Dunn  
Treasurer

March 9, 2009

Dear Senate Committee on Homeland Security and Government Affairs,

On behalf of Chris Wagner as our current FAD Legislative Chair and FAD Past President, the Florida Association of the Deaf (FAD) officers are very pleased to see Craig Fugate selected by President Obama as the new FEMA Chief. We acknowledge the fact that Mr. Fugate and Mr. Wagner have worked together over the past few years during Mr. Fugate's tenure as the Director of the Florida Emergency Management Division. Mr. Fugate supported FAD's push for accessibility for Deaf and Hard of Hearing individuals during disasters. As a result, Florida has seen a significant increase in captioning, better presence of qualified sign language interpreter in all state emergency press conferences and a better awareness in training and shelter preparations.

On behalf of FAD, the FAD officers wish to express our support of a leader who understands the critical needs of Deaf and Hard of Hearing individuals in emergency situations.

Sincerely,

Rey Vega  
FAD Secretary

CC: FAD Officers  
CC: Chris Wagner



**THE HUMANE SOCIETY  
OF THE UNITED STATES**  
March 18, 2009

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Government Affairs

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Education Programs

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The Honorable Joseph Lieberman, Chairman  
The Honorable Susan M. Collins, Ranking Member  
U.S. Senate Committee on Homeland Security  
and Governmental Affairs  
Washington, DC 20510

Dear Chairman Lieberman and Ranking Member Collins:

I write to urge the Committee's confirmation of Craig Fugate to be the next Administrator of the Federal Emergency Management Agency (FEMA).

With more than 11 million members and supporters, The Humane Society of the United States (HSUS) has been active in disaster response on the national, regional, and local levels for more than 30 years. Through our affiliate, Humane Society International (HSI), we have also developed an international disaster response capability, and responded to disaster situations in Asia, Latin America, and the Caribbean.

Our organization and its members have an enduring interest in the important work of FEMA and the Department of Homeland Security. The HSUS is an active member of the National Emergency Management Association (NEMA) and the National Voluntary Organizations Active in Disaster (NVOAD). Following Hurricane Katrina, during which we played an active role in emergency rescue and sheltering of displaced animals, we worked with the Congress and the White House to draft and pass the Pets Evacuation and Transportation Standards Act of 2006, to ensure that disaster response agencies at all levels plan for the needs of people with animals in disaster situations.

Along with NEMA, we believe that Craig Fugate's record as Director of Florida's Division of Emergency Management makes him an excellent choice for FEMA Administrator. In addition to having built a strong disaster preparedness, response, and recovery organization in Florida, Mr. Fugate has been a leader in national emergency management strategy and capacity-building.

Mr. Fugate's strong support for emergency planning that includes animals is one sign of his progressive and open-minded approach to emerging issues, something that will serve him well in his new role. Members of our HSUS Regional staff have worked with Mr. Fugate since his tenure in Alachua County Emergency Management. He served on the state committee that wrote Florida's original animal disaster plan and he established one of the first pet friendly shelters in the country. Throughout his tenure with the Florida Division of Emergency Management, he championed the recognition of the human-animal bond in disaster planning and response. In the 23 state-declared emergencies he has overseen (including 11 federally-declared emergencies), he

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actively promoted the establishment of pet friendly shelters in Florida, setting an example for emergency management agencies around the country. A national leader in this arena, Mr. Fugate sponsored the HSUS Florida Animal Disaster Conference and was a keynote speaker at our National Conference on Animals in Disasters.

From our perspective as the nation's largest animal protection organization, we view the FEMA Administrator as one of the most important government officials at the federal level. As a result of Katrina and other disasters, it has become more generally recognized and accepted that we need to provide for animals in disasters if we are to adequately protect and care for people. For this and other reasons, we are anxious to support additional efforts to implement programs consistent with the requirements of the PETS Act, and to improve upon and add to our existing agency relationships and partnerships, in the interests of people and animals alike. We look forward to working with FEMA to promote planning and collaboration with NGOs and others in the private sector to minimize the impact of disaster upon animals and those who are trying to help them. Craig Fugate is the ideal person to lead FEMA's efforts in this realm, and we encourage the Committee to swiftly and affirmatively vote on his nomination.

Thank you for your consideration.

Sincerely,



Wayne Pacelle  
President & CEO



March 19, 2009

The Honorable Joe Lieberman, Chairman  
 Committee on Homeland Security and Government Affairs  
 United States Senate  
 Room 340 Dirksen Senate Office Building  
 Washington, D.C. 20510

The Honorable Susan Collins, Ranking Member  
 Committee on Homeland Security and Government Affairs  
 United States Senate  
 344 Dirksen Senate Office Building  
 Washington, D.C. 20510

Dear Chairman Lieberman and Ranking Member Collins:

On behalf of the Board of Directors and our nearly 4000 members of the United States Council of the International Association of Emergency Managers (IAEM-USA), I am writing to strongly support the nomination of Craig Fugate to serve as the Administrator of the Federal Emergency Management Agency.

We are pleased that an experienced and nationally recognized professional emergency manager has been tapped to lead the nation's emergency management agency. We believe that this move is a strong and clear statement of the importance that the Administration places on having a fully functional FEMA led by top-notch professionals.

Craig Fugate's decades of service in the field of emergency management began as a first responder, and then emergency management director in Alachua County, Florida. His demonstrated performance at the county level led to his selection as a senior member of the Florida Division of Emergency Management (FDEM). Craig's innovative approaches to all facets of emergency management and dedicated support to local and county emergency management led to his appointment by two governors as director, FDEM. In this position, he earned national recognition for creative programs, including his partnerships with the private sector to maximize its contributions to response operations and his embracing technology, through social networking and other innovations.

Given the importance of the FEMA mission and the approach of hurricane season, we respectfully urge a speedy confirmation of Craig Fugate. We very much look forward to working with him and FEMA to provide safety and security to all citizens and communities.

Sincerely,

Russ Decker, CEM  
 President  
 IAEM-USA

April 29, 2009

The Honorable Harry Reid  
Majority Leader  
United States Senate  
Washington, D. C. 20510

The Honorable Mitch McConnell  
Minority Leader  
United States Senate  
Washington, D. C. 20510



201 Park Washington Court  
Falls Church, VA  
22046-4527 USA  
Phone 703-538-1795  
Fax 703-241-5603  
Email: [info@iaem.com](mailto:info@iaem.com)  
URL: [www.iaem.com](http://www.iaem.com)

Dear Majority Leader Reid and Minority Leader McConnell:

The USA Chapter of the International Association of Emergency Managers (IAEM-USA) is our nation's largest association of professional emergency managers. I am writing on behalf of our organization to request your assistance in a matter vital to our nation's emergency managers and our citizens.

We are respectfully requesting that the confirmation of William Craig Fugate as the Administrator of the Federal Emergency Management Agency (FEMA) should take place as quickly as possible and not be delayed. Just since January, twenty-four major disasters and five emergencies have been declared by the President. Hurricane season is fast approaching; severe weather is continuing; and the threat of a major earthquake is always present.

FEMA leadership needs to be in place and functional as quickly as possible to ensure our continued national emergency management capability. We believe this capability will be greatly enhanced by the professional emergency management credentials of Mr. Fugate, who has served in both State and local government.

Thank you for your support. Should you have questions or need additional information, please contact Martha Braddock, Policy Advisor, IAEM-USA, at 703 644 7082

Sincerely,

Russell Decker  
President  
International Association of Emergency Managers – USA



## INTERNATIONAL ASSOCIATION OF FIRE CHIEFS

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April 15, 2009

The Honorable Joseph I. Lieberman  
 Chairman  
 U.S. Senate Committee on Homeland Security  
 and Governmental Affairs  
 340 Dirksen Senate Office Building  
 Washington, D.C. 20510

Dear Mr. Chairman:

On behalf of the nearly 13,000 chief fire and emergency officers of the International Association of Fire Chiefs (IAFC), I strongly endorse the nomination of Mr. Craig Fugate to be the Administrator of the Federal Emergency Management Agency (FEMA). The IAFC urges the U.S. Senate to quickly confirm Mr. Fugate to this position.

Mr. Fugate is an experienced nominee with years of state and local emergency management experience. As a member of the Alachua County, Florida, Fire Rescue department, he served as a volunteer firefighter, paramedic, and for 10 years, the emergency manager. From 1997 to 2001, Mr. Fugate served as the Chief of the Bureau of Preparedness and Response of the Florida Division of Emergency Management. In 2001, Mr. Fugate was appointed to be the Director.

Mr. Fugate has an impeccable record in his position as Florida's Director of Emergency Management. Florida is seen as one of the country's leaders in state disaster response. Mr. Fugate has served as the State Coordinating Officer in 23 declared state emergencies, of which 11 of these were federally-declared disasters totaling over \$4.5 billion in federal assistance. In both 2004 and 2005, Mr. Fugate successfully coordinated Florida's response to four hurricanes *each year*, including the original landfall of Hurricane Katrina in the United States. During the response to Hurricane Katrina, Mr. Fugate sent over 7,000 responders from Florida state and local agencies to Mississippi and Louisiana to provide assistance. Because of the excellent job he did in these response operations, Mr. Fugate was reappointed to his position in 2006.

The IAFC urges you to support his confirmation. Mr. Fugate is a seasoned professional in the field of emergency management with experience as both a frontline firefighter and paramedic, and a state emergency manager. We believe that he is well-qualified for the position of FEMA administrator, and will build upon the success of Chief R. David Paulison to create a new, effective FEMA that will provide well-coordinated preparedness and emergency response operations to the American people during times of crisis.

Sincerely,

Chief Larry Grorud, CFO, MIFireE  
 President



April 8, 2009

The Honorable Joe Lieberman  
Chairman  
Committee on Homeland Security and Governmental Affairs  
340 Dirksen Senate Office Building  
Washington, D.C. 20510

Dear Chairman Lieberman:

On behalf of the National Association of Counties (NACo), we are writing to express our strong support for the nomination of Craig Fugate as the next Administrator of the Federal Emergency Management Agency (FEMA), and urge his swift confirmation.

As the chief national organization representing America's 3068 counties we are deeply committed to protecting communities and ensuring that our nation is prepared for future all hazard threats and disasters. Being the closest to community residents and often best equipped to deliver services and administer programs; counties demand and support a recognized emergency management expert to lead FEMA.

Mr. Fugate is that first-rate choice. His leadership, technical knowledge, practical skills, fire service and strong emergency management background showcase his wide-ranging and distinctive experience. Whether as a firefighter, paramedic, Alachua County emergency manager or State Director for Florida's Division of Emergency Management, Mr. Fugate has a proven history of service. He profoundly understands the importance of strong federal, state and local government partnerships for disaster management, and counties trust that he will work collaboratively with all stakeholders to ensure that our nation is prepared and responsive to future all hazard threats and disasters.

As a result, NACo strongly supports Craig Fugate as the new Administrator of FEMA, and we urge the committee to quickly approve his confirmation.

Sincerely,

Larry E. Naake  
Executive Director  
National Association of Counties

Don Stapley  
President  
National Association of Counties

cc: Members of the United States Senate Committee on Homeland Security and Governmental Affairs

25 Massachusetts Avenue, NW | Suite 500 | Washington, DC 20001 | 202.393.6226 | fax 202.393.2630 | www.naco.org



V 301.587.1788  
 TTY 301.587.1789  
 FAX 301.587.1791  
 VP By Appointment

March 6, 2009

The Honorable Joseph Lieberman, Chair  
 The Honorable Susan Collins, Ranking Member  
 Senate Committee on Homeland Security and Governmental Affairs  
 340 Dirksen Senate Office Building  
 Washington, DC 20510  
*Transmitted via fax: (202) 228-3792 Democratic Staff and (202) 224-9603 Republican Staff*

Dear Senator Lieberman and Senator Collins:

On behalf of deaf and hard of hearing Americans nationwide, I write in favor of the confirmation of Craig Fugate as Administrator for the Federal Emergency Management Agency.

During his tenure as the Director of the Florida Emergency Management Division, Mr. Fugate worked closely with the Florida Association of the Deaf to ensure accessibility of services to the deaf and hard of hearing community. Mr. Fugate was instrumental in ensuring this access. As a result, deaf and hard of hearing Floridians have seen a significant increase in captioning of the auditory portion of audio-visual materials, the presence of qualified interpreters in state emergency press conferences, and awareness of the needs of deaf and hard of hearing citizens in training and shelter preparations.

The National Association of the Deaf (NAD) supports this leader who understands the critical needs of deaf and hard of hearing individuals in emergency situations. We believe his knowledge, experience, and example in Florida will set the tone for greater access to emergency services for deaf and hard of hearing people nationwide. We heartily support his speedy confirmation.

The NAD was established in 1880 by deaf leaders who believed in the right of the American deaf community to use sign language, to congregate on issues important to them, and to have its interests represented at the national level. These beliefs remain true to this day, with American Sign Language as a core value. As a nonprofit federation, the mission of the NAD is to preserve, protect, and promote the civil, human, and linguistic rights of deaf and hard of hearing individuals in the United States of America. The advocacy scope of the NAD is broad, covering the breadth of a lifetime and impacting future generations in the areas of early intervention, education, employment, health care, technology, telecommunications, youth leadership, and more. For more information, please visit [www.nad.org](http://www.nad.org).

We trust your committee will look favorably on this nomination. Please contact me if you have any questions. Thank you for your consideration.

Sincerely,

Bobbie Beth Scoggins  
 President

cc: Christopher D. Wagner, Vice President

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**Region IX**  
Mr. Ed Telesma, HI

**Region X**  
Mr. John Madden, AK

March 19, 2009

The Honorable Joseph Lieberman  
Chairman  
Senate Committee on Homeland Security and Governmental Affairs  
Room 340 Senate Dirksen Office Building  
Washington, DC 20510

The Honorable Susan Collins  
Ranking Member  
Senate Committee on Homeland Security and Governmental Affairs  
Room 442 Hart Senate Office Building  
Washington, DC 20510

Dear Chairman Lieberman and Ranking Member Collins:

The National Emergency Management Association (NEMA) strongly supports the nomination of Mr. Craig Fugate to serve as Administrator of the Federal Emergency Management Agency.

Mr. Fugate is one of the brightest and most experienced emergency managers in the nation. His innovative approach to emergency management, combined with his background and skills make him an outstanding nominee. Mr. Fugate's progressive vision could serve to transform the national emergency management system in meaningful ways, particularly in the areas of personal preparedness and support for disaster "survivors".

Mr. Fugate has been a leader in the emergency management community and in NEMA for years and he is widely respected by his peers across the nation. The State Emergency Management Directors look forward to working closely with him to build greater capabilities for State and local governments.

NEMA respectfully encourages the Committee to confirm Mr. Craig Fugate as FEMA Administrator as swiftly as possible.

Sincerely,

Nancy Dragani  
President  
National Emergency Management Association



**NEMA OFFICES:**

The Council of State Governments  
2760 Research Park Drive • P.O. Box 11910 • Lexington, Kentucky 40578-1910 • (859) 244-8000 • FAX (859) 244-8239

**WASHINGTON OFFICE:**

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## NATIONAL SHERIFFS' ASSOCIATION

1450 Duke Street • Alexandria, VA 22314-3490 • 703-836-7827 • Fax 703-683-6541  
WWW.SHERIFFS.ORG • NSAMAIL@SHERIFFS.ORG

March 23, 2009

The Honorable Joseph I. Lieberman, Chair  
The Honorable Susan M. Collins, Ranking Member  
Committee on Homeland Security and Governmental Affairs  
Washington, D.C. 20510

Dear Chairman Lieberman and Ranking Member Collins:

On behalf of the National Sheriffs' Association (NSA), we are writing to express our strong support for the nomination of Craig Fugate to become the Administrator of the Federal Emergency Management Agency (FEMA). We respectfully urge for you to swiftly confirm his nomination.

The relationship between local law enforcement and FEMA is extremely vital. FEMA not only coordinates emergency response efforts with local law enforcement, but also administers essential Homeland Security grants to local law enforcement agencies. The individual selected to head FEMA must recognize this critical relationship and continue to strengthen the partnership between the Agency and local law enforcement throughout the United States.

Mr. Fugate has both the necessary on-the-ground and management experience to serve as the Administrator of FEMA. As a former volunteer firefighter and paramedic, he understands the needs of the state and local first responders who reach the disaster zones first. Furthermore, as the current Director of the Florida Division of Emergency Management, Mr. Fugate has the experience of operating, and coordinating the response of, a large agency in a state which has the potential to encounter major and catastrophic disasters on a yearly basis. These vast experiences and qualifications make Mr. Fugate the ideal candidate to run the nation's largest emergency response agency.

As one of the largest law enforcement associations in the United States, the National Sheriffs' Association is calling upon the United States Senate to confirm Craig Fugate as the Administrator of the Federal Emergency Management Agency without delay.

Respectfully,

Sheriff David A. Goad  
President

Aaron D. Kennard  
Executive Director

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**CITY OF PORT ORANGE**

Department of Fire & Rescue  
 1090 City Center Blvd.  
 Port Orange, Florida 32129  
 (386) 506-5900  
 (386) 756-5405

**Thomas G. Weber, CFO**  
**Fire Chief**

19 September 2005

The Honorable Joe Lieberman  
 706 Hart Office Building  
 Washington, D.C. 20510

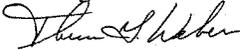
Dear Senator Lieberman:

The Fire and Emergency Service communities have long felt that there was a dire need for experienced leadership at the helm of FEMA. We have been concerned that without preparedness, response, recovery and mitigation experienced personnel there would be discord during the time when FEMA would be needed most. This goal was previously accomplished through the appointment of Chief David Paulison and needs to be continued.

As President of the Connecticut Fire Chiefs' Association in 2002, I immensely enjoyed working with your office, to address issues and concerns affecting our citizens. The White House, with help from Emergency Service Leaders, has recognized the need for change. They have chosen to place a professional emergency manager as Director of FEMA. Craig Fugate is the best possible choice for this task.

I respectfully request your support and assistance to help continue pushing FEMA in the right direction for the future of America, by confirming Mr. Fugate as the Director of FEMA. From dealing with floods, tornados and hurricanes to fighting wildfires his accomplishments, as Florida's Director of the Division of Emergency Management, speak for themselves. Craig Fugate's experience and background will ensure that FEMA is taken in the appropriate direction. Under his guidance, this agency will move forward in a proactive manner to ensure our nation is able to respond to any catastrophe and provide the assistance necessary.

The Department of Homeland Security has its own responsibility of preventing attacks from occurring in our Country. FEMA needs to have the unhindered authority and latitude to be able to support local, state and federal efforts in responding when disasters occur.

Sincerely,  
  
 Thomas G. Weber, CFO  
 Fire Chief

TGW/amc

c: Senator Bill Nelson

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## WESTERN PIEDMONT REGIONAL EMERGENCY MANAGEMENT TASK FORCE

**Abbeville County**



Steve McDade, Director  
(864) 386-2400

**Anderson County**



Taylor Jones, Director  
(864) 280-4846

**Greenwood County**



George McKinney,  
Public Safety Commander  
(864) 942-8553

**Oconee County**



Rodney Burdette, Director  
(864) 638-4200

**Pickens County**



Lynn Fisher, Director  
(864) 898-5945

Senator Lindsey Graham  
290 Russell Senate Office Building  
Washington, DC 20510

March 23, 2009

Dear Senator Graham:

On March 4, 2009, President Barack Obama nominated W. Craig Fugate as the Administrator of the Federal Emergency Management Agency, Department of Homeland Security and on March 17, 2009, the nomination for Mr. Fugate was sent to the Senate for consideration.

As the emergency manager and Division Director of Anderson County Emergency Services / Public Safety and on behalf of the Western Piedmont Emergency Management Task Force, I write to express the Task Forces' strong support for the Presidential nomination of W. Craig Fugate to the position of Administrator of the Federal Emergency Management Agency of the United States. Mr. Fugate is the most qualified nominee for Administrator, and is uniquely suited to lead the Department at this moment in time.

Collectively, Mr. Fugate's experiences in over 15 years of public service as a volunteer firefighter, paramedic, Lieutenant with the Alachua County Fire Rescue and as Chief of the Bureau of Preparedness and Response with the Florida Division of Emergency Management, show that Craig's qualifications and credentials are unparalleled. In 2001, Craig was appointed by Florida Governor Jeb Bush as the Director of the Florida Division of Emergency Management, again proving that he is more than qualified for the nominated post. His tenure in each of these capacities demonstrates the autonomy, integrity, and effectiveness necessary to be a successful Administrator of FEMA.

Mr. Fugate has demonstrated a willingness to exercise independent judgment on critical issues. As the Director of the Florida Division of Emergency Management, Craig was tasked with the role of managing the Federal Homeland Security funding and developing Florida's Domestic Security Strategy with the Florida Department of Law Enforcement. In 2003, under the direction of Mr. Fugate, the Florida Emergency Management program became the first state emergency management program in the nation to receive full accreditation from the Emergency Management Accreditation Program (EMAP).

In 2004 and 2005, Florida was impacted by 8 land falling hurricanes and assisted in mutual aid recovery efforts in Mississippi and Louisiana after Hurricane Katrina. Due to Director Fugate's management of the disasters and recovery efforts, in December 2006, Florida Governor Charlie Crist reappointed Craig Fugate as Director, the role he continues today.

We believe that any close scrutiny of Mr. Fugate's record in its entirety, including review of the depth and breadth of his experience, will leave no doubt that he should be confirmed as Administrator of the Federal Emergency Management Agency, Department of Homeland Security. The members of the Western Piedmont Emergency Management Task Force support Craig Fugate's nomination because he has immense experience and demonstrated excellence as an emergency management official, sound judgment, and a strong commitment to public safety.

Mr. Fugate's various extensive experiences in public safety make him uniquely qualified to oversee the Federal Emergency Management Agency. It would be difficult to find a candidate more experienced in the Department or better suited to lead it. His background will render him ready to lead the Department from day one. His even-mindedness, sound judgment and commitment to public safety makes him the ideal candidate for the nation's Administrator for emergency management in the department of Homeland Security.

Thank you for your consideration of Mr. W. Craig Fugate for Administrator of the Federal Emergency Management Agency, Department of Homeland Security. If you have any questions, please feel free to contact me at (864) 844-3005.

Sincerely,



Van Taylor Jones  
Division Director / Assistant Administrator  
Anderson County Emergency Services / Public Safety Division

