



U.S. House of Representatives
Committee on Transportation and Infrastructure

Washington, DC 20515

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SUMMARY OF SUBJECT MATTER

TO: Members of the Subcommittee on Economic Development, Public Buildings, and Emergency Management

FROM: Subcommittee on Economic Development, Public Buildings, and Emergency Management Staff

SUBJECT: Hearing on "FEMA's Preparedness and Response to All Hazards"

PURPOSE OF THE HEARING

On Thursday, April 26, 2007, at 10 a.m., in room 2167 Rayburn House Office Building, the Subcommittee on Economic Development, Public Buildings, and Emergency Management will examine whether the Federal Emergency Management Agency (FEMA) and the Department of Homeland Security are focused on all hazards in preparedness for and response to the risks that confront our nation. The hearing will also examine the reintegration of all phases of emergency management at FEMA.

BACKGROUND

Hurricane Katrina made landfall on August 29, 2005, and proved to be the costliest and one of the most deadly natural disasters in American history. Hurricane Katrina exposed two consequences of the placement of FEMA in the Department of Homeland Security (DHS): the failure to follow an all-hazards approach and the breakdown of an integration of all phases of emergency management. Both of these failures were addressed by the Post- Katrina Emergency Management Reform Act of 2006, Title VI of Public Law 109-295, which reintegrated preparedness back with the other phases of emergency management at FEMA and re-established FEMA's day to day links with the state and local governments the agency works with in a disaster. This hearing will examine how this remedy is working and whether the steps taken by the Act are sufficient.

The All-Hazards Approach

An all-hazards approach is a risk-based approach. The first step of a community's all-hazards planning process is to conduct a hazard risk assessment. An all-hazards approach to emergency management ensures an effective and consistent framework for responding to any disaster or emergency that threatens the citizens and communities of our nation, whether the threat is from a natural hazard, an accident, or an intentional act such as a terrorist attack. A standardized process for responding to incidents, known as the incident command system, will be used regardless of whether the building collapsed due to an earthquake, a pipeline explosion, or a bomb.

The all-hazards approach is based on the premise that communities do not need a separate preparedness and response system for each kind of threat. While the manner in which a community responds may differ based on the disaster at hand, at its core, the management of disasters is virtually the same whether it involves sending firefighters to deal with wildfires, sandbagging crews to fight flooding, or police to address civil disturbance. Regardless of the disaster, a community would still need to prepare its citizens for the possibility of a lack of municipal services such as water, sewer and electricity; an individual would need to be in charge to coordinate efforts; and a myriad of other activities would need to occur to support the disaster response. Further, governments recognize that the core emergency management authorities and procedures must be clear, concise and established in advance of a disaster; improvisation during a disaster or crisis does not work. An effective all-hazards approach means that a community or government will have an integrated and coordinated response system that is prepared to handle any disaster that may arise. It assumes that while the specific assets deployed may differ based on the type of disaster, the system that a community uses to respond to the disaster will not.

An all-hazards approach fully addresses terrorism, but preparing for terrorism alone does not address all aspects of other hazards. For example, the federal homeland security grant programs have driven a wedge between state homeland security advisors and state emergency management directors. The federal government has spent over \$10 billion on first responder grants since 9/11 (mostly on equipment), but the nation's core emergency management capabilities have improved only slightly. Terrorism planning also puts an emphasis on prevention that is has no role in most natural hazards, since there is no way to prevent an earthquake, hurricane or tornado.

The current situation is strikingly similar to the situation James Lee Witt found when he became the Director of FEMA in 1993. In 1992, FEMA failed miserably in the response to Hurricane Andrew. He found an agency that was focused on cold war civil defense, when more than 80% percent on their employees focused cold war programs, despite the end of the cold war. Similar to the Katrina aftermath, there were calls to abolish FEMA. Recognizing the importance of an all-hazards approach FEMA was turned around and was recognized as a model federal agency. FEMA's all-hazards approach in preparedness and response, prior to its transfer to DHS, is what made FEMA so successful in its response not only to natural hazards but also 9/11.

The Integration of all Phases of Emergency Management

The cycle of emergency management begins with preparedness and mitigation, flows into response, and ends with recovery. The four cornerstones of comprehensive emergency management – preparedness, response, recovery, and mitigation – are interdependent and are all vital to successful emergency management. Preparedness encompasses those pre-disaster activities that develop and maintain an ability to respond rapidly and effectively to emergencies and disasters.

All levels of government need to be prepared to respond to disasters. Preparedness is what emergency managers do on a daily basis so that they are ready to respond to a disaster.

Since FEMA became part of DHS and through Hurricane Katrina, there was a steady removal of preparedness and other key functions and assets of FEMA to other parts of DHS, most notably to the former Preparedness Directorate at DHS. The consequence of this was seen in the response to Katrina. For example, the funding for the “Hurricane Pam” study of hurricanes in southern Louisiana was taken away from FEMA and used for terrorism purposes.

In 2003, then Secretary Tom Ridge proposed a reorganization of DHS, including transferring FEMA’s preparedness grants to the Office of Domestic Preparedness (ODP). Ridge and his aides believed FEMA should be a response and recovery agency, not a preparedness agency. In an age of terrorism, they argued, preparedness needed a law enforcement component, to prevent and protect as well as prepare to respond.

The proposal prompted former FEMA Director Michael Brown to caution Ridge, in a letter dated September 15, 2003, that further distancing preparedness from response “can result in an ineffective and uncoordinated response...[would] shatter agency morale and would completely disconnect the department's response functions from the responders and governments they are supposed to support.”

Secretary Ridge created the new Office for State and Local Government Coordination and Preparedness (SLGCP) and transferred ODP and all preparedness grants over to the new SLGCP. As part of this consolidation, responsibility for administering the following programs was transferred out of FEMA to SLGCP:

- Assistance to Firefighters program
- Emergency Management Performance Grant program
- First responder counter-terrorism training assistance
- State and local all-hazards emergency operations planning
- Citizens Corps
- Interoperable communications equipment
- Community Emergency Response Teams
- Metropolitan Medical Response System (MMRS)

Until this reorganization, FEMA’s Preparedness Division assisted state and local governments in preparing for disasters through training programs, exercises, emergency planning, technical assistance, and grants.

In July 2005, Secretary Michael Chertoff announced the reorganization component of his second stage review (2SR) of the department. As part of 2SR, Chertoff announced significant changes to DHS’s structure, including extensive changes to FEMA.

Specifically, under Chertoff’s proposal, FEMA remained a direct report to the Secretary of Homeland Security for response, recovery, and mitigation. FEMA’s remaining preparedness functions were transferred to the newly created Preparedness Directorate effective October 1, 2005. DHS officials argued the federal government’s preparedness efforts needed to be enhanced, particularly for catastrophic disasters, and that could be achieved best by consolidating the

department's preparedness functions into a new Preparedness Directorate. The FEMA components transferred included:

- U.S. Fire Administration (USFA)
- Hazardous Materials Training and Assistance Program (HMTAP)
- Chemical Stockpile Emergency Preparedness Program (CSEP)
- Radiological Emergency Preparedness Program (REPP)
- BioShield Program

The transfer of the remaining preparedness authorities out of FEMA arguably was the final step in the elimination of FEMA's preparedness mission.

Again, the emergency management community cautioned that the proposed transfer of functions from FEMA would undermine its ability to respond to future disasters. For example, David Liebersbach, the president of the National Emergency Management Association, the professional association of state emergency management officials, testified before the Subcommittee on Economic Development, Public Buildings, and Emergency Management on April 8, 2005 that separating preparedness from response and recovery would break emergency management's cycle of continuous improvement and result in a disjointed and ineffective response operation.

Additionally, at the time, DHS's acting Inspector General voiced reservations about segregating FEMA's preparedness function from its response and recovery responsibilities, noting that disaster preparedness, response, and recovery are integrally related, each factor relying on the others for success. Similarly, Bruce Baughman, a former FEMA official responsible for FEMA's Office of National Preparedness following 9/11, also voiced objection to separating preparedness from the other emergency management functions. Specifically, he said separating the people who plan disaster response from responders "was a big mistake. We tried that before, and it was a disaster."

PRIOR LEGISLATIVE AND OVERSIGHT ACTIVITY

The Subcommittee has not held legislative hearings specifically dedicated to FEMA's organization and functions as envisioned by the Post Katrina Emergency Management Reform Act of 2006. However, the Committee has held hearings on: Disaster Mitigation and Response (January 1998); Cost Effectiveness of Hazard Mitigation Spending (July 2000); Preparedness against Domestic Terrorism (May 2001); Emergency Preparedness (September 2001); Hurricane Isabel (October 2003); FEMA's Budget (March 2004); National Preparedness and First Responders (May 2004); The National Preparedness System (April 2005); Recovering after Katrina: Ensuring that FEMA is up to the task (October 2005); A Vision and Strategy for Rebuilding New Orleans (October 2005), Legislative Proposals in Response to Hurricane Katrina (November 2005); Disasters and the Department of Homeland Security: Where Do We Go From Here? (February 2006); The Big One: How Do We Ensure a Robust Federal Response to a Catastrophic Earthquake in the Los Angeles Region? (February 2006); and How Do We Ensure a Robust Federal Response to a Catastrophic Earthquake in the New Madrid Region? (February 2006).

During the 109th Congress, the Committee enacted the following related bills:

- Community Disaster Loan Act of 2005 (P.L. 109-88)

- Predisaster Mitigation Program Reauthorization Act of 2005 (P.L. 109-139)
- Katrina Emergency Assistance Act of 2006 (P.L. 109-176)
- Local Community Recovery Act of 2006 (P.L. 109- 218)
- Post-Katrina Emergency Management Reform Act of 2006 (P.L. 109-295)
- Rural Disaster Assistance Fairness Act of 2005 (P.L. 109-295)
- Disaster Relief Equity Act of 2005 (P.L. 109-295)

WITNESSES

PANEL I

Vice Admiral Harvey Johnson
Deputy Administrator
Federal Emergency Management Agency

PANEL II

James Lee Witt
CEO of James Lee Witt Associates, a part of GlobalOptions Group

PANEL III

William “Craig” Fugate
Director, Florida Division of Emergency Management
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PANEL IV

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Chief Tom Carr
Montgomery County, Maryland
Fire Rescue Service
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Chief Fred Endrikat
Special Operations Chief
City of Philadelphia Fire Department
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Sheriff Edmund M. "Ted" Sexton, Sr.
Former President
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