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Committee on Transportation and Infrastructure
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On
Readiness in the Post Katrina and Post 9.11 World: An Evaluation of the New National Response Framework

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I am Robert C. Bohlmann, the Emergency Management / Homeland Security Director for York County, Maine. I currently serve as the U.S. Government Affairs Chair of the International Association of Emergency Managers (IAEM) and am providing this testimony on their behalf. I am also a Certified Emergency Manager ® (CEM).

The International Association of Emergency Managers has over 3,800 members including emergency management professionals at the state and local government levels, tribal nations, the military, colleges and universities, private business and the nonprofit sector in the United States and in other countries. Most of our members are U.S. city and county emergency managers who perform the crucial function of coordinating and integrating the efforts at the local level to prepare for, mitigate the effects of, respond to, and recover from all types of disasters including terrorist attacks. Our membership includes emergency managers from large urban areas as well as rural areas.

Today, I welcome the opportunity to address some very critical issues concerning the process which resulted in the creation of the draft National Response Framework (NRF).

Before doing that, I would just like to take a moment to extend the thanks of the International Association of Emergency Managers (IAEM) to this subcommittee for your tireless work on strengthening the Federal Emergency Management Agency and your continued effort to see that the Post Katrina Reform Act is implemented as Congress intended. In fact, we believe that in your discussions about the draft NRF you may gain some insight as to how that process is being accomplished.

We were extremely gratified to be identified as one of the *key* stakeholders and partners in the revision of the National Response Plan, along with our state emergency management colleagues – as those statutorily responsible for the emergency planning process. We eagerly anticipated participating in a collaborative revision process carving out a clear definition of the roles and responsibilities of those involved in all-hazards emergency management at the federal level. In addition, we really looked forward to a clear and straight-forward description of how those federal roles and responsibilities would inter-relate with state and local emergency management practitioners who have the acknowledged lead role in responding to disasters and emergencies.

In many ways, this process – under the direction of FEMA from December 2006 to Mid March of this year – was exemplary. Other stakeholders as well as *key* stakeholders were intensively involved in work groups addressing a dozen different aspects of the revision to the plan. There were 23 representatives of local governments (IAEM provided seven) and six members of tribal government (IAEM provided one) who participated in these collaborative work groups. IAEM members were actively engaged in the work groups for Roles and Responsibilities; Incident Management and Coordination; Volunteer & Donations Management; Catastrophic Planning; Evacuations; NIMS Work Group; Training & Implementation; and Special Needs. These IAEM members participated in numerous conference calls and meetings in Washington, D.C. (typically on relatively short notice). There was an active "give and take" in the dialogue and many important issues were addressed. NRP Revision co-chairs Bob Shea and Tina Gabbrielli worked tirelessly to champion a transparent and inclusive process making sure that both stakeholders and *key* stakeholders were represented in this vitally important effort. In fact, this inclusive process is one of the primary characteristics of thoughtful, well-designed and implemented emergency management practice.

That's why we at IAEM – along with other *key* stakeholders and partners – were shocked when we reviewed an unofficial draft copy of the National Response Framework (NRF) dated July 27, 2007. The document we saw bore no resemblance to what we had discussed so extensively with FEMA and other stakeholders in the December 2006 through February 2007 timeline. The last communication our NRP work group members received was on March 13, 2007 from co-chairs Shea and Gabbrielli thanking all of us for our participation and advising that the planned March 12, 2007 release of the first draft was being delayed "[t]o ensure that we accurately capture the concerns of our stakeholders and develop a quality product…" The co-chairs also advised they were "…looking[ing] forward to working with [us] over the next few months." However, no further stakeholder interaction on revising the NRP occurred after that date. Our next encounter with the revised NRP was when we read about a draft framework dated July 2007. The formerly transparent and open revision process became clouded and closed. It is our belief this process reversal has produced a document with serious flaws which must be corrected before its official public release. IAEM stands ready and willing to assist in this process and is hopeful that *key* stakeholders will again be welcomed into the process before official public release of the revised NRP.

We appreciate this opportunity to visit with you today because we believe in the importance of a truly effective National Response Plan – and further, that it must serve a clear purpose. We believe that the NRP should serve as the over-arching planning document that identifies the roles and responsibilities of all potential players and the methods by which resources are requested and delivered at all levels. It is not rocket science – and it does not have to be 800 pages long. The draft NRF that we have reviewed appears to be more like a public relations document rather than a response plan or framework. For example, there is no discussion of the role and responsibility of the FEMA Administrator with respect to the President of the United States as Congress clearly delineated in the Post Katrina Reform Act. Without a discussion and understanding of the federal roles and responsibilities, how can those with the responsibility to coordinate emergency response at the state and local level make sure they are a part of a team or "unified" effort to save lives and protect property?

IAEM is also not sure there is consensus between the DHS authors of the draft NRF and stakeholders on what "all hazards" really means. This is really quite simple. All hazards signifies all hazards resulting from any cause, whether natural, man-made or national security / homeland security. Therefore we should identify our disaster roles and responsibilities in such a fashion that they relate to any disaster. This is commonly referred to as a "functional, all-hazards" approach to planning. Concerns unique to a single hazard can be addressed in hazard-specific appendices. One of the reasons there is no consensus is that the previously collaborative NRP revision process was eliminated on or about March 13, 2007.

Furthermore, we do not believe there is even consensus between the DHS authors of the draft NRF and the stakeholders and *key* stakeholders as to the real audience or purpose for the document. The DHS authors of the draft NRF seem to suggest it is aimed at local elected officials. Yet, state and local government emergency managers are those who implement a coordinated response on behalf of the local elected officials. Therefore, it would seem logical to aim this document at those who will be providing the subject matter expertise to assist local elected officials in executing their responsibilities. It also seems more appropriate to provide an executive summary of the document for local elected officials.

We were further surprised that the draft NRF seemed to undercut the reforms of the Post Katrina Reform Act which provided structural realignments and protections for FEMA inside the Department of Homeland Security and clarified the role of the Administrator. This Act restored the rational partnering of preparedness to mitigation, response and recovery as responsibilities of a re-energized FEMA. Yet the draft NRF indicates that the DHS Incident Management Planning Team develops the strategic plans for the key 15 National Planning Scenarios and FEMA conducts nationwide operations planning to support these strategic plans. This seems to be a separation of preparedness functions contrary to the Post Katrina Reform Act. The Act also amended the Homeland Security Act of 2002 and clarified that the Administrator is the principal advisor to the President, the Homeland Security Council and the Secretary for all matters relating to emergency management in the United States. It further stated in Sec. 504 that "the Administrator

shall provide Federal leadership necessary to prepare for, protect against, respond to, recover from or mitigate against a natural disaster, act of terrorism or other man made disaster." Yet in this draft NRF the role of the Administrator is severely limited and frequently ignored.

IAEM believes there is a serious disconnect between what the DHS authors of the draft NRF say regarding the roles of the Principal Federal Officer (PFO) and the Federal Coordinating Officer (FCO) and what Congress intended in the Post Katrina Reform Act and the Stafford Act. The draft NRF refers to the PFO as the lead Federal official who will exercise overall coordinating authority on behalf of the Secretary at the field level when appointed; yet the Post Katrina Reform Act stated that the Principal Federal Official shall not "have directive authority over the Senior Federal Law Enforcement Official, Federal Coordinating Officer, or other Federal and State officials". The Federal Coordinating Officer in the draft NRF represents the FEMA Administrator in the field. However, under the Stafford Act, the FCO is the President's representative. During Congressional hearings regarding the failures of coordination during Hurricane Katrina there were numerous references to the fact that the dual existence of a PFO as well as the FCO led to ambiguities of authority and responsibility which often severely hampered response as well as recovery efforts. Our local emergency managers want the FCOs to have the authority to make decisions that we can act upon and not worry about "second-guessing" by an additional level of authority. We do not need this continuing lack of clarity. IAEM strongly urges that the FCO remain the single point of contact in the field between the federal government and state and local governments and that the FEMA Administrator act as the President's direct representative in disaster situations.

The July 2007 draft NRF fails to provide an overall structure which will allow the different components of the Federal Government to adequately coordinate with one another in a disaster response. There is no discussion in the draft NRF as to how the ESF Annexes, Support Annexes and Incident Annexes will support one another to provide for an effective Federal Government response. This lack of clarity in the federal relationships will surely only be magnified when interacting with State and local governments during a disaster response.

There is another over arching consideration relating not only to the draft NRF but also to many of the other documents, proposals, scenarios and assumptions made by DHS. It all starts with the 15 National Planning Scenarios. Of these, only two involve natural hazards. This, clearly and logically, does not reflect the real spectrum of hazards to which we are subject in the United States. It is, in our opinion, shortsighted to think there should be separate plans for every type of disaster or emergency. This type of flawed thinking permeates not only the draft NRF, but also the Target Capabilities List (TCL) and the Universal Task List (UTL). IAEM believes the reason for this flaw existing within the basic planning documents is that FEMA has the experience and ability to deal with a TRUE all-hazards approach but has been given little authority to make planning assumptions or decisions. This is another reason why it is so important that all preparedness functions within DHS be transferred to FEMA as mandated by Congress.

Failure to keep these functions connected – and within FEMA – will continue to promote the conditions that produce flawed assumptions, scenarios and plans. We must address the entire range of natural and man-made disasters within the built environment.

We were puzzled with the draft NRF call for "…delivery in the case of each of the Guideline's 15 scenarios two types of plans: (1) a strategic plan …; and (2) an operational supplement…(Draft NRF, page 68, July 2007)" This would, essentially, entail the creation of 30 different plans at the Federal level, perhaps for each department – and even more questions at the State and local levels as to which plans might be operative under what circumstances. The consequences of failure to produce an adequate National Response Plan could easily be increased lives lost and property damaged in emergencies and disasters.

Charles Kmet, the Emergency Management Administrator of a large tribe in Arizona with 28,000 members and 2.8 million acres of land, chairs the IAEM Tribal Affairs Committee and is a member of the FEMA National Advisory Council. He commented how surprised he and some of the committee members were at the inconsistent language contained in the draft NRF, especially with regards to tribal nations. Charles asked me to emphasize the tribes continue to see the conflicting ways in which they are handled – sometimes as sovereign nations and other times as local units of government – as a major problem not only with the draft NRF, but also with many other emergency management and homeland security issues. Consequently, many tribes are not prepared or equipped to the capabilities level of their local and/or regional counterparts.

The cardinal principle of emergency management planning is that what is important is the process rather than any particular product. General Dwight D. Eisenhower is often quoted as saying, "Plans are nothing, planning is everything." We were greatly encouraged with the collaborative nature of the beginning of the NRP revision process. However, the process "went dark" sometime around March 13, 2007, resulting in a flawed draft NRF. We urge DHS to allow FEMA to re-engage in stakeholder and *key* stakeholder input and give adequate time to correct the flaws in this vitally important plan.

Note: On September 7, when this statement was due to the Committee, a draft NRF had not been provided by DHS to local emergency managers for review and comment. This statement is based on the July 27, 2007, draft which was released by Congressional Quarterly.

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