



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

Washington, DC 20515

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March 31, 2009

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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 “Disaster Capacity in the National Capital Region: Experiences, Capabilities, and Weaknesses”

PURPOSE OF THE HEARING

On Friday, April 3, 2009, at 10:00 a.m., in room 2167 of the Rayburn House Office Building, the Subcommittee on Economic Development, Public Buildings, and Emergency Management will hold a hearing on disaster preparedness and response capacity in the National Capital Region. The hearing will focus on how Federal executive and legislative branch agencies, the District of Columbia, multi-state agencies, volunteer organizations and the private sector are preparing for disasters and how they will respond. The hearing will also focus on plans to safeguard the citizens of the National Capital Region in the event of a disaster.

BACKGROUND

The unique nature of the National Capital Region brings distinct jurisdictional and logistical challenges in preparing for and responding to disasters and emergencies. In most, if not all states, there is one person, the governor, who is ultimately in charge of coordinating disaster response activities. However, that is not the case in the District of Columbia. While the District has been granted limited home rule, Congress retains its constitutionally based plenary authority over the affairs of the District.¹ Given this unique constitutional relationship, there are areas in the District where the Mayor’s powers are limited (e.g., Federal property in the District).

¹ P.L. 93-198, 87 Stat. 775.

Even within the Federal Government there are a myriad of jurisdictional issues. In the case of various executive branch agencies, those agencies ultimately all report to the President and jurisdictional or other concerns can be addressed by White House staff. However, significant areas of the city are under the jurisdiction of Congress most notably the Capitol Grounds. As a result, coordination between these agencies is critical.

Inauguration

The recent inauguration of the President was one of the largest events ever held in the Nation's Capital with an estimated two million people in attendance and highlighted the coordination necessary.² While the event was large, and involved a large number of agencies, the event was also planned well in advance. However, even with this planning, there were a number of problems with the inauguration that led to further review. For example, it appears that many key decision makers did not know that there were citizens who were "stuck" in the Third Street Tunnel.³

D.C. National Guard

Unlike the Governors of the 50 States, Puerto Rico, Guam and the Virgin Islands, the Mayor of the District of Columbia is not the Commander in Chief of the National Guard of the District of Columbia, rather the President is the Commander in Chief.⁴ Therefore, unlike the Governors, the Mayor cannot directly call out the National Guard to respond to a disaster. The President has delegated his authority to the Secretary of Defense who has delegated his authority to the Secretary of the Army and the Secretary of Air Force for the District of Columbia National Guard and Air National Guard respectively.⁵

FEMA Offices

The Federal Emergency Management Agency's (FEMA) Office of National Capital Region Coordination (NCRC) was created by statute in 2002.⁶ FEMA's NCRC oversees and coordinates relationships with State, local, and regional authorities in the National Capital Region as well as appropriate with the private sector. This office does much of the day-to-day emergency management planning that, in other metropolitan areas, are handled by the appropriate FEMA regional office. However, the FEMA NCRC office is not an operational office. When an incident occurs or is likely to occur, it is the FEMA regional office, in this case the FEMA Region III office in Philadelphia which has responsibility to work with the affected States (including the District of Columbia).

² Testimony of Mark Sullivan, Director United States Secret Service, House Appropriations Committee Hearing "Protecting our Nation's Leaders: Challenges of 2008 Presidential Campaign and the 56th Presidential Inauguration" March 25, 2009.

³ 2009 Inaugural Review Executive Summary of Findings: Multi-Agency Response to Concerns Raised by the Joint Congressional Committee on Inaugural Ceremonies for the 56th Presidential Inauguration, March 20, 2009 p. 7

⁴ See Army Regulation 130-5, paragraph 1-6(b)(2) December 30, 2001.

⁵ See Executive Order No. 11485, 1 October 1969 (34 FR 15411) and Army Regulation 130-5, paragraph 1-6(b)(2) December 30, 2001.

⁶ 6 U.S.C. 462.

PRIOR LEGISLATIVE AND OVERSIGHT ACTIVITY

The Committee and Subcommittee have held numerous hearings addressing issues related to disaster preparedness and response in the National Capital Region:

- “FEMA’s Response to the 2008 Hurricane Season and the National Housing Strategy” (September 2008)
- “Role of the Federal Government in Small Business Disaster Recovery” (September 2008)
- “National Flood Plain Remapping: The Practical Impact” (April 2008)
- “Readiness in the Post-Katrina and Post-9/11 World” (September 2007)
- “Assuring the National Guard is as Ready at Home as It is Abroad” (May 2007)
- “FEMA’s Preparedness and Response to ALL Hazards” (April 2007)
- “FEMA’s Emergency Food Supply System” (April 2007)

WITNESSES

Mr. Jonathon Sarubbi
Region III Administrator
Federal Emergency Management Agency

Mr. Kenneth Wall
Acting Director
Office of National Capital Region
Federal Emergency Management Agency

Mr. Phillip Morse
Chief
United States Capitol Police Department

Mr. Michael Taborn
Chief
Washington Metropolitan Area Transit Authority Police

Mr. Craig DeAtley
Director
Institute for Public Health Emergency Response
ER ONE at Washington Hospital Center

Major General Errol R. Schwartz
Commanding General
District of Columbia National Guard

Ms. Linda C. Mathes
President and Chief Executive Officer
American Red Cross of the National Capital Area

TBD
TBD
U.S. Foodservices, Inc.

Mr. Darrell Darnell
Director
DC Homeland Security and Emergency Management Agency

Mr. Vernon Herron
Deputy Chief Administrative Officer for Public Safety/Director of Homeland Security
Office of the County Executive, Prince George's County