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TESTIMONY

**Before the House Transportation & Infrastructure
Subcommittee on Economic Development,
Public Buildings and Emergency Management**

U.S. Mayors Speak Out: Addressing Disasters in Cities

March 4, 2010



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Introduction

Chairwoman Norton, Congressman Diaz-Balart, and members of the Subcommittee, thank you for the opportunity to testify today. I come before you representing the National Emergency Management Association and the emergency managers of all 50 states, territories, and Washington, D.C.

As the Committee considers H.R. 3377, we continue to appreciate the Committee's swift action on this critical legislation and hope the bill will be quickly approved in order to strengthen emergency management capabilities across the country. You and your staff are to be commended for the work you have done thus far.

The Stafford Act

The Stafford Act stands as the pinnacle piece of legislation affecting the emergency management profession. The original Act was intentionally written in a broad manner to allow maximum flexibility for practitioners and discretion by the President. NEMA continues to support this flexibility. In recent years, however, we have experienced reduced flexibility through unnecessarily strict interpretations of the law. These interpretations have led to more rigid regulations and policies not accurately reflecting the true intent of the Act. A majority of NEMA members agree the primary issue during disaster response rests not with the Stafford Act overall, but rather with disaster assistance policy.

Fortunately, FEMA leadership has recently taken strides to address previous policies and regulation interpretations. We applaud FEMA's efforts and wish to allow them appropriate time to complete their full review. This current policy review will surely drive any potential need for more broad-reaching Stafford Act changes in the future. While NEMA continues to place trust in FEMA leadership during this review process, we continue a doctrine of "trust but verify" and intend to advise accordingly.

Discussions continue within NEMA regarding whether or not the Stafford Act requires amending to address catastrophic disasters, but we remain steadfast in our belief the Stafford Act does not require broad and sweeping legislative changes at this time. Regardless of when and if the major changes are ever considered to the Stafford Act, one issue behind which NEMA stands unified is the necessity for state governments to remain the sole source of entry for Federal assistance into the states.

When devastation at the hand of a disaster occurs, it remains the responsibility of Governors and state governments to support communities by ensuring a seamless disaster response among all levels of government. State responsibility also includes the provision of resource coordination in a timely and efficient manner, interstate mutual aid as necessary, and state and federal disaster assistance programs appropriately implemented.

While NEMA would prefer not to see the Stafford Act significantly amended at this time, the imperative of reauthorizing aspects of the Act remains. Specific provisions within H.R. 3377, currently before your Committee, achieve such reauthorizations and NEMA supports many of them.

Recommendations for H.R. 3377

Despite remaining questions about the breadth of future Stafford Act amendments, NEMA remains supportive of many provisions within H.R. 3377. Overall, flexibility within Stafford programs and maintaining state leadership as the primary coordination point for assistance remain NEMA's highest priorities.

Section 101 of H.R. 3377 specifically addresses the Pre-Disaster Mitigation Grant Program. A lack of authorizing language and unnecessary earmarks stand to weaken this critical emergency management program. While the 2010 appropriation for DHS reauthorized PDM for one fiscal year, the program is in desperate need of a multi-year reauthorization. NEMA continues work

with Senate authorizers to introduce companion legislation, but the swift passage of this provision will allow PDM to remain strong well into the future.

In September of last year, Richard Muth of Maryland, a member of NEMA, testified before this committee regarding the importance of the Integrated Public Alert and Warning System (IPAWS). NEMA supports the reauthorization of IPAWS through H.R. 3377 as the program remains a valuable tool for state and local government warning functions. The Association membership also appreciates the inclusion of state and local government emergency managers in the IPAWS Modernization Advisory Council Committee outlined in this legislation.

Another NEMA member, Matt Bettenhausen of California, also testified before this Committee regarding the importance of support to Urban Search and Rescue Teams in this bill. H.R. 3377 makes significant strides toward addressing USAR issues by providing FEMA clear authority for USAR and protecting the local department and task force members when injuries or other liabilities occur as a result from their rescue efforts and NEMA supports this provision. Without the protections provided in this legislation, the local and state departments supporting the USAR Task Forces face potentially unfunded costs for sustaining these teams.

One of NEMA's legislative priorities for 2010 will be the reinstatement of the Public Assistance (PA) Pilot Program and H.R. 3377 offers a logical opportunity for this program. The PA Pilot Program ended on December 31, 2008, pending a report by FEMA to Congress. FEMA officially submitted the required report on May 20, 2009. During the program period, 3,965 applications in 78 disasters participated in at least one procedure of the Pilot Program. The PA Pilot Program was not an independently funded grant program, but rather a means by which to disperse funds from the Disaster Recovery Fund (DRF). Using H.R. 3377 to restart this program will provide states added flexibility in responding to Stafford declared events.

NEMA also appreciates the broad authorization language of the DRF in H.R. 3377 and will continue to encourage appropriators to provide the DRF enough funds to avoid cumbersome supplemental requests throughout the fiscal year.

Finally, NEMA is very pleased with how H.R. 3377 addresses reauthorization of the Emergency Management Assistance Compact (EMAC) in Section 302. When states and U.S. Territories joined together and Congress ratified EMAC (Public Law PL-104-321, 1996), it created a legal and procedural mechanism whereby we can quickly move state owned emergency response resources, like USAR, throughout the country to meet disaster needs. All 50 states, the District of Columbia, and three territories are members of EMAC and have committed their emergency resources in helping neighboring states and territories.

To provide a sense of EMAC's value in the context of search and rescue, in 2005 the year of Hurricanes Katrina, Rita, and Wilma more than 1,300 search and rescue personnel from 16 states searched more than 22,300 structures and rescued 6,582 people. EMAC staff stood ready to offer support as recently as this past weekend during the tsunami threat to Hawaii. Fortunately the need for mutual aid was never required in Hawaii, and our thoughts and prayers go out to those affected by the earthquake in Chile.

The capabilities of EMAC remain sustained by the efforts of all the states and would be bolstered by a reauthorization of EMAC. Also, while EMAC currently receives FEMA grant funding, fulfilling NEMA's request for a \$4 million line item appropriation would codify the program for use in future disasters. In my opinion, \$4 million in federal funds stands as a minimal investment for maintaining a proven national emergency response capacity that day-to-day is equipped, trained, and ready to provide critical disaster response resources and support between states.

Conclusion

Overall, NEMA remains pleased with the current structure and outline of H.R. 3377, and discourages broad and sweeping changes to the Stafford Act. Should legislative changes become necessary in the future, implementation at the state level should stand as the single most important undercurrent to any recommended Stafford amendments.

I welcome any questions you may have, and NEMA will continue offering support to this Committee and your staff as H.R. 3377 continues to move forward in the process.