



**Testimony of Larry Gispert, President
International Association of Emergency Managers**

Before the

**Subcommittee on Homeland Security
Committee on Appropriations
U.S. House of Representatives**

On

**Federal Emergency Management Agency: Is the Agency on the Right Track?
March 13, 2008**

Chairman Price, Ranking Member Rogers, and distinguished members of the Subcommittee, thank you for allowing me the opportunity to provide testimony on this critically important topic.

I want to express my sincerest gratitude to this subcommittee for the strong support you have provided to the emergency management community over the past few years, particularly your support for increasing the funding for the Emergency Management Performance Grant Program and for reforming the Federal Emergency Management Agency.

I am Larry Gispert, the Director of Emergency Management for Hillsborough County Florida. Hillsborough County is on the West Coast of Florida and has the City of Tampa as its county seat. The county's population is approximately 1.2 million. I currently serve as the President of the International Association of Emergency Managers (IAEM) and am testifying on their behalf. I have 27 years in the emergency management field with 14 as the Hillsborough County Director and have also served as President of the Florida Emergency Preparedness Association.

IAEM has over 4,000 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.

Budget Issues

The entire emergency management community is grateful to this committee for recognizing the importance of building basic emergency management capacity at the state and local level. The major source for this capacity building is funding from the Emergency Management Performance Grant program. We are grateful for your \$50 million supplemental in FY 2007 and for the increase to \$300 million in FY 2008 to begin addressing the historically documented shortfall. We also want to let you know that we appreciate the fact that you recognize that EMPG is different from the entire other host of post September 11, 2001 Homeland Security grants. Specifically, EMPG has existed since the 1950s. It was created to be a 50-50 cost share program to ensure participation by state and local governments to build strong emergency management capability. We urge you to continue that support by increasing EMPG funding to \$487 Million for FY 2009 and maintaining its status as a separate account within FEMA. This level of need (\$487 Million) was determined by the National Emergency Management Association's biennial survey.

We also appreciated the Committee including bill language prohibiting the funding for any position designated as a Principal Federal Official (PFO) in a Presidentially declared disaster or emergency in your FY 2008 Appropriations Act. We urge you to include this same limitation in the FY 2009 bill. IAEM has consistently opposed the appointment of PFOs. Instead, our members want the Federal Coordinating Officer (FCO) to have unambiguous authority to direct and manage the federal response in the field. It is absolutely critical for state and local officials to have one person empowered to make decisions and coordinate the federal response in support of the state.

Pre-Disaster Mitigation (PDM) – IAEM supports both pre and post hazard mitigation. The PDM program will sunset on September 30, 2008. We will be working with the authorizing committees to encourage the continuation of the program, and we respectfully request this committee to fund PDM at an appropriate level.

We also want to emphasize our strong support for the Emergency Management Institute (EMI) – once the “crown jewel” of the emergency management profession. More recently, however, it has fallen on hard times. For decades, EMI was charged with establishing and promoting the principles and doctrine of the comprehensive emergency management approach. Lack of funding and a loss of focus on the primary objectives of the Integrated Emergency Management System (IEMS) have left EMI adrift without an up-to-date, cohesive, professional EM curriculum. Many of the problems described below in terms of guidance and organizational structure are due to this lack of a truly integrated training program for emergency managers at all level of government. We urge the Committee to establish a separate line item for EMI in the FEMA budget so that EMI can have a consistent funding stream. We would also urge you to engage in discussions with FEMA on the funding needed to develop new courses and update the current ones. We believe an estimate would be a minimum of \$2,200,000 annually.

Recently, at the invitation of the EMI Superintendent, a "Principles of Emergency Management" (POEM) Roundtable comprised of recognized practitioners from the major professional associations, representatives of EM standard-setting organizations and distinguished academics, has identified this lack as one of the major contributing factors to many of the problems which plague the system today. EMI must be funded so that a master EM curriculum can again be the focus of the Institute. Another highly successful program at EMI is the Emergency Management Higher Education Project. This project although consistently under funded – has produced significant improvements in the preparation of professional, college educated, emergency managers who represent the future of effective disaster policy and practice. The financial resources to accomplish these worthy goals are a prudent investment in the development of our emergency management system. We urge the Committee to provide additional funding to the Higher Education Project for two additional positions and a minimum of an additional \$400,000 annually for course development, the Higher Education Conference, and related activities.

Improvements have been made

The stated purpose of this hearing is to determine whether FEMA is on the right track. We think FEMA wants to be on the right track, but it is still not clear they have the authority to drive the train. IAEM wants to see a revitalized FEMA and we are seeing improvements. The leadership is working with us more closely. However, we remain concerned about the role of FEMA within DHS, whether FEMA truly has been given all the responsibility for preparedness and managing disaster response as the law requires, and whether DHS has truly “bought” into the all hazards doctrine which is so vital. Congress in the Post Katrina Act tried to empower and strengthen FEMA within DHS. It bears watching to be certain that this is not undercut by Presidential directives not in keeping with the law. Likewise it bears watching to be certain that what is important to be done to truly improve capacity to respond and recover at the local level is not undercut by overly restrictive one-size-fits-all policies, overly complex systems and emphasis on things being counted. With these caveats in mind, I think it is possible to say that great improvements have been made.

Inclusion encouraged

I would like to turn my remarks now to several issues for which we would like extend our thanks to our colleagues and partners at DHS / FEMA, then turn my attention to the FY 2009 budget request, and finish with other comments regarding the state of Emergency Management in the United States today.

I would like to extend our appreciation and gratitude to our partners and colleagues in FEMA for increasing the level of involvement and communication with IAEM on key initiatives. Originally, we strongly objected to the draft National Response Framework (NRF) which ignored input from State and local government partners. FEMA listened and addressed some of the issues we raised in their final version of the NRF. Key documents impacting how we plan, exercise, train, respond, and recover should not be

written without the involvement of State and local government emergency managers. If you expect us there during the crash landing, please make sure we're a part of the takeoff.

We urge FEMA to include key stakeholders in an open discussion of the Integrated Planning System (IPS) while it is being developed. IAEM and FEMA share the same goal – to develop the best product possible. That will only happen, however, if State and local emergency managers are included in the development process.

We are strongly encouraged by the decision at DHS / FEMA to include our IAEM Second Vice President Russell Decker as a part of the National Advisory Council (NAC). We feel our presence and participation on the NAC adds great value, by creating a channel for IAEM members to provide input to DHS on vitally important topics and programs.

We support all efforts to have a fully trained professional and empowered Federal Coordinating Officer (FCO) corps. That's why we're so appreciative of FEMA's direction to those professionals to seek their Certified Emergency Manager® credential.

Emergency Management Context and Perspectives

The failures manifested during Hurricane Katrina were not entirely rooted in a lack of planning. The roots of this failure also grew from an insufficiently developed and robust, all-hazards emergency management system, insufficient capabilities and fuzzy lines of authority, and an unwillingness to execute the existing plans. A systems-level approach was absent.

Successful emergency management systems must be comprehensive, encompassing all potential hazards and impacts relative to any community in the nation. The system must be integrated horizontally and vertically and coordination must be maintained and well understood by all stakeholders.

IAEM realizes there are differences in the way we approach things based on our perspectives – that of the DHS / OMB view from 50,000 feet and that of the local government view from our boots on the ground. However, we believe our joint responsibility to protect the lives and property of our citizens requires all of us to continue to strive to understand the differences derived from our perspectives, and how those affect the policies on building true emergency management capability at the local level. The need for this continuous assessment of perspective-based difference can be found in an analysis of the recently released FY 2008 EMPG program guidance. IAEM finds three major issues with the guidance:

1. The guidance appears to be overly restrictive. Specifically, there is a requirement that 25% of EMPG resources be directed toward planning. This may seem perfectly reasonable from a DHS or OMB perspective; however, when specific local circumstances are considered, it is not. One of our State government emergency management colleagues has let us know there is an issue with this in

his state. The state expended considerable effort, time and EMPG resources on planning in FY 2007. This year their priority is to exercise and train on the plans they developed last year. He asked if a waiver on the 25% requirement for planning was possible and was told it was not. Now, that state will be prevented from directing resources to training and exercising the plans they developed last year because the guidance specifically directs that 25% of EMPG funding will be spent on planning. Many of our IAEM local government emergency managers tell us that EMPG funding makes the difference between whether there is a person to perform the emergency management function within a jurisdiction or not. Placing restrictions on these funds defeats the concept of the local government being able to identify and develop the capabilities it deems necessary for its own specific set of circumstances.

2. The FY 2008 EMPG program guidance contains extensive language linking these funds to the National Planning Scenarios, the Target Capabilities List (TCL), the Gap Analysis, the National Plans Review and other issues that are more strictly associated with Homeland Security. We would remind our DHS and OMB colleagues that The Stafford Act, which authorizes EMPG, is very broad – and it is very broad for a reason. The Stafford Act is broad because Congress understands the needs in each local jurisdiction are not the same. One size does not fit all. This is a case where capability building has to be tailored to the local jurisdiction’s requirements. Frankly, we believe the Homeland Security perspective of the DHS prevents them from having a good understanding of the problems that could result from this guidance. We think the guidance needs to be addressed by those who have a better understanding of these effects – our colleagues in FEMA.
3. IAEM also notes that the guidance does not mention that the traditional, lawful and duly authorized uses of EMPG funding are still allowable under the FY 2008 EMPG guidance until page 17. We are greatly appreciative that our colleagues at FEMA have issued a “frequently asked questions” document that has helped to clear some of the confusion surrounding this issue – but the guidance as a whole needs to be re-addressed.

Other Concerns

In addition to the issues IAEM has identified relating to the FY 2008 EMPG program guidance, we also find some troubling language in the President’s FY 2009 budget appendix and the budget justifications. Specifically, the language that concerns us is found on page 516 of the Budget Appendix and reads, “Emergency Management Performance Grants (\$200 million).— These grants support State and Urban Area efforts to achieve target levels of capability in catastrophic planning and emergency management.” We would remind our DHS and OMB colleagues that EMPG resources are authorized for use by State and local governments, whether urban or rural. We have shared this concern with our colleagues at FEMA and understand that a retraction of this language will be sent. However, as of the writing of this statement, I understand that Congress has not yet received such a retraction. I bet the rural but disaster prone counties in your states would be very surprised to learn that OMB thinks EMPG funding is only for urban areas.

I am often asked to describe exactly what our function is, as local government emergency managers. In reply to this query, I portray the local government emergency manager as the person selected to lead a band in which many of the players have only produced music as a soloist. These soloists are, on the individual level wonderful, but they don't have a great deal of experience in playing together as an entire band. That local government emergency manager works to try and get harmony and coordination to emerge from a group of players who are not used to working with or relying upon one another. It takes real work to get these well-meaning folks to produce that harmonious effort to deal with mitigation, preparedness, response and recovery from disasters and emergencies. Local government emergency managers are not responders – but we work closely with those responders to help create the beautiful music that calms the savage disaster.

An example of where this harmony is lacking at the Federal Agency level is, in our opinion, found in the National Planning Scenarios, and the documents based upon them. The National Planning Scenarios are very narrowly focused on primarily the threats of terrorism (13 of the 15 scenarios are focused on attacks, terrorism, or biological disease outbreak). Essentially, they do not represent the full range of threats facing the United States of America. For example, none of the scenarios deal with flooding or tornadoes as a primary problem. Flooding and tornadoes accounted for 130 of 295 Presidential declarations of disaster from 1988 through 1996 (Godschalk, et al. 1999, p 8). As such, these national planning scenarios are self-limiting, rather than reflecting the actual full range of threats that exist and anticipating the formation of potential new threats to our nation. The bigger picture here, however, is not the specific number of scenarios, but that any scenarios developed are utilized to create one Emergency Operations Plan identifying the functions and capabilities common to all emergencies as well as the roles and responsibilities of government. Deriving multiple plans from these scenarios seems to be an adoption of a military-style planning process. This process is great – if you are the military and funded and equipped with the resources of the military. If you are a state or local government, this simply is not the most efficient and effective way to utilize planning resources.

Post Katrina Reform Act Implementation

Congress made it clear when the Post Katrina Reform Act was passed that they want a strong FEMA with an Administrator with clear authority for managing all aspects of disasters and emergencies. Some specific examples from the Act which we believe are not being followed include:

- **Section 611 (12) (B)** is of particular importance. This amended the Homeland Security Act of 2002 by “*striking the matter preceding paragraph (1)*” which contained the language, “*the Secretary acting through...*” and inserted instead the following language. “*In General – 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 and other man-made disaster*”

including...managing such response. “Congress acted intentionally to transfer these responsibilities from the Secretary to the Administrator.

- **Section 503** Federal Emergency Management Agency
 - *(b)(2) Specific Activities – In support of the primary mission of the Agency, the Administrator –*
 - *(A) lead the Nation’s efforts to prepare for, protect against, respond to, recover from, and mitigate against the risk of natural disasters, acts of terrorism, and other man-made disasters, including catastrophic accidents.*
 - *(H) develop and coordinate the implementation of a risk-based, all hazards strategy for preparedness that builds on those common capabilities necessary to respond to natural disasters, acts of terrorism, and other man-made disasters while also building the unique capabilities necessary to respond to specific types of incidents that pose the greatest risk to our Nation*

- *Section 503 (c)(4)(A) In General – 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.*

- *Sec. 503(c)(5) Cabinet Status –*
 - *(A) In General – The President may designate the Administrator to serve as a member of the Cabinet in the event of natural disasters, acts of terrorism, or other man-made disasters.*
 - *(B) Retention of Authority – Nothing in the paragraph shall be construed as affecting the authority of the Secretary under this Act.*

We believe that DHS frequently and mistakenly quotes Section 502(c)(5)(B) regarding the authority of the Secretary and the Administrator as being applicable across the entire act when, in fact, it is limited in scope only to paragraph (5). We strongly request the committee to provide continual oversight of DHS on these matters to ensure they are following the clear and direct law on these issues.

Congress also rejected the DHS Stage 2 Reorganization and clearly and unambiguously moved all Preparedness functions and personnel to FEMA. IAEM believes that Section 506 (c) (1) and (2) of the Homeland Security Act as amended by the Post Katrina Reform Act clearly prohibits the transfer of any asset, function or mission from FEMA without a specific Act of Congress. A major function of FEMA is to rebuild relationships with State and local officials. Therefore, the Intergovernmental Affairs function assumes a much higher level of importance. Despite the clear prohibition on moving this function from FEMA, we understand there are 17 positions performing this vital role still under the National Protection and Programs Directorate (outside of FEMA) on a non-reimbursable detail. We urge this committee to insist that these positions and funding should be immediately transferred to FEMA for intergovernmental.

Another of our areas of our concern focuses on the Office of Operations Coordination – which was created after the Post Katrina Reform Act was signed into law--and whether the role this office will perform is consistent with the implementation of the Post Katrina Reform Act. Subtitle C of the Post Katrina Reform Act clearly assigned the FEMA Administrator responsibility for the National Preparedness System, including the National Planning Scenarios and the planning system yet these functions appear to have been placed under the authority of the Office of Operations Coordination.

Yet another area of potential concern is a growing internal discussion within DHS regarding the perceived differences between Incident Management and Emergency Management. We believe we can help put the discussion of these terms to rest. Emergency Management is the broader, overarching and systematic approach to the issue of dealing with all disasters and emergencies, whether natural, technological, or homeland security. Incident management, while important, is a much more narrowly focused sub-element of response, one of the four phases of emergency management (mitigation, preparedness, response and recovery). To insist otherwise is to ignore the evidence of reality – and, a tacit acknowledgement on the part of DHS that they fail to understand the broader implications of the overall emergency management system. At the very least, we believe this committee needs to ask DHS to clarify the role of the Office of Operations Coordination, and what connection it has to preparedness and managing the federal response to an incident--which is now the statutory responsibility of FEMA.

In summary, we urge the committee to continue to build emergency management capacity by increasing EMPG to \$487 Million. We urge the committee to continue to insist on the appropriate implementation of the Post Katrina Act, to protect and strengthen FEMA and to empower its Federal Coordinating Officers. We urge continuing support for EMI and the vitally important Higher Education Project. We request appropriate funding for the Pre-Disaster Mitigation program. And, finally, we would remind our colleagues at DHS / FEMA that success is an equal opportunity vendor. There will be enough for everyone as long as we coordinate and cooperate in our joint responsibilities to our citizens. Thank you.

Reference

Godschalk, David R., Timothy Beatley, Philip Berke, David J. Brower, and Edward J. Kaiser. 1999. Natural Hazard Mitigation: Recasting Disaster Policy and Planning. Island Press, Washington DC.

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