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TESTIMONY
Before the

House Transportation & Infrastructure Subcommittee on Economic Development, Public Buildings and Emergency Management
on
"Post-Katrina: What it Takes to Cut the Bureaucracy and Assure a More Rapid Response After a Catastrophic Disaster"

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Introduction

Thank you Chairwoman Norton, Ranking Member Diaz-Balart and distinguished members of the Subcmmittee for inviting me to appear before you to discuss catastrophic disasters and how the Federal government can best support State and local government response and recovery efforts. I am David Maxwell, Director and Homeland Security Advisor for the Arkansas Department of Emergency Management. I was appointed to the position in June 2006. I served as deputy director from March 2002 until this appointment and have 30 years of experience in emergency management. I am testifying today as Vice President of the National Emergency Management Association (NEMA) whose members are the Governors' emergency management directors in the 50 States, U.S. territories and District of Columbia.

What is a Catastrophic Disaster?

The definition of a disaster catastrophic is an issue that NEMA has been discussing since Hurricane Katrina devastated the Gulf Coast in 2005. The challenge lies in the fact that what constitutes a catastrophic disaster in one State or community may not be catastrophic in another. There's no question that Hurricane Katrina was a catastrophic disaster for the thousands of citizens, hundreds of communities, counties and parishes, and the States that were affected by its destructive forces. Similarly, should an earthquake occur on the New Madrid fault line it could be catastrophic for an entire region of the United States. These types of events are of such scale and complexity that they require additional response and recovery efforts beyond what we've seen in the past. But again, the term "catastrophic" is relative. The U.S. has rarely seen the death and destruction caused by natural disasters in other parts of the world. For example, the 2008 earthquake in China's Sichuan Province that left 374,000 people dead or injured and 15 million people displaced, or the 2004 Indian Ocean tsunami that left 230,000 people dead or missing.

There is also the issue of repetitive disasters that significantly impact a given community or State within a specified period of time. Each individual event may not be catastrophic but the cumulative effect can decimate local budgets, severely disrupt business and economic development, and leave individuals and families struggling to rebuild their lives. The term "catastrophic" can be subjective and therein lays the challenge in defining it.

Robert T. Stafford Disaster and Emergency Relief Act

The Robert T. Stafford Disaster and Emergency Relief Act was written broadly so as to allow Presidential discretion and flexibility. NEMA believes that unnecessarily strict and narrow interpretations of the law are more of a problem than the law itself. FEMA policies and regulations are overly restrictive and don't reflect the original intent of the Stafford Act. Further, decisions by FEMA personnel in the field are often inconsistent between States and

Regions. As field personnel changes, previous decisions are frequently overturned. The FEMA appeals process takes months and sometimes years. These problems are due to subjective interpretations of the Stafford Act which end up costing State and local government precious time and resources for community restoration. The Office of Management & Budget (OMB) has taken a significantly increased role in the development of policy and decision-making related to Federal disaster assistance. The opinions of attorneys and auditors seem to take precedence over the intended discretion and flexibility that Congress provided through the Stafford Act. All of these issues combined serve to create a Federal bureaucracy that can paralyze large scale disaster response and recovery.

NEMA recently established a working group to consider if changes are needed to the Stafford Act or whether issues can be addressed through regulation or policy. Our work has just begun so I'm not in a position to share specific recommendations with you today, but we commit to sharing our work with you in the near future. I am confident in stating that NEMA strongly believes the Federal government is not fully utilizing the power of the Stafford Act. In the words of one of my colleagues, "if it's legal, moral, ethical and the right thing to do to help disaster victims, we should do it."

Catastrophic Disaster Planning

Arkansas has benefitted from the FEMA catastrophic disaster planning initiative as we prepare for the possibility of a New Madrid earthquake. The planning templates are quite useful and the contractor support has allowed us to make good progress. The challenge in catastrophic disaster planning is there is little experience to draw from, certainly with regard to a New Madrid earthquake. Realistic scenario data is difficult to utilize when the scenario development is based on limited databases and in some cases on population figures alone. The data is not robust enough for confidence in the "realistic" scenario development. In Arkansas, we think we know how the roads, bridges and other infrastructure will perform in a New Madrid event, but we're not 100 percent certain so our plans have to be flexible. Despite these limitations, I would encourage Congress to continue to support and fund FEMA's catastrophic planning initiative. I'm also pleased that the National Level Exercise in 2011 will be focused on a New Madrid earthquake and it's my hope that the scenario will be as realistic as possible. This will be the first natural disaster scenario in the history of the NLE.

I'd also recommend that the U.S. increase its study of the occurrences around the world that may serve as lessons and critical information in determining the approaches to preparedness, mitigation, response and recovery efforts that need to take place here. Catastrophic disaster planning requires a comprehensive approach that includes scientific research and data collation which helps us better risk and probability. Comprehensive plans, capabilities and recovery strategies can then be based on credible data. Significant increased investment is needed in this area if we are to truly have an impact on the outcomes of the catastrophic disasters we may face.

Redefine Outcomes for Large Scale Disaster Response and Recovery

NEMA is extremely supportive of the new leadership at FEMA. This team, led by Administrator Craig Fugate, is comprised of experienced, professional emergency managers who are innovators and have a vision for a world class emergency management system. Now is the time to redefine the outcome we want in large scale disaster response and recovery, and to align legislation and policies to support that outcome.

We must also do a better job of leveraging all of the resources available to us in catastrophic disaster response and recovery, including the public and the private sector. A focused, long term emphasis on personal preparedness is vital to the nation's ability to effectively recover from large scale disasters. Government can't be solely responsible for recovery nor should it be.

Full Spectrum Recovery and Restoration

The current approach to long term disaster recovery is ad hoc at best. There are significant differences in the Federal government's support for recovery efforts in Louisiana and Mississippi from Hurricane Katrina, for Hurricane Ike in Texas, and for the 2008 Iowa floods. Those are just a few examples. While every disaster is unique, it would be extremely helpful for State and local officials to know in advance the types of assistance that may be available to them for long term recovery. In addition, having a Federal counterpart that could help them access and leverage the various Federal programs for recovery would be helpful – this is an ideal role for FEMA. But FEMA can't do it alone. *All* Federal agencies with resources that can be applied to disaster response and recovery must actively participate in the process and do a better job of providing information about their programs and making them more accessible.

NEMA would recommend the development of a "full spectrum disaster recovery and restoration capability". Initial steps for the development of such a system may include:

- Identify those disasters that may be of such scale and complexity that they require unique response and recovery efforts. Identify triggers for various types of assistance to be delivered in phases or tiers.

- Determine the capabilities and resources needed at the local, State and Federal level for long term recovery.

- Define the continuum of recovery and restoration – immediate, short term, and long term. Identify the role of emergency management along the continuum as well as that of other agencies and non-governmental organizations that may have additional or even greater expertise or resources to apply to long term recovery and restoration.

- Identify laws and authorities that may need to be amended to support full spectrum disaster response and restoration or establish new laws and authorities as well as funding streams.

- Require all Federal agencies with roles and responsibilities to improve coordination and implementation of recovery programs in support of community restoration. Examine Federal programs to determine if they are underfunded or not funded at all.

- Identify ways to "operationalize" ESF 14 Long Term Recovery.

Another issue to consider is the determination of when a community has sufficiently recovered to the point that Federal resources are no longer warranted. Full recovery for a community is not only economic, but also societal.

The main point that I'd like to make today is that we need not be confined to outdated systems and approaches to disaster response and recovery, particularly for large scale events. As stated previously, we need to define the outcome that we want, build and resource the system that supports that outcome, build the team (local, State, Federal, public, private) that can manage the event, and provide leaders with the appropriate discretion and flexibility to ensure a successful outcome.

Thank you for the opportunity to present testimony on this important topic, and thank you for your support of emergency management. NEMA remains a ready resource for the Committee as you tackle the tough issue of catastrophic disaster response and recovery.