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THE FUTURE OF FEMA

HEARINGS

BEFORE THE

SUBCOMMITTEE ON EMERGENCY PREPAREDNESS, RESPONSE, AND COMMUNICATIONS

OF THE

COMMITTEE ON HOMELAND SECURITY HOUSE OF REPRESENTATIVES

ONE HUNDRED FIFTEENTH CONGRESS

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THE FUTURE OF FEMA: STAKEHOLDER RECOMMENDATIONS FOR THE NEXT ADMINISTRATOR

Tuesday, February 14, 2017

U.S. HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON EMERGENCY PREPAREDNESS,
RESPONSE, AND COMMUNICATIONS,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC.

The subcommittee met, pursuant to notice, at 10:03 a.m., in Room HVC–210, Capitol Visitor Center, Hon. Daniel M. Donovan, Jr. (Chairman of the subcommittee) presiding.

Present: Representatives Donovan, Rutherford, Garrett, Payne, Langevin, Watson Coleman, and Rice.

Also present: Representative Jackson Lee.

Mr. DONOVAN. The Subcommittee on Emergency Preparedness, Response, and Communications will come to order.

The subcommittee is meeting today to receive testimony on the efforts necessary to ensure a strong Federal Emergency Management Agency.

I now recognize myself for an opening statement. Before I do so, I would like to welcome a new Member, a Republican Member joining our committee. Congressman John Rutherford represents Florida's 4th Congressional District. He began his career in law enforcement in 1974—John, that was the year I graduated high school—most recently serving as sheriff of Duval County, a position he has held for 12 years.

This hearing is the first in a series that the subcommittee will hold to consider the future of FEMA. We will use what we learn at these hearings along with the findings of past subcommittee work to make recommendations for the next FEMA administrator, a road map of success, of sorts.

I think Captain Kelenske may have said it best in his submitted testimony that we must, "recognize past progress at FEMA, but embrace innovative approaches for future policy development." That is why we are here today.

We want to hear from you, the practitioners, about what we need to do to stay on the path of a strong FEMA. What are those innovative approaches? What is going well at FEMA and should be continued? What can be improved?

At the heart of issue is leadership. As I discussed with Secretary Kelly last week, it is vital that the administration move quickly to appoint a qualified FEMA administrator. We have already had

seven major disasters declared this year. There is no doubt that FEMA has disaster-tested officials in place to get the job done, but it is important to install permanent leadership as soon as possible.

The job requires an experienced emergency manager capable of navigating the National Preparedness System. For more than a decade, billions have been invested across the United States to enhance capabilities and achieve the National Preparedness Goal. It is to FEMA's credit that such investments are making the United States stronger and safer in the face of emergencies. We have an obligation to keep this momentum going.

Hurricane Katrina's devastation in 2005 demonstrated the significance of FEMA's mission and the failures that can occur when FEMA is unable to execute it. The Post-Katrina Emergency Management Reform Act of 2006, coupled with effective leadership at FEMA, strengthened FEMA's capability to lead the National emergency management efforts. These capabilities are tested each time the National Response Coordination Center at FEMA headquarters is activated.

My district in New York City saw first-hand in 2012 the need for strong Federal, State, and local coordination when Superstorm Sandy caused wide-spread destruction. It should be noted that FEMA did make stark improvements from 2005 to 2012, but challenges still remain. This subcommittee looks forward to continuing its engagement with FEMA to support continued progress.

According to the Committee on Homeland Security's Terror Threat Snapshot, the terrorist threat environment worsened in 2016. The number of home-grown jihadist cases and lone-wolf attacks continues to surge with attacks ranging from Ohio State University to Orlando and San Bernardino. FEMA has awarded over $40 billion in preparedness grants to States and localities since 2001 to build, sustain, and enhance their capabilities to protect the public from acts of terrorism and other hazards.

It is important that we ensure resources and training remain accessible to communities across the country. The critical importance of these programs and how to continue to improve them is not lost on this subcommittee.

We truly are a resilient Nation. This is a testament to our first responders, emergency managers, and community partners at every level of government and their ability to continually adapt to ever-changing threats and vulnerabilities. Together, we can ensure our Nation's continued ability to prevent, prepare for, mitigate, respond to, and recover from the threats and hazards that we face.

Before I yield to the Ranking Member, I would like to ask unanimous consent to include statements in the record from stakeholder organizations, including the National Emergency Management Association, the National Association of Emergency Medical Technicians, and the International Association of Emergency Managers.

Without objection, so ordered.

[The information referred to follows:]

STATEMENT OF WENDY SMITH-REEVE, PRESIDENT, NATIONAL EMERGENCY MANAGEMENT ASSOCIATION AND NATIONAL DIRECTOR, ARIZONA DEPARTMENT OF EMERGENCY AND MILITARY AFFAIRS (DEMA) EMERGENCY MANAGEMENT DIVISION, ON BEHALF OF THE NATIONAL EMERGENCY MANAGEMENT ASSOCIATION

FEBRUARY 14, 2017

INTRODUCTION

Thank you Chairman Donovan, Ranking Member Payne, and distinguished Members of the subcommittee for allowing me to submit this statement for the record to discuss the future of the Federal Emergency Management Agency (FEMA) and recommendations for the next FEMA administrator. My name is Wendy Smith-Reeve and I am the director of the Arizona Department of Emergency and Military Affairs (DEMA) Division of Emergency Management and serve as the president of the National Emergency Management Association (NEMA). NEMA represents the State emergency management directors of the 50 States, territories, and District of Columbia. NEMA's members, many of whom serve as Homeland Security Advisors, are prepared to deal with an ever-changing and increasingly complex set of challenges that test traditional approaches to natural and man-made disasters.

As you heard former FEMA Administrator Craig Fugate say throughout his tenure, emergency management is a "whole community" endeavor. While preparedness, response, recovery, and mitigation capabilities are critical on the Federal level, it is important to emphasize that they are only a part of the National capability and must supplement, not supplant robust State and local capacity. The context and environment in which our system must succeed is constantly evolving and intersecting with other domains of public health, safety and security. Climate adaptation, health threats, population migration, advanced technologies, economic shifts, and many other trends and drivers are all forcing the emergency management community to adjust, if not reinvent, its business practices, resource requirements, and focus areas like never before.

Even so, there remain some constant themes that NEMA cannot overemphasize as a new administration assumes stewardship of the safety of our Nation. The next FEMA administrator will have numerous opportunities to:

BUILD UPON FOUNDATION OF BEST PRACTICES THAT ACHIEVE EFFICIENT USE OF TAXPAYER DOLLARS AND LEVERAGE INVESTMENTS MADE AT ALL LEVELS OF GOVERNMENT

Emergency Management Performance Grants.—States and locals build capacity and enhance their capability to respond to disasters when they utilize the Emergency Management Performance Grants (EMPG). EMPG is the only source of Federal funding directed to State and local governments for planning, training, exercises, and key professional expertise for all-hazards emergency preparedness. Recipients of this grant continue demonstrating a strong commitment; for every dollar of Federal funds invested, at least that much is matched by both grantees and subgrantees. In the absence of these funds, State and local governments would struggle to maintain the capabilities necessary to build and sustain an effective emergency management system. Fiscal year 2015 represented a range of hazards which required an unprecedented amount of emergency management professionalism and preparedness:

- 30,275 events required State assets, but did not reach the level of a gubernatorial declaration
- 19,415 local and Tribal events were supported using EMPG-funded staff or assets without State or Federal support.

These numbers include only those incidents in which no Federal assets were utilized during the response and there was not a Presidential or emergency declaration. Without a strong and robust emergency management system at the State, local, and Tribal levels, many of the 49,690 State and local responses would falter or require Federal support. Capabilities afforded through EMPG allow these events to be managed without additional Federal expenditures. Ensuring robust State and local emergency management programs is the best way to reduce the Federal cost of disasters.

EMPG funding has remained level since fiscal year 2014, yet emergency management is being asked to respond to a growing number of non-traditional events such as the Ebola and Zika viruses, unaccompanied minors crossing borders, active-shooter incidents, Avian Flu (HPAI), drought, wildland fires, and water contamination emergencies. Even for those events in which emergency management is not the lead agency, their expertise is still required to coordinate the various response entities. There is a critical need for additional EMPG funding to ensure the State and local

capabilities that have been built are not only sustained, but are able to grow and adapt to meet the emerging threats facing our Nation.

EMPG stands as the beacon of Congressional commitment to ensuring communities and States are better equipped to prepare, mitigate, respond, and recover from any number of emergencies and disasters.

Emergency Management Assistance Compact (EMAC).—EMAC has played an important role in facilitating collaboration among States and enabling them to share resources and capabilities. Established by the States and ratified by Congress in 1996 (Public Law 104–321), all 50 States, the District of Columbia, Puerto Rico, Guam, and the U.S. Virgin Islands have enacted EMAC legislation. Through EMAC, States are able to share resources with other States during Governor-declared emergencies and disasters. Resolved upfront are key issues such as tort liability and immunity, license reciprocity, workers' compensation, and reimbursement.

State-to-State mutual aid often allows for more timely and cost effective disaster response than the use of Federal resources. Further, EMAC is evolving to include virtual missions that can be carried out by personnel working in their home States rather than deploying into the disaster area. Examples of virtual EMAC missions include GIS, cyber and social media monitoring. Virtual mutual aid reduces mission costs resulting in cost savings to Government. EMAC leverages Federal emergency management and homeland security grant dollars invested in State and local capabilities to conduct response and recovery operations across the Nation. Because of these increased capabilities, the vast majority of disasters are handled without Federal assistance and when a State does become overwhelmed, EMAC is available to provide supplemental support.

Recommendations:

- The administration should recognize and continue to enhance the value of EMAC and incentivize the use of inter-State mutual aid as an efficient and cost-effective approach to disaster response, as well as a cost savings to the Federal Government.

ENCOURAGE INVESTMENT IN RESILIENCY THROUGH MITIGATION AND PRIORITIZE RISK REDUCTION IN ALL PHASES OF EMERGENCY MANAGEMENT

Mitigation activities can take many forms and the use of mitigation programs often differ by region. What does not differ, however, is the return on investment of these programs. FEMA's mitigation programs have been effective in reducing the property damage, personal and commercial hardship, as well as long-lasting monetary burdens. There is opportunity to shift the business model from reactive to proactive. Currently 94% of funds allocated to buy down risk happen post-disaster. Between fiscal year 2011–2014, the Federal Government allocated roughly $222 million for pre-disaster mitigation as compared to $3.2 billion for post-disaster mitigation. Shifting away from the current spending model and towards a system that emphasizes proactive pre-disaster resilience activities is what demonstrates and promotes resiliency Nation-wide.

Mitigation is the first and the last step in a jurisdiction's overall readiness. While many communities have the desire to harden their infrastructure, they lack the resources and technical ability necessary to do so. If we are to truly ensure that we are prepared as a Nation, we must increase our efforts to prepare our built environment for future disasters by incentivizing and facilitating mitigation. The best way to reduce the cost of disasters is to design and harden the built environment to match the threat environment and create continued, localized resilience. Hazard mitigation is a demonstrably cost-effective effort with a documented return on investments. Federal spending, however, does not reflect this priority.

From 2003–2013, FEMA spent $71.2 billion in Public Assistance and Individual Assistance to help communities recover from disasters. In that same time period, only $5.2 billion was spent on Hazard Mitigation Grants to reduce the impact of future events. While the HMGP program is essential as a component of recovery, mitigation efforts before the disaster can reduce the physical damage and economic impact of an event. In addition, Federal investments in mitigation through the Pre-Disaster Mitigation Grant Program can encourage State and local communities to make progress in the areas of mitigation planning. These plans assure communities, large and small, are prepared for to address risk and manage the influx of grant dollars designed to help rebuild smarter and safer.

Recommendations:

- FEMA, in concert with other critical Federal stakeholders, must undertake a comprehensive review of Federal statutes, regulations, and policies most likely to have an impact on investments (before or after disaster), to identify programs

and grants that could be amended to better incentivize risk reduction specific to infrastructure and housing.

STREAMLINE DISASTER OPERATIONS TO REDUCE COSTS ACROSS THE FEDERAL FAMILY AND SUPPORT EFFICIENT AND SUSTAINABLE RESPONSE AND RECOVERY EFFORTS

Reducing the overall costs of disasters, at all levels of government, is necessary for the continued economic and social equilibrium of the Nation. While there continues to be concern from Congress, OMB, DHS OIG, and others related to the rising number and cost of disasters, careful study and data-driven action must focus on the real drivers of cost increases. Simply reducing the total number of disaster declarations made by the Federal Government may not significantly bring down the total costs associated with Federally-declared disasters. Based on data from a House Transportation and Infrastructure Committee hearing in May 2016 (Controlling the Rising Cost of Federal Responses to Disaster): 25% of all disasters cost more than $41.8 million and account for 93% of Federal disaster spending, while 75% of all disasters cost less than $41.8 million and account for 7% of Federal disaster spending. In other words, a quarter of disasters account for 93% of Federal disaster costs since 1989. This data makes it clear that following the money and crafting solutions that target actual cost drivers is paramount.

While the future of the current Advanced Notice of Proposed Rulemaking related to a "Disaster Deductible" concept is uncertain, NEMA has been working actively to assess the impact of the proposal and identify alternatives that may achieve true cost reduction. National efforts to reduce the costs of disasters through legislation or rulemaking must:

- Recognize that State, local, and Tribal governments already handle the vast majority of disasters and emergencies on their own and without Federal assistance;
- Refrain from simply shifting costs from the Federal level to State, local, and Tribal governments which does not achieve meaningful disaster cost reduction;
- Utilize the best available science and predictive analysis tools to illustrate data-driven return on investment calculations;
- Provide for transparency and accountability without increased complexity and administrative burden.
- Identify and address the current challenges that exist to speeding up disaster declarations and breaking down delays in the request process. These delays cause increases in administrative costs and can have long-term impacts on strategic recovery. FEMA should incentivize the adoption of new technologies, modeling techniques, and predictive analysis to help get assistance to affected areas quicker.
- Recognize and address the disjointed nature of disaster recovery programs. The sequence of delivery of the numerous disaster assistance programs across the Federal Government (HUD, SBA, DOT, etc) can impact the efficiency and effectiveness of those programs in assisting in long-term recovery. When communities receive injects of funding from Federal programs on different time tables, recovery can be bifurcated and may actually increase costs over time due to unnecessary delays.

As a Nation, we are currently limited in our ability to take meaningful action to reduce costs because we lack a reliable awareness of the total costs borne at all levels of government and across various agencies in relation to disaster costs. FEMA is not the only agency that funds disaster response and recovery activities. In 2016, GAO released a report that says "during fiscal years 2005 through 2014, the Federal Government obligated at least $277.6 billion across 17 Federal departments and agencies for disaster assistance programs and activities.

Recommendation:

- The new administrator should, in concert with key Federal leadership, initiate a study to determine the true costs of disasters be conducted that captures not only those direct financial costs borne by FEMA, but also those costs, both direct and indirect that are paid by other Federal agencies, State, local, and Tribal governments, and the private sector. This should not only account for economic costs related to a disaster, but the opportunity cost for economic activities that were impacted by the disaster. Such a study will paint a much clearer picture of what the true cost of natural and man-made disasters is to the United States, and allow us to develop a more comprehensive and ultimately successful program to reduce those costs.

SUPPORT PRACTICAL BUDGETING SOLUTIONS THAT SUSTAIN A VIABLE DISASTER RELIEF FUND (DRF) AND MAINTAIN A FOCUS ON STATE AND LOCAL RESPONSE AND RECOVERY ACTIVITIES

The DRF is a no-year account that is used to fund response activities and pay for on-going recovery programs resulting from declared major disasters, emergencies, and Fire Management Assistance Grants (FMAGs). The majority of its funding goes to pay for response to and recovery from major disasters. The DRF is a critical source of funding for State and local governments and when funding levels are inadequate, community recovery can be delayed. Through the Budget Control Act of 2011 (BCA, Pub. L. 112–25), caps were placed on discretionary spending for the next 10 years, beginning with fiscal year 2012. Special accommodations were made in the BCA to address the unpredictable nature of disaster assistance while attempting to impose discipline on the amount spent by the Federal Government on disasters. The BCA created an allowable adjustment specifically to cover disaster relief separate from emergency appropriations.

The limit established by the BCA on adjustments to the caps for disaster relief is based on the average funding provided for disaster relief over the previous 10 years, excluding the highest and lowest annual amounts, calculated by the Office of Management and Budget (OMB). If Congress spends less than that average on disaster relief in a given fiscal year, the caps can be further adjusted upward by the unspent amount in the following year. The existence of this "allowable adjustment" for disaster relief has influenced the way that the DRF is structured, allowing a larger overall funding stream to be provided in annual appropriations without it counting against the bill's allocation of discretionary spending.

The methodology used by OMB to calculate the allowable adjustment may not capture the full range of disaster relief spending, and the structure of the formula for calculating the average provides smaller allowable adjustments in future years. The sizeable initial disaster relief expenditures for Hurricane Katrina and the other 2005 storms will begin to lose relevance in calculating the allowable adjustment for disaster assistance for fiscal year 2016, and will no longer impact calculations for the allowable adjustment in fiscal year 2017. Once fiscal year 2005 and fiscal year 2006 rotate out, there will be a corresponding drop in the allowable disaster assistance adjustment. This could put FEMA in the position it often found itself in prior to 2011, waiting for a Congressional supplemental to fund response and recovery operations for major disasters that exceeded the amount in the DRF at that time.

In addition to the drop in the allowable adjustment, there is another pending issue that impacts the DRF. Congress is considering legislation that would allow other Federal agencies to utilize the disaster allowable expense cap to pay for their response activities such as wildfire suppression on Federal land. This could put further stress on the amount of funding available before requiring a Congressional supplemental in the event of a major disaster which could ultimately delay community recovery efforts.

Recommendations:

- FEMA must work with Congress and arm them with key data to illustrate the impacts of the Budget Control Act on the long-term health of DRF. Congress should consider changing the formula for calculating the allowable adjustment for the DRF under the BCA.
- FEMA should continue to educate and inform Congress of the impact of proposed changes to the process for funding Federal agencies' disaster response efforts outside of the Stafford Act. Congress should provide direct funding to Federal agencies to support their emergency response activities rather than allowing access to the DRF.

CONTINUE TO SUPPORT THE IMPLEMENTATION AND EVOLUTION OF PPD–8

Presidential Policy Directive/PPD–8: National Preparedness recognizes that preparedness is a shared responsibility. At its core, PPD–8 requires the involvement of everyone—not just the Government—in a systematic effort to keep the Nation safe from harm and resilient when struck by hazards, such as natural disasters, acts of terrorism and pandemics.

The National Preparedness System (NPS) is a practical and effective approach to building and sustaining capabilities. State and local stakeholders were consulted extensively in its development and have fully implemented into their planning efforts. As the foundation of the NPS, the Threat Hazard Identification and Risk Assessment (THIRA) process informs emergency operations planning, mutual aid agreements, and hazard mitigation planning. Key stakeholders at the State and local level have been incorporated into the THIRA process to ensure the full range of threats and hazards facing communities are addressed. While not perfect, we believe

THIRA and the larger NPS structure has provided a baseline against which we can now measure progress towards a common goal. Improvements and tweaks will always be needed to ensure the process represents and incorporates the best available data and measures key indicators that communicate the gaps that exist and progress made over time.

Recommendations:

- The administration should support and build upon the existing National Preparedness Goal and its support components as they become fully implemented by State and local governments.
- FEMA should engage stakeholders in future updates to ensure the National Preparedness System is reflective of and supports the whole community.

HEAVILY ENGAGE WITH CONGRESS AND THE ADMINISTRATION IN PURSUIT OF A STRONG NATIONAL FLOOD INSURANCE PROGRAM

In order to address the most common disaster risk and continue to support community awareness and action around flood risk, FEMA must continue to review and reform the National Flood Insurance Program. FEMA must engage Congress and other critical stakeholders to protect and defend the intent of the NFIP while simultaneously recognizing the need to explore innovative and unique solutions that complement a broader strategy of risk reduction and incentives for individual and community action. We as a Nation must redouble our efforts to design a system that helps people evaluate their individual risk and plan accordingly while simultaneously reducing our collective risk.

Without a strong insurance structure, uninsured risk could skyrocket and the impact will reverberate across various industries such as the housing market. Uninsured risk is a burden on communities and stresses local, State, and Federal disaster recovery budgets. Insurance payments are significantly higher than average Individual Assistance payments and can help communities recover much faster. Insurance is a key component of the recovery framework and the role of insurance in bringing down overall disaster costs cannot be overstated.

The NFIP is in jeopardy of not being able to meet the needs of the country in recovering from floods. The program is over $23 billion in debt with no clear path towards solvency. Additionally, enrollment in the program has declined by nearly 10% over the last several years as rate changes designed to shore up the program have resulted in policy holders dropping their coverage. This makes debt settlement even more unlikely. The NFIP is up for reauthorization by Congress in 2017 and the program's insolvency must be addressed.

Recommendations:

- The administration and Congress should address affordability and financial stability within the NFIP and work to subsidize mitigation and risk-reduction activities, not insurance, to promote safety and affordability.
- Encourage participation of the private market without limiting the success of the NFIP.

UNDERSTAND WHAT WORKS AND BUILD OFF SUCCESS

A new administration and a new FEMA administrator will certainly identify activities, reforms, and priorities they wish to pursue that align with their overall strategic goals. Innovative ideas are always needed to assure the emergency management community is always moving forward and incorporating new strategies that best serve communities around the country. While we still have work to do, FEMA has undertaken efforts to improve many processes and programs and we hope the new administrator builds off their success.

- The Public Assistance Reengineering is an excellent example of FEMA working to improve and maximize existing programs. While it is still too early to determine the effectiveness of the change, we are pleased with the effort and urge that similar reforms be considered by other programs that impact our ability to mitigate, prepare, and recover.
- FEMA should continue to build trust and keep open lines of communication between the State emergency management and homeland security community and FEMA leadership through honest dialogue and meaningful interaction and review. FEMA's willingness to reach out early in the process of policy and rule development has created a culture of engagement that we look forward to continuing under a new administrator.
- Through their strategic plan, FEMA has made it a priority to build capability for catastrophic disasters. They have moved the focus away from being singularly focused on Stafford Act programs and instead looked at the Nation's resources to recover. Through the National Disaster Recovery Framework, we

hope to see continued outreach across the Federal family to leverage all disaster programs to achieve our unified goal of meaningful recovery that serves the long-term goals of communities across the country.

CONCLUSION

It's important to acknowledge that increasing the Nation's preparedness and response capabilities doesn't mean increasing FEMA's capabilities. Going forward, FEMA should encourage and incentivize greater investments as States work with one another to reduce the need for Federal assistance, reduce Federal administrative costs, reduce property damages, and most importantly save lives.

We appreciate the continued support of this subcommittee to the emergency management community as we work together in forming new policies and procedures aimed at making these disasters less impactful on our communities and constituents. Thank you for the opportunity to provide testimony for the record.

STATEMENT OF NAEMT

THE IMPORTANCE OF EMS IN PREPAREDNESS PLANNING

NAEMT believes that emergency medical services (EMS) has a vital role in the response to all threats to our Nation and is a critical element in every facet of preparedness planning. These threats include, but are not limited to, natural disasters, health care crises, accidental catastrophes, public health emergencies, and acts of violence. EMS practitioners also serve as an invaluable source of support to the public and an effective resource for building strong community resilience. To eliminate the current gaps in our emergency response network, the EMS community must be provided with:

- Inclusion and integration as a primary partner in all aspects of preparedness planning.
- Equitable and stable funding comparable to other partners within the emergency response network.
- Resources and training opportunities to that are accessible to all EMS providers and EMS organizations.

Background.—The Institute of Medicine (now the National Academies of Medicine) has noted that EMS is one of five pillars of medical surge response that are critical elements of a disaster system. EMS must be well-integrated with the other four pillars, which include hospital care, public health, out-of-hospital care, and emergency management and public safety organizations, to create a unified disaster care response system. An independent or poorly-integrated pillar may delay, deter, or disrupt medical care delivery during a disaster.

Despite the acknowledgement that EMS is critical in preparedness planning on all levels, the shortcomings to transform the current framework into the system envisioned by the Institute of Medicine remain glaring. The NASEMSO report of January 2015 on EMS domestic preparedness notes that EMS receives a mere 4 percent of Federal disaster preparedness funds from the U.S. Department of Homeland Security and the U.S. Department of Health and Human Services. In addition, there is no mandate of minimum funding of EMS required for other organizational recipients of these grant programs. The paucity of preparedness funding of EMS is a weak link that may result in the collapse of our emergency response and health care systems during disaster.

The outreach of EMS within and outside of the medical community and beyond the confines of an ambulance has repeatedly demonstrated to be beneficial to the public and to other response organizations. As allied health care professionals, the evolving utility of the EMS community in mass vaccination campaigns, rescue task forces, mobile integrated health care, and other initiatives of prevention, mitigation, and response serve as undeniable evidence that the pillar of EMS can no longer be considered ancillary or ignored.

STATEMENT OF LANITA LLOYD, CEM PRESIDENT, INTERNATIONAL ASSOCIATION OF EMERGENCY MANAGERS

FEBRUARY 14, 2017

THE FUTURE OF FEMA: STAKEHOLDER RECOMMENDATIONS FOR THE NEXT ADMINISTRATOR

Mr. Chairman, on behalf of the 6,000 members of the International Association of Emergency Managers USA, I want to thank you for the opportunity to submit a statement for the record to help guide the management and policy decisions of the next FEMA administrator.

Let me start by thanking you and your colleagues on the Homeland Security Committee for working with IAEM and other stakeholder organizations last year to incorporate our recommended savings clause into the Defense Reauthorization legislation. The legislative language was necessary to ensure the current protections of FEMA's authority to manage disaster response will be applied to the joint task forces that the Defense Authorization bill established. Following the disastrous response to Hurricane Katrina, IAEM and our peer organizations worked hard to ensure FEMA's responsibility, authority, and capability to coordinate the Federal Government's response to disasters was restored and protected from future dismantlement. By including the savings clause in the Defense Authorization bill, this committee wisely reaffirmed Congressional commitment to safeguarding these provisions that have proven to be successful and have enabled FEMA to become the effective emergency management leader that we all depend upon when disaster strikes our States and communities.

Local emergency managers are the front line in the battle to minimize the loss of life and the destruction of property when natural and man-made disasters occur. We are responsible, day in and day out, for the development of comprehensive, all-hazards emergency management programs in our communities. This involves the development of mitigation, preparedness, response, and recovery programs for every community across the country. However, even with all of the forethought we put into preparing for crisis, the severity and costs continue to escalate. We need and rely upon the support of the Federal Government when our local ability to handle a disaster is overwhelmed by its magnitude.

At IAEM, we work hard to improve emergency management coordination at all levels of government, and we are proud of the improvements we have made, working in conjunction with our Federal partners at FEMA, to build and develop our emergency management capability and infrastructure. There is always room for improvement, but we feel Administrator Fugate—a professional emergency manager with unquestioned credentials—did a phenomenal job turning the agency around after Hurricane Katrina. The next administrator, as set forth in the Post-Katrina Emergency Management Reform Act, must also be a professional emergency manager with unquestioned crisis management credentials and should manage FEMA as a partner with State and local stakeholders, just as his/her predecessor did.

From the lessons learned in the failed Hurricane Katrina response, the Post-Katrina Emergency Management Reform Act implemented legislative changes based on the following principles:

1. Consolidate emergency management authority, coordination, and decision making with emergency management professionals in FEMA, giving the FEMA administrator the authority to advise the President directly in times of disaster.
2. Maintain an all-hazards focus on the complete disaster life cycle—Preparedness, Response, Recovery, and Mitigation.
3. Strengthen and protect FEMA's core response capabilities and authorities.

IAEM still strongly believes these principles are ironclad, and we feel all decisions about the future of FEMA should start and end with a commitment to maintaining the sanctity of all three of these principles.

I also want to take a moment to briefly highlight a few of our key policy positions for you to consider as the Homeland Security Committee works to improve our Nation's emergency response system . . .

- Congress should work with President Trump to reinstate the administrator of FEMA as a designated member of the President's Cabinet as provided for in Pub. L. 109–295.
- The FEMA administrator must have the authority to coordinate Federal Government disaster response on behalf of the President, with the elevated role as principal advisor to the President for emergency management. The authority is critical for effective disaster management and coordination of the entire Federal Government.

- All functions of the emergency management cycle (preparedness, response, recovery, and mitigation) must remain intact within FEMA. Duplicate offices should not be created in other parts of DHS or other Federal agencies.
- Congress should protect the use of the Disaster Relief Fund (DRF) for its intended purpose of providing disaster response and recovery assistance to State and local governments by opposing efforts to amend the Stafford Act to allow redirection of funds to other departments and agencies for Federal activities.
- Congress should continue to build emergency management capability and infrastructure at the State and local levels by increasing funding for the Emergency Management Performance Grant (EMPG) for fiscal year 2018. EMPG, the backbone of local government emergency management, has been appropriated $350 million annually since fiscal year 2014 and should be increased as soon as it is feasible to do so. In addition, EMPG is and should continue to be a separate grant program that should not be combined with any other grant allocation or application process.
- Congress should increase funding for the Emergency Management Institute (EMI) to deliver high-quality emergency management training through EMI's academies. The pending appropriation for EMI for fiscal year 2017 is $20.5 million, the same amount as fiscal year 2016.

I thank you for the opportunity to submit this statement for the record about the future of FEMA. We at IAEM look forward to working with you throughout the 115th Congress to further build America's systems for emergency response.

Mr. DONOVAN. I would also like to submit my formal statement for the record.

[The statement of Chairman Donovan follows:]

STATEMENT OF CHAIRMAN DANIEL M. DONOVAN, JR.

FEBRUARY 14, 2017

This hearing is the first in a series the subcommittee will hold to consider the future of FEMA. We will use what we learn at these hearings, along with the findings from past subcommittee work, to make recommendations for the next FEMA administrator—a roadmap for success of sorts.

I think Captain Kelenske may have said it best when he stated in his written testimony that we must "recognize past progress [at FEMA], but embrace innovative approaches for future policy development."

That's why we're here today. We want to hear from you, the practitioners, about what we need to do to stay on the path of a strong FEMA. What are those innovative approaches? What is going well at FEMA and should be continued? What can be improved?

At the heart of the issue is leadership. As I discussed with Secretary Kelly last week, it is vital that the administration move quickly to appoint a qualified FEMA administrator.

We have already had 7 major disaster declarations this year. There is no doubt that FEMA has disaster-tested officials in place to get the job done, but it is important to install permanent leadership as soon as possible. The job requires an experienced emergency manager capable of navigating the National Preparedness System.

For more than a decade, billions have been invested across the United States to enhance capabilities and achieve the National Preparedness Goal. It is to FEMA's credit that such investments are making the United States stronger and safer in the face of emergencies. We have an obligation to keep this momentum going.

Hurricane Katrina's devastation in 2005 demonstrated the significance of FEMA's mission and the failures that can occur when FEMA is unable to execute it. The Post-Katrina Emergency Management Reform Act of 2006, coupled with effective leadership at FEMA, strengthened FEMA's capability to lead National emergency management efforts. These capabilities are tested each time the National Response Coordination Center at FEMA headquarters is activated.

My district in New York City saw first-hand in 2012 the need for strong Federal, State, and local coordination when Superstorm Sandy caused wide-spread destruction. It should be noted that FEMA did make stark improvements from 2005 to 2012, but challenges still remain. This subcommittee looks forward to continuing its engagement with FEMA to support continued progress.

According the Homeland Security Committee's Terror Threat Snapshot, the terrorist threat environment worsened in 2016. The number of home-grown jihadist cases and lone-wolf attacks continues to surge with attacks ranging from Ohio State University to Orlando and San Bernardino.

FEMA has awarded over $40 billion in preparedness grants to States and localities since 2001 to build, sustain, and enhance their capabilities to protect the public from acts of terrorism and other hazards. It is important that we ensure resources and training remain accessible to communities across the country. The critical importance of these programs and how to continue to improve them is not lost on this subcommittee.

We truly are a resilient Nation. This is a testament to our first responders, emergency managers, and community partners at every level of government and their ability to continually adapt to ever-changing threats and vulnerabilities. Together, we can ensure our Nation's continued ability to prevent, prepare for, mitigate, respond to, and recover from the threats and hazards we face.

Mr. DONOVAN. The Chair now recognizes the gentleman from New Jersey, Mr. Payne, for an opening statement that he may have.

Mr. PAYNE. Thank you. Good morning. I would like to thank Chairman Donovan for holding today's hearing. I look forward to working with the Chairman to take the feedback we receive at today's hearing as well as the follow-up hearing later this month and use it to help FEMA better serve its State and local partners and disaster survivors.

For the first time in 8 years, FEMA is in transition, and we are awaiting the nomination of a new administrator. I have no doubt that FEMA is in capable hands with the interim administrator, but I am concerned that the Trump administration has issued Executive Orders that affect the agency's activities before permanent leadership has been put in place.

For example, Executive Order 13768 on public safety in the interior of the United States directs DHS to make ineligible for FEMA grants sanctuary jurisdictions except for law enforcement purposes. The Executive Order was clearly drafted without the advice of anyone who has to implement it.

Certainly, a permanent FEMA administrator would have sought to clarify whether the President meant to block funding to jurisdictions in need of resources from the Emergency Management Performance Grant Program, the Assistance to Fire Fighters Grant Program, the Post-Disaster Public Assistance Grant Program, or the Post-Disaster Individual Assistance Grant Program, among others.

In an era of evolving threats, increased weather events, and stretched budgets, we cannot send our State and local governments and our first-responder communities into a tailspin as they try to figure out whether or not the Federal Government will continue to help them build and maintain preparedness capabilities.

I would be interested in understanding whether the Trump administration conducted any outreach to the first-responder community before or after issuing Executive Order 13768 and how the uncertainty caused by President Trump's Executive Order is affecting planning activities.

To keep America safe, prepared, and resilient, the emergency response community must have a voice in informing the administration's policies and priorities. I urge the Trump administration to be inclusive in this regard and to continue Administrator Fugate's whole-community emphasis on disaster preparedness.

I invited Save the Children to testify today because too often the special needs of children are overlooked in disaster planning activities. Administrator Fugate designated an individual at FEMA to be

the National Advisor on Children and Disasters to tackle that challenge, but that position has not formally been authorized.

I am hopeful that the future FEMA administrator will maintain this position. This period of transition is an appropriate time to take inventory of the progress FEMA has made over the past 8 years and to become a more capable organization and to gather recommendations for the best path forward.

With that, Mr. Chairman, I yield back the balance of my time.

[The statement of Ranking Member Payne follows:]

STATEMENT OF RANKING MEMBER DONALD M. PAYNE, JR.

FEBRUARY 14, 2017

I look forward to working with the Chairman to take the feedback we receive at today's hearing, as well as the follow-up hearing later this month, and use it to help FEMA better serve its State and local partners and disaster survivors. For the first time in 8 years, FEMA is in transition and we are awaiting the nomination of a new administrator.

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This period of transition is an appropriate time to take inventory of the progress FEMA has made over the past 8 years to become a more capable organization and to gather recommendations for the best path forward.

Mr. DONOVAN. The gentleman yields.

Other Members of the subcommittee are reminded that opening statements may be submitted for the record.

[The statement of Ranking Member Thompson follows:]

STATEMENT OF RANKING MEMBER BENNIE G. THOMPSON

Good morning. I would like to thank Chairman Donovan and Ranking Member Payne for holding today's hearing.

I thank the witnesses for appearing today.

During the Obama administration, FEMA benefited from the steady leadership of former Administrator Craig Fugate.

Although there is still work to be done to make FEMA the disaster response agency that our country needs and our constituents deserve, I can tell you with con-

fidence that FEMA is a better place than it was 11 years ago when Hurricane Katrina pummeled the Gulf Coast.

While I credit Administrator Fugate with much of the progress FEMA has made in becoming a more reliable disaster response partner to State and local governments, I believe that rigorous oversight from this committee—informed by the emergency response community—helped hold FEMA accountable.

I can say with certainty that we will continue to hold FEMA's feet to the fire to ensure that the Trump administration builds upon the Obama administration's progress.

Although President Trump has not yet nominated a FEMA administrator, the qualifications and criteria for the position established by the Post-Katrina Emergency Management Reform Act should provide the administration the guidance necessary to select an individual equal to the task.

Nevertheless, the new administration has taken some actions whose implications on first responders are not fully understood.

For example, Executive Order 13768 on *Enhancing Public Safety in the Interior of the United States* directs the Department of Homeland Security to ensure that "sanctuary jurisdictions" are ineligible for Federal grants, except for "law enforcement" purposes.

Setting aside the fact that this Executive Order could make some of our largest cities that are at greatest risk of terrorist attacks ineligible for grant funds, the sloppy drafting of the Executive Order also suggests emergency response activities, such as fire suppression, may be ineligible.

I was a Member of Congress when terrorists struck the Twin Towers and the Pentagon, and my district is in a State that was devastated by Hurricane Katrina, so I can tell you with a great degree of confidence that emergency response is too serious of an issue to be handled haphazardly.

Additionally, the administration has made conflicting statements about its plans for the countering violent extremism program, with some suggesting that the word "Islamic" will be integrated into the title.

The rumored title change has reverberated throughout the country with at least four groups that were awarded funds during the Obama administration under the Countering Violent Extremism Program saying they will not accept the grant awards because of the rumored title change.

To date, the Trump administration has not provided clear answers about how the implementation of the President's Executive Orders will impact public safety grantees or its plans for how to refer to efforts to counter violent extremism.

What is clear is that the Trump administration acted cavalierly and failed to do outreach to anyone who would be impacted by its actions.

Moving forward, I would hope the Trump administration treats emergency preparedness and response with the seriousness it deserves.

With that said, I look forward to hearing the witness' thoughts on the confusion caused by the Executive Orders.

Mr. PAYNE. Mr. Chair? I ask unanimous consent that Sheila Jackson Lee be permitted to participate in today's hearing.

Mr. DONOVAN. Yes, without objection.

Welcome.

We are pleased to have a very distinguished panel before us today on this important topic. Captain Chris Kelenske serves as the deputy state director of emergency management and homeland security and deputy homeland security adviser for the State of Michigan. As such, he is responsible for the State-wide management and administration of emergency management and homeland security programs as well as the supervision of the division's employees. The captain chairs the Michigan Homeland Security Advisory Council, the Homeland Security Preparedness Committee, and the Michigan Citizen Community Emergency Response Coordinating Council. He is testifying today on behalf of the National Governors Association and the Governors Homeland Security Advisers Council.

Welcome, Captain. Thank you for your service.

Chief John Sinclair serves as the fire chief of Kittitas Valley—and I know I said that wrong, Chief, and they phonetically spelled it for me—Valley Fire Rescue and emergency manager for the city of Ellensburg, Washington. Chief Sinclair represents the fire service on the National EMS Advisory Council. Chief Sinclair is the president and chairman of the board of the International Association of Fire Chiefs and he is testifying in that capacity today.

Thank you for your service, and thank you for coming today, Chief.

Mr. Richard Bland, who is a New Yorker, welcome, serves as the national director of policy, advocacy, and development at Save the Children. Prior to joining Save the Children, Mr. Bland served in positions at the YMCA and with Senator Daniel Patrick Moynihan.

Welcome.

The witnesses' full, recorded statements will appear in the record. The Chair now recognizes Captain Kelenske for a 5-minute opening statement.

STATEMENT OF CAPTAIN CHRIS A. KELENSKE, DEPUTY STATE DIRECTOR/COMMANDER, EMERGENCY MANAGEMENT AND HOMELAND SECURITY, MICHIGAN STATE POLICE, TESTIFYING ON BEHALF OF THE NATIONAL GOVERNORS ASSOCIATION

Captain KELENSKE. Good morning, Chairman Donovan, Ranking Member Payne, and distinguished Members of the subcommittee. It is my honor to appear before you today.

My name is Captain Chris Kelenske, and I serve as the deputy state director of emergency management and homeland security and deputy homeland security adviser to Michigan Governor Rick Snyder.

I appear before you today on behalf of the Nation's Governors and their homeland security advisers. My testimony today will offer recommendations for how the next administrator of FEMA can succeed in his or her role. Specifically, I am going to focus on the State/Federal partnership in disaster preparedness and response, the need for dedicated Federal investments in homeland security and emergency management, and issues on the horizon facing the next administrator.

I would like to summarize my remarks and ask that my full, written testimony be submitted for the record.

Emergency management is a shared responsibility between States, localities, and the Federal Government. Governors are charged with the safety and security of the residents within their borders, and the FEMA administrator plays a critical role in shaping the direction of National emergency management efforts.

The new FEMA administrator should establish a strong relationship with Governors to honor this shared responsibility and recognize the role of the State. This relationship may be further developed through organizations, such as the National Governors Association, NGA, and the Governors Homeland Security Advisors Council.

Another way the new FEMA administrator may demonstrate commitment to the State/Federal partnership is ensuring that Federal grant programs for States remain fully funded. The Homeland

Security Grant Program, HSGP, and the Emergency Management Performance Grant, EMPG, assists States and localities in developing capabilities that have a shared Federal benefit.

These capabilities have supported disaster response efforts and thwarted potential terrorist attacks. Any reduction in Federal funding for these programs could jeopardize the effectiveness of our Nation's disaster preparedness and response.

Grant reform is necessary to sustaining progress and building capacity to address new threats. Governors continue to support comprehensive grant reform and have developed principles to help guide the new administrator and Congress in developing those efforts. Governors believe that any reform should create a program that is sustainable, flexible, and risk-based.

As FEMA seeks to reduce costs for disasters, the next administrator will determine how to proceed with the disaster deductible concept. Governors share the Federal Government's role of reducing costs of disasters. However, it is imperative that the new deductible concept does not result in a cost shift to the States. Governors are already investing in activities to reduce the overall risk and costs of disasters. FEMA should look to the States for innovative solutions.

Another challenge awaiting the next FEMA administrator is the emerging threat of cybersecurity. The next administrator should work with the Secretary of Homeland Security to clarify FEMA's role in cyber incident response. Significant time and effort have been made by State, local, and Federal officials to establish solid frameworks that can serve as a guide in the event of a cyber incident. The next FEMA administrator should utilize these existing frameworks to ensure National emergency management policies remain consistent.

Separately, Governors have dedicated significant time and resources to combat this growing threat. For example, in 2011 Michigan Governor Rick Snyder introduced the Michigan Cyber Initiative to encourage a State-wide effort among public and private partners to defend Michigan's critical networks. Under that initiative, Michigan created the Cyber Response Strategy in 2013 and later implemented the Michigan Cyber Disruption Plan in 2015.

Nation-wide, Governors are working to address this critical issue. Under the leadership of Michigan Governor Rick Snyder and former Maryland Governor Martin O'Malley, NGA created the Resource Center for State Cybersecurity which has helped bring this issue to the forefront across the Nation.

Governor Snyder's continued focus on cybersecurity from a State, National, and international perspective, along with the NGA chair and Resource Center co-chair, Virginia Governor Terry McAuliffe's initiative, "Meet the Threat: States Confront the Cybersecurity Challenge," States have received increased guidance on how to tackle cybersecurity challenges in numerous areas to include emergency management.

As our Nation continues to face severe weather events and other emerging threats, FEMA will need sound leadership at both the National and regional level to oversee National emergency management activities. Governors are vested in the success of the FEMA

administrator and look forward to working with whomever assumes that role.

On behalf of the National Governors Association and the Governors Homeland Security Advisers Council, thank you for the opportunity to testify today. I welcome any questions the subcommittee Members may have.

[The prepared statement of Captain Kelenske follows:]

PREPARED STATEMENT OF CHRIS A. KELENSKE

FEBRUARY 14, 2017

Thank you, Chairman Donovan, Ranking Member Payne, and distinguished Members of the subcommittee for allowing me to appear in front of you today to discuss the future of the Federal Emergency Management Agency (FEMA). My name is Captain Chris Kelenske and I serve as the deputy State director of emergency management and homeland security and deputy homeland security advisor for Michigan Governor Rick Snyder. I am here today on behalf of the National Governors Association (NGA) and the Governors Homeland Security Advisors Council (GHSAC).

The NGA is the bipartisan organization of the Nation's Governors. Through the NGA, Governors share best practices, speak with a collective voice on National policy, and develop innovative solutions that improve State government and support the principles of Federalism.[1] The GHSAC serves as a forum for Governors' principal homeland security advisors from each State, commonwealth, and territory. The GHSAC's mission is to provide a unified voice on National homeland security policy, keep Governors abreast of the current threat environment and Federal homeland security legislation, and share best practices. My testimony today will focus on three goals the next administrator of FEMA should strive to achieve. These goals are maintaining strong State-Federal partnerships, supporting State and local grant programs fully, and embracing innovative solutions to both emerging and chronic emergency management challenges.

Emergency management has made significant improvements in the last decade. Since Hurricane Katrina, the all-hazards, whole-community approach to disasters resolved many of the devastating consequences realized during the Hurricane Katrina response effort. Both States and the Federal Government have committed vast resources to institute sound preparedness, response, and recovery activities to minimize the impact of disasters. Governors are committed to seeing these efforts continue for years to come and believe the next FEMA administrator is instrumental in achieving that goal.

Governors have a vested interest in having a strong FEMA administrator who respects the role and authority of States in disasters and recognizes past achievements. Equally important, Governors want a FEMA administrator who encourages a collaborative approach to emergency management and not one that imposes strict, burdensome mandates on States.

The next administrator will set the direction of emergency management for the next decade. Whomever inherits the role must sustain momentum built to improve emergency management activities across all levels of government. For the next administrator to be successful, he/she should:

- Embrace States as key partners in emergency management;
- Align investments to better match current threats, hazards, and capability gaps; and
- Recognize past progress, but embrace innovative approaches for future policy development.

EMBRACE STATES AS KEY PARTNERS

States are the linchpin for emergency management activities. The Robert T. Stafford Disaster Relief and Emergency Assistance Act places the responsibility of requesting Federal assistance on the Governor, a responsibility that underscores the essential role of the State. Governors and their key advisors also serve as a connective node to local government, Federal Government, nongovernmental, and private-sector officials. FEMA can use this knowledge base and rely on the State as a resource when working with communities.

[1] "About," *National Governors Association*, accessed February 7, 2017, *https://www.nga.org/cms/about*.

Yet, FEMA has not reached out to States consistently in the past. Instead FEMA has reached out to specific communities without consulting the Governor or State emergency manager. Direct outreach to local officials with limited or no State involvement can cause FEMA to miss larger contextual issues. Local governments have the specific and nuanced context for their individual communities, but Governors have an enterprise-wide, holistic view of the State emergency management operation. FEMA should consult with Governors to understand the broader impact of Federal investments and the investments smaller communities make on the overall State preparedness picture. Not engaging State officials alongside local representatives can undermine emergency response efforts and shift resources away from where they are needed most. The next administrator needs to recognize that the State plays a critically important intermediary role between the Federal and local governments. FEMA must ensure that State officials are present in disaster response and recovery activities so that they have maximum effect for the State. Similarly, the next administrator should understand the consequence of not working through the State is less effective emergency management.

The partnership between FEMA and the States has improved dramatically in the last decade. Not only with leadership at FEMA headquarters but also with the regional offices. Governors want to see this partnership continue to thrive under the new administrator. The next FEMA administrator can accomplish this goal by continuing to engage with Governors often and early. State stakeholder groups such as the NGA and the GHSAC provide a platform for the administrator to use. These forums allow the administrator to learn about State concerns and provide consistent and timely responses. Additionally, this engagement enables States to provide direct feedback on FEMA policy and planning documents early in the process.

In the past, FEMA has not meaningfully engaged with States in policy making and any engagement has occurred late in the process. Recently, FEMA has actively solicited State feedback. Governors want to see this outreach continue as it offers them the ability to provide detailed and thoughtful analysis that FEMA may incorporate into their policies. Ensuring that Governors' voices are reflected in FEMA's policymaking process will demonstrate that the new administrator values the State-Federal partnership and will actively work to support it.

ALIGN INVESTMENTS BETTER TO CURRENT THREATS, HAZARDS, AND CAPABILITY GAPS

States, locals, and the Federal Government have spent billions of dollars through the FEMA grant programs to ensure all levels of government are prepared for any event. Those grants have helped States and localities build capabilities such as emergency communication networks and information-sharing networks like the National network of fusion centers. State and local capabilities have a Nation-wide benefit. They help build capacity and resources that the Federal Government does not have to build itself but can rely on in the event of a crisis. Because State and local capabilities are in place the Federal Government may focus efforts on more critical gaps and vulnerabilities.

Over the past several years, cuts to Federal grant programs for States have made it difficult to sustain progress and build new capabilities. Moreover, these cuts have come at a time of new, emerging threats, such as home-grown violent extremism and cyber network breaches. While Federal expectations of States have increased to accommodate these new threats, there has been no increase in Federal financial support, reflecting a lack of meaningful Federal assistance. This dichotomy highlights foundational issues and inefficiencies within the current grant structure. The homeland security grant program (HSGP) is a prime example of this issue.

Created in the wake of the September 11 attacks to prevent a similar attack from occurring, the HSGP has remained unchanged since its inception. At its peak, the program consisted of almost 20 different grant programs intended to address a very narrow, specific threat. While some consolidation of programs has occurred over time, the HSGP remains an amalgamation of many different priorities. That structure along with decreased funds and increased responsibilities have stressed the program's limits and highlighted inefficiencies that include burdensome administrative requirements and redundancies. In its current form, States struggle to utilize the HSGP to sustain existing capabilities and build new ones simultaneously. More importantly, the funding restrictions on how and what grant recipients may use the funds toward creates significant difficulty for States to adjust activities to match the current threat environment.

Reform is necessary to ensure the long-term viability of the HSGP and maintain the Nation's homeland security. The HSGP requires a more flexible framework that is adaptable to a dynamic threat environment. This will allow States to act more nimbly and focus on capabilities that match current threats. The next administrator

should work with States and Congress to identify ways to reform the HSGP. Governors support comprehensive grant reform and have developed principles to help guide those efforts. As outlined in NGA's recommendations for the new administration, any "reform should focus on creating a sustainable funding program that eliminates inefficiencies, provides greater flexibility, streamlines administrative requirements and prioritizes outcomes that reduce risk and improve overall preparedness, response, and recovery."[2] Federal grants for homeland security and emergency management activities are an efficient way to build capabilities Nation-wide and reduce overall expenditures, which provides a return on investment to the Federal Government. States and locals respond to numerous disasters without Federal support. In 2016, States responded to more than 30,000 disasters without requesting a Stafford Act declaration.[3] These capabilities are possible because the Federal grant programs help States establish core functions to handle the less extreme events so the Federal Government can focus on responding to the catastrophic events.

Reductions in Federal grant funding will further erode State and local capabilities. Moreover, reductions in Federal funding jeopardize State investments in emergency management activities. For example, the Emergency Management Preparedness Grant Program requires States to match Federal investments dollar for dollar. Similarly, the Emergency Management Assistance Compact (EMAC)—the interstate agreement for mutual aid—allows States to share resources among each other. EMAC supports the notion of regional assets and capabilities, which allows States to lean on each other rather than on the Federal Government. Both these examples demonstrate State-owned resources such as personnel, funding, and equipment to support emergency management functions. Although FEMA supports these programs through yearly appropriations, States bear the brunt of the responsibility for implementation.

On-going, dedicated Federal support is crucial to ensure States and localities have sufficient capacity to handle more routine disasters. Governors and the Federal Government share the responsibility of ensuring the safety and security of the citizens of the country. States have continued to respond efficiently to disasters even with decreased Federal support. However, States cannot maintain the status quo indefinitely. The next FEMA administrator must ensure that States and localities receive dedicated, on-going funding commensurate with the level of Federal expectations and requirements. Without it, the Nation's overall preparedness will suffer and progress made squandered.

RECOGNIZE PAST PROGRESS, BUT EMBRACE INNOVATIVE APPROACHES FOR FUTURE POLICY DEVELOPMENT

FEMA's recent history serves as an important guide for the next administrator. Following Hurricane Katrina, States, localities, and the Federal Government implemented reforms to emergency management activities to emphasize all-hazards planning among all levels of government, nongovernmental organizations, and the private sector. FEMA spent time, effort, and manpower to develop a new, comprehensive emergency management foundation. These reforms have led to the creation of standards for incident response that previously did not exist or were executed inconsistently. For example, the National Incident Management System (NIMS) provides the whole community with an approach to manage the after-effects of disasters in a collaborative and consistent way. Previously, no true standard existed. NIMS provides that standard and helps identify what progress has been made and what challenges remain.

The development of the National Preparedness Goal and the National Preparedness System (NPS) has helped to deepen those efforts. Having a vision for preparedness and defined Nation-wide capabilities necessary to meet that goal helps to establish expectations. Improvements to the NPS may be necessary, however States have spent considerable time and effort to contribute and align policies to the NPS. States want to continue those efforts, improve upon them, and ensure the NPS thrives in the long-term. The next administrator should view items like the NIMS and the NPS as foundational to FEMA and ensure the Secretary of Homeland Security fully understands FEMA's capabilities and position within the U.S. Department of Homeland Security. A Federal commitment to honor these programs will dem-

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[2] "We the States: Governors' Recommendations for President Trump," *National Governors Association*, accessed February 7, 2017, *https://resources.nga.org/cms/wetheStates/hsps.html*.

[3] "Recommendations for Strengthening National Emergency Management Programs," *National Emergency Management Association*, accessed February 7, 2017, *https://www.nasemso.org/Projects/DomesticPreparedness/documents/NEMA-Recommendations-for-Strengthening-National-EM-Programs.pdf*.

onstrate to Governors that the administrator recognizes past progress and wants to make further advancements.

The existing emergency management system has made impressive progress. However, more opportunities for improvement exist. For example, the Threat Hazard Identification Risk Assessment (THIRA) and State Preparedness Report (SPR) created under the NPS are still evolving and require additional fine tuning. States need further clarity on how THIRA and SPR inform FEMA's threat picture and what effect, if any, that has on the allocation of financial resources and other types of support to States.

Previous gains are at risk of regression or neglect. The next administrator will have a profound role in steering the future course of emergency management, which will require innovative approaches. However, that must be balanced with the need for change to improve outcomes versus the desire for change solely for the sake of change. Several areas that will require innovative solutions from FEMA include:

- *Public Assistance Changes*.—Proposed changes to the public assistance program, specifically, the disaster deductible, represent a cultural shift in emergency management. Governors appreciate the goal of trying to reduce risk and overall costs. Governors, like the Federal Government, want to be good stewards of Federal investments. However, this concept will require time for States to fully understand the intended and potentially unintended adverse consequences. In the initial rollout, Governors appreciated FEMA's outreach for feedback. Governors also encouraged FEMA "to maintain the current threshold requirements without imposing additional financial burdens on State and local governments through a deductible."[4] Many questions remain about the proposal and it is unclear whether the deductible can achieve its primary goal to improve disaster outcomes. Therefore, the next administrator should take careful consideration in moving forward and consider how the concept will affect States in the short and long term. NGA will review the revised notice and provide additional feedback on behalf of the Nation's Governors.
- *Cybersecurity*.—The Nation's cyber networks are vulnerable to attack from both State and non-State actors. States own a great deal of personal identifiable information and have witnessed the theft of those records in Utah and South Carolina. Additionally, the increasing reliance on the internet for everyday functions has created additional vulnerabilities to essential industries, such as finance, health care, and energy. Under the leadership of Michigan Governor Rick Snyder and former Maryland Governor Martin O'Malley, NGA created the Resource Center for State Cybersecurity, which has helped bring this issue to the forefront across the Nation. Governor Snyder's continued focus on cybersecurity from a State, National, and international perspective, along with NGA Chair and Resource Center co-chair Virginia Governor Terry McAuliffe's initiative *Meet the Threat: States Confront the Cybersecurity Challenge*, States have received increased guidance on how to tackle cybersecurity challenges in numerous areas to include emergency management. The possibility of a cyber breach with significant physical and non-physical consequences to States is real. What remains unclear is what Federal support, if any, States would receive from FEMA if the damage exceeds State capabilities. In addition to reforming the HSGP to help States build the necessary capabilities to prepare for cyber incidents, FEMA should clarify the use and application of the Stafford Act for both disasters with physical consequences and those without.[5]
- *Disaster Relief Fund*.—The disaster relief fund (DRF) allows FEMA to "direct, coordinate, manage, and fund eligible response and recovery efforts associated with domestic major disasters and emergencies that overwhelm State resources" as allowed under the Stafford Act.[6] This fund ensures FEMA can provide adequate relief to States and localities affected by disasters. However, recent attempts to make the fund available for other purposes outside of its original scope, such as wildfire suppression activities on Federal lands, threaten its core mission and availability for emergencies. Any expansive use of the DRF outside the scope of the Stafford Act may have an adverse impact on disaster response by slowing down activities and preventing States from accessing critical resources. Governors believe in the importance of the DRF and want to ensure

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[4] Nixon, Jay and Hutchinson, Asa, *FEMA Disaster Deductible Concept*, National Governors Association, *https://www.nga.org/cms/home/Federal-relations/nga-letters/homeland-security__public-safety/col2-content/main-content-list/fema-disaster-deductible-concept.html* (March 21, 2016).

[5] "We the States: Governors' Recommendations for President Trump."

[6] "Disaster Relief Fund: Monthly Report," *Federal Emergency Management Agency*, last updated January 25, 2017, *https://www.fema.gov/media-library/assets/documents/31789*.

it serves its intended purpose. The FEMA administrator should work to preserve the fund for State and local emergency management response and recovery as well as encourage other agencies to work with Congress to identify alternative resources to meet their needs to the fullest extent possible.

- *Disaster Resiliency*.—Disasters have increased in severity and frequency in recent years, resulting in an increase in disaster costs. Congress has charged FEMA with identifying ways to reduce those costs. Simultaneously, States—who share in disaster expenditures—are working to bolster resiliency, a mission made more challenging because of the Nation's aging infrastructure. Congress should include resiliency as a factor in any proposals to improve the Nation's infrastructure to ensure our vital structures can withstand future disasters.

FEMA should look to the States for innovative resiliency solutions. For example, the Colorado Governor's Office of Recovery and Resiliency has developed a resiliency framework that analyzes changing risks and vulnerabilities and guides long-term resiliency investments. New Jersey established an energy resilience bank (ERB) that supports the development of distributed energy resources at critical facilities so that they remain operational in future outages. The financing provided in the ERB will help to incentivize the implementation of resiliency solutions and minimize the impact of future major power outages caused by severe weather or man-made events.[7]

Emergency management is constantly evolving and must quickly adapt to new threats and hazards. The next administrator will be responsible for shaping our Nation's emergency management priorities. The Nation's Governors are committed supporting that effort and stand ready to assist.

I look forward to working with the next administrator and welcome additional dialog with subcommittee Members concerning the importance of maintaining a robust National emergency management system. Thank you again for the opportunity to appear in front of you today. I welcome any questions you may have.

Mr. DONOVAN. Thank you for your testimony, Captain.

The Chair now recognizes Chief Sinclair for 5 minutes.

STATEMENT OF CHIEF JOHN SINCLAIR, FIRE CHIEF, KITTITAS VALLEY FIRE AND RESCUE (WA), PRESIDENT AND CHAIR OF THE BOARD, INTERNATIONAL ASSOCIATION OF FIRE CHIEFS (IAFC), TESTIFYING ON BEHALF OF THE INTERNATIONAL ASSOCIATION OF FIRE CHIEFS

Chief SINCLAIR. Good morning, Chairman Donovan, Ranking Member Payne, and Members of the subcommittee. I am John Sinclair, fire chief of Kittitas Valley Fire and Rescue Department in Ellensburg, Washington. I am also the president and chairman of the board of the International Association of Fire Chiefs. I thank you for the opportunity to testify today about the future of FEMA. The Nation's fire and EMS departments are FEMA's partners during National emergencies. We provide the resources to help communities respond and recover. We also rely upon FEMA's training and grant programs to respond to all hazards.

The IAFC believes that the President should appoint an experienced fire service leader or emergency manager as administrator. As experienced leaders, both Dave Paulison and Craig Fugate transformed FEMA into a more proactive organization. We urge the President to appoint an experienced FEMA leadership team soon. Included on this team would be a U.S. fire administrator who can follow in Chief Ernie Mitchell's exemplary recent service.

Across the Nation, local fire and EMS departments respond to a multitude of threats. As a local fire chief, I must prepare for fires, medical emergencies, earthquakes, wildland fires, landslides, flood-

[7] Reinert, Greg and Pellerin, Virginia, "NJ Energy Resilience Bank Now Accepting Applications," *New Jersey Board of Public Utilities*, October 20, 2014, *http://www.State.nj.us/bpu/newsroom/announcements/pdf/20141020__erb__press.pdf*.

ing, and the potential for a mass casualty event. With limited budgets, fire and EMS departments must prioritize training, equipment purchases, staffing, and exercises to meet these missions.

The fire and emergency service needs FEMA's help in identifying risks, prioritizing threats, and preparing to meet them. FEMA must work with DHS, the FBI, and the intelligence community to get vital threat information to local fire chiefs. This information should be actionable, written with the local fire chief in mind as an audience, and unclassified.

Programs like NCTC's Joint Counterterrorism Assessment Team and the DHS Office of Intelligence and Analysis provide essential information to local first responders. Also, FEMA's grants fund intelligence fusion centers which must provide critical information to local fire departments. In addition, the U.S. Fire Administration can provide specific training to help fire and EMS departments integrate intelligence into their preparedness programs.

FEMA should continue to maintain the National Preparedness Goal and the National Preparedness System. The IAFC is pleased to see that fire management and suppression was added as a core capability in a recent National Preparedness Goal revision.

In support of the NPG, FEMA must ensure a strong National mutual aid system in the face of tight National budgets. A robust mutual aid system is a cost-effective way to protect our citizens' lives and property. However, local fire departments bear the cost of these inter-State deployments until they are reimbursed. FEMA must ensure that fire departments are reimbursed in a timely manner.

FEMA can take other steps to maintain the National Preparedness System. It should work with FirstNet and the DHS Office of Emergency Communications to improve our public safety communications capability. In addition, FEMA should support efforts to build State-wide mutual aid systems that can effectively complement the EMAC during National emergencies.

FEMA's grant programs are critical foundations of the National Preparedness System. Federal grants like the UASI and SHSGP program bring Federal, State, and local emergency response organizations together to train and plan for potential acts of terrorism.

FEMA grants also support a regional response framework that can mobilize resources quickly and effectively during a terrorist attack. We request that Congress reject cuts to these programs for fiscal year 2017.

The IAFC is concerned about the effects of the President's recent Executive Order regarding sanctuary jurisdictions. The IAFC board has not adopted a position on this issue of sanctuary cities; however, we are concerned that major metropolitan fire and EMS departments might lose eligibility for FEMA grants if they are in designated sanctuary jurisdictions.

We recommend that the President and Congress extend the current law enforcement exception to include all public safety organizations. The fire and SAFER grants programs also support National preparedness systems. These matching grant programs directly help fire departments develop their baseline emergency response capabilities. For example, I have used AFG grants to replace old bunker gear and SCBAs. The fire and SAFER grant pro-

grams face a statutory sunset next year. We urge Congress to reauthorize these programs for an additional 5 years.

We would also ask Congress to reauthorize the U.S. Fire Administration. This agency provides important leadership and training for local fire departments. We request $44 million for USFA in fiscal year 2017.

Finally, I would like to emphasize the IFCA's support for an enhanced mitigation for FEMA. We ask Congress to pass legislation that will bolster our Nation's pre-disaster and post-disaster mitigation efforts. We want to work with this committee, the administration to help make America safe. Thank you very much.

[The prepared statement of Chief Sinclair follows:]

PREPARED STATEMENT OF JOHN SINCLAIR

FEBRUARY 14, 2017

Good morning, Chairman Donovan, Ranking Member Payne, and Members of the subcommittee. I am Chief John Sinclair, fire chief of the Kittitas Valley Fire and Rescue department in Ellensburg, Washington and president and chairman of the Board of the International Association of Fire Chiefs (IAFC). The IAFC represents approximately 12,000 leaders of the Nation's fire, rescue, and emergency services. Thank you for the opportunity to testify about the future of the Federal Emergency Management Agency (FEMA).

From a stakeholder's perspective, FEMA faces a number of major challenges. Overall, the costs and severity of disasters continues to increase. Meanwhile, the variety of hazards that the Nation faces continues to escalate. In my State, I have to prepare for earthquakes, wildland fires, landslides, and flooding, and the risk of a mass casualty event. FEMA has to address all of these issues—and more—in a tight budgetary environment.

The Nation's fire and emergency services are important partners of FEMA and consumers of critically important FEMA programs. The local fire department is an all-hazards response force that must provide fire suppression; Emergency medical response; hazardous materials response; multi-casualty/civil unrest/terrorism response; urban search and rescue; train derailment response; and technical, high-angle, swift water, building collapse, confined space and deep trench rescue. Most fire departments are tied closely to their communities. In some cases, the local fire department serves as the closest thing to government that provides service to them, their families, and their friends.

When States request mutual aid assistance, local fire departments provide the fire apparatus, firefighters, paramedics (and an array of other specialized resources) that arrive on scene. In addition, when an incident occurs, the local fire department usually is the first agency on scene and the last to leave during the recovery period.

From our perspective, FEMA must address a number of challenges in the future. They can be addressed along the framework of improving information sharing; strengthening the National Preparedness System; supporting Federal efforts to improve public safety communications; and supporting mitigation efforts.

First of all, the IAFC would like to see experienced leaders with fire and emergency service leadership and emergency management experience appointed to leadership positions at FEMA and the U.S. Fire Administration. Both of the last two FEMA administrators, R. David Paulison and W. Craig Fugate, were able to transform the agency based on their experiences at the local and State levels. The Post-Katrina Emergency Management Reform Act (Pub. L. 109–295) set specific requirements for the FEMA administrator, including a "demonstrated ability in and knowledge of emergency management and homeland security" and at least 5 years of management experience. The IAFC recommends that the FEMA administrator, the deputy administrator, any assistant administrators, and the U.S. fire administrator all meet these criteria. The FEMA leadership also should understand the roles of State and local partners during National emergencies. It is important to have experienced leaders who are ready to respond to the various National challenges on Day 1.

INFORMATION SHARING

Local fire chiefs need help in deciding how to focus resources to prepare for the most serious risks to their community. Effective information sharing between Fed-

eral, State, Tribal/territorial and local partners is a key component to this challenge. FEMA grants, such as the Urban Areas Security Initiative (UASI) and the State Homeland Security Grant program (SHSGP), support funding for intelligence fusion centers and planning and exercise efforts. These efforts play an important role in addressing this dilemma, but much work remains to be done.

Fire chiefs still struggle to get actionable intelligence from their fusion centers. While there is a greater quantity of information flowing among the different intelligence partners, it can be focused more on quantity than quality. Information may be more law enforcement-focused or include extraneous Classified information. Fire chiefs need to receive information that is written from a fire and emergency medical services (EMS) perspective and that only includes the tactics, techniques, and procedures that they may face, so that the fire and emergency service community can develop and implement the countermeasures necessary to save lives. In addition, it would help to have an estimated prioritization of the risk that the local jurisdiction might face.

There are solutions to this dilemma. The U.S. Department of Homeland Security's Office of Intelligence and Analysis (I&A) is more focused today on working with local partners representing all of the law enforcement and emergency response disciplines. The National Counterterrorism Center's Joint Counterterrorism Assessment Team brings local first responders to the Washington area as fellows to help produce intelligence products targeted to local first responders as an audience.

FEMA and the U.S. Fire Administration (USFA) can work with I&A to ensure that intelligence products meet the needs of local fire and EMS responders. In addition, USFA can provide classes at the National Fire Academy (NFA) to educate local fire and EMS personnel about the intelligence community, how to handle Classified and Sensitive information, and how to incorporate this information into planning, training, and exercises. FEMA also should ensure that grantees are meeting the funding requirements for fusion centers by ensuring that fire and EMS personnel are represented at State and local fusion centers.

Fire and EMS departments have important responsibilities as information-sharing partners. They must take part in the "See Something, Say Something" campaign and the Nation-wide Suspicious Activity Reporting Initiative. They also must make sure that their personnel are trained to report suspicious activity appropriately. Most importantly, fire and EMS departments must start incorporating the intelligence and information-sharing disciplines into their promotion and career-track systems. Fire chiefs must ensure that their departments are engaged and actively participating with their fusion centers. Finally, fire and EMS departments should be using intelligence and threat and risk information continuously to guide their planning, training, and exercises.

THE NATIONAL PREPAREDNESS SYSTEM

The IAFC is very supportive of the National Preparedness Goal (NPG) and its role in guiding the National Preparedness System. The Federal, State, Tribal/territorial, and local agencies all have important roles to play in the complex requirements to protect the American public. The IAFC particularly was pleased to see that Fire Management and Suppression was added recently as a Core Capability in the NPG.

As FEMA continues to develop and revise the NPG, it must begin to explain how the NPG relates to local first responders. The Threat and Hazard Identification and Risk Assessment (THIRA) should help drive the requirements of the NPG down to the State and local levels. Across the Nation, fire and EMS departments are participating more in the THIRA process.

Information sharing is a critical component of the THIRA process, because Federal, State, and local intelligence assessments should be driving how threats are prioritized and critical infrastructure is identified. As States use THIRAs to identify risks and capabilities and allocate resources, the THIRA's analysis should be transparent and easy for local fire chiefs to comprehend. A fire chief should be able to access his or her State's THIRA and understand how threats and risks are prioritized and how resources are allocated to build capabilities to address these threats and risks.

In order for the National Preparedness System to remain effective, fire and EMS departments must be reimbursed in a timely manner for inter-State mutual aid deployments. When a State requests fire and rescue response through the Emergency Management Assistance Compact (EMAC), local communities send their firefighters and apparatus to respond. These costs are borne by the communities until they are reimbursed. If a community has to wait years for reimbursement through the complicated Federal/State process, local leaders will face fiscal challenges requiring them to stretch budgets; raise taxes; or take on debt until the community finally

is reimbursed. FEMA should be directed to review the reimbursement process for mutual aid deployments to ensure that local communities are reimbursed in a timely manner.

An effective mutual aid system is essential to the National Preparedness System. Every day, local communities use mutual aid agreements between neighboring communities to provide emergency response at incidents. These incidents can include large fires, hazardous materials spills, major traffic accidents, or any other type of emergency incident. Many major States, like Illinois and California, have proven State-wide mutual aid systems. FEMA should continue to work with the IAFC and the States to ensure that they have strong fire and EMS mutual aid systems. These State-wide systems can help to provide resources effectively as the States request and provide aid through interState compacts or the EMAC system. Having strong mutual aid systems in place is not only cost-effective, it is essential to the preservation of life and property.

In addition, FEMA must continue to ensure that Federal, State, and local response agencies continue to utilize the National Incident Management System (NIMS). FEMA revised NIMS last year, and States are now expected to develop an alternate set of protocols and training curricula to align with the new National standards. The FEMA administrator should ensure that these NIMS revisions remain consistent with the Incident Command System, and that the State emergency operations centers are able to interoperate with the first responders in the field.

GRANTS

In discussing the National Preparedness System, it is important to discuss FEMA's grant programs. The Assistance to Firefighters Grant (AFG) program and the Staffing for Adequate Fire and Emergency Response (SAFER) grant program provide matching grants to local jurisdictions for equipment, training, and staffing, including the recruitment and retention of volunteer firefighters. The Urban Areas Security Initiative (UASI) helps States prepare for the threat of terrorism by encouraging planning and exercises and funding intelligence fusion centers. The State Homeland Security Grant Program (SHSGP) also helps fund fusion centers and, in some States, funds State-wide mutual aid systems.

Because local fire departments provide the response resources during National deployments to address terrorist incidents and other National emergencies, the AFG and SAFER programs are vital components of the National Preparedness System. These programs bolster local fire departments' baseline capabilities to respond to all hazards. While the programs have been successful, there still is a lot of work to be done. Please consider these examples from the National Fire Protection Association's (NFPA) *Fourth Needs Assessment of the U.S. Fire Service:*

- Fifty percent of all departments (that answered the NFPA survey) do not have enough portable radios to equip all emergency responders on a shift.
- Fifty-three percent of all departments (that answered the NFPA survey) cannot equip all firefighters on a shift with self-contained breathing apparatus (SCBA).
- An estimated 60 percent of all departments (that answered the NFPA survey) provide hazmat response but have not formally trained all of their personnel involved in hazmat response.
- Almost three-quarters (72 percent) of departments (that answered the NFPA survey) reported that some of their personal protective clothing was at least 10 years old, which exceeds the life cycle of the equipment.

As these statistics demonstrate, many fire departments still lack the most basic requirements for a safe and effective response. In fire departments around the Nation, firefighters still must share personal protective equipment and gear. In addition, many fire departments across the Nation are operating with severely outdated and sometimes inoperable apparatus. A neighboring jurisdiction of mine has only one fire engine that does not start. The AFG and SAFER programs help local fire departments meet their direst needs.

In 2006 and 2007, my department received AFG funding in order to purchase personal protective equipment and SCBAs. We used these grants to replace 20-year-old turnout gear, which had far exceeded its 10-year service life. In addition, the purchase of new SCBAs allowed us to replace an old system with the current contemporary gear that neighboring departments had. This equipment helped us to regionalize our local fire and emergency service and provide more effective emergency response to our communities.

The AFG and SAFER grant programs are authorized through the end of fiscal year 2017. The IAFC requests that Congress consider and pass legislation this year to reauthorize funding for these programs over the next 5 fiscal years. In addition, we have concerns about the sunset provision in each program's authorizing statute,

which would eliminate the programs in early January. We ask that Congress remove this sunset date in order to ensure that the programs can continue to support the Nation's fire departments.

The SHSGP and UASI grant funds play an important role in helping communities plan for the response to acts of terrorism. One of the benefits of the programs is that the Federal funds provide an incentive for fire, EMS, law enforcement, public health and other Federal, State, and local agencies to work together to plan and exercise for the response to mass casualty incidents, acts of terrorism or chemical and biological events. In addition, these grant funds are used to support intelligence fusion centers and information sharing between Federal, State, and local officials. The grant programs also support training and equipment for specialized response such as the response to chemical, biological, or radiological incidents.

For example, the IAFC endorsed the Medical Preparedness Allowable Use Act (H.R. 437), which passed the House on January 30. This legislation would allow grantees to develop a program using SHSGP and UASI funds to provide home med-kits to first responders and their families. These med-kits are important to provide the necessary protection for first responders as they respond to biological or chemical incidents.

We also have some concerns about the President's recent Executive Order regarding immigration and sanctuary jurisdictions. The order would authorize the Secretary of Homeland Security to designate sanctuary jurisdictions, which would prohibit them from eligibility for FEMA grants. There is an exception to this requirement for law enforcement, but not for other public safety disciplines. This language threatens to cut off funding to local fire departments and deeply affect their ability to plan for and respond to acts of terrorism. The IAFC Board has not adopted a position on the issue of sanctuary jurisdictions. However, my organization would recommend that the Secretary and Congress use discretion to recognize a broader exception for public safety purposes, when reviewing grant eligibility.

PUBLIC SAFETY COMMUNICATIONS

Public safety communications will remain an important issue requiring FEMA's focus. After-action reports have determined that problems with public safety communications operability and interoperability plagued the responses at 9/11, Hurricane Katrina, and multiple incidents in the following years. The Middle Class Tax Relief and Job Creation Act (Pub. L. 112–96) authorized the creation of the First Responder Network Authority (FirstNet) to establish a Nation-wide, public safety broadband network. This year, we expect FirstNet to announce its commercial partner, and begin to work with the States to build the network. As State Governors contemplate opting out of FirstNet, the IAFC recommends that the FEMA Administrator remind them of the integral role that interoperable communications play in mutual aid deployments during National emergencies.

It is important to point out that FirstNet initially will provide mission-critical broadband data communications. Legacy mission-critical, land-mobile radio systems will remain vital to the fire and emergency service and public safety in general. The IAFC thanks the committee for its continued support of the mission of the Office of Emergency Communications (OEC). The OEC continually demonstrates its value by training first responders through its Communications Unit Leader training, which integrates communications into the command structure during major disasters. The IAFC encourages the FEMA Administrator to work with OEC to ensure that its recommendations are included when localities use Federal funds to purchase communications systems, and to ensure that OEC is involved in planning for major disasters.

Since land-mobile radio will remain an important component of public safety communications, Congress must address the requirement that first responders return their spectrum in the T Band (470–512 MHz). Pub. L. 112–96 also required the Federal Communications Commission (FCC) to begin auctioning public safety T Band spectrum by February 2021 and clear all public safety operations from the band within 2 years. This spectrum hosts public safety communications in 11 major urban areas of the United States. These 11 urban areas are Boston; Chicago; Dallas/Ft. Worth; Washington, DC. (including parts of Virginia and Maryland); Houston; Los Angeles; Miami; New York City/Northeast New Jersey; Philadelphia; Pittsburgh; and San Francisco/Oakland. For example, Boston hosts its interoperable communications channel on the T Band. It's estimated that it will cost $5.9 billion to migrate these jurisdictions to other alternative spectrum, and, in some cases, there is no spectrum to which to migrate. The IAFC recommends that the FEMA administrator work with the FCC Chairman to resolve this issue, and not jeopardize public

safety communications operability and interoperability for everyday use and major emergencies.

MITIGATION

Mitigation remains an important challenge for FEMA. Over the years, we have seen a steady increase in the number of disaster declarations. For example, the average number of disaster declarations issued from 1960 to 1969 was approximately 19 per year. This number of declarations has skyrocketed to 56 per year from 2000 to 2009, with a record 99 major disaster declarations in 2011. The IAFC expects to see the intensity and cost of National disasters and emergencies to continue to increase. For example, the average Federal wildland fire suppression cost from 2009 to 2012 was $1.25 million. For the following 4 years, the number increased to $1.84 million, a 32 percent increase.

The IAFC encourages FEMA to promote mitigation efforts and community preparedness planning to reduce the cost of National disasters and emergencies. For example, the adoption of State-wide building codes can help reduce the cost of disasters. The IAFC has supported legislation in the last Congress, such as the Safe Building Code Incentive Act (H.R. 1748) and the National Mitigation Investment Act (H.R. 5177), which allows FEMA to incentivize the State-wide adoption of consensus-based building codes, like the International Residential Code. We also support FEMA's pre-disaster mitigation programs, which help communities reduce the threat of wildland fire with fuels reduction projects.

In my State, we have seen the importance of post-wildland fire mitigation work to reduce landslides and post-wildland fire flooding. We support legislation that was included in both the FEMA Disaster Assistance Reform Act (H.R. 1471) and the Wildfire Prevention Act (H.R. 1009) in the last Congress that would allow States that receive Fire Management Assistance Grants to also receive hazard mitigation funding. FEMA-funded projects, such as the establishment of erosion barriers and re-seeding burned land, will help communities recover more quickly from wildland fires and prevent disasters as a consequence of major wildland fires.

THE U.S. FIRE ADMINISTRATION

I would like to highlight the importance of the USFA as I conclude my testimony. The United States still has an overall fire problem that must be addressed. According to the NFPA, there were more than 1.3 million fires in our Nation in 2015. These fires resulted in more than 3,200 deaths, more than 15,000 injuries and approximately $14.3 billion in property damage.

The USFA continues to lead efforts to combat this problem. It helps local fire departments develop programs to educate the public about fire prevention. USFA also administers the NFA, which has trained more than 1.4 million students in emergency leadership issues and specialized emergency response tactics since 1975. Most importantly, NFA helps local fire chiefs to learn about how to integrate their departments into the National Preparedness System through training about NIMS. The USFA also hosts the National Fire Incident Reporting System, which is one of the world's most comprehensive National fire data systems. The U.S. Fire Administrator leads the USFA.

The IAFC requests that the President move quickly to appoint an experienced fire and emergency service leader to the position of U.S. Fire Administrator. In addition, the authorization for USFA expires at the end of the fiscal year. The IAFC urges Congress to reauthorize the USFA this year, so it can continue its important mission.

CONCLUSION

I thank you for the opportunity to testify today about the future of FEMA. The Nation's fire and emergency service faces an operating environment that is changing at a rapid and alarming pace. The wide variety of emergencies that we respond to are increasingly more dangerous to our citizens and responders. The economic impacts of these incidents to our Nation are escalating. The quality of the service provided by firefighters and EMS providers influence the citizens' feelings of safety and security, yet the ability to train firefighters—from our volunteers in rural regions to all-career firefighters in major cities—is a major challenge. The cost of procuring vital firefighting apparatus, tools, and firefighter personal protective equipment has increased well beyond the rate of inflation and beyond communities' abilities to pay. The challenges require experienced fire and emergency management leadership.

We urge the new administration to nominate an experienced leader in the fire and emergency service or emergency management disciplines to lead the agency. We also

recommend that the other leadership of FEMA, including the U.S. Fire Administrator, also be experienced leaders.

In addition, we urge the administration and the committee to work together to help FEMA address the numerous challenges that the Nation faces. It is important that Federal information sharing and public safety communications programs continue to be funded and supported in their missions. In order to ensure a strong National Preparedness System, FEMA must review its mutual aid and reimbursement systems. Also, FEMA should be given stronger authority to incentivize the Statewide adoption of building codes and the implementation of community efforts to mitigate the effects of disasters. In addition, the IAFC recommends that Congress continue to support FEMA's grant programs, and reauthorize the AFG and SAFER grant programs. We also recommend that Congress reauthorize the USFA.

The new administration and the new Congress present an opportunity to review FEMA's programs and policies. The IAFC continues to support FEMA's mission and the National Preparedness System. We look forward to working with the committee to ensure that the Nation is prepared to respond to any of the potential threats that we face and keep America safe.

Mr. DONOVAN. Thank you very much, Chief.

The Chair now recognizes Mr. Bland for 5 minutes.

STATEMENT OF RICHARD F. BLAND, J.D., M.T.S., NATIONAL DIRECTOR, POLICY, ADVOCACY, AND DEVELOPMENT, SAVE THE CHILDREN

Mr. BLAND. Chairman Donovan, Ranking Member Payne, and esteemed Members of the Homeland Security Committee, thank you for the opportunity to testify on the future of FEMA.

My name is Rich Bland, and I am the national director of policy, advocacy, and development at Save the Children.

At Save the Children, we believe that every child deserves a healthy start, the opportunity to learn, and protection from harm. It is in this last vein, protection from harm, that I want to talk to you today.

My hope is to cover three broad issues: First, the problem, how Katrina and subsequent disasters have been a wake-up call on children's needs. Second, the solutions, the role of the National Commission on Children and Disasters and Save the Children's 10 years later follow-up report, which you all have with you today. Third, one action we can take today, one concrete action, the importance of creating a permanent children's needs advisor at FEMA.

Imagine where you were 12 years ago in the late summer of 2005 when you first heard about Hurricane Katrina. Remember how shocked you were when the levees broke, when the death toll began to mount, and when you saw the seemingly endless images of people on rooftops, wading in water, struggling to survive? It was a watershed moment, not just for our country, but also for Save the Children.

You see, Save the Children has been responding to emergencies around the world for nearly a century, but never domestically. In war-torn and developing countries, yes. In the United States, no. The thinking was the richest Nation in the world had it covered, so no need to worry. But the reports started coming in, the TV images, the cries for help, and no shortage of children in need.

So just in case, we began to call responders along the Gulf Coast, Government, agencies, nonprofits. We asked the heads of shelters, how many children do you have and at which shelters? The response was we have no idea—no idea.

Many more of our questions went unanswered in the days that followed. As a result, Save the Children decided to deploy to the Gulf Coast in its first major disaster response effort here within the United States.

Since Katrina, we have deployed to every major disaster, serving more than 1 million children, including 6 disasters in 2016 alone. As of yesterday, we deployed to California in the Oroville area regarding the evacuation there.

Katrina was a shocking moment for all of us; yet today, children are still facing many of the same risks from an emergency as they did 12 years ago. Thus, my second issue, solutions.

After Katrina, Congress and the President created the National Commission on Children and Disasters. Save the Children was honored to lead it along with an incredible group of expert commissioners. The commission created a detailed road map of needs and solutions with 11 chapters on 11 functional areas related to the gaps, and then came up with 81 recommendations.

I am here to tell you today that nearly 80 percent of those recommendations yet remain unfulfilled. Do we really want to wait for the next Katrina-type event to get back to this work? Now, to be fair, much progress has been made and much of it at FEMA. But those steps are far from complete, and there is nothing to guarantee any focus on children's needs in the future. We need accountability. Our children deserve it.

The report you have in your hands is the first effort to hold Government accountable for the recommendations of the National commission. All levels of government have a role to play. You will see 11 chapters and it says, where the recommendations were not met, that is red, where they were met, that is green, and then where they are underway, that is yellow.

Yet the results are startling. Nearly 80 percent of the recommendations have not been met. In addition, we now know that less than one-tenth of 1 percent of all Federal preparedness grants go to children's needs. Thankfully, Congressman Payne, you have been a stalwart champion raising attention to these needs. So thank you for that. Most recently, your ability to pass H.R. 4509 will go a long way toward connecting emergency management to children's needs representatives at the State level. So thank you for that.

Thank you, Mr. Donovan, for cosponsoring the PREPARE Act with Mr. Payne last Congress. This would indeed make the children's needs coordinator permanent. So I look forward to working with you on that.

As for what comes next, to this day when we deploy, Save the Children is a witness to the fact that children are still more an afterthought than a priority.

I would like to leave you with two facts. Recall that children are 25 to 50 percent of the population, depending on the community. This is no fringe group. Furthermore, as the pediatricians remind us, children are not merely small adults. Consider how unique their needs are, protection needs at shelters, specialized supply needs and response efforts, tailored medical needs and treatment. The list goes on.

So let's just take one of the recommendations that we think we can make permanent and concrete, the permanent children's needs advisor at FEMA. Of course, it is no one-size-fits-all solution, but we have come here today to suggest that we take that one big step. We believe each of these gap areas, be it mental health, shelter standards, or preparedness, starts with Government accountability and having someone at the highest level of FEMA with the power to remind the administrator and all the departments of FEMA about the unique needs of children is vital.

While some administrators, including Mr. Fugate, have had a stellar track record at prioritizing children's needs, and in fact temporarily appointing a children's needs coordinator, that position is not required and it could fade to obscurity. That cannot and should not happen. So we are here today to ask you to join with us in addressing these gaps and taking the first step, which is to make the children's needs adviser at FEMA permanent. Thank you very much.

[The prepared statement of Mr. Bland follows:]

PREPARED STATEMENT OF RICHARD F. BLAND

FEBRUARY 14, 2017

Chairman Donovan, Ranking Member Payne, and esteemed Members of the Homeland Security Committee, thank you for the opportunity to testify on the future of FEMA.

My name is Richard Bland and I am the national director of policy, advocacy, and development at Save the Children.

At Save the Children, we believe that every child deserves a healthy start, the opportunity to learn, and protection from harm. It is in this last vein, protection from harm, that I want to talk to you today.

Imagine where you were 12 years ago, in the late summer of 2005, when you first heard about Hurricane Katrina. Remember how shocked you were when the levees broke? When the death toll began to mount and when you saw the seemingly endless images of people on rooftops and in boats and wading in water struggling to survive? It was a watershed moment not just for our country, but also for Save the Children.

You see, Save the Children has been responding to emergencies around the world for nearly a century but NEVER domestically. The thinking was the richest nation in the world had it covered, so no need to worry. But then the reports started coming in. The TV images. The cries for help. And no shortage of children in need. So just in case, we began to call responders along the Gulf Coast. Government, agencies, nonprofits. We asked the heads of the shelters how many children they had and at which shelters. The response was, "we have no idea." NO IDEA.

Many more of our questions went unanswered in the days that followed. And as a result Save the Children decided to deploy to the Gulf Coast in its first major disaster response effort within the United States.

Since Katrina, we have deployed to every major disaster (including 6 disasters in 2016 alone); while at the same time, we have also advocated strongly with Federal and State officials to ensure children are adequately prioritized in governmental planning, response, and recovery.

Katrina was a shocking moment for all of us.

- As many as 300,000 children were forced from their homes.
- 5,000 children were separated from their parents.
- Did you know it took 7 months to reunite the last child with her parents?

But the problem of reunification is not restricted to mass-scale emergencies like Katrina. Today, children are still facing many of the same risks from an emergency as they did 12 years ago.

- Just remember: Every single day 70 million children are separated from their parents. And disasters can strike anywhere at any time.

Fortunately, we know how to address many of these risks—Congress and the President created the National Commission on Children and Disasters. And Save the Children was honored to lead it, along with an incredible group of experts in

disaster response and child protection who served as commissioners. The Commission created a detailed roadmap.

- But, as of today, nearly 80 percent of the recommendations remain unfulfilled! Do we really want to wait for the next Katrina-type event to get back to this work?

Now to be fair, much progress has been made. Child care and school preparedness have come light years. Pediatric medical health saw Federal legislation that included comprehensive requirements around medical countermeasures and a medical advisory committee. At FEMA, we saw Administrator Fugate make major efforts to integrate children's needs into every FEMA regional administrator's job and appoint a temporary children's needs coordinator. But those steps are far from complete, and there's nothing to guarantee any focus on children's needs in the future. We need accountability. Our children deserve it.

The Report you have in your hands (Still At Risk: U.S. Children 10 Years After Hurricane Katrina[1]) is the first effort to hold Government accountable for the recommendations of the National Commission. All levels of government have a role to play. Federal. State. local. All Federal agencies. HHS. FEMA. Justice. ED. What you have in front of you is that effort. And today, we are happy to focus on FEMA.

As to the structure of the Report, you may recall that the National Commission's Final Report arranged their recommendations in 11 functional areas, 11 chapters. 81 Recommendations and sub-recommendations.

This report is our effort, through an objective, third-party, outside research firm, to assess how many of those recommendations have been met (GREEN), how many are being addressed (YELLOW), and how many have not been met at all (RED).

The results are startling.

- Nearly 80 percent of recommendations have not been met.
- That means 4 in 5 of the original recommendations has not been met.
- In addition, we now know less than 1/10 of 1 percent of all Federal preparedness grants go to children's needs.
- Put another way, less than 1 cent in every $10 spent on preparedness goes to children's safety.

You may hear people say well, just addressing the recommendation is good enough. Some agencies will say we cannot afford to single out children as a priority or for funding, due to all of the other priorities. We are here to say you must!! And we hope you will join us in that effort. Thankfully, Congressman Payne, you have been a stalwart champion in raising attention to these needs. So thank you for that! Most recently, your ability to pass H.R. 4509 will go a long way to connecting Emergency Management to Children's needs representatives at the State level.

As for what comes next, let's think back to Katrina, or to Sandy, or the Oklahoma tornadoes for that matter, time and time again when we deploy, Save the Children is a witness to the fact that children are still more an afterthought than a priority. And not just in response—in planning too!

- Let's not forget that Children are 25–50 percent of the population depending on the community. This is no fringe group.
- And furthermore, the experts remind us Children are NOT merely small adults—consider how unique their needs are. Safety needs in shelters. Specialized supply needs in response efforts. Tailored medical needs in treatment. The list goes on!

Thankfully the commission took a comprehensive look at all of those needs, 11 functional areas, and made detailed recommendations in each.

Let's get to work to see that more of them are met!

Fortunately, we are also not alone. Your interest in heartening, and more importantly we are joined by organizations like the American Academy of Pediatrics (AAP), Child Care Aware (CCA), and the National Center of Missing and Exploited Children (NCMEC) that spend each and every day trying to address these gaps!

In addition the National Advisory Committee at FEMA, the "NAC" made three key recommendations to FEMA, and the administrator agreed! He agreed to try to get all three done. But now we have a new administration and you will be meeting with a new administrator. So we are asking for you to have him or her follow-through on those promises.

- Let's take just one: The need for a permanent Children's Needs Technical Expert at FEMA.

Of course it is no one-size-fits-all solution, to all 11 chapters of recommendations to address the gaps in children's needs. But we have come here to today to suggest that we take that one big step.

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[1] Retained in the Committee files and available at: *http://www.savethechildren.org/atf/cf/%7B9def2ebe-10ae-432c-9bd0-df91d2eba74a%7D/DISASTERREPORT_2015.PDF?v=5*.

We believe each of these gap areas, be it mental health, shelter standards, or preparedness, starts with Governmental Accountability. And having someone at the highest level of FEMA with the power to remind the administrator and all departments of FEMA about the unique needs of children is vital.

While some administrators including Mr. Fugate have had a stellar track-record at prioritizing Children's Needs, and in fact temporarily appointing a children's needs coordinator, that position is NOT required and could fade to obscurity.

That CANNOT and SHOULD NOT happen, so we are here today to ask you to join with us in addressing these gaps, and taking the first step, which is to make the Children's Needs Technical Expert at FEMA permanent.

Thank you.

Mr. DONOVAN. Thank you, Mr. Bland. I thank you all for your testimony.

I recognize myself now for 5 minutes of questioning.

As I told all of you before we began, this committee, one of the things I am proud of my good friend, Don Payne, and I don't waste people's time. We don't hold committee hearings every week just to have committee hearings. We hold them for a purpose and then we take the information that is derived from the hearing and put it to work. So your testimony today, your suggestions, your answers to our questions will go into some form of evaluation that we will give to the new administrator as recommendations of what she or he should do.

With that in mind, and all of you have brought out various concerns that you all have, the new administrator is going to come in and have a lot of things before her or before him. In each of your specific areas, what do you think is the first thing the new FEMA administrator ought to address, something that cannot wait, something that time is of the essence, for each of you?

Captain KELENSKE. Well, first and foremost, I believe the interaction and engagement with the State's Governors and their key officials, that is key right off the bat. Then to look to the States to see what specific needs that they collectively have that need to be addressed. Working through organizations, such as the NGA and the Governors Homeland Security Adviser Council, is also a good way to get that information. But I think it is necessary to reach out to the States and find out what those issues are.

Some of the ones that are out there are, what innovative solutions, whether they are innovative solutions to grants or technology or the intelligence and information sharing that is going on, those are some key issues that need to be looked into, as well as the grant reform concept that we talked about earlier, sir.

Mr. DONOVAN. Thank you, Captain.

Chief.

Chief SINCLAIR. Yes. Chairman Donovan, thank you very much for the question. It is incumbent that whoever comes into this position knows and understands that it is a partnership, that it is vital that they know that the first responders that are out there, the law enforcement community, police, fire, EMS, public health, the first receivers, the hospital systems are all folks that are going to be onscene long before the Federal Government can begin to ramp up and begin to take action. So everything that we can do to help that response community be ready for an all-hazards environment is vital.

Some of that includes simple things like information sharing through the fusion centers. I will give you one very specific exam-

ple. In Nice, France on Bastille Day, we had a significant event where somebody took a big truck and ran it through a bunch of people. We should have had somebody in the fusion centers taking a look at that and providing information out to every law enforcement and fire and EMS jurisdiction across this Nation saying here is a new tactic, here are some ideas on how to prepare for that.

But the big issue is recognizing that there is a partnership and that it is a partnership all the way down to the local level.

Mr. DONOVAN. Thank you, Chief.

Mr. Bland.

Mr. BLAND. Thanks for the question. I think it is really the children's needs advisor. The former administrator, Mr. Fugate, just did a remarkable job, and he really personally felt the priority of children's needs as a vulnerable community. But as he himself would admit, that is not required. It is not required by statute, and so it can't be personality-driven by the administrator.

In addition, that role has this kind-of internal auditing function where whatever they are going to roll out or whatever new proposal they come across, to have this technical expert to say, but how is it going to affect kids, have you thought about that? They are not just small adults. In addition, we have got a lot of momentum. So your bill, the PREPARE Act, endorsed this idea and the National advisory committee, which is required by PK–EMRA, actually this was their No. 1 recommendation on children's needs.

So we have got some momentum. Mr. Fugate agreed with the National advisory committee in his official response and said I agree, but I am leaving. So I think for all of those reasons and just on top of that, I guess I would say let us keep up the momentum.

I don't mean to paint too stark a picture because we have come a long way since Katrina. But there were 11 chapters and there were 11 big gaps. This concrete step would be a good first step. So I hope that is helpful.

Mr. DONOVAN. Wonderful. I thank all of you. I had 6 more questions, but we will submit those in writing. My time is up.

The Chair now recognizes my friend from New Jersey, Mr. Payne.

Mr. PAYNE. Thank you, Mr. Chairman. I appreciate working with you once again. I think your statement is absolutely correct. We try not to waste people's time. The information that we do receive at these hearings eventually turns into legislation. So I want to thank you for your leadership.

Let me just ask—first of all, thank you for all being here and your testimony.

You know, with FEMA being in transition, you know, a new administrator, as I stated, has not been named, and the Trump administration's priorities in the emergency management space are unclear, has the Trump administration engaged you or your organizations during this transition process?

Captain KELENSKE. I know that there have been discussions with other associations involved in this area, but I don't know specifically. We would have to follow up later with that answer, sir, from individual organizations.

Mr. PAYNE. OK. Chief.

Chief SINCLAIR. We met with both campaigns prior to the election to give them our opinion about certain issues, certain issues as it related to key positions within the Federal Government. Subsequent to that, we have not had, I have not had a meeting with them.

Mr. PAYNE. Mr. Bland.

Mr. BLAND. Our organization, as you know, has kind-of health priorities, education priorities, and protection priorities. We met with both campaigns and went really and focused on early childhood education priorities. We haven't spoken to them about protection in emergencies yet.

Mr. PAYNE. OK, thank you. We will definitely make sure that we encourage the administration to reach out to make sure that you do have input in that area.

Let's see. Chief Sinclair, President Trump's sanctuary cities Executive Order requires the Secretary of Homeland Security to ensure that sanctuary jurisdictions are ineligible for Federal grants except for law enforcement purposes. The Executive Order makes no clear exception for public safety or fire management.

Did the Trump administration contact the International Association of Fire Chiefs to learn how losing access to these Federal dollars would affect their ability to carry out their mission?

Chief SINCLAIR. Ranking Member Payne, no, we have not been contacted directly from the administration relative to that. We would, as I stated in my testimony, request that the law enforcement exception be extended to the entire public safety community.

We do believe that because that the SHSGP and UASI grants go to fund fusion centers, it is going to be very difficult to isolate just the law enforcement component to that because they are going to work with key pieces that affect all of public safety. So we believe that a public safety exception is certainly appropriate to do.

Mr. PAYNE. Sure. Especially in this new environment, you know, the public safety community has come together in such a great way that it would absolutely be difficult to separate them. Thank you.

Chief SINCLAIR. Yes, sir.

Mr. PAYNE. Mr. Bland, in your testimony you talked about the need for a permanent child's need technical expert at FEMA. Can you talk about how Save the Children works with the current children's needs technical expert?

Mr. BLAND. Sure. The technical expert, as I mentioned, serves as this kind of internal auditing function. So when there is something, whether it be a response, like in California right now, that expert actually can go and respond and be the expert to people in the field.

So they come to us and we work with American Red Cross in that deployment, but they come to us and we coordinate all the resources. I mean, it is a nice, fluid function that says, well, what does HHS, what does ACF, what does OCFR have to offer?

So that without that kind of hub reaching out to us, American Academy of Pediatrics, NCMEC, National Center for Missing and Exploited Children, that would be a gap, that kind of hub. Then also that then back when they are rolling out an idea or an initiative, to come to us and other stakeholders and say, but remember,

how does this affect kids, what is your input on that? So those are two critical functions that they engage with us on.

Mr. PAYNE. OK. Thank you.

Mr. BLAND. Thank you.

Mr. PAYNE. Mr. Chairman, I yield back.

Mr. DONOVAN. The gentleman yields back. The Chair will now recognize other Members of the subcommittee for questions that they may wish to ask of our witnesses. In accordance with committee rules and practice, I plan to recognize Members who were present at the start of the hearing by seniority on the subcommittee. Those coming in later will be recognized in the order of arrival.

The Chair now recognizes the gentleman from Florida, Mr. Rutherford.

Mr. RUTHERFORD. Thank you, Mr. Chairman.

Thank you, panel, for being here today really to help us address this very important National issue.

One of the things that I would like to ask very quickly, and I don't know the answer to this, but I would like to find out. The National preparedness report that identifies the 32 core capabilities, those are not designated by law, correct? It came out of policy. So I would like to ask you, Director Bland, if we were to put child needs into a 33d preparedness goal, wouldn't that be possible through the policy that already exists?

Mr. BLAND. As I understand it, that would be a great idea. We would look to work with you on that. One idea that came up is to have the children's needs coordinator report back to the National advisory committee.

So instead of reporting to external groups, but also not necessarily reporting in statute to the administrator, to have this kind of accountability on, and say, on a 33d standard I think is a great idea. But what has happened is you don't really have a built-in accountability structure to say to each administrator or each department, how are we doing on this gap? So if that person could report to the NAC, which PK–EMRA—sorry about the acronyms——

Mr. RUTHERFORD. That is OK.

Mr. BLAND [continuing]. I think that would be a great idea and in addition, on the preparedness framework to work on that, too. So thank you.

Mr. RUTHERFORD. OK. Also, I would like to ask, Chief, has IACP had any conversations with the leadership in sanctuary cities to make clear to them the dangers that they have put their constituents in by potential loss of Federal funding?

Chief SINCLAIR. Representative Rutherford, the IACP or the IAFC?

Mr. RUTHERFORD. I am sorry, IAFC.

Chief SINCLAIR. No, sir, we have not.

Mr. RUTHERFORD. OK. You know, I think those would be conversations worth having as well. Sanctuary cities, that is a choice that those cities are making. There are consequences that flow from all decisions, so I think it would be wise to highlight for them exactly what that impact would be.

If I could ask the panel as a whole, one of the things we continue to hear about, and, Chief, you actually touched on this, is the in-

ability to really get good, actionable intelligence out of the fusion centers. We have the same issue on the law enforcement side sometimes. That actually scores low, cybersecurity and recovery capabilities of those systems scores low almost every year Nationally.

Do you have any specific ideas on how we can better make that happen?

Chief SINCLAIR. Thank you for the question. I think that there are a couple of different things, having had the opportunity to work with the DHS Office of Health Affairs as it related to fusion centers, with the EMS issue and fire department involvement.

I think one of the things is that the local community needs to make sure that they have got that expertise in the fusion center. That is going to then help make sure that when the raw data comes in that they can take a look at it and make sure that that application is there. So making sure that there are people in the fusion center that come out of the disciplines of the fire service, emergency medical services, public health, and the impacts, I think, is going to be very helpful.

Some of the fusion centers have that capability, some don't. But sort-of putting that into the culture of it is something that is going to be very helpful.

Mr. RUTHERFORD. I agree. Thank you, Mr. Chairman. I yield back.

Mr. DONOVAN. The gentleman yields. The Chair now recognizes the gentleman from Rhode Island, Mr. Langevin.

Mr. LANGEVIN. Thank you, Mr. Chairman.

I want to thank our witnesses for your testimony here today.

In 2006, Congress created the position of disability coordinator at FEMA to provide guidance to both FEMA staff and State and local partners on how to incorporate people with disabilities into disaster planning.

So, Captain Kelenske and Chief Sinclair, how do you account for people with disabilities in your disaster planning? Do you find guidance from FEMA in this regard to be helpful at all?

Captain KELENSKE. Thank you for the question, sir. Absolutely, one of the great things about FEMA is that they know how to work across multidisciplines. So when we have an emergency or disaster, regardless of what the cause is, FEMA is there to provide that technical assistance as well as the overall management for these events.

Specifically in the disasters that I have handled, they have provided an enormous amount of information and assistance with access and functional needs and any disabilities, steps we have to take, whether it is ensuring that things printed are done with American Sign Language, and just every aspect that typically we may not see at a State level as much.

But during these events it is critical to have them there and to bring them on early with liaison officers before even a declaration by the President has been received.

Mr. LANGEVIN. Thank you.

Chief.

Chief SINCLAIR. Thank you very much for the question. The State of Washington over the last 5 years has had a lot of wildland events. We have also had flooding events. We work very closely

with FEMA Region 10 on these particular issues to make sure that those communities that are going to be affected are well-informed.

What we try to do is make sure that we have got information out there. They work with us. They do a lot of work in getting information out through the major media markets and information all the way down to the local emergency manager at the city and county level.

We also update our plan once every 5 years, and they give overview, between FEMA Region 10 and our State emergency management organization, on how to make sure that we are dealing with the needs of that particular community. So it has been very helpful.

Mr. LANGEVIN. Thank you.

Mr. BLAND. Congressman, and if I could just add that Save the Children ran, since 2008, we have run a report card that assesses the States on how they are doing on preparedness. One of the factors, there are 4 criteria, and 1 is, how are you doing on preparing for children with special needs, with access and functional needs?

In 2008, only 4 States met our standards. Thanks to work with Congressman Payne and others, by the end of 2017, all 50 States will meet all 4 of our standards. But it was a long way coming.

One other small point is there is a fantastic disability needs coordinator at FEMA. And Mr. Fugate, when we first started talking to him about this, Marcie Roth, he said you all should pattern yourself after the disability community because that is what he did. He learned from them in more-inclusive planning.

He will tell you, if you have an annex for the disabled, if you have an annex for the children, if you have an annex for pets, you are doing it wrong. You need to be more inclusive. So we are trying to learn and Marcie Roth has been a great asset. Unfortunately, because of personnel reasons and a snafu with OPM, she is not there right now.

Mr. LANGEVIN. Well, thank you for adding those comments in. You know, I want to make sure that people with disabilities are a forethought, not an afterthought. There is special planning that needs to take place and better to do it ahead of time than in the middle of a disaster. So thank you for the work you are doing on that.

Captain KELENSKE. for the last better part of a decade, I have spent a great deal of time focusing on cybersecurity. It has been one of my chief concerns here in Congress. In my capacity as co-chair of the congressional Cybersecurity Caucus, I have been impressed by your State's commitment to innovation in combating cyber threat.

In your capacity testifying on behalf of the National Governors Association, I also want to commend Chairman McAuliffe for his dedication on this issue as well.

So in your experience, what is the maturity level with respect to incorporating cybersecurity incident response into all-hazards planning?

Captain KELENSKE. I think it is different in every State. Some States are further ahead than others. The nice thing is, with organizations such as NGA, we are able to share that information. In

my testimony, I spoke to some of the things that have been put in place and we are helping other States along.

For our State, we are co-located. We have our cyber command center, our computer crimes section, our fusion center, State emergency operations center as well as emergency management and homeland security division all co-located. That is just the way one system operates.

Every State is a little bit different, but the cyber disruption plans and the different items that have been put through the resource center, that is what is going to help us get to that point we all need to be individually as States, because every State is going to probably look a little bit different.

But those frameworks are in place and it is critical that we just build on those existing frameworks, sir.

Mr. LANGEVIN. Very good. Thank you, Captain. You know, this is an issue that is not going to go away anytime soon, especially the fact that now with, you know, in the past would have been achieved through use of kinetic weapons, for example, could be done with a few keystrokes. We need to do what we can to be prepared for those incidents and then also have a resiliency plan. So thank you for what you are doing in that space.

I know my time expired. I have a few more questions on cyber. I will submit those for the record and hope you can get back to us on those.

Thank you, Mr. Chairman. I yield back.

Mr. DONOVAN. The gentleman yields back.

Before I recognize him, I would like to welcome Congressman Tom Garrett to the committee. He represents Virginia's 5th Congressional District. Prior to joining Congress, he served in the Army as the Commonwealth's attorney and State senator of Virginia's 22d District.

Welcome, Congressman, and I recognize you for 5 minutes for questioning.

Mr. GARRETT. I am curious, Chief Sinclair, you are obviously a member of IFCA, also I presume IAFF. I want to piggyback for a moment on Mr. Rutherford's questions. Essentially, what you have testified to here this morning is that you have not gone to the cities with sanctuary policies and warned them of the potential of a loss of Federal funding.

Chief SINCLAIR. That is correct, sir. We have not.

Mr. GARRETT. But you have come here and asked us not to act to enforce Federal law.

Chief SINCLAIR. Sir, what we are asking for is that there is an exclusion for law enforcement. What we are asking is that that exclusion be broadened to the entire public safety community because of the fact that the fusion centers that are being funded are going to be giving information to not just law enforcement, but we work very collaboratively at the local level.

Mr. GARRETT. Right. So among other things not included on the brief resume that the Chairman shared was my membership on the Commonwealth preparedness board and work with the Virginia fusion center and my work as a Federal prosecutor as well as a State prosecutor.

So these are some things that I am familiar with.

It just strikes me, and I make this by way of a suggestion, that perhaps if you are going to suggest to us that we broaden the exemption as it relates to groups that would continue to receive Federal funding should localities intentionally choose not to enforce Federal law, that you might also go back to those localities and warn them of the potential impact on them, the loss of resources, et cetera.

I would target this next question, and probably my choice of words is poor, to Captain Kelenske.

Captain KELENSKE. Kelenske, sir.

Mr. GARRETT. Kelenske. Work with me.

Captain KELENSKE. I will, sir.

Mr. GARRETT. So I know you are not an attorney. I presume you are not, but your work career is presumably with the State police?

Captain KELENSKE. Yes, sir.

Mr. GARRETT. So you are familiar with the equal protection clause of the Constitution?

Captain KELENSKE. Yes, sir.

Mr. GARRETT. OK. So help me here, because I have been trying to wrap my brain around this for a long time. If an individual is picked up on a Federal detainer, let's say for identity theft, and they are a U.S. citizen, and a locality, let's say San Francisco, holds them for Federal pick-up so that that detainer can be executed and they can be tried for identity theft, that is the execution of justice, right?

Captain KELENSKE. Yes, sir.

Mr. GARRETT. Now, if that same individual happens to be here illegally and, therefore, that locality, San Francisco, refuses to hold them, have we not violated the equal protection clause under the 14th Amendment by virtue of creating a different standard by which we apply justice to those who are here legally versus illegally?

Captain KELENSKE. Well, what I would say, sir, is that States recognize that immigration is a Federal responsibility. The Governors ask that the Federal Government continue to work with States and localities as partners to address all the different components of this very important issue.

Mr. GARRETT. Right. But the equal protection clause provides that no State shall deny any person within its jurisdiction the equal protection of the law. So if a locality chooses to hold someone, a U.S. citizen charged with a particular offense, but release someone who is not a citizen charged with the exact same offense, does that not violate the equal protection right of American-born criminal defendants?

Captain KELENSKE. I don't know if I am prepared to answer that question here, sir. I am more than willing to discuss and follow up after the fact. Not being engaged with it on a day-to-day basis, I would be very hesitant to opine.

Mr. GARRETT. Well, you know what, and I will give you something of an apology because you kind-of are the guy closest to the guy I am looking for, who is not sitting on the dais there. But thank you for what you do, all of you.

The final question, I think I have time, is to Mr. Bland. You outlined your 4 standards or you mentioned your 4 standards. I was

wondering if you could articulate what the 4 standards are that you are hoping that States and localities will meet.

Mr. BLAND. Sure. So if you will recall, the National commission had those 11 chapters. They were kind-of functional areas. Then our follow-up report tackled those 11 chapters. We had to walk before we could run, so we took one chapter, which was child care and school preparedness, and we said, OK, what are the 4 standards that at a baseline States should uphold in their regulations for schools and child care?

It was evacuation and relocation, a reunification plan, a relocation site, those are all for child care, and then the special needs, as I mentioned before, in child care, and then the fourth is for schools, a multi-hazard plan to make sure they are not just doing fire, they are doing lockdown drills and also preparing for a natural emergency, like a tornado, so a multi-hazard plan for schools.

Mr. GARRETT. Thank you. I found it in your publication up here thanks to my colleague, Mr. Rutherford.

Mr. BLAND. Yes.

Mr. GARRETT. Very briefly, Mr. Chairman, I would comment that the thing that bothered me most from my time on the Commonwealth preparedness board in Virginia was that we had pretty good plans that none of the citizenry knew about. It is hard to implement and execute a plan when there is no information disseminated to the end-user, the citizens.

I yield back my negative 13 seconds.

Mr. DONOVAN. The gentleman's time has expired.

I want to thank the witnesses for their valuable testimony. My goal was to get you out of here in an hour and we achieved that. I would like to thank my fellow Members of the committee for their questions. The Members of the subcommittee may have additional questions, as many of us do, for the witnesses. We will ask that you respond to those in writing.

Pursuant to committee rule VII(D), the hearing record will be held open for 10 days.

Without objection, the subcommittee stands adjourned.

[Whereupon, at 11:01 a.m., the subcommittee was adjourned.]

APPENDIX

QUESTIONS FROM CHAIRMAN DANIEL M. DONOVAN, JR. FOR CHRIS A. KELENSKE

Question 1. What role do you envision for FEMA's law enforcement advisor?

Answer. Law enforcement plays a critically important role in homeland security and emergency management operations. The FEMA law enforcement advisor must create clear channels of communication to make certain that State and local law enforcement officials are meaningfully engaged in the Federal policy-making process. It is imperative that the information received from State and local law enforcement officials be communicated by the FEMA law enforcement advisor to FEMA leadership to ensure there is a clear understanding of how Federal policies will impact the law enforcement community Nation-wide.

Question 2. In order to buy down risk, we need to identify risk. As the Threat and Hazard Identification and Risk Assessment (THIRA) process matures, are you seeing States better incorporate the input of local emergency response providers in their THIRAs?

Answer. The THIRA is a valuable tool that bolsters State preparedness by increasing understanding of risks and ensuring necessary investments are prioritized. In Michigan, State officials engage with regional urban area coordinators each year to prepare the State THIRA and Urban Area Security Initiative THIRA submissions. Appropriate subject-matter experts account for known regional and local capabilities during assessment meetings. Additionally, Michigan officials have implemented a regional THIRA and "Regional Preparedness Report (RPR)" process for local emergency response providers through the creation of Regional Homeland Security Planning Boards. This process was initiated in 2016 with formal rollouts in each of the State's 7 regions held in early 2017.

In January 2017, the Michigan State Police Emergency Management and Homeland Security Division (MSP/EMHSD) hosted the Texas A&M Engineering Extension Service (TEEX) course "Jurisdictional Threat and Hazard Identification and Risk Assessment," MGT310, for stakeholders in Michigan. The MSP/EMHSD hosted the course free of charge and paid lodging expenses for local participants in an effort to attract as many participants as possible to ensure an effective THIRA process in each region. Following the course, the MSP/EMHSD staff traveled to each region to explain the THIRA process to Regional Homeland Security Planning Board members. At present, each region has completed or is in the process of completing a regional-level THIRA that will be included in the State's THIRA submission for 2017. The Regional THIRA and RPR have allowed State officials to go a step further in incorporating regional and local gaps in the State assessment.

Question 3. This month marks the fifth anniversary of the enactment of the Middle Class Tax Relief and Job Creation Act, which established the First Responder Network Authority (FirstNet) with the responsibility to develop and implement the Nation-wide public safety broadband network. Are you satisfied with FirstNet's outreach to State and local first responders to get a true sense of user needs for the system?

Answer. Governors endeavor to partner with the Federal Government to ensure the successful build-out and deployment of the public safety broadband network. Governors share concerns, however, regarding the mandated FirstNet State consultation process. NGA Center for Best Practices Homeland Security and Public Safety Division Director Jeff McLeod highlighted these concerns while appearing before the Senate Committee on Commerce, Science, and Transportation on June 21, 2016, at a hearing entitled "FirstNet Oversight: An Update on the Status of the Public Safety Broadband Network."[1] During his testimony, Director McLeod ex-

[1] Jeffrey S. McLeod, "Testimony on FirstNet Oversight: An Update on the Status of the Public Safety Broadband Network," (June 21, 2016), available at: *https://www.nga.org/cms/home/*

Continued

plained that State officials have described FirstNet State engagement as largely focused on satisfying the statutory consultation requirement, rather than developing genuine partnerships. Further, State officials remain concerned that they are viewed as mere customers of an eventual National broadband network.

Meaningful collaboration between FirstNet and States is paramount to ensuring the successful build-out of a Nation-wide network. NGA representatives delivered a list of recommendations to FirstNet officials last fall regarding ways to improve State engagement efforts.[2] NGA officials will continue to encourage FirstNet officials to follow through on those recommendations.

In Michigan, over the past year, State officials have been pleased to see a more concerted effort by FirstNet representatives to keep States informed and engaged in the build-out process through invitations to participate in State and association conferences, open dialogue between key FirstNet personnel at SPOC meetings, assistance with Tribal outreach and face-to-face consultation meetings with State public safety leadership. Michigan officials look forward to prompt action by FirstNet personnel following the recent court ruling to finalize the FirstNet contract award and deliver the plan for deployment of the Nation-wide Public Safety Broadband Network (NPSBN) in Michigan.

Michigan officials are confident that the NPSBN for Michigan will meet identified objectives; however, it is concerning that 5 years following the enactment of the Middle Class Tax Relief and Job Creation Act, the Federal Communications Commission and the National Telecommunications and Information Administration have not formally published the qualifications, procedure, and time line for review of the minimum technical interoperability requirements, and demonstrations of comparable security, coverage, quality of service, and cost-effectiveness of the State-owned Radio Access Network in accordance with the Act in an opt-out scenario.

QUESTION FROM RANKING MEMBER DONALD M. PAYNE, JR. FOR CHRIS A. KELENSKE

Question. Captain Kelenske, helping State and local governments build and maintain interoperable communications capabilities has been one of my biggest priorities since joining this subcommittee. The grant program that used to support that capability no longer exists and, as you noted, grant funding is not what it used to be. What can FEMA—working with the Office of Emergency Communications at DHS—do to help State and local first responders preserve and build upon the emergency communications capabilities they have built?

Answer. Federal, State, and local governments have invested billions of dollars in improving emergency communication networks for first responders since the September 11, 2001, terrorist attacks. It is imperative for FEMA to continue to provide State and local governments the flexibility to allocate limited Federal grant funding to emergency communications based on each States' unique needs. Moreover, as the FirstNet Nation-wide Public Safety Broadband Network is implemented, FEMA officials should remember that legacy land mobile radio systems will remain the primary tool for mission-critical voice for the next several years. The FirstNet Nationwide build-out will not immediately meet the needs of first responders. State officials must be given flexibility to utilize Federal grant funding to maintain and update existing radio systems, even as the public safety broadband network build-out is finalized. Supporting State and local decisions to apply Federal grant funding to existing radio systems will continue to ensure seamless communications in the event of a disaster or emergency.

QUESTIONS FROM HONORABLE JAMES LANGEVIN FOR CHRIS A. KELENSKE

Question 1. When incorporating cybersecurity incident response into all-hazards planning, how do you currently work with FEMA?

What Federal partners beyond FEMA do you work with in these efforts?

Answer. Cybersecurity incidents are integrated into Michigan's Disaster-Specific Procedures within the Michigan Emergency Management Plan (MEMP). This MEMP provides an organizational and operational framework for Michigan officials to mitigate, prepare for, respond to, and recover from emergencies, threats, or incidents that could adversely impact the State. The MEMP is consistent and compliant with the National Incident Management System (NIMS) and generally supports recommendations by FEMA. While a cyber incident may be the cause of an emergency

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federal-relations/nga-testimony/hsps-testimony/col2-content/main-content-list/testimony--firstnet.html.

[2] National Governors Association, "Recommendations for Engaging States as Full Partners," (November 7, 2016), available at: *https://www.nga.org/ems/home/federal-relations/nga-letters/homeland-security--public-safety/col2-content/main-content-list/firstnet-recommendations.html.*

or disaster, State officials work with FEMA personnel regularly to plan for consequences from any event regardless of the cause. FEMA personnel provide technical assistance and courses to assist with these planning efforts to include development of continuity planning for cyber incidents. The State also benefits from assistance by FEMA personnel with the development of cyber incident exercises in Michigan. These exercises allow State officials to practice Michigan's cyber disruption plan with all stakeholders including interaction and integration with Federal partners. Federal partners include, but are not limited to, the Department of Homeland Security, Federal Bureau of Investigation, Department of Energy, Computer Emergency Readiness Team (US–CERT), Multi-State Information Sharing and Analysis Center (MS–ISAC), Department of Defense and FEMA Region V.

Question 2. How has the National Cyber Incident Response Plan changed your cybersecurity planning approach, if at all?

Answer. In drafting the next revision of Michigan's Cyber Emergency Response Plan, State officials will craft it to align with the National Cyber Incident Response Plan. State officials will also inform Security Operations Center activities based on best practices in the National Plan.

QUESTIONS FROM CHAIRMAN DANIEL M. DONOVAN, JR. FOR JOHN SINCLAIR

Question 1. What expectations do you have for the U.S. Fire Administration (USFA) over the next 10 years?

Answer. The USFA will face a number of challenges over the next 10 years, especially if it must contend with a declining budget, as is expected. In addition, the environment facing the Nation's fire and emergency service continues to change.

For the next 10 years, I would recommend the following goals:

- *Improve and Sustain the National Fire Incident Reporting System (NFIRS).*—The NFIRS plays an important role as a National warehouse of fire data. However, it is an old system and has trouble dealing with the DHS/FEMA IT architecture. In addition, it can be hard to compare the data in my department with data from a similarly-sized fire department. Also, concerns have been raised about its ease-of-use.

As a 10-year goal, we would like to see NFIRS technology component modernized, so it operates better within the DHS/FEMA IT system. We also would like to see NFIRS develop a more intuitive system for entering data and a better ability for comparative fire data to be accessed from the system.

- *Develop New Courses at the National Fire Academy (NFA) to Address Emerging Issues*.—The NFA is the Nation's premier fire service educational institution and its training is developing a new generation of fire service leaders. As new issues emerge, the NFA should teach courses to address these issues. For example, my testimony highlighted the need for NFA to teach courses about information sharing and how to integrate this new discipline into a fire department's mission. In addition, NFA could develop training to address other emerging issues, including how to address firefighter mental health issues; how to mitigate the threat of cancer; and how to foster a diverse workforce to address the changing demographics within the United States.
- *Address Emerging Fire and EMS Issues*.—Over the next 10 years, the Nation's fire and emergency service will have to address a number of important issues, where the USFA can provide leadership and guidance. As fire departments link to FirstNet, USFA can help fire chiefs and incident commanders integrate the large flow of new data and information into their standard operating procedures. As the population ages, USFA can help fire departments plan to serve older communities through new concepts in EMS, like community paramedicine. USFA also can help fire departments address personnel issues, like an aging population of volunteers, a more diverse workforce and group of constituents, and the need to recruit new volunteers. In addition, USFA will have to work with DHS and FEMA to develop training and policy guidance to help fire departments respond to emerging terror threats, much like it has developed guidance on responding to active-shooter incidents.

Question 2. With respect to interoperable communications, your testimony highlighted the importance of FEMA's engagement with the Office of Emergency Communications (OEC). At this committee's urging FEMA signed a memorandum of understanding with the Office of Emergency Communications delineating roles and responsibilities for communications and grant expenditures. To your knowledge, has this MOU led to greater engagement of OEC by FEMA?

Answer. The MOU has led to greater coordination between OEC and FEMA. However, there is currently no existing grant to specifically fund emergency communications interoperability, which has led to decreased investments in public safety com-

munications. Communications is now one of hundreds of eligible investments for a diminished number of grants.

The Interoperable Emergency Communications Program was a stand-alone grant that was authorized for $400 million a year and appropriated at $50 million. It focused on only interoperable communications. Having a dedicated grant for emergency communications will allow public safety to continue to support communications requirements. As you know, FirstNet, while providing public safety with much needed mission-critical broadband data, will not provide mission-critical voice communications. Land mobile radios will continue to be used daily by the fire and EMS departments as well as law enforcement for years to come. Section 6103 of the Middle Class Tax Relief and Job Creation Act (Pub. L. 112–96) requires the FCC to reallocate public safety's T-Band spectrum for commercial use, begin auctioning it by February 2021, and clear public safety from the band within 2 years after the auction closes. This will potentially create a homeland security risk and negatively impact interoperable communications in those metropolitan areas.

Question 3. This month marks the fifth anniversary of the enactment of the Middle-Class Tax Relief and Job Creation Act, which established the First Responder Network Authority (FirstNet) with the responsibility to develop and implement the Nation-wide public safety broadband network. Are you satisfied with FirstNet's outreach to State and local first responders to get a true sense of user needs for the system?

Answer. As a veteran fire chief, and as a firefighter who has responded to numerous large-scale events including natural disasters and wildland fires, I know firsthand the benefits that the FirstNet network stands to offer in terms of improving communications, coordination, and situational awareness during public safety operations. Just as smartphones have changed our personal lives, FirstNet devices and applications ultimately will change the way public safety operates. The ability for a single communications network to be used to dispatch EMS personnel, a medical helicopter, fire personnel, and other emergency responders from different jurisdictions all at the same time, while enabling video, text, and data communications at broadband speeds will save critical minutes when it matters most.

As circumstances and technology continue to make our world smaller, situational awareness, real-time information, and data are critical to the safety of America's fire and emergency service and the public we are sworn to protect. In terms of daily operations, America's firefighters deal with an increasingly complex environment that requires ever-increasing amounts of information and data to keep citizens and themselves safe. The FirstNet network will make it possible to gain quick access to new tools and applications that provide location data and other vital information for firefighting. It will enable the exchange of real-time data and audio/video feeds on the fireground to assist incident commanders with operational decision making and maximize search-and-rescue and fire suppression effectiveness.

FirstNet had an ambitious agenda in 2016 which included expanding outreach to involve more local-level first responders; collecting actionable information and feedback from Federal, State, and Tribal agencies; and preparing decision makers for State plan delivery in 2017. In 2016, FirstNet connected with more than 40,000 stakeholders through outreach activities, including meetings at the IAFC's annual conference, Fire-Rescue International, and many IAFC division conferences.

One of the results of FirstNet's efforts has been an increase in public safety's awareness, understanding, and preparation for FirstNet. FirstNet has seen the types of questions and topics evolve from the basics—"What is FirstNet?"—to network operations and availability, such as "When will FirstNet be in my town?" "How will FirstNet provide coverage in the rural parts of my State?" "How much will it cost?" and "What types of devices and apps will I be able to use?" It is reassuring to see so many State and local public safety officials engaged in the process. Their input is invaluable as FirstNet moves from planning to implementation and further defining the answers to these questions. The Public Safety Advisory Committee (PSAC)—composed of representatives from public safety and State, territorial, local, and Tribal organizations—continues to provide FirstNet with expert advice on key network issues.

This year will be critical for FirstNet. We are encouraged by the progress and partnerships we have seen at all levels of Government to prepare for full network deployment, which we expect to begin as soon as 2018. The IAFC Board of Directors issued a position statement in September, 2016, publicly endorsing and recognizing the importance of FirstNet.

QUESTIONS FROM RANKING MEMBER DONALD M. PAYNE, JR. FOR JOHN SINCLAIR

Question 1. Chief Sinclair, helping State and local governments build and maintain interoperable communications capabilities has been one of my biggest priorities since joining this subcommittee. The grant program that used to support that capability no longer exists and, as you noted, grant funding is not what it used to be. What can FEMA—working with the Office of Emergency Communications at DHS—do to help State and local first responders preserve and build upon the emergency communications capabilities they have built?

Answer. As I have stated, and as your question recognizes, there is currently no existing grant to specifically fund emergency communications interoperability. This has led to decreased investments into public safety communications. Communications is now one of hundreds of eligible investments for a diminished number of grants.

As you know, the Interoperable Emergency Communications Program was a stand-alone grant that was authorized for $400 million a year and appropriated at $50 million. Having a dedicated grant for emergency communications will allow public safety to continue to support communications requirements. A key point of which I believe many Members in Congress may not be aware is that FirstNet—while providing public safety much-needed mission-critical broadband data—will not provide mission-critical voice communications. Land mobile radios will continue to be used daily by the fire and emergency medical service as well as law enforcement for years to come.

Both FEMA and OEC's budgets are stretched and not having a grant program focused on interoperable communications makes the job that much harder. Over the last 5 fiscal years, OEC's budget, for example, has been cut from approximately $44 million a year to approximately $32 million a year. The Assuring a Safer America Through Effective Public Safety Communications (SAFECOM) program, a bottom-up program between public safety and OEC, has had its in-person meetings cut from 4 to 2 meetings per year. Also, a proposed reorganization last year of the National Protection and Programs Directorate would have diminished OEC in visibility and importance. Public safety opposed this proposed diminution of the office. Everyone understands that there are other highly important issues, but being able to have an effective OEC is more critical than many recognize. As you know, while not perfect, mission-critical interoperable voice communications worked well during Hurricane Sandy as compared to wireless carriers' networks. The gains that have been made over the years can easily be lost if a focus with resources and funding is not maintained.

The OEC and FEMA can continue with their limited resources to be sure the message gets out to emergency responders. Many local responders are dealing with diminished budgets at the State, county, and local levels. SAFECOM has worked the National Association of State-wide Interoperability Coordinators, and coordinated with FEMA, to provide local responders with information and key documents on interoperability. Recently, for example, a SAFECOM presentation was provided to help State and local responders educate local officials about the budgeting needs for interoperable communications.

To assist States in improving emergency communications capabilities, OEC, in partnership with the National Governors Association (NGA) Center for Best Practices, awarded 5 States the opportunity to participate in an NGA Policy Academy on Enhancing Emergency Communications Interoperability. The 5 States invited to participate were Alaska, Hawaii, Illinois, Utah, and West Virginia. The NGA believed that interoperable emergency communications are essential to effective public safety, response, and recovery operations in the wake of disasters. As the emergency communications landscape continues to evolve, first responders and public safety agencies are forced to rely on systems and equipment that are often incompatible with each other. With the continued use of Land Mobile Radio networks for the foreseeable future, as well as the build-out of the FirstNet network and development of Next Generation 9–1–1 (NG 9–1–1) systems, the need for enhanced interoperability is more critical than ever.

Question 2. Chief Sinclair, FEMA administers both the Assistance to Firefighters Grants and the SAFER Grants. Funding for these important grant programs has been delayed repeatedly in past years because we have not adhered to a regular budget and appropriations schedule. Indeed, fiscal year 2017 money is on hold because we have not enacted full year appropriations yet. Can you talk about how these funding delays affect fire departments across the country?

Answer. Representative Payne, you raise an important issue. In the mid-late 2000s, the AFG application period would start in the spring, the SAFER application period would take place in the summer, and the Fire Prevention and Safety (FP&S)

grant application period would take place in the fall. Now that the DHS appropriations bills seem to be passing later in the fiscal year, it can be tough for FEMA to hold a criteria development meeting; draft and get approval for the grant guidance; hold the application process; hold the peer review and award the grants within that fiscal year. For example, FEMA has yet to start the application process for the fiscal year 2016 FP&S grants.

This delay in the grant application processes can be a problem for local fire departments. They still have to meet their local budget deadlines. If the application process is not predictable, it can be tough for a fire department to budget for the local match required by the AFG, SAFER, and FP&S grants. It would be better if Congress were able to pass the DHS appropriations bills by October 1. Then FEMA could go back to starting the AFG application process in the spring, the SAFER application process in the summer, and the FP&S application process in the fall.

THE FUTURE OF FEMA: RECOMMENDATIONS OF FORMER ADMINISTRATORS

Tuesday, February 28, 2017

U.S. HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON EMERGENCY PREPAREDNESS,
RESPONSE, AND COMMUNICATIONS,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC.

The subcommittee met, pursuant to notice, at 2:30 p.m., in room HVC–210, Capitol Visitor Center, Hon. Daniel M. Donovan, Jr. (Chairman of the subcommittee) presiding.

Present: Representatives Donovan, Rutherford, Garrett, Payne, Thompson, and Watson Coleman.

Mr. DONOVAN. The Subcommittee on Emergency Preparedness, Response, and Communications will come to order. The subcommittee is meeting today to receive testimony on the efforts necessary to ensure a strong and effective Federal Emergency Management Agency. I now recognize myself for an opening statement.

Today's hearing is the second in a series of hearings on the future of FEMA and an effort to help set the next administrator up for success. Earlier this month, the subcommittee received testimony from FEMA's stakeholders to hear first-hand about the critical relationship between FEMA and first responders at the State and local level.

FEMA's success is directly related to the relationships the agency has with State and local partners to promote a culture of preparedness within communities. Part one of this series of hearings reinforced the need for an experienced emergency manager to lead FEMA.

Today's distinguished and weather-tested witnesses know better than anyone the significant transformation FEMA has made in achieving and maintaining National preparedness and response capabilities over the past 12 years. Both administrators were responsible for implementing about 350 individual requirements enacted by Congress in the Post-Katrina Emergency Management Reform Act.

With the tools Congress gave them, they took steps to ensure FEMA developed and implemented the complex National preparedness system made up of Federal, State, local, private, and non-profit emergency management partners. Significant resources have been invested at all levels of Government to reach the current level of National preparedness.

As we move forward, those in positions of authority have an obligation to build on the critical progress that has been made. This subcommittee has consistently followed FEMA's progress.

Without strong leadership in place, FEMA would not have achieved the level of transformation currently in place. The FEMA of 2005 is not the FEMA of 2017, and that is a very good thing.

Looking to the future in working with FEMA, its stakeholders, and our colleagues in Congress, it is this subcommittee's intention to ensure the FEMA of 2017 is continuing to make the United States safer and stronger.

Those watching this hearing know that the threats to the United States continue to grow and evolve. Since our last meeting the number of major disasters declarations that were made this year have nearly doubled.

We must ensure that the investments we make today will work to better address the threats and hazards we face tomorrow. Whether it is ensuring first responders have the necessary training to prevent a terrorist attack with mass casualties like we saw in San Bernardino, or notifying communities to prepare for the next Superstorm Sandy, FEMA must remain at the top of its game.

We are fortunate to have Administrator Fugate and Administrator Paulison here with us this afternoon. We look forward to hearing their insights and lessons learned that can be shared with the next leader of FEMA.

[The statement of Chairman Donovan follows:]

STATEMENT OF CHAIRMAN DANIEL M. DONOVAN

FEBRUARY 28, 2017

Today's hearing is the second in a series of hearings on the future of FEMA and an effort to help set the next administrator up for success. Earlier this month, the subcommittee received testimony from FEMA's stakeholders to hear first-hand about the critical relationship between FEMA and first responders at the State and local level.

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This subcommittee has consistently followed FEMA's progress. Without strong leadership in place, FEMA would not have achieved the level of transformation currently in place. The FEMA of 2005 is not the FEMA of 2017, and that is a very good thing.

Looking to the future, and working with FEMA, its stakeholders, and our colleagues in Congress, it is this subcommittee's intention to ensure the FEMA of 2027 is continuing to make the United States safer and stronger.

Those watching this hearing know that the threats to the United States continue to grow and evolve. Since our last hearing, the number of major disaster declarations this year has nearly doubled. We must ensure that the investments we make today will work to better address the threats and hazards we face tomorrow. Whether it is ensuring first responders have the necessary training to prevent a terrorist

attack with mass casualties, like we saw in San Bernardino, or notifying communities to prepare for the next Superstorm Sandy, FEMA must remain at the top of its game.

We are fortunate to have Administrator Fugate and Administrator Paulison here with us this afternoon. We look forward to hearing their insights and lessons learned that can be shared with the next leader of FEMA.

Mr. DONOVAN. The Chair now recognizes the gentleman from New Jersey, my friend, Mr. Payne, for an opening statement that he may have.

Mr. PAYNE. Good afternoon. I would first like to thank Chairman Donovan for holding today's hearing. I would also like to thank former Administrator Paulison and former Administrator Fugate for being here today, and I don't ever remember such bigger smiles in our last few times in front of each other than now. I wonder why. You know. Also for being here today and subjecting themselves to a Congressional hearing even though after leaving Government.

Earlier this month, the subcommittee asked various stakeholders to provide their insights on what FEMA is doing well and what issues the next FEMA administrator must address.

I was pleased that in general the stakeholder community had positive things to say about how FEMA is carrying out its emergency preparedness mission and the manner in which it engages with its State, local, and non-Governmental partners before, during and after disaster strikes. Every witness that testified before the panel earlier this month identified FEMA's continued engagement with the stakeholder community as its top priority.

Although it is unclear to what degree, if at all, the new administration has engaged with State, local, and non-Governmental partners on issues related to disaster preparedness and response, I am hopeful FEMA's outreach and coordination will continue once the administration has named a permanent FEMA administrator. I hope that the administration will name a permanent administrator soon.

The witnesses also testified regarding the progress FEMA has made encouraging State and local governments to ensure that the unique needs of children and individuals with disabilities are integrated into emergency planning, training, and exercises.

Save the Children in particular lauded FEMA's efforts to tackle the challenges involved in ensuring that emergency plans are designed to accommodate children and express support for making Children's Technical Expert a permanent position at FEMA.

On the day of September 11 attacks, I was responsible for student transportation, essentially ensuring that 10,000 children made it home from school safely each day. On that day, my last student did not get home until 11:30 at night because of the attack. Now, we have made a lot of progress integrating children into disaster planning activities since then, but we must do better.

As Save the Children pointed out earlier this month, 80 percent of the recommendations made by the National Commission on Children and Disasters in 2010 remain open. I commend Administrator Fugate for accepting the FEMA National Advisory Council's recommendations to designate a children's technical expert to ensure that children remain a priority in disaster preparedness, response, and recovery planning.

I hope to work with members of this panel to formally authorize FEMA's children's technical expert this Congress. Once again, I want to thank both of you for being here today and I look forward to your testimony.

With that, I yield back.

[The statement of Ranking Member Payne follows:]

STATEMENT OF RANKING MEMBER DONALD M. PAYNE, JR.

FEBRUARY 28, 2017

Good morning. I would like to thank Chairman Donovan for holding today's hearing.

I would also like to thank former Administrator Paulison and former Administrator Fugate for being here today—and subjecting themselves to a Congressional hearing even after leaving Government.

Earlier this month, this subcommittee asked various stakeholders to provide their insights on what FEMA is doing well and what issues the next FEMA administrator must address.

I was pleased that, in general, the stakeholder community had positive things to say about how FEMA, under the Obama administration, carried out its emergency preparedness mission and engaged with its State, local, and non-Government partners before, during, and after disaster strikes.

Each witness that testified before the panel earlier this month identified stakeholder engagement as a top priority for the incoming administration.

I am hopeful that FEMA's outreach and coordination will continue once a new administrator takes the helm at FEMA and that President Trump will act swiftly to nominate a new person with the wealth of experience that the past two administrators before us today had.

Over the past month, we have seen infrastructure failure compound the impact of heavy rain at the Oroville Dam spillway and a spike in vandalism Jewish Cemeteries and harassment at Jewish Community Centers.

At the same time, Federal support for emergency responders has become uncertain in light of President Trump's politically-charged Executive Order that could render communities ineligible for certain DHS grants.

First responders and their community partners need a steady hand at the helm of FEMA to provide guidance and clarity on how the administration's policies will affect them.

And the administration needs the expertise of a FEMA administrator who can ensure that any future infrastructure development proposals include adequate resiliency measures.

I look forward to a new administrator carrying the torch on many of the important issues the previous administrators made progress in addressing.

In particular, earlier this month, Save the Children lauded FEMA's efforts to tackle the challenges involved in ensuring that emergency plans are designed to accommodate children and expressed support for making the "Children's Technical Expert" a permanent position at FEMA.

On the day of the September 11 attacks, I was responsible for student transportation, essentially ensuring that 10,000 children made it to and from school safely each day.

On that day, my last student did not get home until 11:30 at night because of the attack.

We have made a lot of progress integrating children into disaster planning activities since then, but we must do better.

As Save the Children pointed out earlier this month, 80 percent of the recommendations made by the National Commission on Children and Disasters in 2010 remain open.

I commend Administrator Fugate for designating a "Children's Technical Expert" to ensure that children remain a priority in disaster preparedness, response, and recovery planning.

I hope to work with Members of this panel to formally authorize FEMA's Children's Technical Expert this Congress.

I thank both of you for being here today, and yield back the balance of my time.

Mr. DONOVAN. The gentleman yields the remainder of his time.

The Chair now recognizes the Ranking Member of the full committee, the gentleman from Mississippi, Mr. Thompson for any statement that he may have.

Mr. THOMPSON. Thank you very much, Mr. Chairman. In the interests of waiting to hear our two former FEMA directors' comments, I will put my statement in the record and just let me thank both of them for their years of service. I can tell from their looks they are in a better place.

I yield back.

[The statement of Ranking Member Thompson follows:]

STATEMENT OF RANKING MEMBER BENNIE G. THOMPSON

FEBRUARY 28, 2017

Good morning. I appreciate Chairman Donovan and Ranking Member Payne for holding today's hearing so the committee can continue to examine FEMA.

I would also like to thank Former Administrator Paulison and Former Administrator Fugate for being here today.

At the outset, I would like to acknowledge the important contributions both Former Administrator Paulison and Former Administrator Fugate made toward restoring FEMA's competence and reputation.

I served as Ranking Member of the full committee when Hurricanes Katrina and Rita devastated the Gulf Coast, and as Chairman as the long, protracted recovery process began.

A little over a decade has passed, and I am proud to say that FEMA is not the same agency it was in late summer 2005.

You both are to thank for that.

Since Hurricane Katrina, we have seen improvements in how we integrate vulnerable populations into emergency plans, first responder interoperable communications capabilities, and proactive disaster response activities—from pre-positioning supplies to expedite disaster response, to establishing recovery doctrine to ensure that roles and responsibilities among Federal, State, local, and private-sector partners are clear.

We reaped the benefit of the authorities set forth in the Post-Katrina Emergency Management Reform Act following Hurricane Sandy in 2012, but the aftermath of this devastating storm illustrated that challenges still remained.

Congress—working with FEMA—passed the Sandy Recovery Improvement Act, which gave FEMA flexibility to expedite aide and hazard mitigation to disaster survivors, among other things.

The important progress FEMA has made in carrying out its mission since Hurricane Katrina demonstrates the good that can come of a positive relationship between Congress and FEMA.

Despite the well-documented progress FEMA has made since 2006, there are still challenges that undermine FEMA's ability to carry out its mission.

FEMA's workforce morale problems are well-documented.

In the past, I have expressed concern regarding the state of FEMA's disaster workforce with respect to both its training and size.

The last time Administrator Fugate testified before this subcommittee in October 2015, I asked whether our reserve workforce was as robust as it would need to be to respond to a disaster the scale of Hurricane Katrina.

At the time, Administrator Fugate candidly told the subcommittee that "We're not there," because of changes to the disaster workforce program, limited deployment and training opportunities, and limited retention mechanisms.

I am interested in understanding what progress FEMA has made in bolstering its disaster workforce since 2015 and how Congress can help FEMA continue that progress.

I also share concerns Administrator Fugate has expressed in his written testimony regarding the politicization of disasters and the impact of the irregular budget and appropriations cycle.

As we speak, it is unclear who will be able to receive grant funds under the President's "sanctuary cities" Executive Order, and the Federal Government is operating under a continuing resolution until at least April 28.

This kind of uncertainty and unpredictability undermine progress, and I will be interested in hearing our witness' thoughts on how to address these troubling issues.

Once again, I thank the witnesses for being here today, and I yield back the balance of my time.

Mr. DONOVAN. Sure. The gentleman yields back. Other Members of the committee are reminded that opening statements may be submitted for the record.

We are pleased to have very distinguished members of the panel today before us on this very important topic. Craig Fugate served as the administrator of FEMA from May 2009 to January 2017.

Prior to leading FEMA he served as director of the Florida Division of Emergency Management. During this time, he served as the Florida State coordinating officer for 11 Presidentially-declared disasters, including the management of $4.5 billion in Federal disaster assistance.

Administrator Fugate began his emergency management career as a volunteer firefighter, paramedic, and a lieutenant with the Alachua County Fire Rescue. Craig, they put it in phonetic spelling for me.

David Paulison served as the administrator of FEMA from September 2005 to January 2009. He served as administrator of the United States Fire Administration from 2001 to 2005. During this time he also served as the director of preparedness at FEMA from 2003 to 2004.

Additionally, he spent 30 years in the fire service and 9 years as fire chief of Miami Dade County, Florida where his responsibilities included the Office of Emergency Management and the Urban Search and Rescue team.

The witnesses' full written statements will appear in the record. I thank you both for attending today and for the input you will have to further this agency to better protect our country.

The Chair now recognizes Administrator Fugate for 5 minutes.

STATEMENT OF W. CRAIG FUGATE, FORMER ADMINISTRATOR, FEDERAL EMERGENCY MANAGEMENT AGENCY, U.S. DEPARTMENT OF HOMELAND SECURITY

Mr. FUGATE. Thank you, Mr. Chairman and Ranking Members. I always thought I was smiling at our hearings. I always thought we had good conversations, even when I was in a bit of a hot seat, but I always enjoyed it.

Mr. Chairman, you said I think something that is important. What are the things that we are currently doing or not doing that we need to codify in legislation? So I want to start off with where we began with the Post-Katrina Emergency Management Reform Act.

A lot of people define FEMA by the Stafford Act, and I think that is short-sighted. The real authorization of FEMA came out of the Homeland Security Act as amended, and first of all, required that that FEMA administrator be a professional, have that background. This is not a good job to do on-the-job-training. It is too brutal and the citizens deserve better.

The second thing was it is all-hazards. Most people think of FEMA when you get a declared disaster from the Stafford Act. Yet in my time at FEMA, we supported the USAID's response to Haiti. We supported border and custom protection with unaccompanied

children across the Southwest Border. We supported the Center for Disease Control during the Ebola outbreak.

These were all capabilities that were enabled and authorized by that act that FEMA can serve as the crisis manager for the Federal Government, not just in support to States and local governments during disasters.

So that is one of the things we have learned is you have invested a lot of money in the organization. We don't always make utilization of it because we define it by natural hazards instead of disasters and crisis management require certain skill sets that unless you are doing it frequently, you are not always proficient at it.

So in looking at some of the ways that FEMA was used to support other agencies, this is not about putting FEMA in charge. It is about FEMA and its support role to either a State or a Tribal executive or to a lead Federal agency. Has a lot of capabilities, and I think we, in times of cutting budgets and looking at how to get better efficiencies, we should not overlook the fact that FEMA should not be defined by the Stafford Act.

It should be defined by the all-hazards mission as a support agency to either the Governors or Tribal executives when they request assistance, or Federal agencies who may have a lead in a disaster, but may not always have the immediate staffing required to manage that in the onset.

The second thing I wanted to—other than Post-Katrina Reform Act—is what we were doing at FEMA, and I think you kind-of mentioned it in looking at various constituency groups was really emphasizing something we called the whole of community, but it is short-hand for this.

We need to plan for the communities we live in, not what fits our plan. If you have to write in the index because you have elderly folks that you can't meet through your plan, if you have children and you got to write in the index for the children because you don't plan for children in your shelters, if you have to write in the index for people with disabilities because they cannot get your emergency communication because you are not anticipating that there may be deaf or hard-of-hearing or visually-impaired people, if you are assuming everybody has got a car and can drive, then who did you really plan for?

So we tried to change our doctrine, move to this idea that we should be planning for the communities we live in, not what fits our plan.

So Ranking Member Payne, I very strongly support and I have talked to the, you know, the Save the Children. By practice we have a child advocate because sometimes I think in FEMA you got to shine a light on problems to keep visibility on it because it is not something that is in the DNA yet. I would strongly support moving that from something we were doing to something that Congress agrees with and would direct.

But it really comes back to this idea that there are some basic principles that get us in trouble. If you go back to Hurricane Andrew, you go back to Katrina, you know, we always like to talk about individuals. I don't think it was individuals. Here is what really happened.

We as a Nation, State and local governments made a decision to plan for what we were capable of doing or what we were willing to spend money on, and then hope it was never any worse and that our systems would scale up. And they don't.

You have to plan what can happen. That is not always going to be based upon your history or your experiences. So we at FEMA began changing the discussion to not what we are used to doing or what we are capable of doing, but planning against things that can happen.

Planning for the communities we live in, not what fits our plan, and moving us out of our comfort zone. At that whole time at FEMA, we didn't come to you and say we need new money. It was about utilizing our resources against problems and recognizing that Government-centric solutions may not always be the answer.

You have to give a seat to the table for your NGO's and volunteers, but also the private sector who too oftentimes are kept at arm's length in our planning. In many cases we have greater issues with bringing the private sector in than we do with separation of church and State.

So basically we have to plan for what can happen, not what we can afford. It doesn't always mean more Federal dollars. It means more inclusion of all of our community resources. The most important thing is we should never make our community fit our plans. Our plans should be inclusive, not exclusive to the citizens who we serve.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Fugate follows:]

PREPARED STATEMENT OF W. CRAIG FUGATE

FEBRUARY 28, 2017

Chairman Donovan, Ranking Member Payne, and distinguished Members of the subcommittee, thank you for the invitation to appear before you today as you continue your work to provide recommendations to the next administrator of the Federal Emergency Management Agency (FEMA).

I had the honor of being selected by President Obama to lead FEMA and served as the Agency's administrator from May 19, 2009, until January 20, 2017. Immediately before my time at FEMA, I served as director of the State of Florida's division of emergency management for former Governors Jeb Bush and Charlie Crist, from 2001 until 2009. Prior to that, I served in various emergency management and first-responder roles at the local and county government level in Florida.

Having watched your February 14 hearing with State, local, and non-profit stakeholders providing their recommendations to the next administrator, I generally agree with what the witnesses had to say.

My testimony today is going to focus on some larger issues that I believe the incoming administrator must be aware of in order to succeed: Protecting the Agency's authorities; ensuring adequate funding for Federal disaster relief; preserving the commitment of the Federal Government in the Robert T. Stafford Disaster Relief and Emergency Assistance Act to States and Tribes; and ensuring that the Federal Government is properly investing in resilience and not subsidizing risky behavior.

First and foremost, emergency management should never be partisan, but disasters will always get politicized. As we have seen time and again, disaster strikes regardless of political affiliation. It is the job of emergency managers at all levels of government—State, local, Tribal, territorial, and Federal—to work with the whole community to successfully manage the consequences of any disaster or hazard event.

It's vitally important that the new leadership team at FEMA understands the unique relationship of FEMA during times of crisis in support of States and Tribes, at the direction of the President and per the Stafford Act. Additionally, the FEMA administrator has a unique operational relationsip among Department of Homeland

Security (DHS) components to report directly to the President during times of crisis, as Congress mandated in the Homeland Security Act as amended by the Post-Katrina Emergency Management Reform Act (PK–EMRA, Pub. L. 109–295).

Despite its primary responsibility to Governors and Tribal leaders who can request Federal assistance from the President, the agency is wholly reliant on the Congress for its authorities and appropriations. I cannot speak for my predecessors, but FEMA was relatively effective during my term as administrator when it came to Congressional engagement and successful when there was a need for legislative action. I'd encourage my successor and his or her leadership team to continue that relationship with the Congress in good faith.

In my time at FEMA, there was not a single year when FEMA operated under an on-time appropriation. That year-to-year instability—while consistent—makes running the organization more challenging.

When Chief Paulison was tapped to lead the agency in 2005, it was in the days immediately following Katrina's impact along the Gulf Coast and there were clear failures at all levels of Government in the response to that event. In the aftermath of Katrina, Congress conducted vigorous oversight of the Federal Government's response to Katrina.

The outcome of this oversight was PKEMRA. It was landmark legislation drafted, debated, and ultimately enacted, out of frustration with FEMA's performance in response to Hurricane Katrina.

Congress designed PKEMRA to support and strengthen FEMA, and its sweeping restructuring requirements benefited the agency greatly. Today, FEMA has the authority and the autonomy it needs to assist communities as they prepare for, protect against, respond to, recover from, and mitigate against all potential hazards.

In 2005 when Katrina struck, FEMA was no longer an autonomous agency. As a part of the 2-year-old Department of Homeland Security, FEMA's programs were split apart. Most of its disaster assistance activities were inside DHS' Emergency Preparedness and Response Directorate (EP&R) while FEMA's other programs were siloed elsewhere throughout the Department.

Congress used PKEMRA to permanently restructure FEMA's functions back under a single operating component to improve the Federal function of emergency management.

PKEMRA required FEMA to be a distinct entity and prohibited—by statute—any future changes to FEMA's mission by the Department. The law also returned the Preparedness Directorate to FEMA, including the Fire Administration, and the programs under the Office of Grants and Training.

Congress also made permanent changes to FEMA leadership. PKEMRA mandates that to hold the position of FEMA Administrator, certain qualifications and experience are necessary (6 U.S.C. § 313(c)2). In addition, PKEMRA ensures that the FEMA administrator is the principal advisor to the President on all matters relating to emergency management that the administrator is assured a seat in the Cabinet, as required (6 U.S.C. § 313(c)4 and 6 U.S.C. § 313(c)5).

PKEMRA was enacted just 13 months after Katrina made landfall. It was under Chief Paulison's leadership that the agency began the tasks necessary to rebuild the agency.

Unfortunately, as recently as last year, there were attempts to undermine the protections Congress provided FEMA in PKEMRA when the full House Homeland Security Committee advanced "Unity of Effort" legislation with the intent of giving the Secretary of Homeland Security more control over the various operating components of the Department.

While some language was ultimately added to preserve the PKEMRA protections in the language that was added to the National Defense Authorization Act, future agency leadership should be aware that there are still efforts in Congress and at the Department that would hinder FEMA's abilities to effectively respond, especially to a catastrophic event such as a Cascadia Subduction Zone or New Madrid earthquake.

The other great challenge that the agency faces in the coming years is budgetary.

Following the enactment of the Budget Control Act (BCA), FEMA became an extremely lean operation; outside of the Disaster Relief Fund (DRF), there's not much fat left to trim. We took sequestration seriously and looked at ways to maximize organizational efficiencies without sacrificing the agency's mission essential functions.

As for the DRF, the BCA was actually a short-term boon. Prior to BCA, the DRF had been inadequately funded through the regular appropriations process. Instead, the agency relied on supplemental appropriations bills to be quickly enacted in the wake of significant events to replenish the DRF and fund recovery from emergencies and disasters.

In 2011, as the agency was responding to Hurricanes Irene and Lee, the balance in the DRF got so low that the agency implemented "immediate needs funding" (INF), meaning States and locals that were expecting FEMA funds to pay for recovery work stopped receiving Federal dollars. The agency had barely enough money to pay for on-going response activities and had to stop funding recovery in communities all across the Nation.

Appropriators knew that INF was a potential problem and the situation led to a formula being included in the Budget Control Act that would provide more stable and significant funding to the Agency based on a rolling 10-year average of disaster response and recovery costs.

This worked well for several years, but once the years that included Katrina, Rita, and Wilma dropped off the formula's average, the annual appropriation for the DRF ratcheted down.

At the end of fiscal year 2016, the agency successfully managed response and recovery spending to the point that—even with Hurricane Matthew bearing down on the southeastern United States—FEMA still had adequate funds to get through the fiscal year appropriation under which the Federal Government was operating without the need for a supplemental appropriation expressly for the DRF.

At the close of fiscal year 2016, there was less than $100 million in the portion of the DRF set aside for major disasters. To put that in perspective, FEMA spent $1 billion in the first month following Sandy's landfall, so $100 million would not have lasted long had there been another significant disaster in addition to Matthew prior to the expiration of the fiscal year.

In the Budget Control Act framework, Congress designed a fail-safe for supplemental disaster spending that would count toward the DRF's formula and then another fail-safe for "emergency" spending beyond the disaster space that would not count toward the DRF formula, but the subcommittee is likely very aware of the difficulty to pass any appropriations measure in regular order.

Following Sandy, the 112th Congress adjourned after its disaster supplemental attempt was blocked. It took the newly-installed 113th Congress 3 weeks to pass a supplemental to replenish the DRF. While FEMA had the resources needed to continue with response and recovery operations, there were many Federal departments an agencies with disaster-related recovery needs that were left unfinished while needed funds were debated and ultimately appropriated by the Congress.

Congress must re-evaluate the formula that drives the DRF's annual appropriation as well as the potential budgetary space beyond the appropriation for disaster supplementals, and then the space for "emergency" supplementals beyond the disaster supplemental space.

This disaster supplemental space also became an area of contention during the last few years as the House Natural Resources Committee looked for ways to fund wildfire suppression on Federal lands for the Department of Agriculture (USDA) and the Department of the Interior (DOI).

Congress must not amend the Stafford Act to provide a Presidential declaration for an event that would give a Federal department or agency access to the Disaster Relief Fund or the disaster budget space to meet their own mission. Congress established the Stafford Act framework of Federal assistance expressly to support State, local, Tribal, and territorial governments, not to serve as a backstop for legislative gridlock preventing an appropriations and budgeting solution to challenges that other Federal entities may face.

In November 2016, the Obama administration proposed a legislative fix that would have solved the issues that USDA, DOI, and DHS/FEMA all faced, but Congress did not act on the proposal given the reluctance to amend the Budget Control Act.

It is imperative that this issue is dealt with soon, otherwise you and your colleagues will again be forced to debate supplemental disaster appropriations bills on a recurring basis, all while FEMA's ability to respond and recover is hindered.

This leads to the issue of the Federal Government subsidizing risky behavior that ultimately drives the need for increased spending for disaster relief. It does so with significant Federal investment in infrastructure that is not built with resilience in mind—the ability for it to quickly recover from known and predictable hazards—and the Congress enables it via the statutorily-mandated National Flood Insurance Program (NFIP).

Whether this administration and Congress want to chalk it up to climate change or not, the Federal Government is spending billions of dollars annually to deal with the effects of extreme weather and not nearly enough to combat future risk. I've included for the record an op-ed published in *The Hill* on January 30, 2017 which highlights a few of the many significant examples.

The solution is easy: Factor in building for resilience on the front-end of these Federal investments. There's a four-to-one benefit cost to the taxpayer and the outcome is that disaster relief spending should ultimately be reduced in the out years because it costs significantly less to fund recovery for resilient construction following a disaster.

As for the NFIP, the Congress tried to charge all policy holders rates that reflect their true risk of flooding with the passage of Biggert-Waters Flood Insurance Reform Act of 2012. It then repealed those changes less than 2 years later when interest groups waged a campaign alleging wide-spread premium increases of tens of thousands of dollars.

While there were a handful of policy holders who may have legitimately seen very high premiums, it was because their properties were in extremely high-risk areas. The Federal Government has been subsidizing that risk and incentivizing future risk in areas we know will be impacted by extreme weather and sea-level rise.

Another difficult conversation that the Congress must have about risk subsidization regards the affordability of the NFIP for its policyholders. When the Congress established the NFIP, it did so to create a risk backstop for the mortgage industry; it was not looking at future development or the fact that the Federal Government was going to be running an insurance company for a pool of high-risk policy holders.

While the NFIP has many policy holders who can afford to live in high-risk areas in desirable coastal communities, there are many other policy holders who live in or near floodplains because they are lower income and that is where affordable housing is located inland.

The NFIP must be reauthorized by the end of fiscal year and I hope that the committees with jurisdiction over the program will take into consideration the findings of the National Academies of Sciences, Engineering, and Medicine—which Congress commissioned to study the matter to better inform the Congress on premium affordability—ahead of the next major reauthorization.

The FEMA team today is fully aware of past shortcomings, current challenges, and is continually assessing itself and making improvements.

The agency's mission is to support our citizens and first responders to ensure that as a Nation we work together to build, sustain, and improve our capability to prepare for, protect against, respond to, recover from, and mitigate all hazards. That serves as a guide to the entire staff on any given day and should also provide focus to the next administrator.

Further, it's important that the incoming administrator not get bogged down in bureaucracy. My parting advice for the FEMA team was to continue going big, going early, going fast, and being smart about it. The agency currently has the authorities and resources needed for success, but they are both in jeopardy. It is vitally important for the next administrator to continue building upon the strides the agency has made since Katrina and working with Congress to ensure authority and funding are not diminished.

Challenges in emergency management are a constant. Also, failure is not an option and is not well-received by the American public; we've seen time and again how failures related to Federal emergency management contribute to or even establish a narrative of ineffective leadership of a President. The next FEMA leadership team must continue leaning forward, pushing the agency to improve outcomes for disaster survivors, planning and training for the unimaginable, and enhancing the capabilities of the whole community that is essential to successfully accomplishing the emergency management mission.

Mr. DONOVAN. Thank you, Mr. Fugate.

Before I ask Mr. Paulison for his opening statement to let you know this committee is not about wasting people's time. All of the testimony that we gather here and what we gathered in the first hearing will be compiled in some type of report that we will give to the new administrator so that they are aware, she or he are aware of your recommendations and give them a starting point. So I thank you for your input.

The Chair now recognizes Administrator Paulison for 5 minutes.

STATEMENT OF ROBERT DAVID PAULISON, FORMER ADMINISTRATOR, FEDERAL EMERGENCY MANAGEMENT AGENCY, U.S. DEPARTMENT OF HOMELAND SECURITY

Mr. PAULISON. Chairman Donovan, Ranking Member Payne and the distinguished Members of the panel, I want to thank you for holding this hearing. It is very important for us for the future of FEMA, and so I thank you for the opportunity to allow me just to share some of my ideas and hopefully assist in the goals of this committee.

Some of my ideas may be controversial, but I wish this panel would hear them out and consider those, because I have over 40 years of experience dealing with natural disasters at the Federal, State, and local levels. I have a very deep appreciation of our tremendous service of our Nation's first responders and our emergency management officials.

This has really given me a unique understanding of the inherent problems of our Nation's disaster preparedness and response system, how we can better positon FEMA to respond when disaster strikes. This understanding is largely influenced by my experience first-hand in the aftermath of multiple catastrophic disasters. I clearly remember the devastation of both Hurricane Andrew in 1992 and Hurricane Katrina in 2005.

It is through this lens that I sit here today to tell you that the United States must reform its disaster spending model to save lives and property, and I think the first step we must take is consolidating disaster spending under FEMA.

Following the Presidential disaster declaration, FEMA and a vast array of other agencies are engaged to distribute Federal relief funds. In the case of Hurricane Sandy, there were over 19 different agencies involved, and not only was this response fragmented and confusing for the disaster-stricken communities I work with, but it was also highly ineffective.

To fix this, my recommendation is to give the FEMA administrator control over disaster response spending. FEMA now uses the cost/benefit analysis, which is a strict numerical assessment, to determine where the benefits of a project are sufficient to justify the cost in implementing it.

If we consolidate the disaster spending through FEMA that will significantly reduce our post-disaster waste. But I think more importantly than that is stopping the damage and loss of life in the first place.

Natural disasters are rapidly increasing in frequency and severity. Between 1996 and 2005 there were on average only 39 disaster declarations a year. That number has more than tripled now in the last two decades, and now we average over 121 declared disasters a year.

These disasters come at an enormous price tag. Since 1980, the United States has been struck by over 200 natural disasters that cost more than $1 billion a year each. The cost of these events has now been over $1 trillion we have spent just since 1980. The taxpayers are on the hook for these expenses that we repeatedly put more and more exorbitant disaster recovery stuff.

As American lives continue to be put on the line and Federal disaster spending skyrockets, United States needs to assess what we

can do before the disaster strikes. Adoption and enforcement of model State-wide building codes is an essential step in this process.

In fact, a study conducted by the LSU Hurricane Center estimated that model codes would have reduced wind damage by Hurricane Katrina by over 80 percent, as well as saved over $8 billion just by having model building codes in place.

So instead of spending money on the front end to improve resiliency of structures, preventing the monumental damage I witnessed during my career, the United States continues to build insufficient codes that leave our communities vulnerable to future disasters. This result is an unnecessary loss of life and an incredible destruction. That is why I strongly believe that the United States must balance its broken disaster spending model.

I also believe that when you can begin leveraging our cost-saving power or pre-disaster mitigation by shifting significant Federal resources from post-disaster reactive and wasteful spending to preventive mitigation that will bend the runaway Federal cost curve for disasters.

The Federal level shift toward pre-disaster mitigation must be supported by a corresponding shift at the State level. This can be accomplished by creating a couple programs to incentivize the States to do a better a job at their level.

We need to create a post-disaster hazard mitigation grant, and I recommend that we give those States 4 extra percentage points on the post-disaster side to put the model building codes in place to better fortify their facilities.

I also believe that the 75 percent minimum cost share that we use right now should be broken down into two parts. One to giving 80 percent to those departments or those States to put into model building codes and do the pre-disaster mitigation efforts that FEMA recommends. The States that don't do that, the States that don't put those model building codes in place and don't prepare their States like they should, we reduce their cost by 15 percent.

Now make it clear, I am not advocating we stop assisting communities in following a disaster. That is a vital act of our community and what we should be doing. However, we need to be smarter about allocation of existing finite resources, and these policy proposals will mitigate overall damage which will lead to a decrease in loss of life and save the taxpayer dollars at the same time.

As you work together with the Trump administration with our new infrastructure package coming out, I urge you to look at these recommendations very carefully. If we are going to rebuild our country, we need to make sure we put these proposals in place. Thank you for this opportunity and I will be glad to answer any questions you might have.

[The prepared statement of Mr. Paulison follows:]

PREPARED STATEMENT OF ROBERT DAVID PAULISON

FEBRUARY 28, 2017

Chairman Donovan, Ranking Member Payne, and distinguished Members of the committee, I would like to thank you for holding this important hearing today regarding the future of the Federal Emergency Management Agency (FEMA). I am grateful for the leadership of the Chairman and the Ranking Member for the opportunity to share my expertise and assist with the goals of this committee.

I have over 40 years of experience dealing with natural disasters at the Federal, State, and local levels. During my career, I served as administrator of FEMA from 2005 to 2009, administrator of the U.S. Fire Administration from 2001 to 2005, director of preparedness at FEMA from 2003 to 2004, and fire chief of the Miami-Dade Fire and Rescue Department from 1992 to 2001. I spent the 21 years prior to that rising through the ranks of the Miami-Dade Fire Department, beginning my career as a rescue firefighter in 1971. I have a deep appreciation for the tremendous service of our Nation's first responders and emergency management officials. I also have a unique understanding of the inherent problems with our Nation's disaster preparedness and response system and how we can better position FEMA to respond when a disaster strikes.

This understanding was largely influenced by experiencing first-hand the aftermath of multiple category 5 hurricanes. I remember the devastation of both Hurricane Andrew in 1992 and Hurricane Katrina in 2005. One of the many things that stands out in my mind following these experiences was walking down the street and finding that where once stood a home was now only a concrete slab. This continued down the street—slab after slab, on and on. It was only every now and then that we would come across a home still standing.

It is through this lens that I sit here today to tell you that the United States must reform its disaster spending model to save lives and property. The first step we must take is:

1. CONSOLIDATING DISASTER SPENDING ADMINISTRATION UNDER FEMA

Following a Presidential Disaster Declaration, FEMA and a vast array of other agencies are engaged to distribute Federal relief funds. In the case of Hurricane Sandy, there were 19 different agencies involved. Not only was this response fragmented and confusing for the disaster-stricken communities I've worked with, it is also wasteful and ineffective. To fix this, the United States should give FEMA administrative control over all disaster response. FEMA uses a Cost-Benefit Analysis (CBA), a strict numerical assessment to determine whether the benefits of a project are sufficient to justify the cost of implementing it. Consolidating disaster spending administration under FEMA (thus requiring a BCA for all disaster spending) would significantly reduce post-disaster waste.

Even more important is preventing the damage and loss of life in the first place.

Natural disasters are rapidly increasing in frequency and severity. Between 1976 and 1995, there were, on average, 39 major disaster declarations annually. This number more than tripled over the next two decades, rising to a startling annual average of 121 disasters.

And these disasters come with an enormous price tag. Since 1980, the United States has been struck by 203 natural disasters costing more than 1 billion dollars each. The total cost of these events is over $1.1 trillion.

And taxpayers have been put on the hook to repeatedly foot more and more of this exorbitant disaster recovery bill. The percentage of post-disaster recovery paid by taxpayer dollars has increased from 5 percent in 1955 to 50 percent in 2005 all the way to 80 percent in 2012.

As American lives continue to be put on the line and Federal disaster spending skyrockets, the United States needs to assess what the we can do before disasters strike.

Research has repeatedly demonstrated the life and cost-saving power of pre-disaster mitigation. Studies have shown that every $1 invested proactively pre-disaster saves $4 or more on post-disaster recovery.

Adoption and enforcement of model State-wide building codes is an essential step in this process. In fact, a study conducted by the LSU Hurricane Center estimated that model codes would have reduced wind damage from Hurricane Katrina by 80 percent, saving countless lives as well as $8 billion. Having witnessed the devastation from Hurricane Katrina first-hand, this research hits home for me.

Today, FEMA has a program in place that leverages the power of pre-disaster mitigation. FEMA's Pre-Disaster Mitigation (PDM) Grant Program helps States and communities fortify homes and structures before the next disaster. However, the PDM is vastly underutilized. In fact, in recent years, the United States has spent over $14 on post-disaster mitigation for every dollar it invested in pre-disaster preparation.

Instead of spending money on the front end to improve resiliency in structures, preventing the monumental damaged I witnessed during my time as FEMA administrator, the United States continues to build to insufficient codes that leave our communities vulnerable to future natural disasters. This results in the unnecessary loss of life and incredible destruction I witnessed during my time working in emer-

gency management. This is why I strongly believe that the United States must balance its broken disaster spending model. Our Nation can accomplish this via:

2. ENHANCED PRE-DISASTER MITIGATION FUNDING

Leveraging the cost-saving power of pre-disaster mitigation (remember: $1 dollar in prevention saves $4 in losses) by shifting significant Federal resources from post-disaster, reactive, and wasteful spending to preventative mitigation spending that will bend the runaway Federal cost curve on disasters. The FEMA PDM program would receive a new, automatic funding formula enhancement via an automatic mitigation surcharge from the Disaster Relief Fund to the Pre-Disaster Mitigation grant program. There should also be explicit statutory clarification in the PDM program of eligibility for building code development and enforcement.

This Federal-level shift toward pre-disaster mitigation must be supported by a corresponding shift at the State level. This can be accomplished by:

3. CREATING TWO PROGRAMS TO INCENTIVIZE STATES TO INVEST PRE-DISASTER

a. Establishing a Post-Disaster Mitigation Incentive.—Creating a Post-Disaster Hazard Mitigation Grant Program Federal incentive of 4 percent extra funding for States who have FEMA-qualified State-wide building codes in place. There should also be explicit statutory clarification in the HMGP program of eligibility for building code development and enforcement.

b. Reforming the Federal Disaster Minimum Cost Share.—Instead of the flat 75 percent minimum Federal cost share post-disaster, the Federal Government should break post-disaster relief funding into two tiers. In tier one should be States that implemented FEMA-approved pre-disaster mitigation actions, including State-wide model building code adoption and enforcement. These States should be provided with an additional 5 percent in post-disaster relief funding. In tier 2 should be States that left their residents and structures vulnerable and failed to engage in proactive activities. These States should receive 15 percent less Federal funding post-disaster.

To be clear, I am not advocating that we stop assisting communities in need following a disaster. It is a vital act of public service in our country. However, we need to be smarter about the allocation of our existing, finite resources. These policy proposals would mitigate overall damage, which would lead to a decrease in loss of life and save taxpayer dollars.

As the Trump administration and Congress embark on the critical task of rebuilding America's infrastructure, taking steps to fix our broken disaster spending model is more important than ever. While the appropriate representatives work to create that plan, Congress should insist on reforms to Federal disaster spending that put pre-disaster mitigation at the forefront and position FEMA on the edge of the effort to rebuild our infrastructure in a way that is fortified against natural disasters.

Thank you for the opportunity to be here and testify before you today.

Mr. DONOVAN. Thank you, Mr. Paulison. I am going to recognize myself now for questions. Through the rules of the committee, we will go back and forth according to seniority for those who were in attendance at the start of the hearing, and then continue with those who have come afterward.

We are a law-making body, and many times Congress will tell the folks who have to implement what we pass what they need. I was always a believer in asking you what it is that you need so that we then can pass the legislation that makes your job easier, more efficient, allows you to protect our citizens and our lands better.

So what I would like to ask each of you, aside from your testimony, is what would you have liked to have seen when you were in office, when you were the administrator of FEMA? What would you have liked Congress to have passed so that you could accomplish the goals that you set out as your responsibility of protecting our Nation from either terrorist attacks or natural disasters?

Mr. FUGATE. Well, Mr. Chairman, to be honest with you, much of what, even what Dave proposed, is actually within the adminis-

tration's authority. The only thing that is not in the authority would be to reduce the cost share below 75 percent in the Stafford Act because the law says not less than 75 percent.

But in many ways the Post-Katrina Reform Act and then the Sandy Recovery Improvement Act gives the administration broad authorities to execute the mission. But I did have technical issues. Again, this committee, the House was very supportive of fixing some technical glitches with our USAR teams to get them some authorities they needed.

One of the things I am still wrestling with was as I was walking out the door was in our reserve work force. We run about 5,000, usually less than that, permanent work force. The majority of people that you see out in disasters are temporary hires.

They are people that—no, it is not temporary hires. They are called itinerant. But what they are is they are a reserve to FEMA. They work when we have disasters. We bring them in, we train them, we equip them. Then there is really no cycle other than disaster work to get called up and deployed.

It turns out those people are oftentimes the most experienced, best trained people we have. Yet when we go to post a position, because they are not considered career, they have no status. As we post these positions for permanent positions, you would think this would be a very diverse, well-educated, well-trained group to recruit from. In many cases they don't even make the certification list when we hire.

So as one of the tools we were looking to enhance and maintain recruitment of reservists in our core positions, the non-permanent work force that is paid for out of the Stafford Act. We had asked for similar provisions that Congress had granted to the Department of Agriculture, U.S. Forest Service for their part-time and seasonal firefighters, that when you had a positon posted, they would have status so that you could post a position internally that they could apply for.

This isn't about being exclusionary, but it is about taking advantage of the dollars that were already spent to train them. They have already deployed on disasters. We know the caliber and quality of their work. I think it would save money.

I understand there are concerns about screening out veterans and others, but we try to apply veteran's preference when we do our reservist hiring in the first place. I think that if we put those on the reservists, our requirements on the front end, that would further strengthen and diversify our work force.

But it would be an additional enhancement and tool at very low cost from what is already being spent as an incentive to retain highly-qualified people knowing that when we did post permanent positions, they would have an opportunity to apply for that versus having to compete against the general population for the same job.

Mr. DONOVAN. These are people that we have trained?

Mr. FUGATE. Yes, sir.

Mr. DONOVAN. Correct?

Mr. FUGATE. You have spent money——

Mr. DONOVAN. We have already invested in them?

Mr. FUGATE. Yes, sir. They have their qualifications. Many of them have deployed numerous times. Congressman Thompson

probably knows some of them on a first-name basis from the floods and tornados in his State. A lot of times they are people that start out locally and grow through the system.

The current acting administrator for FEMA, Bob Fenton, started out in one of these part-time jobs. So we know there are great people out there. This would make sure that we maintain that relationship, but I think strengthened our relationship with reservists by giving them status when we post positions for internal hires.

Mr. DONOVAN. Thank you.

Mr. Paulison.

Mr. PAULISON. Well, one, I would like to echo what Administrator Fugate commented on because it is extremely important. The disaster work force, particularly our temporary employees, is a huge issue. It became a huge issue during Katrina getting the right people in the right places, and the amount of time they put in and oftentimes we can't get the same people back again.

The other issue I want to, and I am not sure it is a legislative issue, but I think still important, that, like I mentioned earlier in my opening comments, we only have 16 States with State-wide building codes and that are enforceable. We have to deal with that because I see the damage that we have in a storm.

We build the houses back exactly the same way they were and then they blow down exactly the same way they did before, and we continue to do it over and over again. It is almost like Groundhog Day. We have got to stop that because we are just wasting our dollars by not putting in strong building codes and build our homes and our businesses back like they should.

The third piece I think that is extremely important is the fact that we have got to make sure that whatever we have to do that we have the right people managing FEMA. We don't want to go back to the way it was before I came in and Administrator Fugate came in. The people that are managing FEMA have to have the qualifications. Like Craig said, this is not an on-the-job-training type of position.

We need to make sure we are bringing in qualified, experienced people with years and years of dealing with disasters. So I think those are the three issues that I would point out that we need to really stop and look at as the next administrator comes in.

Mr. DONOVAN. Thank you very much. My time has expired.

The Chair now recognizes the gentleman from New Jersey, Mr. Payne.

Mr. PAYNE. Thank you, Mr. Chair. Let us see here.

So Mr. Fugate, now in your testimony you note that budget constraints have caused FEMA to become an extremely lean operation. Given its limited budget, is FEMA sufficiently resourced to nimbly respond to, you know, a major disaster or terrorist attack?

Mr. FUGATE. It is getting better. Some of the things we did was we got rid of a lot of rental space. We went from 9 buildings that we were leasing here in the National Capital region to everything is now at 500 and 400 C Street. We made a decision it was more important to have people than to have doors. So we went to an open floor plan and focused on that.

The second thing is we did something that I thought was rather important. Turned out a lot of people at FEMA did not have to deploy to a disaster. Did you know that, sir?

Mr. PAYNE. No.

Mr. FUGATE. You would think that working at FEMA you were deployable. But it turned out if it wasn't in their position description, it wasn't enforceable. So we changed that. Every employee now has to go through a 2-week orientation and begin their emergency management training, and sign a statement saying they understand that 24 hours a day, 7 days a week they have to have an emergency function.

We did all that and reduced our cost, better utilizing our resources. So I think we are close to where we need to be as far as our day-to-day. I think there are still efficiencies within the systems that we have to focus on.

But I would be concerned that, particularly as we start talking about how to pay for FEMA's disaster response costs, a lot of debate should that come out of the DRF or should that be in the base cost? That is Congress' preference.

But it costs money to have deployable capabilities. It costs money to have generators ready to go. It costs money to have reservists to go. It is not cheap. So hold FEMA accountable to make the maximum utilization of those resources, but understand the days of us getting easy saves by cutting 10 percent to 15 percent without impacts on capabilities is over.

We are now having to make decisions about what capabilities do we not need to maintain and to what quantity and time frames we expect those resources to arrive in a disaster, because that dictates what the costs are.

Mr. PAYNE. Yes. Now, and from your vantage point, could FEMA absorb, you know, new wide-scale cuts as President Trump has indicated may be proposed?

Mr. FUGATE. Well, you know, in general, what I have found the best way for FEMA to operate is for Congress to do a budget, appropriate funds, and describe those activities that we should be doing with those funds and hold us accountable.

When you say across-the-board cuts and other things, I think the appropriations process has been to me the most effective way. As an administrator I always liked to know what Congress expected me to do and how much money they are expecting me to do it with. Then I had a duty to tell you whether that was possible or not, and you were there to hold me accountable if I wasn't getting the job done because I wasn't efficiently utilizing the resources.

Mr. PAYNE. Do you believe that FEMA was sufficiently financially equipped while you were there as administrator?

Mr. FUGATE. Yes. We dealt with a lot of challenges on the financial side. We had one shut-down, but FEMA never furloughed employees except at that shut-down. We cut a lot of travel, a lot of other expenses to focus on our people. That was our commitment. I think that is the greatest asset FEMA has is its people. So that is where we made our decisions.

You know, it would be nice to be in a world where everybody got everything they always wanted. I don't know where that exists. I have never found it. So I think it is the job of the administrator

to make sure that they inform the appropriators what cuts mean, make sure we all agree to what that results in. But also take advantage of some of the flexibility that FEMA had in how we did our mission to fit the budget.

But it is past the point where the largeness that was built up after Katrina can continue to be whittled away. You are at the point now where you are going to have to make decisions and trade-offs.

If you want to reduce this funding, how much more time will you allow for urban search-and-rescue teams to deploy? How much longer will you wait for the first incident management team to arrive on scene? How much longer will recovery take place because we won't have adequate staff or the financial management systems to manage that?

Those are things that you have to make informed decisions about. I think it is the, you know, responsibility of the administrator to give you that information to make those choices.

Mr. PAYNE. Thank you.

Mr. Paulison, with, you know, the major natural disasters increasing in frequency and severity, Federal Government has spent more and more time on disaster relief. You mentioned the importance of pre-hazardous mitigation in your testimony. Which activities should the Federal Government invest in and promote resiliency on State and local level? You have got 5 seconds.

[Laughter.]

Mr. PAULISON. I think that, like I said in my written testimony, that FEMA does have a pre-disaster mitigation program in place. I think it needs to be enhanced. I think there needs to be more money provided to the States to do that, and if we do that, we will spend less money on the post-disaster response side.

I think providing an incentive for the States to put State-wide building codes in place to do pre-disaster mitigation functions to make sure their States are ready to deal with a disaster. We know what disasters we are going to have. Every State knows what they are going to have. Yet time and time again we fail to prepare for that, but we wait for the disaster to happen and then we respond.

Now, we are going to have to do that anyway, but if our buildings—we did it in south Florida, after Hurricane Andrew. We saw the type of damage we had to our new housing stock. This shouldn't have happened because we had the wrong building codes in place. We are using a southern standard building code instead of a building code designed for south Florida.

We changed our building codes. We changed how we put our roofs on. We have changed how we tie them down. We changed the type of materials. Now we don't have that type of damage. Every new home has to have storm shutters. The roofs have to be plywood, not pressboard. We don't allow that anymore. We don't allow gable ends. It all has to be a hip roof.

All the things we learned, and we took that and it was hard. It wasn't easy, believe me. We had a lot of people didn't want to support this. A lot of the homebuilders fought it tooth and nail, but we pushed it through.

But if we can do that across this country, when we do have catastrophic events we are going to have less and less damage. You are

going to have less numbers of people have to be sheltered somewhere else where they can stay in their own home.

So I think that is what I think this committee can help us support to do, and to do that type of a look at our building codes, our pre-disaster mitigation, giving the States an incentive to do these type of things, I think that will make a huge difference on our response side.

Mr. PAYNE. OK.

Thank you, Mr. Chairman. I yield back.

Mr. DONOVAN. It was amazing you did all that in 5 seconds, Mr. Paulison. The Chair now recognizes the Ranking Minority Member of the full committee, the gentleman from Mississippi, Mr. Thompson, for questions.

Mr. THOMPSON. Thank you very much, Mr. Chairman. You know, both these gentleman really demonstrate the quality of people we have had running FEMA over the last few years, and I compliment both of them. But I want to move into an area that would help us.

I have been involved in a number of disasters, but one that comes to mind is dealing with the Federal Flood Insurance Program, and how I see insurance companies shifting the burden and liability onto the backs of that program. Ultimately we end up having to replenish that fund before the disaster is for the most part resolved. Have you all looked at that and would you care to offer your unbiased opinion?

Mr. FUGATE. Congressman Thompson, thanks for that question. We got to quit subsidizing risk below which behavior will change, and the Flood Insurance Program is basically designed at too low a point. I think, you know, former Administrator Paulison is right on the money.

The question is: How do we drive better building codes and better standards? What we have done with the Flood Insurance Program is we are underwriting risk and we are growing the risk, and we can't afford to grow that risk. At the same time we have not provided the incentives for the private sector to better manage risk.

I believe what Dave is talking about can be done if we went back to really looking at what is insurable risk for the private sector so that we don't continue to grow the Flood Insurance Program, understanding we have got a built environment that is not going to change. The private sector is not going to be able to write those homes.

But why do we keep growing the risk? Why do we keep insuring new construction? Why do we keep allowing risk to get transferred to the taxpayer? Think about it. FEMA only pays for uninsured losses.

Those billions and billions of dollars that you see going out the door is because jurisdictions don't insure schools, fire stations, community centers. People didn't have flood insurance or didn't have enough insurance on their home. Some people can't afford it, and I think that is where our programs should be kicking in.

But we as a Nation have transferred so much of the risk of disasters and the frequency of disasters to the taxpayers, there has been very little incentive for State and local governments to do what they should be doing, which is reducing risk through the adoption of codes appropriate for the risk and land use planning.

I think it is just time we stop subsidizing risk and really look at and ask a very basic question. If the private sector won't insure it, why are you building it the way you are building it where you are building it? Why is the taxpayer picking up the bill? Because the thresholds for disaster declaration is so low.

That is why, Mr. Chairman, you know, as I was leaving we were proposing a deductible similar to what Dave is, what are the incentives to get State and local governments to take greater ownership? My reaction was quit going back to the first dollar. I mean how many people have car insurance with no deductible?

Mr. THOMPSON. Not many.

Mr. FUGATE. But the Disaster Relief Fund, you get a disaster declaration, we go back to that first dollar. What if we stopped going back to the first dollar and saying your threshold is your deductible, and unless you have codes or other things to buy down the risk, you know that State of Florida is going to own that first $23 million to $24 million. But if they have got a State-wide building code, which they do, they ought to get credit for that, buy their deductible down.

But I agree with you, Congressman Thompson, we have got to quit growing risk and quit providing more and more going back on the taxpayers without looking at how do we quit transferring risk when we are not seeing the benefit from it?

Mr. THOMPSON. I assume there is no disagreement?

Mr. PAULISON. No, none whatsoever. Administrator Fugate is right on target. Again, we keep building it back to the same place in the same way, and we are going to flood again and flood again, and just like our wind damage. We have to stop and think what are we doing up front that we are not doing now? I think that is the way to deal with it.

Mr. THOMPSON. You know, one of the comments is it doesn't matter what area the disaster in, FEMA has created a reputation that they will always be there for help. So State and locals have kind-of passed that burden on to FEMA to deal with, and I think at some point we are going to have to figure out a way at least to share that burden in some equitable manner.

Apart from that, we will, Mr. Chairman, continue to subsidize the disaster vehicle that we put in place to address. But it is not a bottomless pit, and so I think we have to take some of the advice of gentlemen like we have here that it is a problem and one that this committee could choose to tackle in some form of legislation or another.

One simple thing would be a uniform set of codes that if you want to participate in the disaster offerings that we have, you must have these on the books and enforced which would go a long ways toward addressing that. So thank you, Mr. Chairman, you have been very kind. I yield back.

Mr. DONOVAN. The gentleman yields back.

The Chair will now recognize the other Members of the subcommittee for questions they may wish to ask the witnesses. In accordance with the committee rules and practice, I plan to recognize Members who were present at the start of the hearing by seniority on the subcommittee. Those coming in late will be recognized in the order of arrival.

The Chair now recognizes the gentleman from Florida, Mr. Rutherford.

Mr. RUTHERFORD. Thank you, Mr. Chairman. I want to thank both of the panelists here. I know both of you started at local and State levels and worked your way through this when the country was really first dealing with this issue. You know, first we were looking at sea-borne events and then it grew into all-hazards. So I appreciate your service through all of that.

Let me ask this question. As you both know, recipients of our Homeland Security grant programs, they are required to complete that annual Threat and Hazard Identification of Risk Assessment, the THIRA, and that is a way for them to identify certain gaps in their capabilities that may exist.

But I hear a lot that localities are not really sufficiently engaged in the State THIRA planning. I mean could you respond to that and how you might make the THIRA program more successful?

Mr. FUGATE. Yes, sir. I will use Florida as an example because we have some unique tools there. It is a common concern from local governments that the States when they do the THIRAs which, you know, and the contracts, the way it works is the State is the recipient, then the local governments are the sub-grantees.

So we see some variability how well that is done, and you probably saw that, too, when you were sheriff with the Regional Domestic Security Taskforces.

Mr. RUTHERFORD. Right.

Mr. FUGATE. Some seem to be more successful at getting grant dollars than others, not always based upon who had the best threats, but who told the best story.

So the THIRAs were really trying to get around people saying it is bad, we need something, to what are, looking at a series of threats, capabilities, and where the gaps occurred. The tendency is for States to do that because it is aggregated up at the State, and then we fund the State. The State really works where it is going to go locally outside the urban security area initiatives.

So that is something, again, for the next administration. You got to do more than just talk to your State counterparts. You got to engage. What we found is—and it is they are not always happy, but at least we are willing to talk—National Sheriff Association, Police Chiefs, International Association of Fire Fighters, International Association of Fire Chiefs, because a lot of times their members will have concerns.

That helps us go, well, maybe we didn't get what we wanted to when talking to that State. But the overall fire is what is setting the stage based upon State-wide gaps and capabilities.

So it tends to be State-centric because we are funding the State to then make the decisions on where it is going locally, unlike the urban security areas which are set-aside specifically for those areas. But I hear it. I heard it when I was at the State level. Again, it is part of it. You got to keep the dialog and communication, and some days you agree to disagree.

Mr. RUTHERFORD. Yes.

Mr. Paulison.

Mr. PAULISON. One thing we tend to forget sometimes is all disasters are local. That is where——

Mr. RUTHERFORD. Yes.

Mr. PAULISON [continuing]. The first responder is. Oftentimes we try to second-guess what the needs are at the local level. Sometimes they will say we need this, and they say, nah, you don't need that. I think that is an issue.

So I think the communities have to be involved with the State in making the decisions of where those dollars are going to go because it is when there are not a lot of dollars out there when you divide it all up. So we have to make sure we spend it wisely. But they have to listen to the people on the ground at the local level of what they see their needs are.

Mr. RUTHERFORD. Well, and, you know, that is why I agree with you, Mr. Fugate, completely that, you know, you have to plan for what can happen, not what resources you have. I have seen that too often as well. Then you have these glaring gaps in capability that nobody wants to really address.

Let me ask this because I thought Mr. Paulison came up with a great idea on not just the, you know, forcing the building codes by raising or lowering the 75 percent through statute, but you could do the same thing if they were not meeting their gaps, correct?

Mr. PAULISON. My proposal was if they are not willing to put State-wide building codes in effect, if the State is not willing to do pre-disaster mitigation where they know they are going to have issues, then they shouldn't get that percentage on the response side.

Why should we, like Congressman Thompson just said, you know, we are subsidizing the local when they should be doing—or the States—when they should be doing some of the stuff themselves? If we put the incentive out there, we are going to give you the X, Y, Z if you do this, so that is the carrot, but maybe there should be a little bit of a stick also if you don't do it.

Mr. RUTHERFORD. Yes. Yes. Well, I think it is a carrot because they are getting the money from FEMA anyway.

Mr. Fugate, you want to add anything to that?

Mr. FUGATE. No. As you go through the carrots and the sticks some of that is, again, unintended consequences, but I think if you drive it toward this idea that we know what the science tells us how to build, we incentivise that. We also to a certain degree using the THIRA to drive the grants is where are the gaps in what we are seeing? I mean at some point, how many more bomb robots does a jurisdiction need? But they don't have more capabilities.

Mr. RUTHERFORD. Right.

Mr. FUGATE. So part of this was to get back to the things that we know we have to build capacity for, but there hasn't been, I think, sometimes always the perfect feedback of if they are not doing that and they are prioritizing other things, how do we penalize them more than just, you know, you are going to get that allocation, this is what the priorities are?

So as much as we could steer funding, we try to steer it. But it wasn't really about if you didn't do something, you weren't going to get funding. It was more of we were trying to incentivize good behavior.

Mr. RUTHERFORD. If you do something you get money.

Mr. FUGATE. Yes, sir.

Mr. RUTHERFORD. Thank you both very much.

Mr. Chairman, I yield back.

Mr. DONOVAN. The gentleman yields.

The Chair now recognizes the gentlelady from New Jersey, Mrs. Watson Coleman.

Mrs. WATSON COLEMAN. Thank you, Mr. Chairman. Good afternoon, gentlemen. I am from New Jersey, and I would like to talk to you a little bit about our experience with Sandy in 2012.

There are people that I come in contact with who say that there are still families who have not been made whole, whose properties had been devastated by Sandy, and it is 2017. I was wondering if you can just give me some insight into why that would be the case.

Mr. FUGATE. Well, I think one of the things that Dave Paulison pointed out, and this is one of the things that Congressman Thompson will tell you. People think that when they get a Presidential disaster declaration from FEMA, that we will make people whole.

Our max grant for individual assistance is around I think $34,000 now, and very few people max out. I think in New Jersey we are probably averaging about $6,000 to $7,000 plus renter's assistance.

Even the people with flood insurance, and we had a lot of challenges there that still need to be addressed, because those are capped out at a certain amount and their property was more expensive than that, it was still hard to rebuild.

Then as Dave pointed out, there is a lot of other funding that got appropriated, mainly through HUD and other type of community block grant dollars. In many cases States have used that to try to address the housing issues.

FEMA doesn't control that. In fact, most of our individual assistance was pretty much done with in the first year of our assistance and renter's assistance, and then the follow-on was going to be other programs.

So one of Dave's, you know, Director Paulison's comments or Administrator Paulison's comments was, you know, it is hard to keep visibility on all those dollar streams, and then the State and the survivors have now got to navigate various Federal agencies to work through the recovery versus we start the process. But it has really never been Congress' intention that FEMA makes somebody whole. We are basically starting the process. But it——

Mrs. WATSON COLEMAN. So let me ask you a question then because I think what I heard is that there are a lot of agencies that have a piece of the solution to a various problem. Is there any coordinating entity, or is that driven down to the State and the State decides how to parcel out? Is that what happened in New Jersey that——

Mr. FUGATE. States have, particularly with the HUD dollars, the dollars go to the State and then the State will prioritize. We have done a better job on the Federal side through the long-term recovery frameworks that were required by Congress for the Post-Katrina Emergency Management Reform Act, but it is still a learning process when we are dealing with large disasters to areas that

haven't dealt with it before to get that translated into outcomes. So——

Mrs. WATSON COLEMAN. So then does it become each department that has its dollar in the pot, each department's responsibility to monitor how well the State does with its particular piece?

Mr. FUGATE. Yes, ma'am, and it also means it comes with that department's regulatory requirements and their grants process, which tend to be different based upon how they are authorized and what the intention of those programs are.

Mrs. WATSON COLEMAN. Let me just pick your brain for a second, and Mr. Paulison, is there a need under circumstances like this, like a Katrina, like a Sandy, where there is a coordinating agent from the Federal Government that not only coordinates what you all do and what each Department does, but also has that monitoring, holistic monitoring responsibility over the State? Because in my State we had several problems.

We had problems giving contracts to the wrong people. We have problems with that administration giving contracts to friends. So we had a lot of wasted money. So I would like to know what would your recommendations be in situations like that that would help to make it more efficient, easier for people who are affected to get some resolution, and to ensure that there is uniform accountability? Thank you.

Mr. PAULISON. We had 19 different agencies providing disaster relief in New Jersey, in your State. It was confusing for the people who were receiving these different things. It was like Administrator Fugate said. There are different regulations for each department.

It was inefficient. There are still moneys that have not been spent. So I think, yes, there should be an agency that all the dollars flow through, or at least coordinate. I think it should be FEMA. FEMA has a cost-benefit——

Mrs. WATSON COLEMAN. I do, too.

Mr. PAULISON [continuing]. Analysis system in place that it is very good. Is this project worth rebuilding or is it not? I know the other departments aren't going to like what I am saying but I don't work here anymore so I can say it.

[Laughter.]

Mrs. WATSON COLEMAN. Thank you. That is why we have you here.

Mr. PAULISON. Yes. You know, I think it should be if not the money flowing through each agency, at least the approval and oversight of the projects going through one agency, and FEMA is the one to do that. I know the new FEMA administrator may not like it whenever they come in, but I think that we have to do something. It was too uncoordinated, and you are seeing it first-hand. You live there. You know. It needs to be fixed.

Mrs. WATSON COLEMAN. Thank you. My time is up; I appreciate it. Thank you very much.

Thank you, Mr. Chairman.

Mr. DONOVAN. The Chair now recognizes the gentleman from Rhode Island, Mr. Langevin.

Mr. LANGEVIN. Thank you, Mr. Chairman. I want thank our witnesses for being here today, and I want to thank you both particularly for your many years of public service.

So I want to touch on a topic that is perhaps easy to overlook but growing in importance, and that is dealing with cyber. So in my role as co-chair of the Congressional Cyber Security Caucus, I have encouraged emergency planners to incorporate cybersecurity response into their disaster planning.

For instance, in Rhode Island, I have worked with our excellent Emergency Management Director Pete Gaynor to incorporate cyber as part of the State's Hazard Identification and Risk Assessment.

So planning is particularly important as NIST has emphasized that our response recovery functions of cybersecurity risk management are often underdeveloped. So in your experience what is the maturity level with respect to incorporating cybersecurity incident response into all-hazards planning?

Mr. FUGATE. Well, my experience is we deal with the consequences of a cyber event, and when you start talking about cyber, most people go to electricity and other systems. We deal with power outages long-term and have some history there. The areas of cyber that from an emergency management perspective that I think we don't have a lot, because we don't really respond in those areas, is threats to the financial system.

I was at the Cleveland Federal Reserve and I said what happens if there is a run on the ATMs because people lose confidence in their bank accounts because of a cyber attack? They said we don't have enough cash. Financial systems, loss of confidence in those systems and the collateral impacts are one of the things that for an emergency manager, that is a lot different than planning for a power outage.

The other things is our total dependence upon the public switch network or the internet. We have found that we have created single points of failure for our communications systems. If you go to most dispatch centers, very few actually talk to their radio by RF. It is all going through the phone system.

So the thing that I found for emergency managers is they tend to look at disruptions caused by natural hazards. When you start asking about cyber, they don't know what they don't know.

They are not on the fixing side of this. They are on the consequence side. But they need to understand the vulnerabilities, that this will not be a geographically placed, it could be occurring multiple places across the country simultaneously. In some cases as a direct impact like power going out, but it may be a loss of confidence in critical infrastructure and people doing things that now become a crisis of itself.

So I think from the emergency management standpoint, it is part of the all-hazards, but I think the cyber community really needs to get better information out to emergency managers. Not so much on what has got to be fixed but what the vulnerabilities are, what kind of systems can be affected, and then begin exercising those consequences, because every exercise I have been involved in cyber, they were always able to fix the problem.

In my line of work, that is not what we plan for. We plan for it didn't get fixed, it went bad, it went worse than anybody thought.

Now what does that do to our ability to manage that crisis with our resources and understand that some of the systems we depend upon may be under attack themselves?

Mr. PAULISON. Thank you. I just came back from a cyber conference in London. Countries from all over the world came and a huge issue, and their thought process is just what Administrator Fugate said. This is a critical infrastructure issue, and I definitely think it should be part of our purview inside of FEMA to help protect that system and put it back in place when things go wrong.

We are definitely not the only country worried about it. It is a world-wide issue. So we are talking about banking systems. We are talking about security issues. We are talking about power grids and our whole communication system. So it is a system that can shut down and a problem that can shut down an entire country.

So yes, I definitely think it is we really have to step back and take a look at this and how are we going to protect and how are we going to respond to it?

Mr. LANGEVIN. Yes. I think it is important that we make it a forethought, not an afterthought. I mean, we can do mitigation planning and that can help forestall problems or cut them off before they become more serious.

Let me switch you to another topic before my time expires. Mr. Fugate, in our panel 2 weeks ago I asked stakeholders about their experience incorporating people with disabilities into planning up front. So the panel universally praised your work in helping it ensure that the disabled were not an afterthought, particularly through your efforts with the disability coordinator and the Office of Disability Integration and Coordination.

With that in mind, what recommendations do you have for your successor in continuing to make improvements in this space, and what role, if any, do you see for Congress in promoting inclusive planning?

Mr. FUGATE. Well, the first thing is the Americans with Disabilities Act is a law. Some people still don't get that. They think there are allowances during a crisis. That you cannot meet reasonable expectations. So the first thing is everybody has got to understand, the Americans with Disabilities Act says that it is an inclusive process, not exclusive.

Second thing is don't try to make your solutions fit your population. We had a history of putting people with disabilities into categories, going, this is a special needs shelter or this is a special this.

So we started asking a different question. Why are we putting barriers up because we may not have the luxury of picking out which shelter we get to? We get to a shelter, why isn't it accommodating to us? Why am I being told that I have to take my stepdaughter to another location? Or I got to take my father somewhere else because that shelter isn't inclusive. It is an exclusive shelter. People with disabilities should not go there.

Now a lot times people think, well, that is the way to concentrate our resources and to provide for people with disabilities. What I found and the history is it becomes exclusionary. It is violating the law and the spirit of the law. But more importantly, we are not prepared for the communities we live in.

So I think the thing is you need to understand the law and the requirements, but don't think that providing specialized services is doing anybody a favor. Your systems should have been inclusive on the front end because a lot people don't identify with disabilities, a lot of people are in aging communities.

If we are inclusive to everyone, we have gotten rid of the barriers, because in a crisis the more complex our systems are, the more likely they are going to fail our most vulnerable at their time of need. We need to break this down into being an inclusive, not exclusive, in how we deliver our services.

Mr. LANGEVIN. Thank you. Well said. I know my time is expired, but that was really how the world was before ADA, and then after ADA, right? Before ADA if something was accessible, it was accommodating, you were doing somebody a favor.

Now we see it as a civil right and that really needs to kind-of carry through in disaster planning as a forethought, not an afterthought. So thank you for your work in that space and other work that you have done. Thank you both for your testimony. I yield back.

Mr. DONOVAN. The gentleman yields.

The Chair now recognizes the gentleman from Virginia, Mr. Garrett.

Mr. GARRETT. Thank you, Mr. Chairman, and thank you, gentleman, for being here today. I want to try to ask questions and not engage in soliloquy but there are a couple of observations that I want to make from life experience having survived some incidents that were interesting, a couple of which were designated disasters and a couple which weren't.

That is my observation has been that the vast bulk of disasters manifest themselves locally and the vast bulk of responders are indeed locals, right? But it is tough to get on the ground the number of people you need from a Federal entity into an area that might be, in fact oftentimes is, very wide-spread.

What are we doing to ensure communications with the bulk of those first responders so that essentially they can know the roles that they need to play on the ground as the literal first folks on the scene?

I will start with Mr. Fugate.

Mr. FUGATE. I would go further than that. The faster response ain't the guys with the lights. It is your neighbor. So that is the first reason why we really push preparedness. It ain't about just being ready for you and your family, it is being able to help your neighbors.

Second thing is, you know, FEMA gets, and Dave is a local guy and then I work local and State, a lot of times think FEMA is going to be able to reach down to the locals. We are reaching down through the Governors.

What we are finding is it is the relationship between our State and our local partners and how their interoperability and how they communicate on a day-to-day basis, because that is what is going to happen in a disaster. If there is friction or bad communications day-to-day, it does not get better in a disaster.

So part of this is building these relationships and getting rid of these definitions of local, State, and Federal because when it is

really bad, you got to collapse and run as one team. But the first ones there should not be the ones that get bypassed. It is about building support for the locals through the State, and then FEMA's job supporting the State as the locals. But my observation has always been if they are not talking before a disaster, it don't get better during a disaster.

Mr. GARRETT. Mr. Paulison, I am going to sort-of preempt you, and I apologize, but so what we need to do then is create a circumstance where the first time the sheriff's deputy sees somebody from FEMA isn't the day after the hurricane or the tornado?

Mr. PAULISON. We have a saying that that is the worst time to exchange business cards is in the middle of a disaster. You should know these people up front, and it should be coordinated together. In every disaster we have, even at the local level, there are local people, there are State people, there are FEMA people there from all the agencies are at the local command post making sure we are sharing information. That is the only way it is going to work.

Mr. GARRETT. Is there a metric, and I am not trying to interrupt you to be rude.

Mr. PAULISON. I know, sir.

Mr. GARRETT. Is there a metric by which you can measure the performance of your people in the field because here is what I know from life. There is a guy or a gal out there who knows all the sheriffs and fire chiefs and, you know, in their area and there is another one who, you know—but that is so important.

I had the honor of serving on the Virginia Commonwealth Preparedness Board. We had great contingency plans that half the end-users didn't know about, which meant we had no plans, right? Is there a metric to measure the efficacy of individuals and sort-of making that face-to-face that will be so valuable on the deck, too?

Mr. PAULISON. So that is really the role of the local emergency manager is to make sure that all of those agencies are talking to each other, exercising together. They all know what the plan is.

We found that in Hurricane Andrew that did not happen at the local level or the State level or the Federal level. There was really poor communications in place. Our emergency management system just totally collapsed during Andrew and it fell on the different agencies, particularly the fire department at the time, I think I was the fire chief 3 weeks——

Mr. GARRETT. Yes.

Mr. PAULISON [continuing]. To take on that task. So it shouldn't have fallen on the fire department. It should have been at the emergency management level. So that is the key first—that is the kingpin for that local disaster response is that local emergency manager. Then it is up to the State to make sure that we are all these different counties are talking.

Craig Fugate when he was our State emergency manager did an outstanding job of making sure that all 67 counties were talking to each other. Even if part of the counties were not affected directly, they would be by moving supplies in and out. So he made sure that every day, twice a day, all 67 counties were on a conference call sharing information.

Mr. GARRETT. So you make an excellent point—I got about 40 seconds—and that is that if there are 67 counties and 30 are impacted, the other 37 are very important because they have resources that can be brought to bear and that communication matters.

So then the next question I have, and this might be ignorance on my part having been a prosecutor for a long time and working closely with law enforcement, is what are we doing to ensure coms interoperability across jurisdictional lines?

We always have a county contract for your 9–1–1 or your radio coms or what have you. There were times where we couldn't talk to State police from this county from—and is there anything being done to sort-of get to a uniform standard where everybody can actually literally talk to one another?

Mr. PAULISON. Right now it is up to each individual State. There is a program that actually you are funding called FirstNet that is just putting together a State-wide—I mean, excuse me, a Nationwide emergency management communication system. Now that is in its very infancy right now, but if this plays like it should play out, we will have a communication where somebody in New Jersey can talk to somebody in California directly.

Mr. GARRETT. Then we have just got to have some net discipline.

Mr. PAULISON. Yes, that is true. But right now it is just like in the State of Florida, we have a State-wide communication system that people can tag into to share information around the State where law enforcement should be talking to the fire department should be talking to EMS should be talking to emergency management. I don't know if you want to——

Mr. GARRETT. Thank you. Well, I am want to yield back, my negative 36 seconds.

Mr. DONOVAN. We will take them. Thank you, gentlemen.

Mr. GARRETT. Thank you.

Mr. DONOVAN. Before we end, there may have been things that you wanted to express to us that weren't in your written remarks and that we didn't ask you. As a last thought for the next administrator, if that woman or man was sitting here, what do you want to tell them?

Mr. FUGATE. You have got a lot of great people that work at FEMA, but like all organizations, they will do what will give them greatest success for the least amount of risk. FEMA cannot be an organization of people who won't take risk because we are going to get it wrong from time to time.

But the problem is if you are not taking risk because you can't wait for the all the facts and information to make decisions in a crisis, action is your preferable strength, not waiting for all the facts. But you will make mistakes.

The next administrator has to understand that they need to empower their team to make quick and bold decisions in the opening moments of a crisis when not all the facts are in. And be prepared to take the arrows when things don't go well, because what I found at FEMA, the more I demanded and pushed my staff to do the things they didn't think were possible, the better they got.

But that meant when things went wrong, I had to be prepared to come here before you for the hearings and explain why, not

chuck people under the bus or allow staff to take the fall. When we make mistakes for the right reason, you are going to have a hearing. When you make mistakes for the wrong reason, you fail our citizens and you should be fired.

Mr. DONOVAN. Thank you.

Administrator Paulison.

Mr. PAULISON. You know, I just have to echo that, too. I had something else I was going to say. But I think that is so important, particularly for the morale inside the organization itself. This goes through agency, but just we are talking about FEMA, is people are going to do what they think is best based on the information they have at the time.

During Katrina, and probably rightfully so, so I am not saying that the media was terrible, but every little thing that FEMA did wrong was on the front page of the *Washington Post* or the *Miami Herald* or wherever you happened to be.

Sometimes they were decisions that were made for the right reasons that may not have been—the outcome may not have come out like it should have come out. I will give you an example.

We did a yeoman's job of housing 100,000 families. It was the largest migration in the history of this country, most of them in mobile homes and travel trailers. Then we found out we had formaldehyde in them. You know, no fault of FEMA for this. We were buying them off the lot like you would go buy one. But we got thrown under the bus for that.

I took the heat for that. We surely did not blame the people buying the mobile homes. So I think it is a matter of letting people make the right decisions that they think at the time. Then like Administrator Fugate said, you know, we will come here and take the heat for it and not throw our employees under the bus.

Now if they did something intentionally wrong, well, that is a different issue. But when they are trying to make the right decision based on in the heat of the moment, sometimes they make mistakes. But we will handle that part and we will take the heat for that and still support that employee because that is a good lesson to learn.

Mr. DONOVAN. Thank you both for your valuable testimony and for my fellow Members of the committee for their questions. The Members of the committee may have some additional questions for the witnesses, and we ask you to respond to those in writing. Pursuant to the committee rule VII(D), the hearing record will be held open for 10 days. Without objection, the subcommittee stands adjourned. Thank you both.

[Whereupon, at 3:40 p.m., the subcommittee was adjourned.]

APPENDIX

QUESTIONS FROM RANKING MEMBER HAROLD M. PAYNE, JR. FOR W. CRAIG FUGATE

Question 1. As you know, "climate change" have become dirty words in Washington. But as you acknowledge, we are experiencing more frequent, more severe, more costly weather events. How can we depoliticize the cause so we can proactively address the challenges ahead?

Answer. The conversation must shift from "climate change" to a discussion about how we, as a Nation, manage risk.

Current practice has seen too much risk liability—which is essentially a stealth tax—placed on the taxpayer. This burden is realized through more frequent Stafford Act disaster declarations and the associated Federal dollars that flow out of the Disaster Relief Fund, as well as disaster-related CDBG dollars that come from HUD. Additionally, in events that may not warrant a Stafford declaration, there can still be National Flood Insurance Program claims or SBA loans for impacted businesses. There are other departments and agencies that bear costs for these liabilities, as well. From 2005–2014, the Government Accountability Office found $277 billion in disaster spending across the Federal Government (GAO 16–797).

The goal should be to move away from the taxpayer subsidizing the risk, to the private insurance markets subsidizing the risks. If the private sector cannot—or will not—provide affordable insurance, then the Federal Government is effectively incentivizing building in the wrong places or to the wrong codes and standards.

If we, as a Nation, decide to subsidize risk (i.e. 20% of existing NFIP policy holders who have grandfathered or subsidized premium rates), it should be done in the public interest and not just for the benefit of a few.

Question 2. As I mentioned in my opening statement, I am committed to ensuring that addressing the unique needs of children before, during, and after a disaster remains a priority at FEMA. Do you support legislative efforts to formally authorize the Children's Needs Technical Expert at FEMA to help ensure that children's needs are accommodated during disaster response and recovery?

Answer. Yes, I support legislative efforts to authorize the Children's Needs Technical Expert at FEMA. But, having led a Federal agency for nearly 8 years, I would also caution you that it can be difficult to implement Congress' intent when it comes to a specific position within a large organization.

I embraced the requirements for functions that Congress established to exist within FEMA when it passed the Post-Katrina Emergency Management Reform Act in 2006, and I would encourage you to work closely with the agency to ensure that any legislation you are drafting provides clear direction on expectations while also giving the agency flexibility in managing its personnel.

QUESTIONS FROM HONORABLE JAMES R. LANGEVIN FOR W. CRAIG FUGATE

Question 1. Cyber attacks can have physical effects that mimic conventional disasters. How well-prepared are emergency managers to ensure that malicious actors are cleaned off of networks to prevent them from causing more chaos?

Put another way, is FEMA—and emergency managers more broadly—prepared to treat the underlying cause of cyber incidents (e.g., malware) rather than just the symptoms (e.g., a power outage)?

Answer. Emergency management, in general—and FEMA, more specifically—are not in a position to address the root causes of cyber attacks. It is not a core competency of emergency managers. That said, there is a need to train emergency managers on the potential impacts of these threats in order to adjust emergency plans to address any outcomes of a cyber attack that may or may not mimic other infrastructure disruptions. Historically, emergency management has focused on consequence management for all hazards. FEMA has very close working relationships with sister organizations at DHS and other entities both inside and outside the Fed-

eral Government that are working at the National level to prevent cyber attacks from happening. This ensures that if there is an incident that cannot be prevented, Federal emergency management officials have already established needed connections with appropriate officials. Further, non-Federal emergency managers must have an understanding of the potential threats so that they can plan for all consequences and communicate with their chief executives about the need for resources to prepare for potential consequences.

Question 2. What process would an emergency manager rely on to determine a cyber physical attack had a cyber component at all, particularly if manifestation was largely physical?

Answer. In my opinion, State, local, and Tribal emergency managers are left out of the loop in most cyber events. While they may deal with the disruptions resulting from a cyber attack, until facts are shared with them by those Federal agencies who have the information that the event is a cyber attack, State, local, and Tribal partners are more likely to read about the fact that it is a cyber attack from open-source news. Non-Federal emergency managers must have an understanding of the potential threats in the cyber realm so that they can effectively plan for all consequences and communicate with their chief executives about the need for resources to prepare for potential consequences.

Question 3. What role do you see for FEMA as part of the National Cyber Incident Response Plan? The recently-released plan makes reference to using FEMA infrastructure but does not seem to address incorporating FEMA into planning directly.

Answer. There has been much resistance to clearly defining FEMA's role and utilizing existing tools to manage cyber events. Other than looking at the Stafford Act to fund cyber attack recovery and mitigation costs, FEMA is not seen as part of the response team in the cyber/virtual envronment. FEMA already has: (1) Relationships with the States that few other Federal agencies have, and (2) a well-developed crisis response capability. I proposed that FEMA support those lead Federal agencies which have cyber attack roles under the National Response Framework so that FEMA can bring to bear the tools and capabilities that it already has—given its all-hazards mission—and which have already been funded by the taxpayer.

QUESTION FROM RANKING MEMBER DONALD M. PAYNE, JR. FOR ROBERT DAVID PAULISON

Question. As you know, "climate change" have become dirty words in Washington. But as you acknowledge, we are experiencing more frequent, more severe, more costly weather events. How can we depoliticize the cause so we can proactively address the challenges ahead?

Answer. Response was not received at the time of publication.

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