

September 15, 2003

Secretary Tom Ridge  
Department of Homeland Security  
Washington D.C.

Dear Mr. Secretary:

Thank you for taking the time to meet with me Friday regarding grant consolidation and the overall preparedness strategy of the Department. My sole motivation regarding these topics is to ensure that you have the benefit of all perspectives during your decision making process. As I mentioned in our conversation, decisions regarding grants and preparedness will have a substantial impact upon the future mission of FEMA. Regardless of your final decision, I will have one reaction. I will support and apply all necessary assets and manpower to implement your decision.

I believe the following proposals present a unique opportunity to achieve a tremendous success for both the Department and the Administration. Undoubtedly, individuals within and outside the Department will raise concerns regardless of your ultimate decision. Through your leadership and a focused effort to answer these concerns, I am confident these proposed actions will not only placate the detractors, but will ultimately gain their praise when the advantages to the first responder and the preparedness of the nation are revealed.

The proponents of moving grant programs and FEMA's preparedness mission to the Office of Domestic Preparedness (ODP) and the Office of State and Local Government Coordination (OSLGC) describe the reorganization as an effective way to consolidate preparedness and grants responsibilities to achieve an effective, Department-wide, terrorism preparedness initiative or a "one-stop shop".

In reality, their proposed action does not consolidate grants or preparedness initiatives. The proposal would still result in a bifurcation of these functions within the Department. There will still be congressionally mandated all-hazards grant and preparedness programs within EP&R. Additionally, the proposed move would ignore the painful lesson FEMA learned years ago during the 1985 Pennsylvania tornadoes and Hurricane Andrew that the separation of the preparedness mission from the response mission inevitably leads to an ineffective and uncoordinated response. These realities shaped President Bush's proposal for EP&R and reinforce my continuing belief that the only way to truly consolidate these programs within the Department is to consolidate both the grant and preparedness programs within EP&R by moving ODP to FEMA.

This proposal is consistent with the National Strategy for Homeland Security. It directly tracks several of President Bush's priorities in his proposed legislation for the Department. The proposal is also consistent with the President's '04 Budget that calls for the transfer of a handful of FEMA grants to ODP. The goal of the President's budget is the consolidation of grant programs. You can achieve that consolidation and remain consistent with the budget by using the Secretary's administrative powers to move ODP into EP&R. It is this same logic that allows the move of ODP into OSLGC, as the budget does not address the move of ODP once the proposed grant programs are incorporated into it.

The goal of creating a grants and preparedness "one-stop shop" for the first responder and State and local governments is truly achieved only by moving ODP to EP&R. This move will eliminate potential political liabilities for the Secretary by distancing the Secretary's office from the operational and decision making role of the disbursement of billions of dollars of highly sought after and contested grant monies. The example of the Fire service's active lobbying with regards to grant funding and their tensions with other entities competing for limited grant dollars is a primary reason to remove these political liabilities from the direct office of the Secretary. Moving ODP and these functions into an operational directorate provides the Secretary's office with the appropriate oversight of these programs while removing the direct responsibility of addressing the tensions and criticisms that arise from the first responder community. Simply put, a denial letter comes from an Under Secretary rather than the Office of the Secretary.

President Bush clearly signaled that First Responder Grants belong in EP&R when he proposed the First Responder Initiative in his budget proposal of January 2002. The President later advocated moving ODP to EP&R in his proposed legislation for the Department. The recommendation to move ODP to FEMA received far greater scrutiny and policy review by the President's senior staff than has the current proposal to move ODP into the OSLGC. In fact, the move to OSLGC has never been formally vetted at the senior staff level within the Department. Additionally, both the President in his proposal and Congress in the Act, clearly indicated that the preparedness mission should reside within the EP&R directorate by including the word 'preparedness' in the Directorate's name and mission.

While the President's attempts to move ODP were unsuccessful, it is important to note that during the creation of the Department, the President's legislative strategy was centered on gaining several key and unprecedented management authorities for the Secretary of DHS. This calculated strategy was made knowing that later, these powers could be exercised to achieve many of the President's unfulfilled legislative priorities. Due to the President's successful efforts to gain these authorities, you are now in the position to move ODP to EP&R thereby delivering on a key element of the President's original proposal for the Department.

The precedent setting use of the Secretary's unique management authorities should be exercised for high-level initiatives so as not to dilute the baseline upon which these

authorities are utilized. Moving ODP and a handful of grants from FEMA to the OSLGC reduces the threshold of these powers. Instead of consolidating all aspects of grants and preparedness within one directorate of the department, it uses the authority to move limited aspects of programs from a division level office to a different support office. This will not result in the sought after Departmental consolidation of preparedness responsibilities. The move of ODP to OSLGC will not solve the fundamental problem of the separation of some preparedness activities (i.e. terrorism preparedness) from the all-hazards preparedness and grant functions of FEMA. The move of ODP to OSLGC will also dilute the future abilities of DHS Secretaries to exercise these unprecedented authorities at the appropriate level and indeed, could further limit your ability to exercise these authorities during your tenure.

FEMA has an existing infrastructure to handle the transfer of ODP that is far more robust in structure, experience, regional presence, and established historical relationships with State and local entities and first responders than that of the OSLGC. Since FEMA's inception in 1979, it has cultivated an extensive infrastructure enabling effective coordination of emergency preparedness and response through our long-standing relationships with State and local entities. This infrastructure is founded in common efforts among Federal and State entities to coordinate throughout the entire continuum of the emergency management cycle.

FEMA's relationships with its State and local partners have been formed, maintained, and improved over the course of 111 emergency declarations, 912 major disaster declarations and numerous response operations. Similarly, our decades of operations in these areas is buttressed by a developed financial management system that supports our expertise in grants administration by disbursing a massive amount of awards each year. In FY '03 alone, FEMA has distributed \$5.4 billion in 175,374 awards. This is compared to ODP's awards of approximately \$2.8 billion in 204 awards in FY '03.

Moving ODP to EP&R will create the full integration of all preparedness functions within one Directorate. ODP will enhance the terrorism delta on FEMA's solid all-hazards foundation. It will merge ODP's strong point of law enforcement prevention grants and training functions with FEMA's solid relationships with fire, EMS, public works, local officials, and emergency managers. Additionally, the move will match ODP's experience in the mandated state homeland security plans with the strong relationship FEMA has developed with the Governors, mayors, and State and local emergency managers that execute these state plans. The result will be a unified and balanced approach to all preparedness activities.

In my opinion, there is one hurdle that the proposal of moving ODP to EP&R must overcome. A traditional tension between the division of influence between the fire and police services must be addressed. Currently, the fire community opposes moving Fire grants to ODP due to its concern that fire issues will be given a lower priority in the historically law enforcement oriented approach of ODP. Vice versa, moving ODP to EP&R raises similar concerns with the law enforcement community. I believe a

politically viable and beneficial strategy exists for this issue and FEMA can lead its implementation immediately.

To address the concerns of the law enforcement community, I am proposing a reorganization of the Preparedness Division of FEMA. Currently, the U.S. Fire Administrator is the Director of Preparedness. This will raise concerns from the law enforcement community. To address this issue, EP&R will modify the structure of the Preparedness Division to incorporate a Presidentially appointed senior representative and advocate from both the fire and police services. These representatives will serve as the operational Deputy Directors of Preparedness under the newly confirmed Sue Mencer who would be the Director of Preparedness. This will facilitate a unified and balanced approach to the Department's preparedness activities.

The newly designated Deputy Director of Preparedness and U.S. Fire Administrator would represent the fire services. The newly created Deputy Director of Preparedness and U.S. Law Enforcement Representative would represent Law enforcement services. Both of these positions would be filled with proven, experienced, and respected senior officials from their respective service. The creation of these co-equal positions will provide each of the traditional services with an advocate who is recognized as one of their own.

The creation of the U.S. Law Enforcement Representative gives the police services something they have never had within the Federal government. Local police officials have associated their preparedness activities with the Department of Justice. Regardless of the existing perception of ODP representing law enforcement issues, there exists a reality that DOJ/ODP represents the *Federal* law enforcement views rather than *local* police interests. The police services have never had one of their 'own' representing their issues at the appropriate level of ODP or DOJ. This proposed reorganization of FEMA's Preparedness Division gives them their own representative. Cops identify with cops, not the FBI.

The USFA representative will focus more on preparedness issues for fire, EMS, and the traditional FEMA constituency. The Police Representative will focus more on preparedness issues relating to prevention and law enforcement. Each of these Deputy Directors should benefit from the expertise of liaisons from IAIP, S&T, USCG, USSS, and BTS in order to fully integrate all missions of the Department into a common delivery of a *unified, all-hazards* preparedness strategy.

If appropriately executed, this strategy will gain the support of first responders, the law enforcement community, and their representatives in Congress.

In light of your administrative powers and the President's initial proposal, the question is not why should ODP be in EP&R, but rather why should ODP *not* be in EP&R? In my opinion, no sufficient policy justifications exist to justify the proposition that ODP should not be in EP&R.

While detractors resort to the fact that the President twice unsuccessfully tried to move ODP, they fail to account for the reality that the dynamics behind the Congressional opposition to the move have changed due to committee realignments. Detractors also ignore the fact that you wield Congressionally granted reorganizational authorities that the Executive did not possess during its prior attempts to effectuate the move. Mark Twain once said, "We should be careful to get out of an experience only the wisdom that is in it- and stop there; lest we be like the cat that sits down on a hot stove-lid. She will never sit down on a hot stove-lid again- and that is well; but also she will never sit down on a cold one either."

The transfer of ODP to FEMA will help facilitate the development of a true one-stop shop for first responders. The one-stop shop will consist of a web portal that will include training standards, equipment procurement, training coursework, grant resources, and applications combined into a viable portal that can be utilized by the smallest communities to our largest cities. FEMA's development of the Compendium of Federal Terrorism Training is the preexisting foundation for the development of a comprehensive, interagency, terrorism training and preparedness portal. Having all preparedness and grant functions in EP&R will enable the Department to streamline its ability to determine training needs; determine responsibility for developing specific training among the Directorates and the federal government in order to fill gaps and avoid duplication; develop and maintain required training; and ensure quality, consistency, and conformity with existing standards.

The backbone of our one-stop shop concept is the development of a National Terrorism Mission-essential Task List (NTMETL). This element is the key to any system that focuses on the needs of the first responder. First responders consistently state that their single biggest need is to have a list of tasks that they can train against. NTMETL will enable the Department to target preparedness efforts by organizing available training and grants in a system that considers the discipline (i.e. public health, law enforcement), scenario (i.e. RDD, communicable bio agent), role (i.e. technician, operations), and tasks (i.e. condition, standard). Adding the delta to this system of the existing training compendium, a standardized equipment list for each task, available grants to help acquire the suggested training and equipment, and an online application will make the system a true "one-stop shop".

The benefit to the first responder will be the ability for them to have a performance/training roadmap for their emergency personnel, determine training priorities, access course information, contact training providers to schedule training, plan exercises using standardized performance criteria, and apply for grants. The benefit to the Department will be an ability to use empirical data to guide federal training management, tie equipment and grants to key preparedness activities, control training gaps and duplication, and provide an empirical basis to determine the preparedness of the nation as well as determining necessary funds to adequately prepare. Ultimately, we will be able to truly compare a state's plan to its level of preparedness.

This one-stop shop proposal could be achieved with a series of milestones announced along the way to a complete, operational one-stop shop. The stage of completing the Compendium of Federal Training portion is essentially complete today. The completion of cataloguing available Federal grants can also be achieved in short order. The final element of creating the NTMETL will take more time, but can be achieved in a reasonable period if it is given the right resources and appropriate interagency priority.

To facilitate this effort, I believe it would be extremely helpful if an Executive Order were issued to designate DHS (operational responsibility would be delegated to EP&R) as the lead for this interagency effort. Strong IT contracts supported by an interagency working group comprised of program experts operating under a stringent timeline for deliverables will enable this project to succeed. The inter-agency is already accustomed to EP&R/FEMA acting as the inter-agency coordinator on the Compendium, and will readily embrace this role, too.

The final issue I would like to address is the impact of removing the preparedness mission from FEMA will have on its response mission. Just as grants are so closely linked to preparedness, preparedness is integrally linked to response. It is for this reason that the backbone of FEMA's responsibilities given to it in the Stafford Act are reflected in the emergency management cycle of preparedness, response, recovery, and mitigation. This cycle forms a chain that should not be broken. Because this cycle guides every action that FEMA takes, it is clear why the agency has organized its four divisions of Preparedness, Response, Recovery, and Mitigation directly in line with the priorities set out by the cycle. The preparedness function represents an integral pillar of FEMA's ability to meet the requirements of this rigorous cycle.

The placement of the preparedness mission in the Department is a fundamental question for the future mission of FEMA. Preparedness defines EP&R's vision of "A Nation Prepared" and drives our mission to lead the Nation to *prepare for*, mitigate the effects of, respond to, and recover from major domestic disasters, both natural and manmade, including incidents of terrorism.

Since FEMA's inception in 1979, it has cultivated an extensive infrastructure enabling the effective coordination of emergency preparedness and response through our long-standing relationships with state and local entities. This infrastructure is founded in common efforts among Federal and State entities to coordinate throughout the entire continuum of the emergency management cycle

An effective preparedness policy is validated through an increased ability to respond through training, planning, education, guidance, exercises and assessments. Preparedness is fundamentally linked to response, as it is the cornerstone of planning in advance for the response phase of the emergency management cycle. Therefore, we believe that all preparedness functions of the Department should be consolidated into FEMA where the response mission resides.

In the 1980's, FEMA learned the hard way that disjointed efforts between preparedness and response create significant problems in effectively managing disasters. As an example, the 1985 tornado outbreak that affected northwestern Pennsylvania highlighted significant planning and response problems. More recently, as Secretary Card can attest, the lack of a synchronized effort between the preparedness and response missions led to an ineffective response to Hurricane Andrew. It is interesting to note that then, as today, there were competing interests involved in the preparedness mission. Years ago this tension was caused by the separation of resources applied to the preparedness for nuclear war from all-hazards preparedness. Today, the tension is between preparedness for terrorism as opposed to all-hazards.

The Stafford Act, as we know it today, was strongly influenced by the Federal shortcomings in response to the 1985 tornado outbreaks in Pennsylvania. As a result, the Act focused on the need for an all-hazards approach to preparedness and response. The all-hazards approach operates upon the understanding that there is a cycle to emergencies that begins with preparedness and mitigation, flows into response, and ends with recovery. These primary areas or phases of disaster management are inextricably linked. The further preparedness efforts are distanced from the response, recovery, and mitigation duties, the greater the opportunity for disconnects that can result in an ineffective and uncoordinated response.

Moving the preparedness function out of FEMA and into OSLGC would fundamentally sever FEMA from its core functions of supporting first responders, State and local governments and the public. It would shatter agency morale and would completely disconnect the Department's response functions from the responders and governments they are supposed to support. It would break longstanding, effective and tested relationships with the states and first responder stakeholders. The move would also sever effective FEMA training delivery systems that directly train over 1,000,000 first responders each year. The appropriate pairing of the preparedness and response missions in the EP&R directorate compliments emergency management structures at the State and local level. In those structures, the same people responsible for responding to any emergency or disaster, no matter the cause, would be the same people responsible for preparing for it.

The preparedness mission should remain in FEMA. The agency has decades of experience in preparedness, an existing field structure in its regions, and is the Directorate tasked with providing the response to terrorist attacks and natural disasters. The Department does not need to start from scratch by shuffling and recreating preparedness responsibilities within other areas of the Department. FEMA has laid a solid preparedness foundation and the Department should build upon it.

I recognize that these proposals differ significantly from your original thinking. These proposals likewise represent a significant divergence from the original design for a one-stop shop and the role of preparedness within the Department. However, I sincerely

believe that the senior leadership of the Department would readily embrace such bold changes.

I am also convinced that you should exercise your reorganization authorities in such a way that establishes a higher baseline for the future exercise of those authorities, both for yourself and future secretaries. Whatever your decision, the dedicated employees of EP&R/FEMA will work diligently to implement them.

Thank you for giving me the opportunity to outline both my concerns and these proposals.

Very truly yours,

Michael D. Brown

cc:  
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