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TESTIMONY
BEFORE THE
HOUSE COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
ON
FEMA PREPAREDNESS IN 2007 AND BEYOND

THE UNITED STATES HOUSE OF REPRESENTATIVES

JULY 31, 2007

Thank you Chairman Waxman, Chairman Kucinich, Ranking Member Davis, Ranking Member Issa and distinguished members of the Committee. It is a pleasure to be here today to express my views on the current collaboration between FEMA and the states on the issues of preparedness, response and recovery in the post-Katrina environment. I come here today as the current President of the National Emergency Management Association, which represents state emergency management directors throughout the nation and U.S. territories, and also as the State Director of Emergency Management in Oklahoma.

Nearly two years ago I testified before the House Committee on Transportation and Infrastructure, with the topic being “Recovering after Katrina: Ensuring that FEMA is up to the task”. At that time, I addressed the issue by asking which FEMA was being assessed, the one prior to the development of the Department of Homeland Security or the shell which was in place at the time Katrina made landfall.

I talked about the FEMA success stories of the 1990s and the long evolutionary trek FEMA took to get there. I talked about the disassembling of FEMA under the Department of Homeland Security (DHS) structure and the total de-emphasis of natural disasters from September 11, 2001 through July 2005. I also told the committee that moving FEMA out from under DHS and returning its funding and manpower to pre-DHS levels would be the way to return FEMA to the level of efficiency we all should expect.

Today, however, I cannot honestly say these recommendations would be enough. I still personally believe FEMA should be an independent agency working directly for the President, but I would be naive if I were to sum up all the agency's problems under this one issue.

I believe all current issues can be summarized in one topic – communication. In my 19 years in emergency management, I have never experienced a more polarized environment between state and federal government. It seems that the Katrina federal legacy is one of minimizing exposure for the next event and ensuring future focus is centered on state and local preparedness efforts.

A perfect example of this attitude is illustrated in the National Plan Review, which was conducted in 2006. The states were told that this was an opportunity for all levels of government to sit together, review plans, identify shortfalls, and develop a strategy to address those shortfalls, both operationally and financially in the future. This seemed like a wonderful concept, right up until the time the national planning report card was published for each state. The entire exercise seemed to be little more than an opportunity for the federal government to tell the press, “we told you states weren't prepared”.

Also, consider the National Response Plan, excuse me, the now called National Response Framework, which will be released by DHS in the near future. You will be told this is a national document, developed over many hours of collaboration between all levels of government and all disciplines. Let me be the first to say you should have a shovel nearby when you hear this. I've queried my colleagues at both the state and local level and realize that no one knows what information this document contains and we won't until we read it like everyone else in this room.

Then, there are the efforts currently being performed along the Gulf Coast to ensure that every future evacuee is accounted for and the public's expectations of government will be met. Millions of dollars are being spent on federal plans to airlift individuals from Louisiana to Oklahoma, Arkansas, Tennessee and other “host” states. Yet, the arithmetic doesn't work. The contractors can't find enough states to pledge support to host the number of evacuees in the New Orleans area, alone. Therefore, I'm constantly receiving calls from FEMA saying, “Can't you handle another 20,000 or 30,000? We'll make sure your costs are reimbursed.” Unfortunately, the bigger issue is the revelation which appeared in

newspapers last week. One in three people surveyed along the Gulf Coast said they would ignore government evacuation warnings, up from one in four in last year's survey.

In Oklahoma, I'm lucky to have a boss, Governor Brad Henry, who realizes emergency management is a customer service business. More importantly, he understands that the customers we serve are at the local level, not in Washington. Following disaster events, he expects me to brief him on what assistance is being provided to the victims immediately and what assistance we're working to provide in the future. The Governor does not expect me to provide anything which is not available under the law, but he does expect me to extract the full potential of the law to the victim's advantage. And, he expects the same level of customer service to be provided by the federal government, in the support of our state.

Unfortunately, our recent dealings with FEMA, in response to disasters our state has experienced over the last 18 months, has done little to ensure customer service is a concern, or that we are even considered a customer. Since December 2005, Oklahoma has experienced wildfires, ice storms, tornadoes and floods which have resulted in six major disaster declarations, one emergency declaration, and 26 fire management assistance grants.

One might say that this level of activity is proof that the "new" FEMA is working diligently to make sure assistance is being provided as quickly as possibly, but I would offer that each request has been viewed from a federal perspective of, "what is the minimum we have to provide, as opposed to, what is the need." Never before have I entered into so many discussions regarding the interpretation of the law or the standard of assessment. I've even had a FEMA attorney question the authority my Lieutenant Governor has to make a request for the state, in the Governor's absence. Through this all, the Governor has asked me some very simple questions, like: "Is FEMA this unresponsive because they're under DHS?; Why does it take two weeks to make a decision on my request?; Why does the FEMA Region support our request and FEMA Headquarters doesn't?; or even, Why won't they return my phone calls?". Regretfully, I have but one answer to each of his questions, "I don't know, sir. But, I do know this is not the way it's supposed to be."

In conclusion, I'd like to summarize the current philosophical differences between my state and FEMA with a brief illustration. In my operations

center a sign, defining what is expected of each employee, has hung on the wall for many years. It simply says, "If it's legal, moral and ethical . . . Just do it!" And while I realize much of this creed is subjective, by nature, it does stress the reason we are all employed . . . to provide a service to our citizens during their time of need. With this in mind, I wonder what a similar sign would say, if it were currently hanging on the wall in FEMA headquarters. Perhaps it would say something like, "If it's legally concise and limits our agency's exposure and potential liability, we should consider doing it, contingent of course on General Counsel's final opinion, in coordination with the Office of Management and Budget, and subject to the final vote of the tribunal convened to effectively disperse responsibility throughout the federal government."

Whether this philosophy is a product of FEMA, DHS, the White House, Congress, or a combination of any or all of the above, I simply don't know. I only know it does not meet my expectations, as either a state customer or private citizen. Thank you.