

MR. BROCK LONG

**Director Alabama Emergency Management Agency
Member, National Emergency Management Association**

TESTIMONY

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Subcommittee on Emergency Communications, Preparedness, and Response**

*Ensuring Strong FEMA Regional Offices:
An Examination of Resources and Responsibilities*

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**National Emergency Management Association
Hall of the States
444 North Capitol Street, NW
Washington, DC 20001
(Ph) 202-624-5459**

Introduction

Chairwoman Richardson, Ranking Member Rogers, and members of the Subcommittee, thank you for the opportunity to testify before you today. As Director of the Alabama Emergency Management Agency, I appreciate the opportunity to address how the Federal Emergency Management Agency (FEMA) Regional offices work with our State.

One of our goals at the Alabama Emergency Management Agency is to build a prepared citizenry, coordinate all available resources down to the incident level during disasters, and be as self-sufficient and timely as possible. To meet this goal, an effective partnership between FEMA, the State, local jurisdictions, and our citizens is imperative. Despite our best efforts as a state to remain self-sufficient, the possibility of a disaster overwhelming our capabilities and requiring assistance from our federal partners at FEMA is ever-present. Our preparedness, response, and recovery efforts depend upon solid relationships with FEMA, and we appreciate the assistance and guidance that we receive from FEMA Region IV.

During Presidential disaster declarations, states need assurances the FEMA regional offices and FEMA Headquarters fully understand the strategic priorities and capability shortfalls of the state. In the past 18 months, Alabama has experienced seven Presidential disaster declarations. While our relationship with FEMA Region IV is healthy and productive, these disasters indicate room for improvement. The strategic priorities of the states remain the foundation for improving the emergency management community's levels of preparedness and capability to respond and recover.

Each state has unique needs due to their geographic location, budgets, and staffing; however we all face the common challenge of meeting the specific needs of our citizens utilizing DHS and FEMA assistance, which is often guided by ridged policy and subjective regulation interpretation. By gaining an understanding of state priorities, FEMA could better construct a bottom-up approach to developing policies, regulations, and grant guidance. Also, FEMA regional offices should be given more autonomy and staff to manage federal grants and programs in a manner specifically supporting state priorities.

Regional Responsibilities & Authorities

Many of the federal programs initiated remain national in scope and fail to translate effectively or efficiently at the state level. Alabama's challenges are much different than other large and small states as classified by the *Robert T. Stafford Disaster Relief Act* (Stafford Act). Unfortunately, disasters will never recognize national priorities, so flexibility must stand as the starting point of any national policy or regulation. By providing FEMA regional offices discretion to aid states in building local capabilities, the ultimate goals of self-sufficiency, saving lives, reducing the overall cost of disasters, and improving collective response and recovery times are closer to reality.

While FEMA regional offices remain responsible for added program requirements as a result of the Post-Katrina Emergency Management Reform Act (PKEMRA) and FEMA national initiatives, it remains imperative the level of authority provided to FEMA Region offices parallel these added responsibilities. Regions must also be staffed at proper levels to effectively administer grants, disaster assistance, and program requirements.

All disasters begin and end locally. When decision-making authority is delegated closest to the incident, collective disaster response and recovery will be more efficient and timely. The emergency management community applauds Administrator Fugate's recent decision to provide FEMA Regional Administrators with new decision-making authorities. The realignment of authority providing Regional Administrators the ability to approve State Management Administrative Cost for Public Assistance and the Hazard Mitigation Grant Program should also be commended. Despite these improvements there remain areas where additional authority should be provided to FEMA regional offices. For example, by giving FEMA regional offices the authority to order life sustaining commodities such as, water, ice, and meals-ready-to-eat during a disaster response, logistical coordination is closer to the incident. This authority should be provided because FEMA regional offices have greater visibility of the incident's magnitude and severity. Additionally, they are better positioned to activate and execute national level commodity contracts.

In recent years Alabama supported FEMA's Gap Analysis Survey, but corresponding assessment programs must be modified accordingly. Without modification, there remains no mechanism to help jurisdictions mitigate identified gaps. These gap analyses facilitate good communication; however, there is rarely a commitment to assist the states in overcoming the identified shortfalls. PKEMRA and other National initiatives place an overwhelming number of requirements and responsibilities upon the FEMA Regions for administering programs, grants, and assessments. Unfortunately, these efforts fail to

empower the FEMA Regions to execute these programs in a way that builds capability from the State and local level.

The leadership within FEMA Region IV continues to improve on its relationship and customer service to Alabama. For example, they recently designated a Logistical Chief and Operations Section Chief to work directly with Alabama. In previous years, Alabama would interact with these critical positions only during limited operational activations. Now, we are able to plan and exercise more frequently, and customer service is more consistent. Also, the FEMA Region IV directorate staffs are easily accessible and travel to our State Emergency Operations Center to explain new programs, requirements, and to mitigate outstanding issues.

Public Assistance & the Appeals Process

One area of concern that has a negative impact upon the state's relationship with FEMA is the lack of regional support staff within the Recovery Directorate. Often the state is left waiting for crucial appeal and eligibility determinations by the Region for Public Assistance projects after a disaster. For example, the City of Orange Beach incurred extensive damages to its coastline from Hurricanes Gustav (1789-DR-AL) and Ike (1797-DR-AL). The declarations for these hurricanes came in October 2008; however, a final determination about the eligibility of the engineered beach was not determined until February 18, 2010. This delay exposed the city's infrastructure to additional tropical threats without its most cost effective and valuable protective resource in place.

FEMA Regions and Headquarters also regularly exceed the prescribed appeals response timeframes in 44 Code of Federal Regulations 206.206. According to these regulations, the FEMA Regional Administrator or Assistant Administrator for the Disaster Assistance Directorate will notify the grantee in writing of appeal decision or need for additional information within 90 days of receiving the appeal. For example:

- The Baldwin County appeal of an Office of Inspector General (OIG) Audit DA-09-03 was submitted to FEMA Region IV on November 16, 2009. To date, there remains no determination regarding this appeal.
- The City of Gulf Shores second appeal of 1605-DR-AL PW 792 was submitted to FEMA Headquarters on July 7, 2008 while the final determination regarding this appeal was received more than a year after submitted.

Many of these delays appear to be the result of staffing shortfalls in the FEMA Regional Recovery and Mitigation Directorates. FEMA National Headquarters should revise and enhance staffing levels within the FEMA Regional offices to directly support states, or grant further decision-making authority to the Federal Coordinating Officer at the Joint Field Office. It should be noted that the recent reorganization at FEMA Headquarters has not yet had an impact upon the states; however, we continue to support any reorganization of FEMA promoting additional customer service and timely decisions in support of all aspects of emergency management.

FEMA Policy

While FEMA leadership has recently taken needed strides to address previous policies and regulation interpretations, Alabama occasionally sees policies developed and implemented that were not coordinated across the different directorates within the agency or the states. As a result, these policies contradict state priorities. An example of this is FEMA's "Hazard Mitigation Assistance for Safe Rooms" policy. To maximize life safety shelter capability and improve evacuations, Alabama is working collectively with local governments to reduce the evacuation distance citizens travel to seek safe refuge by building a robust shelter strategy and capability. Shelters are in great demand as FEMA has received in excess of \$70 million dollars in Letters of Intent (LOI) for safe rooms and shelters as a result of hurricanes Ivan, Katrina, Gustav and Ike. Despite this need, the current safe room policy is overly restrictive, making it difficult for the state and locals to utilize Hazard Mitigation Grant Program funds for the construction of general hurricane evacuation shelters.

NEMA released a position paper in the fall of 2009 expressing concern over this policy and requesting Hazard Mitigation Grant Program (HMGP) funds be eligible for safe rooms. While FEMA's response pointed to legislative obstacles, a review of Section 404 of the Stafford Act clearly outlines reducing hardship, loss, or suffering as eligible expenditures. Such interpretations stand as a perfect example of overly restrictive applications of the law inhibiting state's abilities to protect life and property.

Recommendations

A recent survey completed by the National Academy of Public Administration's (NAPA) highlights two recurring themes:

1. FEMA Headquarters must insure better internal directorate integration and communication.
2. FEMA must build robust regional offices with increased authority, autonomy, and staff support.

Improving upon these areas will significantly improve FEMA's relationship with a vast array of stakeholders.

Finally, the most effective means to prevent disasters from evolving into catastrophic events is to first create a culture of preparedness within our citizenry. While national-level preparedness efforts and outreach campaigns are positive in theory, many of these efforts do not effectively reach citizens. National public awareness campaign strategies can be more effectively managed by giving states appropriate discretion and funding. Many programs mandated by PKEMRA and other national-level initiatives address how emergency management should prepare and build capability to respond; however, a disproportionately small amount of emphasis and funding is invested to educate citizens about their specific hazard vulnerability. Finally, our preparedness planning stops short by not effectively incorporating citizens as resources into our plans and initiatives.

The State of Alabama appreciates the good work FEMA and our Federal partners do for our citizens prior to and following a disaster. With minimal modifications, FEMA can certainly improve its working relationship with states.

Thank you for the opportunity to testify today and I stand ready to answer any questions you may have.