




June 25, 2008

MEMORANDUM FOR: R. David Paulison  
Administrator

FROM: Dr. G. Kemble Bennett   
Chairman, National Advisory Council

SUBJECT: National Advisory Council (NAC) Recommendations Regarding  
Proposed Revisions to the NIMS

The purpose of this memorandum is to transmit the recommendations of the National Advisory Council to the FEMA Administrator regarding revisions to the National Incident Management System (NIMS). The majority of comments were focused on writing style and diction, but fell into four other categories as well:

- Unclear connection between NIMS and NRF;
- Potential liability concerns for state and local governments with regard to wording. For example there is a recommended avoidance of mandatory words such as “shall” and “must”;
- Concept of Incident Complex unclear; and
- No inclusion of medical/health care science and technology.

The subcommittee recommended that all comments received move forward to FEMA for consideration and consolidation, paying particular attention to the four areas of emphasis listed above.

# Table of Contents

---

1.0	Introduction .....	3
2.0	Key Conclusions and Recommendations.....	3
	2.1 – Recommendation 1	
	2.2 – Recommendation 2	
	2.3 – Recommendation 3	
	2.4 – Recommendation 4	
	2.5 – Recommendation 5	
3.0	Conclusion .....	4

# Executive Summary

---

## **1.0 Introduction**

In establishing the National Advisory Council (NAC), the Post-Katrina Emergency Management Reform Act (PKEMRA) (PL 109-295) decreed that the NAC “shall incorporate State, local, and tribal government and private sector input in the development and revision of the national preparedness goal, the national preparedness system, the National Incident Management System, the National Response Plan, and other related plans and strategies.”

The NAC formed a subcommittee to review proposed revision to the NIMS and obtain input from external stakeholders. The subcommittee recommended that all comments received move forward to FEMA for consideration and consolidation, paying particular attention to the key conclusions and recommendations set out below. A table setting out all comments received is attached to this report.

## **2.0 Key Conclusions and Recommendations**

After meetings of the NIMS Subcommittee and after review of the comments received from various NAC members, the National Advisory Council is pleased to offer the following recommendations to the Administrator of the Federal Emergency Management Agency:

### **2.1 Recommendation 1:**

It is essential that the revised NIMS document demonstrate a clear connection between the National Incident Management System and the newly released National Response Framework (NRF).

### **2.2 Recommendation 2:**

State and local stakeholders are concerned about the potential liability implied through NIMS with use of words such as “must” and “shall”. The NAC recommends that the use of such words be reviewed and where appropriate replaced with phrases such as “must consider” or “shall consider,” or replaced with “may” or “should.”

### **2.3 Recommendation 3:**

It is also recommended that more consideration be given to the role of medical partners to include public health and hospitals.

### **2.4 Recommendation 4:**

Inclusion of the Community Emergency Response Teams (CERT) as a recognized non-governmental organization assisting in disaster response at the local levels.

### **2.5 Recommendation 5:**

Consideration of a proposal to allow for the establishment of a Unified Operations Section at the discretion (providing the option as opposed to prescribing a requirement) of the local jurisdiction, for events with multiple agencies providing technical operations simultaneously.

### **3.0 Conclusion**

It should also be noted that the Subcommittee will continue to study and research the methodology utilized for the implementation of NIMS, seeking to offer at a future date recommendations for increased and enhanced implementation and adoption of NIMS by stakeholders at all levels.