

SUPPLEMENTAL MATERIALS

**FEMA
History Project**

Agency Reinvention

A Report by a Panel of the National Academy of Public Administration; *Coping With Catastrophe: Building an Emergency Management System to Meet People's Needs in Natural and Manmade Disasters*; February, 1993.

First Session on Nomination of James Lee Witt To Be Director, Federal Emergency Management Agency; Hearing Before the Committee on Governmental Affairs, United States Senate, U.S. Government Printing Office, March 31, 1993.

Renewal of Emergency Management; *FEMA One Year Report*; April 1993-1994.

Reinventing Disaster Response; Northridge Earthquake-The First Five Weeks; 1994.

United States Fire Administration; *Search and Rescue Operations Following Northridge Earthquake: Technical Rescue Incident Report*; January 17, 1994; Los Angeles, CA.

The Northridge Earthquake – *One Year Later*, January 17, 1995

Daniels, R. Steven; and Clark-Daniels, Carolyn L.; *Transforming Government: The Renewal and Revitalization of the Federal Emergency Management Agency*, The PricewaterhouseCoopers Endowment for the Business of Government, April, 2000.

Annual Performance Plan; Fiscal Year 2001.

NOMINATION OF JAMES LEE WITT

HEARING
BEFORE THE
COMMITTEE ON
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE
ONE HUNDRED THIRD CONGRESS
FIRST SESSION

ON

NOMINATION OF JAMES LEE WITT TO BE DIRECTOR, FEDERAL EMERGENCY MANAGEMENT AGENCY

MARCH 31, 1993

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NOMINATION OF JAMES LEE WITT TO BE DIRECTOR, FEDERAL EMERGENCY MANAGEMENT AGENCY

WEDNESDAY, MARCH 31, 1993

U.S. SENATE,
COMMITTEE ON GOVERNMENTAL AFFAIRS,
Washington, DC.

The Committee met, pursuant to notice, at 9:35 a.m., in room SD-342, Dirksen Senate Office Building, Hon. David Pryor, presiding.

Present: Senators Pryor, Akaka and Cochran.

OPENING STATEMENT OF SENATOR PRYOR

Senator PRYOR [presiding]. Good morning, ladies and gentlemen. The Committee will come to order.

Senator John Glenn, who is the Chairman of the Governmental Affairs Committee, has asked me this morning, to chair today's full Committee hearing on the nomination of James Lee Witt to be director of the Federal Emergency Management Agency, also known as FEMA.

Mr. Witt, who is officially from Dardanelle, AR, will probably say that he is from Pleasant Valley. But those of us who are familiar with Yell County, Arkansas, as is Congressman Thornton, would know that Mr. Witt hails from Wildcat Hollow. [Laughter.] It is well known in Yell County and surrounding areas that you only go to Wildcat Hollow by invitation.

FEMA was organized in 1979 by this Committee in response to a reorganization plan submitted by President Jimmy Carter. This agency has wide-ranging responsibilities for emergency preparedness, mitigation planning and response activities in relation to a staggering list of possible natural and manmade disasters.

Mr. Witt for the past 4 years has been the Director of the Arkansas Office of Emergency Preparedness, and county judge. Ten years prior to his appointment, he served as the Yell County judge, which I might add is the equivalent to a county executive officer. Mr. Witt will be the first FEMA Director to have hands-on experience in the job that he is undertaking. He is well-trained, and extremely well-qualified for this mission.

Under his leadership and guidance, I am certain that we are going to see a reinvigorated Federal Emergency Management Agency, and we will be proud of Mr. Witt's leadership.

Senator PRYOR. At this time, ladies and gentlemen, I would like to yield to Congressman Ray Thornton, who serves as Mr. Witt's

Representative. Congressman Thornton, we are glad you are here. We think Senator Bumpers is on his way, so we will go ahead and call on Congressman Ray Thornton at this time.

Congressman.

**TESTIMONY OF THE HON. RAY THORNTON, MEMBER OF
CONGRESS FROM THE STATE OF ARKANSAS**

Mr. THORNTON. Thank you very much, Senator Pryor.

It is really a pleasure to be here today before your Committee to lend my full support to the nomination of James Lee Witt to be the next Director of the Federal Emergency Management Agency.

Mr. Chairman, the Nation was introduced to Yell County when a fellow Arkansan and a good friend of ours, named Buddy Portis, wrote a little book called *True Grit*. And, as you may remember, Dardanelle and Yell County were central places there for showing the flexibility of response, neighbor helping neighbor, meeting the challenges that came along, in a powerful book which later became a movie, with John Wayne playing the role of Rooster Cogburn.

Senator PRYOR. And another Arkansan—Glen Campbell—played a starring role in that.

Mr. THORNTON. Absolutely, in a starring role, Mr. Chairman. And I think it is very appropriate today that as we look at the redirection of the FEMA program, we are thankful that we are not so much in concern of the holocaust in terms of nuclear attack against America, which was one of the original reasons for this agency to be created; that we are now looking more at domestic problems, and what do we do to help local and State governments when tragedies and catastrophes occur. And there is no one in America who brings a greater breadth of experience. To be county judge of Yell County, "the free State of Yell" as we call it in Arkansas, is one of the most powerful administrative positions in America and certainly one that involves local government at its best.

Then, from that position to move to the State Director of the Emergency Preparedness Program, and to have the full confidence of then Governor Clinton and now our President, augers very well for the redirection of this agency, which Mr. Witt will accomplish.

I am so honored to be here with you, sir, and with this Committee to introduce and to pay my respects to and to commend for quick approval—now, in Yell County, they do this very quickly, Senator—and I hope that the Senate will act expeditiously in approving the appointment of Mr. Witt to head this agency.

Senator PRYOR. Congressman Thornton, thank you for your eloquent statement. Relative to the quickness of this hearing, I might add that after the conclusion of mandatory background checks of Mr. Will, the FBI found an exemplary background. We suddenly find ourselves looking at sometime in May for a possible confirmation hearing. But as I told Mr. Witt, we are going to set the standard for FEMA to follow—we are going to strike early, and we are going to be prepared, and we are going to do this before the April break. So today we are holding this on the last day of March, and hopefully we will move through the Senate without problems, Mr. Witt; we certainly hope so.

I don't need to go into this, and I shouldn't, but back to *True Grit*, if I may. The world premiere for *True Grit* was shown in Little Rock, Arkansas at the theater on University Avenue—I can't remember the name of the theater. But that night—I think I was Governor at the time—I was seated by the father of Glen Campbell, who worked at a Texaco Station at Glenwood, if I'm not mistaken. And here was the film, with John Wayne bigger than life, and as John Wayne comes on the screen, I am seated here by Mr. Campbell senior, and he hits me with his elbow, and he says, "There's Mr. John Wayne. He really likes my boy Glen." So anyway, that's a little Arkansas togetherness there that I wanted to share with our audience.

Mr. Witt, first, do you have any family members that you might like to introduce this morning?

Mr. WITT. Yes, Mr. Chairman, I do, thank you.

I'd like to ask my wife, Lea Ellen, to stand, please; and my son Jimmy and his wife Anita; and my son Michael and his wife Kim.

Senator PRYOR. We welcome the Witt family here today.

The Committee's rules require that an inquiry be conducted into each nominee's experience, qualifications and suitability to serve in the position for which the President has nominated this individual. In this regard, the Committee has received from the nominee a financial statement and detailed information on educational, employment and professional accomplishments. The nominee has also responded in writing to a number of pre-hearing questions, and copies of this biographical information and pre-hearing question responses will be placed in the record as part of the hearing.

The financial statement will be available for public inspection in the Committee office.

Committee staff has interviewed the nominee prior to today's hearing. In addition, the Committee staff has reviewed opinion letters regarding this nominee, Mr. James Lee Witt, from both the Office of Government Ethics and the designated agency ethics officers.

Finally, Senator Glenn and Senator Roth, the ranking member of the Senate Governmental Affairs Committee, have reviewed the FBI background investigation reports on this nominee.

Committee rules require that the nominees be under oath while testifying on all matters relating to their suitability for office, including policies and programs which they will pursue while in their respective positions.

Mr. Witt, if you would please stand and raise your right hand, I will administer the oath. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you, God?

Mr. WITT. I do.

Senator PRYOR. Thank you. You may be seated.

Mr. Witt, first, I have some letters of support for you that I will place in the record at the appropriate time.

Before we move to your statement, Mr. Witt, if I might, two of our colleagues have just walked in, and they walked in together, so I don't know which one I should call on first.

Senator COCHRAN. In a spirit of bipartisanship, we walked in.

Senator PRYOR. Well, then, in the spirit of bipartisanship, I will call on Senator Cochran.

OPENING STATEMENT OF SENATOR COCHRAN

Senator COCHRAN. I just want to join you, Mr. Chairman, in welcoming Mr. Witt to the hearing. I am delighted to see the President has chosen someone with practical experience in the business of disaster assistance. I know he served for several years as Director of the Office of Emergency Services in the State of Arkansas, and I am confident that he must have done a good job or the President wouldn't have chosen him, because he has been able to observe your performance at close range.

I enjoyed having an opportunity to visit with you in my office. I am confident that you are going to be confirmed, and I wish you well and look forward to discussing some of the problems of the agency and the challenges that it faces with you during the course of the hearing.

Senator PRYOR. Thank you, Senator Cochran.
Senator Akaka?

OPENING STATEMENT OF SENATOR AKAKA

Senator AKAKA. Thank you very much, Mr. Chairman.

Congressman Thornton, I am glad to see you again, and I'm glad you are here to support Mr. Witt.

Mr. Witt, I welcome you to this hearing today. I want to tell you that I enjoyed our visit yesterday, and also I want to tell you that with Ray Thornton here and Dale Bumpers and others, there is no doubt that their support will dispel any doubts that anyone may have about you.

Mr. WITT. Thank you, Senator.

Senator AKAKA. Having met you yesterday and having heard, I would say, terrific and positive comments from the Hawaii Civil Defense Office, and having reviewed the background material you provided to the Committee, I am more than satisfied with you as the possible FEMA Director, and I know you will be after we conclude this hearing.

I am glad to see that you have had experience in your state with disasters and emergencies, and therefore I feel that you are very qualified, and probably the most qualified in recent years that ever appeared before this Committee for that particular position.

I warn you, however, that with the experience that you have, which will help, you will be addressing many serious problems, both external and internal, that currently trouble that agency. We discussed that a bit yesterday. The fact that you have worked for the President before, I consider a huge plus.

One of FEMA's major problems, I felt, has been its inability to exercise full authority in coordinating the activities of the Federal, state and local agencies. The fact that you have, again, the obvious confidence of the President will help ensure that when you speak, you will speak with the President's authority.

I was very pleased to learn that you plan to redefine FEMA's mission—we chatted about that, too—and structure it to reflect an "all hazards" approach; that you hope to pursue mutual aid agreements between states and FEMA; and that you plan to make the Defense Department an integral part of FEMA's Federal response plan.

These are all recommendations that have been made by Congress, the GAO, and other critics before, so I was glad to hear this coming from you in our chat.

I also hope that you professionalize the agency by eliminating many of the slots that are currently filled by political appointees. In addition, your training programs should reflect the real needs of local and state emergency preparedness offices, and perhaps most important, the agency's corporate culture should be changed to reflect a proactive rather than a reactive attitude.

If we have learned anything from recent disasters, it is that FEMA needs to be on the ground before the disaster occurs, or, if the crisis cannot be predicted, as soon as it occurs. FEMA cannot simply wait for a state to request aid. FEMA must be there, working with state and local authorities to assess needs, to determine whether Federal assistance should be requested, and if Federal aid is needed, how such assistance can be requested. Again, you mentioned these items in our chat.

In my experience, Federal services are most effective when the beneficiaries are actively outreached. In this regard, I was very pleased that you indicated in our conversation a desire to be a proactive FEMA Director.

Insofar as the Pacific region suffers on average from more disasters than any other area, Hurricane Iniki is only the latest if not the most serious in a continuing string of emergencies, and I have a special interest in seeing that FEMA's numerous problems are quickly resolved. In addition, because the Pacific is unique geographically, culturally and politically, it is important that any effort you undertake to reform FEMA must take these factors into account.

Mr. Witt, you have a monumental task before you, but as long as you understand that FEMA's job is to help people who have been placed in the most dire circumstances, I know you will do a terrific job.

Thank you very much, Mr. Chairman.

Senator PRYOR. Thank you Senator Akaka.

Mr. Witt, we would welcome your statement at this time.

**STATEMENT OF JAMES L. WITT, NOMINATED TO BE DIRECTOR,
FEDERAL EMERGENCY MANAGEMENT AGENCY**

Mr. Witt. Thank you, Mr. Chairman.

Mr. Chairman, members of the Committee, it is really an honor to be here today, and I would like to thank you and the Committee staff for all the courtesies that they have given me over the past few days.

Before I begin my statement, Mr. Chairman, I would like to thank you for that gracious introduction and remarks, and also Congressman Thornton, for his being here beside me and his kind remarks.

President Clinton gave me the greatest honor of my career when he nominated me to be Director of FEMA.

First, let me say I understand the magnitude of this job. I am aware of the criticism that FEMA has received, and I am looking

forward to the challenge of making FEMA the most effective and respected agency in Washington.

Disasters are about people helping people. People are the victims of disasters, and it is people from FEMA, other federal agencies, state and local governments, and volunteer agencies who have dedicated their careers to assisting victims.

Disasters are terrible events. They injure and kill people, destroy their property, steal their jobs, and disrupt their lives. Emergency management agencies exist for only one reason—to serve those people.

I have been involved in emergency management for over 14 years and have seen the frustrations of disaster victims. I have seen the frustrations of those people trying to help them. As Director of FEMA, I would strive to reduce the suffering and the frustrations through a strong, comprehensive emergency management program.

We know how to achieve comprehensive emergency management—through preparedness, response, recovery, and, very importantly, prevention through mitigation.

We know what we must do to respond to and recover from disasters. We know what assistance victims and their communities need. We know our efforts should recognize the diversity of our people. We also know we must do it better.

As Director of FEMA, I would develop a partnership, a new partnership, wherein the Congress, the White House, Federal agencies, state and local emergency management agencies, and private organizations are partners in planning and executing the emergency management program; a new partnership where the ideas and concerns of all parties must be considered. Response and recovery activities must be planned and exercised based upon this new relationship.

FEMA must do everything possible to mitigate the effects of a disaster. We must work together to prevent injuries, deaths, property damage, economic losses, and to minimize the consequences where they cannot be prevented.

As a state director, I know it is the state and local government's responsibility to fight fires, treat injuries, and operate the shelters. Therefore, it is essential that we do everything we can to strengthen emergency management programs at the local levels. These organizations must be prepared for the risks they face. They must have personnel qualified for their assignments who receive training and who participate in realistic exercises. FEMA and other Federal agencies and states must train and exercise together to become a team.

Finally, I would like to discuss another important issue—the people of FEMA. There are many dedicated, hardworking employees at FEMA. They are FEMA's most important asset. I would make the restoration of employee morale one of the first major objectives of my administration. I will consult with the employees, and make them a part of the renewal of FEMA. And most of all, I will ensure that the lines of communication between employees and my administration are always open in both directions, so I know of their ideas and concerns, and they are informed about agency plans, activities and accomplishments.

As Hurricane Andrew recently illustrated, there are many real problems associated with disaster management, especially for major events. These problems can and will be corrected.

As President Clinton said in his inaugural address, "We pledge an end to the era of deadlock and drift—a new season of American renewal has begun." If I am confirmed as the Director of FEMA, I in turn pledge a new season of FEMA renewal—an agency of people helping people.

Mr. Chairman, I appreciate the opportunity to be here and give you my statement. I want to thank each of you, and I'll be happy to answer any questions.

Senator PRYOR. Thank you very much for your eloquent statement.

We now have the senior Senator from Arkansas. As we say, he has just "arrove." [Laughter.] Senator Bumpers, we are proud you are here. We know that you have been detained in traffic. We heard a very eloquent statement by Mr. Witt and an eloquent introduction by Congressman Thornton and good statements by members of the Committee.

We are glad you are here.

**TESTIMONY OF THE HON. DALE BUMPERS, UNITED STATES
SENATOR FROM THE STATE OF ARKANSAS**

Senator BUMPERS. Mr. Chairman, I apologize to the Committee for being late. I even apologize for being here—had I know that James Lee was going to be in the tender mercies of the junior Senator from Arkansas, I wouldn't have even shown up. [Laughter.] He doesn't need anything, and I can't add anything to what has already been said.

I would just say that I am an unabashed Arkansan, and I believe in placing Arkansans in every high position in this country. We are all very proud of James Lee.

He has, as you know, been a county judge—that's when I first met him, when he was County Judge of Yell County, which adjoins my own home county. I used to practice law in his home town. He was an excellent county judge. He quit—he was not defeated; he could have been reelected as long as he wanted to be. And during the devastating floods in Arkansas in 1990 and 1991, that's when I really came to appreciate his talent and his dedication and his determination.

As a matter of fact, the Senator from Mississippi and I, and the Senator from Arkansas, all of us worked so hard back then to get disaster relief for our states, and nobody worked any harder than James Lee Witt did; every time I looked up, he was coming in my door. He is going to be a very determined, tenacious Director of FEMA. He commands great respect in the State of Arkansas, and I know he will also acquit himself well in this job and gain the same respect nationally that he has in the State of Arkansas.

With that, Mr. Chairman, I ask unanimous consent that a prepared statement be inserted in the record.

Senator PRYOR. Without objection, so ordered.

PREPARED STATEMENT OF SENATOR BUMPERS

Mr. Chairman and Members of the Committee, I am pleased to introduce to the Committee my good friend and fellow Arkansan, James Lee Witt, who has been nominated by the President to be Director of the Federal Emergency Management Agency (FEMA).

James Lee has had a distinguished career in the field of emergency management. For the past 5 years he has been the Director of the Arkansas Office of Emergency Services. During this period he acted as the Governor's authorized representative for three Presidential disaster declarations. Mr. Witt is an active member of the National Emergency Management Association and has served on the Board of Directors for the Central United States Earthquake Consortium.

I believe his selection signals a new start for this beleaguered agency. He knows firsthand how important it is to effectively deliver services to disaster victims. He also understands the critical role state and local governments play in preparing and responding to major disasters.

FEMA deserves to have a Director with vision and leadership and I believe James Lee Witt is the perfect candidate for the job. I urge the Committee to support his nomination.

Senator PRYOR. Senator Bumpers, we appreciate your statement. We are going to have a round of questions, and I think it is appropriate to begin those questions.

Before we begin the questioning, Mr. Witt, Senator Glenn has asked me to remind you of a date—April the 29th—when this full Committee will hold a hearing on disasters and disaster relief and how our programs are working. He is very hopeful in expecting you to attend, and I hope that you will be present with us for that hearing. You are going to be one of our lead-off witnesses.

Let me ask you two or three questions, and I will then yield to my colleagues. First, you listed a number of priorities that you are going to undertake at FEMA to restore the agency's effectiveness, reputation, and credibility. I wonder if you could go a little further into that, Mr. Witt, and enlighten the Committee a bit further on what those objectives are and how you plan to implement them?

Mr. WITT. Mr. Chairman, members of the Committee, the priorities of FEMA are very important. We need to establish a strong mitigation program. We need to establish a stronger response program and recovery program and preparedness program. Those are very, very high priorities.

Also, we need to establish a very strong working relationship with state and local governments. We need to work with them in establishing mutual aid agreements between counties, cities, state, and also FEMA.

By doing this, we will have an "all hazard" program for our Nation, working with state and local government, and working with Congress and the administration. These are top priorities. But the number one priority is going to be to first look at the budget, which I have not yet had the opportunity to see. Then, also, the morale of the agency, working with the staff and letting them know that they are very important to the agency and to emergency management.

Senator PRYOR. I have a couple of questions I would like to pose in behalf of Senator Glenn, our Chairman. From your perspective as state emergency director, how were your dealings with FEMA at the time? What do they do well, and what needs further improvement?

Mr. WITT. Of course, Arkansas was in FEMA Region VI, which consists of Texas, Louisiana, New Mexico, Oklahoma, and Arkansas, and I dealt a lot with Region VI as state director on all the programs. Region VI has an excellent staff, did an excellent job in Arkansas, supported us when we had three Presidential disasters in Arkansas, was there very quickly, responded very well.

So the only weak part that I see is the fact that it takes too long to get responses for important issues out of national, down to the region to the state. That needs to be expedited.

We need people from headquarters working closer with region and state people to help the people up here to understand what is happening at the state and local levels on each of the programs.

So those are pretty important key issues.

Senator PRYOR. This is the second question from Senator Glenn. Some analysts contend that FEMA is a relic of the cold war and that its emphasis and budget need to be refocused on civil disaster management. Is that something you intend to review? Where do you think the proper balance lies between nuclear preparedness, civil defense, and natural disaster response? What is the balance?

Mr. WITT. On the civil defense program, I think a lot of people misunderstand the concept of civil defense. Civil defense funding comes down through the CCA, through FEMA, down to the state and local government. Civil defense funding covers all types of disaster preparedness and training and EOCs. So it is more than just preparing for nuclear accidents or nuclear attack.

So civil defense is a very important component. What is really important is the fact that civil defense funding was not raised during the military buildup for FEMA in state and local government. Hopefully, it won't be cut as the cuts come during this fiscal year, because without that funding, you will not be able to support the state and local governments' emergency management infrastructure. So it is very important.

Senator PRYOR. Senator Cochran?

Senator COCHRAN. Mr. Chairman, thank you very much.

When we were visiting in my office the other day, we talked about the possibility of modifying the Public Safety Officers' Benefits Act to help ensure coverage for civil defense or FEMA employees or volunteers who lose their lives in conjunction with the performance of their duties. This act provides coverage to the extent of a \$100,000 benefit for public safety officers who are employed at the state or local level or by Federal agencies, and then there is a definition of the public safety officers who are covered volunteer firefighters, members of rescue squads, ambulance crews, in addition to other law enforcement officers. The Act covers everybody but civil defense or FEMA employees.

I got a letter earlier this year from the director of the Adams County Emergency Management Agency in Natchez, Mississippi, telling me about a close call he had where he was almost killed in a mudslide in downtown Natchez, which caused a house and part of a street to cave in, and it almost covered him up. He did not get hurt, but it made him check on his benefits for his wife and children, and what would have happened to them if he had gotten killed that day. He stood out there and directed traffic and kept others from going off into this ravine where they would have been

hurt, and so he contributed in an important way to protecting life and limb in that town that day.

He wrote me this letter, telling me about it, and we began looking into it, and my staff has checked it out. It looks like we'll have to introduce a bill to provide coverage for FEMA employees. I bring this to your attention because we are introducing that legislation, and I hope that you will be able to look at it when it is referred to you for comment and, if you can, get permission of the administration to indicate your support for it. I hope the bill will be referred to this Committee so we can report it out after due consideration.

What is your reaction to that kind of legislation or the need for it?

Mr. WIRT. Senator, in Arkansas, we also tried to pass some legislation for putting county coordinators on as public safety officers where they would also have that coverage. A lot of people don't really realize what those county coordinators really face every day. They go out to respond to hazardous materials spills, gasoline truck spills; and in floods. They put their lives on the line just about every time they respond to an event. So I think it's a very good piece of legislation, yes, sir.

Senator COCHRAN. Thank you. We'll continue to work with you on it, and any suggestions that you might have for the legislation.

One other item. A study has recently been completed, I am told, by the National Academy of Public Administration, and it is contained in this book, *Coping with Catastrophe: Building an Emergency Management System to Meet People's Needs in Natural and Man-made Disasters*. It is for the Congress and the agency. In here, there are many suggestions, one of which has to do with trying to redefine the role of this agency so that it reflects the needs of emergency assistance and disaster assistance that we customarily associate with tornadoes and hurricanes and floods and all the other horrible disasters that we know will occur and have occurred in our country that require Government assistance for the victims and those who could be hurt by these events.—We need to move away from the old notion of preparation for war, which is why this agency was first created back in the civil defense days. We were trying to help protect ourselves in the event of a nuclear accident or some kind of invasion from an enemy using military force. Well, the likelihood of that kind of thing happening now is pretty remote. The question is whether we continue to emphasize to the extent that we do the preparation for war and to defend ourselves against harm occasioned by military action.

I invite you to consider helping to shape a new definition for the agency, and it may be that a new charter is needed; that is one thing that is suggested in here. I tend to agree with it, and I hope we will consider maybe this year, if we can get to it, to have a series of hearings on how to shape a new legislative charter for this agency, to redefine its role, to put the emphasis where it ought to be. We need to recognize the modern realities, that the cold war is over, and we don't see any imminent threat from military action to our continental United States, and what that means in terms of re-shaping the priorities of this agency.

What is your reaction to that?

Mr. WITT. Senator, I just have to agree with you. It needs to be an "all hazard" concept for emergency management. That way, when you exercised and trained, you would basically be training for all hazards, natural, technological, or whatever. That would be the concept I would recommend.

Senator COCHRAN. Thank you. We look forward to working with you in this new job. I know you bring to it a lot of practical experience and personal knowledge that will be very valuable in the administration of this agency, and I wish you well and look forward to working with you in the weeks and years ahead.

Mr. WITT. Thank you, Senator.

Senator PRYOR. Thank you, Senator Cochran.

Senator Akaka?

Senator AKAKA. Thank you very much, Mr. Chairman.

Mr. Witt, I failed to welcome your family to this hearing, and we are certainly happy to have all of you here.

In recent disasters, FEMA has been accused of waiting too long, as I indicated in my opening statement, before offering assistance. Specifically, FEMA has refused to act until a declaration of disaster has been signed, citing the fact that the Stafford Act designates States as first providers.

However, the GAO believes that FEMA has the legal authority to help states with damage assessment before states formally request assistance. I mention this in particular because when I went to Kauai the day after Iniki struck, and met with the mayor and asked the mayor the question, what is the damage—and I shouldn't have been surprised—her answer was: "I don't know. And I don't know when I am going to determine that."

So this question about damage assessment becomes very important, even suggesting that this might be a role that FEMA could possibly play, determining whether Federal aid should be requested and other preliminary technical assistance. What are your views regarding this issue?

Mr. WITT. Senator, first, I will check with general counsel and others to make sure we have the legal authority to do that. But my view is that if we know an event is about to happen, such as Andrew or Iniki, we should be there at the side of that governor, that state director and local official, advising them what they can do and what they can request and ask for if need be.

Also, I strongly feel that we need to be more proactive, and if an event like a hurricane is coming in, and you have days to prepare for it, then we should be able to pre-position equipment and people to an area that is safe and out-of-the-way. We could respond a lot quicker when that governor or that state needed help.

Senator AKAKA. When a disaster hits, as it did particularly in Hawaii, you have many agencies and many people honestly and genuinely trying to assist. As you know, the Red Cross is designated with responsibility for providing mass care and other immediate requirements in the wake of a disaster. During Andrew, the Red Cross was overwhelmed, as we know, by the number of disaster victims and the magnitude of their needs. During Iniki, the Red Cross was criticized by other service organizations—and I should mention them, because they don't really criticize—such as the Salvation

Army and the Hawaii Food Bank for poorly coordinating their efforts.

My question to you is: should primary responsibility for mass care be taken away from the Red Cross, and if so, where should it go—to DOD, to other voluntary agencies, or to FEMA?

Mr. WITT. First, Senator, I would really like to have the opportunity to review the federal response plan with the other federal agencies and Red Cross, and even NDMS. Those are the players in this federal response. We need to sit down and look at it really closely to see if each of them are capable of fulfilling their role in the federal response plan first. And there is already a task force working, starting, I believe, in January, including someone from each of the federal agencies, the Red Cross and the other volunteer agencies, looking at the federal response plan now. And hopefully, that task force will be through very shortly, so we can look at the response to the plan, and see if we need to update it so it will fit the role of each of the agencies better.

Senator AKAKA. Because of the great distances involved, FEMA encountered certain difficulties in responding to Iniki. First, regional office personnel in San Francisco, as part of this problem, were delayed in flying out to Honolulu; second, FEMA had difficulty settling a lease for office space they had identified in Honolulu because the owner wasn't around; third, after opening the office, because FEMA was stretched thin by other disasters such as Andrew at that time, the agency was forced to temporarily hire local personnel, which caused communication problems; and fourth, communication was further exacerbated by phone installation problems because everything was down in communications. Partly to forestall such problems, I introduced legislation in 1990 to establish a permanent FEMA field office in Hawaii to serve as the agency's forward base in the Pacific. As a result of this initiative, I am pleased to say that the facility is in the process of being established.

What do you think of this? Do you agree with the need for a permanent FEMA presence in Hawaii, not only to serve disasters in Hawaii but also to serve as a forward base in the Pacific?

Mr. WITT. Yes, Senator, I do, and I will support that office.

Senator AKAKA. Section 410 of the Stafford Act provides 26 weeks of disaster unemployment assistance for those who do not qualify for regular unemployment compensation or extended unemployment compensation. Because of the serious, continuing unemployment problems in Florida and Hawaii—on Kauai alone, unemployment is running at more than 13 percent presently—Senator Inouye and I plan to offer legislation to extend Section 410 assistance for Hurricane Andrew and Iniki victims in the same manner as emergency unemployment compensation provided under Public Law 103-6, the Emergency Unemployment Amendment Act. How do you feel about this? Would you support this kind of legislation?

Mr. WITT. I would like to have the opportunity to look at it, Senator, and then I'd be happy to sit down and work with you any way I could on that.

Senator AKAKA. Also—and this may not be in your jurisdiction—but in Hawaii, we've had a huge insurance coverage problem. The loss was so great that some of the insurance companies have gone

out of business in Hawaii; other insurance companies are not writing coverage on homes anymore in Hawaii. In some cases, they have raised the rates from \$250 to \$1,200 for coverage.

So this has become a problem not only for Hawaii, but for Florida as well, and in the future for other areas. The recent East Coast storms have caused tremendous damage, as we know. Thus, we are seeing a reevaluation of insurance coverage throughout the Nation. There is a real insurance availability crisis looming due to natural disasters.

So my question to you is what are your thoughts on the subject of protecting homeowners in areas which have been hard hit by natural disasters from possible loss of insurance?

Mr. WITT. Senator, I have not really looked at any legislation or anything toward that type of insurance from the flood insurance administrator under FEMA, but we would be happy to sit down with you and visit with you about this at length.

Senator AKAKA. Mr. Chairman, I have other questions. I don't know what your time situation is—

Senator PRYOR. Proceed forward, Senator.

Senator AKAKA. Thank you very much, Mr. Chairman.

Mr. Witt, obviously, we must deal with these problems before they arise rather than afterward, and I am glad this is what you are all about. For that reason, I strongly support efforts by the emergency management community to which you belong in working with Congress to ease this problem. I will cosponsor legislation with the senior Senator from Hawaii that would specifically address the availability of disaster insurance.

An important component of this legislation is to encourage the states to do a better job of disaster planning and, as you point out, mitigation. Would you consider supporting or working with us on this legislation?

Mr. WITT. It would be an honor to work with you, Senator.

Senator AKAKA. There is another issue that I briefly touched on in our meeting yesterday. That is FEMA's denial of the County of Kauai's request for acquisition, installation and maintenance of 200 modular housing units. And as I told you, in the case of Hawaii, Kauai as a separate island, there is a problem with bringing in construction workers or contractors or workers to help with the disaster and to rebuild. And because there is no additional housing for them, it becomes very costly, and some of them have to live in Honolulu and fly every day to Kauai to work there.

So Senator Inouye and I would like the opportunity to meet with you and discuss this matter further. We believe the problems on Kauai are great, and there is justification to warrant the funding of these kinds of units, even for temporary use.

Would it be possible to meet with you on this subject?

Mr. WITT. Any time that you would like, just call, and I'll be glad to meet with both of you, yes, sir.

Senator AKAKA. Thank you.

Yesterday, you indicated that you would be willing to travel with me to Hawaii.

Mr. WITT. Sure. Yes, sir; it would be a pleasure. [Laughter.]

Senator PRYOR. I think the Senator from Arkansas needs to go on that trip as well. [Laughter.]

Senator AKAKA. I should have said this before I said that—to view the damage, to view the damage caused by Hurricane Iniki. I very much appreciated your offer, and I am likely to take you up on it, and also what the Senator has just said.

After our meeting, I was contacted by the mayor Kauai County, who asked whether you would be willing to sit in an open meeting with the county and other organizations responsible for health, housing and economic development to devise specific solutions within FEMA's mandate for Kauai's recovery. And my simple question to you is: Would you be willing to do that?

Mr. WITT. Yes, Senator.

Senator AKAKA. Thank you.

I understand also that Florida has received FEMA assistance for the construction of labor camps and temporary trailer parks for use up to 18 months, tent cities for homeless people, and home ownership programs for renters. Kauai has requested all of the above programs and has been denied funds for all of them, except \$140,000 for beach park administration. And I should tell you at this point that many people's houses were damaged, so the natural thing in Hawaii is to go to the beach, and they lived on the beach during this period.

Would you agree to undertake another review of Kauai's request after you are confirmed?

Mr. WITT. Yes, Senator, I will.

Senator AKAKA. The National Institutes of Standards and Technology projects the National investment of \$4 trillion in the 1990's in new infrastructure and construction. At the same time, advances in the fields of hazard and risk assessment are providing decisionmakers with increasingly accurate and useful information on the potential impacts of natural disasters on society.

What are your views on FEMA's role in mitigating the impact of potential disasters on this considerable investment?

Mr. WITT. I am not aware of the investment that you are talking about, Senator; I have not seen the information on that. FEMA will support and help in any way we can through a real strong mitigation program, particularly as we work with state and local governments in establishing high-risk base areas for those types of disasters, natural or otherwise, and work real close with them; if they need us to help them, we will, on standards or whatever they need.

Senator AKAKA. As a member of the Veterans Affairs Committee, I am aware that the Department of Veterans Affairs possesses important health care assets, both medical and medical health services, that are often used in disaster relief. What is your experience with VA? Could VA's participation in Federal disasters be increased or improved?

Mr. WITT. Senator, VA, HHS, FEMA, and health services all play a role in the NDMS, the National Disaster Medical Service. They were utilizing VA hospital beds and so forth and have identified those all over the country. We had in Arkansas one of the largest national disaster medical exercises that was ever done. They flew in mobile medical clinics. We actually evacuated people out.

But the most important thing is that the NDMS needs to be looked at, because they play a real important role in the Federal response plan. There needs to be more support toward the NDMS program, funding and otherwise.

Senator AKAKA. Let me ask this as my last question, and I will submit the rest of my questions. Mr. Witt, my office received numerous calls from around the country offering goods and services for Iniki victims. One woman in Colorado, a former Kauai resident, organized a charity drive for Iniki victims and eventually obtained enough household goods to fill a shipping container. Unfortunately, she did not have the means to transport these goods to Hawaii, and she sought help from FEMA and the voluntary agencies, but was told they don't accept in-kind donations.

I am convinced that there must be a way to facilitate the collection and transportation of donations from wherever they come in our country. I am sure you have had this experience. What are your thoughts on this matter?

Mr. WITT. Senator, I agree with you completely. There should be and there can be a way that that can be taken care of, and we will work toward doing that, I promise you. In Arkansas, when Andrew hit, we also collected goods at National Guard armories and transported them to Louisiana with National Guard trucks. We also sent a disaster team down there from Arkansas to work with them in applications of damage assessments and so on.

There is a way that we could do that, and we will look at it and see how we can better handle that situation.

Senator AKAKA. Well, I thank you very much, Mr. Witt, for your responses. There is no question in my mind that you will make a great Director of FEMA.

Mr. Chairman, I thank you for being so generous for your time, and I will submit the rest of my questions.

Thank you.

Senator PRYOR. Senator Akaka, thank you. No one has been through a greater disaster on this Committee, I think, than you and your constituents, so we always want to permit you to ask any questions you so desire. In fact, you have raised some good questions that I think we need to explore further, and I hope that on April 29th, when we have our first meeting with Mr. Witt with the full Committee, we will really look at this system by which disaster declarations are requested. I think that may be an old relic from the past.

As a former governor, I remember that I would wake up some morning, and I would pick up the paper, and there had been a tornado in south Arkansas or somewhere in our state, and all of a sudden the National Guard wanted to take me on a helicopter ride, and we'd go and fly over the area. It seems like it was a very clumsy way to do it, and Washington could do nothing until the governor had made the official request. Many times, it was too late in coming—and the assessment time would take an eternity, especially for those people who had been adversely impacted by that disaster.

So I appreciate Senator Akaka raising this, and I hope that it will be explored further.

I would like to state that I am going to leave the hearing record open for several days, notwithstanding the fact that Senator Glenn has committed to push this confirmation immediately, hopefully before we break on Friday evening or Saturday. And I hope that we can do this; it would almost be a record time in getting a confirmation through, I might say, Mr. Witt, but I think that we can do it; I hope we can. We need you on the job, and we need your people knowing that you are on the job.

So we are going to leave the hearing record open for questions, and we are going to proceed very quickly with this nomination to the Senate floor.

I would like the record to note, and we will place these letters of support in—we do have the following letters of support: from the National Emergency Management Association; from the Ohio Emergency Management Agency; from the International Association of Firefighters, who have testimony that we are going to include in the record; from the American Federation of Government Employees, a letter of concern about FEMA, and also a wish extended to Mr. Witt that he does well; also, we have a statement by our chairman, Senator John Glenn, and that will be placed in the record.

PREPARED STATEMENT OF CHAIRMAN GLENN

Good morning. I want to thank Senator Pryor for stepping in to chair today's hearing on the nomination of Mr. James Lee Witt to be Director of the Federal Emergency Management Agency (FEMA). When I realized I was going to have an unavoidable scheduling conflict, I asked David if he'd be kind enough to preside. Of course, I didn't have to do too much arm-twisting on this one and my only regret is that I'll probably miss hearing some tall tales about racoon hunting or catfish frying in the Land of Opportunity.

I do want to say a few words about Mr. Witt, and about the agency he'll be heading. FEMA's reputation—rightly or wrongly—is such that some people have called for its abolition. Cracks such as "FEMA is a disaster itself" are commonplace. But I think that does a great disservice to some fine and committed people who have done their best *in spite of* many problems. I can tell you first-hand that FEMA employees have performed very well in rather adverse circumstances in Ohio, particularly in towns ravaged by floods and tornadoes. It reflects well on their dedication and compassion.

The problem, however, has been that since its creation, FEMA has been plagued by these problems, with little or no attention from the White House, and also Congress itself. We need to revitalize and refocus FEMA's mission. We are no longer fighting the Cold War. That's history. But we do know it's only a matter of months—or days—until the next natural disaster strikes. If we're lucky, its damage will be limited in scope, and state and local emergency management agencies, with FEMA help, will be able to handle the response and recovery stages. But given the types of major catastrophes we have experienced in recent years—Hurricanes Hugo and Andrew plus the Loma Prieta earthquake—it's only a matter of time before we'll be faced with a disaster which will overwhelm state and local agencies and for which the Federal Government will have to intervene—in force. In fact, some experts have predicted we are at the start of such a cycle.

I believe we need to make FEMA a more proactive agency. One which has "strike" teams, using all available Federal resources at their disposal, to make immediate damage assessments on what's needed and what the Federal Government can provide. We must look at the possibility of waiving some of the cost reimbursements for such disasters, at least for a limited period of time. Further, I think we need to redefine FEMA's role with primary emphasis on civil emergencies and natural disasters—an "all hazards" approach. We should incorporate the assets of the nuclear preparedness functions into disaster management response, and make sure they'll be available for major catastrophes. Finally, we must somehow make sure that states are pulling their fair weight in disaster mitigation, training, and planning. After all, this is a partnership and their performance is crucial. We can't

always expect the feds to cut a "blank check" if the states themselves have inadequate programs.

Obviously, this is not some small challenge, but it is a golden opportunity for you. It will take time and, more importantly, leadership on your end and due attention from the White House. But I think it can be done. I am encouraged by your background. I believe you are the first to head this agency with any experience in disaster management, with on-hands experience in flood mitigation, earthquake hazards, and nuclear emergency response. This should put you in good stead to carry out your mission.

I look forward to working with you. I also want to add, for the record, that last summer—just before Hurricane Andrew struck—I had asked the General Accounting Office (GAO) to look at FEMA's role in a post-Cold War world. That study, in essence, was subsumed with Senator Mikulski's request immediately following Hurricane Andrew. But with this Committee's involvement in government organization and intergovernmental relation matters—indeed we created FEMA back in 1979—we have a prime interest in FEMA's evolution. To this end, the Committee will be holding a hearing to further explore these issues on April 29. That should give you some time to get your feet wet over at FEMA and help us as we look at legislative options at restructuring and refocusing the agency.

So again I want to thank Senator Pryor for his help in making this day happen, and wish you the best of luck in tackling these challenges.

Thank you.

Senator PRYOR. Now, finally, I have three questions that are required under the statute, Mr. Witt, for me to ask you.

Is there anything that you might be aware of in your background that might present a conflict of interest with the duties of the office to which you have been nominated?

Mr. WITT. No, sir.

Senator PRYOR. Do you know of any reason, personal or otherwise, that would in any way prevent you from fully and honorably discharging the responsibilities of the office to which you have been nominated?

Mr. WITT. No, sir.

Senator PRYOR. If confirmed, do you agree, without reservation, to appear and to testify before any duly-constituted committee of the United States Congress?

Mr. WITT. Yes, sir.

Senator PRYOR. Thank you, Mr. Witt. Once again, we are going to move this nomination as rapidly as possible. We foresee no difficulties at this time. Sometimes unforeseen circumstances do prevent us from moving a nomination as quickly as we would like; we think we have removed most or all of those obstacles.

With that in mind, and that commitment we give to you, and your commitment that we receive from you that you are, I truly believe, going to do everything within your power to make the best Director of the FEMA agency of anyone in our history, we thank you for your testimony.

The Committee is adjourned.

Mr. WITT. Thank you.

[Whereupon, at 10:40 a.m., the Committee was adjourned.]

APPENDIX

BIOGRAPHICAL AND FINANCIAL INFORMATION FOR JAMES LEE WITT

A. BIOGRAPHICAL INFORMATION

1. Name: (Include any former names used.)
James Lee Witt
2. Position to which nominated:
Director of the Federal Emergency Management Agency
3. Date of nomination:
March 16, 1993
4. Address: (List current place of residence and office addresses.)
Home: P.O. Box 97
Dardanelle, Arkansas 72834
Office: State of Arkansas
Office of Emergency Services
P.O. Box 758
Conway, Arkansas 72032
5. Date and place of birth:
January 6, 1944
Paris, Logan County, Arkansas
6. Marital status: (Include Maiden name of wife.)
Married.
Lea Ellen Hodges Witt
7. Names and ages of children:
Jimmy Loyd Witt, Age 27
Michael Wayne Witt, Age 25

8. **Education:** List secondary and higher education institutions, dates attended, degree received and date degree granted.

Dardanelle High School, August 1958 - May 1962
Diploma May 1962

9. **Employment record:** List all jobs held since college, including the title or description of job, name of employer, location of work, and dates of employment. (Please use separate attachment, if necessary.)

December 1988 - Present. Director, Office of Emergency Services, State of Arkansas, Conway, Arkansas.

January 1979 - December 1988. County Judge of Yell County, Arkansas. Served as Chief Administrator of the County, equivalent to County Executive. Chaired County legislative body, the Quorum Court and presided over the County Court. Until 1987, when the law was changed, also presided over the Juvenile Court. Had oversight over the County Office of Emergency Services. Elected 6 times.

1968 - January 1979. Owner of Witt Construction Company. Building contractor, Dardanelle, Arkansas.

1964 - 1968. Carpenter, Yelco Construction Company. Dardanelle, Arkansas.

1963 - 1964. Outside machinist on nuclear submarine, General Dynamics. Groton, Connecticut

1962 - 1963. Driver, Robert Hodges. Dardanelle, Arkansas.

10. **Military Service:** List any military service, including dates, rank, and type of discharge.

None.

11. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.

Federal Regional Response Team
Chemical Stockpile Emergency Preparedness Program Exercise
Subcommittee and Reentry and Restoration Subcommittee

Governor's Drug Free Red Ribbon Campaign, Arkansas
 Nuclear Response Advisory Board, Chairman, Arkansas
 Governor's Task Force on Flood Prevention, Arkansas

12. Previous Appointments: Prior to this appointment, have you ever been nominated for a position requiring confirmation by the Senate? If so, please list each such position, including the date of nomination, Senate confirmation, and committee hearing, if any.

No.

13. Business relationships: List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational or other institution.

THW Incorporated (Development of Winterwood Subdivision, Dardanelle, Arkansas) (Dissolved 1979)

Owner, Witt Construction Company 1968 - 1979

14. Memberships: List all memberships and offices held in professional, business, fraternal, scholarly, civic, public, charitable and other organizations.

Memberships

1. Governor's Quality Management Natural Team
2. National Emergency Management Association (NEMA)
3. Central United States Earthquake Consortium (CUSEC),
Board of Directors (non-Profit)
4. Arkansas County Judges Association (lifetime membership)
5. Drug Free Red Ribbon Campaign
6. Nuclear Response Advisory Board, Chairman
7. Governor's Task Force on Flood Prevention
8. Chemical Stockpile Emergency Preparedness Program
Exercises Subcommittee and Reentry and Restoration
Subcommittee
9. West Central Planning Development District Board
10. Arkansas River Valley Area Council (ARVAC), Chairman,
three one-year terms (non-profit)
11. Child Development Inc., Chairman, three years
(non-profit)
12. Dardanelle Rotary Club

13. Danville Lions Club
14. Yell County Wildlife Association
15. First Baptist Church, Deacon

EX Officio Memberships

1. Dardanalle Hospital Board of Governors
2. Yell County Hospital Board of Governors
3. Dardanalle Chamber of Commerce

15. Political affiliations and activities:

- (a) List all offices with a political party which you have held or any public office for which you have been a candidate.

1. Justice of the Peace - Quorum Court, 1977-1978
2. Yell County Judge, 1979-1988

- (b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 10 years.

County Coordinator for Clinton for Governor Campaign 1979
- 1988

- (c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$50 or more for the past five (5) years.

1992

Clinton for President	-	100.00
Carolyn Morris, Yell Co. Clerk	-	50.00
Donnie Hodges Yell Co. Sheriff	-	100.00
Donnie Hodges Yell Co. Sheriff	-	86.72

1981

Clinton Exploratory Committee	-	50.00
Clinton Presidential Campaign	-	100.00

1990

Clinton for Governor	-	250.00
Clinton for Governor	-	100.00
Clinton for Governor	-	500.00

1982

None.

1988

None.

16. Honors and awards: List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.

Yell County Quorum Court, for dedicated services as County Judge, 1979-1988.

West Central Arkansas Planning and Development District, in appreciation for dedicated service, 1979-1988.

Arkansas Society of Professional Sanitarians, for outstanding work in environmental health, 1980.

West Central Arkansas Planning and Development District, for dedicated leadership, 1985.

Veterans of Foreign Wars of the United States, for meritorious and dedicated services, 1986.

Child Development Incorporated, recognized leadership as original petitioner and chairman, 1986.

Counseling Associated, Outstanding Public Officials award, 1986.

American Heart Association, Arkansas Affiliate, for outstanding service, 1987-1988.

Yell County Hoospital, appreciation for aervice and guidance.

Arkansas River Valley Area Council, for outstanding service.

The Area Agency on the Aging, community service award.

Auxiliary Veterans of Foreign Wars, Honor the Dead award for meritorious service.

ARVAC, Inc., Board of Directors award.

17. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written. It would be helpful for the Committee to have three copies of each published writing. Please denote any of those for which you are unable to provide copies.

None.

18. **Speeches:** Provide the Committee with three (3) copies of any formal speeches you have delivered during the last five (5) years which you have copies of and are on topics relevant to the position for which you have been nominated.

None.

19. **Congressional Testimony:** Have you ever testified before a committee of the Congress? If so, please provide details, including date(s).

Testimony before the U.S. House of Representatives Subcommittee on Science of the Committee on Science, Space and Technology, Washington, D.C., August 11, 1992. Hearing on Catastrophic Earthquakes: Economic Consequences, Hazard, Mitigation and Insurance.

20. **Selection:**

- (a) Do you know why you were chosen for this nomination by the President?

Answer:

I believe that the President nominated me for the position of Director of the Federal Emergency Management Agency for several reasons:

1. President Clinton wants a FEMA Director with knowledge and hands-on experience in all phases of emergency management. I have that knowledge and experience. I recognize the importance of working closely with state and local governments and our constituents to improve emergency management at all levels.
2. President Clinton knows my capabilities first hand, and has confidence in my ability to direct an emergency management agency. As Governor, he personally selected me to strengthen and improve the Arkansas Office of Emergency Services. I served as Director of that agency for over four years.
3. President Clinton knows that I am proactive rather than reactive. I actively pursue innovative approaches to providing services to citizens on a cost effective basis. Accordingly, I strongly support mitigation programs to prevent disaster losses, rather than merely develop response plans for events as they occur.

(b) What do you believe in your background or employment experience affirmatively qualifies you for this particular appointment?

Answer:

I served as the chief elected official (County Judge) of Yell County, Arkansas for ten years, and as Director of the Arkansas Office of Emergency Services for over four years. In those positions I directed response and recovery operations on numerous disasters, including serving as the Governor's Authorized Representative on three Presidentially Declared Disasters involving severe floods and windstorms. While in these positions I worked closely with FEMA at the Regional and National levels, and therefore already generally understand the importance of its missions. In addition, I have direct experience in mitigation and preparedness for many of the natural and technological hazards affecting our Nation. As a result, I am experienced in all phases of comprehensive emergency management at the local, state, and federal levels. This experience includes mitigation, preparedness, response, recovery, and reconstruction.

B. FUTURE EMPLOYMENT RELATIONSHIPS

1. Will you sever all connections with your present employers, business firms, business associations or business organizations if you are confirmed by the Senate?

Answer:

Yes.

2. Do you have any plans, commitments or agreements to pursue outside employment, with or without compensation, during your service with the government? If so, explain.

Answer:

No.

3. Do you have any plans, commitments or agreements after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization?

Answer:

No.

4. Has anybody made a commitment to employ your services in any capacity after you leave government service?

Answer:

No.

5. If confirmed, do you expect to serve out your full term or until the next Presidential election, whichever is applicable?

Answer:

Yes.

C. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients or customers.

Answer:

None.

2. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated.

Answer:

None.

3. Describe any business relationship, dealing or financial transaction which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

Answer:

None.

4. Describe any activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation or affecting the administration and execution of law or public policy.

Answer:

While Director of the Office of Emergency Services, I conferred with Members of the U.S. Congress and the Arkansas Legislature on legislative issues affecting emergency management.

5. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items. (Please provide copies of any trust or other agreements.)

Answer:

I do not expect any, but should one arise I will take all necessary steps to immediately remove any conflict or appearance of conflict by whatever means may prove most effective under the circumstances.

6. Do you agree to have written opinions provided to the Committee by the designated agency ethics officer of the agency to which you are nominated and by the Office of Government Ethics concerning potential conflicts of interest or any legal impediments to your serving in this position?

Answer:

Yes.

D. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics for unprofessional conduct by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, provide details.

Answer:

No.

2. Have you ever been investigated, arrested, charged or held by any Federal, State, or other law enforcement authority for violation of any Federal, State, county or municipal law, regulation or ordinance, other than a minor traffic offense? If so, provide details.

Answer:

No.

3. Have you or any business of which you are or were an officer ever been involved as a party in interest in any administrative agency proceeding or civil litigation? If so, provide details.

Answer:

1983 suit to quiet title to mineral rights on 40 acres of land, lost suit.

4. Have you ever been convicted (including pleas of guilty or nolo contendere) of any criminal violation other than a minor traffic offense?

Answer:

No.

5. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be considered in connection with your nomination.

Answer:

None.

E. FINANCIAL DATA

Retained in full Committee.

PRE-HEARING QUESTIONS FOR
JAMES LEE WITT
TO BE DIRECTOR OF THE
FEDERAL EMERGENCY MANAGEMENT AGENCY

I. NOMINATION PROCESS AND POTENTIAL CONFLICTS

1. Were any conditions, expressed or implied, attached to your nomination to be Director of the Federal Emergency Management Agency (FEMA)?

No.

2. Have you made any commitments with respect to the policies and programs you will attempt to implement as Director of FEMA? If so, what are they?

I have committed to President Clinton that I will develop a strong, comprehensive emergency management program at the Federal level and will utilize available resources to strengthen emergency management programs at the state and local level.

3. Are there any issues involving the Federal Emergency Management Agency from which you may have to disqualify yourself? If so, please explain.

No.

II. ROLE AND RESPONSIBILITIES OF THE FEMA DIRECTOR

1. What do you consider your primary responsibilities and priorities to be as FEMA Director?

My primary responsibility at FEMA will be to develop an effective mitigation, preparedness, response and recovery program for all hazards and emergencies affecting this Nation.

My priorities as FEMA Director will include:

- 1) Preparing for effective response to any disaster. This preparation is especially important because of the on-coming hurricane season.
 - 2) Revitalizing the Agency and improving employee morale.
 - 3) Creating a national emergency management partnership involving FEMA, other federal agencies, state and local governments, and private organizations.
 - 4) Establishing mitigation as the foundation for the nation's emergency management program.
 - 5) Examining the mission and organization, and implementing changes as necessary to achieve an effective all hazard program.
2. What do you consider to be the mission of the Federal Emergency Management Agency?

The overall mission of FEMA is to provide the leadership and support for a comprehensive, all hazard, emergency management program which includes mitigation, preparedness, response and recovery. This mission is to be accomplished in cooperation with the White House, other federal agencies, state and local governments, private and volunteer organizations.

3. What do you consider to be the major challenges confronting the Federal Emergency Management Agency and what will your priorities be in addressing these challenges?

The major challenges facing FEMA include:

- 1) Integrating all of the Nation's hazard specific resources into an effective all hazard emergency management team from the national to the local level.
- 2) Increasing the credibility of the Agency.
- 3) Making mitigation the foundation of emergency management at all levels.

My priorities for addressing these challenges will include:

- 2) Executing agreements with the states and territories to define the procedures to be followed in case of a major disaster.
 - 3) Promoting adoption of mitigation principles.
 - 4) Finalizing and implementing the Federal Response Plan.
 - 5) Revitalizing the Agency and improving employee morale.
4. Do you see any need to revise the current organizational structure of FEMA?

Before any organizational changes are made, I will examine the recommendations contained within the NAPA, GAO, IG, internal FEMA and other reports. I will consolidate these recommendations, considering any revisions in the mission, and determine the optimal organizational structure for renewing FEMA. This will be done in consultation with the Administration and the appropriate committees of the Congress.

III. FEMA MANAGEMENT AND IMPROVEMENT

1. Please summarize from your perspective as a professional working in State government, your experiences with FEMA.

What is your assessment of the agency's weaknesses and strengths?

Based on my experience, I believe:

- 1) The Comprehensive Cooperative Agreements between FEMA and the states and territories are too restrictive. States should have greater flexibility in defining risks, establishing priorities, utilizing resources, and conducting programs.
- 2) FEMA program personnel should spend more time working in the field to gain a better understanding of state and local capabilities and operations.
- 3) Routine program decisions regarding state issues take too long.

- 4) The three Presidential Declaration disasters which occurred while I was Director of the Arkansas Office of Emergency Services, were handled very rapidly and effectively by FEMA.
- 5) FEMA's earthquake hazard reduction program is very good. We have had good positive support from FEMA's Office of Earthquakes and Natural Hazards.

Based on my experiences, FEMA weaknesses include:

- 1) Mitigation has not been given enough emphasis in FEMA's programs and activities.
- 2) There have not been enough realistic risk-based exercises involving federal, state and local governments and private organizations.
- 3) There is not enough meaningful communication between FEMA and State and local governments.

FEMA's strengths include:

- 1) The funding provided by FEMA to state and local governments is essential for developing and maintaining strong emergency management programs at these levels.
 - 2) The FEMA region which I worked with as State Director for Arkansas, FEMA Region VI, provided good strong program support to states within the region.
 - 3) FEMA's employees are dedicated to the jobs they perform.
2. If you are confirmed as Director, what policies or practices would you change or continue, particularly regarding the interaction of the agency with State and local emergency management agencies?

A good working relationship between FEMA and state and local emergency management agencies is essential. I plan to immediately strengthen this relationship. I will make them key members of FEMA's emergency management team. For example, there is a need for closer coordination with the states when we know an event is imminent, and for all parties to participate together in realistic exercises.

3. The recent report by the National Academy of Public Administration (NAPA) called for greater accountability in assessing the resources and performance of State emergency program operations. Do you think this idea is worthwhile and, if so, what steps might be taken to implement it?

I think that it is always worthwhile to have performance standards, and to hold organizations and individuals accountable to such standards. The states should play a role in setting these standards and in assessing the strengths and weaknesses of their performance. However, I do not think that the standards for states should be so restrictive that they preclude the most effective use of resources. I do believe that we should seek the most qualified people and have stronger standards for training and exercises, which will be implemented through the new partnerships with the states.

4. Should State or local emergency management officials have access to you and other key FEMA decision-makers to a greater extent than in the past? If so, what channels would you establish to facilitate communications between FEMA and non-Federal professionals in the field?

Absolutely. I plan to meet with state and local officials in the very near future to talk with them about their roles in FEMA's renewal, and will continue to hold such meetings on a regular basis.

In addition, I plan to have headquarters and regional personnel spend more time working with state and local officials.

5. How will you use the resources of the External Affairs Directorate to improve communications with State and local officials?

I am committed to improving communications with the Congress, state and local officials, other key constituency groups and the public. These groups are key to the design and dissemination of public information. I will review the resources of the External Affairs Directorate and take appropriate actions to strengthen our communications capabilities.

6. The General Accounting Office (GAO) reported that budget and appropriations problems caused Public Assistance payments to states to be cut off for 8 months in 1991. What effect, if any, did this have in Arkansas? Do these budget problems still exist in FEMA today, and if so, what do you plan to do about them?

The delay in Public Assistance payments had a major impact on Arkansas. We were not able to pay for disaster related work on a timely basis. I do not know if these problems still exist, but I will look closely at that problem. I know that they do not still exist in Arkansas.

7. What are your views on the curricula of the Emergency Management Institute and the National Fire Academy? Do they offer the courses that are most needed? Do they offer those courses often enough?

I strongly support fire and emergency management training, and plan to make training and exercises key elements of the new emergency management program. The National Fire Academy and Emergency Management Institute currently offer courses that are well attended and provide a valuable service. As we proceed to refine the mission and organization of FEMA, we will work with federal, state and local users to identify which courses are needed to support the new emergency management partnership.

8. A recent survey on FEMA Headquarters employees by the American Federation of Government Employees Local 4060 indicates severe morale problems that could hamper effective program implementation. Many of these problems appear to be rooted in substandard personnel management, labor relations and equal opportunity performance by FEMA leadership.

(a) What action do you recommend to address these concerns?

(b) What changes would you consider making in FEMA's Personnel Office, especially in the Equal Opportunity Division and the Employee and Labor Relations Division, to improve their effectiveness?

Improving employee morale is very important to revitalizing FEMA. Furthermore, I believe that every person should have equal opportunity for employment, or advancement, in FEMA. I will meet with Union representatives and other employees to identify concerns and discuss solutions.

I will also meet with Equal Opportunity and Labor Relations personnel to identify specific issues, review reports and surveys, and then establish and enforce policies and procedures to strengthen Equal Opportunity and Labor Relations programs.

The personnel management issue will also be reviewed as we address any new organizational plan.

9. When the Governmental Affairs Committee received testimony on the nomination of Wallace Stickney to be FEMA Director two years ago, several witnesses proposed new emphases for FEMA, which would respond to pressing needs and help restore the agency's damaged credibility. Among the proposals were:

- * Expand FEMA's centralized training courses for state and local emergency management officials and updating its written training materials to emphasize preparedness for natural and technological disasters, especially earthquakes, storms, fires, and toxic and radioactive spills. At the same time, eliminate FEMA training programs and materials oriented toward nuclear-war preparedness and civil defense against nuclear attack.

- * Develop FEMA rapid deployment disaster teams, modeled after the core teams of investigators that the Federal Aviation Administration and National Transportation Safety Board deploy to every accident within their purview. This approach concentrates specialized knowledge in disaster management from direct experience in a variety of disaster situations.

- * Share U.S. expertise with other nations. Programs to improve international emergency preparedness for natural and technological disasters is within FEMA's scope and would constitute a major contribution to world security and stability. By adopting a preventative emphasis, FEMA could help limit losses sustained by the United States and other nations during disasters, and also reduce the resources that would be spent on recovery. FEMA and the Department of Defense should design more useful ways to deploy military teams in disaster mitigation and response.

Please address each of these proposals and the steps FEMA should take to implement them?

Much has happened in the world since Mr. Stickney's hearing. I propose to review and possibly revise FEMA's mission, establish an all hazard emergency management partnership and then design the corresponding optimal training program.

I will be giving serious attention to the use of rapid deployment disaster teams. However, based on my experience in Arkansas, I already know that it is important to rapidly deploy teams for damage assessment after an event. These teams should be organized and work in cooperation with other federal agencies and state and local governments.

I strongly support sharing emergency management expertise with other nations, and believe that there is much that we can learn from other countries, as well as hopefully helping them in return. Such cooperative programs can be accomplished through such organizations as: the International Decade for Natural Disaster Reduction; the U.S. Office of Foreign Disaster Assistance; the International Disaster Advisory Committee; and the U.S. - Latin American Partnership.

The military has a critical role in disaster response and recovery, especially in catastrophic events, and I will make the Department of Defense a key member of my emergency management partnership. However, I believe that overall control must lie with a civilian agency and must remain with FEMA.

10. Many FEMA staff are concerned that they will lose their jobs as FEMA's mission changes. These are primarily working staff who were trained and assigned to work on nuclear war preparedness programs. What plans do you have for retraining of FEMA staff?

Committed employees are essential to the new FEMA. If FEMA is organized as an all hazard agency, I believe that personnel resources can be properly integrated into this program. Furthermore, I support cross-training and retraining employees as necessary.

11. FEMA has been criticized for its over-dependence on contractors. For example, FEMA has paid contractors to write answers to employee grievances. The Administration has undertaken a government-wide review of Agency's reliance on contractors.

(a) To what extent will this Administration review the contractor situation at FEMA?

(b) What additional plans do you have to address the reliance on contractors at FEMA?

We will use existing FEMA staff to conduct projects and studies to the extent possible. This approach is important because it develops personnel capabilities and the resulting knowledge and experience remains within FEMA. We will use consultants and contractors only when necessary, and then only in accordance with the rules and regulations.

IV. EMERGENCY MANAGEMENT ISSUES

1. The Stafford Act presupposes that the Federal Government will provide major disaster response and recovery assistance only if State and local resources are overwhelmed and if the governor of the affected State requests a Presidential declaration.

(a) Is this statutory framework appropriate?

(b) Would you recommend that the Congress amend the Stafford Act to give the President additional authority to send Federal resources and personnel into a disaster area even before the governor requests the declaration? For example, would you recommend that the authority given to the President in Section 501(b) of the Stafford Act to issue an emergency declaration under certain conditions without a gubernatorial request be extended to major disaster declarations?

I think the present legislative framework is appropriate for the overwhelming majority of situations in which the Stafford Act can be used. It is my understanding that Federal Disaster Assistance has always been used to supplement the response and recovery capabilities of affected states and local governments. In most situations this arrangement has functioned effectively. At the same time, I realize that there may be situations, such as Hurricanes Hugo, Andrew, and Iniki, where it would be appropriate for FEMA to be more proactive in responding to catastrophic disasters.

2. As Director of FEMA, under what circumstances can you envision recommending that the President issue an emergency declaration under Stafford Act Section 501(b) authority?

At this point in time, I do not feel I have sufficient knowledge to answer this specific question. I understand that this section applies to emergencies where the Federal Government has a primary responsibility such as an emergency at a federally-owned facility. Furthermore, I understand that this section may provide authority for a proactive response to an imminent catastrophe. If I am confirmed, I will carefully examine this issue and work with the Administration and Congress to clarify this authority.

3. Are you familiar with the final report of the National Academy of Public Administration, the FEMA Inspector General's report on the response to Hurricane Andrew, and the GAO findings related to the Nation's disaster response system?

(a) How would you characterize the overall assessments each of these have made regarding FEMA and federal disaster response?

(b) Which specific recommendations to improve FEMA's management and operations do you think merit further consideration?

(c) Which recommendations would you tend to disagree with?

I have reviewed the Executive Summaries of these reports. They contain substantial conclusions and recommendations which should be given serious consideration. There are numerous recommendations which merit further consideration, however; I am especially interested in recommendations concerning the use of the all-hazard concept. I disagree with recommendations concerning placing FEMA, or emergency management, under military control because I believe this function should remain under civilian control. I also have concerns about reducing the number of regional offices in light of my interests in working more closely with state and local governments. In addition, I do not think it is necessary to establish a Blue Ribbon Panel to review FEMA. We have the benefit of numerous studies that have examined FEMA and I think we can use these studies as guidance.

4. What is your assessment of the capabilities of State and local governments to respond to disasters? What criteria would you use in recommending to the President that an incident is beyond the capabilities of the affected State and local governments and therefore qualifies for a major disaster declaration?

State and local governments generally provide good emergency management services. They effectively respond to routine events. However, they need our support, especially through the Civil Defense Act and other funding they receive through the Comprehensive Cooperative Agreements. The civil defense program did not significantly increase throughout the defense buildup period, and should not be reduced as part of the military cut-back. Maintenance of this funding is critical to the establishment of the all-hazard (including terrorism and foreign attack) nation-wide emergency management partnership.

I will recommend a Presidential Declaration when I believe that state and local governments no longer have the capability to take care of disaster victims and restore their communities. Among the sources of information I will use in making these recommendations are: 1) consultations with affected states, and; 2) information provided by damage assistance teams. These teams should be a collaborative effort. Furthermore, I believe that my experience as a State Director provides insight into determining when state capabilities have been exhausted.

5. The Stafford Act currently requires that the Federal Government provide at least 75 percent of the eligible costs of certain assistance. Is a 75/25 cost share arrangement appropriate? As you know the President may choose to waive the 75/25 match. That authority has been used on at least ten occasions to provide greater assistance to States and localities facing extremely costly response and recovery tasks. What criteria would you use in recommending to the President that the 75/25 match be waived? To your knowledge, has that waiver been applied in a fair and equitable manner in the past?

A 75/25 cost share is appropriate in most cases. I think that it may not be reasonable for catastrophic disasters. For example, a state might be able to pay 25% for a \$10 Million event, but not for a \$100 Million disaster. Criteria for considering adjusting the match requirement could include such factors as:

- 1) The first 72 hours for all disasters, so that officials are not reluctant to request help for such critical functions as search and rescue, emergency medical services and for efforts to reduce additional damage. Several recent studies and officials have recommended waiving the matching requirement for the first 72 hours. I will want to consider this suggestion and consult with the Administration and appropriate Members of Congress on this issue.

2) When damage assessment results indicate that a particular disaster will exceed a catastrophic threshold magnitude.

With regard to the questions of fairness in waiving the match requirement, I can only answer for Arkansas. I did not request a waiver during my tenure as State Director.

6. The Stafford Act presently authorizes the President to issue either an "emergency" or a "major disaster" declaration after the Governor submits a request. In past years very few emergency declarations have been issued, at least in part because State and local officials recognize that relatively little assistance will be available under such a declaration. After a major disaster declaration is issued, by comparison, the full range of assistance authorized under the Stafford Act may be provided. Is the distinction between the two types of declarations useful? Considering the ongoing efforts to reduce Federal expenditures, would you advocate greater use of the "emergency" declaration authority under Title V of the Stafford Act as a means of reducing Federal expenditures yet still meeting the immediate needs for Federal response assistance?

I think this is a very serious issue that needs thoughtful consideration. I would like to work closely with the Administration, the Congress and the states to review the Stafford Act and make any appropriate changes.

7. FEMA has a mixed record regarding disaster response and the management of resources. There are a number of success stories where FEMA employees, employees of other Federal agencies, volunteers, and non-Federal employees have worked together in admirable fashion. As we are all aware, the agency also has been associated with less successful incidents where coordination and response efforts appeared to fail. In your judgment, why has the agency been able to implement the Federal emergency management policies in some instances and has been apparently unsuccessful in others?

I believe that many routine disasters have been handled rapidly and effectively. The problems have generally occurred in catastrophic situations. In my opinion, the Federal Response Plan needs to be continually revised to incorporate lessons learned, procedures, and the evolving world environment. Then, federal, state and local governments, and private agency personnel must be trained in the Plan, and realistic exercises conducted. Also, there is a need for closer coordination with the state at the time of the event.

8. In your opinion, do you think raising the federal reimbursement to 100% for Hurricanes Andrew and Iniki has set a precedent for future disasters? Do you think asking states to pay a share of federal response costs provides an incentive to be better prepared or is it a stumbling block that makes states reluctant to request assistance?

As a State Director, I did not interpret that those 100% reimbursements set a precedent for future disasters. In my experience, the matching requirement was not a stumbling block, but it could be especially in the first 72 hours.

9. Over the past several decades, FEMA and its predecessor agencies paid in full or in part for over 2,000 underground fuel storage tanks at Emergency Broadcast System (EBS) stations around the country. Despite knowledge that these tanks might be leaking into the soil and groundwater, creating environmental contamination and financial liability, FEMA refused for years to acknowledge the problem or seek funds for remediation. Congress provided funds for tank remediation last year, but FEMA has delayed implementation of the program. What are your intentions for speedily implementing the tank remediation program, and when do you expect it to be completed?

I recognize that Congress is very concerned about this issue. This issue is very complex, involving many other federal agencies and it will require careful study and legal advice. Clearly, the fact that Congress is concerned about the speed with which FEMA has acted will require that I give this issue attention if I become Director.

10. FEMA has advanced two different legal opinions on its responsibility for correcting this problem. On April 30, 1991, FEMA Associate General Counsel Joseph Flynn wrote that:

"FEMA is the owner of underground storage tanks used at Emergency Broadcast System (EBS) stations, and is responsible for their maintenance and replacement and repair of environmental damage."

Noting that the Federal Communications Commission technically owns the tanks, he added that "these distinctions do not ultimately relieve FEMA of responsibility" in any lawsuit:

"Whether or not FEMA is explicitly named as a defendant, the Department of Justice will expect FEMA, as administrator of the Emergency Broadcast System, to participate in the defense of the lawsuit ... Since FEMA's budget routinely includes funds for EBS, the Department of Justice will also expect FEMA to satisfy any judgment."

However, on February 27, 1992, FEMA General Counsel Patricia Gormley wrote that FEMA is "neither the owner nor the operator" of EBS stations, and therefore has no legal responsibility for the tanks.

(a) Does FEMA now believe that Mr. Flynn's reasoning was flawed? If so, how?

(b) What specific steps will you take at FEMA to ensure greater public accountability for environmental and other responsibilities?

I have not had the opportunity to study the two opinions referenced in the question. However, I want Congress to be assured that I am committed to meeting the letter and the intent of all FEMA's responsibilities.

11. Recent major disasters in the United States have resulted in extensive property damage, but rarely in a massive number of deaths or injuries. This could change with the next disaster. The Federal Civil Defense Act of 1950, as amended, (P.L. 920-81) clearly stipulates that coordinating the health and medical needs of victims after a disaster is a primary responsibility of FEMA and its director.

The National Disaster Medical System (NDMS) should be the mechanism for meeting this responsibility, but after a decade of inattention by FEMA and other agencies charged with developing it, NDMS still cannot provide emergency medical response on a large scale.

Last year, the General Accounting Office testified on the dangerous deficiencies of NDMS discovered during the Gulf War

(GAO/T-HRD-92-17). And FEMA's own Inspector General recently reported that NDMS is insufficiently funded, staffed, trained and equipped, that its operations are inefficient and its response time too slow (FEMA's Disaster Management Program: A Performance Audit After Hurricane Andrew 1/14/93).

- (a) What plans do you have to make FEMA a leading force in improving NDMS and making it responsive to those disasters most likely to occur?
- (b) Do you believe FEMA needs any additional authority to accelerate development of NDMS through the interagency process with the Public Health Service, Department of Defense and Veterans Administration?

Let me begin by saying that I have a strong interest in NDMS. In fact, my home State hosted one of the largest NDMS exercises ever held.

FEMA, the Department of Defense, and the Defense of Veterans Affairs share important responsibilities for NDMS, but the lead responsibility is with the Department of Health and Human Services, specifically the Public Health Service. I feel that the NDMS should be a component of the new emergency management partnership and I plan to work with the other involved agencies to determine how we can most effectively utilize this resource.

I will work with the other NDMS sponsors to address the problems identified by GAO and the FEMA IG, to include questions of additional authority.

Y. THE FEDERAL RESPONSE PLAN

1. FEMA's Federal Response Plan is its blueprint for how it responds to all disasters and emergencies and it is signed by representatives from 26 other federal agencies.
 - (a) What do you think are the plan's strengths and weaknesses?
 - (b) What would you do to capitalize on its strengths and address its weaknesses?
 - (c) Would you discard the plan and create a new strategy for coordinating the Federal Government's response to major disasters, or would you retain the current plan and make adjustments?

A Federal Response Plan is a very important component of the overall emergency management program. It should integrate all federal agencies, state and local governments and private organizations into a cohesive response and recovery team. The Plan can be used for natural and technological hazards, as well as terrorism and foreign attack situations. However, I believe that the Federal Response Plan needs to be continually revised to incorporate lessons learned, procedures, and the evolving world environment. I would retain the Plan, but would make adjustments based on experience gained from use in recent disasters, suggestions from state, local, and private agency personnel, and from exercises. Then, I would encourage all personnel who will be involved in disaster response and recovery to complete training in the application of the Federal Response Plan and also participate in corresponding exercises.

2. As you know, the Plan is supposed to guide the federal response. However, this purpose is both affected by the states and has an effect on them. Do you think states should be consulted for any needed revisions of the plan?

Yes. I intend to consult with state officials as well as representatives of other federal agencies, local governments and appropriate private organizations.

3. Through the Federal Response Plan, FEMA depends heavily on many other federal agencies in order to successfully respond to disasters. What mechanisms does FEMA have (or should have) to ensure these agencies are prepared to meet their responsibilities?

I believe that the Federal Response Plan, combined with coordination and cooperation, training and evaluated exercises, is the way to ensure that all federal agencies are prepared for their disaster response and recovery responsibilities. If we find this to be inadequate we will work with the Administration and Congress to correct this situation.

4. FEMA is in a relatively unique position among Federal agencies, because an integral component of its mission is to coordinate activities and resources of other Federal agencies. At present, this is accomplished through the framework in the Federal Response Plan. What actions will you take as Director

to improve coordination among Federal agencies in all phases of emergency management?

As part of the new partnership, I will meet with representatives of these agencies to review the general state of overall preparedness for response to any disaster occurring in the near future. I will continue to work with these agencies to maintain effective working relationships. Participation by the agencies in joint training and exercises will also enhance coordination.

VI. ADMINISTRATIVE ISSUES

1. How would you resolve some of the problems in FEMA that were identified by the National Academy of Public Administration? These problems could be summarized as follows: (1) the lack of an executive development program to build an organizational team with a common sense of mission; (2) the development of a unified vision and clearly understood mission for the agency; (3) the existence of compartmentalized operations and subcultures ("stovepipes"); and (4) unnecessary and destructive distinctions between the agency's classified and non-classified operations.

The establishment of a strong, clearly stated, mission for FEMA is one of my highest priorities. I am personally committed to employee development. Trained, dedicated personnel are critical to a new FEMA. To accomplish this, I will involve employees in Agency planning and decision making. Furthermore, I will seek alternative approaches such as employee rotation, cross-training, integration of functions and resources, and other techniques to establish an overall employee development program, and to eliminate compartmentalization.

I am aware that a security system review has been conducted. I will review the study's conclusions and recommendations to identify what actions need to be taken. In addition, any redefinition of the FEMA mission might change the requirements for personnel with security clearances. I will work to ensure that no employee is adversely affected as a result of reductions in the need for security clearances.

2. FEMA is currently governed by numerous statutes, including the Federal Civil Defense Act of 1950, as amended, the Stafford

Act, the National Security Act of 1947, the Defense Production Act of 1950 and others.

Do you support consolidating these statutes to clarify that FEMA's mission and authority charter through legislation establishing domestic civil emergencies and disasters as the Agency's primary concern?

If FEMA's mission is redefined, I will determine what legislative changes are needed for effective and efficient management of the Agency and its programs. If needed, any recommendations for legislative changes will be coordinated with the White House, the Office of Management and Budget, and the appropriate Congressional committees. The states and other constituencies, ranging from fire protection to flood plain management, will also be asked for their views.

3. The National Academy of Public Administration (NAPA) recently completed a study of federal, state and local government capacity for disaster response. NAPA concluded that many of FEMA's problems were traceable to a pre-occupation with national security emergency preparedness. NAPA has recommended that FEMA's responsibility for major national security functions should be transferred to the Department of Defense.

(a) What is your opinion of this recommendation?

(b) NAPA further recommended that all of FEMA's operations be declassified. What are your views of this recommendation?

I will not be able to answer this question until I have had the opportunity to review FEMA's classified programs. However, I think that it is critical that FEMA retain all of its existing assets.

4. In November, 1992, the FEMA Security Practices Board of Review found that of 2,604 FEMA employees, 1,501 possessed top secret clearances, and 181 possessed secret clearances. The Board found that FEMA had issued about 500% more security clearances than were justified, and recommended that the number of clearances in the Agency be sharply reduced.

In the interest of cutting unnecessary costs and increasing security by reducing access to legitimately classified information, what are your plans with regard to reducing the number of security clearances at FEMA?

I plan to review FEMA's classified programs as soon as possible. Then, I will work with FEMA personnel to determine the number and levels of clearances that are actively needed considering any revised mission and recommendations in the security system report. If I find that there are too many clearances, I will take the appropriate action.

5. What is your reaction to the recommendation that the number of political appointees in the agency be reduced? Which positions, in your judgment, should continue to be filled by such appointees.

In my opinion, the problem is not necessarily the number of political appointees at FEMA, but the lack of emergency management or other appropriate training and experience. I will work to obtain personnel, whether career or political, who have the capabilities needed to plan and manage an innovative, dynamic, and effective emergency management agency. I strongly feel that I should play a major role in selecting the key members of my management team.

6. During the recent change in Administrations, a situation developed where there was no Presidentially appointed Senate confirmed (PAS) officer to head FEMA.

(a) Under those circumstances, who is considered to be the head of the agency and by what authority?

(b) Is a legislative remedy necessary to establish a clear line of authority within FEMA?

(c) It has been suggested that the FEMA Deputy Director position be held by a career civil servant to preclude problems that may arise in the absence of PAS officials. How do you view this suggestion?

In the absence of a Presidentially appointed Senate confirmed FEMA Director, and Deputy Director, the Administration selected a senior career FEMA employee to be Acting Director. It is my understanding that there is a clear line of authority for FEMA. Appropriate changes in the line of authority may be a part of a redefining of FEMA.

It is very important that the Deputy Director continue to be a PAS official because of the need for consistency in implementing the Administration's policies and for maintaining rapport with the White House. I believe that this relationship with the Administration will help expedite decisions that need to be made during crucial events. A career employee might not have this needed close relationship, and understanding with the Administration.

7. Most analysts have concluded that FEMA organization and management reform is long overdue. What thoughts do you have on this matter? Under what parameters would you be guided in carrying out such a task?

I will give immediate attention to redefining FEMA's mission and organizational plan. In accomplishing this task, I will consult with employees and union representatives, review recommendations in HAPA, GAO, IG, and other reports, consider lessons learned from recent disasters, and solicit suggestions from state and local emergency management officials, appropriate Congressional Committees, members of Congress, and other concerned groups.

8. What steps will you take to enhance communications with the White House? Would you advocate the establishment of a Domestic Crisis Monitoring Group in the White House, as recommended by the National Academy of Public Administration?

I have a strong and open line of communication with the White House. As Director of FEMA, I will maintain this effective communications link.

No, I do not advocate establishing a Domestic Crisis Monitoring Group. However, we do need to have one person, who has direct access to the President, designated at the White House who can make immediate decisions during a disaster situation. In my opinion, this person should be the Vice President.

9. Much of FEMA's activities are conducted through its ten regional offices, yet the headquarters staff who develop programs and policy have no line authority over regional staff. Should they have such authority? Why or why not?

I think that there should be stronger programmatic links between headquarters program personnel and corresponding personnel in the regions. These links are needed to ensure continuity and assistance in overall program implementation.

10. FEMA is segmented into numerous organizational units, with each carrying out its own programs in isolation from the others. For example, Civil Defense and National Preparedness missions compete for resources instead of working closely together to carry out their complementary missions. As a State official, what effect did this have in your dealings with FEMA? Do you see this causing an inefficient use of scarce federal resources? As FEMA Director, what would you do about it?

I did not experience competition for such funds at the state level. I plan to organize FEMA's resources into an integrated all hazard program, to the extent possible, which will provide greater flexibility. While, I think that states should have greater flexibility, there still must be sufficient guidelines to ensure that funds are used for the intended purpose.

11. FEMA coordinates but does not actually administer a number of loan programs following a disaster declaration. For example, both the Small Business Administration (SBA) and the Farmer's Home Administration (FmHA) can provide loans in the wake of a disaster. Should all of these various loan programs FEMA coordinates but does not administer after a disaster be consolidated in FEMA?

These programs are like many other authorities that are administered by federal agencies on a day-to-day basis, but which come under FEMA's coordination after a Presidential disaster declaration. Both SBA and Agriculture have the authority to trigger their respective disaster loan programs in situations that do not warrant a Presidential declaration. I do not feel I have adequate knowledge of the administration of these programs in FEMA or the other agencies to provide a recommendation at this time.

VII. CIVIL DEFENSE FUNDING

1. Do you believe that FEMA's various civil defense programs are properly funded? Which ones do you consider over-funded, if any. Underfunded?

As State Director for Arkansas, I did not think that any civil defense program was overfunded. The civil defense funding provided through FEMA, supports broad based emergency management at the state and local level.

Solid emergency management programs at the state and local levels can contribute to reductions of disaster assistance costs. As such, this funding is critical to an effective all hazard emergency management program and any reduction could have negative effects.

2. Do the specified uses of civil defense funds result in states and communities performing certain activities while higher priority concerns are deferred?

Based on my experience, yes, because states do not have the flexibility to prioritize needs and allocate funds accordingly.

3. Could FEMA, through its civil defense grants to the States, accomplish more with its existing level of resources? Specifically, should FEMA give states more flexibility to match federal civil defense funding with the specific kinds of risks each faces? Beyond changing the funding levels, how would you change the way states and communities apply for, receive, and make use of civil defense funds?

Yes, states should be given the flexibility to establish a risk based, all hazard program to meet their specific needs and priorities. The comprehensive cooperative agreement is a good system for providing funding to the states, but the regulations and procedures need to be revised to provide greater flexibility.

VIII. NUCLEAR PREPAREDNESS

1. For many years, FEMA has insisted that many of its plans for responding to nuclear attack serve a dual purpose of creating readiness for other disasters. But the Agency has refused to provide a detailed account of what resources have been devoted to programs whose primary purpose is nuclear war planning, and has provided evasive answers to Congressional and public inquiries on this subject.

The Palm Beach Post recently investigated the subject and reported that 78 percent of FEMA's \$11.9 billion budgets from 1982 to 1991 were devoted to national security programs, and that a third of FEMA's 2,700 employees worked on continuity of government programs. FEMA responded that only \$1.3 billion "has been devoted to government preparedness, some of which was devoted to classified activities in support of the nation's security."

Please provide the Committee with your views on FEMA's spending priorities.

I have not had the opportunity to review FEMA's classified programs. Furthermore, I have not had input into the Budget process and will not until after I am confirmed. I can assure you that after I am permitted access to budget information and classified programs, I will determine the optimal integration of functions, and allocation of resources to effectively accomplish FEMA's redefined mission.

2. FEMA'S civil defense program provides funding to states to develop emergency operations plans, and imposes requirements on states in exchange for these funds.
 - (a) Do you believe FEMA should require states to develop plans that emphasize response to nuclear attack?
 - (b) Should FEMA require states to conduct test exercises of emergency operation plans using nuclear attack scenarios?
 - (c) What, if any, resources should FEMA devote in the coming years to developing national plans for coordinated response to nuclear attack?

No, I do not believe that FEMA should require states to develop plans that emphasize response to nuclear attack. States should develop plans based on the all hazard concept. I believe this is the best way to prepare for disasters and other national emergencies. Further, states should conduct realistic, risk-based exercises, to test these plans and train personnel.

3. With the end of the Cold War, FEMA should be shifting its emphasis toward preparedness from natural disasters and technological hazards. One resource that could be devoted to these missions is the "Special Facility," a large complex owned by FEMA inside Mt. Weather, near Berryville, Virginia. This complex includes residential facilities, extensive communications equipment, and other capabilities that could support all-hazards preparedness and response.

What alternative uses would you propose FEMA pursue for this facility?

I have not seen the Special Facility because of the clearance requirements. However, I understand that it is a large facility with a lot of resources. I will work to see how these resources can be used more effectively. I understand that this process has already started and that some of the taleregistration functions for recent disasters were conducted at the Special Facility.

IX. FEMA-RELATED LEGISLATIVE INITIATIVES

1. What are your views on the pending legislation to restrict development in erosion-prone coastal areas?

While I am aware that several bills introduced in Congress would address erosion issues through amendments to legislation authorizing the National Flood Insurance Program, I have not had an opportunity to study these bills in detail.

2. In your opinion, is the legislative proposal that would extend mandatory flood insurance to unregulated lenders holding mortgages in flood prone areas enforceable? Are there substantial numbers of properties that are required to have flood insurance but do not? Could FEMA improve compliance if it had direct enforcement authority?

Again, I have not had an opportunity to study such legislative proposals. Obviously, I am interested in working with the Congress to arrive at effective approaches that would increase the amount of flood insurance available to those at risk and achieve better enforcement.

3. Given your active participation in and testimony before Congress on behalf of the Central U.S. Earthquake consortium, do you believe the federal government should underwrite earthquake insurance? Please discuss some of your proposals with regard to earthquake mitigation and response programs.

I testified on the proposed earthquake insurance legislation before the Subcommittee on Science, Committee on Science and Space and Technology, U.S. House of Representatives. My testimony was on the mitigation aspects of the legislation, but not the insurance portions. I stated that the bill was a beginning but did not realistically address the needs of state and local governments in a manner that would enable them to effectively initiate and carry through the implied mitigation program included in the bill.

I. RELATIONS WITH CONGRESS

1. Do you agree without reservation to respond to any reasonable summons to appear and testify before any duly constituted committee of the Congress if you are confirmed?

Yes.

2. Do you agree without reservation to reply to any reasonable request for information from any duly constituted committee of the Congress, or its duly authorized agents, if confirmed?

Yes.

ANSWERS TO ADDITIONAL QUESTIONS
 FROM SENATOR DANIEL K. AKARA
 MARCH 31, 1993

9. During Iniki, because FEMA's public announcements almost exclusively concentrated on Kauai, where the most damage had been incurred, west Oahu residents who were also affected by the hurricane felt neglected. While I am quite sure that the services FEMA provided to both areas were comparable, the residents of west Oahu nevertheless perceived that they were being underserved.

Q. Is this a legitimate concern? If so, how could FEMA's public affairs operations be improved?

I do not have any information concerning the equality of services provided to various portions of Kauai. In general, I believe that the identification of services to be provided, and corresponding priorities, should be established in cooperation with state and local governments. In addition, I support public information activities that are closely coordinated with the corresponding functions within state, local and private organizations. Such coordination should minimize any misunderstandings concerning services provided.

10. During the initial aftermath of Hurricane Iniki, I had trouble obtaining information that I could put in a usable context. Every few days I would receive FEMA updates, but they mostly consisted of lists or numbers of things that FEMA had provided: for example, 400 blankets, 300 tents, 700 telephone poles, etc. These were just numbers -- I wasn't given a sense of how the people of Kauai were actually being helped by the provision of these items. I didn't know the magnitude of the problems that the provision of such items were supposed to solve, or how they fit into the overall relief effort.

Q. Would it be possible to encourage more analysis in FEMA's disaster updates?

I understand that as a representative of the people of Hawaii, you would be very interested in how disaster victims and their communities were faring. The provision of this information requires effective accomplishment of two critical functions; (1) rapid, accurate, and complete damage and situation assessment, and (2) a closer working relationship with other federal agencies, state and local governments and private organizations. I would strive to improve these functions through a new emergency management partnership with all of these entities.

11. Also, I have had serious problems in tracking disaster relief and recovery funds. Last year, we passed an urgent disaster supplemental that was supposed to make as much as \$1.2 billion available for Hurricane Iniki. While I understand that all disaster funds go into one "pot" from which funds are disbursed as needed, it is important that we in Congress are able to compare how actual expenditures match up with our original estimates of need. I asked FEMA's Congressional Affairs Office for a breakdown of expenditures to date, but was told that the agency could not provide the information.

Q. What can you do to provide data on program expenditures to interested members of Congress whose districts are directly affected by disasters?

I believe that it is important to track such expenditures, not only in total, but also by disaster, state, etc. As Director of the Arkansas Office of Emergency Services (AROES), I made sure that the Governor and members of the legislature were fully informed as to disaster response and recovery activities, and corresponding public and individual assistance. It is my understanding that each of the agencies which provide disaster assistance such as FEMA, Small Business Administration, etc. are obligated to track the funds they are responsible for because these funds come from different appropriations. Whether a clearinghouse for such financial disaster information is necessary, is an issue I would like to work with Congress on addressing.

14. Hurricane Iniki was the largest cyclone ever to strike the Hawaiian Islands in recorded history, and FEMA performed very well in support of the state of Hawaii. However, FEMA is now reluctant to support emergency health and child care needs in the mid-term recovery period when demands on state and local government for these services are at a crisis level and needed while the economy is struggling to recover.

Q. I know you don't have this issue at your fingertips, but would you look into this and provide me with your views on this matter.

I know that disasters can create severe health and child care problems -- problems that can stress state and local service delivery systems. These problems can, in turn, generate other related problems, especially concerning mental health. I am not familiar with the referenced situation associated with Hurricane Iniki; but, yes, I will look into the matter and discuss my findings with you.

20. I have been told that the U.S. island territories of the Virgin Islands, Puerto Rico, Guam, the Northern Mariana Islands, and Palau have rates of natural disasters far greater than other areas of the U.S. -- I believe the islands experience an average of more than two natural disasters per year. Last year, Congress enacted modifications to the Stafford Act (P.L. 102-247) to provide the territories additional assistance in the event of disasters. However, the FEMA statutes are expected to be reauthorized in this Congress.

Q. Could you please provide specific information on the frequency of disasters for the record? Would you support continuing the special treatment provided for the islands to respond to their special vulnerability?

I do not have access to information on the frequency of disasters in these areas at this time. I will obtain the information and forward it to you.

I support the risk-based, all hazard, emergency management concept, which encourages each state and territory to identify its own risks, priorities, and special situations and then prepare accordingly. Under this concept, FEMA should use its resources to support these risk-based programs to the extent possible within legislative and budgetary requirements.

NOTE: The remaining questions were answered at the Hearing.

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO



John N. Sturdevant
National President

Bobby L. Harnage
National Secretary-Treasurer

Joan C. Welsh
Director, Women's Department

7/2-4060

March 26, 1993

The Honorable John Glenn
Chair, U.S. Senate Committee
on Governmental Affairs
U.S. Senate
Washington, D.C. 20510

Dear Senator Glenn:

The purpose of this letter is to alert you to a situation at the Federal Emergency Management Agency (FEMA), whose Director-Designate, Mr. James Lee Witt, will appear before your Committee for confirmation this Wednesday morning, March 31st.

The American Federation of Government Employees (AFGE) welcomes Mr. Witt to Washington, and we wish him the best at FEMA. At the same time, however, we would like to be sure that he and your committee are aware of the severe personnel problems that have plagued FEMA. Much has been written in the press about program problems at FEMA, but the issue of personnel management has not gotten as much attention. To address this, AFGE Local 4060 at FEMA recently surveyed employees at FEMA headquarters. The findings of the survey were eye-opening to say the least. Of the 243 employees who responded to the survey:

- * Three-fourths said they do not think FEMA gives employees equal treatment in such areas as promotions, performance evaluations, or training opportunities.
- * Over half said they would take a new job if they were offered one.
- * Over half said they do not think that FEMA is a good place to work right now.
- * Over four-fifths said they do not think FEMA is a well-managed agency.

80F Street, NW Washington, DC 20001

(202) 737-8700

The Honorable John Glenn
 March 26, 1993
 Page Two

Despite these and other problems, many of the responses indicate some positive strengths within the FEMA workforce that the new Administration could put to good use. For example:

- * Three-fourths said they would volunteer for disaster work if given the opportunity.

- * Over four-fifths agreed that major changes will have to be made for the Government to do a better job of responding to major disasters like Hurricane Andrew.

- * Nearly nine-tenths said they would be willing to retrain for new job assignments if necessary.

Employee comments were also solicited. While these comments are far too numerous to list here, major concerns included:

- * Racism and sexism at FEMA.
- * Poor quality of senior executives and managers.
- * Lack of employee participation in program planning.
- * Excessive use of contractors and consultants.

Despite this already existing atmosphere of widespread morale problems, FEMA has only recently proposed a number of negative initiatives, such as cutting back employee lunch breaks from an hour to 30 minutes and instituting a sign-in requirement for its employees. I am very concerned that the rank-and-file staff appears to be taking the blame for years of mismanagement at FEMA, and I am hopeful that Mr. Witt will act quickly to reverse this trend. Our Local officers want to work with Mr. Witt to make FEMA a model employer.

Thank you for giving these matters your attention. I hope we can all look forward to an Administration which will truly start "Putting People First." FEMA would be a good place to begin.

Sincerely,


 John N. Sturdivant
 National President

NYS EMERG MGMT

TEL: 518-457-8924

Mar 29 93 15:42 No.007 P.02

NEW YORK STATE
 Disaster Preparedness Commission
 its Emergency Management Office
 State Campus Building 22
 Albany, New York 12226-5000

Thomas G. Jorling
 Acting Chairman

MC Michael E. Hall
 Secretary

NEW YORK STATE



DISASTER
 PREPAREDNESS
 COMMISSION

March 29, 1993

Honorable John Glenn
 Chairman
 Committee on Governmental Affairs
 SD-340 Dirksen Senate Office Bldg.
 Washington, DC 20510-6250

Dear Senator Glenn:

Shortly, your committee on Governmental Affairs will be considering the President's nomination of James L. Witt for Director of the Federal Emergency Management Agency (FEMA). This is to urge your expeditious confirmation of this outstanding public servant.

As a State Director of Emergency Management for more than a decade, I have come to appreciate the role of the FEMA Director in advancing the preparedness of the states and their localities to meet the complex problems posed by the multitude of natural and technological hazards we face every day. The position requires a singular individual who can bring to the assignment outstanding professional skills and competence, an understanding of the problems and concerns of the constituency served, and unquestioned personal integrity. James L. Witt blends all of these qualities with a sense of compassion and a warmth and graciousness that is all too rare.

As a colleague of James Lee's, I have had the opportunity to discuss with him a number of issues relating to emergency management. I have found him to be insightful in his observations, clear in his thinking and precise in his recommendations. In my judgment, he is eminently qualified for the position of FEMA Director and merits your support. Further, as the agency itself is somewhat in distress, I urge swift action by the full Senate, so that Mr. Witt may turn his attention to the difficult challenges ahead.

Finally, Senator, permit me to express my appreciation for your support of emergency management and for this opportunity to share my thoughts with you.

Sincerely,

Thomas G. Jorling
 Thomas G. Jorling
 Director

40

PREPARED STATEMENT OF ALFRED K. WHITEHEAD

Mr. Chairman, my name is Alfred K. Whitehead, and I am the General President of the International Association of Fire Fighters. I appear before you today on behalf of nearly 200,000 professional emergency response personnel to offer our views on the nomination of James Lee Witt to head the Federal Emergency Management Agency.

While the Director of FEMA may not be one of the Administration's highest profile appointees, few jobs in the Federal Government are more important. The lives and safety of people in every state in the union depend on an effective emergency management system.

Despite its importance, FEMA has long been treated as a dumping ground for friends and political patrons who lacked the credentials for other positions. As a result of egregious mismanagement, FEMA has forfeited its most important resource: the trust and confidence of the Nation's emergency responders.

FEMA's response to several recent disasters, notably the Loma Prieta Earthquake and hurricanes Hugo and Andrew, has been so abysmal that many policy makers question whether the agency can be salvaged. Proposals are currently circulating to overhaul the mission and structure of the Federal Government's emergency management.

The IAFF believes there is a need for FEMA, but fully agrees with its critics that significant changes are necessary. Specifically, we would advocate that FEMA be reorganized and exclusively focus on domestic response to natural and man-made disasters. Jurisdiction over national preparedness for civil defense or participation in international obligations such as NATO should be the responsibility of the Department of Defense or State.

With this redirected focus, we believe FEMA can be more involved in the essential functions of planning, coordination and support for local emergency response agencies. Moreover, by redirecting FEMA's mission, more funding could be directed toward filling the current void in the delivery of emergency response to disaster at the domestic level.

With such complex issues needing to be addressed, the task awaiting the next Director of FEMA is nothing short of monumental. The Director must be able to lead an unprecedented reevaluation of the structure and role of the agency, while simultaneously working to reinvigorate and restore confidence in our disaster response system. The nation's professional fire fighters can think of no person better qualified to meet this historic challenge than James Lee Witt.

Mr. Witt possesses both the experience and ability to lead FEMA at this critical juncture. As the Director of Arkansas's Emergency Management Services, Mr. Witt worked tirelessly to successfully implement a number of innovative public safety programs, including one of the Nation's most comprehensive programs of hazardous materials emergency response preparedness. Mr. Witt also already possesses a keen understanding of national emergency response issues, having served on numerous national committees and boards including the National Chemical Stockpile Emergency Preparedness Program and the Central United States Earthquake Consortium.

One of the most important aspects of the job of FEMA Director is the ability to work with other levels of government. FEMA's role in emergency situations is often one of coordinating the resources and activities of various governmental agencies, and knowledge of state and local government is critical. Here, too, Mr. Witt's credentials are superb. Having served as both a local and state official, Mr. Witt is attuned to their concerns and needs.

Mr. Witt's resume also calls to mind the story of former House Speaker Sam Rayburn who, upon being told of the impressive academic credentials of some of President John F. Kennedy's nominees, responded that he would feel more comfortable if they had just run for dog catcher once. The fact that Mr. Witt successfully ran for public office—being elected six times as a County Judge—ensures that he understands the unique role of a public servant in our democracy.

Finally, and most importantly, the new Director of FEMA must win the respect and confidence of our nation's emergency responders. In Arkansas, Mr. Witt was held in the highest regard by fire fighters and emergency medical personnel. Our members in Arkansas may not have seen eye-to-eye with Mr. Witt on every issue, but they always found him to be accessible, honest and fair. If he brings those qualities to FEMA, he will make an outstanding Director.

Mr. Chairman, I thank you for this opportunity to express our organization's enthusiastic support for James Lee Witt as Director of FEMA. I urge this Committee

to act expeditiously on his nomination so that the Senate may promptly confirm this vital appointment.

PREPARED STATEMENT OF GEORGE D. MILLER

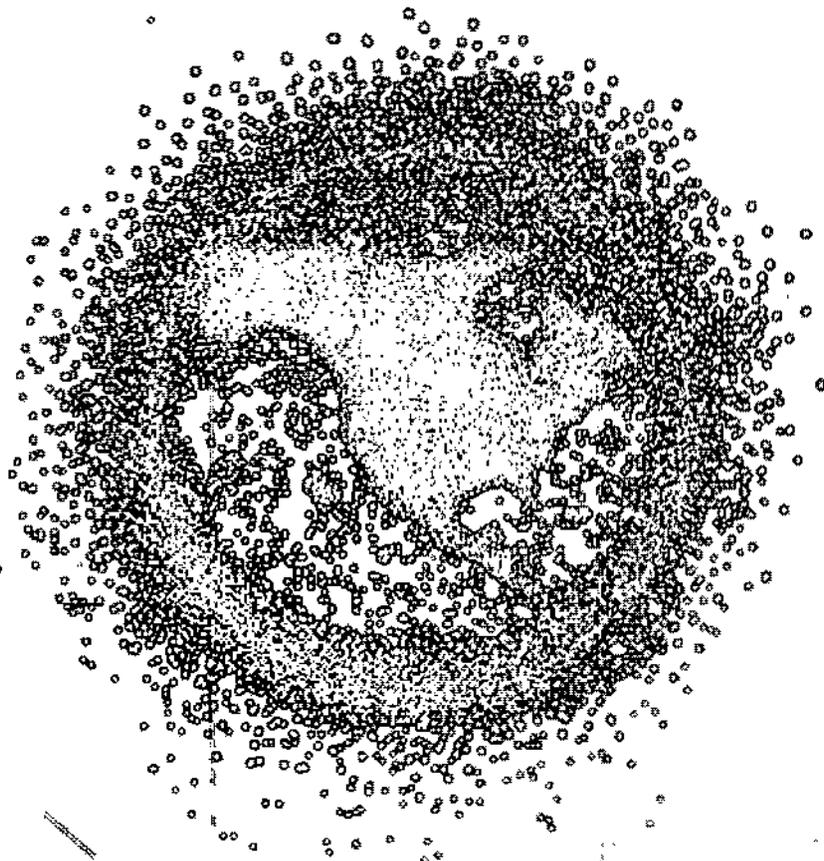
Mr. Chairman, my name is George D. Miller and I am President of the 60,000 member National Fire Protection Association (NFPA). Our mission at NFPA is the safeguarding of people, their property, and the environment from destructive fire and related hazards. Therefore, we have a vital interest in the future success of the Federal Emergency Management Agency, especially its fire and emergency management programs geared to assisting state and local officials and the citizens they serve.

When President Bill Clinton nominated Judge James Lee Witt to head FEMA, he said: "This is one of the most important areas of government, one that people look to for leadership and expertise when their lives and property are at risk." We wholeheartedly agree! And we are especially pleased that the President has nominated an individual with such high credentials including "hands-on" experience in emergency management and state and local governance.

As FEMA looks to the future in the post cold war era, there is an imperative for new FEMA priorities, new FEMA directions and a renewed focus on practical approaches to assisting state and local government in natural disasters response mitigation. With the full backing of the President and the Congress, we believe Mr. Witt is very well suited to meet the public's expectations for a more responsive FEMA.

We have every confidence that James Lee Witt has the background, integrity and experience to lead FEMA to a new plateau of credibility.

Mr. Chairman, we at NFPA thank you for the opportunity to enter into the record our strong support for James Lee Witt as Director of the Federal Emergency Management Agency and urge expeditious action by this Committee as well as speedy confirmation by the Senate.



Renewal of Emergency Management

The FEMA One-Year Report



April 1993-April 1994

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*Renewal of Emergency
Management*

The FEMA One-Year Report



April 1993-April 1994

RENEWAL OF EMERGENCY MANAGEMENT
THE FEMA ONE-YEAR REPORT

APRIL 1993-APRIL 1994

DEDICATED TO THE EMPLOYEES OF FEMA



FOREWORD

I was sworn in as Director of the Federal Emergency Management Agency (FEMA) on April 5, 1993. My charge from the President and the Congress has been to revitalize FEMA to make it the effective organization that it must be to manage the effects of disasters in this country. The renewal of FEMA has proceeded at a fast pace. We have undergone a major reorganization, and successfully responded to 38 Presidential Disaster Declarations -- including two of the Nation's largest disasters.

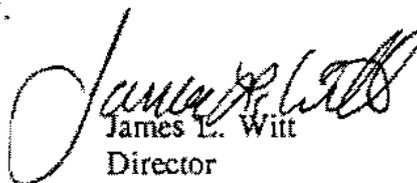
This report presents a comprehensive overview of activities at FEMA during my first year. It has been prepared to chronicle significant achievements and their basis for building emergency management capabilities. The report is structured to detail our renewal efforts, provide an overview of accomplishments, summarize disaster response and recovery activities, and highlight initiatives that will continue the renewal of FEMA.

FEMA is now an outward-looking organization -- an organization of "people helping people." Customer service and establishing partnerships are the themes upon which we are building a better foundation. We have worked to strengthen our partnerships with the many governmental and private sector organizations who have responsibilities and interest in emergency management. We have worked to significantly improve response to our customers -- the American people who are or may be affected by disasters.

I have fully embraced the principles of the National Performance Review and the objectives of the Clinton Administration as we have made changes at FEMA. I am proud of the FEMA employees who have accepted the many challenges. Changes in attitudes and agency culture are continuing as we implement new programs, find ways to reduce costs, and refine our operations. With pride, I dedicate this report to the employees of FEMA -- including our Disaster Assistance Employees without whom we could not have helped the people and communities who are dependent upon us for assistance.

Although much has been accomplished, much remains to be done to effectively mitigate against the effects and costs of disasters. FEMA cannot build the future of emergency management without commitment and support of its partners. We must continue the renewal of FEMA and emergency management. We must identify and implement those actions that support FEMA's goals. I ask you to work with me to continue to build on our vision, our mission, our goals, and our programs to make a difference in the years ahead.

I look back on my first year at FEMA as one of growth, of change, of building a foundation for the future of emergency management. Through commitment and input of many, FEMA is now in a position to provide leadership and support. I look forward to the challenges of continuing the renewal of FEMA and development of an effective emergency management system throughout the country.


James L. Witt
Director

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Renewal of Emergency Management

THE FEMA ONE-YEAR REPORT

April 1993-April 1994

I. Introduction

James Lee Witt was sworn in as the Director of the Federal Emergency Management (FEMA) on April 5, 1993, and immediately initiated a renewal of FEMA and the country's emergency management system. The purpose of this report is to provide a comprehensive summary of major accomplishments and initiatives undertaken during his first year as Director of FEMA.

During the period of the report, the country experienced an unusually high level of disaster activity. Unusual tornado activity, winter ice and snow storms on the East Coast, wildland fires (which also affected residential areas in Los Angeles), the Northridge, California, earthquake, and severe weather placed demands on emergency management and government officials throughout the country. Hurricane Emily threatened the East Coast but fortunately moved out to sea without causing major damage. Of 53 requests for a Presidential Disaster Declaration submitted by governors of affected States, the President declared 38 major disasters. These declarations included the extensive Midwest Floods and the Northridge earthquake. Recovery efforts from Hurricanes Andrew and Hugo and the Loma Prieta earthquake continued to demand considerable attention.

The Director emphasized basic leadership and management philosophies, thus improving FEMA's capabilities and image, redirecting resources to an all-hazards, risk-based management approach, developing new and innovative programs, reorganizing along functional lines, and strengthening partnerships in emergency management. This report outlines how FEMA has progressed in these and other critical areas. It also identifies actions that have been initiated to continue the renewal of FEMA and to build a solid foundation for improved emergency management capabilities throughout the country.

II. Leadership

A. *Vision*: For the first time, a vision for emergency management was established. The vision provides for: "a public educated on what to do before, during, and after a disaster to protect themselves, their families, their homes, and their businesses; structures located out of harm's way and built according to improved codes; governments and private organizations with proven effective plans, necessary resources, and rigorous training for disaster response; and community plans, prepared in advance, for recovery and reconstruction after a disaster."

Based on this vision, short and long term goals and programs can be defined by the emergency management community to make the vision a reality. FEMA uses this vision to

make its basic decisions about how current emergency management needs are met. More importantly, a collaborative effort with Congress was initiated to define responsibilities and actions to achieve the vision. The long-term program will involve the Congress, the Administration, the Federal Government, State and local governments, private and voluntary organizations, and individuals.

B. *Mission:* The FEMA mission had not been updated for more than 10 years. Based on input from FEMA employees, our partners in emergency management, and a reassessment of our responsibilities, a mission statement was defined: "The mission of the Federal Emergency Management Agency is to provide the leadership and support to reduce the loss of life and property and protect our institutions from all types of hazards through a comprehensive, risk-based, all-hazards management program of mitigation, preparedness, response, and recovery."

C. *Goals:* Five mission-associated goals and one organizational goal were adopted upon which management decisions and programs are based. Accomplishments on each of these goals are defined throughout the report.

1. Create an emergency management partnership with other Federal agencies, State and local governments, volunteer organizations, and the private sector.
2. Establish, in concert with FEMA's partners, a national emergency management system that is comprehensive, risk-based, and all-hazards in approach.
3. Make hazard mitigation the foundation of the national emergency management system.
4. Provide a rapid and effective response to any disaster.
5. Strengthen State and local emergency management.
6. Revitalize the Agency and develop a more effective and involved cadre of FEMA managers, permanent employees, and disaster reservists.

D. *Agency Management Plan:* Based on the new vision, mission, and goals, in January 1994 the Director identified priorities to be achieved by the end of FY 94. Coordinated Agency implementation plans were developed for each priority, with key actions and responsibilities of headquarters and regional offices identified. The need for organizational supporting plans and reporting mechanisms was identified. For the first time, a comprehensive Agency document described priorities and responsibilities of each part of the organization.

In late March 1994, an unprecedented meeting of FEMA managers was held at the FEMA Special Facility. The meeting provided a much-needed opportunity to work together to resolve long-standing issues, identify responsibilities, and agree on key actions to implement mutual priorities. Managers recommended that similar meetings be held every 6 months throughout the renewal process.

Plans are being made to begin early development of the FY 95 Management Plan. The management planning process will be tied to strategic planning, budget and procurement processes, and performance and evaluation systems. Managers will be responsible for identifying priorities for their organization, and involving all employees in accomplishing those priorities.

E. Agency Environment/Culture: An open and trusting environment where all employees can contribute and are valued is desired. The Director has personally taken steps to create such an environment. On his first full day, the Director personally greeted FEMA headquarters employees as they entered the building. He has visited 9 of the 10 FEMA regional offices, and takes every opportunity to visit FEMA facilities and individual work areas. He has also stated that all employees will be valued and treated with respect. He instituted an "Open Door" policy where time is set aside each week for FEMA employees to talk to him about their concerns and ideas. He gave his attention to renewed equal rights programs, cultural diversity, sensitivity training, and upward mobility opportunities.

Throughout the first few months, the Director hosted a series of brown bag lunches. Participants were randomly selected and invited to meet with their peers. One of the most significant meetings was for selected regional administrative staff who were given the opportunity for training and exposure at headquarters.

The Director uses various means of keeping all employees informed and involved in the renewal process. He has directed all managers to hold staff meetings at least weekly, and to share information with their employees. Informative memoranda to all employees are released frequently. A periodic newsletter has been turned into a monthly publication for sharing information from the Director and among all parts of the organization. An "all hands" meeting was held on October 18, 1993, to inform employees of the new organizational structure and management assignments. Vice President Gore participated and complimented FEMA employees for their efforts in responding to the Midwest Floods and implementing the initiatives of the Administration.

On October 19, 1993, the Director signed a labor-management agreement with representatives of each of seven employee bargaining units to establish the FEMA Labor-Management Partnership Council. This agreement was one of the first signed to implement Executive Order 12871. The purpose and objectives of the Council are to help renew and improve FEMA to ensure that the Agency delivers the highest quality services to the American people; to identify problems and craft solutions to better serve FEMA's customers

and mission; and, to improve labor-management cooperation by forming a partnership supportive of the above objectives. Under the agreement, the 16-member Council is comprised of seven union-appointed FEMA employees and nine FEMA management representatives. The Associate Director for Operations Support was appointed as the Labor-Management Partnership Council Chair. The Director also established an honorary Labor Relations Award to recognize significant contributions in the labor-relations field.

Director Witt determined that FEMA could not be an inward-looking bureaucracy with isolated organizations, complicated processes, and separate agendas. All employees were encouraged to reach out to external organizations to involve them in developing improved and innovative emergency management programs. This practice has been embraced and demonstrated in recent disaster response initiatives. All of FEMA is now involved in disaster response activities, either through organizational responsibilities or individual emergency assignments. The disaster burden no longer resides with one part of the organization. The culture is changing to one dedicated to meeting the needs of its customers, both internally and externally.

F. *National Performance Review (NPR)*: In the past year, FEMA has been actively involved with the Vice President's NPR. The renewal of FEMA was guided in large part by the principles developed by NPR. FEMA directly participated in the NPR effort in the following ways:

* *FEMA Report*: FEMA prepared a companion document to the NPR Report that detailed the new vision, mission, goals, and major policies. The report detailed how FEMA is developing legislation, new policies and organizational plans to invigorate the Agency with this refocused mission.

* *Reinvention Laboratory*: All of FEMA has been designated as a Reinvention Laboratory. In addition to processes and organizational structure changes, a concept for mini-lab development was implemented. Nominations for Reinvention mini-labs were sought and will be implemented on an ongoing basis until all possible programs and processes have been revised to meet Agency goals and improve operations.

* *NPR Recommendations*: Four recommendations for FEMA action were included in the Vice President's NPR report. Action has been initiated to implement each of the four recommendations. The recommendations and general actions taken to implement each of them are as follows:

1. *Shift emphasis to preparing for and responding to the consequences of all disasters*: The Agency mission and goals now clearly reflect an all-hazards emergency management emphasis. FEMA's reorganization dismantled the specific-threat structure and realigned all resources into an all-hazards functional structure. Assets previously dedicated to national security programs are available to prepare for and respond to consequences of all disasters. The Director formed a National Security Steering Group to review FEMA's national security

functions and to ensure necessary capabilities are maintained in the new organizational structure. A review of all Agency positions to determine the need for security clearances was initiated. (As part of the review, determinations on position sensitivities are also being made.)

2. Develop a more anticipatory and customer-driven response to catastrophic disasters:

When Hurricane Emily threatened in August 1993, FEMA, other Federal Agency officials, Urban Search and Rescue teams, medical teams, and specialized equipment were deployed to North Carolina to meet the storm. Each FEMA region has appointed State liaison officers who make contact with State officials as a disaster is threatening, or immediately after one occurs. Overall improvements were demonstrated in response to the Northridge, California earthquake that occurred on January 17, 1994. The Director deployed to California early afternoon of the same day, along with other Federal officials. Urban Search and Rescue teams were alerted for potential deployment, if needed. Many lessons learned as a result of the Northridge earthquake are being incorporated into Agency policies and functions. Development of a concept for deployment of disaster assessment teams and management teams was initiated. During the March management conference, two regional offices were assigned responsibility to develop centers of excellence: Region IV in Atlanta, Georgia, as the Center of Excellence for disaster close-outs and Region VIII in Denver, Colorado, as the Center of Excellence for outreach and community relations. With input from all parts of FEMA and our partners in emergency management, the Centers will develop policy and related planning, procedural, and training documents.

3. Create results-oriented incentives to reduce the costs of a disaster:

A headquarters/regional task force was convened to review the Stafford Act and consider revisions that would meet the objectives of this recommendation. Recommendations will be developed and submitted to the Office of Management and Budget for approval. The FEMA Inspector General was asked to review the declaration process and make recommendations for improvements. An Agency priority was established to develop a strategy for increasing the participation in the flood insurance program by 20 percent. FEMA worked with Congress and the Administration on several pending legislative initiatives that are designed to reduce the cost of disasters. The Director also established as an Agency priority design of mechanisms to increase flexibility in how States use Federal funds to meet their emergency management priorities.

4. Develop skilled management team among political appointees and career staff: The number of political appointees was reduced from 37 to 22, and those who have a background in emergency management are significantly increased over previous Administrations. In addition, three senior managers are career FEMA employees. To further this enhanced skill level, the Director identified as an Agency priority the need to develop a management training program for all managers. Immediately upon appointment, all new regional directors are provided an orientation program at headquarters. The orientation is designed to give them Agency perspective on policies and programs, and to have the opportunity to get to know headquarters managers before they undertake their new assignment. In the new

organizational structure, senior executive management assignments were changed so that different perspectives could be added to the new functional structure.

G. *Government Performance and Results Act (GPRA)*: FEMA applied to the Office of Management and Budget to conduct a GPRA pilot project on use of information technology to support emergency management programs. Even if not approved as a pilot project, the Director has determined that the proposal will be the basis for developing a strategic plan and taking advantage of technology to support emergency management functions. The pilot project will also be used as the instructive process for implementing Agency strategic planning required by the GPRA. The concepts of the GPRA -- performance measurements, achieving results, accountability -- are being incorporated into Agency policy and evaluation mechanisms.

H. *Performance Agreement with the President*: A formal proposal will be submitted after review with the NPR staff.

I. *Customer Surveys*: In response to Executive Order 12862, FEMA is conducting comprehensive surveys of the Agency's customers in order to develop customer service standards. Focus group meetings and interviews were conducted with individuals who had applied for disaster assistance after the Northridge earthquake. The input from these sessions was used to develop a survey to be pilot tested with disaster applicants affected by Hurricane Andrew. A customer survey strategy was developed and outlined in the initial report required by the Executive Order. Plans are being made to survey our other large customer base -- State and local officials. Internal customers are also being queried about their needs and ideas before programs are developed or changed.

J. *Internal Regulation Reduction*: A plan to reduce regulations by 50 percent by the end of FY 95, a year ahead of the requirements of Executive Order 12861, was drafted. Assignments of responsibility for review and revision of existing regulations were aligned consistent with the new organization structure. Part 44 Code of Federal Regulations which outlined FEMA's organizational structures, missions, and functions had not been updated in more than 10 years. A revised Final Rule which described the new organization and appropriate delegations of authority was drafted for internal comment prior to publication in the Federal Register. Considerable latitude is included in the delegations of authority to provide for further delegation to the lowest level possible within the organization. The need for a management strategy to delegate further and empower people at all levels to perform was identified and initial plans made for implementation of such a strategy. A concept for delegations of authority to Regional Directors and working relationships with Associate Directors, Administrators, and Office Directors was drafted.

K. *Regulatory Initiatives*: In response to Executive Order 12866 and a request from the Vice President's Counsel, FEMA identified two regulatory initiatives to be undertaken during the next year. The regulations for public assistance authorized by the Stafford Act are being revised, emphasizing a streamlined process, mitigation strategies, environmental and

sustainable development considerations, and reduced disaster costs to the taxpayer. The second regulatory initiative is associated with developing internal regulations and delegations of authority that will empower employees to take actions within established policies.

L. *Streamlining*: FEMA's initial streamlining plan, required by Presidential memorandum dated September 11, 1993, identified a number of potential cost savings without impacting the number of employees on board. Many of the initiatives already identified will contribute to streamlined operating procedures. A review of FEMA facility costs and functions performed in those facilities was initiated to identify long-term cost savings in reduced operating costs. Each senior manager has been tasked through an Agency priority to propose to the Director ways of saving money at targeted facilities.

III. Reorganization of FEMA

A critical element of the renewal effort was overhauling the Agency's organizational structure. The structure existing in April 1993 reflected priorities of previous Administrations and had been in place for many years. A number of external reports had criticized the Agency for its stovepipe structure, inefficiencies, and resultant duplication of effort. Recommendations were that FEMA should fully integrate assets and capabilities reserved for national security purposes into the overall Agency all-hazards mission. FEMA needed to reorganize to meet its new mission and goals.

In June 1993, the Director initiated a fast-track, unconventional approach to reorganizing a troubled FEMA. His intent was to get maximum input from all employees and put a new organizational structure in place quickly to minimize disruption of critical FEMA services and the impact on employees. He appointed a four-person project team to coordinate the process and finalize recommendations. Input from employees was actively sought, with more than 100 written suggestions submitted. Senior managers met in a 1-day "retreat" to identify organizational issues and propose a structure. Selected senior managers participated on an ad hoc committee to review organizational issues and proposed structures. The basic organizational structure, with programs and functions aligned within the structure, was completed in time for the Director to review it with the Vice President on August 7, 1993, when they met to discuss FEMA's renewal efforts.

The Vice President and Director Witt announced FEMA's new organizational structure and management assignments at an "all hands" meeting on October 18, 1993. The managers were detailed to their new positions and tasked to complete staffing assignments within the new structure. Mission and function statements were developed, personnel actions were completed, space allocations were made, and employees were assigned to specific positions and functions. All paperwork was completed and the new organizational structure became effective November 28, 1993.

Throughout the reorganization process, the Director kept employees involved and informed as to the progress being made. The reorganization accomplished these major objectives:

- * Alignment of Agency programs and activities along functional lines
- * Consistent organizational structure at headquarters and regional offices
- * Increase in supervisor to employee ratio and reduction of two layers of management
- * Consolidation of support functions, including those for disaster response, into one Directorate
- * Assignment of disaster response functions throughout the new organizational structure

No employees were reduced in grade or subjected to reduction-in-force as a result of the reorganization. Employees who had previously been supervisors maintained their grades based on program or technical expertise. To ensure the most effective use of people and their skills, and to give employees a new opportunity, a program was initiated for employees to request transfer to another part of the organization. Consistent with Agency needs, requests are being reviewed to satisfy individual preferences wherever possible.

Overall the new organizational structure is functioning as intended. FEMA's response to the Northridge earthquake was enhanced by changes in management and the new organizational structure. If anything, the people of California benefitted because the whole Agency pulled together to support response operations. In June 1994, a 6-month review will be initiated to identify any adjustments that need to be made.

IV. Interorganizational Relationships

A. *Congress*: Strengthening FEMA's relationships with Members of Congress and their staff has been a critical focus of Director Witt's activities over the last year. To accomplish this, he appointed a professional experienced in Congressional operations and intergovernmental coordination to be Director of FEMA's Office of Congressional and Governmental Affairs. Further, the Director made it a personal priority to be accessible to Members and staff for hearings and meetings, in the field and in Washington, D.C.

In the last year, the Director has testified 15 times before 8 different Committees and Subcommittees on subjects ranging from FEMA's annual appropriations, to the Midwest Floods, to flood insurance, to the Northridge earthquake, and emergency supplemental appropriations. As the direct result of his accessibility and his interest in establishing a proactive and meaningful dialogue with Members and their staff, the perception and image of the Agency held by the Congress has greatly improved.

Members of Congress have come to appreciate that they are part of the emergency management partnership. Nowhere has that feeling been more evident than in disaster response. Under Director Witt's leadership, FEMA's Office of Congressional and

Governmental Affairs focused its efforts during this year's disasters on proactively informing and coordinating the exchange of information on Agency response and recovery activities with Members of Congress and their staffs, and seeking ways in which we could better work together. For example, FEMA used information provided by Members of Congress and their staffs to improve service to disaster victims in the field.

B. Other Federal Agencies: FEMA continued to work with other Federal agencies in seeking ways to improve Federal involvement in emergency management activities. In the new organizational structure, national security planning and Federal Response Plan activities were combined in the Interagency Planning and Liaison Division in the Response and Recovery Directorate. This Division was designated as the primary point of contact for other Federal agencies to work with FEMA to develop response capabilities and identify requirements for training, exercises, and other related activities.

The Director has met a number of times with the interagency Catastrophic Disaster Response Group, which is the focal point for FEMA coordination within the Federal Government for planning and responding to major disasters. He also met personally with a number of Cabinet and Administration officials to discuss mutual responsibilities in emergency management. These high-level commitments were demonstrated in response to the Northridge earthquake when the Director, the Secretary of Transportation, the Secretary of Housing and Urban Development, and the President of the American Red Cross went to Los Angeles the day of the earthquake. The Secretaries of Commerce, Education, and Health and Human Services visited repeatedly throughout the recovery, as did the Administrator of the Small Business Administration (SBA). SBA has now joined in the Federal Response Plan effort as a full participating signatory member.

For the first time, an intergovernmental focus was included in the Joint Information Center after the Northridge earthquake. Public Affairs/communications representatives from each Federal Agency involved worked together to exchange and provide information as a single clearing house for Federal information related to the disaster response. FEMA is working with the White House Communications Office to improve this function, so that representatives are identified and trained ahead of time to respond to the next catastrophic disaster. ✓

All FEMA organizations were encouraged to increase their working relationships with Federal agencies, and new initiatives are underway to reinvent and improve our working relationships with these critical members of the nationwide emergency management partnership.

C. State and Local Governments: One of the Director's first actions was to write to each State and territorial emergency management director to propose a risk-based, all hazards emergency management system, based on a foundation of mitigation. He met in June 1993 with State Directors to solicit their input and support in the development of a nationwide

partnership. An unprecedented number attended such a meeting: 52 State and territorial directors participated, and pledged their support and cooperation.

The Director also established a more proactive approach for all FEMA organizations, especially the regional offices, to work with State and local officials. A regional employee was assigned as liaison to each State to work with the emergency management organization, and then with the Governor and State officials immediately upon occurrence of a disaster warning or event. Regional officials have become better acquainted with their State and local counterparts, and have reached a better understanding of their organizations, policies, and procedures. The effectiveness of this approach has been demonstrated in response to the Midwest Floods, the Northridge earthquake, and the series of other less extensive but still serious disasters during the Director's first year at FEMA.

In general, a new attitude and environment was created as the basis for working with State and local officials. Policies and initiatives were directed toward allowing flexibility for States to identify their own priority and program needs, reducing the administrative burdens for receiving FEMA funds, and achieving performance-based results that ensure a better emergency management capability.

D. *Intergovernmental*: Coordinating FEMA's diverse interactions with national, State, and local constituency groups has been assigned as one of the critical functions of FEMA's Office of Congressional and Governmental Affairs. FEMA has a vast and vocal constituency that includes State emergency managers, firefighters, floodplain managers, dam safety engineers, State and local elected and appointed officials, business officials, etc. Given the importance of FEMA's audience to emergency management, the Director has participated in over 50 different meetings of constituency organizations and officials during the last year. He has made a particular point of establishing relationships with each of the major fire and emergency service organizations in the country.

A fulltime position now exists in FEMA's Office of Congressional and Governmental Affairs to serve as a focal point for intergovernmental relations in the Agency. A strategy for communicating and coordinating information with these interest groups is currently under development. The intent of the strategy is to facilitate existing relationships with national, State, and local public interest organizations, bring a "big picture" perspective to the Agency's overall interaction with these audiences, identify opportunities to better communicate with these groups, and promote the comprehensive dissemination of information to the broader emergency management community.

Clearly, a strong intergovernmental affairs program is a critical component of the Director's goal to create a national emergency management partnership, and is important to the success of the Agency's mission. This was certainly the case following the Northridge earthquake, when the Director made community outreach and intergovernmental coordination a key facet of the response and recovery operations.

E. *FEMA Advisory Board*: Previously, members of the FEMA Advisory Board primarily represented a national security perspective and were not from the broad constituency that FEMA must work with to develop an effective nationwide emergency management system. The Director appointed a 16-member Board that has representatives from Federal, State, and local governments (including elected officials), emergency management organizations, voluntary organizations, and the private sector. An initial meeting resulted in the Board passing a series of resolutions in support of emergency management. The Board will meet twice yearly to provide recommendations to the Director on key emergency management issues.

F. *Emergency Food and Shelter*: More than \$130 million was made available in FEMA's FY 1994 budget for the Emergency Food and Shelter Program. Over 10,500 agencies in more than 2,600 communities across the country receive funding through this program for rent/mortgage/utility assistance, and supplemental funding for mass shelter and food programs. Within less than 5 weeks after funds were made available, the first checks were mailed to recipients. This timing was critical because the funds reached the organizations who provide shelter and food to vulnerable families and individuals before the start of the life-threatening winter months.

For the first time since inception of this program in 1983, FEMA published a technical assistance manual to illustrate some of the creative and innovative ideas and practices that have been implemented by recipient organizations. FEMA continued to chair the National Board, and participate in the Washington, D.C. InterAgency Council on the Homeless to develop a Federal plan to end homelessness in the District of Columbia. A major initiative with the Defense Commissary Agency was undertaken to link local feeding organizations with commissaries in their local areas to receive any excess edible food.

G. *Public*: Critical to the new FEMA vision is "a public better educated on what to do before, during and after a disaster..." Consequently, considerable emphasis has been placed on developing a national strategy to educate the American public and providing guidance for family and individual protection. A waterproof card to be distributed nationally is being developed with FEMA's teleregistration and information hotline, and to provide tips that are useful before, during, and after disasters. Several initiatives (described in other portions of this report) will provide better information to people after disasters, including use of the National Weather Service radio system for broadcasting disaster information, continuing publication of the Recovery Times, and broadcasting on the disaster-specific Recovery Channel.

H. *Media*: The Director of FEMA's Emergency Information and Public Affairs Office (EIPA) is an experienced media and public affairs professional, and has used his background to proactively build media relations and involve them in disaster awareness/preparedness initiatives. The EIPA Office hosted initial briefing sessions for regional and syndicated correspondents to explain the disaster declaration process and FEMA's programs, functions, and responsibilities. As a nationwide emergency information

program is implemented, briefings will be held on a regular basis. Opportunities were sought throughout the year to bring the emergency management message before the American public through the media. The FEMA Director and other officials made themselves available for interviews with the media, to explain in an honest and open manner information about its disaster operations and programs. Consequently, favorable news reports have become the rule.

I. *Business*: The EIPA has developed a business and industry guide for preparedness in the workplace. A recruitment project has been undertaken to develop corporate sponsorship and partnerships for making emergency preparedness products and information available throughout the business community. FEMA has supported public awareness programs sponsored by such businesses as Home Depot, Clorox, Allstate Insurance, and Georgia Pacific. The American Franchise Association is just one organization now cooperating with FEMA to improve emergency preparedness, and is exploring setting up Franchise Emergency Action Teams to have a role in disaster response.

Contacts are continuing with the private sector to get input on how FEMA can include them in the national emergency management partnership. These contacts have resulted in making emergency management information available through their products, such as paper placemats in fast-food restaurants. FEMA has also provided publications and materials that can be adapted by the organization for their own emergency management programs.

The business community has also expressed its interest in providing services and commodities after a disaster. Their participation in developing a national donations management strategy has helped overcome problems that previously existed after a major disaster. For instance, after Hurricane Andrew in Florida disposal of unusable clothing and other products became a major problem. FEMA is exploring how to make contributions and services from private organizations available after disaster response, similar to how Federal resources are made available to support State and local needs.

V. Mitigation

A. *National Mitigation Strategy*: In one of his first speeches after his confirmation (to the National Earthquake Conference in Memphis, Tennessee, May 5, 1993), the Director expressed his intention to develop a national mitigation strategy. His commitment to the concept of mitigation, and its importance as a foundation for emergency management, was confirmed during the reorganization by creation of the Mitigation Directorate. For the first time, FEMA's mitigation programs -- Floodplain Management, Earthquake Hazards Reduction Program, National Hurricane Program, National Dam Safety Program, and post-disaster mitigation programs -- were brought into one organization.

A draft statement, "Towards a National Mitigation Strategy," has been prepared and, once approved, will be published and distributed to FEMA's constituencies. The concept of

FEMA's National Mitigation Strategy has been presented by senior management to natural hazards symposiums, workshops, seminars, and regional meetings.

B. *Mitigation and Recovery in the Midwest:* Widespread flooding caused by the Midwest Floods resulted in an unprecedented interest in taking action to move people and structures out of the floodplain in the nine affected States. To advance this cause, Rep. Harold T. Volkmer of Missouri introduced an amendment (The Hazard Mitigation and Relocation Assistance Act of 1993) to Section 404 of the Stafford Act that increased by approximately five times the funds available to undertake post-disaster mitigation actions. ✓

As a result, FEMA led a concerted Federal effort involving the Department of Housing and Urban Development, Department of Agriculture, and the Small Business Administration to assure that available funds were used most effectively. The so-called "buy-out" effort involves 166 communities and roughly 6,000 structures that, as a result of this program, will be moved out of harm's way at a cost of approximately \$117 million. The vacated property will be maintained in perpetuity as open space, and no future Federal disaster assistance will be sought or given for it. ✓

The Director appointed an experienced senior executive as the Midwest Flood Coordinator to implement mitigation strategies and work with Federal, State, and local officials to ensure an effective recovery from the Midwest Floods. Environmental and sustainable development issues are being addressed throughout the recovery process.

C. *All-Hazards Mitigation for Disaster Recovery & Reconstruction:* Based on his experience as a State Director, Director Witt was determined to reduce the amount of time and effort involved in applying for and receiving post-disaster mitigation funding under Section 404 of the Stafford Act. A time span of 14 months from application to approval was common. The Director's personal attention, concurrent improvements in FEMA's environmental assessment process, and the attractive terms of the Volkmer Amendment reduced the average time from project application to approval to 3 months, nearly one fifth of the previous time.

FEMA also undertook several other actions to improve its support for recovery programs. Examples include increased technical assistance to communities and distribution of a "cost-benefit model" that would permit a more rapid assessment of the proposed mitigation projects.

In the aftermath of the Northridge earthquake, California provided tangible evidence of the wisdom and utility of taking seriously the mitigation planning requirement in Section 409 of the Stafford Act. Based on the State's comprehensive and detailed earthquake mitigation plan, "California at Risk," FEMA agreed -- up front -- that certain components of the plan were cost effective, and California could spend hazard mitigation money for these components without going through the formal application and review process. As hazard mitigation projects are identified and funded, an all-hazards approach is being pursued. For

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example, facilities that have sustained earthquake damage that are also located in flood hazard areas can be funded to mitigate against both hazards.

D. *Hazard Mitigation Enterprise Zones*: As a former State official, the Director recognized that effective mitigation must be institutionalized at State and local levels of government. To identify incentives and impediments to achieving this end, the Agency has embraced the enterprise zone concept. The Disaster and Emergency Services organization in the State of Kentucky received a grant from FEMA to further develop this concept. Two cities in California will also apply this concept as a result of the Northridge earthquake. These pilot projects will involve government, business, and private interests to advance the cause of long-term hazard mitigation in the targeted areas.

E. *National Hurricane Program*: In his address to the National Hurricane Conference in Orlando, Florida in April of 1993, the Director commented on the meager level of funding devoted to the hurricane threat, and pledged to redress the situation. From its traditional annual funding level of \$896,000, FEMA increased it to \$2,896,000 by internal reprogramming in FY 1994. Recognizing that the hurricane threat affects 22 States and jurisdictions, the Administration requested \$7,934,000 in its FY 1995 budget.

FEMA formed a National Hurricane Program Steering Committee, composed of representatives of Federal, State, and local governments, volunteer organizations, and the private sector, to provide guidance in the development of the enhanced program. Major emphasis has been placed on baseline preparedness and mitigation capabilities at State and local levels, hurricane evacuation studies, inland hurricane wind effects, technical assistance to States and local governments, and public awareness programs. The FEMA Geographic Information System (GIS) has focused on providing data for all 22 coastal areas to estimate the impact of hurricanes by category and the track they might take.

F. *Deputy Federal Coordinating Officer (FCO) for Mitigation*: The Northridge earthquake provided an opportunity to test the effectiveness of having a Deputy FCO for Mitigation as a key part of the response operation. The Deputy FCO for Mitigation and assigned staff provided a technical/scientific clearinghouse function in the immediate aftermath, initiated community education programs, and assisted in the integration of mitigation activities into FEMA's programs as well as those of other Federal agencies.

In keeping with FEMA's strategy that mitigation is the foundation of reducing the impact and cost of future disasters, many actions were implemented early in the response and recovery efforts that will form the basis for future mitigation programs. A hazard mitigation advisor reporting directly to the FCO is now reflected in the new Emergency Response Team structure; in future large disasters, the advisor position will be elevated to that of Deputy FCO for Mitigation.



Final Agency Policy for Government-to-Government Relations with American Indian and Alaska Native Tribal Governments

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice; final policy statement.

SUMMARY: This final policy statement has been developed to guide FEMA's interactions with American Indian and Alaska Native Tribal governments in response to a policy memorandum issued by the President on April 29, 1994. President Clinton's memorandum directed agency and department heads to ensure that the Federal Government operates within a government-to-government relationship with Federally recognized Tribal governments. This policy reflects the extensive and insightful comments received over the last twelve months. The comments received and the Agency's response to those comments are contained within an accompanying notice detailing statements of consideration.

EFFECTIVE DATE: September 25, 1998.

FOR FURTHER INFORMATION CONTACT: Ms. Maria Younker, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (tel.) (202) 646-2776 or (email) Maria.Younker@fema.gov.

SUPPLEMENTARY INFORMATION: On June 24, 1997, as Director of the Federal Emergency Management Agency (FEMA), I presented a draft Agency policy on American Indian and Alaska Natives to Tribal leaders on the Standing Rock Sioux Reservation. At that time, I encouraged the beginning of a dialogue between FEMA and this nation's first inhabitants on issues associated with emergencies and disasters.

Following that historic meeting, I wrote to the leaders of all of the Federally recognized Tribes, State Governors, State Emergency Management Directors, and national constituency and officials organizations requesting their review and comment on the draft policy. On November 17, 1997, we published the policy in the Federal Register for public comment (62 FR 61329). On February 17, 1998, we published another Federal Register notice extending the comment period until March 15, 1998 (63 FR 7793). Subsequently, we published an announcement of the Agency's consultation sessions on the draft policy in the Federal Register on March 6, 1998 (63 FR 11260).

With the publication today of the final Agency policy, we commit FEMA to the deliberate and thoughtful implementation of this policy. We intend to select not more than five Tribal governments to begin to refine the policy. With the practical experience of working with Tribal governments on emergency management programs, we believe that we can identify and resolve significant programmatic issues, as well as identify any resource and staffing requirements to support this policy. Within one year of the publication of this policy, we shall develop a five-year implementation plan.

The final Federal Emergency Management Agency Policy for government-to-government Relations with American Indian and Alaska Native Tribal Governments follows:

In the face of disasters, the citizens of the United States have historically come together to assist those who have suffered losses. It is in this spirit that the Federal Emergency Management Agency commits itself to building a strong and lasting partnership with American Indians and Alaska Natives to prepare them for the hazards they face, to reduce their disaster vulnerabilities, to respond quickly and compassionately when disasters strike, and to assist them to recover in their aftermath.

Introduction:

The Federal Emergency Management Agency recognizes and acknowledges that American Indian and Alaska Native Tribal governments hold a unique status in the United States of America with the rights and benefits of sovereign nations. The Federal Emergency Management Agency has developed this policy to affirm the Agency's understanding, support, and pursuit of a government-to-government relationship with American Indian and Alaska Native Tribal governments.

This policy outlines the guiding principles under which all employees of the Federal Emergency Management Agency are to operate with regard to Federally recognized American Indian and Alaska Native Tribal governments. This policy does not apply to interactions with any other Tribal governments or any other Alaska Native Tribal governments.

The Federal Emergency Management Agency acknowledges the trust relationship between the U.S. government and American Indian and Alaska Native Tribal governments as established by specific statutes, treaties, court decisions, executive orders, regulations, and policies. The Federal Emergency Management Agency further acknowledges the precedents of the Constitution, the President of the United States, and the U.S. Congress as the foundation of this policy's content.

This policy is intended to be flexible and dynamic to provide for the evolution of the partnerships between and among the Federal Emergency Management Agency, Tribal governments, State and

local governments, and other Federal agencies. Working within existing statutes and authorities, the Federal Emergency Management Agency will endeavor to be consistent in its dealings with Tribal governments throughout the country.

This policy is consistent with existing law and does not alter or supersede the authorities of the Federal Emergency Management Agency or those of any other Federal departments and agencies. Further, this policy does not diminish or modify existing Tribal government authority in any way, nor does it suggest recognition of Tribal authority that does not currently exist beyond the inherent attributes of sovereign Tribal authority to protect Tribal interests and welfare. The Federal Emergency Management Agency has authority to work with Tribal governments concerning emergency management programs under existing law.

Definitions and Terms:

Federal Emergency Management Agency: An independent agency of the U.S. Government established by Reorganization Plan No. 3 of 1978, whose employees are subject to the policies and guiding principles contained herein. Also referred to in this document as "the Agency."

Indian Tribe: Means an Indian or Alaska Native Tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian Tribe under the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 479a.

Tribal Government: The recognized governing body of an Indian Tribe, band, nation, pueblo, village, or community, including any Alaska Native Village defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688).

Policy Principles:

The following policy principles define the commitment of the Federal Emergency Management Agency and its employees to build a strong and lasting partnership with American Indian and Alaska Native Tribal governments. These principles will serve to guide and direct the Agency's interactions with American Indian and Alaskan Native Tribal governments.

These principles mirror and reinforce the philosophy embodied in President Clinton's April 29, 1994, Memorandum for the Heads of Executive Departments and Agencies entitled "Government-to-Government Relations with Native American Tribal Governments".

The Federal Emergency Management Agency recognizes and commits to a government-to-government relationship with American Indian and Alaska Native Tribal governments.

The Federal Emergency Management Agency recognizes that the Tribal right of self-government flows from the inherent sovereignty of Tribes as nations and that Federally recognized Tribes have a

unique and direct relationship with the Federal government.

The Federal Emergency Management Agency will consult, to the extent practicable and to the extent permitted by law, with American Indian and Alaska Native Tribal governments before taking actions that affect Federally recognized Tribal governments to ensure that Tribal rights and concerns are addressed.

The Federal Emergency Management Agency recognizes that, as a sovereign government, each Tribal government has the right to set its own priorities and goals for the welfare of its membership, which include the considerations Tribal governments make to fulfill their responsibilities to their non-Tribal residents, relatives, employees, and neighbors. The Federal Emergency Management Agency will involve Tribal governments in consultations to the extent practicable to seek their input on policies, programs, and issues so that they may evaluate the potential impacts for themselves.

The Federal Emergency Management Agency acknowledges the trust relationship between the Federal Government and American Indian and Alaska Native Tribal governments as established by specific treaties, court decisions, statutes, executive orders, regulations, and policies.

In recognition of this trust responsibility, the Federal Emergency Management Agency will evaluate to the extent possible the impact of policies, programs, and activities on Tribal trust resources and assure that it considers the rights and concerns of Tribal governments in its decision-making.

The Federal Emergency Management Agency will identify and take appropriate steps to the extent practicable to eliminate or diminish procedural impediments to working directly and effectively with Tribal governments.

The Federal Emergency Management Agency recognizes that there may be legal, procedural, organizational, or other impediments that affect its working relationships with Tribes. To the extent practicable and permitted by law, the Federal Emergency Management Agency will apply the requirements of Executive Order 12875, "Enhancing the Intergovernmental Partnership," and Executive Order 12866, "Regulatory Planning and Review," to design solutions and tailor Agency programs to address specific or unique needs of Tribal governments.

The Federal Emergency Management Agency will work in partnership with other Federal departments and agencies to the extent practicable to enlist their support of cooperative efforts to further the goals of this policy.

The Federal Emergency Management Agency recognizes the importance of interagency communication, coordination, and cooperation to pursue and implement its Tribal policy and to fulfill the Agency's commitment to work with Tribal governments in a

government-to-government relationship.

The Federal Emergency Management Agency will encourage cooperation and partnership between and among Federal, Tribal, State, and local governments to resolve issues of mutual concern related to emergency management.

Effective emergency management requires the cooperation, partnership, and mutual consideration of neighboring governments, whether those governments are neighboring Tribal, State, or local governments. Accordingly, the Federal Emergency Management Agency will encourage pursuing partnerships in the interest of emergency management. The Agency's support is not intended to lend Federal support to any one party to the jeopardy of the interests of another. In the field of emergency management, problems are often shared and the principle of partnership between equals and neighbors often serves the best interests of both.

The Federal Emergency Management Agency acknowledges as precedents the policy commitments and decisions of the executive, legislative, and judicial branches of the United States Government.

The Federal Emergency Management Agency's policy for government-to-government relations with American Indian and Alaska Native Tribal governments reinforces and incorporates the commitments contained in various Presidential policies emphasizing that such a government-to-government relationship be pursued. The Agency's policy also recognizes the 1988 U.S. House of Representatives Concurrent Resolution #331, which declares the policy "To acknowledge the contribution of the Iroquois Confederacy of Nations... and to reaffirm the continuing government-to-government relationship between Indian tribes and the United States established in the Constitution." Further, this policy acknowledges the importance and precedence of treaties, court decisions, statutes, executive orders, and regulations regarding Tribal policy without extensive citations.

The Federal Emergency Management Agency will use its best efforts to institutionalize this policy within the fundamental tenets of the Agency's mission.

The Federal Emergency Management Agency will fully and effectively incorporate to the extent practicable all of the principles of this policy into the daily activities and operations of Agency employees. This policy is designed to reflect an ongoing and long-term planning and management effort.

As Director of the Federal Emergency Management Agency, I designate the Preparedness, Training and Exercises Directorate to serve as our liaison with American Indian and Alaska Native Tribal governments on policy issues. Further, each of the Agency's ten regional offices has designated an individual as the focal point for the coordination and implementation of this policy.

This policy is subject to periodic review based upon lessons learned

in the course of its implementation. Therefore, as Director of the Federal Emergency Management Agency, I am hereby directing all Agency components and staff to implement this policy by incorporating all of the principles above in their activities, policies, and programs.

Dated:

James L. Witt,

Director.

Updated: July 8, 1999

Federal Emergency Management Agency