

STATEMENT OF
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BEFORE THE
COMMITTEE ON HOMELAND SECURITY
U.S. HOUSE OF REPRESENTATIVES
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Good morning Chairman Thompson, and members of the Committee.

I am Harvey Johnson, Deputy Director and Chief Operating Officer of the Federal Emergency Management Agency (FEMA). I welcome the opportunity to appear before this committee to summarize and discuss FEMA's emergency response and declaration process in the event of a natural or man-made disaster. More importantly, I am glad to be given an opportunity to describe this process as it applied to the tornadoes that hit Arkansas.

You have heard "New" FEMA described as an organization that aspires to become the nation's preeminent emergency management and preparedness agency. Drawing on the lessons learned from the Hurricane Katrina experience, we want to be a more agile and responsive partner with the States by leaning further forward to deliver assistance more effectively.

When an incident occurs, either man-made or natural, rather than stand-by and wait for the State to be overwhelmed before offering assistance, we want to quickly establish contact with the State Office of Emergency Management, deploy FEMA people, and position ourselves to rapidly meet the emerging needs of the State.

New FEMA will press forward when disasters strike, in partnership with the State, to immediately assess the damage on the ground, to jointly determine what gaps may need to be addressed by Federal capabilities, and if so, how to deliver it effectively. While FEMA is going to lean forward, it must do so within the bounds of the law and the guidelines that exist with regard to the President's disaster declarations.

When an event is of the magnitude or severity that it exceeds the State and local government's ability to respond, the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121-5206 (Stafford Act), authorizes the Federal government, through FEMA, to provide emergency supplemental assistance to State and local governments to support, but not supplant, the State's role of alleviating the suffering and damage that results from emergency or disaster events.

The assistance provided by FEMA is supplemental in nature. Following the onset of an event, State and local emergency services personnel, volunteers, humanitarian organizations, and other private interest groups are the first line of support to provide emergency assistance to protect the public's health and safety and to meet immediate humanitarian needs.

A governor may determine, after consulting with local government officials, that the response or recovery may be beyond the combined resources of both the State and local governments and that Federal assistance may be needed. In requesting supplemental Federal assistance under the Stafford Act, the governor must certify that the severity and magnitude of the event exceeds State and local capabilities; that Federal assistance is necessary to supplement the efforts and available resources of the state and local governments, disaster relief organizations, and compensation by insurance for disaster related losses; confirm execution of the State's emergency plan; and certify an intent to adhere to cost sharing requirements.

To assist a governor in determining if a request for assistance should be made, a Preliminary Damage Assessment (PDA) may be conducted at the request of the State. PDA teams are comprised of personnel from FEMA, the State's emergency management agency, county and local officials and the U.S. Small Business Administration.

The team begins by reviewing the types of damage or emergency costs incurred by the units of government, and the impact to critical facilities, such as public utilities, hospitals, schools, and fire and police departments. The teams also examine the effect on individuals and businesses, including the number and extent of businesses and individual households damaged, the number of people displaced, and the threat to health and safety caused by the event. Additional data from the Red Cross or other local voluntary agencies is also reviewed. It is important to note that while FEMA may collect information about all types of damage; only damage that would be eligible for FEMA assistance may be considered in recommending a Federal disaster declaration. For example, FEMA is not allowed to duplicate benefits provided by insurance and only provides public assistance grants to public and eligible private, non-profit applicants.

The information collected during the PDA can then be used by the governor to support a declaration request for Federal assistance that is beyond the capacity of State and local resources. This includes showing the cost of response efforts, such as emergency personnel overtime, other emergency services, and damage to citizens. The information gathered during the assessment will help the governor certify that the damage exceeds State and local resources. The governor's request is evaluated by the FEMA Region, and forwarded to FEMA Headquarters with a recommendation for support or denial.

When considering a governor's request for a disaster declaration, the President is required to consider the Stafford Act, as well as its implementing regulations. The Stafford Act restricts the use of arithmetical formulas or a sliding scale based on income or population as the basis for determining the need for Federal supplemental aid. As a result, FEMA uses a number of factors to determine the severity, magnitude, and impact of a disaster event. The Code of Federal Regulations, Chapter 44, Part 206, specifically details the criteria and factors that may be considered. I would like to submit for the record the relevant portion of the CFR. While the CFR details the criteria and factors that are considered, I would like to identify the primary factors here, including:

- ◆ Amount and type of damage (number of homes destroyed or with major damage);
- ◆ Impact on the infrastructure of affected areas or critical facilities;
- ◆ Imminent threats to public health and safety;
- ◆ Impacts to essential government services and functions;
- ◆ Unique capability of Federal government;
- ◆ Dispersion or concentration of damage;

- ◆ Level of insurance coverage in place for homeowners and public facilities;
- ◆ Assistance available from other sources (Federal, State, local, voluntary organizations);
- ◆ State and local resource commitments from previous, undeclared events;
- ◆ Frequency of disaster events over recent time period;
- ◆ The scope and magnitude of unmet needs of those affected by the event; and
- ◆ The number of injuries and deaths.

The very nature of disasters—their unique circumstances, the unexpected timing, and varied impacts—precludes a complete listing of factors considered when evaluating disaster declaration requests because they are bound to be different for each event, and each event is considered on its own merits. However, the above lists most primary considerations. These considerations are considered in their totality and no single factor is considered in isolation when developing a recommendation to the President.

FEMA recognizes that all disaster events, regardless of magnitude, can be devastating to the people and communities affected. We sympathize with the homeowners' efforts to repair their homes and recover from the recent tornadoes. While we do realize that there are individuals and households in need, the Stafford Act requires a showing that the event is beyond the capability of the State and affected local governments to respond.

I would like to comment on the recent tornadoes in Arkansas. On Saturday, February 24, a severe weather system that ultimately moved across the Southeast caused at least one, and likely two, tornadoes to touchdown in Southeast Arkansas, primarily in Desha County. FEMA immediately dispatched a representative to the State Emergency Operations Center. FEMA Director R. David Paulison made numerous calls to the Governor following the severe weather. And, FEMA personnel joined with the State the following day, February 25, to conduct Preliminary Damage Assessments.

In response to this event, FEMA worked with the State to respond to their desire for manufactured housing for individuals impacted by the tornadoes. However, without a disaster declaration, FEMA has no legal authority to simply give Federal property directly to a State. Generally, when FEMA has excess property, it reports this property to GSA for disposal through that agency's system.

While Congress did give FEMA broad new authorities to respond to disasters in the Post Katrina Emergency Management Reform Act of 2006, and there was a provision allowing for the disposal of unused housing units, the legislation did not authorize FEMA to, "give away housing for the public good."

Specifically, the provision at issue grants to FEMA the authority to dispose of a discrete pool of unused manufactured housing, through GSA, and requires that we work with the Department of Interior to make these units available to Tribal governments. FEMA is in the final stages of policy development that will define our implementation procedures for this new authority.

FEMA does have an overabundance of operational and disposable inventory of mobile homes and travel trailers in storage, and we are getting more every day as eligible applicants' requirements for them decline. We are working with GSA to dispose of many of the excess units. It is through GSA that FEMA has made housing units available to the State of Arkansas. On Tuesday of last week, Director R. David Paulison contacted David Maxwell, State Emergency Manager of Arkansas, and indicated that working through GSA, FEMA might be able to offer housing, and inquired how many units would they need.

On Thursday, Arkansas requested 23 mobile homes and 7 travel trailers. At that time, Director Paulison made sure to emphasize to Mr. Maxwell that the State could have as many as they needed, which we would make available through GSA. This agreement was in place when the President turned down the Governor's request on Thursday. Thus, FEMA, working through GSA, had the flexibility to meet Arkansas' request for trailers.

Given our current inventory of travel trailers and mobile homes, we will continue to utilize GSA as we always have to maintain our inventory at a level in alignment with our strategic needs.

Thank you for the opportunity to explain FEMA's declaration process and I look forward to any questions you may have.