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November 21, 2008

Congressional Requesters:

Subject: *Actions Taken to Implement the Post-Katrina Emergency Management Reform Act of 2006*

On August 29, 2005, and in the ensuing days, Hurricanes Katrina, Rita, and Wilma devastated the Gulf Coast region of the United States. Hurricane Katrina alone affected more than a half million people located within approximately 90,000 square miles spanning Louisiana, Mississippi, and Alabama, ultimately resulted in over 1,600 deaths, and has spawned one of the largest natural disaster relief and recovery operations in U.S. history.

Almost 3 years prior to the hurricanes, the Homeland Security Act of 2002<sup>1</sup> created the Department of Homeland Security (DHS) largely in response to the September 11, 2001, terrorist attacks. The Homeland Security Act merged 22 disparate agencies and organizations into the new department, including the Federal Emergency Management Agency (FEMA). The Homeland Security Act generally charged DHS with securing the homeland against terrorist attacks and carrying out the functions of all transferred entities, including acting as a focal point regarding natural and man-made crises and emergency planning. Among its responsibilities, DHS was to build a comprehensive national incident management system comprising all levels of government and consolidate existing federal government emergency response plans into a single, coordinated national response plan.

Hurricane Katrina severely tested disaster management at the federal, state, and local levels and revealed weaknesses in the basic elements of preparing for, responding to, and recovering from any catastrophic disaster. Beginning in February 2006, reports by the House Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina, the Senate Homeland Security and Governmental Affairs Committee, the White House Homeland Security Council, the DHS Inspector General, DHS, and FEMA all identified a variety of failures and some strengths in the preparations for, response to, and initial recovery from Hurricane Katrina. We also have an extensive body of work on emergency management and catastrophic disasters, including Hurricane Katrina, which is listed at the end of this document.

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<sup>1</sup>Pub. L. No. 107-296, 116 Stat. 2135 (2002).

The Post-Katrina Emergency Management Reform Act of 2006 (Post-Katrina Act) was enacted to address various shortcomings identified in the preparation for and response to Hurricane Katrina.<sup>2</sup> The act enhances FEMA's responsibilities and its autonomy within DHS. FEMA is to lead and support the nation in a risk-based, comprehensive emergency management system of preparedness, protection, response, recovery, and mitigation. Under the act, the FEMA Administrator reports directly to the Secretary of Homeland Security; FEMA is now a distinct entity within DHS; and the Secretary of Homeland Security can no longer substantially or significantly reduce the authorities, responsibilities, or functions of FEMA or the capability to perform them unless authorized by subsequent legislation. The act further directs the transfer to FEMA of many functions of DHS's former Preparedness Directorate. The statute codified the existing regional structure, which includes 10 regional offices within FEMA and specifies their responsibilities. It also contains a provision establishing in FEMA a National Integration Center, which is responsible for the ongoing management and maintenance of the National Incident Management System and the National Response Plan—now known as the National Response Framework (NRF). In addition, the act includes several provisions to strengthen the management and capability of FEMA's workforce. For example, the statute calls for a strategic human capital plan to shape and improve FEMA's workforce, authorizes recruitment and retention bonuses, and establishes requirements for a Surge Capacity Force.

The Post-Katrina Act extends beyond changes to FEMA's organizational and management structure and includes legislative reforms in other emergency management areas that were considered shortcomings during Hurricane Katrina. For example, the Post-Katrina Act includes an emergency communications title that requires, among other things, the development of a National Emergency Communications Plan, as well as the establishment of working groups within each FEMA region dedicated to emergency communications coordination. The act also addresses catastrophic planning and preparedness; for example, it charges FEMA's National Integration Center with revising the NRF's catastrophic incident annex, and it makes state catastrophic planning a component of one grant program. In addition, the act addresses evacuation plans and exercises and the needs of individuals with disabilities.

A September 11, 2007, hearing before the House Subcommittee on Economic Development, Public Buildings, and Emergency Management raised some concerns about the way in which DHS and FEMA were implementing several key directives of the Post-Katrina Act. Given the importance of proper implementation of the act and the need for a unified, coordinated national incident-management system capable of preparing for and responding to natural and man-made disasters, including catastrophic disasters, your committees requested that we perform a review of the implementation of the act's requirements.

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<sup>2</sup>The Post-Katrina Act was enacted as Title VI of the Department of Homeland Security Appropriations Act, 2007, Pub. L. No. 109-295, 120 Stat. 1355 (2006). The provisions of the Post-Katrina Act became effective upon enactment, October 4, 2006, with the exception of certain organizational changes related to FEMA, most of which took effect on March 31, 2007.

This letter describes the actions FEMA and DHS have taken in response to the act's provisions, areas where FEMA and DHS must still take action, and any challenges to implementation that FEMA and DHS officials identified during our discussions with them. In general, we found that FEMA and DHS have made some progress in their efforts to implement the act since it was enacted in October 2006. For most of the provisions we examined, FEMA and DHS had at least preliminary efforts underway to address them. However, we have identified a number of areas that still require action, and it is clear that FEMA and DHS have work remaining to implement the provisions of the act. This letter provides information, at a high level, on the status of implementation efforts for the entire act. We have not made an assessment of the quality or likely outcomes of any of the actions that have been taken. Additional focused evaluation in selected areas, and, in some cases more time for efforts to mature, will be required in order to evaluate the effectiveness of the actions taken to implement the law on enhancing the nation's ability to prepare for, respond to, and recover from disasters.

### **Scope, Methodology, and Limitations**

To conduct this work, we analyzed the text of the Post-Katrina Act and identified well over 300 discrete provisions within the legislation that call for DHS or FEMA action to implement requirements or exercise authorities—or to be prepared to do so under the appropriate conditions. We reviewed agency documents and discussed the act's implementation with numerous senior-level program officials at FEMA and DHS to identify actions FEMA and DHS have taken in response to the act's provisions. To determine the status of the Post-Katrina Act's implementation, we compared the actions described in agency documents and reported by knowledgeable officials with the discrete provisions we had identified as requiring agency action to implement. We also identified areas to be addressed, where no or little action had been taken. In addition, when agency officials reported challenges to us in implementing a particular section, we included that information as well.

To structure our findings, we analyzed the provisions appearing under each section heading of the Post-Katrina Act and grouped the various sections, as follows:

- Roles and Responsibilities—Enclosure II: Implementing Organizational Structures, Roles, and Authorities to Prepare for, Respond to, and Recover from Disasters
- Emergency Communications—Enclosure III: Supporting and Enhancing Emergency Communications
- Disaster Assistance Activities—Enclosure IV: Providing Assistance to Disaster-Affected Areas and Populations
- Disaster Planning and Preparation—Enclosure V: Implementing the Components of the National Preparedness System and Other Preparedness Activities
- Regional Preparedness—Enclosure VI: Supporting Regional Preparedness and Cooperation
- Logistics—Enclosure VII: Improving Timely Delivery of Goods and Services in Disaster Events

- Contracting—Enclosure VIII: Changing Contracting Practices to Enhance Preparedness and Strengthen Accountability
- Information Technology—Enclosure IX: Improving Information Technology Systems to Support Compatibility, Accessibility, and Tracking
- Human Capital—Enclosure X: Ensuring a Well-Trained, Professional Workforce to Prepare for, Respond to, and Recover from Disasters
- Subject Matter Expertise—Enclosure XI: Applying Specific Expertise—Disability Coordinator, Small State Advocate, and Modeling and Analysis—to Disaster Planning, Response, and Recovery Activities
- Waste, Fraud, and Abuse—Enclosure XII: Implementing Controls to Prevent Waste, Fraud, and Abuse
- Gulf Coast Recovery—Enclosure XIII: Managing Recovery from Hurricanes Katrina and Rita in the Gulf Coast Region

In some cases, a section of the law may be relevant to more than one category—for example, the National Emergency Communications Plan required by the law could have appeared in the Emergency Communications category or in the Disaster Planning and Preparedness category. However, in the enclosures to this letter, each provision appears only once—in the section for which we determined it was most relevant. (For help finding a particular section of the Post-Katrina Act in the enclosures to this letter, please see enc. XIV.)

The enclosures to this letter include summaries of and citations to the relevant Post-Katrina Act sections being discussed. In some instances, a section of the Post-Katrina Act amends another statute, principally the Homeland Security Act<sup>3</sup> or the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act).<sup>4</sup> In such instances, we include both the Post-Katrina Act section and, parenthetically, the section of the amended statute, for example the Homeland Security Act or the Stafford Act. When we report status information under a particular section, we cite to the section of the Post-Katrina Act (or the amended statute) to which the status information relates.

The information in this letter describes the status, as of August 1, 2008,<sup>5</sup> of actions that FEMA and DHS have reported as completed or underway to implement the several hundred discrete provisions of the Post-Katrina Act that we identified. The status of actions to implement the act appears in the enclosures, as follows:

Actions Taken is a description of the actions that FEMA and DHS officials have identified as having been taken to implement one or more provisions of the Post-Katrina Act, including any documentation that describes those actions.

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<sup>3</sup>Pub. L. No. 107-296, 116 Stat. 2135 (2002).

<sup>4</sup>Pub. L. No. 93-288, 88 Stat. 143 (1974).

<sup>5</sup>In limited instances, we have reported actions taken after August 1, 2008. We collaborated with FEMA to ensure the accuracy of information until days before the report was finalized in November 2008. When FEMA provided us with updates on activities that occurred after August 1, 2008 but would cause us to change or remove an area to be addressed, we included that information.

Areas to Be Addressed are areas where FEMA and DHS either did not provide information or indicated they had not yet initiated action to implement a requirement or be prepared to exercise an authority established by the Post-Katrina Act.

Challenges, if any, are those FEMA and DHS officials identified as associated with implementation of the act's provisions.

It was beyond the scope of this report to determine whether FEMA and DHS had fully complied with all the provisions of the act or to evaluate the effectiveness—individually or collectively—of the actions that FEMA and DHS have taken to implement the Post-Katrina Act. Thus, the description of an “action taken” for any given provision does not necessarily mean that FEMA or DHS has done all that is necessary to implement that particular provision or that either entity has done so effectively. Similarly, the lack of an “area to be addressed” in a particular section does not signify that DHS and FEMA have completely satisfied the law in that area; rather, they have generally taken some action in that area. Further, where actions to be taken are identified, it is not intended to suggest that once that action is completed, the relevant statutory provision will be fully implemented.

We conducted this performance audit from April 2008 to November 2008, in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

### **Agency Comments and Our Evaluation**

We provided a draft of this report to DHS and FEMA for review and comment on September 19, 2008. In part because of the demands of responding to Hurricanes Gustav and Ike, FEMA requested several extensions for providing comments. During this time, FEMA continued to provide information on the Post-Katrina Act's implementation. On November 14, 2008, FEMA provided written comments on the draft report, which DHS had also reviewed and approved. These comments are reproduced in full in appendix XV.

In its response, FEMA noted that DHS and GAO collaborated in assembling a substantial amount of information that briefly describes substantive improvements in the wake of Hurricane Katrina, but that time was not available for a more thorough review and substantive report. FEMA noted that the Post-Katrina Act contains more than 250 distinct requirements. By our analysis, that number is closer to 300 and increases to more than 350 if actions required to be taken in each of the regions are counted separately. We appreciate DHS's and FEMA's collaboration in compiling and reviewing the enormous amount of information on the Post-Katrina Act's implementation. In this time of Presidential transition, our report provides a baseline snapshot of actions taken to implement the Post-Katrina Act as August 1, 2008 (later in limited instances). In its comments FEMA also stated that it had completed or made substantial progress on virtually all provisions and used examples from its

response to recent disasters, including Hurricanes Gustav and Ike, to identify some positive effects of changes it has made since the enactment of the Post-Katrina Act. It was not in the scope of this project to assess the potential effectiveness or actual outcomes of the actions FEMA has taken in response to the Post-Katrina Act and during disaster events like Hurricanes Gustav and Ike. However, we have noted that DHS and FEMA have at least preliminary action under way to address most of the act's provisions. We also noted that FEMA and DHS have much work remaining to fully implement the act's provisions. As previously noted, to assess the effectiveness of FEMA's actions to implement the Post-Katrina Act, additional, focused evaluation in selected areas would be required, and, in some cases, more time is needed for efforts to mature. We look forward to the opportunity to continue our collaboration with DHS and FEMA in affirming positive outcomes, as well as examining opportunities to further strengthen emergency management and national preparedness and response.

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We are providing copies of this report to interested congressional committees, the FEMA Administrator, and the Secretary of Homeland Security. This report will also be available at no charge on the GAO Web site at <http://www.gao.gov>.

If you or your staffs have any questions about this report, please contact me at (202) 512-8757 or [jenkinswo@gao.gov](mailto:jenkinswo@gao.gov). Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made major contributions to this report are listed in Enclosure XVI.



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and Justice Issues

encs.

## **List of Requesters**

The Honorable Joseph Lieberman  
Chairman  
Committee on Homeland Security and Governmental Affairs  
United States Senate

The Honorable Bennie Thompson  
Chairman  
Committee on Homeland Security  
House of Representatives

The Honorable James Oberstar  
Chairman  
The Honorable John Mica  
Ranking Member  
Committee on Transportation and Infrastructure  
House of Representatives

The Honorable Eleanor Holmes Norton  
Chair  
The Honorable Sam Graves  
Ranking Member  
Subcommittee on Economic Development, Public Buildings, and  
Emergency Management  
Committee on Transportation and Infrastructure  
House of Representatives

## Enclosure I: List of Abbreviations Used

ACF	Administration for Children and Families
CCR	Central Contractor Registration
CAP	Corrective Action Program
CIO	Chief Information Officer
CPG	Comprehensive Preparedness Guide
DCMPP	Disaster Case Management Pilot Program
DHS	Department of Homeland Security
DOD	Department of Defense
DOJ	Department of Justice
EMAC	Emergency Management Assistance Compact
EMI	Emergency Management Institute
EMPG	Emergency Management Performance Grant
ESF	Emergency Support Functions
FAR	Federal Acquisition Regulation
FBI	Federal Bureau of Investigation
FEMA	Federal Emergency Management Agency
FCO	Federal Coordinating Officer
FTE	Full Time Equivalent
GPD	Grant Programs Directorate
GSA	General Services Administration
HHS	Health and Human Services
HSA	Homeland Security Act
HSC	Homeland Security Council
HSPD-7	Homeland Security Presidential Directive-7
HSPD-8	Homeland Security Presidential Directive-8
HUBZone	Historically Underutilized Business Zone
IASD	Infrastructure Analysis and Strategy Division
ICC	Inter-Agency Coordinating Council
ICTAP	Interoperable Communications Technical Assistance Program
IG	Inspector General
IHP	Individuals and Households Program
IMAT	Incident Management Assistance Team
IRPTA	Intelligence Reform and Terrorism Prevention Act
IT	Information Technology
LEP	Limited English Proficiency
LMD	Logistics Management Directorate
MOA	Memorandum of Agreement
MOU	Memorandum of Understanding
NAC	National Advisory Council
NCD	National Council on Disability
NCR	National Capital Region
NECP	National Emergency Communications Plan
NEMA	National Emergency Management Association
NEMIS	National Emergency Management Information System
NESC	National Exercise Simulation Center
NDRS	National Disaster Recovery Strategy



NDHS	National Disaster Housing Strategy
NIC	National Integration Center
NIMSCAST	National Incident Management System Compliance Assessment Support Tool
NIMS	National Incident Management System
NISAC	National Infrastructure Simulation and Analysis Center
NLC	National Logistics Coordinator
NOC	National Operations Center
NPSC	National Processing Service Center
NRF	National Response Framework
NRP	National Response Plan
OEC	Office of Emergency Communications
OIC	Office for Interoperability and Compatibility
P25	Project 25
PA	Public Assistance
PFO	Principal Federal Official
PFT	Permanent Full Time
PSMA	Prescribed Mission Assignment
RAMP	Remedial Action Management Program
RDTE	Research, Development, Testing, and Evaluation
RECC	Regional Emergency Communications Coordination
RFP	Request for Proposals
SCIP	Statewide Communication Interoperability Plan
SES	Senior Executive Service
SDB	Small Disadvantaged Business
SHCP	Strategic Human Capital Plan
SHSP	State Homeland Security Program
TAV	Total Asset Visibility
TCL	Target Capabilities List
TRO	Transitional Recovery Office
UASI	Urban Area Security Initiative

## Enclosure II: Implementing Organizational Structures, Roles, and Authorities to Prepare for, Respond to, and Recover from Disasters

### Post-Katrina Act § 611 (Homeland Security Act § 503, Federal Emergency Management Agency, and § 504, Authorities and Responsibilities)

Establishes the mission of the Federal Emergency Management Agency (FEMA) within the Department of Homeland Security (DHS) and sets forth the role and responsibilities of the FEMA Administrator, who shall be appointed by the President, with the advice and consent of the Senate. Requires, among other things, that the FEMA Administrator provide advice on request to the President, the Homeland Security Council, or the Secretary of Homeland Security; and that the FEMA Administrator report directly to the Secretary of Homeland Security without having to report through another official.

#### Actions Taken:

- **Appointment of FEMA Administrator:** On May 26, 2006, the Senate confirmed the appointment of R. David Paulison to serve as the FEMA Administrator. § 503(c)(1).
- **FEMA Administrator Reporting Relationship:** As reflected in the National Response Framework (NRF) and confirmed by FEMA's Office of Policy and Program Analysis and FEMA General Counsel, a direct reporting relationship exists between the FEMA Administrator and the Secretary of Homeland Security. Although DHS's organizational chart shows that the FEMA Administrator's Office reports to the DHS Office of the Secretary/Deputy Secretary, FEMA's Office of Policy and Program Analysis confirmed that the FEMA Administrator is not required to first report to the deputy secretary before reporting to the secretary. § 503(c)(3).
- **Role of the FEMA Administrator in the NRF:** According to the NRF, the FEMA Administrator
  - reports to the Secretary of Homeland Security;
  - is the principal advisor to the President, the Secretary of Homeland Security, and the Homeland Security Council regarding emergency management; and
  - acting through the Secretary of Homeland Security, may recommend a course of action to the President with regard to requests for Presidential emergency and major disaster declarations. §§ 503(c)(3)-(4), 504(a)(8).
- **FEMA Administrator Advice to Executive Branch:** According to officials from FEMA's Office of Policy and Program Analysis, the FEMA Administrator gives advice to the executive branch as a matter of course at various meetings, including Homeland Security Council (HSC) Principals Committee meetings, HSC Deputies Committee Meetings, and HSC Policy Coordination Committee meetings. These officials said that the FEMA Administrator also gives advice during direct meetings with the President and meetings with the Secretary of Homeland Security. § 503(c)(4).
- **FEMA Administrator Advice to Congress:** According to officials from FEMA's Office of Policy and Program Analysis, the FEMA Administrator gives this advice as a matter of course, through meetings, briefings, testimony, and submittal of written reports, questions for the record, and other correspondence with members of Congress and their respective staffs. § 503(c)(4).

- **FEMA Administrator Potential for Cabinet Designation:** According to FEMA's Office of Policy and Program Analysis, although cabinet designation has not yet happened and is the prerogative of the President, the FEMA Administrator does, as previously mentioned, give advice during direct meetings with the President. § 503(c)(5).
- **Role of FEMA in the NRF:** As stated in the NRF, the Secretary of Homeland Security coordinates with other appropriate departments and agencies to activate plans and applicable coordination structures of the NRF, as required. The FEMA Administrator assists the secretary in meeting these responsibilities. FEMA, as the lead agency for NRF Emergency Support Function #5 – Emergency Management, is responsible for supporting the overall activities of the federal government for domestic incident management. Emergency Support Function #5 serves as the coordination Emergency Support Function for all federal departments and agencies across the spectrum of domestic incident management from hazard mitigation and preparedness to response and recovery. §§ 503(b), 504(a).
- **NRF Responsibilities:** The Post-Katrina Act charges the FEMA Administrator with administering and ensuring the implementation of the National Response Plan (NRP), with FEMA's National Integration Center specifically responsible for periodically reviewing and revising the document, as appropriate. In August 2005, Hurricane Katrina and, shortly after, Hurricanes Wilma and Rita revealed a number of limitations in the NRP, which prompted DHS and FEMA to undertake a comprehensive review of the plan. The result of this process was the issuance, in January 2008, of the NRF (the new name for the NRP). The NRF states that it is to be a guide to how the nation conducts an all-hazards response and manages incidents ranging from the serious but purely local to large-scale terrorist attacks or catastrophic natural disasters. The NRF became effective in March 2008.<sup>6</sup> § 504(a)(13); see also § 509(b).
- **Role of the National Advisory Council (NAC):** The Post-Katrina Act requires the FEMA Administrator to coordinate with the NAC, a nonfederal advisory body established by the Post-Katrina Act, on all aspects of emergency management. On February 6, 2007, the NAC filed its charter, which recites the NAC's broad array of statutory responsibilities. According to the NAC's Charter, the NAC advises the FEMA Administrator on all aspects of emergency management and incorporates state, local, and tribal government and private sector input in the development and revision of, among other things, the NRF, the National Incident Management System (NIMS), and other related plans and strategies.<sup>7</sup> § 504(a)(13)-(14); see also § 508(b).

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<sup>6</sup>The Post-Katrina Act predated the NRF and referred to the NRF's predecessor, the NRP, which was then the name of the document that served as the nation's comprehensive framework for the management of domestic incidents where federal involvement was necessary. Because the Post-Katrina Act encompasses any successor plan to the NRP, it applies to the NRF just as it did the NRP. See Post-Katrina Act, § 602(13). Therefore, this enclosure will use the term NRF, rather than NRP, in discussing any relevant Post-Katrina Act provisions and the status of their implementation, unless otherwise appropriate.

<sup>7</sup>The NAC was not established in time for the council to have its intended advisory role in the development of the NRF that was issued in January 2008. See GAO, *National Response Framework: FEMA Needs Policies and Procedures to Better Integrate Non-Federal Stakeholders in the Revision Process*, GAO-08-768 (Washington, D.C.: June 11, 2008).

- **Grants Programs Administration and Grants Risk-Analysis Model:** Responsibility for allocating and managing DHS grants is seated within FEMA. As part of its grant-management responsibilities, FEMA relies on other DHS components such as the National Protection and Programs Directorate and the Office of Intelligence and Analysis in the development of the risk-analysis model for grants allocation.<sup>8</sup> According to DHS/FEMA’s publicly available organizational chart, FEMA’s Grant Programs office, led by an assistant administrator, reports to the FEMA Administrator/Deputy Administrator’s office. § 504(a)(12).
- **Continuity of Operations and Government:** The FEMA Office of National Continuity Programs is the lead agent for the federal executive branch on matters concerning continuity of national operations. National Continuity Programs develops and promulgates standards and guidance for executive branch departments and agencies on a broad range of continuity topics, such as preparation and implementation of continuity of operations, continuity of government and contingency programs during emergencies and national-level exercises, and others. § 504(a)(15).
- **National Response Coordination Center:** According to the NRF, the FEMA Administrator’s responsibilities include the operation of the National Response Coordination Center. § 504(a)(17).

Areas to Be Addressed:

- **Technical Assistance to Nonfederal Stakeholders:** According to the NRF Resource Site, FEMA’s National Preparedness Directorate is developing steps to help states, tribes, and localities to synchronize their plans and training with the NRF. § 503(b)(2).
- **NRF Revision:** As we have previously reported, FEMA officials acknowledge that the NRF will need to be revised in the future.<sup>9</sup> According to officials from FEMA’s Office of Policy and Program Analysis, as FEMA nears the revision date, FEMA will establish further guidance and policies on how it will manage future NRF revisions and how the NAC will be incorporated into the next NRF revision process. FEMA officials said that current efforts are focused on creating training materials to assist all stakeholders in implementing the current NRF. The NAC has not yet determined how it would like to be involved in the next NRF revision process. Although the NAC’s February 2007 charter provides a broad description of the NAC’s statutory responsibilities, including its advisory role in any NRF revision, the charter does not detail any specific responsibilities the NAC would undertake relative to the NRF revision process. According to the NAC’s chairman, the NAC’s NRF subcommittee may focus its efforts on helping FEMA train nonfederal stakeholders on the NRF. § 504(a)(13)-(14); see also §§ 508(b), 509(b).

Challenges FEMA and DHS Identified:

- Agency officials did not identify any challenges for this section.

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<sup>8</sup>See GAO, *Homeland Security: DHS Risk-Based Grant Methodology Is Reasonable, But Current Version’s Measure of Vulnerability is Limited*, GAO-08-852 (Washington, D.C.: June 27, 2008).

<sup>9</sup>We have recommended that FEMA develop policies and procedures for future revisions of the NRF, including how it will involve government and nongovernmental stakeholders, in particular the NAC, in future revisions. See GAO-08-768.

Post-Katrina Act § 611 (Homeland Security Act § 505), Functions Transferred

Maintains existing FEMA functions as of June 1, 2006, while transferring to FEMA functions performed by DHS's Directorate of Preparedness (with certain exceptions).

Actions Taken:

- **Transfers to FEMA:** On September 11, 2007, the Secretary of Homeland Security notified Congress that DHS completed the functional transfers to FEMA as required by the Post-Katrina Act. According to the secretary's letter, the new FEMA encompasses all FEMA functions and Preparedness Directorate functions existing as of June 1, 2006 (except for those elements of the Preparedness Directorate statutorily excluded from the transfer). The secretary's letter stated that the transfers were effective as of March 31, 2007, as specified by section 614(b)(3) of the Post-Katrina Act. § 505.

Areas to Be Addressed:

- **Delegations of Authority Document:** According to FEMA's Office of Policy and Program Analysis, FEMA has drafted a document that specifically addresses the amended delegations of authority made by the Post-Katrina Act. § 505.

Challenges FEMA and DHS Identified:

- Agency officials did not identify any challenges for this section.

Post-Katrina Act § 611 (Homeland Security Act § 506), Preserving the Federal Emergency Management Agency

Requires FEMA to be maintained as a distinct entity within DHS, exempts FEMA from the scope of the secretary's reorganization authority, and affords FEMA specific protections from changes to its mission, including functional or asset transfers.

Actions Taken:

- **Preservation of FEMA:** According to FEMA's Office of Policy and Program Analysis, and FEMA General Counsel, FEMA is not aware of any transfers of funds or authorities in violation of the Post-Katrina Act. § 506.

Challenges FEMA and DHS Identified:

- Agency officials did not identify any challenges for this section.

Post-Katrina Act § 611 (Homeland Security Act § 508), National Advisory Council

Establishes the NAC to advise the FEMA Administrator on all aspects of emergency management. The NAC is to incorporate state, local, and tribal government and private-sector input in the development and revision of the national preparedness goal, the national preparedness system, NIMS, the NRF, and other related plans and strategies. Also specifies terms of office for members of the NAC, as well as the geographic and substantive composition of NAC membership.

Actions Taken:

- **NAC Establishment:** The NAC has been established. The inaugural meeting was October 22-23, 2007. § 508(a).

- **NAC Membership:** The NAC consists of 35 members, representing a range of federal, state, and local stakeholders from the emergency-management fields. Each member is appointed for a 3-year term. § 508(c).
- **NAC Responsibilities:** The NAC filed a charter on February 6, 2007. The charter articulates the NAC's statutory responsibilities in terms of advising the FEMA Administrator on all aspects of emergency management, incorporating state, local, and tribal government and private-sector input in the development and revision of all statutorily required plans and strategies, such as the NRF. § 508(b).

Areas to Be Addressed:

- **NAC Input into the Revision of the NRF:** As we have previously reported, the NAC held its inaugural meeting on October 22, 2007, which was the last day of the public comment period for the revision of the draft NRF. As a result, the NAC's only involvement in the NRF revision process occurred when FEMA provided it with a copy of a draft in December 2007, 2 months after the public comment period closed. According to the NAC chairman, the NAC gathered and consolidated comments from individual members and provided these comments to the FEMA Administrator approximately 1 month before FEMA published the NRF in January 2008. The chairman noted that these comments were from individual members and did not reflect the official comments of the NAC as a whole. For the next NRF revision, the chairman stated that he expected the NAC to be actively involved with FEMA throughout the entire revision process. However, neither FEMA nor the NAC have developed any guidance or policies describing specifically how the NAC will be included in the next NRF revision process. § 508(b).

Challenges FEMA and DHS Identified:

- Agency officials did not identify any challenges for this section.

Post-Katrina Act § 611 (Homeland Security Act § 509), National Integration Center

Establishes specific responsibilities for the National Integration Center (NIC) to ensure ongoing management and maintenance of NIMS and the NRF. Requires the Secretary of Homeland Security, through the FEMA Administrator, to provide a clear chain of command in the NRF that accounts for the roles of the FEMA Administrator, the Federal Coordinating Officer (FCO), and the Principal Federal Official (PFO), as amended by the Post-Katrina Act.

Actions Taken:

- **Role of the NIC:** According to the Web site for the NIC, it oversees all aspects of NIMS including the development of compliance criteria and implementation activities at federal, state, and local levels. The NIC provides guidance and support to jurisdictions and incident management and responder organizations as they adopt NIMS. The NIC Incident Management Systems Integration Division was established by the Secretary of Homeland Security to provide strategic direction for and oversight of NIMS. § 509(b).
- **Management and Maintenance of the NRF:** As we have previously reported, FEMA's NIC assisted in the development and issuance of the 2008 NRF, which was a revision of its predecessor, the 2004 NRP. The NRF became effective in

March 2008 and retained the basic structure of the 2004 NRP. For example, like the 2004 NRP, the NRF's core document describes the doctrine that guides national response actions and the roles and responsibilities of officials and entities involved in response efforts. Further, the NRF also includes Emergency Support Functions (ESF), Support Annexes, and Incident Annexes. The 2008 NRF constituted an update not only of the core plan, but an update of the ESFs and the Support Annexes, although, as of August 1, 2008, not all of the NRF's Incident Annexes have been updated and some of the NRP's annexes remain in effect. § 509(b)(2).

- **NRF's Volunteer and Donation Processes:** In reviewing and revising the NRF, the NIC was required to consult with the Corporation for National and Community Service to establish a process to better use volunteers and donations. Several of the NRF's revised ESFs and support annexes address the use of volunteers and donations and designate responsibilities for the Corporation for National and Community Service. These include ESF-3, Public Works and Engineering; ESF-6, Mass Care, Emergency Assistance, Housing, and Human Service; ESF-14, Long-Term Community Recovery; ESF-15, External Affairs; and the Volunteer and Donations Management Support Annex. § 509(b)(2).
- **Chain of Command in the NRF:** According to the NRF, four federal officials, among others, play key roles in the chain of command for leading/coordinating Federal responses—the Secretary of Homeland Security, the FEMA Administrator, the PFO, and the FCO.
  - **Role of the Secretary of Homeland Security:** As stated in the NRF, the Secretary of Homeland Security is the principal federal official for domestic incident management. When the overall coordination of federal response activities is required, it is implemented through the Secretary of Homeland Security. The secretary's duties include providing the President with an overall architecture for domestic incident management and coordinating the federal response when required, while relying upon support of other federal partners. Depending upon the incident, the secretary also contributes elements of the response consistent with DHS's mission, capabilities, and authorities.
  - **Role of the FEMA Administrator:** As stated in the NRF, the FEMA Administrator reports to the Secretary of Homeland Security and assists the secretary in meeting his or her responsibilities. The FEMA Administrator is the principal advisor to the President, the Secretary of Homeland Security, and the Homeland Security Council on all matters regarding emergency management. According to the NRF, the FEMA Administrator's duties include the effective support of all ESFs, and, more generally, preparation for, protection against, response to, and recovery from all-hazards incidents.
  - **Role of the PFO:** According to the NRF, the Secretary of Homeland Security may elect to designate a PFO to serve as his or her primary field representative to ensure consistency of federal support as well as the overall effectiveness of federal incident management. The NRF repeats the Post-Katrina Act's prohibition that the PFO shall not direct or replace the incident command structure established at the incident or have directive authority over the FCO or other federal and state officials. The PFO's duties include providing situational awareness and a primary point of contact in the field for the secretary; promoting federal interagency collaboration and conflict resolution where

possible; presenting to the secretary any policy issues that require resolution; and acting as the primary federal spokesperson for coordinated media and public communications. According to the NRF, the following criteria limit the instances in which a PFO may be assigned:

- The secretary will only appoint a PFO for catastrophic or unusually complex incidents that require extraordinary coordination.
- The secretary may assign a PFO in cases in which FEMA should not be the lead agency in charge of the response. For example, according to DHS's Office of Operations Coordination, in the event that a nuclear weapon was smuggled into the United States, the secretary may appoint a PFO during the search for the weapon to coordinate prevention and law enforcement incident management activities. An agency other than FEMA, such as the Department of Justice's Federal Bureau of Investigation, may be the lead agency in charge of the response. The PFO would be appointed to promote interagency collaboration and seek resolution for policy issues that arise.
- The secretary may assign a PFO in major non-Stafford Act events that include a Stafford Act component. For example, according to DHS's Office of Operations Coordination, a cyberattack initiated against the United States may be a major non-Stafford Act event requiring incident management. The cyberattack's effect upon a hydroelectric dam operator's software could potentially result in a dam bursting and a Stafford Act declaration being made for the resulting flooding. A PFO could be appointed to manage incident activities associated with the cyberattack, such as law enforcement and information-technology response efforts; whereas the President would appoint an FCO to coordinate flooding response activities for the Stafford Act component of the event.

According to DHS officials, no PFOs have been operationally deployed for a Stafford Act event since the response to Hurricane Katrina.<sup>10</sup>

- **Role of the FCO:** As stated in the NRF, for Stafford Act incidents (i.e., presidentially-declared emergencies or major disasters), upon the recommendation of the FEMA Administrator and the Secretary of Homeland Security, the President appoints an FCO. According to the NRF, the primary role and responsibilities of the FCO include the following:
  - The FCO represents the FEMA Administrator in the field to discharge all FEMA responsibilities for the response and recovery efforts underway.
  - The FCO has responsibility for administering Stafford Act authorities, including the commitment of FEMA resources and the issuance of mission assignments to other federal departments or agencies.

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<sup>10</sup>DHS's appropriations acts for fiscal years 2008 and 2009 have included the same prohibition on funding the PFO position for any Stafford Act event. The prohibition states that, "none of the funds provided by this or previous appropriations Acts shall be used to fund any position designated as a Principal Federal Official" for any Stafford Act declared disasters or emergencies. See Consolidated Appropriations Act, 2008, Pub. L. No. 110-161, Div. E, Title V, § 541, 121 Stat. 1844, 2079 (2007); Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009, Pub. L. No. 110-329, Div. D, § 526, 122 Stat. 3574 (2008). GAO will address the implications of this funding prohibition in future work.



- Within the Unified Coordination Group at the Joint Field Office, the FCO is the primary federal official responsible for coordinating, integrating, and synchronizing federal response activities.
- The FCO is the primary federal representative with whom the State Coordinating Officer and other state, tribal, and local response officials interface to determine the most urgent needs and set objectives for an effective response in collaboration with the Unified Coordination Group. § 509(c).

Areas to Be Addressed:

- **Management and Maintenance of the NRF:** Although the NRF acknowledges the need for periodic review and revision, which is required by the Post-Katrina Act, the NRF does not specify any procedures, circumstances, or time frames for its review and revision, as did its predecessor, the NRP. FEMA officials said that the process established for the NRP revision would not apply to any NRF revisions because the NAC was not involved in the NRP revision. However, FEMA has not yet developed guidance and procedures for any future NRF revisions because of the need to create training materials to assist stakeholders in implementing the current NRF. § 509(b).
- **NRF Catastrophic Incident Annex and Supplement:** The NIC is statutorily responsible for revising the Catastrophic Incident Annex to the NRF and for finalizing and releasing the Catastrophic Incident Supplement to the annex. FEMA officials stated that FEMA's Disaster Operations Directorate would provide subject matter expertise to assist NIC in producing these documents. However, as of August 1, 2008, the NIC had not revised the Catastrophic Incident Annex to conform with the NRF, and the annex is still based on the NRF's predecessor, the now superseded NRP. The release of the Catastrophic Incident Supplement is also pending. § 509(b)(2).

Challenges FEMA and DHS Identified:

- Agency officials did not identify any challenges for this section.

Post-Katrina Act § 611 (Homeland Security Act § 514), Department and Agency Officials

Grants the President the authority to appoint no more than four FEMA Deputy Administrators with the advice and consent of the Senate, establishes an Assistant Secretary for Cybersecurity and Communications within DHS, and requires the Administrator for the United States Fire Administration to have a rank equivalent to an Assistant Secretary of Homeland Security.

Actions Taken:

- **FEMA Deputy Administrators:** FEMA's senior leadership includes two deputy administrators—the Deputy Administrator and Chief Operating Officer and the Deputy Administrator for National Preparedness. On June 27, 2008, Harvey E. Johnson Jr. was confirmed by the Senate to be Deputy Administrator and Chief Operating Officer of FEMA. On August 3, 2007, Dennis R. Schrader was confirmed by the Senate to be Deputy Administrator for National Preparedness at FEMA. § 514(a).

- **DHS Assistant Secretary for Cybersecurity and Communications:** Gregory T. Garcia was appointed by Secretary Michael Chertoff on September 18, 2006, to be the first Assistant Secretary for Cyber Security and Communications for DHS, within DHS's Preparedness Directorate (now DHS's National Protection and Programs Directorate). § 514(b).
- **Administrator for the United States Fire Administration:** According to FEMA's Office of Policy and Program Analysis, and DHS/FEMA's publicly available organizational chart, the position of the United States Fire Administrator is now an Assistant Administrator within FEMA. According to FEMA's Office of Policy and Program Analysis, this is equivalent to an Assistant Secretary at DHS. § 514(c).

Challenges FEMA and DHS Identified:

- Agency officials did not identify any challenges for this section.

Post-Katrina Act § 611 (Homeland Security Act § 515), National Operations Center

Establishes the National Operations Center (NOC) as the principal DHS operations center, which is to provide situational awareness for the federal government and for state, local, and tribal governments as appropriate, in the event of a natural or man-made disaster or act of terrorism. The NOC is also to ensure that critical terrorism and disaster-related information reaches government decision makers.

Actions Taken:

- **Establishment of the NOC:** Located in Washington, D.C., the Homeland Security Operations Center was established on February 19, 2003, and redesignated the NOC on May 25, 2006. § 515(b).
- **NOC Mission:** NOC is a standing inter- and intraagency organization that fuses law enforcement, national intelligence, emergency response, and private sector suspicious activity reporting and serves as a focal point for natural and man-made crisis management and coordination. The NOC—which operates 24 hours a day, 7 days a week, 365 days a year—coordinates information sharing to help deter, detect, and prevent terrorist acts and to manage domestic incidents. § 515(b).

Challenges FEMA and DHS Identified:

- Agency officials did not identify any challenges for this section.

Post-Katrina Act § 611 (Homeland Security Act § 516), Chief Medical Officer

Establishes the role of the Chief Medical Officer in DHS, who shall be appointed by the President, with the advice and consent of the Senate, and delineates the position's responsibilities, including serving as the principal advisor to the Secretary of Homeland Security and the FEMA Administrator on medical and public health issues.

Actions Taken:

- **Appointment of Chief Medical Officer:** In July 2005, DHS Secretary Michael Chertoff appointed Dr. Jeff Runge to be the department's first Chief Medical Officer. Subsequently, in October, 2007, President Bush nominated Dr. Runge to become the first DHS Assistant Secretary for Health Affairs and Chief Medical

Officer, which was confirmed by the Senate on December 19, 2007. Dr. Runge resigned from both positions as of August 2008. Dr. Jon R. Krohmer is the current Acting Assistant Secretary for Health Affairs and Chief Medical Officer. § 516(a).

Challenges FEMA and DHS Identified:

- Agency officials did not identify any challenges for this section.

Post-Katrina Act § 687 (Stafford Act § 302), Coordinating Officers

Grants the President the authority to appoint a single Federal Coordinating Officer (FCO) for a multistate major disaster or emergency and such Deputy FCOs as the President determines appropriate to assist the FCO.

Actions Taken:

- **Federal Coordinating Officers for Multistate Major Disasters:** According to the Director of the FEMA Office of Federal Coordinating Officer (FCO) Operations, the President has not, as of August 1, 2008, appointed a single FCO for a multistate major disaster. In his view, the President could have done so even before the passage of the Post-Katrina Act; however, according to the Director of the FCO Office, historically the general practice has been to have one FCO appointed per state for multistate disasters. He further stated that FEMA currently has 21 FCOs predesignated for each state from Maine to Florida and along the Gulf Coast for the 2008 Hurricane Season. In the event that a single FCO is appointed to lead a multistate disaster, he said, the individual predesignated state FCOs would likely serve as the multistate FCO's deputies. § 302(d).

Areas to Be Addressed:

- **Policies and Procedures for Multistate FCOs:** According to the Director of the FCO Office, FEMA provides the President with recommendations about whom to appoint as an FCO for a given Stafford Act declaration, but FEMA currently has no predesignated multistate FCOs and has not developed guidance to govern the process for recommending a multistate FCO for appointment. Further, FEMA has not developed guidance addressing the procedures FEMA would follow if the President exercised the authority to appoint a multistate FCO. § 302(d).

Challenges FEMA and DHS Identified:

- Agency officials did not identify any challenges for this section.

For Further Reading

- U.S. Department of Homeland Security. Federal Emergency Management Agency. "Homeland Security Grant Program Guidance and Application Kit." [http://www.fema.gov/txt/government/grant/hsgp/fy08\\_hsgp\\_guide.txt](http://www.fema.gov/txt/government/grant/hsgp/fy08_hsgp_guide.txt) (accessed on Sept. 19, 2008).
- U.S. Department of Homeland Security. Federal Emergency Management Agency. "National Response Framework." <http://www.fema.gov/emergency/nrf/> (accessed on Sept. 19, 2008).

## Enclosure III: Supporting and Enhancing Emergency Communications

### Post-Katrina Act § 671<sup>11</sup> (Homeland Security Act § 1801), Office of Emergency Communications

Establishes the Office of Emergency Communications (OEC) in DHS and enumerates the duties of the office and its director.

#### Actions Taken:

- **Establishment:** OEC became operational on April 1, 2007, and is located within the Office of Cybersecurity and Communications in DHS's National Protection and Programs Directorate. As of August 1, 2008, the Director of OEC was Chris Essid. § 1801(a)-(b).
- **SAFECOM and Intelligence Reform and Terrorism Prevention Act of 2004<sup>12</sup> (IPRTA) Responsibilities:** SAFECOM—a DHS program intended to strengthen interoperable public safety communications at all levels of government—has been designated as the program responsible for carrying out certain requirements in both the Post-Katrina Act and IRPTA, according to the Director of the Office for Interoperability and Compatibility (OIC). OEC and OIC share responsibility in administering SAFECOM.<sup>13</sup> OEC administers elements of SAFECOM responsible for the development of tools, guidance, and templates on communication-related issues, while OIC is responsible for SAFECOM's research, development, testing, evaluation, and standards activities, according to DHS officials. § 1801(c)(1)–(2), (d)(1), (e)(1).
- **Transferred Functions:** In addition to SAFECOM, OEC has assumed responsibility of the Interoperable Communications Technical Assistance Program and DHS's responsibilities related to the Integrated Wireless Network program, according to the Deputy Director of OEC. § 1801(c)(2)–(3), (d).
- **Conducting Outreach:** According to officials in DHS's National Protection and Programs Directorate, OEC's stakeholder outreach efforts included coordinating with 150 individuals from the emergency response community to develop the National Emergency Communications Plan. These officials stated that the outreach was primarily carried out through several organizations that represent officials from federal, state, and local governments and private-sector representatives from the communications, information technology, and emergency services sectors. According to these officials, OEC plans to work with the emergency response community to implement the National Emergency Communications Plan through these institutions and other stakeholder outreach mechanisms. As of August 1, 2008, OEC was also providing technical assistance to states and reviewing state interoperability plans as part of its outreach efforts, according to OEC officials. § 1801(c)(4)–(5).
- **Technical Assistance:** Through the Interoperable Communications Technical Assistance Program, OEC has been working with Urban Area Working Groups and

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<sup>11</sup>Section 671 of the Post-Katrina Emergency Management Reform Act amends the Homeland Security Act of 2002 by adding a new Title XVIII, Emergency Communications, §§ 1801-08.

<sup>12</sup>Pub. L. No. 108-458, § 7303, 118 Stat. 3638, 3843-44 (2004).

<sup>13</sup>OIC is located within DHS's Science and Technology Directorate.

states to assess their communications infrastructure for gaps and determine technical requirements that can be used to design or enhance interoperable communications systems. According to the Deputy Director of OEC, OEC provided technical assistance to 13 recipients of the 2007 Urban Area Security Initiative grants by providing guidance on technical issues such as engineering solutions and drafting requests for proposals, as well as providing best practices information. In addition, OEC offered assistance to states and territories in developing their Statewide Communication Interoperability Plans (SCIP) and, as of August 1, 2008, conducted SCIP development workshops for the 30 states and five territories that requested such help, according to testimony from the Director of OEC and the Under Secretary for the National Protection and Programs Directorate. § 1801(c)(6), (d)(3).

- **Coordination of Regional Emergency Communications Efforts:** Officials in DHS's National Protection and Programs Directorate told us that, as of August 1, 2008, there were no formal agreements between OEC, FEMA, and the National Communications System<sup>14</sup> regarding regional coordination activities; however, these three DHS elements have been coordinating to minimize any overlap between the roles and responsibilities of various DHS regional staff offices related to emergency communications. According to the officials, these regional staff offices plan to attend Regional Emergency Communications Coordination (RECC) working group meetings and to share information through the RECC working groups. According to OEC officials, OEC has hired a federal employee to represent OEC at RECC working group meetings. In addition, OEC intends to hire regional interoperability coordinators for each of the 10 FEMA regional offices in fiscal year 2009. These coordinators are to work with FEMA on the activities of the RECC working groups. § 1801(c)(7), (e)(2).
- **Coordinating the Establishment of a National Response Capability for a Catastrophic Loss of Local and Regional Emergency Communications:** Officials in the National Protection and Programs Directorate told us that OEC works closely with FEMA and the National Communications System to coordinate policy and planning efforts relating to the existing response capability managed through the National Response Framework's Communication Annex, Emergency Support Function 2.<sup>15</sup> According to these officials, an example of this coordination was the inclusion of continuity of emergency communications and response operations in the recently released National Emergency Communications Plan. These officials also said that OEC will represent the National Communication System in regions where the system has no presence and support the system's private-sector coordination role as appropriate. In addition, the Director and

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<sup>14</sup>Established by Presidential Memorandum on August 21, 1963, the National Communications System was created to be a single unified communications system to serve the President, Department of Defense, diplomatic and intelligence activities, and civilian leaders. The National Communications System mandate included linking, improving, and extending the communications facilities and components of various federal agencies, focusing on interconnectivity and survivability. NCS membership currently stands at 24 federal department and agency members and is managed by the DHS Under Secretary for National Protection and Programs.

<sup>15</sup>Emergency Support Function 2 provides a structure for coordinating federal actions to assist in the restoration of public communications infrastructure, public safety communications systems and first responder networks.

Deputy Director of OEC told us that OEC, FEMA, and the National Communications System are in the early stages of developing a strategy that involves the use of OEC's regional interoperability coordinators to provide technical support, play a role as needed in Emergency Support Function 2, coordinate with OIC SAFECOM officials and provide response capabilities within their designated regions. According to officials in the National Protection and Programs Directorate, FEMA's Mobile Emergency Response Support and Incident Management Assistance Team assets can also support state and local officials with emergency communications during disasters. § 1801(c)(9), (e)(2).

- **Best-Practices Sharing:** OEC has conducted a review of best practices in emergency communications. Much of this information is available at [www.llis.gov](http://www.llis.gov), an online network of lessons learned and best practices for emergency response providers and homeland security officials. OEC also provided best practices information in its March 2008 progress report on emergency communications. According to the Director and Deputy Director of OEC, additional information on emergency communications best practices will be included in future iterations of the progress report. Furthermore, to facilitate information sharing within the emergency management community at the federal, state, and local levels, OEC plans to create a Web portal and central repository for best practices information related to emergency communications, according to OEC officials. In addition, according to OEC and OIC officials, they will continue to maintain the SAFECOM Web site, which holds tools, templates, and best practice guidance documents. § 1801(c)(8).
- **Consensus Standards:** In coordination with OEC, OIC has continued to help establish and promote nonproprietary, voluntary consensus standards for public safety radio and data communications systems and equipment through participation in Project 25 (P25). P25 is an existing venture that partners the emergency response communications community with industry manufacturers to publish a suite of standards for interoperable digital two-way wireless communications that meet the needs of emergency response practitioners. § 1801(c)(11), (e)(1); see also Homeland Security Act § 314(a)(2), (4), as added by section 672 of the Post-Katrina Act.
- **Review of Interoperability Plans:** OEC, in coordination with FEMA's Grant Programs Directorate<sup>16</sup> and the Department of Commerce's National Telecommunications and Information Administration, oversaw a peer review of the SCIPs in March 2008. All 56 SCIPs for U.S. states and territories were reviewed and approved by April 14, 2008, according to OEC officials. Officials in DHS's National Protection and Programs Directorate stated that FEMA's Disaster Operations Directorate will be included in the review process for future plans to ensure that shortfalls identified in the FEMA assisted statewide communications plans are addressed. In addition, these officials also stated that FEMA's regional disaster emergency communications staff will be included in the reviews to ensure that regional issues are considered. § 1801(c)(12).

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<sup>16</sup>Under section 1801(c)(12) of the amended Homeland Security Act, OEC is responsible for reviewing interoperable emergency communication plans with the DHS Assistant Secretary for Grants and Training. As a result of the Post-Katrina Act, the Office of Grants and Training transferred to FEMA, and FEMA's Grant Programs Directorate now administers preparedness grants.

### Challenges FEMA and DHS Officials Identified:

- According to officials in DHS's National Protection and Programs Directorate, DHS confronted a number of issues in its original efforts to fully comply with relevant statutory requirements contained in the Post-Katrina Act, while balancing the delivery of essential technical services to achieve emergency communications mission objectives. For example, the Post-Katrina Act requires FEMA to perform certain activities related to building operable and interoperable communications capabilities that are nearly identical to some of OEC's statutory responsibilities and also overlapped with other duties assigned to the Secretary of Homeland Security.<sup>17</sup> The Post-Katrina Act also prohibits the transfer of assets, functions, or missions from FEMA to DHS. As a result, according to these officials, a number of interpretations were possible regarding the assignment of responsibility for these certain emergency communications activities, but the flexibility afforded to the secretary to make determinations about how to assign these duties to minimize overlap is not clear. Further, the officials noted that the requirement that the FEMA Administrator minimize reporting requirements for state, local, and tribal governments complicated reconciliation of the role conflicts, particularly with respect to OEC's responsibilities for conducting extensive outreach to the same set of stakeholders.
- In addition, according to OEC officials, OEC has had difficulties finding high-quality candidates to fill specialized positions. According to these officials, OEC has been seeking federal detailees from within DHS, but has had limited success finding suitable candidates. At the time of our work, OEC had been able to secure three detailees from the Federal Communications Commission. The Director of OIC said that his office has also provided support to OEC to compensate for the staffing shortage. Officials in the National Protection and Programs Directorate told us that OEC has made progress in filling its full-time equivalent vacancies. According to these officials, OEC has recently hired nine additional full-time equivalents with several candidates currently in the pipeline. OEC officials also said they are continuing to advertise available positions.

### Post-Katrina Act § 671 (Homeland Security Act § 1803), Assessments and Reports

Requires a baseline assessment and inventory of emergency communications capabilities and subsequent reports on DHS's progress in achieving its goals in carrying out the emergency communications requirements in the Post-Katrina Act.

#### Actions Taken:

- **Baseline Assessment:** OEC addressed the Post-Katrina Act requirement for a baseline assessment by preparing the National Communications Capabilities Report in two phases. OEC submitted an initial report (phase 1) to Congress in March 2008. This report addresses the elements described in section 1803(a) of the Homeland Security Act, as amended. OEC issued phase 2—final results—of the report in July 2008. According to the phase 2 report, it broadened the sample of

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<sup>17</sup>Officials from DHS's National Protection and Programs Directorate noted, for example, that sections 503(b)(2)(G) and 504(a)(7) of the Homeland Security Act, as amended by the Post-Katrina Act, assign responsibilities to the FEMA Administrator that are very similar to section 1801(c)(6), which delineates the responsibilities of the Director for Emergency Communications and section 1807(a), which contains requirements for the Secretary of Homeland Security.

federal and local agency information and validated phase 1 findings, incorporated state and tribal data from the SCIPs, and expanded the scope of emergency response providers beyond government agencies to include private sector entities. Further, it says phase 2 compiles all of these findings to provide a comprehensive assessment on the state of interoperable emergency communications. § 1803(a).

- **Progress Report:** In March 2008, DHS submitted a progress report to Congress that addresses the elements described in section 1803(d) of the Homeland Security Act, as amended. § 1803(d).

Challenges FEMA and DHS Officials Reported:

- Agency officials did not identify any challenges for this section.

Post-Katrina Act § 671 (Homeland Security Act § 1804), Coordination of Department Emergency Communications Grant Programs

Requires OEC to ensure that homeland security grant guidelines are consistent with the goals and recommendations in the National Emergency Communications Plan.

Actions Taken:

- **Coordination on Developing Grant Guidance:** According to senior OEC officials, OEC and FEMA's Grant Programs Directorate have been working together to develop the Interoperable Emergency Communications Grant Program and guidance for the Homeland Security Grant Program to ensure that the guidance for these grants is consistent with the goals of the National Emergency Communications Plan. The purpose of the Interoperable Emergency Communications Grant Program, according to DHS officials, is to enable state, territorial, and local governments to implement their SCIPs. For fiscal year 2008, all 56 states and territories have submitted applications for this grant program. According to DHS officials, funds were awarded by September 30, 2008. The Interoperable Emergency Communications Grant Guidance and Application Kit included program funding goals and application requirements to ensure consistency between the goals and objectives of the National Emergency Communications Plan (NECP) and each state and territory's respective SCIP. OEC and FEMA Grants Program Directorate partnered to conduct the federal review process of the grant applications, to better ensure compliance with programmatic goals and requirements of the Interoperable Emergency Communications Grant Program. OEC and FEMA Grants Program Directorate are now in the process of developing the fiscal year 2009 Interoperable Emergency Communications Grant Guidance and Application Kit. § 1804(a).
- **Grant Guidelines:** According to OEC officials, OEC, in coordination with OIC, has developed SAFECOM's coordinated guidance for federal grant programs. The guidance has been incorporated into the fiscal year 2007 and 2008 Homeland Security Grant Program and the fiscal year 2007 Public Safety Interoperable Communications Grant Program. Efforts are underway to incorporate the guidance into FY 2009 interoperable emergency communications-related grant guidance. § 1804(a).

Challenges FEMA and DHS Officials Reported:

- Agency officials did not identify any challenges for this section.



Post-Katrina Act § 671 (Homeland Security Act § 1806), Emergency Communications Preparedness Center

Requires DHS, the Federal Communications Commission, the Department of Defense, the Department of Commerce, the Department of Justice, and other federal departments and agencies to operate jointly an Emergency Communications Preparedness Center in accordance with a Memorandum of Understanding (MOU). This center is, among other things, to serve as the focal point and information clearinghouse for federal interagency emergency communications efforts.

Actions Taken:

- **Charter:** According to OEC officials, OEC currently chairs the Emergency Communications Preparedness Center working group. The officials said that the working group has drafted an MOU that will serve as the center's charter. § 1806(b).

Areas to Be Addressed:

- **Establishment:** The Emergency Communications Preparedness Center will not be officially established until the MOU has been approved by the signatory agencies, according to the Deputy Director of OEC. The deputy director said that DHS, as of August 1, 2008, was still reviewing the draft MOU. The deputy director also said that he does not know when the MOU will be signed. § 1806(a)-(b).
- **Strategic Assessment:** The Post-Katrina Act requires the center to prepare for Congress an annual strategic assessment on federal coordination to advance the continuity and interoperability of emergency communications, which it has not yet done, as the center has not been officially established. The Deputy Director of OEC said that although the center has not been formally established, OEC is preparing a strategic assessment report, with input from the working group that drafted the MOU, to be completed by the end of the calendar year. § 1806(c)(2).

Challenges FEMA and DHS Officials Reported:

- Agency officials did not identify any challenges for this section.

Post-Katrina Act § 672 (Homeland Security Act § 314), Office for Interoperability and Compatibility, and Post-Katrina Act § 673 (Homeland Security Act § 315), Emergency Communications Interoperability Research and Development

Section 314 clarifies the responsibilities of the Director of OIC in establishing standards, conducting research, development, testing, and evaluation activities, and performing other duties; it also requires OIC to coordinate with OEC with respect to the SAFECOM program. Additionally, section 315 requires OIC to conduct research and development for interoperability and further articulates the purposes of that program.

Actions Taken:

- **SAFECOM and Intelligence Reform and Terrorism Prevention Act Responsibilities:** OIC administers the research, development, testing, evaluation, and standards elements of the SAFECOM program, which addresses its responsibility for carrying out certain requirements in both the Post-Katrina Act

and the Intelligence Reform and Terrorism Prevention Act,<sup>18</sup> according to the Director of OIC. § 314(a)(1), (5).

- **Consensus Standards:** OIC works with the National Institute of Standards and Technology to accelerate the development of the P25 suite of standards and equipment. In addition, OIC, according to its Director, promotes standards for channel nomenclature for the public safety interoperability channels. According to the Public Safety National Coordination Committee, a common nomenclature enables responders from different jurisdictions to know which radio channels to use to communicate with one another during an incident. OIC promotes the adoption of these standards through conferences, newsletters, industry and responder publications, manuals, and other materials that can be found at [www.safecomprogram.gov](http://www.safecomprogram.gov). OIC is also partnering with emergency responders, federal agencies, and standards development organizations to accelerate the creation of data messaging standards called Emergency Data Exchange Language, according to OIC officials. The officials stated that these standards will create information sharing capabilities between disparate emergency response software applications, systems, and devices, allowing emergency responders to share data seamlessly and securely when responding to an incident. § 314(a)(2), (4); see also Post-Katrina Act §§ 1801(c)(11), 1804(b)(2).
- **Research, Development, Testing, and Evaluation:** The Director of OIC said that OIC considers the Research, Development, Testing, and Evaluation (RDT&E) programs described in sections 314(a)(3) and 315 of the Homeland Security Act, as amended, as the same program. The Director of OIC said an example of OIC's RDT&E activities is Digital Radio Vocoder testing. In 2006, firefighters were reporting communication problems with their radios due to background noise. A working group that included emergency responders and industry representatives determined that the problem was with the vocoders, the component in a radio that converts speech into digital signals and vice versa. As of August 1, 2008, OIC, in conjunction with its partners, was performing tests to solve this problem. In addition, OIC, through SAFECOM, and in conjunction with its partners, developed evaluation criteria for the Tactical Interoperable Communications Scorecards, according to the Director of OIC. These scorecards were designed to assess the maturity of interoperable communications capabilities in certain urban areas. The following are examples, but not a comprehensive list of OIC RDT&E activities. For more information see [www.safecomprogram.gov](http://www.safecomprogram.gov).
  - **Evaluation and Assessment of New Technology:** According to the Director of OIC, DHS uses the P25 Compliance Assessment Program to assess new technology. This program establishes a process for ensuring that radio communication equipment complies with P25 standards and is capable of interoperating across manufacturers.
  - **Testing Public Safety Communications Systems:** According to the Director of OIC, an example of OIC's testing of public safety communications systems is the Radio over Wireless Broadband research project. Radio over Wireless Broadband is intended to research how to connect to existing land mobile radio systems with advanced wireless broadband technologies, such as push-to-talk cellular, while leveraging Geographic Information System technology. According

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<sup>18</sup>The Intelligence Reform and Terrorism Prevention Act (IRPTA) of 2004, Pub. L. No. 108-458, § 7303, 118 Stat. 3638, 3843-44 (2004).

to OIC officials, a demonstration of this technology was held in Washington, D.C., in August 2008.

- **Pilot Projects:** One of the pilots that OIC is currently administering is the Multi-Band Radio project. The multi-band radio is a device that can operate on all public-safety radio bands. OIC intends to test and evaluate the multi-band radio through pilots nationwide. In February 2008, DHS awarded a \$6.275 million, 1-year contract to demonstrate the first portable multi-band radio.
- **Other RTD&E Activities:** According to OIC officials, OIC will launch a program to support the development of technologies to increase the number of commercial mobile service devices that can receive emergency alerts. Additionally, OIC officials stated that FEMA has asked OIC to assist in developing standards and protocols, providing technical advice, coordinating with industry, and supporting and managing technical demonstrations of applicable technologies for the Integrated Public Alert Warning System. As of August 1, 2008, OIC is working to improve bridge devices that connect radio systems for emergency responders, and enable Computer Aided Dispatch systems to exchange information across jurisdictions, according to OIC officials. §§ 314(a)(3), (6), (8), (10), 315.
- **Establishing Interoperable Emergency Communications Requirements:** According to OIC officials, OIC defined the operational and functional requirements for voice and data communication in day-to-day, task force, and mutual aid operations in its Public Safety Statement of Requirements, which was released in 2004. A second volume of this document was released on August 18, 2006. DHS officials stated that these requirements help drive the identification of key interface standards and the development of technologies that meet emergency response requirements. These officials also stated that OIC and OEC continually work with SAFECOM's Executive Committee and Emergency Response Council to establish requirements that respond to the needs of the emergency response community. Additionally, through its Interoperability Capstone Integration Product Team process, OIC works with FEMA and OEC to identify and prioritize operational capability gaps and requirements to enable DHS to make informed decisions about technology investments, according to the DHS officials. To promote vendor adoption of certain interoperability standards for data (as defined by the Statement of Requirements), OIC, according to its director, developed a software package, using nonproprietary standards, and distributed it to certain federal agencies for free. The Director of OIC said that vendors had to adopt these standards in order to provide the agencies with devices compatible with the free software package. The Director of OIC also said that OIC is drafting Request for Proposals (RFP) language to encourage the use of nonpropriety standards. For example, OIC has developed a data messaging standards guide for RFPs. According to OIC officials, the guide provides language requiring manufacturers to incorporate data messaging standards into their products. § 314(a)(2), (4); see also Post-Katrina Act §§ 1801(c)(11), 1804(b)(2).
- **Encouraging Efficiency:** OIC, according to its Director, developed the Interoperability Continuum to encourage more efficient use of existing resources to achieve interoperability. The continuum is a tool designed to assist emergency response agencies and policy makers to plan and implement interoperability solutions by identifying elements that must be addressed to achieve interoperability

solutions. OIC also developed an operational guide for this tool. To further promote efficiency, OIC encourages the use of mutual aid agreements for instances when a large number of agencies, personnel, and equipment from neighboring regions and states must be brought in to assist the affected jurisdiction, according to OIC officials. The officials stated that OIC describes specific cases where mutual aid agreements would be beneficial in its Statement of Requirements. The officials also stated that OIC developed the Writing Guide for a Memorandum of Understanding to assist localities in creating formal agreements to address multiorganization coordination and communications. § 314(a)(7).

- **Private Sector Coordination:** According to the Director of OIC, OIC coordinates with private sector vendors through meetings, conferences, round table discussions, and other venues to develop solutions to improve emergency communications and interoperability. § 314(a)(9).
- **SAFECOM Coordination:** According to OIC officials, OIC and OEC coordinate together to develop tools and guidance documents for improving interoperability. The officials reported that OIC has transitioned several of the tools that it has developed to OEC for distribution to the emergency response community. OIC and OEC also work together managing SAFECOM's Executive Committee and the Emergency Response Council, and share responsibility for maintaining the SAFECOM Web site, according to OIC officials. In addition, OIC officials stated that OIC and OEC coordinate to report to the Office of Management and Budget on SAFECOM activities. Moreover, OIC and OEC leadership meet on a regular basis to maintain continuity in the SAFECOM program and ensure that the two offices are collaborating, including jointly participating in the DHS Science and Technology Directorate's Interoperability Integrated Product Team, according to OIC officials. Lastly, OIC officials stated that OIC has also provided resources, including staff, to assist OEC as it continues to stand up the office. § 314(b).

#### Areas to Be Addressed:

- **SAFECOM Coordination:** The Director of OIC said that OIC does not have a formal mechanism in place to ensure coordination with OEC for their shared SAFECOM program responsibilities. However, the Deputy Director of OEC said that he was in the process of developing a written agreement to institutionalize the working relationships and agreements about roles and responsibilities between OEC and OIC/SAFECOM. § 314(b).

#### Challenges FEMA and DHS Officials Reported:

- Agency officials did not identify any challenges for this section.

#### Post-Katrina Act § 674, 911 and E911 Services Report

Requires the Federal Communications Commission to submit a report to Congress on the status of efforts of state, local, and tribal governments to develop plans for rerouting 911 and E911 services in the event that public safety answering points are disabled during disasters.

#### Actions Taken:

- **Report:** In September 2007, the Federal Communications Commission submitted to Congress the report titled *Rerouting 911 and E911 Services when Public Safety Answering Points Are Disabled*. § 674.

#### Challenges FEMA and DHS Officials Identified:

- Agency officials did not identify any challenges for this section.

#### For Further Reading

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- U.S. Federal Communications Commission. *Rerouting 911 and E911 Services when Public Safety Answering Points Are Disabled*. Washington, D.C.: September 2007.

## **Enclosure IV: Providing Assistance to Disaster-Affected Areas and Populations**

### Post-Katrina Act § 639, Basic Life Supporting First Aid and Education

Requires the FEMA Administrator to enter into agreements with organizations to provide funds for emergency response providers to provide life supporting first aid education and training to children.

#### Actions Taken:

- **Agreements to Provide First Aid Education to Children:** According to officials in FEMA's National Preparedness Directorate, FEMA, through an award funded by the fiscal year 2008 Competitive Training Grants Program, funded the American College of Emergency Physicians to design, develop, and deliver all-hazards preparedness training for children and adults through interactive Web-based content. The training is to include first aid and other life-saving education topics. The audience for the training is to be responders, caregivers (such as day care professionals), and parents. Training is also to be directed at children in grades 1 through 8, using age-appropriate interactive Web-based games, lessons, practice scenarios, and knowledge tests. The award amount is \$1,706,225. The award end date is currently September 30, 2011. These officials also noted that the fiscal year 2008 Competitive Training Grants Program funded the Partnership for Environmental Technology Education to train U.S. citizens on specific protective actions to save lives and minimize injuries after a disaster and before the arrival of first responders. The award amount is \$3,500,000 and end date is September 30, 2011. According to the officials, in addition to these programs, FEMA currently supports Teen Community Emergency Response Team (CERT) training, which targets high school students. Teen CERT training is a component of the national CERT Program and includes substantial training on life-supporting first aid. These officials told us that FEMA, through the Homeland Security Grant Program (HSGP), provides funding to states for providing life-supporting first-aid education to children through the Citizen Corps Program. They said that CERT may also be funded by HSGP grants to the states, which are passed through to local emergency responder organizations who conduct the local CERT and Teen CERT training. In addition, FEMA grants are used to provide training to CERT and Teen CERT trainers, building capacity to deliver direct training to greater numbers of high school students. § 639.

#### Challenges FEMA and DHS Officials Identified:

- Agency officials did not identify any challenges for this section.

### Post-Katrina Act § 640a, Disclosure of Certain Information to Law Enforcement Agencies

Grants the FEMA Administrator authority to provide information from any FEMA individual-assistance database, consistent with the Privacy Act,<sup>19</sup> to law enforcement agencies to identify illegal conduct or address public safety and security issues,

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<sup>19</sup>5 U.S.C. § 552a.

including compliance with sex offender laws, in the event of evacuations, sheltering, or mass relocations.

Actions Taken:

- **Compliance with the Privacy Act:** In order to comply with the Privacy Act, FEMA revised the routine uses of information in a Systems of Record Notice, last updated on July 6, 2006. The Systems of Record Notice:
  - allows the disclosure to law enforcement of a record that, on its face or in conjunction with other information, indicates a violation or potential violation of law;
  - permits FEMA to share information in the event of evacuation, sheltering, or mass relocation, in order to identify illegal or fraudulent conduct and address public safety and security issues;
  - allows FEMA to release applicant information to the Department of Justice (DOJ) or other federal agency in litigation or court-related circumstances; and
  - allows FEMA to release applicant information in order to reunite families and find missing children. § 640a.
- **Disclosure of Information:** Officials in the Office of Chief Counsel told us that FEMA has exercised the authority to share information with law enforcement officials. § 640a.
- **Coordination:** To facilitate the use of this authority, FEMA has entered into multiple agreements with other federal agencies and signed a Memorandum of Agreement (MOA) with each of the following:
  - The Federal Bureau of Investigation (FBI) Crimes against Children Unit, effective January 8, 2007. This MOA allows the FBI access to FEMA's database system in order to assist the FBI in locating missing children in the event of a disaster or an emergency.
  - The United States Marshals Service, effective July 30, 2007, under which FEMA will grant access to FEMA's disaster assistance database for the purposes of identifying and locating sex offenders relocated as a result of a major disaster, and for identifying, locating, and apprehending fugitives and noncompliant sex offenders.
  - DOJ's Hurricane Katrina Fraud Task Force, effective March 1, 2006, under which FEMA will grant access to its database system in order for the Hurricane Katrina Fraud Task Force to investigate fraud cases related to Hurricanes Katrina, Rita, and Wilma. § 640a.

Challenges FEMA and DHS Officials Identified:

- Agency officials did not identify any challenges for this section.

Post-Katrina Act § 689b, Reunification

Establishes the National Emergency Child Locator Center within the National Center for Missing and Exploited Children and enumerates the responsibilities of the center, among other things, to provide technical assistance in locating displaced children and assist in the reunification of displaced children with their families.



#### Actions Taken:

- **Establishment:** The National Emergency Child Locator Center has been established within the National Center for Missing and Exploited Children. § 689b(b)(1).
- **Center Responsibilities:** The National Center for Missing and Exploited Children Web site states that in the event of a natural disaster, the child locator center will (1) establish a toll-free hotline to receive reports of displaced children; (2) create a Web site to provide information about displaced children; (3) deploy staff to the location of a declared disaster area to gather information about displaced children; (4) provide information to the public about additional resources; (5) partner with federal, state, and local law enforcement agencies; and (6) refer reports of displaced adults to the Attorney General’s designated authority and the National Emergency Family Registry and Locator System. § 689b(b)(3).
- **Hotline and Web site:** The child locator center has established a toll-free phone number that is to be activated during disasters and was activated during the 2007 California wildfires. It also created a Web site that is to be activated during disasters and will be found via a link on the National Center for Missing and Exploited Children Web site. § 689b(b)(3).
- **Prior Activation:** According to the Disaster Assistance Directorate Unit Leader with responsibility for mass care, housing, and human services, the child locator center was activated during the 2007 California wild fires—that is, it activated both the hotline and the Web site, and it sent expert groups of volunteers and paid staff to provide technical assistance to local law enforcement agencies. § 689b(b)(3).
- **Emergency Response Plan:** The National Center for Missing and Exploited Children developed an emergency response plan for the National Emergency Child Locator Center. Among other things, the plan defines criteria to be used to activate the National Emergency Child Locator Center, and defines roles and responsibilities of the National Center for Missing and Exploited Children and its staff in operating the National Emergency Child Locator Center. § 689b(b)(3).
- **Reporting Requirement:** FEMA submitted a report to Congress on the status of the child locator center in September 2007. § 689b(d).
- **Coordination:** FEMA has established a memorandum of understanding (MOU), effective March 6, 2007, with the following organizations: the Department of Justice (DOJ), the Department of Health and Human Services (HHS), the National Center for Missing and Exploited Children, and the American Red Cross, that, among other things, requires signatory agencies to participate in a cooperative agreement, and for FEMA, through the National Emergency Family Registry and Locator System, to provide relevant information to the National Emergency Child Locator Center. § 689b(b)(3).

#### Areas to Be Addressed:

- **Coordination:** The Disaster Assistance Directorate Unit Leader told us that the child locator center is in the process of finalizing cooperative agreements with federal and state agencies and other organizations such as the American Red Cross to help implement its mission. Officials from the Disaster Assistance Directorate told us just before the publication of this document that a cooperative agreement between FEMA and the National Center for Missing and Exploited Children is being reviewed by each entity’s respective legal department. § 689b(b)(3).

### Challenges FEMA and DHS Officials Identified:

- Agency officials did not identify any challenges for this section.

#### Post-Katrina Act § 689c, National Emergency Family Registry and Locator System

Requires the FEMA Administrator to establish the National Emergency Family Registry and Locator System to help reunify families separated after an emergency or major disaster, outlines the operation of the system, and requires a mechanism to inform the public of the system. Also requires the FEMA Administrator to coordinate information sharing to facilitate reunification of families by entering into an MOU with DOJ, the National Center for Missing and Exploited Children, the Department of Health and Human Services (HHS), the American Red Cross, and other private organizations.

#### Actions Taken:

- **Establishment:** The National Emergency Family Registry and Locator System has been established. The Disaster Assistance Directorate Unit Leader told us that FEMA will activate the locator system in an emergency situation. § 689c(b).
- **Operation of System:** The family locator system has established a permanent toll-free number and has a Web site that is to be publicly available when the family locator system is activated to allow users to register as displaced persons, to search for displaced persons, and to register and search for displaced children. § 689c(c)(1)-(3).
- **Publication of Information:** According to an Executive Officer of the Disaster Assistance Directorate, public affairs officials at the national and regional level will be alerted to the activation of the family locator system, and FEMA will publicize the toll-free number and the Web site on local and national media, as well as share the family locator system information with law enforcement. § 689c(d).
- **Referring Displaced Children:** The family locator system has a mechanism to redirect any request to search for or register displaced children to the National Emergency Child Locator Center, part of the National Center for Missing and Exploited Children. § 689c(c)(4).
- **Coordination:** As previously described, FEMA has established an MOU, effective March 6, 2007, with the following organizations: DOJ and HHS, the National Center for Missing and Exploited Children, and the American Red Cross. Among other things, the MOU is designed to establish and articulate the mission of the family locator system, and to enhance information sharing to facilitate reuniting displaced individuals with their families. § 689c(e).
- **Reporting Requirement:** FEMA submitted a report to Congress describing the status of the family locator system in December 2007.<sup>20</sup> § 689c(f).

### Challenges FEMA and DHS Officials Identified:

- Agency officials did not identify any challenges for this section.

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<sup>20</sup>“The Establishment of the National Emergency Family Registry and Locator System,” FY 2007 Report to Congress. Published December 2007.

Post-Katrina Act § 689e (Stafford Act § 616), Disaster-Related Information Services Requires FEMA to ensure that disaster-related information is made available in understandable formats for population groups with limited English proficiency and for individuals with special needs. Also requires FEMA to develop an informational clearinghouse of model language-assistance programs and best practices for use by state and local governments.

Actions Taken:

- **Identifying Population Groups with Limited English Proficiency, in Coordination with State and Local Governments:** Officials from FEMA's National Processing Service Center told us that they obtain information on language requirements from the region, state, and the U.S Census Bureau at the beginning of each disaster. National Processing Service Center officials further stated that their housing inspectors and contractors include bilingual inspectors and that they hire local interpreters when necessary. Additionally, these contractors recruit inspectors from the actual disaster locations when feasible, to improve relationships in the community and to assist with language barriers. § 616(a)(1)–(2).
- **Ensuring Information Is Made Available in Formats That Can Be Understood by Special Needs Populations:** FEMA's Disability Coordinator and the Civil Rights Program Manager reported they are working to develop information in formats such as Braille, large print and sign language, as well as using interpreters for foreign languages, as part of an effort to implement section 689e of the Post-Katrina Act. In addition, a FEMA working group has developed a series of recommendations for FEMA-wide implementation of section 689e. According to the FEMA Civil Rights Program Manager, this working group was one of several working groups established to develop methods for implementing various provisions of the Post-Katrina Act. The document produced by the working group states that its aim is to ensure that information and services for all disaster victims are not a specialized function of a single individual or office, but rather are integrated into appropriate emergency training, planning, response, and recovery policies and procedures, and part of the overall awareness of all FEMA staff. According to the Civil Rights Program Manager, the document produced by the working group, with recommendations and identified best practices, was circulated to directorates as guidance on implementing limited English proficiency practices and principles. He stated that the document can be used to identify opportunities and requirements for making program functions accessible to limited English proficiency populations. Also, officials from FEMA's National Processing Service Center told us they had implemented several new policies to improve communications with the public, including limited English proficiency populations and those with special needs. For example, they said the National Processing Service Centers rewrote the eligibility letters for disaster victims to make them easier to understand, by, among other things, using plain language, and that they offer translations upon request. After each disaster, FEMA regions can choose to include Spanish translations of the disaster assistance letters. In addition, applicant letters and a guide to FEMA assistance can also be sent in Braille or large print upon request. These officials also told us that all National Processing Service Center registration, help-line, and caseworker personnel have been provided with

training and job aides to better prepare them to communicate with deaf and hard of hearing callers using a variety of methods and devices, including video relay. § 616(a)(2).

- **Informational Clearinghouse:** FEMA's Disability Coordinator and the Civil Rights Program Manager also stated that they are developing an informational clearinghouse of model language-assistance programs and best practices. In researching limited English proficiency programs, the Disability Coordinator stated that she has found some of the best to be in medical facilities, and her office plans to include these best practices in the clearinghouse. According to the Disability Coordinator, her office has identified about 21 or 22 languages thus far to include in the clearinghouse. § 616(a)(3).

Areas to Be Addressed:

- **Issuing the Limited English Proficiency Policy:** FEMA officials told us that FEMA completed a Limited English Proficiency Policy, which was approved by DOJ in 2003. However, before the policy was published in the Federal Register, DHS determined that one overarching limited English proficiency policy would be written and published. The officials did not estimate when the overarching DHS policy would be finalized. § 616(a)(1)-(2).
- **Launching the Informational Clearinghouse:** FEMA has not yet launched the informational clearinghouse of model language-assistance programs. § 616(a)(3).

Challenges FEMA and DHS Officials Identified:

- Agency officials did not identify any challenges for this section.

Post-Katrina Act § 689f (Stafford Act § 425), Transportation Assistance to Individuals and Households

Authorizes transportation assistance to relocate displaced individuals to and from alternate locations for short- or long-term accommodations, or return them to their predisaster primary residences.

Actions Taken:

- **Development of Policy and Regulations:** FEMA officials in the Disaster Assistance Directorate told us shortly before we published this document that they have developed a draft policy for implementing the transportation assistance authority, which is under review and requires implementation of proposed regulatory changes before becoming effective. A copy of this draft policy did not accompany their comments. § 425.
- **Development of Procedures:** FEMA developed procedures for transportation assistance in the Mass Sheltering and Housing Assistance Strategy, issued in July 2006. § 425.
- **Relocation Policy:** According to the strategy, if the scale of the evacuation overwhelms affected states' sheltering capabilities, FEMA will coordinate and provide air or surface transportation in support of interstate evacuation. § 425.
- **Return Policy:** If the evacuated area is without extensive damage to residences, as stated in the strategy, FEMA will coordinate and fund return mass transportation to the point of transportation origin. If the evacuated area suffered extensive damage

to residences, eligible evacuees are authorized, with host state consent, to use FEMA funding known as Other Needs Assistance to purchase return transportation, when they are able to do so. § 425.

Challenges FEMA and DHS Officials Identified:

- Agency officials did not identify any challenges for this section.

Post-Katrina Act § 689f (Stafford Act § 426), Case-Management Services

Grants the President authority to provide case-management services, including financial assistance to state or local government agencies or private organizations to provide such services, to victims of major disasters.

Actions Taken:

- **Case-Management Projects and Pilots:** Using this authority, FEMA has developed two case-management projects and pilots:
  - FEMA-HHS/Administration for Children and Families (ACF) Disaster Case-Management Pilot:
    - The FEMA-HHS/ACF Disaster Case Management Pilot is to be tested during summer 2008 in a Region 4 state to be determined based on disaster activity.
    - Participants in the FEMA-HHS/ACF Disaster Case Management Pilot will include: FEMA, HHS, Coordinated Assistance Network, Catholic Charities, and other agencies. The period of assistance will depend on the type and size of the presidentially declared disaster, but is not to exceed 18 months.
    - FEMA and HHS/ACF signed an Interagency Agreement for this pilot in April 2008.
  - Disaster Case-Management Pilot Program (DCMPP):
    - DCMPP will provide grant funding to the states of Mississippi and Louisiana, which are then expected to award grants to case-management providers within the state that have a history of offering services to victims of Hurricanes Katrina and Rita.
    - DCMPP is to give assistance to victims of Hurricanes Katrina and Rita who are currently housed in FEMA-provided temporary housing units, those whose case-management services are not yet fully completed, and those who vacated their FEMA temporary housing units and were authorized to stay in a hotel due to health concerns.
    - The DCMPP period of assistance is June 16, 2008-March 1, 2009.
    - Victims are to receive assistance through DCMPP until case closure is achieved or until the end of the grant period, March 1, 2009, whichever occurs first.
    - FEMA plans to gather information through DCMPP to create a permanent disaster case-management program.
    - In DCMPP guidance, FEMA lists June 1, 2009, as the due date for final program, fiscal, and evaluation reports. § 426.
- FEMA officials told us in October 2008 that the state of Texas is in the process of identifying which case-management program to pursue for Hurricane Ike disaster victims, the FEMA-HHS/ACF Case Management Pilot Program or DCMPP. § 426.

Challenges FEMA and DHS Officials Identified:

- Agency officials did not identify any challenges for this section.

Post-Katrina Act § 689i, Individuals and Households Pilot Program

Requires the President, acting through the FEMA Administrator, and in coordination with state, local, and tribal governments, to establish a pilot program to make better use of existing rental housing located in major disaster areas, where alternative housing options are less available or less cost-effective.

Actions Taken:

- **Program Development:** In May 2008, the Deputy Assistant Administrator for the Disaster Assistance Directorate stated that FEMA had developed the Rental Repair Pilot Program and would implement it as soon as FEMA identified a cost-effective opportunity to do so, something he said FEMA was actively looking to do. § 689i(a)(1).
- **Program Implementation:** FEMA officials in the Disaster Assistance Directorate told us shortly before we published this document that FEMA had implemented the Rental Repair Pilot Program in Iowa. FEMA officials told us that after the Midwest floods during summer 2008, they entered into a lease agreement with a nonprofit organization that owns a multifamily unit in Cedar Rapids, Iowa, an area that was affected by the disaster. Under the 14-month lease with the nonprofit organization, FEMA is to provide funds to repair seven two-bedroom units and, once repaired, is to house eligible applicants in the units for 14 months; but, documentation did not accompany their comments. According to FEMA officials, additional pilot opportunities have yet to be identified or requested by the state-led Housing Task Forces in Texas and Louisiana, following Hurricane Ike in summer 2008. § 689i(a)(1--2).

Challenges FEMA and DHS Officials Identified:

- The Deputy Assistant Administrator for the Disaster Assistance Directorate said that one of the elements of the pilot program under the Post-Katrina Act is cost-effectiveness. However, finding cost-effective opportunities—where the cost is at least evenly offset by a demonstrable benefit—to repair rental housing in a major disaster area has proven difficult.
- The Deputy Assistant Administrator stated that pressing housing needs often dictate the use of mobile homes. He noted that FEMA cannot defer housing to disaster victims while it makes repairs on rental units. Once FEMA incurs the costs of transporting a mobile home, he said it is more cost-effective to continue to use the mobile home than to repair alternative rental housing.
- In addition, the Deputy Assistant Administrator cited difficulties for FEMA to repair apartments in a cost-effective manner: FEMA would have to lease the units from the apartment owners, who would not have an incentive to lease if they could as easily repair apartments themselves and then charge rent at market value or higher. Therefore, the only stock available to FEMA would be buildings with very extensive repair needs, requiring high expenditures for rehabilitation, he concluded.
- The Deputy Assistant Administrator suggested that if the Department of Housing and Urban Development managed the program and bought the apartments, which

could then be added to the public housing inventory, the program might be cost-effective for the government as a whole.

#### Post-Katrina Act § 689j, Public Assistance Pilot Program

Requires the President, acting through the FEMA Administrator, and in coordination with state and local governments, to establish a pilot program to reduce costs, increase flexibility, and expedite assistance for specified public-assistance (PA) projects under the Stafford Act. The legislation outlined six procedures that FEMA could—but was not required to—adopt in carrying out the pilot including, among other things, increasing the federal government’s share of debris and wreckage removal for state and local governments that have a FEMA-approved debris-management plan and one or more prequalified contractors for such services.

##### Actions Taken:

- **Establishment and Coordination:** The Deputy Assistant Administrator for the Disaster Assistance Directorate stated that establishing the PA Pilot program was an extensive effort, and that FEMA coordinated with members of the National Emergency Management Association and the International Association of Emergency Managers, including the states of Georgia, New York, California, and North Carolina. § 689j(a)(1).
- **Pilot Program Workgroup:** FEMA convened a PA Pilot workgroup to develop program guidance and an implementation plan:
  - The work group was composed of members of the National Emergency Management Association, the International Association of Emergency Managers, and FEMA regional and headquarters staff, including members of the Federal Coordinating Officer cadre, to develop program guidance and an implementation plan.
  - The PA Pilot workgroup held two in-person meetings, as well as teleconferences through March 2007. § 689j(a)(1).
- **Pilot Program Procedures:** The PA Pilot workgroup focused on four of the six procedures outlined in the legislation, and identified the following procedures to implement the PA Pilot program:
  - FEMA will provide grants on the basis of estimates for large projects up to \$500,000.
  - FEMA will provide an additional 5 percent federal cost share (i.e., the amount of money the federal government will share in the cost), not to exceed 100 percent of the total cost, to applicants who have a FEMA-approved debris-management plan and at least two prequalified debris- and wreckage-removal contractors identified prior to a disaster. Usually the minimum federal cost share is 75 percent, with 90 percent possible by the President’s authorization in situations of severe economic impact.
  - FEMA will allow an applicant to retain any revenue from the salvage value of recyclable disaster debris as an incentive to recycle debris.
  - FEMA will reimburse the straight- or regular-time salaries (i.e., not overtime salaries) and benefits of an applicant’s permanently employed staff that performs debris-related activities. § 689j(a)(3).
- **Implementation Period:** FEMA stood up the PA Pilot program on June 1, 2007, and it will be implemented until December 31, 2008. § 689j(d).

- **Available Guidance:** In June 2007, FEMA published the Public Assistance Pilot Program Guidance for State and Local Officials. § 689j(a)(3).
- **Reporting Requirement:** FEMA has acknowledged in its Public Assistance Pilot Program Guidance its March 2009 legislative reporting requirement. § 689j(b).

Challenges FEMA and DHS Officials Identified:

- Agency officials did not identify any challenges for this section.

Post-Katrina Act § 689k, Disposal of Unused Temporary Housing Units

Requires the FEMA Administrator, in coordination with the Department of the Interior or other appropriate federal agencies, to transfer any unused temporary housing units authorized for disposal to tribal governments, if appropriate.

Actions Taken:

- **Unused Mobile Homes:** FEMA has made available 1,000 unused mobile homes located in Hope, Arkansas, and Texarkana, Texas, for transfer to tribal governments. While FEMA will not impose a cost for the mobile homes, tribal governments will be responsible for transportation, unit set up, and if necessary, retrofitting. The Department of Housing and Urban Development has determined that these costs will be considered eligible costs under the Indian Housing Block Grant Program. § 689k.

Challenges FEMA and DHS Officials Identified:

- Agency officials did not identify any challenges for this section.

For Further Reading:

- The National Center for Missing & Exploited Children. “Natural Disasters: Is Your Family Prepared?” [http://www.missingkids.com/missingkids/servlet/PageServlet?LanguageCountry=en\\_US&PageId=3252](http://www.missingkids.com/missingkids/servlet/PageServlet?LanguageCountry=en_US&PageId=3252) (accessed on Sept. 5, 2008).
- U.S. Department of Homeland Security. Federal Emergency Management Agency. “The Establishment of the National Emergency Child Locator Center: FY 2007 Report to Congress.” September 2007.
- U.S. Department of Homeland Security. Federal Emergency Management Agency. “The Establishment of the National Emergency Family Registry and Locator System: FY 2007 Report to Congress.” December 2007.
- U.S. Department of Homeland Security. Federal Emergency Management Agency. “Program Guidance for the Public Assistance Pilot Program: Guidance for FEMA, State and Local Officials.” <http://www.fema.gov/government/policy/papilot.shtm> (accessed Sept. 5, 2008).
- “Privacy Act System of Records: Notice of Amendment to Existing Routine Uses.” *Federal Register*, vol. 71, no. 129. July 6, 2006.



## Enclosure V: Implementing the Components of the National Preparedness System and Other Preparedness Activities

### Post-Katrina Act § 671<sup>21</sup> (Homeland Security Act §1802), National Emergency Communications Plan

Requires the Secretary of Homeland Security, acting through the Director for Emergency Communications and in cooperation with other relevant entities, to develop a National Emergency Communications Plan (NECP) that includes, among other things, recommendations for how to support and promote the ability of first responders and government officials to continue to communicate during disasters and the attainment of interoperability, nationwide.

#### Actions Taken:

- **Plan Release:** The Department of Homeland Security (DHS) released the NECP on July 31, 2008. § 1802(a).
- **Cooperation with Other Entities:** The Deputy Director of the Office for Emergency Communications said that when drafting the NECP, his office reached out to obtain input from federal, state, and local officials, as well as the private sector, including the major telecommunications companies. In addition, this official said that the Emergency Communications Preparedness Center working group, comprised of representatives from DHS, the Federal Communications Commission, the Department of Defense, the Department of Commerce, and the Department of Justice, provided input into the development of the NECP. According to a DHS press release announcing the plan, the Office of Emergency Communications developed the plan with more than 150 public and private sector-emergency communications officials. § 1802(a)-(b).
- **Plan Contents:** The NECP includes an appendix that identifies which NECP sections address the nine content requirements of the Post-Katrina Act (and an additional requirement established by the Implementing Recommendations of the 9/11 Commission Act of 2007).<sup>22</sup> Examples of some NECP initiatives include: targeting federal emergency communications grants to address gaps identified in the NECP, Statewide Communication Interoperability Plans, and Tactical Interoperable Communications Plans; leveraging existing and emerging technologies to expand and integrate disaster communications capabilities among emergency-response providers; and developing and injecting standardized emergency communications performance objectives and evaluation criteria into operational exercises. § 1802(c).

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<sup>21</sup>Section 671 of the Post-Katrina Act is titled the “21st Century Emergency Communications Act of 2006.” It amends the Homeland Security Act of 2002 by adding at the end a new title XVIII, Emergency Communications.

<sup>22</sup>The 9/11 Commission Act requires the NECP to set a date, including interim benchmarks as necessary, by which federal and nonfederal government entities and emergency-response providers expect to achieve a baseline level of interoperability. See Pub. L. No. 110-53, § 301, 121 Stat. 266, 300 (2007). The NECP sets phased interoperability goals with expected completion dates from 2010 to 2013 for different jurisdictions.

Challenges DHS and FEMA Officials Identified:

- Agency officials did not identify any challenges for this section.

Post-Katrina Act § 611 (Homeland Security Act § 512), Evacuation Plans and Exercises

Allows grants made to state, local, and tribal governments by DHS through the State Homeland Security Program (SHSP) or the Urban Area Security Initiative (UASI) to be used to establish programs for the development and maintenance of mass evacuation plans, prepare for the execution of mass evacuation plans, and conduct exercises of mass evacuation plans.

Actions Taken:

- **SHSP and UASI Grants Authorized for Evacuation Planning:** According to the Director of Grants Development and Administration, the Federal Emergency Management Agency (FEMA) has informed state, local, and tribal governments that they may use SHSP and UASI grants to assist mass evacuation planning via the fiscal year 2008 Homeland Security Grant Program written guidance, of which both grants are components. The guidance lists strengthening preparedness planning as one of its three objectives, and evacuation planning is included under that objective. Further, the guidance states that developing or enhancing evacuation plans is an allowable expense. § 512(a).
- **State Evacuation Plan Development:** FEMA developed the Mass Evacuation Incident Annex to the National Response Framework (NRF), which provides an overview of mass evacuation functions, agency roles and responsibilities, and overall guidelines for the integration of federal, state, tribal, and local support in the evacuation of large numbers of people in incidents requiring a coordinated federal response. Officials in FEMA's Disaster Operations Directorate also noted that the states participating in FEMA's Catastrophic Disaster Planning Initiative benefit from detailed federal, state, and local catastrophic planning that includes examination of evacuation topics. These states include Florida, Louisiana, California, and the eight Midwestern states in the New Madrid Seismic Zone. In addition, National Preparedness Directorate officials told us that for the last 2 years, FEMA has provided technical assistance to the state of Louisiana in Baton Rouge, helping to develop a mass evacuation plan, including leveraging transportation resources—rail, air, buses, and so forth. § 512(c)(1).

Areas to Be Addressed:

- **State Evacuation Plan Development:** According to officials in FEMA's Disaster Operations Directorate, as of August 1, 2008, FEMA was in the process of finalizing the Mass Evacuation Incident Annex Operational Supplement to the NRF, which is intended to provide additional guidance for mass evacuations. In addition, officials in FEMA's National Preparedness Directorate said that a third document, the Comprehensive Preparedness Guide (CPG) 101, provides guidance for state and local governments to develop emergency operations plans. FEMA released an interim version of CPG 101 in August 2008 with the final CPG 101 expected to be released in December 2008. § 512(b), (c)(1).
- **Technical Assistance for Mass Evacuation Planning:** The Post-Katrina Act requires FEMA to provide mass evacuation planning assistance to institutions that

house individuals with special needs upon request by a state, local, or tribal government. FEMA officials in the Disaster Operations Directorate told us that they had not received any requests for such assistance. These officials said that the draft Mass Evacuation Incident Annex Operational Supplement will include a tab on evacuation issues related to people with special needs and, once issued, can provide guidance to hospitals, nursing homes, and other institutions that house individuals with special needs. Officials from FEMA's National Preparedness Directorate also noted that the Homeland Security Preparedness Technical Assistance Program provides technical assistance upon request to jurisdictions interested in planning for mass evacuations. Additionally, they said the directorate is developing evacuation and reentry planning guidance for use by state and local governments. § 512(c)(2).

Challenges DHS and FEMA Officials Identified:

- Agency officials did not identify any challenges for this section.

Post-Katrina Act § 631 (Stafford Act § 613), State Catastrophic Incident Annex

Amends grant requirements that states must meet under section 613 of the Stafford Act to be eligible for up to a 50 percent federal cost share for emergency preparedness personnel and administrative expenses, based on state plans approved by FEMA. In addition to other requirements, state plans must now provide for the development of catastrophic incident annexes pursuant to standards approved by the FEMA Administrator. A state catastrophic incident annex submitted to FEMA must be consistent with national-level planning documents, such as the national preparedness goal and the NRF's<sup>23</sup> catastrophic incident annex, and must be developed in consultation with emergency responders, local governments, multijurisdictional councils, and regional planning commissions.

Actions Taken:

- **Grant Guidance for State Catastrophic Incident Planning:** In FEMA's overview of its Emergency Management Performance Grant (EMPG) program for fiscal year 2008, FEMA stated that the principal priority for fiscal year 2008 EMPG funds is to sustain and enhance catastrophic planning capabilities, to include addressing the findings of FEMA's gap analysis program and similar capability assessment efforts, and assisting state and local jurisdictions to address national and regional catastrophic planning needs. The fiscal year 2008 EMPG grant process requires applicants to submit a work plan that outlines the state's emergency management enhancement and sustainment efforts, including projects proposed for the EMPG period of performance. According to the fiscal year 2008 EMPG grant guidance, states must focus their EMPG program activities on addressing shortfalls

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<sup>23</sup>The Post-Katrina Act pre-dated the NRF and refers to the NRF's predecessor, the National Response Plan (NRP). When the Post-Katrina Act was enacted in October 2006, the NRP was the name of the document that served as the nation's comprehensive framework for the management of domestic incidents where federal involvement was necessary. The NRP was subsequently revised and reissued in January 2008 under a new name, the National Response Framework. Because the Post-Katrina Act encompasses any successor plan to the NRP, it applies to the NRF just as it did the NRP. See Post-Katrina Act, § 602(13). Therefore, this enclosure will use the term NRF, rather than NRP, in discussing any relevant Post-Katrina Act provisions and the status of their implementation, unless otherwise appropriate.

and sustaining capabilities in their emergency management programs, with a specific focus on planning for catastrophic events and reducing loss of life and property through mitigation activities. In addition, the grant guidance requires states to work closely with FEMA regional offices in developing their EMPG work plans to address critical assessment findings and ensure appropriate regional coordination and collaboration. FEMA regional offices must concur on final work plans before states may draw down EMPG funds, which will be released on a rolling basis upon approval of the state's final work plan. § 613(b)(3), (c)(2).

Areas to Be Addressed:

- **Update to Federal Catastrophic Incident Annex:** The federal Catastrophic Incident Annex, which states are to use as a model for their own catastrophic incident planning, is still based on the NRF's predecessor, the now superseded National Response Plan. A revised federal Catastrophic Incident Annex has yet to be approved and released, and a Catastrophic Incident Supplement to this annex has yet to be revised. Post-Katrina Act § 509(b)(2); Stafford Act, § 613(c)(1).

Challenges DHS and FEMA Officials Identified:

- Agency officials did not identify any challenges for this section.

Post-Katrina Act § 632, Evacuation Preparedness Technical Assistance

Requires the FEMA Administrator, in coordination with the heads of other federal agencies, to provide evacuation preparedness technical assistance to state, local, and tribal governments.

Actions Taken:

- **Providing Evacuation Preparedness Technical Assistance:** FEMA officials in the Disaster Operations Directorate cited various examples of the agency having provided evacuation preparedness technical assistance. According to these officials, FEMA has provided such assistance in some cases through the Catastrophic Planning Initiative, an effort to strengthen response planning and capabilities for select scenarios (e.g., a Category 5 hurricane making landfall in southern Florida). Other examples include FEMA regional offices providing mass evacuation technical assistance to the state of Louisiana. FEMA officials also cited workshops in Georgia and Florida and outreach to Texas and Louisiana as further examples of technical assistance provided. § 632.

Challenges DHS and FEMA Officials Identified:

- Agency officials did not identify any challenges for this section.

Post-Katrina Act § 633 (Stafford Act § 303), Emergency Response Teams

Requires the FEMA Administrator to establish emergency response teams (at least three at the national level and a sufficient number at the regional level); target capability levels for the emergency response teams; and adequate numbers of properly planned, organized, equipped, trained, and exercised personnel to achieve the target capability levels.

#### Actions Taken:

- **Establishment of Emergency Response Teams:** One national incident management assistance team (IMAT), FEMA's term for emergency response team, has been established in the National Capital Region, according to FEMA officials in the Disaster Operations Directorate. At the regional level, Disaster Operations Directorate officials said that IMATs had been established in FEMA Regions 4, 5, and 6, as of August 1, 2008. According to these officials, they are in the process of establishing a second national IMAT in Sacramento, California, and a fourth regional IMAT in Region 2. They said that FEMA intends to establish IMATs in all 10 regions by the end of fiscal year 2010 and the third national team in Fiscal Year 2011. § 303(b)(1).
- **Personnel:** National IMATs are to consist of 26 positions, including a designated team leader and senior managers for operations, logistics, planning, and finance and administration sections. This sectional organization mirrors the incident command structure presented in the National Incident Management System (NIMS). According to FEMA officials in the Disaster Operations Directorate, although the National IMAT established in the National Capital Region is fully staffed, some IMAT positions are not yet filled with permanent full-time (PFT) employees, but rather with FEMA detailees who have been selected for their advanced training and expertise. In general, the detailees are to provide guidance and support to the PFT personnel until the teams are fully staffed with PFTs who are fully capable of managing their respective IMATs. According to Disaster Operations Directorate officials, FEMA continues to hire personnel for authorized IMAT positions. § 303(b)(3).
- **Exercising:** The National IMAT participated in the National Level Exercise 2008. In addition, Disaster Operations Directorate officials told us that IMATs have supported a number of disasters and special events in 2008 (including recent storms and hurricanes and the Democratic and Republican National Conventions). § 303(b)(3).
- **Equipping:** According to officials in FEMA's Disaster Operations Directorate, FEMA has procured personal equipment for IMAT members and has ordered communications vehicles. § 303(b)(3).

#### Areas to Be Addressed:

- **Establishment of Emergency Response Teams:** FEMA officials in the Disaster Operations Directorate said that by the end of fiscal year 2008, FEMA intends to establish another national IMAT in Sacramento, California, and two additional regional teams in Regions 2 and 7 in fiscal year 2009. In addition, these officials said that the agency intends to establish IMATs in all 10 regional offices by the end of fiscal year 2010 and the third national team in fiscal year 2011 § 303(b)(1).
- **Target Capability Levels:** According to officials in FEMA's Disaster Operations Directorate, FEMA is finalizing an IMAT doctrine and a Concept of Operations Plan that contain operational details. However, FEMA has not yet described to us how it established or intends to establish target capabilities for the IMATs, which are required by the Post-Katrina Act as the basis for determining whether the IMATs consist of an adequate number of properly planned, organized, equipped, trained, and exercised personnel. § 303(b)(2)--(3).

- **Training and Credentialing:** FEMA has established mandatory training courses for all IMAT personnel, in addition to the standard training required for all FEMA employees. According to officials in FEMA's Disaster Operations Directorate, they are in the process of implementing a credentialing program for the IMATs. FEMA is planning to incorporate training and credentialing for all hazards by identifying core competencies required for each IMAT position and assessing the competencies against existing task descriptions to guide the development of mandatory training and credentialing plans. § 303(b)(3).
- **Readiness Reporting:** FEMA has yet to release the Federal Preparedness Report, which is required by the Post-Katrina Act to include information on readiness levels for the IMATs. Information on the Federal Preparedness Report appears later in this enclosure. § 303(b)(4).

Challenges DHS and FEMA Officials Identified:

- Agency officials did not identify any challenges for this section.

Post-Katrina Act § 634, Urban Search and Rescue Response System

Establishes the Urban Search and Rescue Response System within FEMA.

Actions Taken:

- **Administration of the Urban Search and Rescue Response System:** FEMA administers 28 Urban Search and Rescue Task Forces in the continental United States. According to officials in FEMA's Disaster Operations Directorate, the Urban Search and Rescue Response System received a \$7.5 million increase of funding over the fiscal year 2007 budget of \$25 million, for a total of \$32.5 million in fiscal year 2008. § 634(a).

Challenges DHS and FEMA Officials Identified:

- Agency officials did not identify any challenges for this section.

Post-Katrina Act § 635, Metropolitan Medical Response Grant Program

Establishes the Metropolitan Medical Response Grant Program and requires it to include each program purpose as it existed on June 1, 2006.

Actions Taken:

- **Continuation of the Metropolitan Medical Response Grant Program:** The Metropolitan Medical Response System program retains the basic purposes, funds similar preparedness activities, and supports similar target capabilities of the program as it was constituted in fiscal year 2006. According to the fiscal year 2008 grant guidance, priorities for Metropolitan Medical Response System recipients are improvements to the Emergency Triage and Pre-Hospital Treatment capability within their operational areas. § 635(a)–(b).

Challenges DHS and FEMA Officials Identified:

- Agency officials did not identify any challenges for this section.

Post-Katrina Act § 642, National Preparedness, and § 643, National Preparedness Goal  
Requires the President, acting through the FEMA Administrator, to complete, revise, and update as necessary a national preparedness goal that defines the target level of preparedness to ensure the nation's ability to prevent, respond to, recover from, and mitigate against natural disasters, acts of terrorism, and other manmade disasters. Requires the goal to be consistent with NIMS and the NRF to the greatest extent practicable. The national preparedness goal is also required by section 642.

Actions Taken:

- **Issuance of National Preparedness Guidelines:** In September 2007, DHS published the National Preparedness Guidelines, which renamed and replaced the Interim National Preparedness Goal issued in March 2005. The guidelines state that the nation should be prepared with coordinated capabilities to prevent, protect against, respond to, and recover from all hazards in a way that balances risk with resources and need. The guidelines further state that they collate many plans, strategies, and systems into an overarching framework, the National Preparedness System. Among the documents within the umbrella of the guidelines are NIMS and the NRF. § 643; see also § 642.

Challenges DHS and FEMA Officials Identified:

- Agency officials did not identify any challenges for this section.

Post-Katrina Act § 642, National Preparedness, and § 644, Establishment of National Preparedness System

Requires the President, acting through the FEMA Administrator, to establish a national preparedness system to enable the nation to meet the national preparedness goal. The national preparedness system must include eight required components, which are further described in sections 646 through 653 of the Post-Katrina Act, and may include one optional component, national planning scenarios, as further described in section 645 of the Post-Katrina Act. The national preparedness system is also required by section 642.

Actions Taken/Areas to Be Addressed:

- For each component of the national preparedness system, information related to FEMA's Actions Taken and Areas to Be Addressed will be presented in the specific Post-Katrina Act section that provides additional information on the components' structure and requirements.

Challenges DHS and FEMA Officials Identified:

- FEMA officials in the National Preparedness Directorate cited the following three challenges in implementing the National Preparedness System:
  - (1) FEMA must coordinate with a large number and wide range of entities such as DHS components, other federal agencies, and state and local governments. For example, these officials said that it will be a challenge to integrate plans and implement them across different governmental boundaries.
  - (2) Developing data and performance metrics is a challenge because there are several legacy data systems, with FEMA facing the challenge of picking the best available. In addition, finding the owners of the processes and associated

data described in the national preparedness system and incorporating these data into a distributed data system is challenging.

(3) FEMA needs to develop protocols and guidelines for assessing target capabilities and any capability gaps that may exist across the federal, state, and local levels. However, these officials said that having staff available at the state level to collect data on target capabilities is a challenge.

#### Post-Katrina Act § 645, National Planning Scenarios

Allows the FEMA Administrator, in coordination with the heads of appropriate federal agencies and the National Advisory Council (NAC), to develop planning scenarios to reflect the relative risk requirements presented by all hazards, including natural disasters, acts of terrorism, and other manmade disasters, to aid in the development of target capabilities and target capability levels to meet the national preparedness goal.

##### Actions Taken:

- **Development:** The September 2007 National Preparedness Guidelines include 15 National Planning Scenarios, which are: Improvised Nuclear Device, Aerosol Anthrax, Pandemic Influenza, Plague, Blister Agent, Toxic Industrial Chemicals, Nerve Agent, Chlorine Tank Explosion, Major Earthquake, Major Hurricane, Radiological Dispersal Device, Improvised Explosive Device, Food Contamination, Foreign Animal Disease, and Cyber Attack. According to the guidelines, while preparedness applies across the all-hazards spectrum, the 15 National Planning Scenarios reflect a special emphasis on catastrophic preparedness and are designed to illustrate the potential scope, magnitude, and complexity of a range of major events, from terrorist attacks to major disasters and other emergencies. These scenarios are similar to the scenarios DHS has used for planning since July 2004. § 645.

##### Areas to Be Addressed:

- **Coordination:** According to the National Preparedness Guidelines, the National Planning Scenarios, utilized by the guidelines, were developed by the Homeland Security Council in partnership with DHS and other federal agencies and state, local, and tribal governments. In its role as the DHS component responsible for the National Planning Scenarios, FEMA did not coordinate with the NAC, because the NAC did not hold its inaugural meeting until October 2007. § 645.

##### Challenges DHS and FEMA Officials Identified:

- Agency officials did not identify any challenges for this section.

#### Post-Katrina Act § 646, Target Capabilities and Preparedness Priorities

Requires the FEMA Administrator, in coordination with the heads of appropriate federal agencies, the National Council on Disability (NCD), and the NAC to develop specific, flexible, and measurable guidelines to define risk-based target capabilities for federal, state, local, and tribal government preparedness, and to establish preparedness priorities that reflect an appropriate balance between the relative risks and resources associated with all hazards. Also requires prompt distribution of the target capabilities guidelines to Congress and the states. Further, authorizes the



FEMA Administrator to provide support for the development of state mutual aid agreements.

Actions Taken:

- **Establishment of Guidelines on Target Capabilities:** DHS published the Target Capabilities List (TCL) in September 2007, which supports an all-hazards approach to building 37 core capabilities to prevent, protect against, respond to, and recover from major events such as terrorist attacks, natural or manmade disasters, or health emergencies. However, FEMA officials in the National Preparedness Directorate said that there is a 3 year effort underway within FEMA to update and revise the TCL. According to these officials, the preliminary concept for the revision is to develop target capabilities that are divided into tiers based on a jurisdiction's population. Further, these officials said that the revised TCL will allow for performance metrics that focus more on outcomes. In addition, according to National Preparedness Directorate officials, FEMA intends to provide more user-friendly, accessible, and credible capability targets with which to link all activities performed along the preparedness cycle, as described in the National Preparedness Guidelines, through the Target Capabilities List Implementation Project. According to these officials, the TCL will be streamlined to provide jurisdictions clearer guidance on the levels of capability they need in order to prevent, protect against, respond to, and recover from a catastrophic natural disaster or large scale terrorist attack. Each of the 37 target capabilities described in the TCL will be revised and released as capability frameworks. § 646(a).
- **Coordination:** According to FEMA, the development of the September 2007 TCL included coordination with stakeholders from federal, state, local, and tribal governments as well as the private sector through workshops and working groups. FEMA officials also said they have briefed the NAC and the NCD on TCL development. Further, FEMA intends to coordinate with the NAC as it updates the TCL, according to officials in FEMA's National Preparedness Directorate. § 646(a).
- **Distribution of Target Capabilities Guidelines:** According to officials in FEMA's National Preparedness Directorate, DHS has posted the TCL, the National Preparedness Guidelines, and other national preparedness documents on the Lessons Learned Information Sharing System, <https://www.llis.dhs.gov>. These officials also told us that FEMA briefs Congress on the elements of the national preparedness system on a recurring basis. § 646(b).
- **Specific, Flexible, and Measurable Capabilities:** According to the TCL introduction, it supports an all-hazards approach to building interchangeable, flexible capabilities needed to address a broad range of incidents to include terrorist attacks, natural disasters, health emergencies, and other major incidents. The current TCL version contains 37 core capabilities, and each capability includes the following: a definition of the capability, an outcome statement that describes the expected results to be achieved, a description of the major activities and tasks performed with the capability, and performance measures associated with the capability. § 646(c).
- **Risk Assessment Guidelines:** To assist planners and officials at all levels with assessing and determining their greatest risks and to establish priorities for addressing resource gaps, training, and exercises, the TCL introduction describes a preparedness-cycle framework, in which risk assessment is one step. The TCL

states that risk is a combination of credible threats, vulnerabilities, and consequences. It identifies the following risk factors that affect the need for and placement of target capabilities: population and population density; the presence of critical infrastructure and key resources; location in a high-risk area for terrorist events or natural disasters; and capabilities to prevent, protect against, or mitigate against a threat. The TCL explains that the relative importance of these risk factors determines capability needs. § 646(d).

- **Preparedness Priorities:** The National Preparedness Guidelines, also issued in September 2007, and containing the TCL as one of its elements, establish the following eight priorities to guide preparedness efforts: (1) expand regional collaboration; (2) implement NIMS and the NRF; (3) implement the National Infrastructure Protection Plan; (4) strengthen information sharing and collaboration capabilities; (5) strengthen communications capabilities; (6) strengthen chemical, biological, radiological, nuclear, and explosive detection, response, and decontamination capabilities; (7) strengthen medical surge and mass prophylaxis capabilities; and (8) strengthen planning and citizen preparedness capabilities. § 646(e).
- **Mutual Aid Agreements:** FEMA has provided funds to the National Emergency Management Association (NEMA) to develop and market model intrastate mutual aid legislation. According to these officials, this model legislation provides states with a legal framework to address reimbursement, workers compensation and liability issues for official actions, and the foundation to execute mutual aid. This model legislation, according to the officials, also encourages participants to develop a system that addresses the logistical issues of inventory, status, ordering, support, and returning of resources. Moreover, according to officials in FEMA's National Preparedness Directorate, FEMA has entered into a cooperative agreement with the International Association of Fire Chiefs for the development of state mutual aid systems that implement the NEMA-developed model legislation for intrastate mutual aid compacts. These officials told us that as of August 1, 2008, \$3 million has been committed to the cooperative agreement with the International Association of Fire Chiefs and 25 states have been engaged in the project with the remaining 25 expected to be incorporated in the next 2 years. Finally, officials in the National Preparedness Directorate said that FEMA provides support to the development of the United South and Eastern Tribes Tribal Emergency Mutual Aid Compact, which is modeled on the interstate Emergency Management Assistance Compact and provides a mechanism that enables participant tribes to support each other during disasters. § 646(f).

#### Challenges DHS and FEMA Officials Identified:

- Agency officials did not identify any challenges for this section.

#### Post-Katrina Act § 647, Equipment and Training Standards

Requires the FEMA Administrator to support the development, promulgation, and updating, as necessary, of national voluntary consensus standards for (1) equipment used by federal, state, local, and tribal governments and other emergency response providers, and (2) training. In carrying out this section, the FEMA Administrator must consult with public- and private-sector organizations with expertise in the development of national voluntary consensus standards. With respect to equipment

standards, the FEMA Administrator must also consult with the heads of appropriate federal agencies and the NAC. With respect to training standards, the FEMA Administrator must ensure that the training provided by the national training program is consistent with the standards.

Actions Taken:

- **Equipment Standards:** Officials in FEMA’s National Preparedness Directorate reported that since fiscal year 2005, DHS has been working with the InterAgency Board for Equipment Standardization and Interoperability to support voluntary consensus standards reflected in the Authorized Equipment List. These officials also noted that DHS has established an online tool (the Responder Knowledge Base), which provides up-to-date information on commercial equipment and technology to the state, local, and tribal homeland security community in order to assist them with their purchasing and operational equipment decisions. This includes an online, integrated source of equipment-related information such as an interactive version of the FEMA Authorized Equipment List, with the associated FEMA grants, applicable standards and specifications, related certifications, test reports, and other information. Additionally, officials in FEMA’s National Preparedness Directorate told us FEMA leverages the activities of DHS’s Science and Technology Directorate—specifically, the efforts of the Test & Evaluation and Standards Division in coordinating the development of voluntary consensus standards for equipment used by federal, state, local, and tribal governments and other emergency response providers. According to these officials, FEMA also participates in the work of the American National Standards Institute’s Homeland Security Standards Panel, which promotes a cooperative partnership between the public and private sectors in order to meet the needs of the nation for homeland security standards. In addition, these officials told us that FEMA coleads several DHS working groups that address equipment standards, and through these groups, has been able to identify and recommend for DHS the adoption of over 20 equipment standards. § 647(a).
- **Training Standards:** FEMA officials in the National Preparedness Directorate said that DHS adopted training standards in accordance with the American National Standards Institute and the National Fire Protection Association in 2004. According to officials in the U.S. Fire Administration, the National Fire Protection Association consulted with the U.S. Fire Administration in developing their standards. National Preparedness Directorate officials noted that in addition to the U.S. Fire Administration, several other organizations will also be involved in establishing training standards, including the Law Enforcement Training Center and the Center for Domestic Preparedness. In addition, they said training courses are reviewed by FEMA’s National Integration Center for compliance with NIMS standards. § 647(b).
- **Consultation with Standards Organizations:** According to officials in FEMA’s National Preparedness Directorate, FEMA is working with DHS’s Science and Technology Directorate and its Infrastructure Protection Directorate to survey standards for equipment and training currently in use and identify gaps. These officials said that they are working with the National Institute of Standards and Technology on this standards survey. § 647(c).

Areas to Be Addressed:

- **Coordination on the Development of Equipment Standards:** Officials in FEMA's Disaster Operations Directorate told us FEMA has participated in federal, state, local, and private organization forums that are involved in standards setting and development, but did not specify coordination with the NAC. § 647(a)(1), (c).

Challenges DHS and FEMA Officials Identified:

- Agency officials did not identify any challenges for this section.

Post-Katrina Act § 648, Training and Exercises

Requires the FEMA Administrator, in coordination with the heads of appropriate federal agencies, the NCD, and the NAC, to carry out a national training program and a national exercise program.

Actions Taken:

- **National Exercise Program:** In 2007, the National Exercise Division within FEMA's National Preparedness Directorate introduced and implemented the National Exercise Program. According to officials from the National Preparedness Directorate, the National Exercise Program conducts four Principal Level Exercises and one National Level Exercise annually. These FEMA officials said that the Principal Level Exercises are discussion-based (i.e., tabletop or seminar) to examine emerging issues, and that one is conducted in preparation for the annual National Level Exercise. Further, these officials noted that the National Level Exercise are operations-based exercises (drills, functional exercises, and full-scale exercises) intended to evaluate existing national plans and policies, in concert with other federal and nonfederal entities. § 648(b).

Areas to Be Addressed:

- **National Training Program:** DHS and FEMA are developing the Homeland Security National Training Program, which will oversee and coordinate homeland security training programs, increase training capacity, and ensure standardization across programs, according to FEMA's Deputy for National Preparedness. The Homeland Security National Training Program has provided funding to a variety of training partners, including the National Domestic Preparedness Consortium and the Rural Domestic Preparedness Consortium, for the development and delivery of all-hazards training for federal, state, local, and tribal emergency responders. § 646(a).
- **Coordination:** In developing the National Training Program, FEMA has not yet coordinated with the NCD, the NAC, or other federal agencies. In carrying out the National Exercise Program, FEMA has coordinated with other federal agencies. However, FEMA officials in the National Preparedness Directorate noted that the National Training Program is still being developed. They said that before it is finalized, it will be fully coordinated within the federal interagency community, including NCD and the NAC. § 648(a)(1), (b)(1).

#### Challenges DHS and FEMA Officials Identified:

- The FEMA official responsible for overseeing the National Training Program said that the greatest challenge to implementing the program is ensuring that lessons learned from each and every exercise and real world incidents are recorded and fed back into the preparedness cycle, including training plans, so that plans and training can be improved.
- Officials from FEMA's National Preparedness Directorate reported that other challenges include identifying and prioritizing training requirements for a wide range of federal, state, local, and tribal positions and recharacterizing the requirements based on the TCL; allocating and balancing training responsibilities among FEMA and DHS training organizations; controlling duplication; and ensuring consistency of doctrine and course content.

#### Post-Katrina Act § 649, Comprehensive Assessment System

Requires the FEMA Administrator, in coordination with the NCD and the NAC, to establish a comprehensive system to assess, on an ongoing basis, the nation's prevention capabilities and overall preparedness, including operational readiness.

#### Areas to Be Addressed:

- **Establishment:** FEMA has not yet implemented a comprehensive assessment system. In fiscal year 2008, according to officials in FEMA's National Preparedness Directorate, they began development of the system and established an outreach strategy. The officials said they conducted a comprehensive review of six major assessment systems developed by DHS/FEMA in the last decade with the intention of using the results of the analysis to inform the development and implementation of the Comprehensive Assessment System. According to the officials, they intend to apply the best practices of the six systems to develop an integrated planning and assessment methodology, process, and system. § 649(a).
- **Coordination:** FEMA does not currently have a plan for coordinating with the NCD or the NAC as it develops the comprehensive assessment system. § 649(a).

#### Challenges DHS and FEMA Officials Identified:

- Agency officials did not identify any challenges for this section.

#### Post-Katrina Act § 650, Remedial Action Management Program

Requires the FEMA Administrator, in coordination with the NCD and the NAC, to establish a remedial action management program to, among other things, track lessons learned and best practices from training, exercises, and actual events.

#### Actions Taken:

- **Establishment of Remedial Action Management Program:** FEMA launched the Remedial Action Management Program (RAMP) in 2003 and released it as a Web application for all FEMA intranet users in January 2006. RAMP uses FEMA facilitators to conduct sessions immediately after exercises or events, and these facilitators are responsible for developing issue descriptions for remedial actions. In addition, FEMA has a related program called the Corrective Action Program (CAP) that is to be used for governmentwide corrective action tracking by federal,

state, and local agencies. While RAMP is FEMA's internal remedial action program, CAP is designed to serve as an overarching program for linking federal, state, and local corrective actions. § 650.

Areas to Be Addressed:

- **Coordination:** FEMA developed RAMP prior to enactment of the Post-Katrina Act. However, FEMA has not yet established any mechanisms to coordinate ongoing implementation of RAMP or CAP with the NCD or the NAC. § 650.

Challenges DHS and FEMA Officials Identified:

- Agency officials did not identify any challenges for this section.

Post-Katrina Act § 651, Federal Response Capability Inventory

Requires the FEMA Administrator to accelerate the completion of the inventory of federal response capabilities required by the Stafford Act; develop a list of organizations and functions within the Department of Defense (DOD) that may be used to provide support to civil authorities during natural and manmade disasters and terrorist events; and establish an inventory database to allow, among other things, real-time exchange of information regarding capabilities.

Areas to Be Addressed:

- **Completion of Federal Response Capability Inventory:** FEMA has not yet completed the inventory of federal response capabilities. According to FEMA officials in the National Preparedness Directorate, the agency is assessing federal capabilities as part of its comprehensive assessment system efforts. In addition, FEMA is also culling information from work previously conducted to assess overall preparedness and is awaiting the results of the State Preparedness Reports in order to conduct a comprehensive assessment of state and federal response capabilities. § 651(a).
- **List of DOD Organizations and Functions to Support Civil Authorities:** According to FEMA officials in the National Preparedness Directorate, DOD is currently conducting a capabilities-based assessment of homeland security requirements and related capabilities to help prepare for situations in which DOD capabilities would need to be integrated into the homeland security mission. Representatives from DHS are participating with DOD in the assessment. § 651(c).
- **Establishment of Inventory Database:** According to FEMA officials in the National Preparedness Directorate, there is an information system, based on the TCL, that includes a feature that allows grouping of resources into capabilities, but the information system does not provide information in real time. FEMA officials also stated that the system has the capability for real-time exchange to be established in the future, but it needs to be able to pull data from a number of systems that are not currently linked. According to officials in FEMA's Disaster Operations Directorate, FEMA intends to upgrade its National Response Coordination Center capabilities with the installation of a Web-based software system called the Emergency Management Information Management System. These officials said that the software system will operate in real-time and will be used to support disaster operations management, maintain situational awareness, and coordinate information sharing. According to these officials, FEMA's longer term

goal is to use this software system to create a larger national asset database of all federal response teams for all hazards. § 651(d).

Challenges DHS and FEMA Officials Identified:

- Agency officials did not identify any challenges for this section.

Post-Katrina Act § 652, Reporting Requirements

Requires the FEMA Administrator to submit annually to Congress a Federal Preparedness Report, describing the nation's level of preparedness for all hazards, and a Catastrophic Resource Report, describing the federal resources needed for and devoted to developing the capabilities of all levels of government to respond to a catastrophic incident. This section also requires a state receiving federal preparedness assistance to submit a report to the FEMA Administrator on the state's level of preparedness.

Actions Taken:

- **State Preparedness Report:** In the fiscal year 2008 Homeland Security Grant Program guidance, DHS required that State Preparedness Reports be submitted by March 31, 2008, and DHS received all 56 reports (for the states, territories, and the District of Columbia) by early April 2008. According to officials in FEMA's National Preparedness Directorate, FEMA analyzed each report and used them to produce substantive analysis on nationwide trends, identify areas for increased attention, and inform broader assessments of national preparedness. These officials told us that the agency provided guidance on how states should interpret Post-Katrina Act language for reporting purposes. For example, the law requires states to provide an assessment of their current capability levels, and FEMA guidance for this requirement instructed states to report data using the capabilities included in the TCL. § 652(c).

Areas to Be Addressed:

- **Federal Preparedness Report:** FEMA has not submitted this report to Congress. According to officials in FEMA's National Preparedness Directorate, the Federal Preparedness Report is in the final stages of review, and they expect to submit it to Congress soon. They said that the National Preparedness Directorate is also providing detailed briefings to Congress every 90 days addressing its progress and gathering congressional recommendations for additional data and information. According to these officials, the draft report is based primarily on DHS data and information, but it does contain some other federal information, such as hospital preparedness grants funded by the Department of Health and Human Services. § 652(a).
- **Catastrophic Resource Report:** FEMA has not submitted this report to Congress. Officials in FEMA's National Preparedness Directorate said that FEMA plans to merge this reporting requirement with its Federal Preparedness Report and to incorporate information from the State Preparedness Reports. However, FEMA officials did not provide information regarding the combined report's status or its expected submission date to Congress. § 652(b).

Challenges DHS and FEMA Officials:

- Agency officials did not identify any challenges for this section.

Post-Katrina Act § 653, Federal Preparedness

Requires, among other things, that each federal agency with responsibilities under the NRF develop operational plans and corresponding capabilities to ensure a coordinated federal response. Such plans must be certified by the President on an annual basis. This section further requires the FEMA Administrator, in coordination with other federal agencies with responsibilities under the NRF, to develop prescribed mission assignments.

Actions Taken:

- **Prescribed Mission Assignments:** FEMA finalized a catalogue of prescribed mission assignments (PSMA) in June 2008. There are 223 PSMA in the catalogue, and they are listed by Emergency Support Function employed under the NRF. According to FEMA officials in the Disaster Operations Directorate, the PSMA catalogue will be continually updated based on experiences and lessons learned from disasters and simulation exercises. For example, since the June publication of the catalogue, officials in the Disaster Operations Directorate reported that it has already been updated with a supplement, bringing the total number of PSMA to 236, scripted for 33 separate agencies. § 653(c).

Areas to Be Addressed:

- **Development of Operational Plans:** FEMA officials in the National Preparedness Directorate stated that federal agency operational plans in support of the NRF are being developed, but they have yet to be finalized or disseminated. Officials in FEMA's Disaster Operations Directorate told us that the federal government's Integrated Planning System is currently in the final stages of interagency review. The planning system is intended to be the underlying framework for conducting all deliberate federal interagency incident planning, including operational planning. According to these officials, the Secretary of Homeland Security begins the planning process by approving Strategic Guidance Statements for each of the 15 National Planning Scenarios. Once a statement is approved for a planning scenario, a strategic plan will be developed, which will define overarching missions and authorities, and delineate federal roles and responsibilities. FEMA will also begin developing a concept plan, which will describe a concept of operations for integrating and synchronizing existing capabilities to accomplish mission essential tasks. Departmental and agency operational plans, which will identify detailed resource, personnel, and asset allocations in order to execute the objectives of the strategic plan, will be developed, after FEMA completes a concept plan. § 653(a)(4).

Challenges DHS and FEMA Officials Identified:

- Agency officials did not identify any challenges for this section.

Post-Katrina Act, § 654, Use of Existing Resources

Requires the FEMA Administrator to use existing preparedness documents, planning tools, and guidelines in establishing the national preparedness goal and the national



preparedness system, to the extent practicable and consistent with the Post-Katrina Act.

Actions Taken:

- **Revision of Existing Preparedness Documents:** Several initiatives underpinning the Post-Katrina Act's national preparedness system were underway as a result of Homeland Security Presidential Directive-8 (HSPD-8), which was issued on December 17, 2003. HSPD-8 required the development of the national preparedness goal; preparedness priorities; a comprehensive assessment system; a training and exercise program; a system to collect, analyze, and disseminate lessons learned, best practices, and information from exercises, training events, and actual incidents; equipment standards; and a federal response capability inventory, including DOD civil support resources. Because HSPD-8 preceded the Post-Katrina Act, FEMA was able to adapt existing preparedness documents, tools, and guidelines in developing the new preparedness system. For example, the Interim National Preparedness Goal, issued in March 2005, was revised and renamed the National Preparedness Guidelines. Likewise, the TCL and the National Planning Scenarios, which accompanied the Interim National Preparedness Goal, have been retained and updated as part of the new national preparedness system. Other initiatives, such as RAMP (i.e., one of the programs for tracking lessons learned and best practices from training, exercises, and actual events), preceded the Post-Katrina Act and have been continued within the new national preparedness system. § 654.

Challenges DHS and FEMA Officials Identified:

- Agency officials did not identify any challenges for this section.

Post-Katrina Act § 663, Transfer of Noble Training Center

Specifies that the Noble Training Center is transferred to the Center for Domestic Preparedness, which shall integrate the Noble Training Center into its program structure.

Actions Taken:

- **Transfer:** According to officials in FEMA's National Preparedness Directorate, the Noble Training Center was transferred to the Center for Domestic Preparedness in April 2007 at the same time that the Center for Domestic Preparedness was transferred to FEMA. Officials in the National Preparedness Directorate also told us that the medical training curriculum previously offered at the Noble Training Center, renamed the Center for Domestic Preparedness Noble Training Facility, has been completely revised and fully integrated into the Center for Domestic Preparedness's training program. § 663.

Challenges DHS and FEMA Officials Identified:

- Agency officials did not identify any challenges for this section.

Post-Katrina Act § 664, National Exercise Simulation Center

Requires the President to establish a National Exercise Simulation Center (NESC) that uses a mix of live, virtual, and constructive simulations to, among other things,

provide a learning environment for the homeland security personnel of all federal agencies, and that uses modeling and simulation for training, exercises, and command and control functions at the operational level.

Actions Taken:

- **Preliminary Support:** FEMA has been using FEMA Simulation Centers, DOD facilities, and other facilities to support exercise simulation while it develops the NESC. For example, FEMA officials said that FEMA has provided initial exercise simulation support for exercises requiring the two highest levels of federal interagency participation in the National Exercise Program. § 664.

Areas to Be Addressed:

- **Establishment:** According to an official in FEMA's National Integration Center, the NESC is currently under development and is estimated to take 3-4 years to fully establish. FEMA, in conjunction with its relevant partners, has started to define requirements for the NESC, according to the Assistant Deputy Administrator for National Preparedness. § 664.

Challenges DHS and FEMA Officials Identified:

- Agency officials did not identify any challenges for this section.

Post-Katrina Act § 682, National Disaster Recovery Strategy

Requires the FEMA Administrator, in coordination with specified and other appropriate federal agencies, nonfederal government officials (including through the NAC), and representatives from appropriate nongovernmental organizations, to develop, coordinate, and maintain a National Disaster Recovery Strategy (NDRS) to serve as a guide to recovery efforts after major disasters and emergencies. Specifies required contents for the NDRS and requires the FEMA Administrator to submit a report to Congress describing the NDRS in detail and any additional authorities necessary to implement it.

Actions Taken:

- **Initial Draft:** FEMA has developed the NDRS, which is currently in draft form. According to the Deputy Assistant Administrator for Disaster Assistance, the NDRS has had initial vetting by federal partners, but it has not yet gone to the states or out of the Disaster Assistance Directorate for internal DHS review. § 682(a).

Areas to Be Addressed:

- **Completion of the NDRS:** As of August 1, 2008, the NDRS was still under review and FEMA officials could not estimate when it would be released. § 682(a).
- **Coordination:** While FEMA officials stated that they shared the draft NDRS with federal partners for initial vetting, FEMA has not yet taken action to coordinate with nonfederal or nongovernmental stakeholders, including the NAC. § 682(a).
- **Reporting Requirement:** FEMA has not yet reported to Congress on the NDRS and has not yet taken action to consider what, if any, additional authorities will be required to carry out the NDRS for inclusion in that report. § 682(c)(1).

#### Challenges DHS and FEMA Officials Identified:

- According to the Deputy Assistant Administrator for Disaster Assistance, a number of factors have contributed to the delay in the completion of the NDRS. These factors included waiting for the completion of National Disaster Housing Strategy and the NRF, obtaining current program information from other federal agencies, and deciding the proper extent of the NDRS's review process.

#### Post-Katrina Act § 683, National Disaster Housing Strategy

Requires the FEMA Administrator, in coordination with specified federal and nonfederal government agencies, the American Red Cross, the NAC, and the NCD, to develop, coordinate, and maintain a National Disaster Housing Strategy (NDHS). Specifies required contents for the NDHS and requires the FEMA Administrator to issue guidance summarizing the types of Stafford Act housing assistance, eligibility requirements, and application procedures.

#### Actions Taken:

- **Release of Draft National Disaster Housing Strategy:** FEMA released a draft NDHS on July 21, 2008, for a 60-day public comment period, which it later extended by 7 days to September 29, 2008. The draft includes four chapters: (1) Introduction, (2) Responsibilities and Roles (which is a required component of the strategy), (3) Disaster Housing: Current Practices and Future Directions, and (4) Implementing the Strategy. § 683(a), (b)(2).
- **Coordination:** According to officials in FEMA's National Preparedness Directorate, the NAC became involved in October 2007 and has participated in drafting annexes for the second draft version of the NDHS. The officials said the draft has been shared with the NAC and other external agencies and that FEMA has received comments from the NAC, as well as others. In addition, these officials reported that in drafting the annexes, FEMA has been coordinating with several other agencies including, among others, the Department of Housing and Urban Development, the Department of Health and Human Services, the General Services Administration, the Small Business Administration, the U.S. Army Corps of Engineers, the Department of Labor, the Bureau of Indian Affairs, and the Veteran's Administration. § 683(a), (b)(2).

#### Areas to Be Addressed:

- **Plan Content:** The draft NDHS released for public comment lists seven annexes, but states that these are "under development." The titles of these annexes appear to correspond with specific content requirements of the Post-Katrina Act, as well as the requirement to provide guidance on the types of Stafford Act housing assistance. § 683(b)-(c).
- **Completion of the Strategy:** FEMA has yet to finalize the NDHS. As of August 1, 2008, FEMA officials could not estimate when the draft would be finalized and its annexes completed. § 683(a).

#### Challenges DHS and FEMA Officials Identified:

- Agency officials did not identify any challenges for this section.

For Further Reading:

- U.S. Department of Homeland Security. *National Emergency Communications Plan*. Washington D.C.: July 2008.
- U.S. Department of Homeland Security. *National Preparedness Guidelines*. Washington D.C.: September 2007.
- U.S. Department of Homeland Security. *National Response Framework*. Washington D.C.: January 2008.
- U.S. Department of Homeland Security. *Target Capabilities List*. Washington D.C.: September 2007.
- U.S. Department of Homeland Security. Federal Emergency Management Agency. *Authorized Equipment List*. <https://www.rkb.us/mel.cfm?subtypeid=549> (accessed Sept. 5, 2008).
- U.S. Department of Homeland Security. Federal Emergency Management Agency. *Comprehensive Preparedness Guide 101: Producing Emergency Plans (Interim Version 1.0)*. Washington D.C.: August 1, 2008.
- U.S. Department of Homeland Security. Federal Emergency Management Agency. *Fiscal Year 2008 Emergency Management Performance Grants Guidance and Application Kit*. Washington D.C.: February 2008.
- U.S. Department of Homeland Security. Federal Emergency Management Agency. *Fiscal Year 2008 Homeland Security Grant Program Guidance and Application Kit*. Washington D.C.: February 2008.
- U.S. Department of Homeland Security. Federal Emergency Management Agency. *Lessons Learned Information Sharing*. <https://www.llis.dhs.gov> (accessed Nov. 12, 2008).
- U.S. Department of Homeland Security. Federal Emergency Management Agency. *National Disaster Housing Strategy (Draft)*. Washington D.C.: July 2008.
- U.S. Department of Homeland Security. Federal Emergency Management Agency. National Response Framework Resource Center. "Incident Annexes." <http://www.fema.gov/emergency/nrf/incidentannexes.htm> (accessed Sept. 4, 2008).

## Enclosure VI: Supporting Regional Preparedness and Cooperation

### Post Katrina Act § 611 (Homeland Security Act § 507), Regional Offices

Requires that each of the 10 regional offices be headed by a Regional Administrator; enumerates the responsibilities of Regional Administrators; designates area offices for Alaska, the Pacific, and the Caribbean; requires each Regional Administrator to establish a Regional Advisory Council; requires each Regional Administrator to oversee regional office strike teams; and, if the Federal Emergency Management Agency (FEMA) Administrator determines additional authorities are necessary for deploying or preparing regional office strike teams, requires the FEMA Administrator to report this need to Congress.

#### Actions Taken:

- **Management of Regional Offices:** According to officials in FEMA's Disaster Operations Directorate, Regional Administrators head each of the regional offices, and are members of the Senior Executive Service. They report directly to the FEMA Administrator. Each of the Regional Administrators had professional experience in emergency management and homeland security prior to his or her appointment as Regional Administrator. § 507(b).
- **Regional Administrator Responsibilities:** According to officials in FEMA's Disaster Operations Directorate, the Regional Administrator's role in enhancing capabilities to prevent, protect against, respond to, and recover from all hazards is outlined in the Regional-National Preparedness Concept of Operations. This document specifies that Regional Administrators and Deputy Regional Administrators are responsible for the day-to-day management and administration of regional activities and staff. This document also specifies that Federal Preparedness Coordinators, as representatives of the Regional Administrators, oversee and coordinate regional preparedness program management for their regional offices. In addition, FEMA has expanded the authority of the Regional Administrators by transferring administrative and operational authority of specific preparedness personnel from their respective headquarters elements to the Regional Administrators. The following are additional actions FEMA and regional offices have taken to implement their Post-Katrina Act responsibilities:
  - **Coordinating the Establishment of Operable and Interoperable Emergency Communications Capabilities:** According to the Deputy Assistant Administrator of FEMA's Disaster Operations Directorate, each of the regional offices has a designated disaster emergency communications staff member who provides operational and tactical support.
  - **Strategic and Operational Planning:** According to FEMA officials in the Disaster Operations Directorate, the regional offices are in the process of hiring regional operational planners. FEMA expects to have three to four operational planners in each of the regional offices by the end of fiscal year 2008. As stated in the Regional-National Preparedness Concept of Operations, each of the regional offices is to have a Preparedness Analysis and Planning Officer, who is responsible for, among other things, the development of annual and multiyear regional preparedness strategies. According to Disaster Operations Directorate officials, each planning officer is expected to have a number of Preparedness Analysis and Planning Specialists to provide support. In addition, FEMA

reported that it has a new Regional Catastrophic Planning Grant Program in place to help improve the level of planning capabilities within the states. The program is administered by the Federal Preparedness Coordinators through their regional offices.

- **Fostering Cooperative Agreements:** According to FEMA officials in the Disaster Operations Directorate, the FEMA Regional Offices have established Regional Emergency Management Advisory Committees that are cross-border emergency management groups comprised of U.S. states, Canadian provinces, and federal partners. For example, one such committee includes Ontario, Quebec, Wisconsin, Illinois, Indiana, Michigan, Ohio, New York, and Pennsylvania. These officials said that there are three other committees based in different regions of the country, two of which have emergency management assistance compacts in place that have been ratified by Congress. Additionally, the officials noted that the regional offices have fostered the development of cooperative agreements through evacuation planning with their respective states as well as New Madrid Seismic Zone catastrophic planning. Furthermore, the officials said the National Emergency Management Association has developed and markets model intrastate mutual aid legislation. According to these officials, this model legislation provides states with a legal framework to address reimbursement, workers compensation and liability issues for official actions, and the foundation to execute mutual aid. This model legislation, according to the officials, also encourages participants to develop a system that addresses the logistical issues of inventory, status, ordering, support, and returning of resources.
- **Identifying Capability Gaps in Responding to Special Needs Populations:** According to officials in the Disaster Operations Directorate, FEMA's Gap Analysis Program uses a consistent, national approach to determine asset gaps at the local, state, and national levels, which they consider to be a critical component of preparedness and planning. The Gap Analysis Program examines transportation and evacuation, sheltering/mass care (general and special needs populations and companion animals), and other areas.
- **Regional Response Coordination Centers:** According to officials in FEMA's Disaster Operations Directorate, each regional office maintains a Regional Response Coordination Center. In addition, they said that the regional offices continue to hire Watch Analysts to support the coordination centers.
- **Participation in Exercises:** According to officials in FEMA's Disaster Operations Directorate, a review of Regional Exercise Support program-funded exercises indicates that out of the 44 regional exercises conducted in fiscal year 2008, all 10 Regional Administrators participated in at least 1 regional-level exercise. These officials said that Regional Administrators from Regions 9 and 10 participated in a national-level exercise program called Top Officials 4 Full-Scale Exercise in 2007. In addition, they reported that Regional Administrators from Regions 3 and 10 participated in a national-level exercise, while the Regional Administrator from Region VI participated in both planning and conducting a regional-level exercise in 2008. Finally, they said that Region 9's Regional Administrator also participated in the conduct of a tabletop exercise in 2008. § 507(c)(2)–(3).

- **Area Offices:** FEMA established area offices for Alaska, the Pacific, and the Caribbean. The Pacific office is located in Hawaii (FEMA Region 9), the Caribbean office is located in Puerto Rico (Region 2), and the Alaska office is located in Anchorage, Alaska (Region 10). § 507(d).
- **Regional Advisory Councils:** The FEMA Associate Deputy Administrator said that each of the regional offices has established a Regional Advisory Council. According to the Regional Administrator for Region 3, each of the Regional Advisory Councils has met at least once and discussed issues ranging from training and exercises to strategies to enhance private/public partnerships. § 507(e).
- **Regional Strike Teams:** According to Disaster Operations Directorate officials, “strike teams” and “emergency response teams,” the Post-Katrina Act’s terms for the support teams deployed to assist in major disasters and emergencies under the Stafford Act, are now called Incident Management Assistance Teams (IMAT). IMATs are interagency national- or regional-based teams composed of subject matter experts and incident-management professionals, and are designed to manage and coordinate national response emergencies and major disasters. According to the officials, Regional Administrators oversee IMATs based within their regions. IMAT personnel are intended to be permanent, full-time employees whose duties and responsibilities are solely focused on their IMAT functions. The officials said that the IMATs’ other functions include working with state and local emergency managers to plan, prepare, and train for disasters; running exercises; and building relationships with emergency managers and other IMAT personnel.
  - **Staffing Regional IMATs:** Disaster Operations Directorate officials said that IMATs had been established in FEMA Regions 4, 5, and 6, as of August 1, 2008. The officials also said that FEMA intends to establish IMATs in all 10 regions by the end of fiscal year 2011. According to the officials, each of the strike team positions described in the Post-Katrina Act, for example, the Federal Coordinating Officer, is represented in the established IMATs. Further, the officials explained that each of the 10 FEMA Regions has a Defense Coordinating Officer. This officer can be added to augment and support the IMAT when activated in response to a major disaster or an emergency. A Defense Coordinating Officer is required by the Post-Katrina Act in each Regional Office Strike Team. According to the officials, FEMA’s draft IMAT Concept of Operations states that personnel from FEMA headquarters, other regional offices, and other federal agencies may be organized with the IMAT as appropriate depending on the situation. Further, the draft IMAT Concept of Operations also specifically includes a designated Liaison Officer within the National Team to coordinate with external entities, including the Department of Defense.
  - **Statutory Authority:** According to FEMA officials in the Disaster Operations Directorate, FEMA has made no determination that the statutory authority is inadequate in regards to the IMATs. § 507(c)(2), (f).

Areas to Be Addressed:

- **Establishing IMATs:** According to Disaster Operations Directorate officials, as of August 1, 2008, FEMA had not established IMATs for 7 of the 10 regions, but intends to do so by the end of fiscal year 2011. § 507(c)(2), (f).

- **IMAT Credentialing and Training Program:** Officials in the Disaster Operations Directorate said that FEMA intends to develop a credentialing and training program for all IMAT positions. According to these officials, the agency is in the process of setting up focus groups to analyze positions and existing courses to identify training requirements for each position. FEMA plans to use this information to guide the development of the IMAT Training and Credentialing Standard Operating Procedures and establish a training curriculum (i.e., courses, field experience, and exercises) for various positions by types/levels. § 507(f)(5).
- **Training for Regional Administrators:** As of August 1, 2008, FEMA has not established specific training requirements for its Regional Administrators. § 507(c)(3).

Challenges FEMA and DHS Officials Identified:

- Agency officials did not identify any challenges for this section.

Post Katrina Act § 661, Emergency Management Assistance Compact Grants

Authorizes FEMA to provide grants to administer the Emergency Management Assistance Compact (EMAC).<sup>24</sup>

Actions Taken:

- **EMAC Grant:** In an undated memorandum of agreement regarding resource typing, credentialing, and mutual aid systems, FEMA agreed to provide the National Emergency Management Association (NEMA) with funds to serve as EMAC's executive agent and administrator through a cooperative agreement. According to the Assistant Deputy Administrator of FEMA's National Preparedness Directorate, in 2007, FEMA provided NEMA \$1 million in accordance with this agreement and the amount was increased in 2008 to \$2.5 million. FEMA officials said that the funds have been committed and obligated. According to the EMAC Cooperative Agreement Scope of Work, NEMA intends to implement the following objectives and tasks to enhance and improve interstate mutual aid through EMAC: (1) develop and implement an online training and education program; (2) hire additional training and education staff; (3) enhance coordination with FEMA, the Department of Homeland Security (DHS), and the federal government; (4) continue to develop National Incident Management System-compliant resource-typed mission packages and review and analyze existing registries used to support credentialing programs; (5) conduct a pilot project to develop resource staging capabilities in select states; (6) develop internal operational capacity to support major EMAC activations; (7) fund full-time administration and staff for EMAC; and (8) facilitate international mutual aid assistance. Several of these tasks, such as the training and education program, resource typing and credentialing, and developing operational capacity, reflect recommendations that NEMA had made after conducting an after-action review of the mutual aid response during the 2005 Hurricane season. § 661(a)–(b).

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<sup>24</sup>EMAC is an interstate mutual aid agreement that allows states to assist one another in responding to disasters. In June 2007, we recommended, with FEMA concurring, that FEMA look for ways to build EMAC's administrative capacity, such as cooperative agreements, grants, and training initiatives, to better develop the nation's disaster response capabilities. See GAO, *Emergency Management Assistance Compact: Enhancing EMAC's Collaborative and Administrative Capacity Should Improve National Disaster Response*, GAO-07-854 (Washington, D.C.: June 29, 2007).



- **Coordination:** According to FEMA officials, NEMA, under the EMAC Cooperative Agreement, established and maintains the EMAC Advisory Group for the purpose of bringing stakeholders together to coordinate activities, and prevent duplication of efforts and confusion. FEMA officials said that the EMAC Senior Policy Advisor serves on the National Incident Management System Project Support Team as well as several of the nine working groups, which are composed of various emergency management disciplines, to bring EMAC expertise to their deliberations on resource management, resource typing, credentialing, information management for decision support, and Incident Command System field operating guides and forms. In addition, the officials said that the EMAC Executive Task Force Chair served as the Chair of the National Incident Management System Credentialing Working Group that drafted credentialing guidelines. Furthermore, they noted that the EMAC Director has served as a member of the subcommittee preparing a national standard on resource management. § 661(b)(3)–(4), (c).

Challenges FEMA and DHS Officials Identified:

- Agency officials did not identify any challenges for this section.

Post Katrina Act § 671 (Homeland Security Act § 1805), Regional Emergency Communications Coordination

Establishes in each regional office a Regional Emergency Communications Coordination (RECC) working group and enumerates its duties, which include reporting to the Regional Administrator and coordinating across regional entities and jurisdictions to support the ability to communicate during disasters; identifies the agencies and organizations that the working groups are required to represent; and identifies public and private organizations with which to coordinate their activities.

Actions Taken:

- **Establishment:** As of August 1, 2008, 7 of the 10 RECC working groups had been established with 6 having met at least once, according to Disaster Operations Directorate officials. § 1805(a).
- **Coordination:** FEMA officials in the Disaster Operations Directorate stated that 2 RECC working groups, as of August 1, 2008, had partial coordination with the groups described in the Post-Katrina Act. § 1805(c).
- **Local Emergency Communications Systems Assessment:** According to FEMA officials in the Disaster Operations Directorate, 1 RECC working group, as of August 1, 2008, had completed its assessment of the survivability, sustainability, and interoperability of local emergency communications systems to meet the goals of the National Emergency Communications Plan. The agency further specified that 4 of the regional offices (3 of which have established RECC working groups, but 1 does not) were in the process of completing this assessment, as of August 1, 2008. § 1805(d)(1).
- **Process for Multijurisdictional Coordination:** As of August 1, 2008, 1 RECC working group was establishing a process for the coordination of a multijurisdictional, multiagency emergency communication network for use during disasters through the use of mutual aid agreements, according to officials in the Disaster Operations Directorate. § 1805(d)(3).

#### Areas to Be Addressed:

- **Establishment:** As of August 1, 2008, three of the ten RECC working groups had not yet been established, according to FEMA Disaster Operations Directorate Officials. § 1805(a).
- **Federal Representation in RECC Working Groups:** We received membership rosters for the seven RECC working groups that have been established to date. At the federal level, although the Post-Katrina Act requires each RECC working group to include representatives from DHS, the Federal Communications Commission, and other federal agencies with relevant responsibilities, only one of the rosters included a representative from the Federal Communications Commission, and two of the rosters listed no federal representatives at all, including none from DHS. § 1805(b)(2).
- **Nonfederal Representation in RECC Working Groups:** As of August 1, 2008, four of the seven RECC working group membership rosters that we received do not include all the representatives from the nonfederal elements described in the Post-Katrina Act. § 1805(b)(1).
- **Coordination:** FEMA officials from the Disaster Operations Directorate reported that five of the seven established RECC working groups, as of August 1, 2008, had not coordinated with the nonfederal groups described in the Post-Katrina Act. § 1805(c).
- **Local Emergency Communications Systems Assessment:** According to FEMA Disaster Operations Directorate officials, five regional offices (two of which are without RECC working groups), as of August 1, 2008, had not started their assessment of the survivability, sustainability, and interoperability of local emergency communications systems to meet the goals of the National Emergency Communications Plan. § 1805(d)(1).
- **Annual Reporting:** As of August 1, 2008, FEMA officials in the Disaster Operations Directorate said that all the regional offices (i.e., the seven regional offices with established RECC working groups and the three regional offices without them) were preparing to report on the status of their regions in building robust and sustainable interoperable voice and data emergency communications networks. According to these officials, the reports are due on September 31, 2008. § 1805(d)(2).
- **Process for Multijurisdictional Coordination:** As of August 1, 2008, six of the seven established RECC working groups have yet to start establishing a process for the coordination of a multijurisdictional, multiagency emergency communication network for use during disasters through the use of mutual aid agreements, according to officials in the Disaster Operations Directorate. § 1805(d)(3).
- **Establishment of Support Services:** FEMA's Disaster Operations Directorate officials reported that, as of August 1, 2008, none of the RECC working groups have coordinated the establishment of federal, state, local, or tribal support services and networks designed to address immediate and critical human needs in responding to disasters. § 1805(d)(4).

#### Challenges FEMA and DHS Officials Identified:

- A senior FEMA official in the Disaster Operations Directorate stated that the lack of travel funds for members of the RECC working groups prevented them from meeting and carrying out the duties of the working groups.

Post Katrina Act § 671 (Homeland Security Act § 1807), Urban and Other High-Risk Area Communications Capabilities

Requires DHS to provide technical guidance, training, and other assistance, as appropriate, to support the rapid establishment of consistent, secure, and effective interoperable emergency communications capabilities in the event of an emergency in urban and other high-risk areas.

Actions Taken:

- **Technical Assistance:** According to the Deputy Director of the Office of Emergency Communications, DHS has supported the rapid establishment of interoperable emergency communications capabilities of urban and other high-risk areas by providing technical assistance to Urban Area Security Initiative (UASI) grant recipients. Through the Interoperable Communications Technical Assistance Program, FEMA provided technical support and conducted workshops to assist UASI grant recipients in developing Tactical Interoperable Communications Plans, which are plans designed to prepare agencies for tactical interoperable communications sharing during an incident. For example, we reported in 2007 that FEMA’s technical assistance representatives met with public safety agencies in the Miami area to compile an inventory of regional emergency communications capabilities in support of developing the area’s tactical plan. § 1807(a).

Challenges FEMA and DHS Officials Identified:

- Agency officials did not identify any challenges for this section.

For Further Reading

- Emergency Management Assistance Compact. “Intrastate-Mutual Aid Legislation.” <http://www.emacweb.org/?150> (accessed on Aug. 29, 2008).
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- U.S. Department of Homeland Security. “TOPOFF: Exercising National Preparedness.” [http://www.dhs.gov/xprepresp/training/gc\\_1179350946764.shtm](http://www.dhs.gov/xprepresp/training/gc_1179350946764.shtm) (accessed on Sept. 5, 2008).

## Enclosure VII: Improving Timely Delivery of Goods and Services in Disaster Events

### Post-Katrina Act § 636, Logistics

Requires FEMA to develop an efficient, transparent, and flexible logistics system for procurement and delivery of goods and services necessary for an effective and timely emergency response.

#### Actions Taken:

- **FEMA's Logistics Mission:** According to the National Response Framework's Emergency Support Function 7, Logistics Management and Resource Support, FEMA is responsible for providing a comprehensive national disaster logistics planning, management, and sustainment capability that uses the resources of federal partners, public and private groups, and other stakeholders to meet disaster response and recovery needs. FEMA's Logistics Management Directorate (LMD) is the program office responsible for carrying out this mission. The following are actions taken by LMD to improve its logistics capabilities:
  - **Enhancing Logistics Management:** Seeking to develop an effective and efficient logistics planning and operations capability, FEMA elevated its logistics office from the branch to the directorate level in April 2007. Additionally, LMD has adopted the concept of the National Logistics Coordinator (NLC) as its mission. The NLC, as envisioned by FEMA, will work with its partners to coordinate domestic emergency logistics capabilities, promote the collaboration of government agencies, private sector groups and other stakeholders, and improve disaster readiness, responsiveness, and preparedness.
  - **Building Logistics Partnerships:** FEMA and the U.S. General Services Administration—FEMA's colead for Emergency Support Function 7—sponsored the National Logistics Coordination Forum, which was held in March 2008. The forum was intended to open a dialogue between the sponsors and their logistics partners, and to discuss how to better involve the private sector in planning for and recovering from disasters. The forum was also intended to initiate the development of a charter and operating doctrine for the NLC concept. In attendance were representatives from other federal agencies, public and private sector groups, nongovernmental organizations, and other stakeholders.
  - **Improving the Supply Chain:** According to the agency, FEMA's supply chain can deliver disaster commodities and equipment from its logistics centers to points of distribution during disaster operations. To improve its supply chain management, FEMA brought in a supply chain expert from the United Parcel Service through its Loaned Executive Program. FEMA also has a Private Sector Office to exchange information on best practices and to facilitate engagement with the private sector. In addition, FEMA established a Distribution Management Strategy Working Group in January 2008 to analyze and develop a comprehensive distribution and supply chain management strategy.
  - **Improving Logistics Visibility:** As of August 1, 2008, FEMA had fully implemented Total Asset Visibility (TAV) programs in Regions 4 and 6 to track and manage electronically and in real time the movement of its disaster commodities and assets. According to FEMA LMD officials, TAV is partially

available in the other 8 FEMA regions. The tracking and monitoring of disaster assets is performed by a group of trained TAV Specialists in each region.

- **Assuming Emergency Transportation Responsibility:** FEMA's LMD assumed emergency transportation responsibility from the Department of Transportation in 2007, according to LMD officials. These LMD officials said FEMA carries out its emergency transportation responsibilities by (1) processing and coordinating requests for federal transportation support from FEMA Regions, Distribution Centers, National Logistics Staging Areas and Joint Field Offices, Emergency Support Functions, and other organizations, including requests for military transportation; (2) acquiring transportation services and in-transit visibility of transportation assets into and out of disaster areas; and (3) assisting in the implementation of alternate transportation services. DHS and FEMA signed a Memorandum of Agreement (MOA) with the General Services Administration for emergency transportation support, which had previously been supplied by a private-sector vendor under the Department of Transportation. Additionally, the MOA outlines FEMA and the General Services Administration's respective responsibilities for Emergency Support Function 7 (Logistics). The officials also noted that LMD's Transportation Branch works closely with Emergency Support Function 1 (Transportation), to be aware of highway infrastructure issues that could affect FEMA movements.
- **Staffing a Professional Workforce:** At the time of our work, LMD had hired 22 of 25 full-time employees (FTE) for fiscal year 2008, and is continuing the hiring process to meet its fiscal year 2008 hiring goal. LMD intends to complete its hiring actions by September 30, 2008, and has been allocated an additional 30 FTEs for fiscal year 2009.
- **Delivering Individual Assistance Services:** According to the FEMA Administrator, as of August 1, 2008, FEMA can mobilize 60 Mobile Disaster Recovery Centers to assist disaster victims on-site. Mobile Disaster Recovery Vehicles are used to support these centers. As of August 1, 2008, FEMA was in the process of hiring a permanent, full-time manager and drafting a budget for a program to manage its fleet of 60 Mobile Disaster Recovery Vehicles, according to LMD officials.
- **Providing Logistical Support for FEMA's Housing Program:** FEMA transitioned the logistics management of its temporary housing unit program from the regional offices to FEMA headquarters, according to LMD officials. The officials said that the Concept of Operations for the temporary housing unit program was signed by the Assistant Administrator of LMD on May 12, 2008, and issued as a "Working Draft" for the 2008 hurricane season. The officials further noted that LMD plans to collect lessons learned from the 2008 hurricane season and publish a final operating procedure in the first or second quarter of fiscal year 2009. § 636.

Areas to Be Addressed:

- **Transforming LMD:** In 2007, FEMA conducted the Logistics Management Transformation Initiative, a comprehensive assessment of FEMA's logistics planning, processes, and technology. LMD officials intend for this initiative to help inform the development of a long-term strategy to transform FEMA's business processes and identify information technology (IT) development opportunities.

According to LMD officials, FEMA plans to complete this transformation by 2009, and review and refine business processes by 2014. § 636.

- **Strategic and Operational Plans:** The DHS Office of Inspector General reported in May 2008 that, while FEMA had developed a logistics planning strategy that calls for developing three levels of logistics plans (strategic, operational, and tactical), the FEMA Incident Logistics Concept of Operations and a Logistics Management Operations Manual were still in draft. As of August 1, 2008, LMD officials could not estimate when the documents would be finalized. § 636.
- **Logistics Visibility:** In May 2008, the DHS Office of the Inspector General also reported that FEMA's IT systems do not provide the agency with complete asset visibility, comprehensive asset management, or integrated information during disaster response, but noted that FEMA has made efforts to improve its IT systems. According to LMD officials, the aspect of TAV FEMA uses to manage warehouse inventory is only available at Distribution Centers in Atlanta, Georgia, and Fort Worth, Texas. The officials stated that FEMA expects to deploy the warehouse management portion of TAV to the other six FEMA distribution centers—in Berryville, Virginia; Frederick, Maryland; San Jose, California; Guam; Hawaii; and Puerto Rico—in fiscal years 2009 and 2010. Further, the officials said that shipments from FEMA's logistics partners are not yet tracked through TAV, but FEMA is working with the General Services Administration, U.S. Army Corps of Engineers, and American Red Cross to integrate their shipments into TAV to provide full visibility of these partners' critical shipments to disaster areas. § 636.
- **Logistics Credentialing:** As of August 1, 2008, LMD was planning to implement a prototype logistics-management credentialing program, according to LMD officials. The officials said that LMD plans to focus the program initially on the FEMA headquarters workforce, then expand it to the regions, and eventually include other agencies and states. § 636.

#### Challenges FEMA and DHS Identified:

- Agency officials did not identify any challenges for this section.

#### Post-Katrina Act § 637, Prepositioned Equipment Program

Requires FEMA to establish a prepositioned equipment program in at least 11 different locations. This section also requires FEMA, when closing a prepositioned program, to notify affected state, local, and tribal officials not later than 60 days before such closure.

#### Actions Taken:

- **Prepositioned Equipment Program:** FEMA's Disaster Operations Directorate is responsible for the management of the Prepositioned Equipment Program. As of August 1, 2008, there were prepositioned equipment programs in eight different locations across the country, according to officials in the Disaster Operations Directorate. § 637(a).
- **Advance Notice of Closure:** According to officials in FEMA's Disaster Operations Directorate, four Prepositioned Equipment Program sites were transferred in spring 2006 (prior to the passage of the Post-Katrina Act) from: Long Beach, California to Moffett Field, California; Albuquerque, New Mexico to Ft. Worth, Texas; Chantilly, Virginia to Frederick, Maryland; and Tampa/St. Petersburg, Florida to Atlanta,

Georgia. At the time the program was managed by FEMA's Logistics Branch (now the Logistics Management Division). According to Disaster Operations Directorate officials, FEMA coordinated, to varying degrees, with the affected states prior to the transfers. The officials noted that as of August 1, 2008 they had not closed a prepositioned equipment location since assuming management of the program. § 637(b).

Areas to Be Addressed:

- **Establishing Prepositioned Equipment Programs:** According to FEMA officials, the Disaster Operations Directorate is drafting the business plans for three additional prepositioned programs, and intends to establish these remaining three programs by fiscal year 2012. The total estimated cost for establishing these three programs is \$9 million, said the officials. § 637(a).
- **Advance Notice of Closure Policies:** According to FEMA officials responsible for the Prepositioned Equipment Program, FEMA has not yet developed written guidance for providing advance closure notice, but plans to do so. § 637(b).

Challenges FEMA and DHS Identified:

- FEMA officials reported funding as a challenge. They said that adequate funding was critical to maintain the current 8 prepositioned equipment program pods, establish 3 additional program pods, and ultimately maintain all 11 program pods, as mandated by the Post-Katrina Act.

Post-Katrina Act § 681 (Stafford Act §§ 402, 502), General Federal Assistance

Amends the Stafford Act to authorize the President to provide accelerated federal assistance in the absence of a specific request where necessary to save lives, prevent human suffering, or mitigate severe damage in a major disaster or emergency. This section also requires the President to promulgate and maintain guidelines to assist governors in requesting the declaration of an emergency in advance of a disaster event.

Actions Taken:

- **Accelerated Federal Assistance Directive:** According to officials in FEMA's Disaster Operations Directorate, FEMA is currently reviewing a draft policy directive for providing accelerated federal assistance. The officials said that the directive states that FEMA can provide federal assistance without a major disaster or emergency declaration if a state agrees to assume the normal cost share after a declaration has been made or assume total cost if no declaration is made. §§ 402(5), 502(a)(8).
- **Providing Accelerated Federal Assistance:** According to officials in FEMA's Disaster Operations Directorate, FEMA provides accelerated federal assistance in two forms. The first form involves the prepositioning of goods and services in advance of a potential disaster. For example, the officials explained that FEMA was able to respond quickly to a state that had been affected by ice storms because the agency, acting without an initial request from the state, had prepositioned goods in advance of the storms. The officials said that the second form includes the use of gap analysis, a tool in which FEMA asks a given jurisdiction to provide information on its disaster response needs and its current capabilities. According to the



officials, the resulting difference identifies the resources and services FEMA should provide in the event of a disaster. §§ 402(5), 502(a)(8).

- **Guidelines for Governors:** FEMA issued an interim Disaster Assistance Policy in July 2007, which provides guidelines to assist Governors in requesting the declaration of an emergency in advance of a disaster. § 502(c).

Challenges FEMA and DHS Identified:

- Agency officials did not identify any challenges for this section.

#### For Further Reading

- U.S. Congress. Senate. Committee on Homeland Security and Government Affairs. *Statement of R. David Paulison, Administrator, Federal Emergency Management Agency, U.S. Department of Homeland Security*. 110th Cong., 2nd sess., April 3, 2008.
- U.S. Congress. Senate. Committee on Homeland Security and Government Affairs. *Statement of Richard L. Skinner, Inspector General, U.S. Department of Homeland Security*. 110th Cong., 2nd sess., April 3, 2008.
- U.S. Department of Homeland Security. Federal Emergency Management Agency. "Declaration Policies and Guidance." <http://www.fema.gov/hazard/guidance.shtm> (accessed on Sept. 5, 2008).
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## Enclosure VIII: Changing Contracting Practices to Enhance Preparedness and Strengthen Accountability

### Post-Katrina Act § 691, Advance Contracting

Requires the Federal Emergency Management Agency (FEMA) Administrator to report to Congress on recurring disaster response requirements for which the agency is and is not capable of contracting in advance, to enter into at least one advance contract for each type of the goods and services identified in the report, and to report quarterly on disaster assistance contracts entered into using other than competitive procedures. Also requires the FEMA Administrator to encourage state and local governments to establish prenegotiated contracts for goods and services.

#### Actions Taken:

- **Initial Reporting Requirement:** FEMA submitted a report to Congress in December 2007 on advance contracting that:
  - identified specific goods and services that FEMA could contract for in advance of an event, such as construction supplies, communications gear, and food items and services such as engineering, communication services, and environmental services;
  - identified specific goods and services that FEMA could not contract for in advance of an event, such as perishable food items, plasma, and hazmat materials;
  - described FEMA's strategy for maximizing use of advance contracts;
  - identified prenegotiated federal contracts for goods and services; and
  - described FEMA's continuing efforts to coordinate with state and local governments, as well as other federal agencies, on prenegotiated contracts. § 691(a), (b)(1), (3).
- **Entering into Contracts:** Since the December 2007 Congressional Report, FEMA officials told us the following prepositioned goods and services have been placed under contract: consulting and management services for the placement of disaster victims into hotels during a mass evacuation; damage inspection services and field registration; mail services for processing incoming mail and claim forms from disaster victims; installation and maintenance of temporary housing; rail and bus services for evacuees; ground, air fixed and rotary winged, and para-transit services for removal of people and supplies; mass evacuation transportation planning; communications; technical, analytical, planning, and coordination services; base camp initiation and management; fuel and other provisions; hazard mitigation engineering services and technical services; storage, shipping, and maintenance of mail equipment; maintenance of disaster response vehicles; temporary housing units for disaster victims; emergency family registry and locator system for law enforcement; disaster legal services; satellite network communications for disaster operations; verification and authentication of applicants applying for aid; remote registration intake capability at shelters; unemployment assistance; animal and health inspection services; truck drivers and emergency response support specialists; disaster kits to include basic sundry items, cots, and equipment rentals; Web-based disaster training for federal, state and local government, and tribal and private organizations that respond to disasters; and formaldehyde testing. § 691(b)(1).

- **Quarterly Reporting Requirements:** FEMA submitted the first-quarter report for fiscal year 2007 on contracts not using competitive procedures as part of the advance contracting report in December 2007. FEMA submitted a combined third- and fourth-quarter report for fiscal year 2007 in May 2008 on contracts not using competitive procedures. The combined report included two spreadsheet attachments, one listing overall disaster assistance contract awards, and the second listing a subset of noncompetitive contract awards, made during the 2007 third and fourth fiscal quarters. In May and July 2008, FEMA submitted first- and second-quarter 2008 reports, respectively, to Congress on contracts not using competitive procedures. FEMA also submitted the third-quarter 2008 report to Congress in July 2008. § 691(d).
- **Encouraging Prenegotiated State and Local Contracts:** FEMA has taken the following actions to encourage state and local governments to establish prenegotiated contracts for goods and services:
  - **Guidance:** FEMA has provided guidance to Public Assistance applicants through the Debris Removal Applicant’s Contracting Checklist, which was prepared August 2006. The checklist can be found at [www.fema.gov](http://www.fema.gov) under the search words Debris Removal Applicant’s Contracting Checklist. FEMA issued a 98-page Public-Assistance Debris-Management Guide in July 2007 to encourage nonfederal entities to take a proactive approach to coordinating and managing their debris removal operations as part of their overall emergency management plan.
  - **Strategy:** FEMA produced a Debris-Removal Operations Disaster-Assistance Strategy in June 2007, in order to assist state and local governments, which have principal responsibility for coordinating and managing debris removal operations.
  - **Registry:** FEMA has established a Web-based Debris-Removal Contractor Registry, with over 800 contractors, specifically for state and local governments to use to plan in advance to establish institutional capability for managing debris removal operations. This registry can be found at [www.fema.gov](http://www.fema.gov) under the search words Debris Removal Contractor Registry. This registry is separate from the one required by section 697 of the Post-Katrina Act, which is discussed later in the enclosure. The registry homepage states that the information in the registry is provided and maintained by contractors, not by FEMA, and that state and local governments are responsible for exercising due diligence before entering a contract. However, the registry is available as a tool to assist state and local governments in identifying and contacting debris-removal contractor resources. § 691(b)(4).

Challenges FEMA and DHS Officials Identified:

- Agency officials did not identify any challenges for this section.

Post-Katrina Act § 692, Limitations on Tiering of Subcontractors

Requires the Secretary of Homeland Security to promulgate regulations to limit contractors’ use of subcontracts—at a minimum the regulations are to limit subcontracts to 65 percent of the cost of any DHS disaster response contract, task, or delivery order above the simplified acquisition threshold, unless the secretary determines that such requirement is not feasible or practicable.

#### Actions Taken:

- **Draft Regulation:** FEMA's Director of Acquisition Operations told us that DHS has drafted a regulation to implement section 692. § 692.
- **Coordination with FEMA:** The FEMA Director of Acquisition Operations told us that DHS has coordinated the drafting of the regulation with FEMA, which is the component likely to be most affected by it. § 692.

#### Areas to Be Addressed:

- **Final Regulation:** The regulation to implement section 692 is still under review at DHS and has not been published as a proposed rule in the Federal Register. § 692.

#### Challenges FEMA and DHS Officials Identified:

- The DHS Inspector General (IG) reported in July 2008 that "it does not appear that multitier subcontracting, as an isolated factor, caused significant increases in costs to the government, nor did it reduce subcontracting opportunities for small and local businesses. The prime contractors subcontracted a significant amount of the value of their contracts to small and local business." The DHS IG further reported that, "by limiting subcontracting, section 692 could restrict funding available to small and local businesses while potentially impairing FEMA's ability to respond quickly to future catastrophic disasters." The DHS IG calculated that had section 692 "been in effect following Hurricane Katrina, approximately \$300M worth of subcontracting would not have been allowed." The DHS IG report recommended that FEMA and DHS officials work with the Office of Federal Procurement Policy to seek congressional relief from section 692 and the promulgation of less restrictive rules over multitier contracts. FEMA officials told us that they are advocating the repeal of section 692, absent evidence that section 692 would not adversely affect small businesses or the contract workforce available to FEMA. DHS's Office of the Chief Procurement Officer also advocates the repeal of section 692 because, under a new law, the Federal Acquisition Regulations (FAR) must be amended to limit the tiering of subcontractors for cost-type contracts and orders above the simplified acquisition threshold.<sup>25</sup> Because all civilian executive branch agencies will be subject to the new FAR requirement, DHS's Office of the Chief Procurement Officer believes that Congress should repeal the DHS-specific requirement in section 692, which it views as inconsistent with the new civilianwide requirement.

#### Post-Katrina Act § 694 (Stafford Act § 307), Use of Local Firms and Individuals

Requires federal agencies to provide a local contracting preference in the award of emergency-response contracts to the extent feasible and practicable, to provide a written justification for awards made to nonlocal businesses, and to transition any preexisting emergency-response contracts to local businesses following a Stafford Act declaration, unless the head of the contracting agency determines that it is not feasible or practicable to do so.

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<sup>25</sup>Duncan Hunter National Defense Authorization Act for Fiscal Year 2009, Pub. L. No. 110-417, § 866, 122 Stat. 4356 (2008).

#### Actions Taken:

- **Rule:** The DHS Director of Acquisition Policy and Legislation reported that DHS/FEMA sponsored a governmentwide rule to implement section 694 of the Post-Katrina Act. The rule, which is subject to the Federal Acquisition Regulation (FAR) rulemaking process, was published as an interim rule in the Federal Register in November 2007 and took effect at that time, accompanied by a request for public comments.<sup>26</sup> No public comments were received, and the interim rule was adopted as a final rule in September 2008.<sup>27</sup> The rule addresses the requirements of the statute as follows:
  - **Local Area Contracting Preference:** The rule requires federal agencies to provide a local area contracting preference in the award of emergency response contracts to the extent feasible and practicable.
  - **Written Justification:** The rule requires contracting officers to issue a written justification to the contracting file when awarding emergency response contracts to nonlocal businesses.
  - **Local Area Business Transition:** The rule requires agencies to transition any preexisting emergency response contracts to local businesses following a Stafford Act declaration, unless the agency head determines that such transition is not feasible or practicable. Further, the rule states that agencies should not structure emergency-response contracts in such a way that may inhibit the transition of the work to local firms after a Stafford Act event is declared. § 307(a)-(b).
- **Local Area Contracting Preference Instructions:** FEMA's Disaster Contracting Course, published in February 2008, includes specific information on the local area contracting preference. The FEMA Director of Acquisition Operations told us that the tenet of using local sources is covered in FEMA's disaster training and communicated frequently to help ensure that the contracting officers and specialists are aware of it; for example, during recent disaster assistance activities, an e-mail reminded staff of the local area preference. § 307(a).

#### Areas to Be Addressed:

- **Local Area Business Transition Guidance:** According to FEMA's Branch Chief of Acquisition Policy and Legislation, FEMA plans to issue acquisition guidance to assist contracting officials in structuring emergency response contracts to allow for the transition of the work to local firms, which will reportedly supplement existing guidance issued by the FAR Councils and the DHS Office of the Chief Procurement Officer. FEMA officials told us that FEMA is developing the additional guidance through the use of an Integrated Process Team composed of both acquisition and program personnel and expects to have the guidance in draft no later than October 31, 2008. According to officials from FEMA's Office of Management, FEMA sent a small business and local transition team to Austin, Texas, to pilot a transition program. The process is being documented and from this effort, the local area business transition guidance will be finalized. The officials said the guidance is expected to be finalized no later than March 31, 2009. § 307(b)(2).

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<sup>26</sup>72 Fed. Reg. 63,084 (Nov. 7, 2007).

<sup>27</sup>73 Fed. Reg. 53,995 (Sept. 17, 2008).

Challenges FEMA and DHS Officials Identified:

- Agency officials did not identify any challenges for this section.

Post-Katrina Act § 695, Limitation on Length of Certain Noncompetitive Contracts

Requires the Secretary of Homeland Security to promulgate regulations restricting the contract period for noncompetitive emergency-response contracts awarded by DHS. The contract period shall be the minimum necessary to complete the urgent and compelling requirements of the work and enter into another contract using competitive procedures, but shall not exceed 150 days unless the secretary determines that exceptional circumstances apply.

Actions Taken:

- **Inclusion in Homeland Security Acquisition Manual:** DHS has addressed the section 695 restrictions in its Homeland Security Acquisition Manual. In the case of contracts awarded based on unusual and compelling urgency, the manual states that the contract period should be the minimum necessary, but not to exceed 150 days unless a justification is approved that exceptional circumstances apply. § 695.

Areas to Be Addressed:

- **Inclusion in Regulations:** Senior DHS officials in the Office of the Chief Procurement Officer for Acquisition Policy told us that they will include the section 695 restrictions in DHS's Homeland Security Acquisition Regulation, as required by the Post-Katrina Act, but this action has not yet been completed. However, they told us that the Homeland Security Acquisition Manual was mandatory, so the restrictions are effective pending the issuance of a regulation in the Homeland Security Acquisition Regulation. § 695.

Challenges FEMA and DHS Officials Identified:

- DHS officials told us that DHS is seeking a repeal of section 695 because it holds DHS to a different standard than the rest of the federal government, as provided for in section 862 of the recently enacted Duncan Hunter National Defense Authorization Act for Fiscal Year 2009.<sup>28</sup> This law establishes a maximum 1-year period for noncompetitive federal contracts awarded on the basis of unusual and compelling urgency, unless the head of the agency determines that exceptional circumstances apply.<sup>29</sup> In comparison, DHS's limit is 150 days under section 695. Absent unique requirements based on DHS's mission needs, DHS advocates that it be subject to the same restrictions on the length of noncompetitive awards in times of disaster that govern other executive agencies. DHS supports the governmentwide 1-year maximum period of performance for noncompetitive procurements because, according to DHS, it is precisely in a time of emergency that the department's scarce contracting resources need to focus on urgently procuring relief-related goods and services. DHS believes that it is counterproductive to major

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<sup>28</sup>Pub. L. No. 110-417, 122 Stat. 4356 (2008).

<sup>29</sup>Before this provision was enacted, the FAR Councils had published a similar proposed rule to amend FAR § 6.302-2 by restricting the performance period to no more than 1 year for noncompetitive contracts awarded on the basis of unusual and compelling urgency. See 73 Fed. Reg. 5,784 (Jan. 31, 2008).

disaster relief efforts to require DHS contracting officers to generate new contracts after only 150 days.

#### Post-Katrina Act § 697, Registry of Disaster Response Contractors

Requires FEMA to establish and maintain a registry of disaster-response contractors that includes their names, locations, areas served, goods or services provided, bonding levels, and socioeconomic status; to verify, through contractors' attestations and documentation, that the information submitted for the registry is true; and to make the registry available on the FEMA Web site for other federal agencies to consult.

#### Actions Taken:

- **Modification of Existing Registry:** FEMA asked the General Services Administration (GSA) to modify an existing federal contractor registry, Central Contractor Registration (CCR), to meet the requirements to include additional information on disaster-response contractors. This registry is the primary contractor registrant database for the federal government. FEMA asked GSA to supplement existing CCR data fields to include bonding levels and areas served for disaster response contractors. According to FEMA's Branch Chief of Acquisition Policy and Legislation, the addition of these two fields, coupled with the information already in the CCR, will cover the content required by section 697. GSA added these two categories to the CCR registration process in an optional Disaster Relief Registry, which, according to officials in FEMA's Office of Management, went public on September 24, 2008, in an effort to begin capturing local firm information from the states of Texas and Louisiana. § 697(b)(1)-(2).
- **Categories Included in Registry Contents:** CCR already includes
  - the name of the business concern;
  - its location, telephone information, primary place of business, and whether the business concern is
    - (1) a small business concern
    - (2) a small business concern owned and controlled by socially and economically disadvantaged individuals
    - (3) a small business concern owned and controlled by women or
    - (4) a small business concern owned and controlled by service-disabled veterans. § 697(b)(2).
- **Representation of Small Business Status:** According to FEMA officials, the CCR allows traditional small businesses, women-owned small businesses, veteran-owned small businesses and service-disabled veteran-owned small businesses to self-attest to their small business status. § 697(b)(2)-(3).
- **Certification of Other Statuses:** For other special statuses like small disadvantaged businesses (SDB), section 8(a) small businesses,<sup>30</sup> and historically underutilized business zone (HUBZone) small businesses, FEMA officials stated

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<sup>30</sup>Section 8(a) small businesses are so called because their business development program derives from section 8(a) of the Small Business Act, 15 U.S.C. § 637(a).

that vendors must enter proof of certification by the Small Business Administration.<sup>31</sup> § 697(b)(2)-(3).

- **Web Site:** A link to the CCR has been added to the FEMA Web site: <http://www.fema.gov/business/contractor.shtm>. § 697(b)(4).

#### Areas to Be Addressed:

- **Attestation Process:** FEMA officials have not determined how they intend to implement the attestation requirement contained in section 697. § 697(b)(3).
- **Verification Process:** FEMA officials have not determined how they intend to implement the verification requirement contained in section 697. Shortly before we published this document, FEMA officials told us that they are meeting with Dun & Bradstreet to determine whether the firm can verify the accuracy of information entered into the CCR by vendors. If the firm cannot, FEMA officials said that they will develop the verification process by March 31, 2009. However, they did not provide any related project details. § 697(b)(3).
- **Federal Consultation of Registry:** Just before our publication deadline, the DHS Office of the Chief Procurement Officer, Acquisition Policy and Legislation Branch, advised us that it had developed and submitted a FAR business case to the GSA Civilian Agency Acquisition Council Chairperson, requesting rule making to implement the requirement in section 697 for federal agencies to consult the disaster response contractor registry as part of their acquisition planning. According to DHS, the proposed FAR rulemaking will complement the CCR's collection of business concerns' data (including added data fields for disaster response contractors) for agencies involved with disaster contracting. They told us the FAR rule will provide guidance to federal agencies when contracting for disaster relief activities to consult the registry during acquisition planning. § 697(b)(5).

#### Challenges FEMA and DHS Officials Identified:

- Cost is a challenge in setting up a FEMA-administered disaster-response contractor registry: the Branch Chief of Acquisition Policy and Legislation estimated that developing a stand-alone registry would cost millions of dollars.
- Cost is also a challenge for the verification of the information submitted to the database: the Branch Chief raised concerns about the cost-effectiveness of vetting, in advance, each registered business nationwide, and said that funding to set up such a system would be needed.
- FEMA officials in the Office of Management also expressed concern about the attestation and verification elements of the law. They told us that neither FEMA, nor any present DHS organization, possesses the personnel, resources, or funds necessary to review and verify attestations of entities' records in the CCR; presently, there are over 460,000 entities registered in the CCR that can voluntarily register for the "Disaster Response Registry" fields. These officials said they would be required to divert FEMA resources (personnel and funds) that could best be utilized on mission-critical efforts. They also noted concerns about complexities that could arise from the need to handle disputes of records and nonverifiable

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<sup>31</sup>The Small Business Administration is currently reassessing its role in certifying SDBs. 73 Fed. Reg. 54,881 (Sept. 23, 2008).



information and data. The officials noted that the process of verifying voluntary business submittals in the CCR before any entity receives a contract would be redundant to contracting officials' existing responsibilities to verify business information before the award of a contract.

- In light of these concerns, the DHS Office of the Chief Procurement Officer told us that it is seeking legislative relief from the submission, attestation, and verification requirements of section 697. According to DHS, the legislative proposal reportedly requests relief from what DHS views as very costly and redundant attestation and verification requirements by FEMA at the time of entry into the disaster registry by business concerns. DHS believes the use of the existing CCR, a proven business system, offers the appropriate cost effective electronic business solution to collect the section 697 data for the disaster response registry, and that validation and verification by the contracting officer at the time of award, an existing inherent responsibility, provides more current, cost-effective and potentially more reliable verification than at the time of business concerns' entries into the registry.

For Further Reading:

- U.S. Department of Homeland Security. Federal Emergency Management Agency. "Advance Contracting of Goods and Services: Report to Congress." December 2007.
- U.S. Department of Homeland Security. Federal Emergency Management Agency. "Debris Management Guide." July 2007.  
<http://www.fema.gov/government/grant/pa/demagde.shtm> (accessed on September 5, 2008).
- U.S. Department of Homeland Security. Federal Emergency Management Agency. "Disaster Contracts Report for First Fiscal Quarter 2008: Report to Congress." May 2008
- U.S. Department of Homeland Security. Federal Emergency Management Agency. "Disaster Contracts Report for Second Fiscal Quarter 2008: Report to Congress." July 2008.
- U.S. Department of Homeland Security. Federal Emergency Management Agency. "FEMA Recovery Division Fact Sheet RP9580.201: Debris Removal Applicant's Contracting Checklist." [www.fema.gov/pdf/government/grant/pa/9580\\_201.pdf](http://www.fema.gov/pdf/government/grant/pa/9580_201.pdf). (accessed on Sept. 5, 2008).
- U.S. Department of Homeland Security. Federal Emergency Management Agency. "Report on Disaster Contracts Issued on a Non-Competitive Basis, 3<sup>rd</sup> and 4<sup>th</sup> Quarters of Fiscal Year 2007: Report to Congress." May 2008.
- U.S. Department of Homeland Security. Office of Inspector General. "Hurricane Katrina Multitier Contracts." OIG-08-81. July 2008.

## **Enclosure IX: Improving Information Technology Systems to Support Compatibility, Accessibility, and Tracking**

### Post Katrina Act § 640, Improvements to Information Technology Systems

Requires the Federal Emergency Management Agency (FEMA) to take measures to update and improve its information technology (IT) systems and submit to the appropriate committees of Congress a report on its progress in implementing this section.

#### Actions Taken:

- **Compatibility of FEMA IT Systems and Asset Tracking Capability:** According to FEMA's 2007 report to Congress on its IT systems, FEMA's Office of the Chief Information Officer (CIO) was managing an IT environment composed of a multitude of independent systems that were experiencing difficulties in sharing information. FEMA employs three IT systems to track personnel, supplies, and commodities during disasters. To electronically track its property, FEMA uses the Logistics Information Management System III. For tracking disaster response personnel and their employee information, FEMA uses the Automated Deployment Database (ADD). Lastly, FEMA uses the Total Asset Visibility (TAV) system for supply-chain management, enabling FEMA to track commodities in real time. FEMA has several initiatives underway to improve system interaction, information sharing, and communication, with the aim to begin integrating the information in its three distinct personnel and asset tracking systems in fiscal year 2009. Through these initiatives, FEMA intends to achieve a more seamless information-sharing environment among its asset-tracking systems, resulting in a more integrated common operating picture for FEMA management. In addition, according to officials in the Office of the CIO, FEMA has developed a data analysis and reporting process that examines and collates data from multiple sources so that FEMA's program offices can analyze combined data and create reports for FEMA offices. FEMA also has a separate system designed to track mission assignments and requests for goods and services. In addition, this system has the capability to store prescribed mission assignments in advance, so that program operations can more quickly and easily manage the assignments during disasters. § 640(a)(1), (4).
- **Timely Technology Enhancements:** According to officials in the Office of the CIO, FEMA currently has a process for the rapid development of technology applications to ensure that technology enhancements reach its offices in a timely fashion. These officials said that FEMA intends to replace that process with a centrally managed process under the Enterprise Application Development Integration Sustainment contract, which is a contract vehicle intended to execute all the software development needs of FEMA offices. § 640(a)(2).
- **Asset Tracking Capability:** FEMA officials told us shortly before we published this document that, as of August 1, 2008, all 10 FEMA regions have TAV program capability to electronically track all orders, shipments in transit, and shipments received of its disaster commodities and assets in real-time status. The tracking and monitoring of disaster assets is performed by a group of trained TAV Specialists in each region. In addition, FEMA officials told us that in September of 2008, FEMA began coordinating with the Defense Logistics Agency, the U.S. Army Corp of

Engineers, and the American Red Cross to link the TAV system to these external agency supply systems to enable tracking of Mission Assignment purchases and shipments from these activities to FEMA disaster support operations, which FEMA expects will be operational by spring 2009. FEMA officials also told us that planned improvements to the TAV program in the next fiscal year include linking the system to a new property management system recommended by DHS, inclusion a function to allow visibility of partner—such as Red Cross and the Defense Logistics Agency—shipments and purchases, and improving the field connectivity of the TAV system by inclusion of these requirements in the overall CIO communications upgrades, but no documentation of these current and planned efforts accompanied their remarks. § 640(a)(4).

- **National Emergency Management Information System Improvements:** FEMA has increased the capacity of its IT system for response and recovery operations—the National Emergency Management Information System (NEMIS)—to process concurrent requests, said officials in the Office of the CIO. According to the officials, FEMA intends to centralize NEMIS into one departmental data center and establish disaster recovery capabilities in a second departmental data center. § 640(a)(5).
- **IT Training:** The Emergency Management Institute (EMI) and FEMA vendors provide training on FEMA’s IT systems. EMI provides training on NEMIS and other FEMA systems. EMI training includes user guides, manuals, and other materials. According to officials in the Office of the CIO, training materials and user guides are required on delivery of all commercial-off-the-shelf software packages, and the vendors for ADD and TAV provide training for their systems. § 640(a)(6).
- **Reporting Requirement:** FEMA submitted a report to Congress entitled *Public Law 109-295, Section 640 Response: Improvements to Information Technology Systems* in September 2007. § 640(b).

Areas to Be Addressed:

- **Completion of IT Upgrades:** FEMA expects that completing alignment of its IT systems with its mission needs will be a long-term process that will extend well into fiscal year 2010 and will require the commitment of both resources and leadership. Officials in the Office of the CIO stated that FEMA anticipates investing \$1 million in the redesign of NEMIS (for disaster assistance requests) in fiscal year 2009. In addition to NEMIS’s redesign, FEMA plans to transfer ADD’s (personnel) functions to a new Human Resource system. FEMA officials told us that a Web-enabled Automated Deployment Database is currently under development, with an introduction scheduled for late first quarter fiscal year 2009, and that it will serve as a bridge to a future Human Resource system. Further, FEMA plans to replace the Logistics Information Management System III (property management) with a new software platform, and improve its mission-assignment (operations) system capabilities. § 640(a).
- **Developing a Testing Environment:** According to FEMA’s 2007 IT report, the Office of the CIO’s testing environment is limited and needs improvement. To improve its testing capability, FEMA is developing the Consolidated Test Facility, according to officials in the Office of the CIO. The officials said that FEMA plans to house two testing environments in the facility. One environment will be used to

perform integration testing and development for software delivered to the agency. The other will be used to perform stress and performance testing. § 640(a)(3).

Challenges FEMA and DHS Officials Identified:

- Agency officials did not identify any challenges for this section.

For Further Reading

- U.S. Congress. House Subcommittee on Emergency Communications, Preparedness and Response and Subcommittee on Management, Investigations, and Oversight, Committee on Homeland Security. *Statement of Matt Jadacki, Deputy Inspector General for Disaster Assistance Oversight, U.S. Department Of Homeland Security*. 110th Cong., 1<sup>st</sup> sess., February 28, 2007.
- U.S. Department of Homeland Security. Federal Emergency Management Agency. *Public Law 109-295, Section 640 Response: Improvements to Information Technology Systems*. Washington, D.C.: September 2007.
- U.S. Department of Homeland Security. Office of Inspector General. *DHS' Efforts to Develop the Homeland Secure Data Network*. Washington, D.C.: April 2005.
- U.S. Department of Homeland Security. Office of Inspector General. *Management of the DHS Wide Area Network Needs Improvement*. Washington, D.C.: December 2005.

## **Enclosure X: Human Capital: Ensuring a Well-Trained, Professional Workforce to Prepare for, Respond to, and Recover from Disasters**

### Post-Katrina Act § 611 (Homeland Security Act § 510), Credentialing and Typing

Requires the Federal Emergency Management Agency (FEMA) Administrator to enter into a Memorandum of Understanding (MOU) with the administrators of the Emergency Management Assistance Compact (EMAC),<sup>32</sup> as well as state, local, and tribal governments, and organizations that represent emergency response providers, to collaborate on developing standards for deployment capabilities, including credentialing and typing<sup>33</sup> of personnel and resources likely needed for a disaster response.

#### Actions Taken:

- **Establishment of MOU:** Effective April 1, 2007, the FEMA Administrator entered into an MOU with the National Emergency Management Association, which is the administrator of EMAC, regarding resource typing and credentialing of personnel and mutual aid systems. § 510.
- **Draft Credentialing Standards:** The National Incident Management System (NIMS) Draft Guideline for the Credentialing of Personnel was published in August 2008. The guideline has been developed to establish definitions to explain and identify actions and processes that can provide the foundation for consistent use and interoperability of credentialing on a national scale. By establishing recommended protocols to facilitate coordinated response to incidents, the guideline is intended to encourage interoperability between federal, state, and local officials, and will facilitate deployment for response, recovery, and restoration. § 510.

#### Areas to Be Addressed:

- **Final Credentialing Standards:** FEMA has not yet published the final Guideline for the Credentialing of Personnel, but FEMA officials in the National Preparedness Directorate told us that as of October 1, 2008, the draft guideline was being prepared for publication in the Federal Register for a 30-day public comment period. § 510.
- **Resource-Typing Standards:** FEMA has not yet developed resource-typing standards to complement its draft personnel standards; however, FEMA's National Integration Center (NIC) Incident Management Systems Division has a national resource-typing initiative underway. § 510.

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<sup>32</sup>EMAC is an interstate mutual aid agreement that allows states to assist one another in responding to disasters. In June 2007, we recommended, with FEMA concurring, that FEMA look for ways to build EMAC's administrative capacity, such as cooperative agreements, grants, and training initiatives, to better develop the nation's disaster response capabilities.

<sup>33</sup>Resource typing is the categorization and description of response resources that are commonly exchanged in disasters through mutual aid agreements. Standard resource-typing definitions help responders request and deploy the resources they need through the use of common terminology, and give emergency responders the information they need to make sure they request and receive the appropriate resources during an emergency or disaster.

Challenges FEMA and DHS Officials Identified:

- Agency officials did not identify any challenges for this section.

Post-Katrina Act § 621 (5 U.S.C. § 10102), Strategic Human Capital Plan

Requires the FEMA Administrator to develop a Strategic Human Capital Plan (SHCP) to shape and improve its workforce. Specifically, the plan is to include: a workforce gap analysis, a plan of action for addressing those gaps, and a discussion of selected aspects of the Surge Capacity Force.

Actions Taken:

- **Plan Development:** FEMA published its SHCP for 2008-2012 in May 2008 and submitted it to Congress in June 2008. § 10102(a).
- **Plan Contents:** The SHCP is organized around five key strategic initiatives: Understanding the Composition and Character of the Workforce; Right Sizing the Agency; Building Core Competencies; Training and Professionally Developing the Workforce; and Building the Culture of the New FEMA. § 10102(b).
- **Workforce Gap Analysis:** The SHCP identifies nine operational core competencies such as service to disaster victims and operational planning, and states that FEMA intends to develop occupational competencies for its mission-critical occupations that mirror the operational core competencies. The SHCP also identifies the staffing levels and vacancies of each category of employee type, such as leadership positions, permanent, temporary, and so forth, and addresses workforce trends, including hiring projections and retirement eligibility. § 10102(b)(1).
- **Recruitment and Retention Plan:** The SHCP states that FEMA will use the operational core competencies as the foundation for recruiting and retaining employees and that FEMA will review its current recruitment and employment processes for achievement of maximum results, including review of recruitment bonuses, among other actions. § 10102(b)(2).
- **Developing and Training the Workforce:** The SHCP lists FEMA's objectives for improving its learning and development program, such as building a FEMA professional leadership program focused on FEMA's core competencies. FEMA also plans to formally adopt and implement Individual Development Plans for each employee, with annual reviews by the employee and supervisors, and credentialing or certification plans for certain jobs. Lastly, the SHCP states that credentialing programs will measure skills development and competency achievement and that the implementation of a standardized training program for Reservists will ensure that salary and promotions are tied to a consistent qualifications and credential plan. § 10102(b)(2).

Areas to be Addressed:

- **Specific Recruitment and Retention Goals:** The SHCP states FEMA's target levels and intentions for recruitment, including the need to review available human capital flexibilities such as bonuses to support recruitment. The SHCP also states that the new employee training and development initiatives will help support retention goals. However, the SHCP contains no specific list of recruitment and retention goals, including how FEMA will use bonus authorities to support those

goals or how FEMA's program objectives will be achieved through such goals. § 10102(b)(2).

- **Recruiting for State Experience:** While the SHCP refers to critical considerations for rightsizing the agency's workforce, there is no mention of a strategy for recruiting individuals who have had experience carrying out emergency management responsibilities in state agencies. § 10102(b)(2).
- **Surge Capacity Force:** While the SHCP states that FEMA has established a Disaster Reserve Workforce Division, which will integrate each of the existing elements of workforce readiness, the SHCP's discussion of the surge capacity force does not address the content requirements of the statute, such as the number of surge staff not employed by DHS or FEMA and their qualifications or credentials. § 10102(b)(3).

Challenges FEMA and DHS Officials Identified:

- Agency officials did not identify any challenges for this section.

Post-Katrina Act § 621 (5 U.S.C. § 10103), Career Paths

Requires the FEMA Administrator to identify and publish information on career paths for FEMA personnel, including the education, training, experience, and assignments needed for career progression within the agency; ensure that opportunities for such necessary education, training, and experience are available; and establish a policy for assigning FEMA personnel to positions that balances the need for personnel to serve in career-enhancing positions with the need to require service for a sufficient amount of time to provide necessary stability.

Areas to Be Addressed:

- **Career Paths:** The Deputy Director of FEMA's Human Capital Division told us that FEMA has no structured system that outlines career paths, nor has FEMA developed a new policy for assigning personnel. The Department of Homeland Security (DHS) Inspector General reported in April 2008 that FEMA could not verify the completion of the establishment of career paths. § 10103.

Challenges FEMA and DHS Officials Identified:

- The Deputy Director stated that, in his opinion, the statutory provision is not necessarily structured to match FEMA processes. He said a better question would be how FEMA structures and manages mission-critical positions.

Post-Katrina Act § 621 (5 U.S.C. § 10104), Recruitment Bonuses

Grants the FEMA Administrator the authority, for 5 successive years, to pay recruitment bonuses for positions that would be difficult to fill in the absence of such a bonus; and requires an annual report to Congress on the use of recruitment bonuses.

Actions Taken:

- **Payment of Recruitment Bonuses:** FEMA has exercised the authority to pay recruitment bonuses, totaling over \$111,000, to eight new employees in fiscal year 2007. § 10104(a).

- **Service Agreements:** FEMA has established written service agreements for employees receiving recruitment bonuses. § 10104(c).
- **Reporting Requirement:** FEMA submitted a “Combined Report: FEMA Use of Recruitment and Retention Bonuses FY 2007” to Congress in December 2007. § 10104(f).

Challenges FEMA and DHS Officials Identified:

- Agency officials did not identify any challenges for this section.

Post-Katrina Act § 621 (5 U.S.C. § 10105), Retention Bonuses

Grants the FEMA Administrator the authority, for 5 successive years, to pay retention bonuses to retain employees who are essential based on their unique qualifications or a special need of the agency; and requires an annual report to Congress on the use of retention bonuses.

Actions Taken:

- **Payment of Retention Bonuses:** FEMA has exercised the authority to pay retention bonuses. FEMA gave relocation bonuses, for the purpose of retention, totaling over \$24,000, to two employees in fiscal year 2007. § 10105(a).
- **Service Agreements:** FEMA has established written service agreements for employees receiving relocation bonuses. § 10105(b).
- **Reporting Requirement:** FEMA submitted a “Combined Report: FEMA Use of Recruitment and Retention Bonuses FY 2007” to Congress in December 2007. § 10105(f).

Challenges FEMA and DHS Officials Identified:

- Agency officials did not identify any challenges for this section.

Post-Katrina Act § 621 (5 U.S.C. § 10106), Quarterly Report on Vacancy Rate in Employee Positions

Requires the FEMA Administrator to submit to Congress an initial report, then quarterly updates for 5 successive years, on the vacancies in employee positions at the agency. Specifies the reports are to include: vacancies of each category of employee position; the number of applicants for each publicly advertised vacancy; the length of time that each vacancy has been pending; the hiring-cycle time for each vacancy that has been filled; and a plan for reducing the hiring-cycle time and reducing the current and anticipated vacancies with highly qualified personnel. Quarterly updates are additionally to contain an assessment on the progress in filling vacant positions.

Actions Taken:

- **Initial Report:** FEMA submitted its initial report in September 2007, which covered the first two quarters of fiscal year 2007. For the first quarter of fiscal year 2007, FEMA’s Human Capital Division was still in the process of developing the capacity to provide quarterly vacancy reports and developed a baseline for comparison and measurement of improvement. For first quarter fiscal year 2007, there was an average pending time of 61 days and an average hiring-cycle time of



120 days. In the second quarter, FEMA reported improvements in reducing the pending-cycle time to 31 days and the hiring-cycle time to 80 days. § 10106(a).

- **Quarterly Updates:** FEMA submitted quarterly vacancy reports for the 4th quarter of fiscal year 2007, and the 1st and 2nd quarters of fiscal year 2008 in May 2008. § 10106(b).
- **Progress Assessments:** The quarterly reports include information on how FEMA is assessing its progress in filling vacancies. §10106(a)(2), (b).
- **Reporting Requirements:** The vacancy reports FEMA has submitted generally contain the elements specified by the Post-Katrina Act: vacancies of each category of employee position; the number of applicants; the length of time that each vacancy has been pending; the hiring-cycle time for each vacancy that has been filled; and planned actions to achieve 95 percent personnel strength by September 30, 2008. §10106(a)(2), (b).

Challenges FEMA and DHS Officials Identified:

- Agency officials did not identify any challenges for this section.

Post-Katrina Act § 622 (Homeland Security Act § 844), Homeland Security Rotation Program

Requires the Secretary of Homeland Security to establish the Homeland Security Rotation Program to, among other things, expand the knowledge base of the department by providing for rotational assignments of employees to other components. Requires the Chief Human Capital Officer to administer this program and enumerates associated responsibilities, including ensuring the Rotation Program provides professional education and training.

Actions Taken:

- **Establishment:** DHS established a Department Rotational Assignments Program on November 13, 2007. This program is open to all civilian DHS employees. § 844(a)(1).
- **Best Practices:** The DHS Chief Learning Officer told us that a subcommittee of the DHS Training Leaders Council ensured an inclusive and collaborative process was used to obtain best practices from DHS legacy organizations, as well as best practices from the Department of Defense. § 844(a)(1).
- **Stated Program Goals:** DHS's Management Directive for the rotation program states that the program seeks to foster greater information sharing and team building between DHS and its components and to be a means for employees to obtain depth and breadth of experience while cross-pollinating knowledge, experience, and corporate perspectives. § 844(a)(2).
- **Employee Eligibility and Participation:** All DHS employees in Senior Executive Service (SES) candidate development and selective management or career development programs are to complete a rotational assignment before completion of the program. Other SES members, supervisors, and managers are eligible for rotational assignments. Rotational assignment opportunities may be made available on an individual basis with supervisor support and agreement. From October 1, 2007, to March 31, 2008, more than 269 DHS employees from 20 different DHS components participated in the rotation program. That number does not include DHS employees who have been detailed to support operational or surge mission

requirements. A FEMA Semi-Annual Rotational Assignment Report shows that employees ranging from the GS-7 to GS-14 levels participated in the rotation program. § 844(a)(1)-(2); see also 5 U.S.C. § 10103(b).

- **Administration:** The Chief Human Capital Officer administers the rotation program. § 844(a)(3).
- **Reporting Requirement:** DHS submitted the Rotational Assignments Program Report to Congress in June 2008. § 844(a)(5).

Areas to Be Addressed:

- **Incentives:** The DHS Management Directive for the Rotation Program does not specify any incentives for employee participation. § 844(a)(3).

Challenges FEMA and DHS Officials Identified:

- Agency officials did not identify any challenges for this section.

Post-Katrina Act § 623 (Homeland Security Act § 845), Homeland Security Education Program

Requires the Secretary of Homeland Security, acting through the FEMA Administrator, to establish a graduate-level Homeland Security Education Program in the National Capital Region (NCR) to provide educational opportunities to senior federal officials and selected state and local officials with homeland security and emergency management responsibilities; and requires the leveraging of existing resources, as well as establishing student enrollment priorities and selection criteria and employee service commitments.

Actions Taken:

- **Establishment:** The Naval Postgraduate School's Center for Homeland Defense and Security, FEMA, and DHS have created an 18-month Homeland Security Master's Degree Program for the NCR. The Homeland Security Master's Degree Program is taught, and the degree awarded, by the Naval Postgraduate School's Center for Homeland Defense and Security. The NCR Academy was launched June 6, 2007, in Shepherdstown, West Virginia, at the Office of Personnel Management's Eastern Management Development Center. § 845(a).
- **FEMA Appointment of Program Administrator:** The Deputy Administrator, National Preparedness Directorate, formally requested in October 2008 that the FEMA Administrator appoint the Assistant Administrator for the National Integration Center as the administrator of the Homeland Security Education Program. In the request memorandum, the Deputy Administrator stated that because the majority of the resources for the program are managed by the National Integration Center, the Assistant Administrator of the center would be best positioned for the appointment. The FEMA Administrator approved the appointment on October 20, 2008. § 845(a).
- **Leveraging of Existing Resources:** The Center for Homeland Defense and Security has two campuses for the Homeland Security Master's Degree Program. The accredited Master's degree program in the NCR is a reproduction of a degree program, based out of Monterey, California. The DHS Chief Learning Officer stated that DHS had previously reviewed and approved the Naval Postgraduate School Homeland Security Master's Degree Program for the Monterey cohort, which has

been in place since 2003. The DHS Chief Learning Officer told us the recently established NCR Homeland Security Master's Degree Program uses the already approved program and curricula. He also told us the program employs adjunct faculty from universities and colleges across the United States. He said that the program leveraged the curricula already in use by the adjunct faculty at their home institutions and incorporated them into the program's curriculum. § 845(b).

- **Student Enrollment Sources:** The NCR student body has a greater percentage of DHS and federal officials than state and local officials, while the program in Monterey has more state and local than federal officials. § 845(c)(1).
- **Enrollment Priorities and Selection Criteria:** The Master's Program is open to DHS employees at the GS-13, GS-14, GS-15, and exceptional GS-12 levels, as well as other federal and nonfederal employees. Applicants must have a minimum 3.0 GPA and an undergraduate degree from an accredited college or university, or been awarded a graduate degree, and have relevant work experiences and qualifications. § 845(c)(2).
- **Service Commitment:** DHS has established an interim service commitment agreement for employees who receive training and educational opportunities that specifies that the employee will continue in service to the agency for at least three times the length of the training period, and states that if the employee leaves DHS prior to that time, he or she will pay back expenses. § 845(d).

#### Areas to Be Addressed:

- **Diversity:** In a Comptroller General opinion dated December 20, 2007, we reported that FEMA had not yet taken measures to ensure diversity within the Homeland Security Education Program. Although FEMA reported that it was following existing laws prohibiting discrimination, FEMA stated that DHS's Office of the Chief Learning Officer and the Training Leaders Council were in the process of developing guidelines to support diversity.<sup>34</sup> FEMA officials have not provided any updated information during this review about how the FEMA Administrator is ensuring racial, gender, and ethnic diversity in the graduate degree program. § 845(c)(3).
- **Service Commitment:** DHS's interim service commitment agreement is not specific to the Homeland Security Education Program. Under the statute, before any employee selected for the program may be assigned to participate, the employee must agree in writing to continue in the service of the sponsoring agency for 2 years following the end of the program and to repay his or her educational expenses on a pro rata basis if the employee voluntarily separates from service before the end of the commitment. DHS's interim agreement requires its employees to remain in service for three times the length of their training—amounting to 4-1/2 years in the case of the Homeland Security Education Program—which would appear to expose DHS employees to repayment liability for longer than the 2-year statutory service commitment. Further, because DHS has not developed a service commitment agreement specific to the Homeland Security Education Program, other agencies do not have such an agreement available to execute with their own employees. § 845(d).

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<sup>34</sup>GAO, *Presidential Signing Statements—Agency Implementation of Ten Provisions of Law*, B-309928, Dec. 20, 2007.

### Challenges FEMA and DHS Officials Identified:

- The Branch Chief for FEMA’s Human Capital Division stated that it is a challenge for some FEMA applicants to be competitive for programs that preference graduate school education, as many FEMA officials have moved up the ranks as police officers, fire fighters, and emergency managers without graduate education.
- The Branch Chief for FEMA’s Human Capital Division said that the Federal Coordinating Officers’ participation in the executive management training is a challenge because their professional development must be paid for with disaster funds.

### Post-Katrina Act § 624, Surge Capacity Force

Requires the FEMA Administrator to prepare and submit to Congress a plan to establish and implement a Surge Capacity Force for deployment to disasters, including catastrophic incidents. Requires the plan to include procedures for designation of staff from other DHS components and executive agencies to serve on the Surge Capacity Force. Procedures must be developed as soon as practicable. The plan must also ensure the Surge Capacity Force includes a sufficient number of appropriately credentialed individuals capable of deploying to disasters after being activated, as well as full-time, highly trained, credentialed individuals to lead and manage. Individuals in the Surge Capacity Force are to be trained and deployed in accordance with the Stafford Act, unless the FEMA Administrator reports to Congress that additional statutory authorities are necessary.

### Actions Taken:

- **Disaster Reserve Workforce/Surge Capacity:** The Director of FEMA’s Disaster Reserve Workforce explained that unlike in the military model, FEMA’s disaster reservists are the primary resource for disaster response and recovery positions, filling 70-80 percent of all Joint Field Office positions. FEMA has interpreted Surge Capacity Force to include its Disaster Reserve Workforce of 5,000-6,000 reserve Disaster Assistance Employees, who are full-time-staff and contract staff who are organized in 23 cadres. If additional capacity is necessary, another approximately 2,000 Disaster Assistance Employees are available to perform immediate, nontechnical functions that require large numbers of staff. Other sources FEMA has identified include local hires—additional staff hired from the affected area to perform the same functions as disaster reservists; contract support for activities that require specialized skill sets and for general disaster assistance functions; other full-time FEMA staff detailed to perform disaster assistance work; and other resources—particularly employees from other DHS components—detailed to perform disaster assistance work. For example, the Director of FEMA’s Disaster Reserve Workforce gave us information regarding the deployment of Disaster Assistance Employees and full-time FEMA employees for the summer of 2008. She told us that between July and September 2008, FEMA had, on average, 4,067 Disaster Assistance Employees at 22 Joint Field Office disaster locations, compared to 1,364 full time FEMA staff working at those locations. § 624(a).
- **Disaster Reserve Workforce/Surge Capacity Planning:** FEMA contracted Booz Allen Hamilton to perform a baseline assessment and preliminary design for professionalizing the Disaster Reserve Workforce and its supporting program management function, including FEMA’s Surge Capacity Force planning. Booz

Allen Hamilton developed a preliminary design for the Disaster Reserve Workforce, which includes an organizational concept, workforce size and composition, concept of operations, and a policy framework. One of Booz Allen Hamilton's recommendations was to establish a central office for the development, management, and deployment of the Disaster Reserve Workforce. The office, the Disaster Reserve Workforce Division, was stood up on March 31, 2008. According to the Director of the Disaster Reserve Workforce Division, the Branch Chief responsible for Surge Capacity Force planning joined FEMA on June 22, 2008. The Director also told us that FEMA now has an interim Surge Capacity Force Plan under internal review. § 624(a).

- **DHS Employees Designated to Serve:** The Interim Surge Capacity Force Plan was announced in a meeting of the DHS Human Capital Council in March 2008 and communicated to the heads of DHS components in a May 2008 memorandum from the FEMA Administrator. In the May 2008 memorandum, FEMA sent a listing of job titles and positions needed in the Surge Capacity Force to all DHS Human Capital Officers and asked them to identify approximately 900 employees throughout DHS for the Surge Capacity Force. § 624(a)-(b),(g).
- **Credentialing:** The Director of the Disaster Reserve Workforce Division reported that the Surge Capacity Force is being credentialed by the National Preparedness Directorate's NIMS credentialing program, which is the administrative process for validating the qualifications of personnel, assessing their background, and authorizing their access to incidents involving mutual aid between states.<sup>35</sup> NIMS credentialing guidelines are to provide a process for the Disaster Reserve Workforce to receive physical "smartcards" for establishing credentials for access to an incident. The Director of the Disaster Reserve Workforce Division told us that FEMA's Security Office is currently engaged in acquiring the enrollment stations and cards to execute this activity agencywide over a period of time. The director also told us that the division has a separate credentialing program aimed at establishing more-substantive qualifications. According to the director, the NIMS credentialing guidelines do not address the knowledge, skills, and abilities, or core competencies required to meet the qualification standards for FEMA job-titled positions that deliver FEMA programs and services. Therefore, according to the director, the Disaster Reserve Workforce Division, in partnership with FEMA's Emergency Management Institute, recently began the process of developing standardized credentialing plans, which will incorporate existing position task books for the Disaster Assistance Employee workforce (a total of 230 positions organized in 23 cadres). For example, the External Affairs Officer position task book was revised in April 2008. She said that these task books will provide the basis for building the credentialing plans. § 624(c).

#### Areas to Be Addressed:

- **Surge Capacity Plan:** Despite the initial actions FEMA has taken to assess its baseline capabilities and draft an interim Surge Capacity Force Plan, according to the Director of the Disaster Workforce Division, as of May 2008, FEMA had not yet provided Congress with a plan for establishing and implementing a Surge Capacity

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<sup>35</sup>As noted earlier in this enclosure, DHS published the NIMS Draft Guideline for the Credentialing of Personnel in August 2008 in response to section 510 of the Homeland Security Act, as amended by the Post-Katrina Act.

Force. The director stated that her goal is to submit a plan to implement surge capacity force by summer 2009 with timelines and information on select—but not all—positions in the disaster reserve workforce. § 624(a).

- **Employees Designated to Serve:** Although the FEMA Administrator had taken action to begin identifying DHS personnel to serve in the Surge Capacity Force, as of May 2008, DHS has not designated members to the Surge Capacity Force, according to the Director of the Disaster Reserve Workforce Division. She told us the initial DHS Agency Surge Capacity designation lists were submitted in June 2008. Upon review, the Director of the Disaster Reserve Workforce Division said there were inconsistencies with the different agencies' interpretation of requirements for personnel, training, and skill sets. A Surge Capacity Force Working Group met to review surge staffing requirements and to develop a timeline for the development of processes and a Concept of Operations Plan. Agency participants in the working group include FEMA, the Transportation Security Administration, and U.S. Citizenship and Immigration Services. The Director of the Disaster Reserve Workforce Division told us that a final draft is expected to be complete by December 2008, with a full plan for implementation expected by summer 2009. § 624(b), (g).
- **Additional Authorities Necessary:** According to officials in the Disaster Reserve Workforce Division, FEMA has identified additional authorities desired, which are designed to support recruiting for the disaster reserve workforce. These include access to healthcare and retirement benefits for disaster reservists; mandatory annual training and drilling requirements for reserve members; authority for retirees serving as disaster reservists to continue receiving their government retirement benefits; and the ability to offer credit for disaster reserve experience to be used in consideration for future full-time, permanent FEMA employment. The Disaster Reserve Workforce Director told us that FEMA submitted the legislative package to DHS for consideration on July 9, 2008. The House Committee on Transportation and Infrastructure recently considered a bill that would allow all temporary personnel performing Stafford Act services (of which disaster reservists are a subset) to be eligible for federal employee health benefits.<sup>36</sup> § 624(a)(2).
- **Sufficient Number of Credentialed and Trained Individuals:** According to officials in FEMA's Disaster Reserve Workforce Division, FEMA does not yet have a standardized credentialing program in place for its Disaster Reserve Workforce, but does have an effort under way to develop one, as described above. FEMA plans to continue pilot testing position task books in summer 2008. It expects to complete the development of credentialing plans for all cadres and positions by 2010, depending on funding. Disaster Reserve Workforce Division officials explained that development of the credentialing plans in conjunction with the position task books will highlight gaps in the training curriculum that will assist in prioritizing curriculum development. FEMA also plans to hold training and briefings for the DHS employees designated to serve in the Surge Capacity Force, but had not implemented these as of May 2008. § 624(c)-(d).

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<sup>36</sup>H.R. 6658, 110th Cong. § 103 (2008).

### Challenges FEMA and DHS Officials Identified:

- The Disaster Reserve Workforce Division is a nascent office, which was not established until nearly 2 years after the initial surge capacity plan was to be provided to Congress. Officials in the office stated that before a division was established specifically for the Disaster Reserve Workforce, disaster workforce and surge capacity planning had to compete with other priorities and did not get the attention it needed. Now, according to the director, the new office has limited capabilities and resources. As of May 2008, in addition to a small legacy staff, it had only two employees—the Director and a Deputy Director for one of the three divisions the office planned to establish. According to the Director, the division has since advertised 16 new positions and is conducting interviews, with several selections and offers in progress.
- According to the Director of the Disaster Reserve Workforce Division, the Surge Capacity Force Plan and full surge capability is a long-term goal, which will take time to develop. She stated that Booz Allen Hamilton estimated that it will take FEMA 5 years to fully implement the eight recommendations that FEMA had chosen as priorities from the baseline assessment.

### For Further Reading:

- Government Accountability Office. Comptroller General of the United States. *Presidential Signing Statements —Agency Implementation of Ten Provisions of Law*. B-309928. December 20, 2007.
- U.S. Congress. Senate. Committee on Homeland Security and Governmental Affairs. *Statement of Richard L. Skinner, Inspector General, U. S. Department of Homeland Security*. April 3, 2008.
- U.S. Department of Homeland Security. “Rotational Assignments Program Report to Congress.” June 2008.
- U.S. Department of Homeland Security. Federal Emergency Management Agency. “Combined Report: Use of Recruitment and Retention Bonuses: Fiscal Year 2007 Report to Congress.” December 2007.
- U.S. Department of Homeland Security. Federal Emergency Management Agency. “Strategic Human Capital Plan 2008-2012: FEMA P-692.” May 2008.
- U.S. Department of Homeland Security. Federal Emergency Management Agency. “Quarterly Vacancy Report: Through 2<sup>nd</sup> Quarter Fiscal Year 2007 Report to Congress.” August 2007.
- U.S. Department of Homeland Security. Federal Emergency Management Agency. “Quarterly Vacancy Report: 4th Quarter Fiscal Year 2007 Report to Congress.” May 2008.
- U.S. Department of Homeland Security. Federal Emergency Management Agency. “Quarterly Vacancy Report: 1st Quarter Fiscal Year 2008 Report to Congress.” May 2008.
- U.S. Department of Homeland Security. Federal Emergency Management Agency. “Quarterly Vacancy Report: 2nd Quarter Fiscal Year 2008 Report to Congress.” May 2008.
- U.S. Department of Homeland Security. Naval Post-Graduate School. “The Center for Homeland Defense and Security Master’s Degree Program.” <http://www.chds.us/?masters/overview> (accessed on Sept. 5, 2008).

## **Enclosure XI: Applying Specific Expertise to Disaster Planning, Response, and Recovery Activities**

### Post-Katrina Act § 611 (Homeland Security Act § 511), National Infrastructure Simulation and Analysis Center

Requires the National Infrastructure Simulation and Analysis Center (NISAC) to model, simulate, and analyze the systems and assets constituting critical infrastructure, in order to enhance preparedness, protection, response, recovery, and mitigation activities. Requires each federal agency and department with critical infrastructure responsibility under Homeland Security Presidential Directive-7 (HSPD-7) to establish a formal relationship with the NISAC, which must include an agreement on information sharing.

#### Actions Taken:

- **NISAC Modeling, Simulation, and Analysis Support:** The Deputy Director of the Department of Homeland Security's (DHS) Infrastructure Analysis and Strategy Division (IASD), who manages the NISAC, said that the requirements of the Post-Katrina Act were reflected in the NISAC's preexisting mission and therefore the Post-Katrina Act did not substantially change any of the NISAC's work activities. The NISAC has taken actions to simulate and analyze the systems and assets comprising critical infrastructure in order to enhance preparedness, protection, response, recovery, and mitigation activities, according to the IASD Deputy Director. We identified 22 major simulation, modeling, and analysis activities in 2008 and 26 major activities in 2007. For example, as part of its support to DHS, the NISAC conducted an infrastructure consequence analysis of a Category 3 hurricane making landfall in Rhode Island for use in the Ardent Sentry Northern Edge 2007 exercise. § 511.

#### Areas to Be Addressed:

- **Coordination:** NISAC has not established any formal interagency agreements, including an agreement regarding information sharing, with federal agencies and departments that have critical infrastructure responsibilities under HSPD-7. According to the IASD Deputy Director, the National Infrastructure Protection Plan, which provides the framework for the nation's efforts to protect critical infrastructure and is signed by 15 federal departments and agencies, meets the intent of the Post-Katrina Act's requirement on the establishment of formal interagency agreements. The IASD Deputy Director said that structured processes conducted under the National Infrastructure Protection Plan framework, including the NISAC annual report and work plan, are the primary mechanisms for coordinating with agencies given critical infrastructure responsibilities under HSPD-7. § 511(b)(2).

#### Challenges DHS and FEMA Officials Identified:

- Agency officials did not identify any challenges for this section.



Post-Katrina Act § 611 (Homeland Security Act § 513), Disability Coordinator

Requires the Federal Emergency Management Agency (FEMA) Administrator to appoint a Disability Coordinator who is to report directly to the FEMA Administrator to ensure that the needs of individuals with disabilities are addressed in emergency preparedness and disaster relief and specifies responsibilities of the Disability Coordinator.

Actions Taken:

- **Appointment:** The FEMA Administrator appointed the Disability Coordinator in July 2007. § 513(a).
- **Reporting Relationship:** FEMA officials told us in an e-mail shortly before we published this document that, although the Disability Coordinator is colocated with the Office of Equal Rights for administrative support purposes, the position reports directly to the Administrator. However, they did not provide documentation of the reporting relationship with their e-mail. § 513(a).
- **Consulting with Other Organizations:** The Disability Coordinator said that she consulted with three main organizations that represent the interests and rights of individuals with disabilities in emergency planning requirements and relief efforts in the event of a disaster. The three organizations are the National Council on Disability (NCD), the Inter-Agency Coordinating Council (ICC) on Preparedness and Individuals with Disabilities, and the National Advisory Council (NAC). In addition, the Disability Coordinator said that she has consulted with several disability advocacy groups including the National Association for the Blind, the National Association for the Deaf and Hard of Hearing, and the American Association of Retired Persons. § 513(b)(2)–(3).
- **Training Materials:** As of May 2008, FEMA completed approximately 30 training sessions for emergency managers regarding how to help people with disabilities, according to the Disability Coordinator. § 513(b)(5).
- **Promoting and Ensuring the Accessibility of Information:** The Disability Coordinator said that FEMA’s Web site is compliant with section 508 of the Rehabilitation Act,<sup>37</sup> as is the agency’s emergency related video programming. She also said that she works with state and local governments and local cable networks during disaster periods to help ensure that disaster information is accessible in multiple formats. § 513(b)(6)–(7).
- **Ensuring Rights Are Respected:** According to the Disability Coordinator, FEMA included, as part of its disability training sessions to emergency-response providers, information to ensure that the rights and wishes of individuals with disabilities regarding postevacuation residency and relocation are respected. FEMA is also developing a handbook for field use for federal, state, and local officials to accommodate those with disabilities. § 513(b)(9).
- **Ensuring the Needs of Individuals with Disabilities Are Included in the National Preparedness System:** The Disability Coordinator said that she has provided input into components of the National Preparedness System developed by

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<sup>37</sup>In general, under section 508 of the Rehabilitation Act of 1973, as amended, federal agencies must ensure that their electronic and information technology allows for information and data to be accessible to individuals with disabilities. 29 U.S.C. § 794d.

FEMA and provided input into exercises conducted under the National Exercise Program. § 513(b)(10).

Areas to be Addressed:

- **Disseminating Best Practices:** FEMA is still in the process of developing and implementing best practices and model evacuation plans for individuals with disabilities. The Disability Coordinator said that as a best practice FEMA is developing “go kits” for people with developmental impairments, the hearing impaired, and the blind, which will be distributed in an emergency. The go kits will contain visual and hearing devices. For example, the go kit for the hearing impaired will include a teletypewriter, a keyboard with headphones, and a clipboard with sound capabilities. The go kits will be stored in the regions and will include a list of their contents and directions for use. Another best practice, according to the Disability Coordinator, is FEMA’s development of a handbook for field use for federal, state, and local officials to accommodate those with disabilities. FEMA is also in the process of developing model evacuation plans for people with disabilities. § 513(b)(4).
- **Ensuring the Accessibility of Information:** FEMA has not yet fully developed and implemented alternative formats for alerts and warning signals issued by the agency for people with disabilities, but officials said that they are working with the National Oceanic and Atmospheric Administration to develop them. § 513(b)(7).
- **Ensuring the Availability of Accessible Transportation:** According to the Disability Coordinator, FEMA has begun to work with state emergency managers to help develop evacuation plans that include accessible transportation options. This official also said that FEMA is working with states to develop paratransit options as well as to coordinate the use of accessible vans for hospitals and nursing homes. § 513(b)(8).

Challenges DHS and FEMA Officials Identified:

- Agency officials did not identify any challenges for this section.

Post-Katrina Act § 689, Individuals with Disabilities

Requires that the FEMA Administrator, in coordination with the NAC, the NCD, the ICC on Preparedness and Individuals with Disabilities, and the Disability Coordinator, develop guidelines to accommodate individuals with disabilities.

Actions Taken:

- **Initial Guidelines and Coordination:** According to FEMA officials, FEMA coordinated with the ICC on Preparedness and Individuals with Disabilities and the NCD to publish a reference guide titled “Accommodating Individuals with Disabilities in the Provisions of Disaster Mass Care, Housing, and Human Services.” The reference guide describes existing legal requirements and standards relating to access for people with disabilities, with a focus on equal access requirements related to Emergency Support Function 6 (Disaster Mass Care, Housing, and Human Services). The reference guide states that it is not intended to satisfy all of the guideline requirements contained in section 689 of the Post-Katrina Act. FEMA officials said that they could not coordinate with FEMA’s Disability Coordinator during the guide’s development as she had yet to be hired. §689(a).

- **Additional Interim Guidelines:** In addition to the above reference guide, an “Interim Emergency Management Planning Guide for Special Needs Populations” was released for state and local emergency managers and planners and is out for public comment. This interim guidance, dated August 15, 2008, is available on FEMA’s Web site at <http://www.fema.gov/news/newsrelease.fema?id=45435>. The interim guidance addresses some of the requirements contained in section 689 such as access to shelters and portable toilets and access to emergency communications and public information. § 689(a).

Areas to be Addressed:

- **Complete Guidelines and Coordination:** Although FEMA’s “Interim Management Planning Guide for Special Needs Populations” addresses some of the guideline requirements contained in section 689, it does not address others, such as access to first-aid stations and mass-feeding areas. Also, the interim guide does not reflect whether FEMA coordinated with the NAC or the NCD in its development. § 689(a).

Challenges DHS and FEMA Officials Identified:

- Agency officials did not identify any challenges for this section.

Post-Katrina Act § 689g (Stafford Act § 326), Designation of Small State and Rural Advocate

Requires that the President establish in FEMA a Small State and Rural Advocate to advocate for fair treatment of small states and rural communities in the provision of Stafford Act assistance, and this section enumerates the duties of the advocate.

Actions Taken:

- **Designation of Advocate:** The FEMA Small State and Rural Advocate assumed his position in August 2007. § 326(a).
- **Participation in the Declaration Process:** According to officials from FEMA’s National Preparedness Directorate, as of October 2008, the Small State and Rural Advocate has reviewed more than 100 declaration requests and appeals. § 326(c)(1).
- **Reporting Requirement:** FEMA submitted a report to Congress in February 2007 detailing the extent to which disaster declaration regulations meet the particular needs of states with populations of less than 1,500,000 individuals and comply with statutory restrictions on the use of arithmetical formulas and sliding scales based on income or population, as required by the Post-Katrina Act. § 689g(b).

Areas to be Addressed:

- **Assistance with Declaration Request Preparation:** The Small State and Rural Advocate stated that he has not assisted small population states in the preparation of any requests for declarations. § 326(c)(2).

Challenges DHS and FEMA Officials Identified:

- According to the Small State and Rural Advocate, there is some concern at FEMA over whether or not his role in reviewing declaration requests might conflict with his responsibility to help small population states prepare such requests.

For Further Reading:

- U.S. Department of Homeland Security. Federal Emergency Management Agency. “Accommodating Individuals with Disabilities in the Provision of Disaster Mass Care, Housing, and Human Services: Reference Guide.” <http://www.fema.gov/oer/reference/index.shtm> (accessed Sept. 10, 2008).
- U.S. Department of Homeland Security. Federal Emergency Management Agency and DHS Office for Civil Rights and Civil Liberties. “Interim Emergency Management Planning Guide for Special Needs Populations, Version 1.0.” August 15, 2008.
- U.S. Department of Homeland Security. Federal Emergency Management Agency. “Report to Congress: Small State and Rural Advocate Report on Disaster Declaration Regulations.” February 2008.

## Enclosure XII: Implementing Controls to Prevent Waste, Fraud, and Abuse

### Post-Katrina Act § 693, Oversight and Accountability of Federal Disaster Expenditures

Authorizes the FEMA Administrator to designate up to 1 percent of the total amount of a mission assignment to be used by the recipient agency to perform oversight activities.

#### Areas to Be Addressed:

- **Oversight Tasking of Mission-Assigned Agencies:** FEMA officials stated that they have not exercised this authority. In addition, FEMA officials said that the agency has not established a mechanism for exercising this authority, such as modifying their mission assignment form to allow for designating funds to task an agency to perform oversight activities. § 693(a).

#### Challenges DHS and FEMA Officials Identified:

- Agency officials did not identify any challenges for this section.

### Post-Katrina Act § 696 (Stafford Act § 408), Fraud, Waste, and Abuse Controls

Requires the Federal Emergency Management Agency (FEMA) Administrator to ensure that all FEMA programs administering federal disaster-relief assistance develop and maintain proper internal management controls to prevent and detect fraud, waste, and abuse; to adapt FEMA databases to include specific internal controls; and to ensure that the Inspector General reviews FEMA databases for the existence and implementation of the required internal controls. Also amends the Stafford Act to require the development of a system, including an electronic database, to counter improper payments in the provision of assistance to individuals and households.

#### Actions Taken:

- **Verification Procedures in the Individuals and Households Program (IHP):** According to FEMA, the agency established identity verification processes, which include verifying that the applicant's social security number is valid, matches the applicant's name, and does not belong to a deceased individual. Further, FEMA reported that it has implemented procedures to validate that the address an applicant reports as damaged was the applicant's primary residence during the time of the disaster and that the address is located within the disaster-affected area. This validation is done by transmitting the damaged address to a service that accesses several publicly available databases to confirm the applicant-provided information, according to FEMA officials. § 408(i)(1).
- **Actions to Minimize the Risk of Making Duplicative IHP Payments:** According to DHS's *Fiscal Year 2007 Annual Financial Report*, FEMA's internal controls and processes to prevent and detect duplicate and improper payments for the IHP needed improvement. The report listed eight corrective actions scheduled to be completed by June 2008. FEMA officials in the Disaster Assistance Directorate provided the following information about five of the eight corrective actions that it considers to be complete:

- Complete the expedited assistance policy: FEMA issued an interim critical needs assessment policy, the new name for the expedited assistance policy, in September 2008. FEMA's expedited assistance program, instituted in response to Hurricanes Katrina and Rita, authorized \$2,000 in fast track assistance to eligible IHP applicants to help with immediate, emergency needs for food, shelter, clothing, and personal necessities. We reported in February 2006 that weak or nonexistent internal controls in processing applications left the government vulnerable to fraud and abuse, such as duplicative payments.<sup>38</sup> Under FEMA's new policy, a state must request, and FEMA must approve, critical needs assistance based on an assessment that the disaster has caused extended displacement and unusual financial burdens on individuals and households. The new policy, among other things, reduces the amount of assistance from \$2,000 to \$500 per payment; limits the period of eligibility to 60 days; and requires identity and occupancy verification. The policy also states that FEMA will coordinate with agencies offering monetary assistance for critical needs to prevent duplication of assistance.
- Put in place a contract for data verification and prepopulation of verified data: According to officials in the Disaster Assistance Directorate, FEMA implemented database modifications in July 2008 that enabled it to prepopulate its individual assistance records with verified applicant data. These officials said that this was accomplished through a Systems Change Request to its National Emergency Management Information System (NEMIS), which performs numerous disaster-related activities, including providing disaster assistance to individuals. According to the Disaster Assistance Directorate officials, the prepopulation of data fields now occurs when the applicant's social security number is entered in the registration intake module, using data supplied by FEMA's data verification contractor, including the applicant's damaged property address, mailing address, and phone number.
- Develop IHP applicant recertification guidelines: FEMA amended its recertification processing guidance, which sets forth FEMA's procedures for processing applications for continued rental assistance, in August 2008. According to officials in FEMA's Disaster Assistance Directorate, its National Processing Service Center staff have been trained to implement the new procedures.<sup>39</sup>
- Develop a process for approving policy and guidance: To implement this corrective action, FEMA finalized a Rulemaking, Policy, and Federal Register Notice Approval Procedural Manual in April 2008.
- Develop a process to ensure consistent application of all disaster-specific policy: Officials from FEMA's Disaster Assistance Directorate reported that the FEMA National Processing Service Centers have taken the following actions to help ensure that employees are consistently applying disaster-specific policy:

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<sup>38</sup>See GAO, *Expedited Assistance for Victims of Hurricanes Katrina and Rita: FEMA's Control Weaknesses Exposed the Government to Significant Fraud and Abuse*, GAO-06-403T (Washington, D.C.: Feb. 13, 2008).

<sup>39</sup>FEMA's National Processing Service Centers provide centralized disaster application service to FEMA customers and help coordinate with other assistance programs. The centers are to provide an automated "teleregistration" service—a toll-free phone bank through which disaster victims apply for IHP assistance and through which their applications are processed and their questions answered.

- After employees are trained on new policy and their corresponding procedures, they are tested using an automated survey tool to verify that they understand the new procedures. Real case examples are included in the assessments so that the actual application of their knowledge is verified prior to assigning employees to work cases.
  - The National Processing Service Centers have established a weekly video teleconference schedule with Applicant Services Managers and Program Specialists to ensure that personnel understand all policy and procedural changes.
  - The National Processing Service Centers have established the National Coordination Team Assistance Group, an in-house call group staffed by IHP subject-matter experts who are available to answer questions from front-line workers to help ensure that assistance applications are processed correctly and consistently.
  - The National Processing Service Center Quality Control has expanded its function through an accelerated review of cases involving disaster-specific or new procedures. Reviewing such cases on a near real-time basis, the group's goal is to ensure caseworkers are applying procedures consistently and to make recommendations for improving training guidelines when problems are identified. § 408(i)(1)-(2).
- **Procedures to Minimize and Collect Duplicate IHP Payments:** FEMA established a process to identify and collect duplicative IHP payments. This process includes, among other things, FEMA's disaster assistance database automatically checking specific data fields in every applicant record for potentially duplicate applications, having a FEMA caseworker and a supervisor review potentially duplicate applications to determine if FEMA is entitled to collect a payment already made, and notifying the applicant of FEMA's decision to collect a duplicate payment while providing an appeal process for the applicant. § 408(i)(2)-(3), (5).
  - **Instructions Regarding the Proper Use of IHP Assistance and How to Appeal Decisions:** After the submission of an IHP application, FEMA provides applicants with a copy of its application and a program guide, *Help after a Disaster: Applicant's Guide to the Individuals and Households Program*. Updated and reissued in July 2008, this guide provides applicants with information regarding the proper use of IHP payments. It also notifies applicants of FEMA's appeal process and the steps an applicant should take to have FEMA review any assistance-related decision such as requiring the applicant to state in writing why he or she believes that FEMA's decision was incorrect. § 408(i)(4)-(5).
  - **Audits of Databases That Administer Federal Disaster Assistance:** Shortly before we published this document, FEMA officials told us that a contract is about to be awarded to perform an internal audit of FEMA's federal disaster relief assistance applications and databases. They told us the contract will support the statutorily required review by the Office of Inspector General, which is to determine if these applications and databases include the proper level of internal controls to prevent and detect fraud, waste, and abuse in FEMA's disaster relief programs, but they did not provide documentation of this contract. § 696(b).

Areas to Be Addressed:

- **Database Integration to Highlight Ineligible Applications:** According to FEMA's Information Technology Report submitted to Congress in September 2007 under section 640 of the Post-Katrina Act, FEMA uses NEMIS to perform numerous disaster-related activities, including providing disaster assistance to individuals and communities. Although NEMIS interfaces with FEMA's financial accounting system through a special module, FEMA has not yet taken action to ensure that applicant information collected in NEMIS is integrated with disbursement and payment records to determine ineligible applicants. § 696(a)(2)–(a)(4).
- **Actions to Minimize the Risk of Making Duplicative IHP Payments:** FEMA officials in the Disaster Assistance Directorate provided the following information about three of the eight corrective actions from DHS's *Fiscal Year 2007 Annual Financial Report* that are not complete:
  - Enhance training to assist FEMA personnel with the Lodging Expense Reimbursement System: According to officials from FEMA's Disaster Assistance Directorate, FEMA's National Processing Service Centers initiated a recredentialing training plan for all of its Human Service Specialists during fiscal year 2008. They stated that the curriculum included additional training in processing Lodging Expense Reimbursement. However, according to the Disaster Assistance Directorate Officials, the training plan was interrupted on several occasions due to other workload priorities and approximately 2/3 of the training plan, including the Lodging Expense Reimbursements training, was not completed. These officials said that National Processing Service Center staff will receive training in Lodging Expense Reimbursement prior to being assigned to work cases in the Lodging Expense Reimbursement queue for Hurricanes Gustav and Ike.
  - Award a contract to make available 6,000 call center agents: According to officials from FEMA's Disaster Assistance Directorate, FEMA reviewed the costs associated with a contract of this magnitude and determined it was prohibitively expensive. They said that the National Processing Service Centers are using other means to address their surge staffing needs.
  - Clarify and define the Separated Households Policy: According to officials for FEMA's Disaster Assistance Directorate, this corrective action is in progress. The officials told us that FEMA has developed a draft policy to clarify the circumstances in which FEMA will authorize separate applications and provide temporary housing assistance to more than one disaster applicant from a single household. § 408(i)(2).

Challenges DHS and FEMA Officials Identified:

- Agency officials did not identify any challenges for this section.

Post-Katrina Act § 698, Fraud Prevention Training Program

Requires the FEMA Administrator to develop and implement a program to provide training on the identification and prevention of waste, fraud, and abuse of federal disaster relief assistance.



Areas to Be Addressed:

- **Establishment of Program:** FEMA officials said that while the agency provides training to National Processing Service Center employees on how to identify potentially fraudulent practices on the part of the disaster assistance applicant, FEMA has yet to develop an overall policy on waste, fraud, and abuse. Once this overall policy is established, FEMA's Office of the Chief Counsel will have the lead for developing a training program, according to FEMA officials. § 698.

Challenges DHS and FEMA Officials Identified:

- Agency officials did not identify any challenges for this section.

For Further Reading:

- U.S. Department of Homeland Security. *Financial Annual Report, Fiscal Year 2007*. Washington D.C.: November 15, 2007.
- U.S. Department of Homeland Security. Federal Emergency Management Agency. *Help After a Disaster: Applicant's Guide to the Individuals and Households Program*. <http://www.fema.gov/assistance/process/guide.shtm> (accessed Sept. 10, 2008).

## Enclosure XIII: Managing Recovery from Hurricanes Katrina and Rita in the Gulf Coast Region

### Post-Katrina Act § 638, Hurricane Katrina and Hurricane Rita Recovery Offices

Requires the Federal Emergency Management Agency (FEMA) Administrator to establish recovery offices to provide all eligible federal assistance to individuals and state, local, and tribal governments affected by Hurricanes Katrina or Rita. Authorizes recovery offices in each of the following states, Mississippi, Louisiana, Alabama, and Texas, which shall terminate at the FEMA Administrator's discretion.

#### Actions Taken:

- **Establishment of Recovery Offices:** FEMA established Transitional Recovery Offices (TRO) in Mississippi, Louisiana, Alabama, and Texas. According to officials in FEMA's Gulf Coast Recovery Office, both the Mississippi and Louisiana TROs have a main office and two area field offices while the Alabama TRO is closed and remaining mission requirements are being transitioned to FEMA's Atlanta regional office. At the time of our work, FEMA officials in the Gulf Coast Recovery Office said that the Texas TRO was not yet closed but was in the process of transitioning the remaining mission requirements to the FEMA regional office in Denton, Texas. § 638(a).
- **Senior Leadership at Recovery Offices:** The four TROs are led by a Director with a supporting senior management team. § 638(b).
- **Staff at Recovery Offices:** FEMA officials in the Gulf Coast Recovery Office stated that when the TROs began initial operations, FEMA relied on temporary personnel, such as local hires and Disaster Assistance Employees, to meet staffing needs. The TROs then transitioned from these initial temporary personnel to personnel from the Cadre of Response Employees who were staffed for appointments of 2 years, according to FEMA officials. § 638(d)(1).
- **Staffing Levels:** FEMA officials in the Gulf Coast Recovery Office stated that individual TROs are responsible for assessing their own staffing needs. Officials from the TROs in Texas, Mississippi, and Louisiana reported using different mechanisms to evaluate staffing levels. For example, the Mississippi TRO officials reported reviewing staffing periodically. The office conducted a review earlier in 2008 of Individual Assistance staff to project the number of positions to be released by October 2008, according to FEMA officials. Louisiana TRO officials stated that they conducted a full vacancy analysis as well as two internal and external hiring cycles in an attempt to completely fill the identified vacancies. § 638(d)(2).
- **Assistance Provided:** According to officials in the Gulf Coast Recovery Office, FEMA established the office following Hurricanes Katrina and Rita to provide a single, unified point of contact for its multistate recovery efforts in Alabama, Louisiana, Mississippi, and Texas. A FEMA publication outlining TRO accomplishments in the 3 years since their establishment reports the following Gulf Coast recovery assistance:
  - FEMA has provided more than \$7.8 billion to individuals and families through FEMA's Housing and Other Needs Assistance to address disaster-related personal property replacement, transportation assistance, healthcare, and other expenses related to moving and storage.

- More than 143,000 families were provided with temporary housing units throughout the Gulf Coast, and FEMA has moved over 127,000 households out of temporary housing units into long-term housing solutions.
- More than \$11 billion has been obligated in Public-Assistance grants for emergency work and permanent repairs for infrastructure, including schools, hospitals, criminal justice facilities, and utilities.
- FEMA's Hazard Mitigation Grant Program has allocated approximately \$467 million. § 638(c).
- **Performance Measures:** Performance information for Public Assistance Program activities is posted on the Gulf Coast Recovery Office's Web site, <http://www.fema.gov/hazard/hurricane/2005katrina/weekly.shtm>, and is updated weekly. The Post-Katrina Act requires two specific performance measures—public assistance project worksheet completion rates and public assistance reimbursement times. Although the latter does not appear on the reports posted on the Web site and the former is not clearly stated in those reports, FEMA officials reported using both measures.
  - Project Worksheet Completion Rates: The Web site posts reports containing information on various public assistance efforts in Alabama, Louisiana, Mississippi, and Texas as well as Gulf-wide. According to FEMA officials, the project worksheet completion rates are tracked on these reports. The officials said that the Joint Field Office tracks project worksheet completion rates daily by calculating the ratio of completed worksheets to worksheets anticipated to be completed. The reports show two project worksheet ratios. One ratio is based on worksheets obligated (the point at which funds are to be available to states) and the other ratio is for worksheets that have been entered into FEMA's National Emergency Management Information System. However, these officials did not explain the basis for these ratios (i.e., how completion is defined or how the anticipated number of worksheets is forecast).
  - Public Assistance Reimbursement Times: According to officials in the Gulf Coast Recovery Office, FEMA has established a standard of 48 hours from the time the funds are approved in FEMA's system until the funds are made available to the states through the Department of Health and Human Services payment management system. Although a measure of reimbursement times does not appear in the reports on the Web site, these officials said that FEMA's Office of Chief Financial Officer tracks public assistance funds that do not meet the 48 hour standard and refers them to the FEMA finance center for resolution. § 638(e).

Areas to Be Addressed:

- **Public Assistance Closeout Incentives:** Officials in FEMA's Disaster Assistance Directorate said that there is nothing that the agency can do to provide incentives for the closeout of public assistance projects without additional statutory authority to provide funds. However, FEMA officials commented that good management practices can expedite the closeout process. § 638(f).

Challenges DHS and FEMA Officials Identified:

- Agency officials did not identify any challenges for this section.

For Further Reading:

- U.S. Department of Homeland Security. Federal Emergency Management Agency. “Gulf Coast Recovery Office Public Assistance Weekly Updates.” <http://www.fema.gov/hazard/hurricane/2005katrina/weekly.shtm> (accessed on Sept. 5, 2008).
- U.S. Department of Homeland Security. Federal Emergency Management Agency. “3 Years Later: Recovery Continues along the Gulf Coast.” <http://www.fema.gov/hazard/hurricane/2005katrina/3years.shtm> (accessed on Sept. 5, 2008).

## Enclosure XIV: Crosswalk between Post-Katrina Act Provisions & Enclosures

<b>Section<sup>40</sup></b>	<b>Provision Title</b>	<b>Location in Enclosures</b>
§ 601	Short Title	Not Specifically Addressed—Operative Terms <sup>41</sup>
§ 602	Definitions	Not Specifically Addressed—Operative Terms
§ 611 (Homeland Security Act (HSA) § 501)	Definitions	Not Specifically Addressed—Operative Terms
§ 611 (HSA § 503)	Federal Emergency Management Agency (FEMA)	Enclosure II: Implementing Organizational Structures, Roles, and Authorities to Prepare for, Respond to, and Recover from Disasters
§ 611 (HSA § 504)	Authority and Responsibilities	Enclosure II: Implementing Organizational Structures, Roles, and Authorities to Prepare for, Respond to, and Recover from Disasters
§ 611 (HSA § 505)	Functions Transferred	Enclosure II: Implementing Organizational Structures, Roles, and Authorities to Prepare for, Respond to, and Recover from Disasters
§ 611 (HSA § 506)	Preserving FEMA	Enclosure II: Implementing Organizational Structures, Roles, and Authorities to Prepare for, Respond to, and Recover from Disasters
§ 611 (HSA § 507)	Regional Offices	Enclosure VI: Supporting Regional Preparedness and Cooperation
§ 611 (HSA § 508)	National Advisory Council	Enclosure II: Implementing Organizational Structures, Roles, and Authorities to Prepare for, Respond to, and Recover from Disasters
§ 611 (HSA § 509)	National Integration Center	Enclosure II: Implementing Organizational Structures, Roles, and Authorities to Prepare for, Respond to, and Recover from Disasters
§ 611 (HSA § 510)	Credentialing and Typing	Enclosure X: Ensuring a Well-Trained, Professional Workforce to Prepare for, Respond to, and Recover from Disasters
§ 611 (HSA § 511)	National Infrastructure	Enclosure XI: Applying Specific Expertise to

<sup>40</sup>This crosswalk includes citations to each section of the Post-Katrina Act and identifies the enclosure to this letter in which we discuss a given section. In some instances, a section of the Post-Katrina Act amends another statute, principally the Homeland Security Act of 2002 (HSA) or the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act). In such instances, we include both the Post-Katrina Act section and, parenthetically, the section of the amended statute, for example the HSA or the Stafford Act.

<sup>41</sup>“Operative Terms” include such things as effective dates, definitional provisions, savings clauses, coverage changes, authorizations for appropriations, and technical and conforming amendments of the Post-Katrina Act. Because the provisions in this category are of a technical legal nature, we will not be able to address their implementation as free-standing provisions. Although we do not present stand-alone materials with respect to “operative terms,” we may refer to them as we address related provisions in other categories.

	Simulation & Analysis Center	Disaster Planning, Response, and Recovery Activities
§ 611 (HSA § 512)	Evacuation Plans & Exercises	Enclosure V: Implementing the Components of the National Preparedness System and Other Preparedness Activities
§ 611 (HSA § 513)	Disability Coordinator	Enclosure XI: Applying Specific Expertise to Disaster Planning, Response, and Recovery Activities
§ 611 (HSA § 514)	Department and Agency Officials	Enclosure II: Implementing Organizational Structures, Roles, and Authorities to Prepare for, Respond to, and Recover from Disasters
§ 611 (HSA § 515)	National Operations Center	Enclosure II: Implementing Organizational Structures, Roles, and Authorities to Prepare for, Respond to, and Recover from Disasters
§ 611 (HSA § 516)	Chief Medical Officer	Enclosure II: Implementing Organizational Structures, Roles, and Authorities to Prepare for, Respond to, and Recover from Disasters
§ 612	Technical and Conforming Amendments	Not Specifically Addressed—Operative Terms
§ 613	National Weather Service	Not Specifically Addressed—Operative Terms
§ 614	Effective Date	Not Specifically Addressed—Operative Terms
§ 621 (5 USC § 10101)	Definitions	Not Specifically Addressed—Operative Terms
§ 621 (5 USC § 10102)	Strategic human capital plan	Enclosure X: Ensuring a Well-Trained, Professional Workforce to Prepare for, Respond to, and Recover from Disasters
§ 621 (5 USC § 10103)	Career paths	Enclosure X: Ensuring a Well-Trained, Professional Workforce to Prepare for, Respond to, and Recover from Disasters
§ 621 (5 USC § 10104)	Recruitment bonuses	Enclosure X: Ensuring a Well-Trained, Professional Workforce to Prepare for, Respond to, and Recover from Disasters
§ 621 (5 USC § 10105)	Retention bonuses	Enclosure X: Ensuring a Well-Trained, Professional Workforce to Prepare for, Respond to, and Recover from Disasters
§ 621 (5 USC § 10106)	Quarterly report on vacancy rate in employee positions	Enclosure X: Ensuring a Well-Trained, Professional Workforce to Prepare for, Respond to, and Recover from Disasters
§ 622 (HSA § 844)	Homeland Security Rotation Program	Enclosure X: Ensuring a Well-Trained, Professional Workforce to Prepare for, Respond to, and Recover from Disasters
§ 623 (HSA § 845)	Homeland Security Education Program	Enclosure X: Ensuring a Well-Trained, Professional Workforce to Prepare for, Respond to, and Recover from Disasters

§ 624	Surge Capacity Force	Enclosure X: Ensuring a Well-Trained, Professional Workforce to Prepare for, Respond to, and Recover from Disasters
§ 631 (Stafford § 613)	State Catastrophic Incident Annex	Enclosure V: Implementing the Components of the National Preparedness System and Other Preparedness Activities
§ 632	Evacuation Preparedness Technical Assistance	Enclosure V: Implementing the Components of the National Preparedness System and Other Preparedness Activities
§ 633 (Stafford § 303)	Emergency Support and Response Teams	Enclosure V: Implementing the Components of the National Preparedness System and Other Preparedness Activities
§ 634	Urban Search and Rescue Response System	Enclosure V: Implementing the Components of the National Preparedness System and Other Preparedness Activities
§ 635	Metropolitan Medical Response Grant System	Enclosure V: Implementing the Components of the National Preparedness System and Other Preparedness Activities
§ 636	Logistics	Enclosure VII: Improving Timely Delivery of Goods and Services in Disaster Events
§ 637	Prepositioned Equipment Program	Enclosure VII: Improving Timely Delivery of Goods and Services in Disaster Events
§ 638	Hurricane Katrina and Hurricane Rita Recovery Offices	Enclosure XIII: Managing Recovery from Hurricanes Katrina and Rita in the Gulf Coast Region
§ 639	Basic Life Supporting First Aid and Education	Enclosure IV: Providing Assistance to Disaster-Affected Areas and Populations
§ 640	Improvements to Information Technology Systems	Enclosure IX: Improving Information Technology Systems to Support Compatibility, Accessibility, and Tracking
§ 640a	Disclosure of Certain Information to Law Enforcement Agencies	Enclosure IV: Providing Assistance to Disaster-Affected Areas and Populations
§ 641	Definitions	Not Specifically Addressed—Operative Terms
§ 642	National Preparedness	Enclosure V: Implementing the Components of the National Preparedness System and Other Preparedness Activities
§ 643	National Preparedness Goal	Enclosure V: Implementing the Components of the National Preparedness System and Other Preparedness Activities
§ 644	Establishment of National Preparedness System	Enclosure V: Implementing the Components of the National Preparedness System and Other Preparedness Activities
§ 645	National Planning Scenarios	Enclosure V: Implementing the Components of the National Preparedness System and Other

		Preparedness Activities
§ 646	Target Capabilities and Preparedness Priorities	Enclosure V: Implementing the Components of the National Preparedness System and Other Preparedness Activities
§ 647	Equipment and Training Standards	Enclosure V: Implementing the Components of the National Preparedness System and Other Preparedness Activities
§ 648	Training and Exercises	Enclosure V: Implementing the Components of the National Preparedness System and Other Preparedness Activities
§ 649	Comprehensive Assessment System	Enclosure V: Implementing the Components of the National Preparedness System and Other Preparedness Activities
§ 650	Remedial Action Management Program	Enclosure V: Implementing the Components of the National Preparedness System and Other Preparedness Activities
§ 651	Federal Response Capability Inventory	Enclosure V: Implementing the Components of the National Preparedness System and Other Preparedness Activities
§ 652	Reporting Requirements	Enclosure V: Implementing the Components of the National Preparedness System and Other Preparedness Activities
§ 653	Federal Preparedness	Enclosure V: Implementing the Components of the National Preparedness System and Other Preparedness Activities
§ 654	Use of Existing Resources	Enclosure V: Implementing the Components of the National Preparedness System and Other Preparedness Activities
§ 661	Emergency Management Assistance Compact Grants	Enclosure VI: Supporting Regional Preparedness and Cooperation
§ 662	Emergency Management Performance Grants	Not Specifically Addressed—Operative Terms
§ 663	Transfer of Noble Training Center	Enclosure V: Implementing the Components of the National Preparedness System and Other Preparedness Activities
§ 664	National Exercise Simulation Center	Enclosure V: Implementing the Components of the National Preparedness System and Other Preparedness Activities
§ 671	Short Title	Not Specifically Addressed—Operative Terms
§ 671 (HSA § 1801)	Office of Emergency Communications	Enclosure III: Supporting and Enhancing Emergency Communications
§ 671 (HSA § 1802)	National Emergency Communications Plan	Enclosure V: Implementing the Components of the National Preparedness System and Other



		Preparedness Activities
§ 671 (HSA § 1803)	Assessments and Reports	Enclosure III: Supporting and Enhancing Emergency Communications
§ 671 (HSA § 1804)	Coordination of Department Emergency Communications Grant Programs	Enclosure III: Supporting and Enhancing Emergency Communications
§ 671 (HSA § 1805)	Regional Emergency Communications Coordination	Enclosure VI: Supporting Regional Preparedness and Cooperation
§ 671 (HSA § 1806)	Emergency Communications Preparedness Center	Enclosure III: Supporting and Enhancing Emergency Communications
§ 671 (HSA § 1807)	Urban and Other High Risk Area Communications Capabilities	Enclosure VI: Supporting Regional Preparedness and Cooperation
§ 671 (HSA § 1808)	Definition	Not Specifically Addressed—Operative Terms
§ 672 (HSA § 314)	Office for Interoperability and Compatibility	Enclosure III: Supporting and Enhancing Emergency Communications
§ 673 (HSA § 315)	Emergency Communications Interoperability Research and Development	Enclosure III: Supporting and Enhancing Emergency Communications
§ 674	911 and E911 Services Report	Enclosure III: Supporting and Enhancing Emergency Communications
§ 675	Savings Clause	Not Specifically Addressed—Operative Terms
§ 681 (Stafford §§ 402, 502)	General Federal Assistance	Enclosure VII: Improving Timely Delivery of Goods and Services in Disaster Events
§ 682	National Disaster Recovery Strategy	Enclosure V: Implementing the Components of the National Preparedness System and Other Preparedness Activities
§ 683	National Disaster Housing Strategy	Enclosure V: Implementing the Components of the National Preparedness System and Other Preparedness Activities
§ 684 (Stafford § 404(a))	Hazard Mitigation Grant Formula	Not Specifically Addressed—Operative Terms
§ 685 (Stafford § 408(c)(4))	Housing Assistance	Not Specifically Addressed—Operative Terms
§ 686 (Stafford § 408(c))	Maximum Amount Under Individual Assistance Programs	Not Specifically Addressed—Operative Terms
§ 687 (Stafford § 302)	Coordinating Officers	Enclosure II: Implementing Organizational

		Structures, Roles, and Authorities to Prepare for, Respond to, and Recover from Disasters
§ 688 (Stafford § 102)	Definitions	Not Specifically Addressed—Operative Terms
§ 689	Individuals With Disabilities	Enclosure XI: Applying Specific Expertise to Disaster Planning, Response, and Recovery Activities
§ 689a (Stafford § 308(a))	Nondiscrimination in Disaster Assistance	Not Specifically Addressed—Operative Terms
§ 689b	Reunification	Enclosure IV: Providing Assistance to Disaster-Affected Areas and Populations
§ 689c	National Emergency Family Registry and Locator System	Enclosure IV: Providing Assistance to Disaster-Affected Areas and Populations
§ 689d (Stafford § 408(c)(1)(A))	Federal Assistance to Individuals and Households	Not Specifically Addressed—Operative Terms
§ 689e (Stafford § 616)	Disaster Related Information Services	Enclosure IV: Providing Assistance to Disaster-Affected Areas and Populations
§ 689f (Stafford § 425)	Transportation Assistance to Individuals and Households	Enclosure IV: Providing Assistance to Disaster-Affected Areas and Populations
§ 689f (Stafford § 426)	Case Management Services	Enclosure IV: Providing Assistance to Disaster-Affected Areas and Populations
§ 689g (Stafford § 326)	Designation of Small State and Rural Advocate	Enclosure XI: Applying Specific Expertise to Disaster Planning, Response, and Recovery Activities
§ 689h (Stafford § 406(a)(3)(B))	Repair, Restoration, and Replacement of Damaged Private Nonprofit Educational Facilities	Not Specifically Addressed—Operative Terms
§ 689i	Individuals and Households Pilot Program	Enclosure IV: Providing Assistance to Disaster-Affected Areas and Populations
§ 689j	Public Assistance Pilot Program	Enclosure IV: Providing Assistance to Disaster-Affected Areas and Populations
§ 689k	Disposal of Unused Temporary Housing Units	Enclosure IV: Providing Assistance to Disaster-Affected Areas and Populations
§ 691	Advance Contracting	Enclosure VIII: Changing Contracting Practices to Enhance Preparedness and Strengthen Accountability
§ 692	Limitations on Tiering of Subcontractors	Enclosure VIII: Changing Contracting Practices to Enhance Preparedness and Strengthen

		Accountability
§ 693	Oversight and Accountability of Federal Disaster Expenditures	Enclosure XII: Implementing Controls to Prevent Waste, Fraud, and Abuse
§ 694 (Stafford § 307)	Use of Local Firms and Individuals	Enclosure VIII: Changing Contracting Practices to Enhance Preparedness and Strengthen Accountability
§ 695	Limitation on Length of Certain Noncompetitive Contracts	Enclosure VIII: Changing Contracting Practices to Enhance Preparedness and Strengthen Accountability
§ 696	Fraud, Waste and Abuse Controls	Enclosure XII: Implementing Controls to Prevent Waste, Fraud, and Abuse
§ 697	Registry of Disaster Response Contractors	Enclosure VIII: Changing Contracting Practices to Enhance Preparedness and Strengthen Accountability
§ 698	Fraud Prevention Training Program	Enclosure XII: Implementing Controls to Prevent Waste, Fraud, and Abuse
§ 699	Authorization of Appropriations	Not Specifically Addressed—Operative Terms

Source: GAO Analysis

## Enclosure XV: Comments from FEMA

U.S. Department of Homeland Security  
Washington, DC 20472



**FEMA**

November 14, 2008

Mr. William O. Jenkins  
Director Homeland Security and Justice  
Government Accountability Office  
Washington, D. C. 20548

Dear Mr. Jenkins:

Thank you for providing the Department of Homeland Security (DHS) and specifically the Federal Emergency Management Agency (FEMA) the opportunity to review and comment on the draft Government Accountability Office (GAO) report, GAO-09-59R, *Actions to Implement the Post-Katrina Act* (PKEMRA).

PKEMRA contained over two hundred and fifty distinct requirements. As the GAO has noted in its draft report, DHS, and FEMA in particular, has been working to implement these requirements, and has completed or made substantial progress on virtually all provisions.

In this engagement, GAO sought to catalog what DHS had accomplished by August 1, 2008 in targeted sections of PKEMRA. While DHS and GAO collaborated in assembling a substantial amount of information, this report only briefly describes the substantive improvements in the wake of Hurricane Katrina. Time was not available for a more thorough review and substantive report.

Recent experiences, particularly in Hurricanes Gustav and Ike, show the positive result of FEMA and DHS improvements. Gustav and Ike have also highlighted areas where work remains to be done at all levels of government, particularly with disaster housing. All of these activities related to Gustav and Ike took place after August 1, 2008, and are therefore not covered in this report.

Below is an overview of improvements and a discussion of how these improvements have affected recent disaster response operations.

### Overview of Improvements

Earlier this year, FEMA released the *National Response Framework (NRF)*. The NRF provides a clear picture of the resources and assets available through the Federal government and clarifies the agencies and programs engaged in disaster response and their role in support of state and local officials.

FEMA has worked with states to identify gaps and areas where they will most need support, recognizing that one size does not fit all and that any response will be tailored to an individual state's needs. Additionally, FEMA has developed teams that actively exercise and interface with states and local governments in advance of disaster events and can be pre-staged in a notice event, or stand ready to be deployed to the disaster area, arriving on the ground within hours of a storm or other disaster striking. These teams provide real-time situational awareness and visibility on issues and serve as an initial point of contact for state officials to communicate their need for Federal resources to FEMA.

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FEMA has improved its ability to deliver assistance. This is reflected in alliances with logistics partners within the Federal family and with the private sector, clarified guidance to states on emergency life sustaining needs, and a strengthened ability to manage the logistics pipeline and get needed supplies and resources to a disaster site more quickly and efficiently.

Additionally, FEMA is focused on providing assistance in an easily accessible and coordinated manner through simple and effective delivery mechanisms. FEMA expanded its capability to register those in need of aid and to have mobile registration centers that can be on hand to help those without access to phones or computers. At the same time, FEMA strengthened its ability to detect and limit waste, fraud, and abuse of its assistance programs. FEMA continues to work with Federal, state, local, and voluntary partners to build a robust system for evacuation, sheltering, and housing, including our collaboration with the American Red Cross to implement the National Shelter System. FEMA established a National Emergency Family Registry and Locator System and a National Emergency Child Locator Center to help those displaced find their loved ones. FEMA also instituted a new policy to help those with pets safely evacuate a disaster area.

FEMA recognizes the need to have a comprehensive disaster housing framework, which can serve as a cornerstone for disaster recovery. PKEMRA called for a *National Disaster Housing Strategy (NDHS)* and provided FEMA with the opportunity to describe how the Nation provides housing to those affected by disasters. More importantly, it charts a new direction to better understand and meet the housing needs of disaster victims and communities. The *Strategy* captures lessons learned from Hurricane Katrina and subsequent disasters, embraces the larger issues of disaster victims beyond simply providing a structure, and seeks innovative and creative housing options. It elevates issues of safety, security and access to those with disabilities, emphasizes again and again the value of planning, and differentiates the catastrophe above all other disasters. For the first time in any single document, it addresses all forms of disaster housing and suggests that these issues merit full time, national attention. On July 23, 2008, FEMA published the draft NDHS for public comment and has been working closely with key stakeholders to finalize seven annexes to the NDHS that address specific issues in PKEMRA. FEMA is revising the Strategy now based on those comments and expects to release the final Strategy and annexes this December.

#### **Discussion of How these Improvements Affected Disaster Response Operations**

Beginning with the Midwest floods of May 2008, through the 2008 Hurricane Season, DHS and FEMA have responded to thirty-one major disaster declarations affecting 23 states and territories. The most notable disasters were Hurricanes Gustav and Ike. These storms, both projected at one time in their lifespan to be Category III or stronger storms at landfall, both had the capacity to impose catastrophic damage simultaneously to multiple states along the Gulf Coast. These storms were the most strenuous test of national, state, local and individual preparedness since Hurricanes Katrina and Rita. The response, and thus far the recovery to these storms provides evidence of increased preparedness, decisiveness by elected and appointed officials at every level of government, as well as by citizens who elected to evacuate in record numbers. Below are specific examples of improved or expanded response capabilities:

- In the response to Hurricane Gustav, nine Urban Search and Rescue (US&R) Task Forces were deployed to support Texas and Louisiana and eight Task Forces were deployed to support Georgia, Florida, Alabama, and Mississippi.
- For Hurricane Ike, nine Task Forces were deployed to Texas and six to Louisiana. The US&R Task Forces supported the states in critical search and rescue operations.
- During these disasters, the new FEMA Operational Planners:
  - Provided improved planning capability in the areas of current and future planning;
  - Facilitated extensive evacuation coordination/planning between the Regions and the states;
  - Synchronized interagency operational planning with the DHS Incident Management Planning Team, U.S. Northern Command, and other Departments and Agencies;
  - Supported responses to the Midwest Floods by projecting population impacts and needs before the flood wave struck;
  - Provided current and future operational planning analyses to inform decision makers by focusing more closely on performance metrics; and
  - Developed and implemented innovative planning strategies to address issues such as the Regional Planning Strategy used to respond to Hurricanes Gustav and Hanna concurrently.
- For Hurricane Gustav, FEMA and Federal, state, and local partners executed the Gulf Coast evacuation plan, developed over the past two years in coordination with the State of Louisiana, and evacuated more than 2 million people in 48 hours to multiple receiving states using multi-modal evacuation sources including air, train, and bus.
- Greater emphasis has been placed on the Mission Assignment (MA) process to include development of Pre-Scripted Mission Assignments (PSMAs), a mechanism used to facilitate rapid response. FEMA has increased the number of PSMAs in place to 236 with 33 agencies. This support ranges from heavy-lift helicopters from DoD, to generators from the USACE, to Disaster Medical Assistance Teams from HHS, to Emergency Road Clearing Teams from the U.S. Forest Service. The expanded catalog of PSMAs was put to good use during Gustav and Ike.
- FEMA Mobile Emergency Response Support System (MERS) assets continued to provide communications support to states/locals, as well as our response teams and other interagency response teams. For example, during Hurricanes Gustav and Ike, MERS:
  - Provided mobile emergency communications infrastructure to the Mayor of Galveston to support continuity of local government.
  - Supported maintenance and repair of communications equipment for local first responders on Galveston Island.
  - Repaired a main repeater at the Houston Reliance Center to sustain communications capabilities for the Texas Highway Patrol.

- Supported Texas Task Force Ike with land mobile radio communications to link the Task Force with the Interagency Working Group`.
  - Provided command and control support to government of Houma, Louisiana.
  - Supported communications capabilities for the Louisiana State Police by providing a 700 MHz radio system.
  - Supported Terrebonne Parish in Louisiana with a 800 MHz radio system tower providing communications connection for the Parish.
- In October 2008, there were 3,837 FEMA reservists deployed in support of disaster response and recovery throughout the United States. In the Gulf Coast and other hurricane affected areas, there are 1,831 reservists serving in response to the tremendous need.
  - In FY 08, FEMA competed an estimated 80% of its procurement dollars thereby exceeding its annual competitive obligations goal by 4 percentage points. In addition, FEMA has awarded an estimated \$393 million to small businesses so far this fiscal year.
  - Our efforts and improvements in service delivery of FEMA's recovery programs on behalf of disaster victims include:
    - **Housing Inspections** – Prior to declaration, housing inspectors are mobilized; they arrive in the affected areas immediately after the declaration and inspections began immediately following the disasters.
    - **Registration Intake** – Special Needs scenarios were added to FEMA's registration intake script beginning in 2008. The Special Needs questions are designed to obtain information from applicants about any loss of support required for mobility, sight, hearing or taking care of themselves or members of their household as a result of the disaster. The information about applicants' special needs is transmitted to the JFOs for appropriate follow-up.
    - **National Processing Servicing Center (NPSC) Operations** – The NPSC have the capability to expand operations to support 24/7 staffing immediately upon a declaration.
    - **Joint Housing Solutions Group and the Development of Comprehensive Housing Plan** - FEMA's Joint Housing Solutions Group partnered with Federal, state and local governments, and voluntary agencies, to develop a comprehensive housing plan that includes identifying the most heavily impacted areas, on-the-spot registration of shelter populations, analyzing shelter and mass care operations, transitioning applicants to temporary housing, individual case management for applicants with major damage to their primary residences, identifying available rental resources, assessing and assisting special need populations, and working with local voluntary agencies to identify additional assistance resources available to residents.

- **National Emergency Family Registry and Locator System (NEFRS) and the National Emergency Child Locator Center (NECLC)** – These systems are activated immediately following disaster declarations, facilitating the reunification of displaced family members. These services help local and tribal governments and law enforcement agencies track and locate children who have become separated from their parents or guardians.
- **Mass Care Deployment to State Operations Center** – In advance of disaster declarations, FEMA has deployed a mass care staff member to the State Operations Center to promote situational awareness and enhance coordination with the American Red Cross and reporting of shelter statistics. Additionally, FEMA deployed **mass care and donations management specialists** in support of state and local sheltering operations, implementation of the National Shelter System, donations management, and delivery of mass care services.
- To provide technical assistance to the JFO, FEMA deployed the **FEMA Disabilities Coordinator** to different disasters this year. The Disabilities Coordinator has been invaluable advising mass care as well as the Disaster Mobile Home Program (DHOP) regarding unique issues and concerns facing those disaster victims with special needs.
- All affected states utilized the web-based volunteer and donations management application that was developed by **Aidmatrix** Foundation. This new resource tool was built to support state emergency management and FEMA’s voluntary agency partners. The Aidmatrix system was very instrumental in helping the donations group acquire and disburse items.
- In April 2007, as part of the FEMA’s reorganization, the Logistics Branch was elevated to Directorate level within the Agency. The Logistics Management Directorate (LMD) is FEMA’s major program office responsible for policy, guidance, standards, execution and governance of logistics support, services and operations. Since that time, LMD has strengthened its business practices by enhancing its relationships with logistics partners for a more coordinated logistics response operation. Examples include:
  - In September 2007, LMD established a Distribution Management Strategy Working Group, comprised of its Federal, private and non-governmental organizations logistics partners, to conduct a comprehensive analysis and develop a comprehensive distribution and supply chain management strategy. Partners in this group include GSA, DOD (USNORTHCOM)/DLA, HHS, USACE, USDA USFS, and Mass Care (ESF6). The Resource Management Group, a sub-working group, has been established to assist in resourcing disaster requests for Logistics supplies and services.
  - LMD has established hundreds of mission-essential standby contracts and Inter-agency Agreements (IAAs) to enable more timely response.



**Summary**

DHS and FEMA continue to implement the remaining PKEMRA provisions, and apply lessons learned from this summer's hurricane season to all of disaster related activities. We look forward to continuing our cooperation with the GAO as we continue to improve the service DHS and FEMA offer to our country.

Sincerely,

A handwritten signature in black ink, appearing to read 'Marko Bourne', written over a light blue horizontal line.

Marko Bourne  
Director, Office of Policy and Program Analysis

## **Enclosure XVI: Contact and Acknowledgements:**

### **Contact**

William Jenkins, (202) 512-8957 or [jenkinswo@gao.gov](mailto:jenkinswo@gao.gov)

### **Acknowledgements**

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