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FOR RECORD

STATEMENT BY

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THE ADJUTANT GENERAL – MAINE NATIONAL GUARD
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AND EMERGENCY MANAGEMENT

BEFORE THE

SENATE COMMITTEE ON HOMELAND SECURITY
AND GOVERNMENTAL AFFAIRS

ON

THE MILITARY'S ROLE IN DISASTER RESPONSE:
PROGRESS SINCE HURRICANE KATRINA

JULY 19, 2007

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**TESTIMONY OF
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ADJUTANT GENERAL, STATE OF MAINE
BEFORE THE SENATE COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS**

Chairman Lieberman, Senator Collins and members of the Committee. Thank you for the opportunity to testify before you today. I want to emphasize at the outset that I am testifying on behalf of the State of Maine and as a representative of the Adjutants General Association of the United States (AGAUS). Although I am a federally recognized and U.S. Senate confirmed Army General Officer, I appear before you today as a state official in state status at state expense. My formal testimony, oral statement, and responses to your questions should therefore be understood as independent expressions of states' sovereign interests. Unlike other military panelists who typically appear before you, nothing I am about to say has been previewed, edited or otherwise approved by anyone in the Department of Defense.

I am appearing before you today wearing multiple State hats. I am the cabinet level Commissioner of the Maine Department of Defense, Veterans and Emergency Management (DVEM), which includes the Maine Emergency Management Agency (MEMA). I am also the Adjutant General of the Maine National Guard and the Governor's Homeland Security Advisor (HSA).

Among my peers, this puts me in a unique position which I will refer back to throughout my testimony. For reference, the FY 2007 *National Emergency Management Association (NEMA) Profile of State Emergency Management Directors and Their Agencies* report notes that 11 Emergency Management Directors report directly to the Governor, 16 to the Adjutant General, 4 to the Homeland Security Director, 14 to the Public Safety Director and 9 to others. The same report also notes that the following positions are designated as homeland security coordinators: Emergency Management Director, 6; Adjutant General, 5; Homeland Security Director, 22; Public Safety Secretary/Commissioner, 7; and others, 14. Clearly, this distribution of assignments makes communications problematic in terms of a coordinated message between Homeland Security, Emergency Management and Department of Defense officials.

Let me begin by describing the emergency management process:

"Imagine that you were somehow able to watch, from a distance, a major disaster unfold. You would see suffering and devastation, but that would only be part of the story. You would also see lots of people move into action – people from government agencies, private organizations, businesses, and volunteer groups. You would see them **working as a team** to keep the essential services in operation, provide first aid, food and water, clear debris, rebuild homes and businesses, and prevent the disaster from happening again.

Over time you would begin to see a pattern to this activity. You would see how people work together when disasters occur. You would see how "first responders" risk their lives to help others. You would see the results of planning and coordination in the execution of an effective response. And you would learn that communities and individuals could lessen the damage that disasters cause, and sometimes avoid it altogether.

The pattern behind this activity is called emergency management. It is the process through which America prepares for emergencies and disasters, responds to them, recovers from them, rebuilds and mitigates their future effects.” (Courtesy of the Federal Emergency Management Agency (FEMA))

In my judgment, the place in the United States where this process is best integrated between civil, military and business authorities is at the State level and this is the model that should be replicated at the Federal level.

BACKGROUND

Since all disasters are local, it follows that all response is local, at least initially. Governors have a sovereign responsibility and authority to carry out emergency preparedness, response and recovery in the name of the safety and welfare of the states citizens. Therefore, before a disaster strikes, a governor needs to establish an emergency response team; compile essential emergency management information, include a detailed risk analysis; and assess the State’s resources and capabilities for dealing with these risks. It is important to note that Governors, and their state EMA Directors, have several well defined and recognized measurement tools for evaluating the state’s emergency management capabilities:

1. **Capability Assessment for Readiness (CAR)** – A self-assessment tool that can be used to identify strengths and weaknesses in emergency response.
2. **GAP Analysis** – An evaluation currently underway at the State and Federal levels, under the auspices of FEMA, which seeks to provide a true and accurate picture of our shortfalls and gives responding agencies an opportunity to assess needs before events occur. Having an accurate operational picture assures that agencies are in a position to provide support assets more rapidly.
3. **Emergency Management Accreditation Program (EMAP)** – Provides national standards through which emergency management programs can demonstrate success and accountability and determine areas and issues where additional resources are needed.

Multiple state agencies share responsibility for state emergency management activities. In Maine, these Departments are assembled into what we call the Emergency Response Team (ERT) and assemble at the state’s Emergency Operations Center (EOC) when responses are required for events that exceed the capability of the local community and/or County to respond. If the resources needed to manage a disaster or emergency are not readily available within the state, outside resources may be obtained through the following protocols;

1. **Mutual Aid Agreements Between States** - These agreements allow the State’s EMA office to request disaster response and recovery assistance from unaffected regional states.
2. **The Emergency Management Assistance Compact (EMAC)** – EMAC is a congressionally ratified organization that provides form and structure to interstate mutual aid. Through EMAC, a disaster impacted state can request and receive assistance from other member states quickly and effectively, resolving two key issues upfront; liability and reimbursement. (EMAC has been adopted by all 50 states and 3 territories)

3. **The International Emergency Management Compact (IEMAC)** – On the 18th day of July, in Halifax, Nova Scotia, Canada at the 25th Annual Meeting of the New England Governors and Eastern Canadian Premiers, the International Emergency Management Assistance Memorandum of Understanding (IEAMMOU) was signed by all parties. Modeled on EMAC, when ratified by the Legislature of each state, Congress and the comparable levels of government in Canada, this Compact will provide form and structure for mutual aid between the cited international parties. A similar Pacific Northwest Emergency Management Agreement has also been legally ratified and established between the States of Alaska, Washington, Oregon and Idaho and the Canadian Province of British Columbia and the Yukon.

Most disasters do not reach the magnitude of a presidential declaration, however, when the resources of the state and local agencies are insufficient to respond to or recover from a disaster, the governor may ask the President to declare a major disaster or emergency. A presidential major disaster declaration sets in motion both federal response and long-term recovery assistance programs.

The primary system for a federal response to major disasters is the National Response Plan (NRP). It can be implemented in anticipation of a major disaster or in response to an actual event requiring federal assistance.

OBSERVATIONS

I believe there is an emerging exchange of information, views and identification of capabilities taking place. Maine was one of several states recently visited by General Renuart and the Governor and I were immediately impressed by his philosophy, candor and understanding of the sovereign role of states.

General Renuart articulated clearly his understanding that federal military resources brought to a state disaster would be at the request of, and in support of, the Governor. While we discussed the philosophy of “dual-hat” National Guard General Officers, what we both concluded was that what the Governor truly wanted from any federal troops in Maine was *support*. The Governor and I have no issues with federal troops remaining under the command and control of their normal chain of command, or a Title 10 Command and Control cell in Maine. What we really want and need is operational control, the authority to assign tasks, designate missions and give authoritative direction necessary to complete the missions. What we do not want or need is the authority to direct matters of administration, discipline, logistics, internal organization or unit training.

Additionally General Renuart distinguishes between his deploying federal resources forward to a local federal enclave versus employing them at the Governor’s request; He is a strong proponent of the key role of the Defense Coordinating Officer at each FEMA Regional Headquarters; understands the difficulty with developing a common operating picture when 40+ states are using WebEOC (a common piece of software for situational awareness and resource tracking used in the emergency management community) to capture and communicate data and DOD is not. Finally he supports the discussion of the role of local Reserve capability in the aftermath of a Governor’s Emergency Declaration.

General Renuart is continuing dialogue begun by Admiral Keating at USNORTHCOM with TAGs and will host the AGAUS Homeland Security Committee at the end of the month.

It should also be noted that the National Guard Bureau has facilitated the General Cody springtime briefings by Gulf TAGs for the past two years on equipment requirements for upcoming hurricane seasons.

From my point of view, perceived shortfalls may lie in the lack of dialogue between DHS and the states, especially in those states where the TAG is not also the Governor's Homeland Security Advisor (HSA). Those TAGs find themselves blind to the exchanges between their State EMAs and DHS. I would point out that FEMA Region I, under the leadership of Art Cleaves, has instituted a quarterly homeland security forum for region states that includes the TAGs, the Governor's Homeland Security Advisor and the State's Emergency Management Director. While I wear all three of those hats in Maine, Massachusetts, by way of example, sends three different people to represent them. The value of this type of forum is that its inclusiveness does not allow for any of the three key principals at state level to be out of the information loop. This is a model worth adopting nationwide.

I have mentioned the state's sovereign rights on more than one occasion and would be remiss if I did not applaud the Commission on the National Guard and Reserves' March 1, 2007 recommendation to Congress on establishing a bipartisan Council of Governors to meet with and advise DOD, DHS and the White House Homeland Security Council on matters related to the Guard and civil support missions. The issues surrounding a properly layered response to a major disaster are primarily about communications and coordination and this Council will enhance both.

RECOMMENDATIONS

Preserve the ability of state Governors to direct the emergency response within their states through the repeal of Section 1076 of the 2007 National Defense Appropriations Act which changed more than 100 years of well established and carefully balanced state-federal and civil-military relationships. As written, the Act does not require the President to contact, confer or collaborate in any way with a governor before seizing control of a state's National Guard.

Reinforce the intent of HSPD-5 which states that the Secretary of Homeland Security is responsible for coordinating Federal resources within the United States to prepare for, respond to, and recover from terrorist attacks, major disasters and other emergencies. The implied tasks here include planning, training and exercising. The specific short term tasks include the need to identify homeland security requirements and resource them. By institutionalizing a Homeland Security "Chain of Command" from the President through the Secretary of DHS through his FEMA Regional Offices, State Governors will have a concrete procedure in place to request and receive federal assistance in disasters. This Chain of Command would preserve the Governor as the Incident Commander for emergencies in his/her state and place DHS and other federal agencies at the Governor's request as a resource provider.

Accept the Commission of the National Guard and Reserves recommendation that the Commander or Deputy Commander of NORTHCOM should be a National Guard officer at all times. Note that I have excluded their mention that a Reserve officer holding either position as I

believe that only a National Guard General Officer who has risen through the ranks can fully understand the concept of the Governor's roles and sovereign responsibilities.

The National Incident Management System (NIMS) provides a template for incident management regardless of the size, scope and cause. Use of this template enables Federal, State, local and tribal governments and private sector and non-governmental organizations to work together effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents. Integration and implementation of NIMS has been required of most Federal agencies and is a requirement all lower levels of government, from States through County and local agencies. In order to provide a truly seamless federal response, study of NIMS needs to be institutionalized within the DOD educational system for officers and non-commissioned officers.

CONCLUSION

Interagency coordination during the emergency response to natural or manmade disasters at state level is inherent in the Governors' constitutional roles and responsibilities. At the federal level, HSPD-5 has directed that the Secretary of Homeland Security is responsible for coordinating Federal resources to prepare for, respond to and recover from major disasters, to include terrorist attacks. The organization within DHS that deals effectively, efficiently and on a consistent basis between Washington, Maine and Washington, DC is FEMA.

In my judgment, FEMA should be the location in the federal government where the responsibility for interagency coordination during emergency response resides. FEMA Regional offices are the closest counterparts to state agencies and best know the specific and unique needs of the states in their regions. As FEMA strengthens its efforts to facilitate coordination across federal departments, the Regional offices can be performing a simultaneous outreach effort on a more localized scale.

It was Casey Stengel who said, "Getting good players is easy. Getting them to play together is the hard part." We have good players.

I thank you for the opportunity to testify today and look forward to your questions.