

**STATEMENT OF ROBERT A. ECKELS,
FORMER COUNTY JUDGE, HARRIS COUNTY, TEXAS**

**BEFORE THE
SENATE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL
AFFAIRS AD HOC SUBCOMMITTEE ON DISASTER RECOVERY**

**HEARING ENTITLED: "OPEN ARMS: ANALYZING THE ROLE AND NEEDS
OF HOST COMMUNITIES IN THE WAKE OF MAJOR DISASTERS AND
CATASTROPHES."**

**OLD STATE CAPITOL BUILDING, BATON ROUGE, LOUISIANA
MONDAY, DECEMBER 3, 2007**

Madam Chairman and members of the Subcommittee, I am Robert Eckels, and I am a partner in the law firm of Fulbright & Jaworski in Houston, Texas. However until March 6, 2007 I served as the County Judge of Harris County, Texas. To clarify that role, a County Judge in Texas is the presiding officer of the Commissioners Court, the governing body of the county. I represented all the citizens of the third most populous county in the United States.

Harris County is 1,756 square miles in area and home to 3.9 million residents, making it more populous than 23 states. There are 34 municipalities within the county, including the City of Houston, the fourth largest city in the country. More than 1.2 million people live in unincorporated Harris County and rely on the county to be the primary provider of basic government services.

As County Judge, I was charged by statute with the responsibility for emergency management planning and operations for Harris County. Most departments within Harris County have emergency functions in addition to their normal duties and play key roles in our emergency operations strategy. All departments work together to coordinate services and prepare for an emergency or disaster.

I thank the Committee for inviting me to testify on what our challenges were, on what worked and on what needs to be changed to make it less difficult in the future. I would like to submit for the record the written testimony that I presented to the Senate Homeland Security and Governmental Affairs Committee Hearing on Recovering from Hurricane Katrina: Responding to the Needs of the Displaced, Today and Tomorrow on September 28, 2005. It explains what we were going through at the time of the event and the recommendations to Congress in that testimony are as valid today as they were then. Let me address those things that still need to be fixed so that host communities are not penalized for taking in evacuees.

REIMBURSEMENT

Current law is designed to help victims in the impact zone not the communities that serve the evacuees from the impact zones. It is logical to only reimburse a community for overtime for public service employees in an area where those employees would normally be serving the community, but when the host community is not the impact zone special consideration must be made. In the case of Harris County, we had to pull our public service officers away from their normal duties and assign them to our sheltering operations to serve only the evacuees. Our local tax payers paid for services they did not receive and that did cause some friction.

The incentive under the current law is to send future evacuees on to other communities by not establishing sheltering operations. I encourage Congress to investigate and address ways to reimburse host communities for the services they provide to evacuees particularly when the citizens of the host communities are not receiving those services.

While we understood the process, worked well with FEMA and the State of Texas and were reimbursed for some of our eligible expenses relatively quickly we are still waiting for reimbursements for some other eligible expenses.

For example, the Reliant sheltering operation expenses totaled \$9.542 million, of which \$9.475 million of the expenses were eligible and for which we requested reimbursement. To date, we have received \$8.525 million, and we are waiting on the State audit to receive the balance.

There were other pass-through expenses such as faith based shelters, Continental Airlines, mutual aid agreements, etc., which totaled approximately \$3 million, and we have finally received 100% of these reimbursements.

The Harris County Hospital District (HCHD) that responded to the overwhelming medical needs of the evacuees in the Reliant Astrodome shelter incurred expenses of more than \$12 million. They were reimbursed \$60,000 from FEMA for the cost of setting up the medical facilities that I described in detail in my testimony referenced earlier. HCHD was reimbursed \$5.74 million from Medicaid for the medical and pharmaceutical needs and we have just learned that the remaining \$6.2 million will be reimbursed from CDBG funds. While we appreciate being reimbursed, our county has had to bear these expenses for more than two years now.

Many expenses to a host community are not eligible for reimbursement, such as regular salaries and wages of public service employees. Had we contracted with private companies for security, health care and social services these expenses would have been eligible for reimbursement. But the private sector cannot provide many of these services as they do not have police powers or the capacity to respond to a large-scale disaster. Federal law should be changed to fully and rapidly compensate host communities in a disaster of a national or regional scale.

SPECIAL NEEDS EVACUEES

One of the most serious problems we faced as a host community was not knowing what to expect as the busses began to arrive from New Orleans. Nearly all of the evacuees had special needs of some kind. Most were severely physically stressed; some were drug or alcohol dependent, some were mentally ill or physically ill and off their medications for an extended period of time and others had underlying medical conditions requiring both immediate and continuing care.

Identifying the Special Needs Population

Our biggest challenge remains identifying this population before an evacuation. Hurricane Rita demonstrated our own weaknesses as we tried to identify our

special needs population. The solution developed by the State of Texas has been first to redefine “special needs” as anyone who cannot evacuate on their own including people who are physically or mentally incapable of evacuating or who are transit dependent. Currently we ask people to self identify through a 211 telephone registration system and we work with health care and social service providers to locate the populations they serve. However, federal HIPPA laws limit the information we can gather on our health related special needs population.

Care and Transit

Once identified, the population is classified based on the level of care they need in transit and at a shelter so it can be determined to which shelter they need to be taken. Some may be accommodated on a bus but some may need an ambulance. We must be able to identify, plan for and respond to each particular specific need as rapidly as possible.

Evacuation Plan

We learned with the Hurricane Katrina evacuees the problems a shelter faces not knowing what to expect. During the recent evacuation for Hurricane Dean, the State of Texas had a chance to test its special needs evacuation plan. Every person who checked in at a transit center received a wrist band for the person, for their pet and for their wheel chair or other special equipment. This created a manifest for each bus which was forwarded to the receiving shelter. The busses were tracked through a GPS system so that the State Emergency Management System knew where they were and when they arrived at the shelter. This plan was developed in partnership with the private sector. The federal government should provide incentives for all states and communities to develop a similar plan.

Shelter Care

Evacuees will need a wide variety of services and shelters must be prepared to provide services to meet those needs. It is important that all communities review the needs of their own community before a disaster to be able to plan for and to address those needs.

INVOLVING THE PRIVATE SECTOR

We learned in the Hurricane Katrina sheltering operation that we could not meet all of the needs of the evacuees alone. In the Astrodome, our management company, SMG-Worldwide Entertainment and Convention Venue Management, also managed the Superdome in New Orleans and was able to share critical and time sensitive information that was unavailable from official sources. They were accustomed to dealing with large crowds at major events and their staff stepped into the breach and provided critical support.

In my previous testimony to the Full Committee, I outlined much of the private sector support for our sheltering operations. The private sector should be used more extensively where they have specific expertise. During the events of Hurricanes Katrina and Rita the State of Texas had one contract with a private sector firm. Today they have 58 contracts for a wide range of services from evacuation and mass care to fuel, power, communication and reentry operations.

A classic example from Hurricane Katrina would be the FEMA Debit Card Program for getting emergency cash to evacuees. The debit cards are a very effective way to provide immediate assistance to victims of disasters and allow them to meet their own personal needs. The cards also allow FEMA to track spending as evacuees apply for additional benefits.

When it was announced prematurely by FEMA in Washington, DC that the debit cards would be distributed beginning the following day, FEMA was only prepared to distribute 50 cards per hour. By reworking the plan the Regional FEMA office

was able to bring in more staff and networked computers to increase distribution to substantially more per hour. However, the process remained bureaucratic and inconvenient for most of the evacuees in the Harris County region. Private banks issue thousand of debit cards every day. They identify depositors and determine eligibility for many services. Using private banks to issue debit cards would provide hundreds of locations and accounts that could be accessed anywhere as FEMA manages benefits to victims of a disaster.

The State of Texas issues thousands of Lone Star Cards for food stamps and state social service benefits. States, too, could manage this operation more effectively than the federal government. Congress should encourage states and communities to include the private sector in their disaster response planning. Congress should encourage regional private sector contracts and not force states and local communities into a once-size-fits all national plan.

Madam Chairman and members of the committee, I want to thank you again for allowing me to discuss our experience as a host community and to make suggestions for improving conditions in the future. We have learned and grown from our experience and are delighted to be able to share what we have learned with others. Let me conclude there and respond to any questions you may have. Thank you again.