

House Transportation and Infrastructure Committee Holds Hearing on the Response to Superstorm Sandy

LIST OF PANEL MEMBERS AND WITNESSES

MICA:

Good morning, and I would like to call this hearing of the House Committee on Transportation Infrastructure to order.

This is a full committee hearing. We conduct our oversight and investigations at the full committee level. We're conducting this in cooperation with our subcommittee that oversees the FEMA economic development public buildings and Emergency Management Services.

The title of today's hearing is, the Review of the Preparedness Response and Recovery from Hurricane Sandy. We have a list of witnesses, and we'll welcome those witnesses in a few minutes.

The order of business today will be as usual, we will have opening statements by members, hear from our witnesses, and we'll hear from all of them, and then we'll go into a round of questions.

So, want to welcome everyone, and thank you for your participation, and also yield to myself for opening statement, and then we'll go to other members.

Well, again, I'm pleased that we've come together here as a committee to review the progress from Hurricane Sandy -- recovery progress, but this hearing actually goes beyond hurricane -- the most recent hurricane and storm.

We have attempted, as a committee, to make some reforms, and also deal with some of the problems we've had from past storms and natural disasters, and the House prior to the -- this most recent storm, passed H.R.-2903, which was the FEMA Reauthorization Act. That was passed on September 19th, before the storm began, and it -- it was passed specifically to deal with some of the problems we've had with previous natural disasters, and also the ability of FEMA, our emergency management organization at the federal level, to deal with some of those issues.

The bill unfortunately is languishing in the United States Senate, along with other pieces of legislation, but I'm -- I'm hopeful that we can dislodge it, and I think we'll hear from this hearing that we need the -- some of the mechanisms and reforms in that legislation to help FEMA, and other agencies, better do its job in helping folks restore their lives and their property, and really the country and regions and communities and economies.

The bill, for example, creates a public assistance pilot program. It's a grant-like program based on costs estimates, not actual damages, and we think that, that can also speed up the process, cut some of the red tape paperwork, and we'll hear a little bit about some of the impediments to -- to getting folks back on their feet to -- through the FEMA process today.

MICA:

It also requires a cost estimating, shortens's FEMA's appeals process, and we'll hear also about the

constraints that FEMA works under now under current laws and regulations. And hopefully that can be expedited so people who have experienced damage most recently can be made whole or at least get the federal part of the assistance under way in an expedited fashion.

The legislation also allows state administration of hazard mitigation and we think that that's important also in the process in some of the problems we've seen in the past.

The legislation passed by the Senate would reform the rebuilding process, cut through red tape and sometimes the bureaucratic nightmare that we have seen other states have to deal with.

The legislation was formed on a bipartisan basis and we've reviewed different disasters and states. Of course, the premier disaster we're all familiar with is Katrina, but storms in Louisiana, natural disasters in Texas, Mississippi, Florida, Arkansas, Iowa.

And I had a chance to visit most of those venues and talk to folks and hear about the problems they incurred in dealing, again, with the federal government and FEMA programs.

Some 10 years from now we don't want to be having hearings and asking FEMA why it's taking so long to rebuild from Hurricane Sandy. We know what is awaiting, unfortunately, some of the folks in New York and New Jersey and other areas that have been impacted in the northeast by this most recent storm, and we know the red tape, paperwork and sometimes confusing process that they have to deal with.

And hopefully again our legislation can be passed before this Congress leaves.

Let's see; I guess it was the week before last, this past week, I led a congressional delegation, some of our committee members to New York, and it was kind of interesting to meet with local officials and also see where they are in the stage of recovery.

First I have to say how much I admire the people of New York, New Jersey, the northeast region that were hit, some absolutely incredible people who worked 24/7, local officials, state responders. We had different agencies, DOD, the National Guard.

We had private individuals who came out to churches: Red Cross, community organizations, just thousands of people who were helping their fellow Americans in recovery.

And then we also saw our FEMA folks on the scene and we will talk about what their role has been and, again, how hopefully we can help them.

Interestingly enough, they were praising the FEMA folks in both New York and Staten Island where we visited.

When I left Staten Island, the president of the borough said to me, as I was leaving the meeting and we were getting a briefing, he says, "By the way, Mr. Mica," he says, "do you think you could help us with some FEMA recovery?"

And I said, "What's that?"

And he said, "Well, they promised us" -- I think it was -- "\$25 million and so far" -- I guess it was Hurricane Irene -- and I -- almost a year and a half ago -- "so far they've only gotten \$7 million from that."

So I said, "Well, hang on to your shorts because, you know, if you're looking at multibillion dollar recovery and you can only get \$7 million out of \$25 million promised, you may be in for a long ride."

We then met with Mayor Bloomberg and toured some of the damage in New York City and he also praised some of the work for FEMA and others.

But as also he was leaving, he took me aside and said -- he had talked, I guess, to Secretary Napolitano and he was still having difficulty getting money from FEMA from Hurricane Irene.

So again, there appears to be difficulty in past storms. I had asked staff about Katrina and I think we'll hear more about that. But I understand Louisiana still has \$1.7 billion in unreserved claims from 2005 -- that was August 29th, 2005. So I think the point here is that we want to find a way to make certain that this process moves forward as quickly, efficiently and as responsibly.

And FEMA does have to comply with the law we set on the regulations and certainly be good stewards of taxpayers' money.

So again, we now find ourselves with the current situation. The president has visited the northeast and, on the 15th of November, the president announced that HUD Secretary Shaun Donovan would be in charge of coordinating some of the rebuilding and recovery effort, a little bit different; maybe his intent is to sidestep some of the bureaucracy. We don't know, but hopefully we'll find out.

We have a witness today, in addition to FEMA, from HUD, and find out where we stand with that new approach. The announcement did not supply us with any details, and subsequent statements made by Secretary Donovan do raise a number of serious questions as to who will be in charge of that particular activity and how it will fit into the FEMA recovery scheme.

So I look forward to hearing from our witnesses and we hope to make this a productive hearing in which we can, again, keep people from going through red tape and paperwork, maybe passing that. I asked staff to pull a couple of clips, most recent, and we'll hear from our representative from Maryland in a minute.

The headline says FEMA denies help to Maryland homeowners, New Yorkers hit hard by Hurricane Sandy, denied aid by FEMA bureaucracy after disasters; FEMA does not help every state.

The clips go on and on and I think that we'll also hear from some other people that have had issues with this storm and past storms. And what we need to do is make certain that these folks, again, get the very best response and that we give FEMA the very best tools so they can respond.

With that, I'm pleased to yield to the ranking member, distinguished gentleman from West Virginia, Mr. Rahall.

RAHALL:

Thank you, Mr. Chairman. And I commend you for holding this hearing and certainly welcome all of our witnesses and commend each of you and your organizations for the tremendous work that you've done to help our people for your service to our nation. We all are deeply indebted to you for that.

I also want to recognize the work and thank those who selflessly gave of their time to help others in need before, during and after the storm: federal, state and local emergency responders; National Guardsmen and numerous volunteers, who themselves often reside in the path of oncoming storms.

They say goodbye to their loved ones for whatever time is necessary so that they can help prepare for and respond to disasters. Their dedication and their commitment is truly commendable to their fellow human beings.

Superstorm Sandy inflicted brutal damage up and down the East Coast but it also severely impacted inland states, such as West Virginia, where the hurricane and a nor'easter collided, leaving in some areas up to six feet of snow.

It appears with each storm these days, there's different circumstances. And certainly I know that we are learning from each storm so that we can be prepared for the next one, no matter what circumstance it takes or

what nature of a storm hits us.

But in this last one, roofs collapsed because of accumulated snow, destroying businesses. Roads were impassable for days, cutting off emergency assistance to households. Power outages were long- lasting and widespread, property was destroyed and lives were seriously disrupted and even lost.

Last week, President Obama issued a major disaster declaration for 18 counties in West Virginia, including seven counties in southern West Virginia. It took nearly a whole month before the full extent of the public assistance program was granted to these counties.

And I commend you, Administrator Fugate, for your work. We've talked on this issue. You've kept members of Congress briefed -- all of you have -- throughout this recovery process.

RAHALL:

West Virginia families, however, are still waiting for a decision on whether individual assistance will be made available. It has been nearly five weeks now, and still no response. Our citizens need and deserve timely answers, especially when such disaster assistance is so critically needed.

In the FEMA reauthorization bill passed early this year by the House, at my request a provision was included to require FEMA to update its rules regarding the issuance of individual disaster assistance. Clearly, Sandy is yet another reminder that such updates are very much needed in order to ensure more timely and responsive assistance.

Over 300,000 West Virginia customers were left without power after Sandy. This comes just months after more than twice as many West Virginia customers lost power, some for several weeks, following the June derecho.

While I appreciate FEMA's updated guidance on the eligibility of generator purchases for critical facilities under the Hazard Mitigation Grand Program, I do encourage FEMA to determine whether even broader eligibility is appropriate and to clarify how FEMA intends to determine the cost effectiveness of generator requests.

I hope FEMA will consider the full range of potential costs of power outages with (ph) public facilities in order to ensure generators can be more readily available using hazard mitigation grants. Thank you, Mr. Chairman for this hearing.

MICA:

Thank you. Let me yield now to the chair of the committee of jurisdiction -- subcommittee of jurisdiction, Mr. Denham from California.

DENHAM:

Thank you, Mr. Chairman, and thank you for holding this hearing not only on such an important issue, but at such a critical time for this issue.

As a representative from California, my constituents and I know very, very well how important it is to plan and prepare for disasters from earthquakes, floods, wild fires. We know that good planning and preparedness saves lives and mitigates against damages.

That's why as chairman of the subcommittee with jurisdiction over FEMA and emergency management, I've held numerous hearings focusing on emergency management capability and authored the FEMA Reauthorization Act, which passed the House in September and is currently over in the Senate now. We look forward to seeing that passed all the way to the president, meaningful reforms that would help us out in today's current situation.

And I want to thank Mr. Fugate for not only your partnership and your expertise in this area, but certainly for being willing to go out there and help us to get both parties, both houses working together to get this very important legislation passed.

It's critical that communities and people devastated by a disaster -- it is not only the initial response but also how quickly people can rebuild and get back to the normalcy. We've seen improvements made since Katrina in how we prepare for and respond to disasters, but we still see many problems.

Despite repositioning of certain assets, we still saw massive fuel shortages, people in places like Staten Island who did not have help for days, and millions without people. In addition, we've seen meaningful improvements in recovery and rebuilding.

We don't want to see what -- from New York and New Jersey still haggling with FEMA over every different door knob and light switch. We want to see bills paid immediately and that rebuild done immediately.

That's why the FEMA Reauthorization Act, H.R. 2903, includes a new public assistance pilot program that would immediately allow FEMA to waive duplicative and outdated regulations and give more flexibility to rebuilding process.

We direct FEMA to review and streamline its regulations, require the use of cost estimates, shorten the FEMA appeals process, and make it easier for communities to have access to temporary housing units.

I'm pleased that we have emergency managers from states who are still rebuilding from prior disasters. I hope today we can hear from them what their experiences have been with the current process, what are the lessons learned, and what improvements they might recommend to the process.

I'm also interested in hearing how FEMA and HUB intend to address the current housing issues. Thousands are still without homes, and it still is not clear what will be the total number of people who will need longer-term housing while they rebuild.

It's also not clear what exactly will HUD's role be in the recovery process, given the president's announcement that the secretary of HUD will lead redevelopment and rebuilding efforts. I hope today to get more deals on that process, how it will work, and what the timeline will be to get people back in new homes.

Again, I want to thank the witnesses for being here today and thank Chairman Mica for holding this important hearing. Thank you, and I yield back.

MICA:

Thank you. And I'm pleased to yield now to the ranking member of the subcommittee of jurisdiction, gentlelady from the District, Ms. Norton.

NORTON:

Well, thank you, Mr. Chairman. And I especially thank you for holding this -- this very timely hearing on yet another unprecedented storm in our country. I asked to revise and extend my remarks, so I may summarize them.

This event covered 24 states and saw a confluence of climate I don't think we've ever seen before. A hurricane colliding with a nor'easter and white-out snow conditions, that is what has lots of scientists thinking about the effects of -- of climate change.

Thousands of people, when you have a event this large, are still living in temporary housing. Twelve states received emergency declarations before the storm, and so far 10 states have received disaster declarations. The District of Columbia has a disaster declaration pending.

Our Post-Katrina Emergency Management Reform Act I believe has proved useful during this storm. We provided FEMA with new tools, clarified their duties and functions, and we see some of this not only with respect to FEMA, but also its nonprofit partners and the apparently good prepositioning of supplies, the closing of subways and of the metro system, to name two of the most obvious.

But I hope this hearing will focus on forward thinking as these states rebuild, and especially hazard mitigation, to prevent similar loss of life. I don't know if anyone could have mitigated what happened to New York and New Jersey because in a real sense, these storms brought as unprecedented conditions as one might expect in a terrorist disaster.

You didn't know what to expect. You never would have expected this. How do you -- how do you mitigate, given our hazard mitigation legislation and funds, so that the next time, should it come, these important states are not put in the position that they are today?

I'm also concerned about the failure of FEMA to put into effect cost estimating for the recovery phase. In the last Congress, our Subcommittee on Economic Development, Public Buildings and Emergency Management held a hearing in which, among the issues the focused, was the failure of FEMA to in fact use cost estimating for the removal of debris and the like, just as the -- the insurance industry does.

Now, the insurance industry is known for -- for conserving its funds and going after people who treat now (ph). If the insurance industry can use cost estimating to hurry up the process of clearing after an event, I will be very interested to learn whether or not cost estimating, which we first mandated in the Disaster Mitigation Act of 2000, will for the first time be used after Hurricane Sandy.

I will also be interested in the president's announcement that the secretary of the Housing Urban and Development Agency (sic) will lead the government's Sandy assistance. I believe this is the first time it appears to be a coordination function. I normally am for such coordinating functions.

NORTON:

I will be interested, however, to see how they will operate in this new -- in this new joining of agencies, FEMA to continue to have, however, the individual and public assistance function. It will be important for the two agencies to sort out whose regulations apply so that there's a real coordination function rather than a stepping on one another's toes.

I look forward to today's witnesses and I particularly commend and thank FEMA for the herculean work it did in the beginning of this storm and all the partners who assisted the agency.

And thank you, Mr. Chairman.

MICA:

Thank the gentlady.

I'm pleased now to recognize the gentleman from Maryland, Mr. Harris.

HARRIS:

Thank you very much, Mr. Chairman, for holding this hearing today and for the opportunity to discuss the impact of Hurricane Sandy on the area I represent and the response efforts to date.

The 1st Congressional District includes all of Maryland's eastern shore, much only a few feet above sea level. Some are set in Worcester Counties and particularly the communities of Crisfield, Smith Island, Marian (ph), Fairmont, Diehl Island, Ocean Pines and Princess Anne were particularly hard hit with flood, wind and rain damage from Hurricane Sandy.

While these communities continue to recover, our thoughts and prayers certainly go out to our neighbors from New York, New Jersey, Delaware and other areas, where the lives and businesses of families were disrupted as they dealt with massive property loss.

On October 31st, three days after the storm, I toured the affected sites in Crisfield and Ocean City with Governor O'Malley and FEMA and local officials, to see first-hand the serious impact of the superstorm.

While Army Corps beach engineering projects protected Ocean City, I was stunned to see the evident devastation some of our bay coastal communities like Crisfield suffered.

Three weeks ago I hosted a tele-town hall meeting, with over 1,000 residents from impacted communities participating, with officials from FEMA and Maryland's emergency management agency also on the phone.

I was encouraged by the federal and state coordinated response efforts to date, but a message I did hear loud and clear is that few citizens have an understanding of the different responsibilities of federal, state and local governments in disaster response and recovery.

Two weeks ago President Obama issued a major disaster declaration for Maryland and approved Governor O'Malley's request for public assistance and hazard mitigation.

However, yesterday, a request for individual assistance has been rejected. I'm puzzled by that rejection, given the lack of resources in our lower shore counties, and hope this hearing may shed some light on the reasoning behind that decision.

Mr. Chairman, this hearing will underscore the need for all levels of government to be prepared for these catastrophes in the future, ensuring the scarce resources can always be made available to those of our communities most in need of assistance.

I look forward to hearing the testimony of our panel of witnesses this morning, and I thank you again, Mr. Chairman, for holding this hearing.

MICA:

Thank you.

And pleased to yield to gentleman from New York and thank him for his hospitality and also he extended to the committee in viewing some of the damage in his district in Manhattan, Mr. Nadler.

NADLER:

Thank you, Mr. Chairman.

And thank you and the ranking member Rahall for holding this hearing on the federal response to Hurricane Sandy.

I currently represent New York's 8th Congressional District, which includes Lower Manhattan and the Brooklyn waterfront communities of Red Hook, Sea Gate and Coney Island, all of which were hard hit by this storm.

Although the emergency response agencies worked hard to get the city back up and running, there were gaps in the recovery operations and there are many challenges that remain, particularly for a dense urban area like New York.

Our transportation system is too vulnerable. Our infrastructure is older and harder to replace. The power grid runs more than just lights and computers. It also powers heat and hot water and all water in the high-rises all over the city. And it operates the elevators that the elderly and disabled rely upon to escape their homes when they became unsafe.

Although FEMA and the National Guard set up distribution centers around the city, in many cases people were unable to leave their apartments to pick up supplies and deliveries didn't make it to many buildings.

My office, along with other elected officials, organized volunteers, collected supplies and hand-delivered blankets, food and water to people stuck in high-rises. Lugging goods up flights of stairs is no easy task and it is better left to trained professionals.

But if we hadn't done it with the help of students from NYU and other good Samaritans many people would not have received any help at all in the weeks after the storm.

This is just one example, but I fear it illustrates the particular challenges of an urban setting that our emergency response agencies are ill-equipped to handle or at least haven't had to contemplate on a scale of this magnitude.

Another particular challenge in New York is the lack of available hotels and rental units for displaced storm victims. FEMA has issued millions of dollars for transitional housing and temporary rental assistance, but vacancies in which to use that money are hard to find. And the reimbursement rates are often too low for whatever is available.

The lack of a viable long-term housing plan is one of the biggest challenges we face going forward. All levels of government need to work together to solve this problem. Our most basic responsibility is to ensure that people have a safe place to stay following a storm and yet it is the biggest question for which we now have no answer.

For people who can stay in their homes, we're hearing increasing reports about environmental contamination from toxic mold, sewage and other hazardous substances. Although there are some resources available to assist with the cleanup, in many cases it is inadequate, particularly for those living and working in densely populated buildings that share common spaces and HVAC systems.

Given New York's recent history with environmental hazards caused by the collapse of the World Trade Center on 9/11, we know all too well the danger presented by indoor contamination. We must not repeat the mistakes of 9/11 by leaving people to their own devices to clean up complex toxins in their homes without proper guidance and assistance from the federal government.

I have asked the EPA to conduct or oversee comprehensive testing to ensure that people's homes and workspaces are safe to inhabit. And I urge my colleagues to join in that request.

I'm also concerned that OSHA rules are not always being followed and that many cleanup workers are not

being given proper protective equipment. This is another mistake from 9/11 that is too often repeated in response to disasters, and I've asked OSHA to ensure that its rules are adequately enforced.

State and city agencies estimate the costs to repair the damage caused by Hurricane Sandy will be at least \$40 billion for New York State alone.

Within New York City, the mayor estimates public and private losses of \$19 billion, including \$4.8 billion in uninsured private losses and \$5.7 billion in loss gross product from business closures.

For many small businesses who are already operating on a thin profit margin or who are only now paying off loans from 9/11, the SBA loan program will not suffice. We will need to provide grants or some form of direct aid as we did after 9/11 if we want these businesses to survive.

With costs this high, New York State and New York City, like its counterparts in the region, cannot shoulder this burden alone and the standard FEMA reimbursement process will not work. The state and the city do not have billions of dollars sitting in their coffer to advance to fund repairs and FEMA reimbursement is slow and cumbersome.

In fact, New York is still waiting on payments for Hurricane Irene and I'm sure many of my colleagues have had similar experience in their states. That is why we will be requesting that the Hurricane Sandy supplemental be distributed through the various agencies and direct aid to affected areas as we have done in times in the past to expedite recovery.

And we must pass an emergency supplemental without requiring offsets as some have suggested in past disasters. As the current debate over the pending sequestration shows, finding offsets is no easy task and it makes no sense. It defies (ph) the very nature of emergency aid and it impedes the federal government from doing its most important job -- protecting our citizens when calamity strikes.

It will be expensive to rebuild, but we must; and it will be -- it would be foolish not to do so with the next storm in mind, which will undoubtedly come. We must fortify our shorelines and seawalls and better protect low-lying areas from storm surge.

I expect the Army Corps to finally construct the Coney Island Shorefront Protection Project. It is fully funded; the local match is already secured and it was ready to go out to bid this summer. The corps must move forward as originally intended without delay, but, frankly, that is the bare minimum we could do and it is not enough.

We should invest in research and explore technologies to better protect our road and rail tunnels from flooding. We should allow the MTA to upgrade its aging transit system rather than require it to use federal funds to replace a 70-year-old switching system with equivalent 70-year-old technology. And we must have a better plan for restoring power lines and gas supplies.

Hurricane Sandy should be a major wake-up call. When disaster strikes, our densely populated urban areas and economic centers must be able to recover quickly.

If we are going to invest billions of dollars in rebuilding storm-ravaged areas, we should do so in a way that will protect people from future storms, and we have every reason to believe that major storms will threaten us again and soon.

The devastation and chaos brought by Hurricane Sandy have had a lasting impact on our city and region and the lives of thousands of New Yorkers are still upside down. But if we all stand together, we can rebuild quickly, stronger and better than before.

Again, Mr. Chairman, I thank you for holding this hearing and I look forward to hearing from the witnesses.

MICA:

I thank the gentleman.

And from nearby New Jersey, we have the gentleman from New Jersey. Mr. LoBiondo was also hit by the storm.

You're recognized, sir.

LOBIONDO:

Thank you very much, Mr. Chairman and members of the committee.

LOBIONDO:

As many of you know, I represent the 2nd Congressional District in southern New Jersey. It's a little bit more than a third of the state geographically with an awful lot of coastline.

We faced catastrophic destruction with the storm and as a result of the storm. The images speak to the sheer destruction. The personal story of those affected detail the physical, emotional and financial toll on our community and their residents.

I spent a great deal of time on the ground visiting communities, discussing the response and recovery with emergency management officials, meeting individually with constituents and business owners who were determined to not let the storm stand in the way of getting back on their feet.

But we need to work together, and that's why I've joined with my colleagues in D.C. to ensure the Congress provides additional federal support that has been requested, and is desperately need. Even through the coverage of this -- even though the coverage of this devastation has left the front pages of many media outlets, it's still in the forefront of my mind and the minds of my constituents who are responding with strength, courage and resiliency as they do their best to pick up the pieces in an unprecedented recovery effort that is under way.

When President Obama visited Brigantine, which is in my district, he also saw firsthand the way the storm has impacted individuals' livelihoods, and how their ways of life have been forever changed due to -- to the horrific flooding and wind.

To date, federal emergency management agency and Mr. Fugate, we thank you for what you're doing and thank you for being on the ground that day in my district, along with U.S. Small Business Administration, Department of Agriculture, Department of Housing and Urban Development, and other federal agencies and departments, have truly been boots on the ground, ensure disaster assessments are being conducted in a timely manner.

These emergency management personnel have gone above and beyond the call of duty. Many of them working around the clock, tirelessly to ensure the safety of our residents, and they deserve tremendous praise. Likewise Governor Christie has shown tremendous poise, and unwavering leadership during this crisis, coordinating all of the different emergency response units, and leading the state, maybe very importantly, in the days prior to the storm hitting, as well as during and after the storm has hit.

However, it's going to be a long and challenging road ahead, a challenge my colleagues in the New Jersey delegation, including my friend Congressman Sires and I recognize, and are prepared to deal with.

The most recent damage assessment by Governor Christie of approximately \$37 billion for all of New Jersey makes it clear that the state will not be able to handle this financial burden alone. An emergency supplemental funding will be need.

I'm working with President Obama's administration and the House leadership as a long recovery is planned, specifically requesting funding for the flood control and coastal emergency account, imploring the president to fund all previously authorized Army Corps beach and flood control projects in New Jersey, requesting federal fisheries resource disaster declaration for New Jersey, expediting an emergency supplemental bill to -- supplemental bill to the floor to provide Sandy relief, and insisting that red tape be eliminated and minimized, and the bureaucracy be set on notice to get everything moving, just to name a few of the things.

Congress has worked together in a bipartisan and bi-cameral manner in the past to respond to other national, natural disasters. New Jersey, and the storms -- and the states affected by this storm should not be treated any differently than any of these past natural disasters.

So, we're expecting that when it comes to federal relief and recovery efforts from Hurricane Sandy, we must stand ready to provide the aid and assistance to the people and communities devastated by this storm as we have done for other states, and other parts of the nation when this has hit.

I thank the witnesses for being here today to testify. I look forward to hearing their testimony on the recovery efforts from previous disasters, and lessons learned by the recovery effort that may help inform us as we move through this latest disaster.

Mr. Chairman, I thank you very much.

MICA:

Thank the gentleman.

Another gentleman from hard hit state of New York, Mr. Bishop.

BISHOP:

Thank you, Mr. Chairman. In the interest of time I won't make a formal opening statement, but let me just make a couple points.

First I want to thank Mr. Fugate from FEMA and General Walsh from the Army Corps for -- for the effectiveness of your response thus far to the thousands of homeowners in our district that were dislocated by the storm, and particularly with respect to the Army Corps, we had three new breaches and the Army Corps has moved very quickly, one has already been closed. One is in the process of being closed now. And a third is being reviewed to see if it will close naturally.

So, I thank you very much for that.

An observation, the engineered beaches in our district fared vastly better than the non-engineered beaches. I think that is, in my view, an open and shut argument for beach nourishment and for the role that the Corps can play in stabilizing our shoreline. And thirdly, let me echo what Mr. LoBiondo and Mr. Nadler said with respect to the necessity for an emergency supplemental. We absolutely need one and we need one without offsets.

That has been the way this Congress has responded to natural disasters elsewhere in this country. We need to respond in the same way with the same degree of commitment as we did for Katrina, as we did for the -- for the tornadoes in the Midwest, as we have for fires elsewhere. So I very much hope that our colleagues on both sides of aisle will respond quickly and appropriately for the need for an emergency supplemental without

offsets.

With that I yield back, Mr. Chairman.

MICA:

Thank you.

And we do have another member from New Jersey, also hard hit state as you know, pleased to recognize Mr. Sires.

SIRES:

Thank you, Mr. Chairman for holding this -- this hearing today.

I'll just agree and echo. and I won't repeat myself, what my colleague from New Jersey, Mr. LoBiondo. I think he said it best when you made those statements, and I agree with my colleagues from New York. But I would like to make a couple observations.

You know, I -- I represent what they call the Gulf coast, which is the 8th Congressional District, Hoboken, Jersey City, Bayonne, that area got hit very hard, and one of the things that's still not clear is, when is the path going -- in Hoboken going to be ready for people to go into New York City?

You know, right now they're taking the ferries, \$9, the path is two and a quarter. I spoke to a former congressman, Frank Guarini, who still has no power in his building in Jersey City. So, we're just wondering if anybody can talk a little bit about that. It's the whole building.

I also like to -- to compliment all of you, because every time I made a phone call, people got back to me. You were terrific. I don't know how you -- how you do it when people are yelling at you with all their frustration but I compliment you Mr. Fugate.

And I want to compliment because the Army Corps of engineering has always responded professionally, and everybody else, but we have to -- certain things we have to certainly do. We have to certainly coordinate the fuel situation better.

You know, in my district, it was difficult to get the fuel, and I expressed this to Governor Christie about possibly getting generators for some of the places, and he suggested the problem was the hookup, it wasn't the fact that you did not provide the generators.

The other issues that I have in Hoboken, you know, it's a very congested area. A lot of people live in basements. Their basement is their home, it's their first home. And they want to know, you know, what's going to happen to them. So there are a lot of questions, and the last thing was my pet peeve, we have so many people volunteer, come into the state, to help, and they're not seeing -- it was (inaudible) coordinated with the power companies.

We had trucks parked behind hotels, people in the hotels and two blocks away in Weehawken, New Jersey, people had no power. There's got to be a way of working the coordination when people -- so many people want to give of their time and volunteer to help other people, that we must find a way to coordinate these people as they come in to any state so you can send them in the most devastated area. But, I just want to thank you, and thank you for the extra time.

MICA:

Thank the gentleman.

There are no other members that seek recognition -- I'm sorry, Ms. Edwards. And thank you also for joining us on the committee visit to the affected area.

Ms. Edwards, you're recognized.

EDWARDS:

Thank you, Mr. Chairman.

And I do appreciate being able to visit the storm-affected areas in Staten Island and through New York City. I think that although we didn't have tremendous impacts here in the Washington, D.C., metropolitan area from Hurricane Sandy, there were some. Certainly our state in Maryland, as we heard from my colleague from the Eastern Shore, had damage there.

EDWARDS:

You know, one of the things that it occurs to me, Mr. Chairman, is that how important it is for us to have actually been able to visit and to see some of the damage firsthand, because I -- and -- and to meet with local officials and with residents, because I think it gives you a different perspective about what the need is for recovery.

And for me as a member, even though there's not a personal concern for my congressional district, it makes me a stronger and better advocate for the people in the worst affected areas.

Also on the ground, I will say to Administrator Fugate, your personnel on the ground remind us of the importance of a strong and talented and equipped federal workforce. And I really appreciate that.

And I think for all of the time that's spent beating up on federal workers for various reasons, we heard over and over and over again how competent and talented and organized and resourceful the assets are on the ground.

It's also true that, you know, while there have been clearly, as was pointed out to us both by the chairman and other members, as well as the officials in New York, you know, problems with payout for previous storms.

We've got to clear those things up, but it shouldn't stop us from moving forward and from making a commitment to the people of all of the storm-affected areas that we're going to provide what's necessary to -- to rebuild and to replace.

I hope that the members of the panel today will address questions regarding how we need to rethink our infrastructure in light of these kinds of storms in these low-lying areas. The elephant in this room that needs to be spoken about is the impact of climate change and the increasing intensity of storms and -- and the variedness of the storms, the breadth of a storm like Sandy.

And I think that we have to rebuild and rethink our infrastructure in those terms. And that's something that this Congress and our next Congress ought to address sooner rather than later. Things like our power grid in densely-populated areas. What is it that we can do to better protect -- better protect them to make sure that they're able -- we're able to bring them back online as soon as possible?

Our water infrastructure, sewer infrastructure that's located close to the very -- the coastline so that it's more -- more vulnerable, and of course our transit infrastructure, to know that at least one tunnel in -- in New

York that's brand new is devastated and that the tunnels are -- are -- the -- the tubes are -- are old.

And while the city I think has done an amazing, amazing job in getting things back online and people moving from one place to another, that infrastructure is really vulnerable, as it's vulnerable all across this country.

And so I think, you know, at a time where we're constantly haggling, as sometimes we need to, over budget constraints, the importance of investing in this infrastructure now so that we don't make it more vulnerable later on needs to be high on the priority list because the damage to use in terms of our long-term economy and competitiveness I think is really huge.

Mr. Chairman, in addition, I think one of the things that -- that we will come to learn, and not in this committee, is that we are challenged by our weather prediction assets as well. Although we had a lot of warning with Sandy, it allowed for a lot -- for prepositioning and for moving in -- in assets, that is vulnerable to budgets as well, and the impact whether on the East Coast or any of our other coastal areas will be tremendous.

And then lastly, I know with respect to Maryland, although I want to hear addressed why it is that we were denied the -- the final kind of recovery and rebuilding, I understand the importance of balancing when it's appropriate for federal and state assets to take over.

And we've had the great benefit of Maryland of being provided assistance in last year's derecho and the three blizzards the year or two previous to that, and then other -- other storms. Maybe our governor will appeal that -- that decision, but I'm just interested to know the process by which FEMA goes about making a final determination. And I thank you all for your testimony today.

MICA:

If there are no other members that seek recognition, then we will go now to our panel of witnesses.

We have today appearing before the committee Craig Fugate, the administrator of FEMA. Major General Michael Walsh, deputy commanding general, Civil Emergency Operations for the Corps of Engineers. Mr. Fred Tombar, and he's the senior adviser to the Secretary for Disaster Recovery with HUD.

Mr. Robert Latham, executive director of the Mississippi Emergency Management Agency. Mr. Mark Riley, deputy director, the Governor's Office of Homeland Security and Emergency Preparedness, state of Louisiana. And then Mr. David Popoff, and he is the emergency management coordinator for Galveston County, Texas.

So first of all, welcome. Thank you for your participation. The order of business will be we'll hear from each of the witnesses. Then we'll go to questions. And I was told that we don't want to delay Mr. Fugate.

So what we will do when we go to questions, we'll limit the first round of questions to Mr. Fugate, and then get the rest of the panelists if that's -- well, that will be the way we're going to do it. So just wanted to let you know upfront to accommodate the administrator's schedule, particularly in this very difficult timeframe that he faces.

So with that, let me welcome the gentleman -- former gentleman from Florida, who we're very proud of to have had us -- help us in so many ways in Florida. And I think we're prone to every disaster. We've had hurricanes, multiple hurricanes. We've had floods. We've had fires. Everything but locusts we've dealt with, and now he's here leading the administration in the capacity of FEMA director. So welcome. You're recognized.

And let me tell you too, I saw some long testimony here. You all have five minutes. Longer testimony we will put in the record. And some folks have done a great job in preparation, but this is an opportunity to summarize that, and also have a discussion of where we are. So Mr. Fugate, welcome.

FUGATE:

Thank you, Mr. Chairman, Ranking Member Norton and other members of...

MICA:

Could you pull that up a little bit, Craig?

FUGATE:

Yes, sir.

MICA:

Thank you.

FUGATE:

Is that better? I'll submit my testimony for the record, and my talking points are here, so I'll keep it brief.

MICA:

Without objection, it will be included in the record.

FUGATE:

Firstly, Mr. Chairman, I want to thank this committee and the House of Representatives for finally recognizing the sovereignty of the federally-recognized tribes in your legislation which would have added them to the Stafford Act, allowing those tribes to request from the president a disaster declaration. That was a historical act that the House took. And again, we eagerly await the Senate's action on that.

The second thing, Mr. Chairman, I need to thank this committee and the appropriators for fully funding the Disaster Relief Fund in the previous budget. Those of us that were here remember Hurricane Irene and knew the challenges we had with very little funds left in that account and how it affected response.

Right now in the Disaster Relief Fund, we currently have a balance of \$4.88 billion that has not been obligated yet. However, we do anticipate with Sandy, as well as other outstanding disasters -- Congressman Long, we are still working in Joplin. We've still got people that need housing. We are still recovering from Irene. We had Isaac earlier this year. We had Debbie in Florida. So we are working with the administration on what that supplemental request will require.

The response to Sandy I think was due in part to a lot of the reforms that this committee took to amend the Stafford Act and the Post-Katrina Emergency Management Reform Act. It clarified roles and responsibilities and gave us tools that we have been able to utilize successfully. Challenges remain, and I think some of the questions as we talk about how we're looking at the longer-term recovery actually come from the requirements of that act.

One of the things that Congress directed FEMA was -- to develop was a long-term recovery plan. We have

developed a national recovery framework that recognizes that FEMA programs by themselves will not successfully recover from storms the size of Sandy. We have both preexisting conditions, and we have other areas where FEMA programs are not the best tool to engage in the types of work that will need to be done.

FUGATE:

And so in recognizing that and using the framework we partnered with HUD, and the president concurred that it made sense that FEMA's programs, which FEMA will continue to administrate, all the funds out of the DRF, all the recovery dollars, all the individual assistance, all the mitigation dollars, will be administered through the states at the governor's direction based upon eligibility requirements.

However, those programs by themselves will not address the preexisting housing conditions, as was pointed out, where people who lived in basements had nowhere to go. We will have a lot of challenges dealing with the housing needs far beyond the FEMA repair programs.

And that is why it is so important that HUD, Army Corps of Engineers, USDOT and other programs that will be required receive funding, but that FEMA's programs working on partnership with the rest of the federal team will be working to support the governors and their communities in recovery.

The other lesson that we learned from Sandy that was pointed out is when you have a disaster this size and this magnitude, it takes a lot of people. It takes a lot of resources. Some of those resources, because of the way that you have supported FEMA and our budget, allowed us to do things this year we had not had before, one of which is a partnership with the Corporation for National Service and utilizing their AmeriCorps program where we had just brought in the first classes under a program called FEMA Corps and deployed people in support of our response.

These individuals, many of them very enthusiastic in their opportunity to serve this country, were there on the ground in the hard-hit states providing direct services and helping people register with FEMA assistance.

Another thing, Mr. Chairman, that we took from your bill is something that we know is a regulatory impediment is that we have not allowed jurisdictions to use straight time or their regular public works and other debris folks to pick up debris. We always said it had to be the extraordinary cost, often times causing the unintended consequences of greater cost as they contracted out for services rather than using their own resources.

The president concurred, and through emergency rule (ph) we were able to provide for Sandy force account or direct cost to local jurisdictions for picking up debris as a result of Sandy. Again, we have tried to address the concerns of this committee, and where we can we have implemented those procedures.

One last thing that we have done in working with our partners is we recognized that the current household reimbursement that we would provide under individual assistance is capped at about \$31,000.

We know that's insufficient to provide repairs to many of the homes that were heavily damaged. However, if we can provide temporary repairs, many people can get back in their homes while awaiting more permanent assistance which may require other federal programs.

So rather than being constrained, we actually used our shelter authorities and are providing expedient repairs to homes that allow people to get back in their homes but do not necessarily cost to (ph) permanent work, reducing demand for temporary housing and allowing the people to stay in their communities.

Again, these are authorities that we have been using to address the fundamental issues. But I want to get to the last thing, Mr. Chairman, you and ranking member brought up.

And that is how do we further speed up the process while maintaining accountability and ensuring that work that is to be performed in a disaster is that that Congress has authorized without necessarily treating it as a reimbursement process that takes indefinite timeframes to complete the review and rebuild cycles?

We've identified impediments and are willing and are eager to work with your committee on technical language to address some of the shortfalls that we have incurred in Sandy and continue to provide questions for us as we attempt to look at how to speed up more of a estimate process that provides protection for both the applicants but also the federal government, and also ensure that we don't unintentionally create situations that may result in I.G. findings that could deobligate substantial funds from jurisdictions after the fact.

I think being an honest steward of the money sometimes, Mr. Chairman, is if we can't do it we need to say no and not make promises or allegations that we can do something we can't. But when we do make a decision, I want those decisions not to penalize local jurisdictions if after the fact the I.G. finds other issues which would result in deobligations.

And so with estimates, we want to make sure that as we go forward we're providing fiscal accountability to the taxpayer, but also ensuring that the applicant isn't in a double jeopardy where perhaps the I.G. finds that they may have had a project that the funds weren't all required.

Do they have to pay back the funds overages, or can they use those in their programs? What happens if we find that in those programs they came up with an alternative project? Is the I.G. going to find that that was not allowable?

So we want to work with the committee and look at technical language that would ensure that as we do these estimates, they're done in good faith, both the applicant and the federal government have equal protections, but more importantly, it addresses issues.

How many times can the applicant appeal that decision? How many times do we go back and look at projects? And what happens if the original estimate is up or down a certain amount? What happens to those shortfalls or to those surpluses? And we will need guidance from Congress to answer some of those questions, Mr. Chairman.

MICA:

Thank you for your testimony. We'll now move to General Walsh with the Corps of Engineers.

WALSH:

Good morning, Mr. Chairman and members of the committee. I'm pleased to testify on the corps's activities to prepare for, respond to and recover from Hurricane Sandy. In partnership with other federal agencies and states and numerous local entities, the corps has entered into a multitude of response activities in an effort to mitigate the risks to public health and safety and to facilitate the recovery of this severe weather event.

The Flood Control and Coastal Emergency appropriation account provides funds for the Corps of Engineers to prepare for and implement emergency response activities to natural disasters, including flood fighting, infrastructure, search and rescue operations, rehabilitation of flood control and hurricane protection structures.

Disaster preparedness activities include the coordination, planning and implementation of response exercises with local, state and federal agencies. These exercises provide federal and non-federal agencies an opportunity to plan for natural disasters and learn about partner agency's capabilities, resources and their responsibilities.

Corps leaders, including district commanders and tribal liaisons and emergency management staff, regularly meet with state, federal and local officials and other interested parties to discuss corps authorities under our Public Law 8499, which authorizes the Corps of Engineers to undertake activities relating to advanced preparedness, emergency flood fighting operations, and rehabilitation of eligible flood control works or shore protection features adversely affected -- impacted by flood -- flood and storm events.

These meetings provide an opportunity to share lessons learned from previous flood events and conduct table-top exercises, review flood fighting techniques and strengthen the collaboration among the corps, state and local governments, as well as tribal entities.

In preparation for Hurricane Sandy, the corps took steps to ensure its personnel, facilities and equipment were prepared and prepositioned before the event. The corps took preventive measures, such as lowering the pool elevations behind our dams, closing hurricane barriers in Rhode Island, Massachusetts and Connecticut, moving corps vessels into safe harbors, and securing corps construction -- construction projects and facilities.

The corps also deployed mobile command and control vehicles to key locations, prepositioned power generators and moved those into intermediate staging areas, as well as located 500 trucks of water to move into New York and New Jersey, as well as issuing approximately 200,000 sand bags to the -- to the states.

The corps conducted pre-storm inspections along the coast by updating surveying plans and employing extensive use of LIDAR and optical remote sensing technologies that is used to assess existing conditions on shoreline protection features.

Personnel were activated to the district in division emergency operation centers, as well as liaison officers were deployed to state emergency operation centers. And the emergency support function leaders, as well as their assistants, were assigned to the states.

Before enduring -- before enduring our response to Hurricane Sandy, the corps continued its tradition of close collaboration and coordination with the federal, tribal and state partners. The corps participated in an integral part in FEMA's Joint Information Center, coordinating activities among all the responsible agencies and transparently communicated with all the affected parties.

Described as a superstorm, Hurricane Sandy, which brought over 80 miles per hour wind and storm surge above 14 feet, damages in the hardest hit areas severely impacted public infrastructure flooding subways, highway tunnels, public housing structures, waste water treatment plants, causing extensive power outage, impacting mass transit systems, and affecting public housing as well as private residence.

Although the North Atlantic shore suffered severe coastal storm damage, existing corps shoreline protection and beach renourishment projects did perform as designed and helped mitigate the flood damages.

WALSH:

In response to the disaster, the Corps of Engineers moved folks from six different districts, and their division emergency operation centers were activated in numerous response, and we surged a number of members forward. The Corps responded to mission assignments from FEMA, and provided over 1,000 highly trained technical personnel, including the 249th Prime Power Battalion to 13 states.

To date the Corps has accepted 69 FEMA missions, that is over \$380 million to New York, New Jersey, Massachusetts, Delaware, Ohio, Pennsylvania, Connecticut, West Virginia, and Rhode Island. These missions include emergency supplemental support management, as well as technical assistance, temporary housing, commodities, temporary power, debris missions and removal.

We work closely with the Coast Guard to determine threats to navigation, and waterway closures, and effected ports were cleared to operations. In conclusion, the Army Corps of Engineers continues to stand ready to respond to and assist in disaster like Hurricane Sandy.

Mr. Chairman, this concludes my testimony.

I would be happy to answer any questions from you and other members of the committee.

MICA:

Thank you, as I said, we'll hold questions.

Mr. Fred Tombar, senior adviser to the secretary for disaster recovery with HUD.

Welcome, and you're recognized.

TOMBAR:

Thank you. Ranking Member Norton, and members of the committee, thank you for the opportunity to testify today regarding federal actions in the aftermath of Hurricane Sandy, particularly by the Department of Housing and Urban Development.

As senior adviser for disaster recovery to HUD Secretary Shaun Donovan I've been deeply involved in those activities, including with respected to the role that President Obama has announced for Secretary Donovan. As I described in my written testimony, Hurricane Sandy and the nor'easter that followed caused widespread damage, and forced hundreds of thousands of families from their homes.

This is an issue of particular concern to me as I directed a key project and response to Hurricanes Katrina and Rita, the road home program in Louisiana. This project served as the single largest housing recovery program in the history of the United States. As someone born and raised in New Orleans, I have seen firsthand both the devastation that storms like Sandy and Katrina have brought, and the tremendous results of sustained and effective recovery and rebuilding efforts.

Let me describe HUD's participation in the ongoing response, and focus on recovery efforts concerning the storm, and discuss the role that the president has announced for Secretary Donovan with respect to federal rebuilding efforts.

HUD has played a significant role in response to recovery from past major storms, and is doing so with respect to Sandy. It is important to note that the unprecedented cooperation that is taking place across the federal family, and in cooperation with state, local and tribal authorities, this cooperation and partnership is how we will continue to speed the recovery of effected areas.

Key to HUD is providing immediate help to storm displaced families to find temporary replacement housing. We have identified thousands of housing units including more than 12,000 in HUD subsidized housing. HUD has also focused on help to persons living in and owners of HUD assisted housing damaged and destroyed by the storm. For example, to rapidly deliver safe and decent housing to displace public housing and subsidized multi-family housing residence, we are helping to temporarily displace these persons, getting boilers and generators to impacted developments that house low-income families, and waiving administrative requirements.

Relief from the storm cannot be accomplished by the federal government alone. That's why HUD is working to encourage the private sector to help displaced families. Shortly after the storm, HUD Secretary Donovan reached out to several private sector organizations to encourage their involvement in this effort, and a

number stepped forward.

We have deployed scores of HUD personnel to help staff at FEMA's disaster recovery centers and do other storm-related work. HUD has provided foreclosure protection to more than 200,000 home owners in affected portions of the tri-state area who are storm victims through a mandatory 90-day moratorium on foreclosures. For storm victims who must rebuild their homes, FHA insurance is available for new mortgages providing borrowers 100 percent financing including closing costs.

HUD has directed FHA lenders to provide insurance payments they receive related to the storm directly to the homeowners to avoid a problem that occurred after Hurricane Katrina where some mortgage companies used insurance payments that were supposed to be used to rebuild damaged homes, for other purposes. HUD is also providing help to affected state and local governments. For example, we have provided waivers to existing rules so that federal community block grant and home funds can be used for disaster relief.

On November 15, President Obama announced that HUD Secretary Donovan will lead the coordination of the federal action relating Hurricane Sandy rebuilding efforts. This role is different from the role that HUD secretary usually carries out with respect to disasters and in relation to the national disaster recovery framework.

Early in his first term, President Obama recognized that previous experience concerning Hurricane Katrina highlighted the need for additional guidance, structure and support to improve how we as a nation address disaster related recovery and rebuilding challenges.

In September of 2009, President Obama charged the departments of HUD and Homeland Security to work together in an effort to establish the long-term disaster working recovery group, composed of more than 20 federal agencies, HUD, DHS and a working group consulted with state and local governments as well as experts and stakeholders and worked on improving our approach to disaster recovery and on developing guidance for recovery efforts. As a result, FEMA published a time result of the NDRF in September of 2011.

The secretary's responsibilities in this additional will occur in coordination with the NDRF, and will involve cooperating closely with FEMA and other agencies already involved in the recovery efforts. A key objective, as President Obama has directed, to cut red tape for state on local government is, and tribes as they seek federal assistance for longer-term projects, and identify priorities for community development.

As a person who has been a lead for Secretary Donovan since the start of the administration on disaster recovery, I can tell you that cutting red tape and helping communities recover stronger safety and smarter than before is a responsibility he takes seriously. Work on structure and functioning of this effort is proceeding rapidly.

Secretary Donovan has already met with a number of most directly effected federal, state and local officials as well as many of his colleagues in the cabinet. He asked me to express that he's looking forward to working with this committee and other rich representatives and senators on this effort.

Thank you for the opportunity to testify today. I'll be pleased to answer any questions you may have.

MICA:

Thank you, and we'll turn now to Mr. Robert Latham, who's the Director of the Mississippi Management -- Emergency Management Agency.

Welcome, and you're recognized, sir.

LATHAM:

Thank you, Chairman Mica, and the Ranking Member Norton, and distinguished members of the committee for allowing me to continue to provide you this statement on the record on what Mississippi has learned in responding and recovering from more than 20 presidential disaster declarations since 2000, including Hurricane Katrina in 2005.

Today many communities in the northeast are facing some of the same challenges that the Mississippi Gulf Coast experienced following Hurricane Katrina. The landscape in these communities has changed forever. Large disasters effect every aspect of a community, where people work, where people live, where they worship, where they raise their families, where they shop, and yes where they work.

Recovery is a shared responsibility and must be driven by well thought-out long-term recovery plan. The strategy can only be successful when driven at the local level. I'd like to emphasize that. It must be driven at the local level. The absence of such a plan will often result in hasty decisions guided by political posturing, and constantly changing priorities.

There are never enough resources to rebuild the way we want to. But that does not mean we cannot rebuild better, stronger, safer and more resilient communities. By engaging the whole community, we'll provide a much better chance for success. Unity of effort, transparency in activities and managing expectations is critical. Every decision must ask one question, is what we're doing in rebuilding best for the community, and more importantly can we sustain it?

In the rush to recovery, community leaders sometimes fail to take advantage of unique opportunities they have. By thinking beyond temporary solutions to move to more permanent sustainable solutions, leaders can make the community attractive for repopulation and growth.

Basic government services must be reestablished. And shifts in population must be considered for housing, schools, and health care. They must address, how do we stimulate the economic recovery and restore our tax base? And, how can we leverage the resources, which are limited, from the very sources to maximize what we want to achieve. Avoid the temptation to constantly shift priorities for short-term gains. Housing, transportation, schools and business development must be considered when repairing or rebuilding infrastructure.

LATHAM:

Stafford Act funding never gets you back to where you want to be, or makes you whole again. Public, private partnerships is critical.

So, what are some of the barriers to recovery?

The public assistance program is a reimbursement program -- current law restricts FEMA from providing recovery funds based on estimates. Quite often it makes sense to build a community back with a different footprint than what existed pre-event. When this happens, communities are faced with an extensive approval process for alternate or improved projects.

Current disaster assistance policy caps state management costs as 3.34 percent of the federal share of public assistance program costs. Far too inadequate to help a community recover like it should. Lack of flexibility in the public assistance program often limits or restricts rebuilding community the way that it should be. But applicants must understand that they cannot expect FEMA to pay for everything. Understanding Stafford Act eligibility early in the process and managing expectations in this process is critical to minimizing conflict throughout the recovery and delaying rebuilding. Many federal agencies contributing funds to recovery projects must conduct its own environmental and historic preservation reviews.

This oftentimes results in extensive delays in rebuilding. What can we do to make the recovery process

easier? FEMA and states must continue to work to identify potential opportunities in the P.A. program to make it easier for applicants, including implementing results from the P.A. pilot program that was tested from June of 2007 to December of 2008. Congress should work with FEMA to change the language in the law that would allow FEMA to advance public assistance funds using estimates, similar to block grants, aligned for flexibility, within specific guidelines for applicants, explore additional opportunities for P.A. pilot projects that can expedite the recovery process and help applicants recover, increase state management costs from the 3.34 percent cap to 7 percent, so grantees and subgrantees can afford what managing recovery actually costs, and streamline environmental and historic preservation reviews.

In the face of disaster comes a tremendous opportunity for a community to build back smarter, better, stronger, safer and more resilient. Every disaster begins and ends locally. Successful recovery demands local leadership with a vision and a strategy and the resources to help achieve the community rebuilding efforts. Decisions must be made based on what's best for the community, not what's best for the state or federal government. Finding ways to make the public assistance program work better and more efficiently could significantly reduce recovery time and expedite close-out. The consequences of every disaster are the same except for the size of the event, the population and cost of recovery. We have to take the advantage of the lessons learned of the past if we're to change the future. I appreciate the opportunity to appear before this committee, share my experiences in disaster preparedness response and recovery for Mississippi.

Mr. Chairman that concludes my remarks, and I'd be glad to answer any questions that you have.

MICA:

Thank you.

We'll turn to Mark Riley, with the governor's office, emergency preparedness, state of Louisiana. Welcome. You're recognized.

RILEY:

Thank you.

Louisiana is currently managing \$14.5 billion...

(CROSSTALK)

MICA:

You might pull that up as close as you can.

RILEY:

Sorry.

Louisiana is currently managing \$14.5 billion in Stafford Act funding for the recovery from nine presidentially declared major disaster since Hurricanes Katrina and Rita struck in 2005. As a result of these events, we think of Louisiana as the largest living laboratory for recovery in the nation and we have a lot of experience. On behalf of the state of Louisiana, I would like to thank the committee for allowing us to discuss our experiences with disaster recovery.

Thank you Chairman Mica, Ranking Member Norton, and distinguished members of the committee for

taking an interest in providing leadership in this very vital discussion. Currently there is considerable conversation among recovery professionals in both the public and private sectors that federal recovery assistance needs to be rethought. We agree. The current process too cumbersome, too bureaucratic and does not support the rapid, strong, resilient recovery of a community.

Today we want to talk about the difficulties of recovery that Louisiana has experienced, New York, New Jersey, Maryland and other states impacted by Hurricane Sandy are beginning to experience. Though we are discussing the federal recovery process, that process is only one of the challenges that communities face during a recovery.

Seven years after the nation's largest disaster, Hurricane Katrina, communities in Louisiana are still struggling, and the problems exceed the implementation of the Stafford Act. To illustrate the issues of delivery of the Stafford Act public assistance program, I would like to present an exhibit to your right and bring your attention to the fold-out that was provided to the committee. It chronicles the project worksheet of the development of the Youth Study Center in New Orleans. Before I begin, let me emphasize, this is not an anomaly but is typical of thousands of facilities that were damaged by disasters in Louisiana.

The Youth Study Center had significant damage and from the city's perspective, supported by an analysis from its professional architects and engineers, the building was eligible for replacement under the Stafford Act. However, a year after the storm, despite the assessment from the city's professionals, FEMA would not agree that the building need to be replaced and fixed the value of repair at \$1.6 million.

More than seven years later, and 182 meetings, FEMA has agreed to the replacement of the facility at \$27 million, an increase of \$25.5 million, but they do not accept the architect and engineers design assessments as to the number of pilings that are needed to support the facility. That shortfall is still \$1.2 million. If we come to an agreement by the end of the year and after the city engages in design, bidding construction, it is projected that the building will be completed in 2016, 11 years after Hurricane Katrina made landfall. As the timeline illustrates, this process does not support a rapid recovery. To compound matters, FEMA has limited the availability of direct administrative costs -- in our single example, the city has incurred considerable costs preparing for and attending the 182 meetings for the Youth Study Center. These costs will not be recovery under the new FEMA policy, further inhibiting the city's ability to recovery.

Again, the Youth Study Center is not an anomaly. The challenges they face can be multiplied by thousands of similar projects across Louisiana. Another example is Charity Hospital in New Orleans, originally estimated as as \$28 million for repair, we were finally able to break ground this year, after seven years of disagreement and bureaucracy, for a replacement hospital valued at over \$530 million. Just for Hurricanes Katrina and Rita, we have over 2,000 projects that have doubled in funding, more than 450 have grown by a factor of ten, and 1300 projects have been amended more than five times. Clearly, we need a recovery program that results in more timely, accurate identification of eligible work.

In my written testimony, you will see some recurring themes. The size of a disaster significantly changes the requirements of delivering disaster assistance. Time is critical. The FEMA P.A. program is too complex. Existing policies and processes are inconsistently applied at the ground level. Policies are inconsistent with the Stafford Act language and intent and limit authorized recovery support. Capacity for recovery from catastrophic events is limited at all levels, but especially at the local level. Let me be quick to say FEMA is a good partner, especially in the response phase. However it is our experience that the regulatory process and its implementation is unnecessarily highly bureaucratic and cumbersome, seriously complicating a community's recovery from a disastrous event. Again, I thank the committee for its leadership and attention to recovery issues, and I'm available for any questions.

MICA:

Thank you. We'll turn to David Popoff, our last witness, with the emergency management for Galveston County, Texas. Welcome. You're recognized.

POPOFF:

Good morning. Chairman Mica, Ranking Member Norton...

(CROSSTALK)

MICA:

I would pull it again close. It's hard to hear you. Is that one live, Mike? Go ahead.

POPOFF:

Good morning.

Chairman Mica, Ranking Member Norton and distinguished members of the committee, I'm honored to provide testimony on this important topic. I along with a small and highly skilled staff are responsible for overseeing disaster response and recovery for all the unincorporated areas of Galveston County. I report directly to County Judge Mark Henry. First of all I would like to thank the committee for their strong support on the Emergency Management Performance Grant Program, which is critical for building emergency management capacity at the local and state level. I would also like to thank you for your critical role that you played in the post-Katrina Emergency Reform Act to straighten FEMA.

Galveston County has a population of 300,000, which includes Galveston Island and the Bolivar Peninsula. With about 60 miles of coastline, our population swells during hurricane season. Most of the population in Galveston County lives in the 10 incorporated cities on the mainland. Galveston County is a great place to live, work and play.

POPOFF:

Since 1960, Galveston County has been declared a presidential disaster area 19 times. Galveston County also has the unfortunate distinction of being home to two of the nation's worst disasters: the 1900 storm which killed 6,000 people, and the 1947 Texas City explosion which killed 581 people, injured 5,000, and vaporized all but one of the members of the Texas City Fire Department.

As you can see, I work in a dynamic threat environment, so we take preparedness seriously. Our hearts certainly go out to all the people impacted by superstorm Sandy. One of the most critical components of a hurricane response doctrine is to never stop learning. Everything we do is learned at the pointy end of the stick. In the last decade, we've had three signature storms that we learned from.

The first one is Katrina. Katrina taught us about mass care and sheltering. From that experience came initiatives to preidentify shelters and develop more detailed shelter concept of operations, and to locate missing people.

From Hurricane Rita, we learned about mass evacuation of major population centers. Who will ever forget the cars stuck in gridlock that ran out of gas in the Texas heat? From that experience we developed traffic management plans; we developed state fuel teams to supply fuel to people who were evacuating and people who stayed after the storm.

We also redefined our evacuation zones through a massive outreach program and today we actually use

zip codes.

Hurricane Ike was a dangerous storm beyond all preconceptions. Hurricane Ike's path was eerily similar to the 1900 storm. Damage to Galveston County was catastrophic. Early recognition of the threat is critical. They say that it was only a category 1.

Reclassifications of hurricanes is priority one to dangerous, major, catastrophic. We need to stop using the numbers now.

Corporate relationships or cooperative relationships are critical. Galveston County has put a great deal forward in bringing together the entire team, the local, the state, the federal agencies, nongovernment organizations, private entities. We produced policies, procedures, and we plan, train, and we operate together.

Evacuation needs to be done but it must be done quickly and remove the perceived barriers. The first point-to-point sheltering agreement was penned by the City of Galveston and the City of Austin after Hurricane Rita. No longer would we just tell people to go north and hope for the best.

Reentry and recovery: Hurricane Ike destroyed infrastructure and disabled most of our modern conveniences. We are fortunate that Texas deployed their public works response team. Debris removal was a challenge because most of the debris was on private property or in open fields.

Bolivar Peninsula was a devastated community, so a local team was formed and with extensive outreach, we were able to produce the Bolivar blueprint and Bolivar is now a thriving community.

Jurisdictions struggle with a wide variety of FEMA interpretations of policy, particularly with public assistance. This slowed down the completion of our project, just as we thought we were in agreement that we had reached on a project that would require us to start over. We applaud the effort of Director Fugate for obtaining constituency and urging his recovery officials to get it right the first time.

In conclusion, thank you for allowing me to testify today. On the Texas Gulf Coast we say we have two seasons. We say we have hurricane season and preparing for hurricane season. As I've always said, emergency management is open book. We learn from our neighbors, and we won't fail if we use the system. Thank you.

MICA:

Thank you. I thank all the witnesses.

And as I said, we'll turn first for questions to Administrator Fugate and then we'll come back to the rest of the panel.

And I'll lead right off. Again, thank you for your work and your efforts, and participating with us here today.

I was pleased to hear your testimony, much in support of our pending legislation in the Senate and how you used some of that as a template for trying to take action and initiatives. But you do need the law.

I might say one thing, too. I know OMB has not given -- I don't think they've given you a sign-off on providing us with specifics, but any technical assistance you can provide to the committee so that we can improve the public assistance reforms in our bill, we would welcome that.

The bill, you know, we -- 2903, I believe is the number, it's over in the Senate. We are welcome to improving that. I heard a couple suggestions here today, too, that we might consider in reform of our reform bill or additions to our reform bill.

But we think that -- we believe that, again, hearing the testimony of folks that have experienced problems - - and a lot of the bill came actually from members who had experienced problems in their own districts or states dealing with past storms -- has the tools that will help you.

Is that acceptable? Can you agree to participate?

FUGATE:

Yes, sir, Mr. Chairman.

MICA:

OK, good.

And let me jump now to some -- a couple of major questions.

One, you indicated we have about \$4.8 billion left in the account. You've moved quickly to distribute some funds and make up. How long will that last? And how soon do you expect a supplemental bill to come to Congress?

FUGATE:

Mr. Chairman, based upon what we are seeing in some of the obligations, as the Corps pointed out, some of the mentioned (ph) assignments we have already made that have already been subtracted from that, we would look at early spring. We don't have an exact date.

Part of this will be as projects are coming forth, particularly on some of the large projects that we are dealing with. But we would look at early spring. We would probably have reached a point where we would have to go to immediate needs funding to...

(CROSSTALK)

MICA:

So you probably won't submit to Congress a supplemental -- or the administration won't till after the beginning of the year?

FUGATE:

Mr. Chairman, I can't speak to that. I just know that where the DRF stands, we do not anticipate immediate needs funding until early spring.

And, again, thanks to the work of this committee and others, making sure we are fully funded, gives us capability, continuing response. But we are working very close with OMB as well as other federal agencies as the administration looks at what additional funds will be required for Sandy.

The one thing I am confident in is, Mr. Chairman, FEMA will need supplemental funds this -- not this calendar year but this fiscal year in order to continue the response to all other disasters as well as the obligations that will be expended in this fiscal year for Sandy.

MICA:

Yes. We've heard other disasters, Irene, still back to Katrina, in which there are obligations that have been made. Any estimate as to what that total is?

FUGATE:

Based upon the 4.8 billion, that's already factored into what we are requesting...

MICA:

That would cover it?

FUGATE:

Yes, sir. We were actually looking at, based upon your full funding of the DRF outside of Sandy, we actually had funds to go through the fiscal year, based upon not only your appropriations but also as we have closed out older disasters, putting money back in the DRF. So we were not anticipating, outside of a catastrophic disaster, any requests for additional funding.

So obviously Sandy falls in that category as a catastrophic disaster. So it will be in addition to all of the existing disasters that we are working.

MICA:

Well, some of the temporary housing assistance that we have provided will soon be expiring.

Will there be opportunities for renewal?

And then you heard one of the things we wanted to do was have HUD in here to explain what they were doing.

And could you describe the cooperative effort? And will that be sufficient?

But we were in New York and also -- well, Manhattan and all -- which is a whole unique venue for a disaster, and then Staten Island. I guess Long Island, New Jersey, they have very unique housing requirements and also higher costs.

So how will what HUD has committed to and the president has said they're going to do coordinate with your efforts?

FUGATE:

Mr. Chairman, the housing program, we are actually looking at three pretty substantial areas.

The first one was the temporary sheltering. And that is where maybe the home wasn't destroyed but they couldn't get back in. They had power outages or other damages.

We would provide, in cooperation -- this is a state request on a cost-share basis -- short-term mainly hotels, motels, short-term leases, measured in weeks. And we are extending that as the states requested.

The traditional temporary housing where people have qualified and are leasing for a longer period of time, goes to 18 months, and we are working that.

The other thing was -- and this is something the committee had looked at before -- is how can we repair damaged homes to the point where, if they could get back in their homes but it's not permanent long-term work, would that be more cost-effective than renting a hotel or renting an apartment? So we're implementing that.

But I think you hit upon one of the key reasons why we've been working very closely with HUD. Our programs do not do the permanent work that will be required to ensure there's sufficient, affordable housing in these areas of devastation.

And that's that part of that rebuilding that the Stafford Act does not address. But if we're not successful, we'll end up like we did in Katrina, where people were in temporary housing units, not for months but for years. We want to avoid that.

That's why we thought it was important why Secretary Donovan stepped up to the challenge that the president asked. If we don't have housing solutions in the short term, the temporary programs will not provide the long-term solution.

MICA:

From information provided by your staff to me earlier, there were 1,100 approximately housing units purchased. I know when we went through Katrina, we had hundreds of thousands of trailers, and we had them condemned because of the formaldehyde, and then we had them in storage, and then we had to pay to get rid of them. It was a -- it turned into a nightmare.

Is this the only anticipated acquisition of housing from FEMA? I've also encouraged some temporary housing that could be reused; there are different products on the -- on the market. These will -- the ones that I was told are not recyclable or would be pretty subject to some type of demolition or disposal at the end, the 1,100 that have been required. Or, I'm sorry, not required, acquired.

FUGATE:

These were units that we had that we moved into the area. We are working with the state housing task force. We did this preliminary based upon not so much in the urban area but out in Nassau, Suffolk County, and places in New Jersey where they indicated that may be a solution.

Our preference is rental property. Quite honestly, Mr. Chairman, if we can put money back in the local economy, we would much rather rent than have to do the temporary housing. And we have moved towards manufactured housing to replace the temporary units that we used previously.

But again, we are making options available to the state-led task force. How many they use, we are not sure yet. But we thought it was prudent to move them in the area, based upon the initial numbers we...

(CROSSTALK)

MICA:

Do we have any -- maybe you could supply the committee with -- because they had told me the same thing, but I haven't seen any figures. I wondered what is going to be acquired and, again, what the needs will be. We have no assessment complete yet?

FUGATE:

Mr. Chairman, I don't, at this point, looking at what I've seen, I don't anticipate us acquiring any more additional units, based upon some of the earlier reports. But, again, as we work with this housing task force, we are going to find what the longer term needs are going to be. And quite honestly, it's going to come back to how much of that housing can be built in the timeframes that will be needed.

MICA:

OK. Just two quick other questions. One, in Katrina, it got so bad, we had such a backlog, we had the guy from -- this guy was in charity hospital. And I had that opened up, even though it was closed, and we held a hearing in there to try to move that forward.

I guess you're breaking ground, you said, this year. But we had a huge backlog -- thousands, I believe it was -- of public projects that were being debated. We came back and changed the law and instituted arbitration and -- but staff tells me that was only good for Katrina. We don't have that in the 2903.

But I would like your recommendation for arbitration or mediation, particularly on the public side, but, I mean, it can also work on the private side, because sometimes you -- you're held to, you know, certain requirements. And things do get sticky. But they need to get more than anything resolved.

What do you think?

FUGATE:

Mr. Chairman, I like to think we make the best possible decisions we can, but I also recognize, particularly if we go to cost estimates, what happens when we cannot agree with the applicant on that estimate?

What is the appeal process?

And as the ranking member has oftentimes said, when you're appealing to yourself, the answer is usually going to be the first answer you gave. Why would change your mind if you already told them no the first time?

So I would look at that, sir, as we are looking at how to best facilitate public assistance, either in a grant process or some kind of the cost estimate, is how do we ensure that the states and locals are provided ample protection against arbitration decisions on the federal side, but on the other end we don't create an unnecessary administrative process which then adds a regulatory burden to the federal taxpayer?

So it's got to go be balanced. But I'm -- I tend to...

MICA:

Well...

FUGATE:

... come back to...

MICA:

I go back to Mr. Riley's chart you've got up there. This is the -- he has the large one up there that everybody can see, and actually produced a brochure, but seven years of the thing going on and on. And there has to be some ability for us to move forward in a more expedited fashion.

FUGATE:

Well, Mr. Chairman, that's one advantage that Louisiana has on all of those outstanding projects that they have not agreed with. They can always go to arbitration.

MICA:

Well, again, the question would be we've seen what happened in Katrina, and we want also our legislation to reflect opportunities to resolve it, so we don't have these situations occur in the future. So I'll -- we'll take your counsel and...

FUGATE:

Mr. Chairman, my recommendation is you need to talk to the governors and to the local officials. If we go the route of an estimate, how do we avoid multiple appeals to that? And how would they feel most comfortable that, once we do an estimate, we're done?

Because I think if we continue to come back after that, it isn't an estimate; it's just a project in another name. But if we go with a true estimate and we say we've made a decision, we're done, I would talk to states and locals how they want the assurances that later on they have not made a decision that cost them, unfortunately, that they didn't get what they needed to be rebuilt.

MICA:

Well, we -- again, we're looking for solutions, and also ways to expedite the process. We'll work with you.

Finally just one little thing: we've done a good job in the past getting water, some food supplies, things in reserve. And I see now repeated again -- and this northeast storm was no different -- the difficulty with getting fuel and power, particularly with a jam-up we had of people in long lines and everything.

It seems like we could contract with some suppliers and maybe have some equipment. I've seen where they can even put meters on some of these tankers and get them into areas. They pre-positioned a lot of the power assistance; we preposition -- and you have done a good job with food and some basic supplies.

But I think we need some plan for prepositioning fuel and power. And we'll be glad to work with you on that.

FUGATE:

Mr. Chairman, the inherent danger of trying to replicate what the private sector does every day, just to give you an example on fuel.

We had contracted with defense logistics agency that was providing emergency fuel to responders as well as to some of the public, the total amount which was having to go again oftentimes competing with the same vendors that were doing it locally. So we were having to even bring fuel from further away.

I don't think we ever got to one-tenth of what the total demand on an average day was in New York. I think part of this is we need to go look back at critical infrastructure which is primarily owned by the private sector as an investor-based operation and look at how we can ensure resiliency in those systems. For us to -- for us to replicate that on the scale that would have been required would be staggering.

MICA:

Well, again, I don't advocate replicating. It somehow has not worked. I think we need to find better mechanism for power and then fuel.

Power, most of our problems, I was told, was from the public utility, I guess on Long Island. And they dropped the ball there. The others were pre-positioning. And that went off very well. But I meant power to essential fuel generating -- oh -- and also fuel providers. And that can be brought in, I think, faster...

FUGATE:

Yes, sir.

MICA:

... in the future.

So we should look at that.

Not getting into the weeds too much, we'll have some more discussions on that. Let me turn to Ms. Norton.

NORTON:

Thank you, Mr. Chairman.

I've been listening closely, Mr. Fugate, at what you have been saying about cost estimation, especially since there are difficulties, and you have talked about the appeal process. That seems to be the basic difficulty.

We got so fed up with money lying on the table and the appeals during the Katrina recovery process, that's how we came up with the arbitration notion.

One thing, arbitration, where both parties have to agree on the arbitrator is that is the final result. And I'm not sure there's any way to get around it.

As you said -- as we said in hearings, you can keep appealing to yourself and expecting a different answer.

NORTON:

Now I understand there was a pilot project, and I'm going to ask you about that first, that there was a pilot project for cost estimation up to half a million dollars, projects of half a million dollars or so, and that while some chose cost estimation, others -- which I take it would have been expedited -- others chose to go with the old system and to -- and part of the difference was that if you used cost estimation, you gave them flexibility on straighter overtime; whereas with the present system, you pay for straight time.

What did that pilot project -- how did that pilot project inform you? What did it tell you about whether or

not cost estimation is just a figment of our -- of our imagination here? You've done something on the ground that I would respect. What did you learn from the pilot project?

Because people could choose one of the other. They didn't choose cost estimation. Why they didn't choose them, I'd be -- choose it, I'd be interested to know. And I'd be interested to know whether or not choosing cost estimation to get rid of debris -- nothing's worse than living in such a -- a storm-battered place and the debris is there month after month after month.

Did -- did the jurisdictions themselves believe that better to have it lie there than to go to cost estimation? And if they didn't use it, why didn't they figure they should use it? Why did they go for the sure thing?

FUGATE:

I would hesitate to say exactly why. I know some of the reasons were this. And the cost estimation, if it's going to be working and it's going to be effective is, we come to a number, we agree to it, and we're done. I think the concern has always been we may not know all of the costs at the time the estimate is made. And the question was always: Well, what if we find out it's going to cost more? If we agreed to the estimate, we can't get any more money. If we go through the traditional process, we literally can come back multiple times as we see incremental costs increase and add those in.

I think, though, with debris, we're gaining more confidence in the corps' modeling. And having looked at what the corps models are versus actual debris cost, to where I think we can come up to a much closer number. But it's always a concern that if I'm an applicant, I always want to come back if it costs me more money, and get more money. Well, that kind of defeats the purpose of doing it as a cost estimate.

I think there's another part of it, though, that does make more sense. And this goes back to the charities (ph) and these other big projects. And that is looking at a design-build phase, where we do a design phase where we fund them to come in and take these complex projects, get their cost estimates, get their design, do all of the environmental and historical review, come in with the architect or the professional engineer, certifying these are the costs. And we agree to that. And then the second part of that is we issue them the grand and we're done.

That would get a lot of these potential unknowns out early. It would get a lot of the regulatory issues on the front end so we know what those costs are. And once we have an agreeable cost, then we issue the grant. As it is now, we do a reimbursement process where, again, we don't give them all the money up front. It's reimbursed. It takes time. We would like to approach that, but we think there's some technical issues we have -- and counsel may be more aware of this -- but we are running into issues where actual cost versus estimated cost, and also what happens if the project comes in under what we authorized.

What happens with those dollars if they have a surplus? And do they have any recourse if it turns out the project cost them more money? And again, we're back to they want to come back and get more funds, which is a more traditional project.

So, we're working this. We think if we can get the skill to make sure states and the locals are comfortable with these decisions, it's faster for everybody to do this as a block grant estimate versus a project that's reimbursed that literally can take years in the rebuilding process.

NORTON:

Mr. Fugate, have we once and for all gotten rid of the process, which perhaps was even worse for us during Katrina, where the government hired somebody to do an estimate. The state hired somebody to do an estimate. And we paid for both of these estimates, and then we're caught betwixt and between these estimates that we have both paid for.

I thought we agreed that that was not the most cost-effective way to -- to get an estimate; that we could agree in the beginning on somebody -- on somebody that we both agreed should come up with an estimate and then we go with it. Are we using that?

FUGATE:

Yes, ma'am. I'll give you a specific example. I was up at NYU University's hospital, which was heavily damaged in the flooding. I had my senior public assistance official, Bill Roach (ph) with me. We were walking through the basements. Senator Schumer had brought us there.

Devastation. The facility wanted to know what kind of documentation -- did we need to get our inspectors down there to look at the electrical system that had been damaged by the sea water. And Bill says, "Look, if you'll get your engineer to certify the damages, we'll accept it; we will not have to come down here and look at it."

So we are -- again, I won't say it's 100 percent. There's probably somebody that didn't get the e-mail. But if you have a licensed engineer, professional engineer, architect, or other licensed individual certifying the damages, we will accept that and have been using that to make those determinations.

NORTON:

That's a very important efficiency and I commend -- I commend you on that.

I'm very interested in this program that apparently is being used in New York to allow people to stay in their own homes without power, instead of going to temporary housing. I don't know if we've ever done that before. It does seem to me that that is -- is very important to do. And does it apply to people who live in apartment buildings? Does it apply to other states other than New York? The only information I have is New York.

FUGATE:

Yes, ma'am. This is something New York's asked. It is -- we have made it available to other states to have individual assistance. What we're looking at is those people that could not take power -- you know, this is where the power's come back on, but they have -- they can't take power because they had water damage. We are providing funds to do more (inaudible), if you're familiar with the blue roofs where we do temporary roof repairs, trying to get people back in their homes.

We've extended this to look at what things could we do just to get the power turned back on so people could stay in their homes and not put in demand for other housing assistance at a much greater cost to the taxpayer. It didn't mean we're doing all the repairs, but we're doing just enough to get the power back on. In some cases, because of the way the homes are built with basements, we're having to look at also water heaters and boilers. But we're just doing enough so they can get back in their home.

They're still going to have to take care of permanent repair costs. They're going to probably still need help from HUD and other programs or volunteer agencies like Red Cross. But this at least gets it back where the power company can hook them back up and they can stay in their home while they make repairs, versus leaving their home, their community and going to a temporary housing source.

NORTON:

And does it apply to people who live in apartment houses?

FUGATE:

To be honest with you, I don't think so because in those cases we're dealing with an occupant where we either are working with the housing authority, which HUD's working closely with those on bringing in boilers and other things to get power back up. So this is mainly directed at attached or single-family, not so much the large apartment buildings. But HUD's been working with both those in the housing authority and those that provide low-income housing and are providing assistance as we're supporting them and the corps in getting their critical life support up, not only power, but also boiler operations so they have heat.

NORTON:

And perhaps this wouldn't work in New Jersey, where so much of the housing was wiped out, but is there any reason why this -- this stay-in-place approach could not be used in New Jersey or some of the other states that were devastated by Sandy?

FUGATE:

No, ma'am, it can be used. In fact, we're working with the state of New Jersey's State Housing Task Force. This is one of the tools that we're giving them as they look at what those needs are and how to best meet their needs.

NORTON:

Could I ask you this? HUD and FEMA have always worked when there has been a major storm. How would you describe the major difference now between this new relationship with HUD, with HUD as apparently the lead coordinating agency, and yet FEMA -- and you can see that we are talking to you first and foremost here this morning -- still in charge of much of what the public expects? What's the difference between what you're doing now and what you were doing, for example, in Katrina?

FUGATE:

I think in Katrina, the problem was there was not a concerted effort to address what the housing needs would be. And as Fred pointed out, some of the programs he ran, the federal government never really anticipated that kind of rebuilding efforts. And initially, everybody turned to FEMA. FEMA doesn't do a lot of the permanent work, nor do we deal with the preexisting conditions.

So it's a natural fit of existing programs and authorities that take what we can do in the short run and match it up with what HUD's best at, which is providing longer-term affordable housing solutions. And we're going to go far beyond housing. As was pointed out by several members, we have transportation issues that go far beyond merely repair work. We have Corps of Engineer beaches that are authorized, but again, as the damages mount, funding those programs.

FUGATE:

So as we look at this, it became clear that we were dealing with not only state issues. We're going to have regional issues that go beyond the states. And so having a Cabinet-level member leading the non-Stafford Act

programs and funds and plugging in so that as we go forward with our short-term programs, there's an end where there is housing available.

What we don't want to get into is what we saw in Katrina: We do a lot of short-term events, and five years later, people are still living in a trailer, because there's no housing solution at the other end.

And, again this goes far beyond what FEMA does. It goes far beyond the Stafford Act. The Stafford Act is a key part of the initial fix and repair, but it does not get to the pre-existing conditions. It does not get into things that FEMA has historically not done well that other programs are much more successful in doing with their authorities, and it doesn't get to some of the regional challenges we have in that dense populated area.

NORTON:

HUD will be dealing exclusively with pre-existing conditions of what is to be rebuilt, and not FEMA?

FUGATE:

I would let Fred speak to it, but I think the term is rebuilding and looking at how do we work long-term housing solutions, particularly given the density of some of the housing authorities, and as well as other parts of the communities that were devastated.

NORTON:

I have one more question. When we did the post-Katrina Act, in fact, after 9/11, when FEMA was made a part of the Department of Homeland security, we were focused mainly on terrorism.

Now what we have learned as a result of the droughts, as -- a result of Sandy, as a result of Katrina, is that I don't know, we may not have another 9/11. We certainly have done a lot to prepare in case we are faced with another tragedy of that size. But we almost surely are finding ourselves each and every year with a major, unprecedented set of storms, not just storms. I don't even know what's happening on the West Coast, but that looks like something other than their usual rainfall.

Has there been -- has the -- being in the Department of Homeland Security been of any material advantage to FEMA, as opposed to when FEMA was not a part of the Department of Homeland Security?

And as a state official, you have participated in the before and after of this question.

FUGATE:

The short answer is yes, because of the availability of the other resources. I'll give you an example.

One of the things we had launched, that I didn't put in my comments in my testimony, is the fact that FEMA has finite work for us. And, even with our reservists, and the ability to call people up, it takes time to get into disaster area. We were able to leverage Department of Security and send over 1200 Homeland Security folks, from various components of -- of the Department, into New Jersey and New York to do the initial response report. That would not have readily been available without that.

So, I would continue to support that our role within Homeland Security, as -- as you have directed in that act, as the principle adviser to the secretary and president as well as Congress, emergency management thrives in this environment, and it's the additional resources we can tap into as part of the Department that enables us in some cases to augment our FEMA resources.

NORTON:

Well, thank you very much, Mr. Fugate. And again, thank you for your work on -- on -- on Sandy in particular.

MICA:

Thank you.

Other members?

Mr. Harris?

HARRIS:

Thank you very much, Mr. Chairman. Administer Fugate, thank you for appearing before the committee today.

I was informed Maryland's request for individual assistance had been denied. Could you -- given some of the counties in my district are some of the poorest counties in Maryland, and these individuals really are going to have difficulty rebuilding, can you explain what specific qualifications were lacking in our requests as compared to others states that were successful?

FUGATE:

The number of destroyed (ph) uninsured losses was not very high. The number of effective (sic) would suggest that it was within the capabilities of the state of Maryland.

The trouble with trying to do this is, is it never addresses the individual trauma of the destruction. It's always based upon the impacts to the state as a whole. And we look at the availability of other programs such as Small Business Administration disaster loans, and again the state's ability to redirect community block grant dollars to address some of these issues.

So it is not based upon the trauma to the individual. You know, our hearts go out to them. It is based on the states as a whole, and we've looked at that and made the determination and recommendation that the president concurred, that at this point, the information doesn't support a major presidential disaster declaration, and it is not uncommon that in a same storm system, states side by side may find different outcomes for individual assistance, whether it's tornadoes, floods, or storms, but it is always based upon our best estimate of the information the state provides against the available programs that may be there.

Yesterday, I spoke to Gale McGovern, president of the American Red Cross. The American public's been very generous to the Red Cross. And that continued support allows them to support not only those in the areas that have been declared by the president, but also in the areas that have not been declared.

And, I brought your attention to the state of Maryland, that there are individuals in communities that still need help, and even though it did not warrant a presidential disaster declaration, it should never take away from the fact that people had damages and losses due to the storm.

HARRIS:

Thank you very much.

Thank you, Mr. Chairman.

MICA:

Thank you. Mr. Nadler.

NADLER:

Thank you, Mr. Chairman.

Major General Walsh, I want to follow up with you on the Seagate Protection Project in Coney Island, New York. As you know, the Seagate community has been vulnerable to storm damage for decades because of an error in a previous Army Corps project in Coney Island. The Seagate correction was finally slated to begin construction this Fall. It has been fully funded by Congress, fully appropriated, and the local match secured. I know you're familiar with the project as we discussed it in person earlier this year before the storm hit.

Now that the area has been devastated by Sandy, it's more important than ever that the project be completed as originally intended and funded. I raised this with the Corps and with Secretary Napolitano during a tour of Seagate storm damage, and everyone said they would find a way to get it done. I assume the Corps will move forward quickly, but we haven't received confirmation of how the Corps intends to proceed.

Can you confirm now that in fact the Corps will move forward quickly with the Seagate Protection Project as intended and funded by Congress?

WALSH:

Sir, as -- as you know, there is an authority problem with -- with the funding, so we are going to move ahead with the -- with the project at the -- at the less -- at the less funding requirement. So we'll be looking at the...

NADLER:

That's a "no" to the full -- to the full funding that was appropriated by Congress?

WALSH:

We will work with the authority that we have, and the project will move forward.

NADLER:

Well, of course, our contention was that considering the president's instructions to cut through red tape and find a way to say yes, and considering the more than considerable legal ambiguity that I can't imagine anyone wants to tell the community they should remain vulnerable given what just happened there, and given that Congress has appropriated all the funds necessary to do the project, but I gather from your reply that we're going to have to have further rather difficult conversations.

Mr. Fugate?

MICA:

Mr. Nadler, Just a second.

If you wanted to quickly -- did you want to respond to his comment?

What -- what we had asked is that we try to get any questions from Mr. Fugate first.

NADLER:

That's why I'm going to him now.

MICA:

Pardon?

MICA:

That's why I'm going to him now.

MICA:

OK. Well, that's the major general. But if you go to him next -- and other members, please, because I promised Mr. Fugate, we would get him out as soon as possible.

NADLER:

As I said.

MICA:

Thank you.

NADLER:

Administrator Fugate, I recently wrote to you and the EPA about environmental contamination from mold and other hazardous substances inside buildings following Sandy.

Although FEMA will reimburse some home owners for hiring an environmental contractor, in some in places it's not so easy. In public buildings, such as public housing, it's more incumbent on public agencies to properly remediate, and in high rises, including private high rises, or densely populated buildings that you find in New York City, residents share walls, HVAC systems, and common areas so cleanup has to be done in a coordinated manner. If you clean up one -- if one resident cleans up his apartment, but gets recontaminated through the HVAC system, it's not terribly helpful.

Will FEMA support tasking EPA with overseeing comprehensive testing and clean up of contaminated buildings, and develop a plan ensures that peoples homes and work safe -- places are safe to inhabit?

FUGATE:

We'll take that message back to our partners at EPA. The other thing, Congressman, is those public buildings and public spaces that they need to do the inspections, that is eligible work for reimbursement FEMA.

But, this is also something Secretary Donovan's looking at. As you point out, in some of the privately owned apartment buildings, it is not clear what programs will be available. So, we're looking at what additional programs or authorities may be need outside of those that it's clear where FEMA can support activities, particularly those that are privately owned buildings.

NADLER:

So I appreciate that, so you -- and I appreciate what you're saying, and I thank you for that. So, I -- I gather that you that you're saying there is a problem now, especially in large -- in apartment buildings, which are privately owned, where -- where you can't simply isolate each apartment -- you can't isolate each residence.

FUGATE:

Obviously there's going to be some challenges there. We're not sure exactly, particularly in those that are private not public, how that would best go. A lot of this is going to come back to state and local health codes, those inspections, EPA providing technical guidance. But we will work with the state. We know this is an issue. It is something something that we have dealt with before. But I think because of the number of buildings and densities (ph) and past history here, there's going to be required additional scrutiny as we look at what will be necessary to ensure air quality standards in these homes and businesses.

NADLER:

Thank you. (inaudible)

MICA:

I thank the gentleman.

Let me go now to Ms. Grace -- I'm sorry. Ms. Schmidt?

SCHMIDT:

Thank you, Chairman Mica.

I have a couple of questions for Mr. Fugate.

Number one is, I noticed in the testimony from Mr. Robert Latham that he talked about the duplicative environmental and historical preservation reviews and that in each and every case, whenever you're dealing with an agency, each and every individual has to reinvent the wheel on those very time-consuming reports.

And it seems to me that FEMA could have a box that once somebody has done all of that assessment, that it can be passed down to everyone else in the chain, that also has to go through FEMA or another governmental agency for money. But in other words, just one process for those reviews that can be used for everybody,

instead of everybody reinventing the wheel. And couldn't FEMA be the one to lead that charge?

FUGATE:

Certainly something we've been working on. Part of it comes back to, though, is how our authorizers have given us authority, both to (inaudible) EPA, we all have responsibilities in doing these reviews. But since they all come from the same original federal legislation, we are working on how we can reduce and share those findings.

SCHMIDT:

Well, that doesn't make sense to me. If you're all trying to work together, why didn't you come up with a master plan, or does it need legislation to say there's going to be one review and you all can look at it?

FUGATE:

Well, we can, we have. And we'll take this back to work on.

SCHMIDT:

Mr. Latham, you were the one that brought this up in your report. Do you want to respond to that?

LATHAM:

(OFF-MIKE)

There we go.

I think part of the problem is being when there are multiple funding sources. Who the lead agency is for that particular project in the rebuilding process, and when there are multiple funding sources or multiple federal agencies involved in that project, then we have to go through those multiple reviews. And I think what Craig is saying is that, you know, I think there are some statutes, probably, that require them -- the federal agencies to do that.

You know, we -- I think -- what I'm saying is, when we have those rebuilding projects that have multiple funding sources, federal agencies' oversight, there has to be a single historic preservation review process because multiple reviews extend the project tremendously.

SCHMIDT:

Well, let me ask you, how would -- how do you think we can fix that? Should it be done by legislation, or should it be done by mutual agreement?

LATHAM:

Well, you know, I don't dare to understand all of the federal regulations, but I, you know, from someone that's worked at the state and local level, that, you know, if, you know, the fact that there is a declaration, number one ought to trump just about everything.

So when there's -- those funding sources contribute to the rebuilding of the project as a result of a disaster, then maybe, I'm not sure if -- I certainly wouldn't dare to speak for Craig, that maybe FEMA does take the lead.

But I do agree that until we expedite those reviews and try to get them down to one review, that it's going to continue to drag out the rebuilding process.

SCHMIDT:

Thank you.

Mr. Fugate, the second question is, in my district back in March, we had a tornado that hit and devastated a very small community. And our governor really didn't want to go to the federal government for help because he said that he felt if we looked at it from a state perspective, we could get it done quicker and cheaper, and that there was a time gap between presenting the bills to the government and getting reimbursement. And I forget whose testimony I read today, that talked about the time gap between getting reimbursed and how it really is costly to local communities. Is there any way to resolve that?

FUGATE:

Well, I would think the first response would be to the governor's request. It's not only just timely; it's also was -- was in their capabilities. I would assume that if it had not been within the capabilities of the state, or they exceeded their per capita threshold for public assistance, they would have asked.

What they may have been referring to has been a previous issue with small business administration, where if you are appealing individual assistance, small business administration, historically, had not moved forward with their authorities to issue a declaration. They have changed that and will do that separately.

But as far as the reimbursement process, both Louisiana and Mississippi saw what we tried to do in the storm earlier this year. One of the things that's most immediate for them is the cost of the debris removal and their protective measures. Historically, we had always waited for the final bills. This kind of comes back to the estimations. We have been working and using estimates to forward initial funds for both debris and protective measures -- those first dollars that go out the door, oftentimes within the first 30 days or less of the disaster. We're using estimates; we're not waiting for final numbers, and we are working to get money back into -- it's extended on the front end, before we get to the permanent work.

We're doing that in Sandy working, particularly with New York and New Jersey, where a lot of their smaller communities have extended, literally, millions of dollars, and have started a process of getting that initial reimbursements done based on estimates. We're not waiting for final bills. So we have been pushing to get cash back into the communities faster based upon those that they've expended (ph) when a declaration does occur.

SCHMIDT:

Thank you.

MICA:

(inaudible) No questions for Mr. Fugate.

Mr. Bishop?

BISHOP:

Thank you, Mr. Chairman.

I have just one question for Mr. Fugate. I want to talk to you a little bit about the hazard mitigation piece of FEMA reimbursement. As I understand it, it's 15 percent of the first \$2 billion of public assistance that goes to a state, and then 10 percent of between \$2 billion and \$10 billion.

My question is, is that cap not too limiting? It seems to me that, given what we're going to be dealing with in New York, we have two problems. One, even though there's going to be a fair amount of public assistance money that will flow to the state, 15 percent of that or 10 percent of that will fall short of the kinds of preventive measures that we could take state-wide. And then, more specifically, it's going to set up a competition between, let us say, New York City, which has enormous needs, and counties such as the one I represent, Suffolk County, which has significant needs, nowhere near as significant as New York City. But we have our own needs with limited capacity to address them. So the question is, wouldn't we be wise to either adjust that cap upward or eliminate that cap so that we could be putting into place preventive measures that will save us money down the road and will also save our citizens a great deal of consternation and dislocation.

FUGATE:

I'll defer to Congress on raising the caps, sir. But I would also think we need to recognize that the FEMA mitigation programs are not well designed for some of the things that may be required.

I'll give you an example of Louisiana where a decision was made to build the protective levy structures. It was going to be primarily a core project. It was fully funded through the core, and it was a project that they expedited and got done rather quickly, given the history of building that type of protection system.

So I would not assume that merely increasing the FEMA dollars, which would go to the governor and would then have to be determined by the state, the priorities (ph). There may be other things to look at more holistically that would go beyond those FEMA mitigation dollars, particularly with some of the coastal communities...

BISHOP:

If I may. I'm going to have the same question for General Walsh with respect to repairs that are pursuant to public law 8499, with restoration to, in effect, pre-storm conditions as opposed to design standards. It's basically the same issue, which is -- we'd be restoring in a way that would prevent future disasters or at least mitigate them, as opposed to just getting to pre-storm conditions or just spending up to a certain cap.

FUGATE:

And, Congressman Bishop, you're going to have a lot of folks in your communities are already wanting to elevate their structures because they saw where elevated homes went through this storm with very little damage, and it was a very successful mitigation. Knowing that there's finite FEMA dollars, again, this is why we were looking at other federal programs that have been used previously to support those activities, but also taking a look at the regional needs that are going to be critical infrastructure protection.

And so whether or not Congress chooses that, I think the administration's actually looking bigger than what FEMA's mitigation programs do, and looking at some of the challenges, and what would be the best funding mechanism for some of the larger mitigation projects required.

BISHOP:

Thank you, very much. And, I want to thank you again. Your people on the ground, at least in my county, have been phenomenal.

Thank you, very much.

I yield back, Mr. Chairman.

MICA:

Thank you.

Mr. LoBiondo wanted a 30-second personal privilege here.

LOBIONDO:

Yes, thank you, Mr. Chairman.

Major General, I just wanted to tell you what an extraordinary team you have in Philadelphia. Not just with this storm, but over the years, they have done just an exceptional job, dedication above and beyond the call of duty. Finding ways to work with us, with all of the coastal communities. And the outstanding work they have done has resulted in an enormous amount of money being saved from damage, and I think from hurting people or loss of life. So, just I wanted to make sure I publicly thank you, and congratulated and thanked them.

Thank you, Mr. Chairman.

MICA:

Thank you, Mr. LoBiondo. Mr....

WALSH:

Thank you, sir. I'll pass that information down.

LOBIONDO:

Thank you.

MICA:

Mr. Sires.

SIRES:

Thank you, Mr. Chairman. Mr. Fugate, what can I bring back to these people in the city of Hoboken that live in basements who have lost everything, that this is their primary home, where they have lost all of their

belongings, and is there anything -- anyplace they can tap into where there's an assistance for these people?

FUGATE:

Well, the most immediate assistance if they're uninsured is the FEMA individual assistance program, the 1-800-621-FEMA, or they can register online at disasterassistance.gov. And, we have set up, and we have disaster recovery centers there. So, if they have registered, and they're still working through that, we're providing both short term assistance as well as longer term housing.

But, I think you have got to understand that what are we going to do if we can't fix those basements? Where are they going to live? And, I think that's why we're working very closely with HUD, and why the president asked Secretary Donovan to take this lead.

Because I think we can do some stuff in the short run, but if those basements, again, they're going to flood the next storm. Does it make sense always to go back where they were or look at things differently? And, I think it goes back what Congressman Bishop and others -- there's a sense among the communities there, they don't just want to repair what was there.

They want to really look at, how do we minimize people at risk next time, and because those basements oftentimes were affordable housing units, they're not as easy to replace because people didn't own them. It was a good place to rent. They were able to work and live in their communities. And that's gone. And it may not be repairable. And, if it can be repaired, great, but how long is that going to take? But, if we can repair all that, where are people going to live so they stay in the community where the jobs are, where their schools are, where their kids going to school?

And, I think that's why the president recognized, we're going to have to look far beyond Stafford Act programs, because some of these issues will not be something that will get addressed immediately. We can deal with some of the immediate needs, but longer term, if we can't repair all those basements, or in the next storm, would it make sense to have people live somewhere else, or have more affordable housing solutions so they weren't vulnerable next time it floods?

SIRES:

Now, is that going to be a coordinated program with HUD?

FUGATE:

Yes, sir. And, that's again why the president's asked Secretary Donovan to take that lead, because again, much of what is going to be need longer term are not programs that FEMA has. They're really the programs that HUD and other federal agencies have. And, that's why we looked at this from the stand point of the recovery framework. Much of this is going to go far beyond what the Stafford Act programs were intended to do by Congress.

SIRES:

And, according to the mayor, she said she has over 1,000 families that were impacted by this.

The other question I have is regarding fuel. One of the problems that we had was getting the fuel to these places. And once we got them to these places, they couldn't hook up. And you know, the governor said, it was not an issue that we didn't have the fuel. It was an issue of how do you deal with that? How -- how do you...

FUGATE:

Well, here's a recommendation from states that have been through it. Since this is something that state legislatures are -- are much better at doing...

SIRES:

I actually talked to them.

FUGATE:

Many of the states that have dealt with this have come back with requirements to look at pre-wiring. Not necessarily putting a generator in, but pre-wiring gas stations. Part of the challenge is with underground wiring, it's not easy to get a generator hooked up. And so, doing some things ahead of time where it does involve the private sector. It's going to be their money, but it's also their customers looking at pre-wiring stations, and identifying key stations in key areas that have capacity that the state would want to make sure if the power went out and they got a generator there, they could service that community.

But, these are really things that I think we'll be working with our state partners as much of this I think's going to be the state legislature looking at lessons from other governors how to best address those distribution issues.

SIRES:

I also think you should look at food stores to do the same thing. Because, the other issue was, you know, obviously, all the food that went bad, you know, in all that period.

FUGATE:

If history tells me anything, there will be a lot of retailers, particularly the food service industry, pharmacies, gas stations that will be looking at either pre-wiring, transfer switch, or installing generators.

We have seen this repeatedly after major hurricanes across the south, where it becomes a business decision that it's much better to have the generator versus deal with the losses and disruptions that occur when power goes out for not just days in many cases, but weeks.

SIRES:

And again, thank you for the work you people do.

MICA:

I thank you.

If we don't have any further questions for administrator Fugate, we'll excuse you at this time.

Thank you for your participation. And...

FUGATE:

Mr. Chairman, appreciate it. We expect that you'll have further questions, and we'll be responsive as the committee looks at additional...

MICA:

Working with the other side of the aisle, we'll leave the record open for a period of two weeks.

And we may give all the witnesses additional questions, and appreciate their response. But we'll excuse you now and then we'll go to questions for the other panelists.

FUGATE:

Thank you, Mr. Chairman.

MICA:

Thank you.

First, we have pending question from Mr. Bishop from New York.

Mr. Bishop, you're recognized.

BISHOP:

Thank you very much, Mr. Chairman. I want to thank you for holding this hearing.

I just have one question for -- for General Walsh, and you know what I'm heading towards. It's the same sort of issue as the hazard mitigation cap.

My understanding of existing law, Public Law 8499, it limits repair repairs to pre-storm conditions as opposed to design specification. And as our governor has said, we seem to be having a 100-year storm every two years. And, so the question -- it begs the question, shouldn't we be repairing to design specification as opposed to pre-storm condition.

I'll just give you a specific example in my district, and I do not expect you to be familiar with, but there's a section of our shoreline called Tiana Beach. Tiana Beach is enormously subject to a breach. It has -- it was very badly eroded during the most recent storm. There's an effort in place between the Corps and the state of New York to put some sand on the beach at Tiana, but to restore it to its pre-storm condition continues to leave it very vulnerable to a breach.

And so -- so it just seems logical that we should be making a greater effort there so as to hopefully create something that -- that withstands storms, such as we did in West Hampton Dunes, which as I said in my opening statement, held up remarkably well compared to, you know, beach on either side of West Hampton Dune.

So, there's my question. How does the Corps feel about that? I know it's the prerogative of Congress, but what would be the Corps' reaction to lifting that restriction and being able to repaired, or restore to design specification.

WALSH:

So, the Public Law 8499 is -- is an emergency authority to -- to bring systems back to pre-storm condition. It's not a construction authority or funding. And that's -- and that's where the difference is.

And I believe the answer to your question is, is there's a lot of construction requirements that are -- that are here on the coast and in other areas that would go through a prioritization process in regards to bringing things to full design. Again, the 8499 is an emergency authority.

BISHOP:

If -- if I may, but aren't we then in effect throwing good money after bad? I mean, it seems to me that, again, this is an issue we're going to have to confront given the frequency of such devastating storms. So I understand the distinction between emergency repair and construction, but I at least am -- am going to push for a -- a lifting of that restriction, and push for design specification as opposed -- as opposed to pre-storm condition.

WALSH:

Yes, sir, and I would agree that those communities that live behind an engineered beach probably fared well than those who did not.

BISHOP:

Yeah, OK, thank you, Mr. -- thank you, General. Appreciate it.

MICA:

Other members with questions?

Mr. Sires?

SIRES:

Yes, I have two questions. One, general, every spring, I seem to get an awful lot of call from people for debris on the river. Obviously, after the storm, there's going to be a lot of debris on the Hudson River. Are -- are you making plans to pick up some of that debris? Some of the piers that were destroyed and are floating around?

I know you've done a great job picking up debris up to now, but this is a constant problem -- problem on the Hudson River, as you -- as you know. So, I was just wondering, you know, are you gearing up for this?

WALSH:

Yes, sir. We have three debris vessels that are working in the -- working on the Hudson and in the port.

SIRES:

Great.

And Mr. Popoff, you mentioned that you had a plan for fuel delivery that you came up with, since you get so many hurricanes. Is that -- is that what I heard?

POPOFF:

Yes, sir. It was actually the state of Texas which came up with the plan.

SIRES:

What does it consist of?

POPOFF:

It developed -- it was developed by creating a partnership of the fuel vendors, the fuel distributors, and then taking the critical fuel locations -- the locations along the evacuation routes, the interstate highways, the gas stations -- making sure that they're full of fuel. And through their local emergency management partners, making sure that those facilities had emergency generation power for both evacuating and then reentry, including emergency responders.

SIRES:

So they -- they do have generators? You require them to have the generator?

POPOFF:

No, sir. There's no state law or legislation that requires a private business to have a generator. But most of the retailers, as Director Fugate said, most of -- most of the retailers have realized it's just good business practice to install emergency generators.

In my county, I actually have a service station on an evacuation route that has two emergency generators. And they did that as an initiative on their own. They didn't -- they weren't compelled to do it. They just realized it was good business practice.

SIRES:

And do you know if food stores have the same approach? Are you aware of any?

POPOFF:

Well, I'm not too sure on food stores. I can tell you the one instance in Galveston County, that particular store is a -- it's a food store, but they have a large gasoline -- they have a large distribution of gasoline that they do there.

SIRES:

All right. Thank you very much.

Thank you, Mr. Chairman.

MICA:

Thank you.

Ms. Norton, additional questions?

NORTON:

Thank you very much, Mr. Chairman. I -- I do.

We've -- we have seen a shoreline devastated that I can't believe. And I suppose this is for Mr. Walsh. But I cannot believe that even in the 100-year exercise that we've just gone through, that kind of devastating loss along the northeast shoreline was anticipated.

Now, we've had a lot of talk about what happened and rebuilding, but rebuilding here is going to be very different from rebuilding in -- in the Katrina-affected areas. To be sure, there were, for example in Mississippi, there were some business interests -- gambling along the shore, that was wiped out. I think they even went back and built.

But it's hard to imagine, talking about the shoreline of New Jersey, for example, and New York, that we aren't talking about millions of people who lived on or close to the shoreline or had second homes there. And I am not sure that any of our thinking about natural disasters is -- is -- has been left intact.

Let me -- let me just read a section of what the National Weather Service provided to me, speaking about this area, where the nation's capital and many of its resources are located. "It's not out of the question" -- here I'm quoting -- "under the right set of circumstances," -- that's what you had in Sandy -- "a strong hurricane category three or higher, making land-fall south of Washington and tracking to the northwest. A stronger storm could collide with a southern mid-Atlantic, and generate a higher storm surge than Isabel for a Sandy-like storm displaced to the south. The reality of such a possibility, along with the slowly creeping sea-level rise from climate warming, should serve as a compelling call to action for local infrastructure planners."

Well, General Walsh, you are going to be in the midst of that, and so will you, Mr. Tombar. As -- as the corps helps to clear the debris and will almost surely be called upon to help build at least some of the public resources, what is the best way to protect the shoreline of New York and New Jersey, for example, so that we are not faced with such a disaster in the future?

WALSH:

Thank you for that question, Congresswoman. The best approach that we've seen in a number of different areas is to look at things from a -- from a systems perspective. Trying to put a structural fix on one side of a city or state and not on the other could have competing impacts. So what we -- we advocate is looking at things from a systems approach.

The other thing that we look at...

NORTON:

I don't understand what that means. Here we have the shoreline busted. We've got apartment buildings. We

had single- family homes. We had multi-family homes along (inaudible). I don't know what a systems approach means. So please give me the common language in describing. If you are the Corps of Engineers, the mayor or, sorry, the governor, of New Jersey, the governor of New York, are you going to rebuild there? What are you going to do to protect -- in the places that were devastated -- what would the corps recommend? What would HUD recommend to protect the shorelines of this part of our country?

WALSH:

Yes, there are -- there are a number of projects along the coast. Many of them have their own authorities and some of them have their own construction funding. What we try to do as we work through those designs to make sure that when we put a structural -- a sea wall or we put a beach renourishment project in one area, that it doesn't have negative impacts on another area.

So, we're looking at from a systems approach to make sure that we -- when we do a beach renourishment project, that it's wide enough and long enough that's not having negative impacts in another area.

NORTON:

Are there island barriers of the kind that were -- were in Louisiana that didn't prove as useful because we hadn't kept them -- we hadn't grown them? Are there barriers -- natural barriers that could be useful or could be planted in the Atlantic close to these two states?

WALSH:

Yes, there are -- there are barrier islands across from each of the -- each of the two states. We need to be looking at them from both a structural and nonstructural solutions to solving the storm surge.

NORTON:

Structural or nonstructural, meaning what?

WALSH:

"Structural" means a beach renourishment project. A "nonstructural" is that people perhaps would move away from the risky areas.

NORTON:

Are we sure that -- that there will be no rebuilding, Mr. Tombar, in the affected areas until some barriers are constructed that would go far toward making a similar disaster not -- impossible?

TOMBAR:

Unfortunately, ma'am, no. What typically happens is that you have individual homeowners of a building, property owners, who will move quickly to try to restore that which was damaged. And it often outpaces decisions that -- some of these tough decisions that local -- local political leaders and state political leaders have to make about mitigation.

So...

NORTON:

Isn't there something we can do about that?

NORTON:

I mean, I can understand that people who've lived in an area all their lives, they can't possibly imagine not living there. But the government is having to reimburse them, at least in part, for the damage they have accrued. Isn't there something that the government can do to make sure that they don't get ahead of the government and thereby perhaps incur additional costs to the government at a later date?

TOMBAR:

Certainly. We have, as Administrator Fugate mentioned, been working with the state led housing task forces both in all of the affected states to begin to identify some of the tough decisions that need to be made, and suggest to the local leaders as well as the state leaders some of the things that have been done in the past that we have seen that have proven effective in mitigating against disaster -- subsequent disasters.

For example, a recent storm, Hurricane Isaac, impacted areas that were impacted by Hurricanes Katrina and Ike and Gustav prior to that, but because of the mitigation measures taken by individual homeowners at the direction of the state and local leaders, many of those homes that did in fact mitigate against future disaster by elevating were left, as we say, high and dry, without any impacts from hurricane...

NORTON:

Yeah, and that was not the case here, because we had not -- never experienced that kind of storm here.

So what I'm really asking is could the governors of New Jersey and New York use their governmental authority -- their -- their -- yes, their authority, to forbid rebuilding until an assessment was made as to the safety, or is there nothing in place to keep people from going ahead and saying, "To hell with it, I'm putting up my house since there's nothing here to keep me from doing it?"

Would you recommend to the governors of the affected states they take some kind of action to at least delay the immediate rebuilding of homes in the devastated area?

TOMBAR:

Yes, ma'am, I'm not quite certain what the authorities of the individual governors, but I can tell you that we have already been in discussions with them and their staff about the fact that some of these hard decisions that are important for the long-term viability of these areas, and to -- to guard against repetitive loss in future storms like this, need to be made as expeditiously as possible. We...

NORTON:

I wish you would -- I wish you would within 30 days get information to the chairman about what action HUD and FEMA have -- have together taken, perhaps, to ask the authorities in these two states, in particular,

whether something can be done to keep the rush to rebuild from occurring.

TOMBAR:

Certainly. I will say that what we are talking about here essentially are decisions around building codes. And those are things not even controlled by governors' office. They're typically very locally driven decisions that rest with a mayor or a county executive. So trying to drive some consistency and consensus around those decisions is that much more difficult because of the several layers of governmental authority that need to be acknowledged in this process.

NORTON:

To be sure, I'm still not convinced that governors don't have authority, perhaps with their legislators, to keep from smacking us in the face with more liability, because nobody could figure out who to turn to.

Could I ask about Mississippi? Excuse me, one of our witnesses. Or maybe it was the Corps can tell me about the decision of the gambling interests to rebuild.

Did they not rebuild precisely where they were before?

LATHAM:

Ms. Norton, I would like to answer that for Mississippi, because prior to Katrina, the gambling industry and the permitting for that required for them to build on the water to limit expansion. The legislature and the governor moved quickly after Katrina to allow them to move inland, so the casinos have rebuilt, yes, but to a different standard that would minimize future impacts of storms. So, I think that part of our economic developmental side is more resilient now, than it was pre-Katrina.

NORTON:

So, you think that the -- they're not on the water, but they're on land close to water, and you think they're essentially protected.

LATHAM:

Yes, and -- and most have moved the critical components of the casino, they require hotels, but they are pretty much elevated so the ground floors are built to blow out, or maybe parking areas, so that the cost of recovery and rebuilding and the time required to get back up and going is minimized.

NORTON:

One more question. It's really for Mr. Walsh. We have just gone through this 100-year exercise. And anyone who went through it, great hardship, because people didn't want to buy flood insurance, and it really is the outcome, really, of Katrina, that made FEMA in fact take us all through another 100-year exercise. And, that really meant, you know, every 100 years -- I mean roughly speaking, you could get a Katrina-like, or here it would be a Sandy-like event, except that I don't think that anybody contemplated, even in 100 years, a Sandy-like event.

Is the 100-year storm notion -- has it been made obsolete by recent storms in the last, let us say, three or

four years?

LATHAM:

Congresswoman, the word 100-year storm is actually a misnomer. It's a 1 percent chance of -- of that event happening, and so it's 1 percent every year. And some people have used that 1 percent a year to say the event wouldn't happen in 100 years, but that's a misnomer. You have a -- you have a 1 percent...

NORTON:

That's a good point. So is the 1 percent notion obsolete, or do we need to be -- do we need to be re-thinking even that?

Does this fit?

Did what happened to New York and New Jersey fit the 1 percent notion?

LATHAM:

I believe it is a -- I believe it is a 1 percent storm, but I'd have to go back and look at the storm surge.

NORTON:

I wish you would get that information to the Chairman, too. Because, maybe that's what 1 percent means. And it could -- that makes a lot of sense to me.

Final question for Mr. Tombar, and that's about exactly what resources that FEMA could not use?

As I said, HUD to have a much broader array of resources and greater flexibility. And what is the value added of HUD, being the coordinator, bringing to the table flexibility and resources that would not otherwise easily be available to -- to FEMA?

We discussed one of them with -- with, of course, Mr. Fugate. But go right ahead.

TOMBAR:

Certainly. There are a few things I would say in that regard.

One is personally for Secretary Donovan, he is a native of the area -- the affected area, and his previous role was actually as housing commissioner for the city of New York, and so, has relationships because he worked directly with Mayor Bloomberg, and...

NORTON:

Is that the chief reason HUD was made the lead coordinator?

TOMBAR:

It certainly has had some bearing on that decision. He worked for secretary -- I mean, for Governor

Cuomo, as well, in the previous administration. And so -- and lead one of the large financial institutions that was based in -- in New Jersey.

So deep connections to the area, and has been using those to great effect already to do -- lead to some coordination around the federal role in working with state and local governments.

Beyond that, there is, as -- as pointed out by Administrator Fugate, in HUD's programs, great flexibility. In particular, I'll call out the community development block grant program that has, in this disaster already, been used in places like Maryland, where an individual assistance designation has not been given -- been used to actually house on a temporary basis some of the families that have been impacted.

NORTON:

You mean, right now?

TOMBAR:

Right now, yes ma'am.

Beyond that, there are plans under way in talking to the state and local governments that are CDBG entitlement communities. That mean -- mean -- meaning that they receive annually CDBG grants from us. What waivers would be available to help them to do something that I think has been alluded to a number of times in this hearing, and that is, to build back in a way that is smarter and safer than what has been done before.

And, I'm sure any of the -- the witnesses to my left can tell you, because each of their states benefited from allocations of community development block grants in their recovery processes in the past, and that, that money was used where, at the edge, you have FEMA only allowing to -- rebuilding up to a standard that existed prior to the disaster impacts.

TOMBAR:

That HUD money essentially can make things better. And we've -- we have made a priority of that during this administration to, quite frankly, to -- to focus on mitigation, to make sure that what -- that which is done benefits the taxpayers in the long run.

In fact, there's a study that HUD often cites and the secretary often cites that says that for every dollar used in mitigation, there's a four-to-one return on investment in a subsequent -- subsequent disaster.

It's why we work with places like Cedar Rapids, Iowa to actually buy out homeowners in a neighborhood that flooded in 2008, and moved them to higher ground.

NORTON:

Using CDBG funds?

TOMBAR:

Yes, ma'am, using CDBG funds. Similarly, in the states of Louisiana and Texas, buyout programs have

been underway to move families out of harm's way to places that are at least less vulnerable to subsequent storms.

It is something that we have already begun to discuss with state and local leaders, and are working with them to find ways to -- to implement that using existing resources and any additional resources that Congress may provide for that benefit.

NORTON:

Thank you very much.

Thank you, Mr. Chairman.

MICA:

Thank you.

Following that line of questioning by the ranking member, this is the -- Mr. Tombar, this is the national disaster recovery framework that was published September, 2011 by FEMA. Now, we looked through this and we did not see any mention of HUD or some of the activities you describe.

Have you read this?

TOMBAR:

Not only read it, sir, but I had a hand in its production.

MICA:

OK But maybe it would -- and I have no objection to HUD's participation -- but maybe it would be good to -- and you said you have also used CDBG grants before. Maybe it would be good to have that as part of this plan, your -- your participation?

And Ms. Norton asked within 30 days. We -- if you could supply an outline of what you plan to do, and if you, again, we're crafting legislation to try to expedite this whole process. And I have no problem even moving some of FEMA's current responsibilities over to HUD if CDBG grants get things out faster, get it done more efficiently with less red tape.

Did you see Mr. Riley's description here of -- we've got it over there -- of how long some of these projects get to be resolved. So, we're -- we would call on you to -- have you read out bill, 2903?

TOMBAR:

No, sir, I have not.

MICA:

OK. Well, maybe you could review that, too. We welcome your suggestions. I know sometimes the agencies have constraints -- going through OMB and all of the bureaucracy you face. But we're really trying to craft -- finalize legislation. We've crafted legislation, but finalize it with the best provisions possible so that

people who've been through Katrina, Irene and tornadoes and floods and everything else, don't have to go through the same long, drawn-out red-tape process. And if there's an easier way to do it, we welcome it.

So, we'd like to hear from you, if we may.

TOMBAR:

If I might, Mr. Chairman. You will find it in my testimony. I said that Secretary Napolitano and Secretary Donovan actually worked together under an effort started in 2009 by the president called the Long Term Disaster Recovery Working Group. That NDRF that you held up is an outgrowth of that process.

You will find in it that there are six recovery support functions. The housing recovery support function is one led by HUD, and it is the very one that we're using right now to begin those communications and those conversations with state and local leaders that I raised in answering Ms. Norton's question.

And so, what -- what we have found is that this framework is a -- is a useful way into -- for us to do some of that work.

MICA:

Well, two things, then, if Secretary Donovan and you all, if you revise this, maybe you should include yourself. And also if you can provide the committee with what you're doing, and then any of your recommendations. If we do need legislative authority to revise FEMA's role and your role, we would be glad to look at that, those suggestions.

Mr. Popoff, I was trying to get the administrator -- he's gone now -- to look at maybe not trying to replace what the private sector is doing, but to help facilitate -- help initiate some assistance or coordination of efforts from the private sector to -- to deal with this fuel situation.

We've seen it repeated time after time, fuel, and some sources of energy. Maybe, again, we're not trying to supplement what the private sector is doing or public utilities are doing. And I think you described, again, a cooperative plan and we're going to submit a question to you and also to the administrator to see if he can't initiate on a larger scale what you have done and you described before the committee today.

Because every disaster, it appears, we have this issue with getting fuel and power generation to specific activities, or to individuals who could make things be restored again.

So, thank you for your recommendations. Do you think it would work on a larger scale?

POPOFF:

Yes, sir, absolutely. You know, I believe that we truly -- we only respond to seven different types of disasters. And -- and with those seven and understanding the mechanics of it, it's how we manage the organization is how we respond to these folks and how we provide the necessary assistance.

And the fuel plan that was produced by the state is a great example of how government can work with the private sector and put a significant plan together.

MICA:

Good.

Well, again, your -- your testimony was most helpful and we're trying to address where we have gaps, again, and repeated experiences with these disasters.

Mr. Riley, I don't think we've ever had anybody so graphically describe government red tape and bureaucracy, at least dealing with disasters. We've got some charts on health care and other government proposals, but that's -- that's pretty amazing.

Now, Administrator Fugate did point out, however, and I mentioned that after we came down there, we came back and did this arbitration- mediation. Why didn't you turn to that as a solution?

RILEY:

It's -- it's a very complicated process. If you follow the timeline, there was ongoing discussion during the whole thing. So, you know, it was just a matter of we never got a "no" completely, so we never went to arbitration.

The frustrating thing about this is that if you look at the timeline, early-on in the timeline there was the cost estimate and recommendation of professional architects and engineers concerning the status of the building. FEMA's process didn't allow them to accept that and they went through their own process, and we ended up in the same place.

Mr. Fugate indicated that -- that currently they are in a position to allow their staff to accept the applicants' architects and engineers reports and use that as the basis for funding. And we certainly support that. We don't always see that. And maybe we just haven't gotten the e-mail in Louisiana, as he said.

But, you know, that's certainly a way that this -- this particular process, and this is not an anomaly. There are thousands like this in -- in Katrina, in Gustav and Ike, even in recent storms. And so a process that -- that would, you know, get -- get to the result a lot quicker.

Arbitration is a good tool and we've used it and we've used it successfully. We would recommend that the tool be continued; that the cap be lowered so that the smaller communities that have smaller projects have access to that -- that independent, you know, third- party review of the FEMA process. And -- and we do -- from the large projects, we've seen these large projects be sped up simply by the threat of arbitration.

MICA:

Well, we would like to have as many tools at the disposal of FEMA to get these issues resolved and get the claims settled.

We welcome your recommendations, too. We're trying to get the Senate to conclude their consideration of the legislation. I think that that measure can do more than all the money we throw at the problems or try to throw at the problems. Sometimes, as you heard the administrator, they're still dealing with so many settlements from so many disasters because of the way their hands are tied and our inability to be a little bit more flexible or have, again, some options that don't currently exist.

MICA:

So, any of the recommendations you can provide us. We'll leave the -- we're going to leave the record open for the next 14 days. By unanimous consent, without objection, so ordered.

And I want to thank each of you for being with us today. We will have additional questions we'll submit to

you. The hearing has gone on for two hours. You have been most patient and also I think most productive in your recommendations and observations to the committee. We thank you so much.

There being no further business before the committee, this hearing of the Transportation and Infrastructure Committee of the House of Representatives is adjourned.

Thank you.

CQ Transcriptions, Dec. 4, 2012

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