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STATEMENT FOR THE RECORD

**On behalf of the
National Emergency Management Association**

**Submitted to the House Committee on Homeland Security
Subcommittee on Emergency Preparedness, Response, and Communications
United States House of Representatives**

***Defense Support of Civil Authorities:
A Vital Resource in the Nation's Homeland Security Missions***

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Introduction

Thank you Chairman McSally, Ranking Member Payne, and members of the subcommittee for holding this hearing today. As Director of the West Virginia Division of Homeland Security & Emergency Management and a Regional Vice President of NEMA, which represents the state emergency management directors of the 50 states, territories, and District of Columbia, I am pleased to be here to discuss the role of the military in disaster response and how emergency managers and the military work together.

As you know, emergency management is a “whole community” endeavor. It involves the public sector, the private sector, voluntary organizations, and individual citizens—all of whom are crucial to preparing for disasters and responding to and recovering from them. The National Guard and the military are an important part of the whole community and play a key role in efforts to address disasters, largely by supporting state and local responses. In my testimony this morning, I will focus on key lessons learned concerning how emergency managers and the military can work together effectively. Specifically, I will discuss the importance of collaboration, the value of the Emergency Management Assistance Compact, and the dual status command.

Lessons Learned

Partnerships Have Been Effective in West Virginia

More than anything else, effective collaboration between emergency management agencies and the military is crucial if we want to see successful responses to disasters. In West Virginia, we are very fortunate to have had great success working with the National Guard. One of the most prominent examples of this has been our collaboration on the National Boy Scout Jamboree, which is a unique event held at the Summit Bechtel Reserve in rural Fayette County, West Virginia. This gathering of approximately 45,000 scouts, leaders, and staff, over the course of ten days in the summer, happens every four years. Given the size of West Virginia, it is a monumental task to handle the logistics, security, and operational support of such a major event.

The Jamboree has posed some distinct challenges. Most significantly, the state needed to develop the resources for the Jamboree while also maintaining the capability to respond to and recover from any other disaster or emergency that could occur at the same time. It was obvious that coordination and collaboration with the National Guard were going to be crucial to making this happen. In 2010, Governor Earl Ray Tomblin brought together key members of his emergency response team and directed them to develop a construct that could be easily adapted to handle the Jamboree, as well as any major disaster that could affect the state. We subsequently adopted the concept of a Joint Interagency Task Force (JIATF) to develop the necessary planning and response capabilities.

The governor appointed me to lead the JIATF and the Adjutant General of the National Guard to serve as the co-leader. In addition, a senior leader from the governor’s office served as the liaison for the governor to the JIATF. The JIATF included Department of Defense assets from the active duty, reserve, and National Guard. These military elements served under a dual status, West Virginia National Guard Brigadier General who reported to and supported the JIATF. Utilizing the dual status command kept the operational control of the military units at the National Boy

Scout Jamboree under the control of the civilian leadership and allowed the governor to retain control of the response to the event.

We successfully implemented the JIATF in 2012 during responses to a derecho and Hurricane Sandy. Both events created major power outages and infrastructure challenges for the state. For example, within minutes of the derecho moving through West Virginia, fifty-three of the fifty-five counties were without power. This included numerous water and sewer systems, hospitals and nursing homes, as well as many other types of critical infrastructure and retail facilities. Much of the power infrastructure was significantly damaged, and repairs took weeks to finish. This left the state with shortages of water, ill-functioning sewer systems, off-line gas stations, and many big box retailers that were unable to open. The state had to quickly make key decisions as to how it would handle power restoration and provide supplemental power to many of these facilities. After discussion among the JIATF leadership, FEMA, and consultation with the governor, West Virginia elected to use a capability developed by the West Virginia National Guard to support this mission in a cost effective and efficient way. Such collaboration resulted in the state being able to manage its own power restoration capability.

Collaboration Has Been Invaluable in a Number of States

Of course, West Virginia is not the only state to see such successful collaboration. Florida, for example, has seen a number of instances over the years. These include the Republican National Convention in 2012; the Annual All-Hazards Coordination Workshop; the FEMA Region IV Defense Coordinating Officers Defense Support to Civil Authorities Conference; statewide annual hurricane conferences and exercises; the Annual United States Army Corp of Engineer, South Atlantic Division, Hurricane Rehearsal of Concept Drill; and Vigilant Guard 2013, which included Title 32 Forces, Title 10 forces, and dual status commanders. Florida's efforts have not been without their challenges, however. They have found that there are numerous "common operating pictures" at the local, state, and federal level that do not communicate interchangeably. This frequently creates gaps in response and recovery.

Similarly, North Carolina has also taken a number of steps to promote collaboration. For example, the Department of Emergency Management invites a North Carolina National Guard Domestic Operations officer to attend the weekly staff meetings in an effort to enhance coordination. Moreover, the Department of Emergency Management and National Guard work together on the state's Helo-Aquatic Rescue Team. The National Guard provides helicopters, along with pilots and aircrews, while the Department of Emergency Management coordinates the provision of local responders to serve as highly skilled rescue technicians. In order to maintain the team's abilities at a high level, the Department of Emergency Management conducts monthly training. They are called out frequently during the summer months to rescue climbers in western North Carolina. Further, in April and May of this year, the Department of Emergency Management was able to take advantage of the National Guard Cybersecurity Team to evaluate its IT Architecture. They conducted a detailed study that identified several areas of improvement. This mission was conducted expertly and efficiently at a low cost. The team provided the Department of Emergency Management with a checklist to improve its IT infrastructure.

The state of Washington has built a successful partnership as well, as was seen during the deployment of the National Guard during flooding and the mudslide that occurred last year. The

National Guard assisted the state's donations manager by supporting the movement of commodities, staffing the warehouses, and assisting with the distribution of food. In addition, personnel from the military department provided transportation to and from school for children in communities isolated by the landslide. This made it possible for the children to stay on pace with the curriculum and to graduate on time. The National Guard also provided helicopters that supported movement of critical resources and movement of recovered human remains. Teams from the Washington Homeland Response Force and Colorado National Guard supported local responders as they uncovered the remains and delivered them to the medical examiner.

The Emergency Management Assistance Compact Facilitates Working Together

The Emergency Management Assistance Compact (EMAC) has played an important role in facilitating collaboration among states and enabling them to share National Guard assets. When states and the U.S. territories joined together and Congress ratified EMAC (Public Law PL-104-321) in 1996, it created a legal and procedural mechanism whereby emergency response resources such as Urban Search and Rescue Teams could quickly move throughout the country to meet disaster needs. All 50 states, the District of Columbia, the U.S. Virgin Islands, Puerto Rico, and Guam are members of EMAC and have committed their emergency resources in helping one another during times of disaster or emergency.

Since its ratification by Congress, EMAC has grown significantly in size, volume, and the types of resources states are able to deploy. For example, over 67,000 personnel from a variety of disciplines deployed through EMAC to the Gulf Coast in response to Hurricanes Katrina and Rita, and 12,279 personnel deployed to Texas and Louisiana during Hurricanes Gustav and Ike. More recent uses of EMAC have included the response for the manhunt in Pennsylvania, severe weather in Mississippi, wildfires in Washington, tropical storms in Hawaii, and the historic snowstorms in Massachusetts. National Guard assets are often deployed through EMAC. During Hurricane Sandy, for example, a helicopter and crew were sent to New Jersey, and staging and warehouse operations personnel were sent to New York, among other things. During its 2013 flooding, Colorado received search and rescue assistance, as well as road work repair assistance. More recently, during the snowstorms in Massachusetts mentioned earlier, Maine and Vermont provided Massachusetts with front end loaders and dump trucks for snow removal, and just a few weeks ago, Louisiana provided helicopters and crews to Texas to assist with water rescue activities after floods hit the state. EMAC has made it easier for states to assist each other effectively and share National Guard assets—with the added benefit of lessening the need for federal resources in the process.

In addition to deploying throughout the country through EMAC, the National Guard works with EMAC members to improve the system. For example, in an effort to better integrate mutual aid partners before a disaster into the EMAC system, an EMAC Advisory Group was established. The group includes representatives from state and local government associations, the National Guard Bureau, emergency responder associations, public utility associations, the private sector, DHS/FEMA, and the Centers for Disease Control and Prevention. The discussions and interactions of this group have assisted in incorporating local government assets into the EMAC system for a unified response.

The Dual Status Command Has Been a Success

The creation of the dual status command has been an important development over the past few years. In the wake of Hurricane Katrina, policymakers realized that the separate chains of command for state and federal military forces had made coordination difficult and contributed to the shortcomings of the response. In the years that followed, policymakers developed the dual status command, which allows a single National Guard officer, responsible to the governor of the affected state, to simultaneously direct both state (Title 32) and federal (Title 10) military forces to ensure coordination during emergency response. This occurs with the consent of the governor and authorization of the president. Ideally, it greatly strengthens unity of effort, a keystone of the National Incident Management System, and reduces the kinds of coordination problems seen during the response to Katrina.

The emergency management community has had great success with the dual status command and shown that it is an effective way to operate and provide the appropriate command and control of all military forces during a response. Significantly, these forces remain under the control of the governor—who has the ultimate responsibility for public safety of the state’s citizens. Since 2004, twenty-five dual status commanders have been appointed, and of those, sixteen have had Title 10 forces assigned. In 2013, four states requested dual status commanders for real-world events. Two of those received Title 10 forces, including the National Boy Scout Jamboree in West Virginia.

As I mentioned earlier, the use of the dual status command at the Jamboree enabled effective coordination and integration and kept the operational control of the military units at the event under the control of the governor—who consequently was able to retain control over the response to the event. Another successful use of the dual status command was seen at the 2012 Republican National Convention in Florida. During this special national security event, Tropical Storm Isaac wreaked havoc on the convention schedule and interrupted travel plans of many of the estimated 50,000 delegates, media and others planning to attend. The use of dual status command greatly facilitated coordination and enabled the state to respond more effectively to a very challenging incident.

Colorado has also successfully used a dual status commander in several instances—including its 2013 floods, 2012 wildfires, and the 2013 Black Forest fires—and its use promoted effective coordination and response. Further, the outstanding relationships between the state, FEMA Region VIII, the FEMA Region VIII Defense Coordinating Officer, the Colorado National Guard, and the Department of Defense facility commanders in the state facilitated the seamless initiation of disaster requests, transition of command, and effective coordination. While each of these disasters had severe consequences—such as fatalities, damaged and destroyed infrastructure, and environmental damage—each would have been worse without the missions completed by the Colorado National Guard and Department of Defense assets. Training for state emergency management and military personnel concerning defense support to civil authorities has been invaluable, helping to familiarize them with relevant capabilities and procedures, as well as strengthening important relationships.

Conclusion

If we hope to see effective responses to disasters, we must involve the whole community, and one of the key partnerships in the whole community is between emergency management agencies and the National Guard. In West Virginia, we have had great success in strengthening this partnership, and other states have as well. As a result, these states are better prepared to respond to and recover from disasters.

Going forward, states must continue to look for opportunities to improve collaboration among emergency managers, the National Guard, and federal forces. One method for doing this is the creation of formal mechanisms, as we did with the JIATF in West Virginia. But as Florida, North Carolina, Washington, and Colorado show, there are other ways as well. Further, we need to continue to support EMAC. It has been invaluable in deploying National Guard assets throughout the country and enabling states to support each other more effectively, consequently reducing the need for federal resources. We also need to continue to support the dual status command, which has greatly promoted coordination, and FEMA's grant programs, such as the Emergency Management Performance Grant, which have built and strengthened state capabilities.

I thank you for the opportunity to testify today and welcome any questions you may have.