



Disaster Accountability Project

31 North Quaker Lane • West Hartford, CT 06119

314-761-7631 • info@disasteraccountability.org

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The Honorable Bennie G. Thompson
2432 Rayburn House Office Building
Washington, D.C. 20515

RE: Committee on Homeland Security Hearing, “PKEMRA Implementation: An Examination of FEMA’s Preparedness and Response Mission”

Dear Chairman Thompson:

The Disaster Accountability Project (DAP) thanks you and your colleagues for holding this hearing on the implementation of the Post-Katrina Emergency Management Reform Act. We are proud to echo the sentiments of the disability rights community, and respectfully submit the following recommendations as testimony today.

FEMA must adhere to the statutory reporting requirement for the Disability Coordinator, moving the position to the Office of the Administrator from its current place in the Office of Equal Rights.

PKEMRA Section 513(a) dictates that “[t]he Disability Coordinator shall report directly to the Administrator, in order to ensure that the needs of individuals with disabilities are being properly addressed in emergency preparedness and disaster relief.” Despite this clear directive, FEMA has positioned the Disability Coordinator within its Office of Equal Rights, an entity committed to the promotion of “affirmative employment, a discrimination-free workplace, and equal access to FEMA programs and benefits.” While the OER’s array of responsibilities certainly reaches some needs of individuals with disabilities, it does not entail the substantive obligations PKEMRA entrusts to the Disability Coordinator. In crafting Section 513, Congress sought to ensure that individuals with disabilities would have a national voice in emergency preparedness and disaster relief, not that they have a single OER employee to address all concerns. Indeed, the affirmative responsibilities of the Disability Coordinator to provide guidance, disseminate best practices, and consult with organizations extend far beyond the access OER encompasses, to the inclusion Congress intended.

To truly fulfill this intent, FEMA must execute the statutorily- defined chain of command and provide the Disability Coordinator with a direct report to the Office of the Administrator. As it currently stands, FEMA has created an unnecessary layer of authority over the Disability Coordinator, as she must report to the Director of the Office of Equal Rights. This action not

only violates Section 513's clear directive, but also diminishes the Disability Coordinator's ability to effect change throughout FEMA and the nation. Indeed, to ensure that individuals with disabilities are considered in every aspect of national emergency preparedness and disaster relief policies and operations, FEMA must incorporate the Disability Coordinator into the Office of the Administrator, a post from which she would engage all six FEMA Directorates and other offices. This important position must not be hidden in the depths of the Office of Equal Rights.

FEMA must create an Office of Disability within the Office of the Administrator to fulfill the ten enumerated duties articulated in Section 513(b).

FEMA has charged a *single individual*, Cindy Lou Daniel, with overseeing and implementing the ten enumerated statutory duties entrusted to the Disability Coordinator. The Agency, however, has provided Ms. Daniel with no staffing at either the national or regional level. Thus, one person is responsible for creating and implementing the essential policy and operations initiatives included in Section 513. This undertaking requires, among other things, that Ms. Daniel interact with a range of governmental offices and citizen advocacy groups, ensure the use and efficacy of telephone lines, websites and video programming distributors in times of emergencies, incorporate the needs of individuals with disabilities into national preparedness systems, and ensure accessible transportation for individuals in the event of an evacuation. To ease the burden on Ms. Daniel, and future Disability Coordinators, FEMA must equip the Disability Coordinator with sufficient staff and resources in a central post within the Office of the Administrator. This structure would provide the Disability Coordinator with the means necessary to effectively craft policy, curriculum, and training at the national level and oversee their application in the regional context. To fully implement Congress' commitment to individuals with disabilities, FEMA must provide the Disability Coordinator with sufficient staffing and resources in an Office of Disability within the Office of the Administrator.

FEMA should hire a special cadre of national Disaster Assistance Employees specializing in disability services.

FEMA should expand its current Disaster Assistance Employee (DAE) program and implement a cadre of Disability Specialists on reserve with the proposed FEMA Office of Disability. The functions of this cadre should include providing guidance to Federal Coordinating Officers, implementing training for public and private partners, and resolving individual or group accessibility concerns.

FEMA must create Regional Disability Coordinator positions immediately to assist the Disability Coordinator in fulfilling the Section 513 duties.

To better address the needs of individuals with disabilities, FEMA must immediately establish Regional Disability Coordinators (RDCs) in each FEMA region around the country. Given the scope of the Section 513 duties, the need for these positions is beyond doubt; indeed, former FEMA Administrator David Paulison, in response to the FEMA National Advisory Council's recommendations to create such positions, acknowledged the utility of placing a Disability Coordinator in each FEMA region. He did not, however, urge the immediate development of these positions, but rather delayed budgeting for them until 2011. To close existing gaps and

prepare for future disasters, however, these positions must be included in the 2010 budget. Furthermore, as discussed in the National Response Framework, the best way to manage emergencies and disasters is at the local level. Therefore, FEMA should implement Regional Disability Coordinators immediately to ensure appropriate measures are taken at that level to meet the needs of individuals with disabilities.

FEMA must place a Regional Disability Coordinator in each of the ten existing FEMA regions to ensure that emergency preparation, response, rebuilding, and mitigation efforts encompass the needs of individuals with disabilities.

FEMA must include the needs of individuals with disabilities within the framework for preparing for and responding to disasters. The scope and significance of FEMA's responsibilities demand an RDC be staffed in each of FEMA's ten regions to ensure the needs of individuals with disabilities are included in every aspect of emergency preparation and response.

The Regional Disability Coordinators should ensure that resources are allocated to individuals with disabilities according to the Emergency Support Functions entrusted to FEMA within the National Response Framework.

The National Response Framework "provides structures for implementing nationwide response policy and operational coordination for all types of domestic incidents." Within the Framework, FEMA is the primary agency responsible for coordinating Emergency Support Functions (ESFs) during an emergency as well as carrying out the duties described in several of the support functions. For example, ESF-6 charges FEMA with duties encompassing mass care, emergency assistance, disaster housing, and human services. The RDCs will partner with the support agencies responsible for providing mass care, emergency assistance, disaster housing and human services; this partnership will ensure that individuals with disabilities receive adequate and appropriate services and information. Furthermore, each RDC will consult with their Regional FEMA Administrator, as well as regional Federal Preparedness, Disaster Operations, Disaster Assistance, and Mitigation divisions to incorporate the needs of individuals with disabilities within the ESFs. For example, the Coordinators will ensure that communication systems used by FEMA to broadcast information about an emergency reach individuals with hearing or visual impairments.

The Regional Disability Coordinators should partner with Regional FEMA Administrators, state and local authorities, and other FEMA divisions to meet the needs of individuals with disabilities within their shared regions.

In reporting to their specific regions, each RDC will partner with their Regional FEMA Administrator to infuse current operational plans with strategies specific to the needs of individuals with disabilities in times of emergencies. Through this partnership, they will also craft any additional plans necessary to address potential gaps in services for individuals with disabilities. Furthermore, the RDCs will engage regional FEMA divisions and state and local authorities to ensure a coordinated and comprehensive effort to support individuals with disabilities in times of emergencies.

The Regional Disability Coordinators should develop and promulgate training that addresses the needs of individuals with disabilities before, during and after an emergency.

To best incorporate the needs of individuals with disabilities in emergency management, the ten RDCs should work directly with direct care and advocacy agencies, both public and private. To do so, the Coordinator will partner with area organizations such as independent living centers, statewide independent living councils, developmental disability councils, affiliates of national disability organizations, and state disability coalitions to better understand the specific barriers and challenges individuals with disabilities face during an emergency. The Coordinators will then utilize this information to develop training materials in collaboration with such agencies, ensuring that the materials are developed in accessible formats.

The Regional Disability Coordinators should oversee the training of regional Disaster Assistance Employees for disability specialization and training.

Each of the ten FEMA regions employs several hundred Disaster Assistance Employees (DAEs) in addition to those maintained at the national level. FEMA should train all regional DAEs on general disability sensitivity and disability issues that arise within their specializations, which include communication, transportation, housing, and medical services. Regional Disability Coordinators should also hire DAEs to be deployed as Disability Specialists during regional emergencies. Finally, DAEs with disabilities should be actively sought and accommodations readily provided to ensure their ability to fully perform their duties.

The Regional Disability Coordinators should collaborate with volunteer organizations through the National Voluntary Organizations Active in Recovery network.

The volunteer sector is a vital part of emergency preparedness, response, and recovery. Indeed, the February 2008 GAO report *FEMA Should Take Action to Improve Capacity and Coordination between Government and Voluntary Sectors* recommends that because FEMA has an enhanced role in coordinating volunteers under the National Response Framework (NRF), it should take action to further develop the skills and capabilities of the volunteer sector. For example, the NGO National Voluntary Organizations Active in Recovery (NVOAD) aims to coordinate the myriad voluntary organizations that respond to disasters. The NRF identifies NVOAD as an agency having a supportive role in the recovery process, and articulates specific responsibilities for NVOAD within the disaster response framework.

As the GAO recommends, then, the RDCs will play a vital role in improving FEMA's collaboration with the volunteer sector. Each RDC will partner with NVOAD to identify volunteer organizations in their region that are best equipped to work directly with individuals with disabilities. Furthermore, all RDCs will provide training materials to volunteer agencies involved in response and recovery efforts, and provide guidance on ways such agencies may implement practices to meet the needs of individuals with disabilities. Lastly, the RDCs will coordinate with NVOAD and other organizations within the volunteer sector to ensure the widespread dissemination of information about resources available to individuals with disabilities so that such individuals may access vital resources before, during and after an emergency.

Conclusion

With a single individual charged with incorporating the needs of individuals with disabilities into our national emergency preparedness and response activities, FEMA's current framework is failing. To address this gross transgression, the Disaster Accountability Project strongly

recommends that this Committee restructure the position of the FEMA Disability Coordinator so that it fulfills the directives of Section 513 of the Post-Katrina Emergency Reform Management Act and ensures that the needs of individuals with disabilities are met in times of a national emergency. Thus, we urge this Committee to create an Office for Disability within the Office of FEMA Administrator, provide this office with sufficient staff at the national level, and establish Regional Disability Coordinator positions throughout the country to supplement its efforts.

Again, thank you for evaluating this important issue and considering our recommendations. Please let us know if you have any additional questions or concerns.

Sincerely,

Ben Smilowitz
Executive Director
Disaster Accountability Project

Sara Grill
JD Candidate, 2011
Marquette University Law School

Leigh Mangum
JD Candidate, 2011
Brooklyn Law School

Kimberly Parr
JD Candidate, 2010
Boston University School of Law

Michelle Velasquez
JD Candidate, 2010
Marquette University Law School