



A Review of BENS 2007 Business Response Task Force Report

**Further Action is Needed to Achieve the Goals of
*Getting Down to Business: An Action Plan for
Public-Private Disaster Response Coordination***

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Index

Preface	5
Summary: Purpose and Method, Findings and Recommendations.....	7
Background: BENS 2007 Business Response Task Force	9
Review:	
1 - Public-Private Collaboration	11
2 - Surge Capacity/Supply Chain Management.....	15
3 - Legal & Regulatory Environment	21
Recommendations.....	25
Appendix A: Building Public-Private Partnerships.....	29
Appendix B: BENS' Regional Public-Private Partnerships	31

Preface

We are pleased that four years after Business Executives for National Security (BENS) first undertook an assessment of the nation's ability to effectively integrate the resources, capabilities and expertise of the business sector into all phases of government's disaster management protocols, many of the nation's preparedness shortcomings are being addressed. A surprising number of new awareness groups, associations and programs have sprung up to do things differently—and better. There is a new sense of energy and focus in the Department of Homeland Security's (DHS) Federal Emergency Management Agency (FEMA), though change comes slowly.

Perhaps the most significant development has been in the context of government's approach to disaster management. The concept of "resiliency" is ascendant, though the term was hardly in vogue when BENS did its earlier review. Today, resiliency is the basic proposition of disaster management, with the federal government seeking to constrain expectations about its role: Disasters are localized events that require community preparation and response first.

It is appropriate, then, for BENS to revisit its original business proposition: That it is incumbent on government—local, state and federal—to integrate the capabilities of the private sector, principally those of the business community, into a comprehensive national disaster response mechanism. Failure to do so was evident following the attacks of September 11, 2001, and, four years later, in the aftermath of the 2005 hurricane season. That prompted the senior leadership of the U.S. Congress to invite BENS to offer recommendations as to what might be done. So, four years later, with new calamities seemingly unfolding every week—tornadoes in Joplin, MO, Texas wildfires, Hurricane Irene taking direct aim on New York City and the Northeast, torrential rains from Tropical Storm Leo, not to mention a 4.8 magnitude earthquake in central Virginia—might now be a good time to document whether we are any better prepared?

This review is far from a comprehensive assessment of the state of the nation's disaster response capability. It purposely deals only with the recommendations of BENS Business Response Task Force from 2007, testing the validity of critiques that only sporadic improvements in public-private coordination have occurred. That there remain many challenges with inter-agency and inter-governmental coordination is a common belief.

Is there substance to the view that DHS has looked only for government solutions to the nation's disaster response efforts and that the wider resources of the private sector have not been adequately cataloged and integrated into that response? Has the passage of time taken the urgency out of preparing for calamitous events? Other views hold that, indeed, progress is being made but that the improvement record is far greater at the local and state level than to the national capability. Pockets of success are notable; for example, the DHS and US Northern Command (NORTHCOM) are reaching out to the private sector and have engaged with them in planning and gaming disaster response scenarios.

The U.S. playbook—the National Response Framework—has been rewritten since 2007 to acknowledge and include a role for public-private partnerships in disaster response. As such, the timing is excellent for a review of the progress made in integrating the business sector into national, regional, state and local disaster response efforts—and a candid assessment of what remains to be done.

Summary: Purpose and Method, Findings and Recommendations

Purpose and Method of this Review

Aware that many legislative and policy improvements were made to the nation's disaster response plans over the past four years, BENS sought to determine how these changes affect the private sector. We decided to revisit our original business proposition: That it is incumbent on government—local, state and federal—to integrate the capabilities of the private sector, principally those of the business community, into a comprehensive national disaster response mechanism. Failure to do so was evident following the attacks of September 11, 2001, and, four years later, in the aftermath of the 2005 hurricane season. Were we, as a nation, taking full advantage of the capabilities resident in the private sector? What, if anything, remained to be done to achieve the goals set out in the 2007 Business Response Task Force report?

To assess the progress in building public-private partnerships and other recommendations since then, BENS conducted a review starting in late 2009. It consisted of surveying state emergency management organizations, re-interviewing some of the individual companies that participated in the first report, and independent staff research into government and private sector/not-for-profit actions in the intervening four years.

Findings

In general the review concluded:

- In the four years since BENS first undertook an assessment, many earlier shortcomings have been addressed
- Dozens of new awareness groups and programs have sprung up to do things differently and better
- FEMA has completed a re-write of the federal process governing preparation and response to disaster. It is now working to deploy it
- The concept of “resiliency”—hardly mentioned when BENS did its earlier review—is now the community's frame of reference for preparedness
- The Federal government is positioning its policies and outreach to manage expectations: Disasters are localized events that require community preparation and response

However, viable public-private partnerships at state and local level remain undeveloped at best—less than half of the states report having a business or private sector component to their Emergency Operations Centers (EOCs). At the regional and federal levels, public-private partnerships exist in the sense that they are sanctioned by the National Response Framework. But they operate in only in one direction: flow-down of information to the private sector. True partnership sharing is rudimentary at best.

In the “emergency marketplace,” progress, due to the efforts of the Federal Emergency Management Agency (FEMA) and the General Services Administration (GSA), is more obvious—local, state and federal agencies have access to contracting for a huge private sector source of goods and services. But the supply chain necessary to deliver the products still has shortcomings.

The legal and regulatory environment, with respect to treatment of the private sector during a disaster, remains—as in the earlier report—neither predictable nor efficient.

Findings specific to the issues identified in the 2007 report are detailed in the following chapters.

Recommendations

Based on our review, the following seven recommendations are offered by BENS to help government further integrate the capabilities of the private sector into a comprehensive national disaster response mechanism. Further discussion of the recommendations can be found in the final chapter of the review.

1. Institutionalize public-private collaboration at the state and major metropolitan area levels.

Recommendation: For public-private partnerships to develop and thrive, there needs to be an institutional capability focused solely on facilitating their establishment.

2. Develop a sustainable funding model for partnerships.

Recommendation: Although federal grants and direct funding can and should be used to initiate partnerships, shouldering the full costs of sustaining viable, enduring private sector participation will rest with businesses that must be induced to contribute their time and treasure based on a business case that stands up to scrutiny of risk-reward and return on investment.

3. Facilitate greater public-private collaboration at the regional and federal levels.

Recommendation: To the extent that the case has been developed for sustaining a Business Operations Center (BOC) at the state and local Emergency Operations Center (EOC) level, the concept should be extended when the federal government begins operations at the Joint Field Office (JFO) level during a crisis.

4. Modernize logistics processes across the board.

Recommendation: Congress needs to closely monitor DHS, FEMA and other relevant federal agencies to ensure continuing maturation of its surge capacity and supply chain management to include its ability to call forth capabilities from the private sector. The preparedness and participation of the private sector in following government guidelines should be included. Credentialing should be a major component of such a review.

5. Enact a nationwide body of “disaster law.”

Recommendation: The Office of Management and Budget should require federal departments and agencies to review the actual waivers and suspensions they have granted by emergency request over the past decade to consider how timely and effective their actions were and the effect that such actions had on the outcome of the disaster or other response. Concurrently, DHS, through its Private Sector Office should establish a forum for private industry to comment on its experiences and/or expectations of how their disaster response operations are effected by federal rules and regulations.

6. Extend “Good Samaritan” protections to the private sector.

Recommendation: DHS should engage the National Governor’s Association, the National Association of Attorneys General, and other national groups to encourage states to extend “Good Samaritan” protections to private sector entities.

7. Modify the Stafford Act to include the private sector.

Recommendation: Amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), 42 USC 5121-5206 Stafford Act, to permit federal resources to be committed to the safe passage and security of for-profit private sector entities in the performance of their repair and recovery operations.

Background: BENS 2007 Business Response Task Force

During the summer and autumn of 2005, in the aftermath of Hurricane Katrina in the Gulf of Mexico, many BENS members experienced first-hand the reality that the role of business in response to national disasters was ill-defined and largely *ad hoc*. Government also noted its failure to integrate the resources of America's vast private sector into its disaster response plans. In February 2006, a White House report, *The Federal Response to Hurricane Katrina: Lessons Learned*, stated:

“The Federal government should recognize that the private/non-government sectors often perform certain functions more efficiently and effectively than government because of the expertise and experience in applying successful business models. These public-private partnerships should be facilitated, recognized, funded [and]. . . the capability to draw on these resources should inform and be part of Federal, State, and local logistics systems and response plans.”¹

Invited by the senior leadership of both the United States Senate and US House of Representatives to offer advice, in June 2006 BENS formed a Task Force to recommend to the US Government steps to systematically integrate the capabilities of the private sector—principally those of the business community—into a comprehensive national disaster response mechanism.

The BENS Business Response Task Force Report, *Getting Down to Business: An Action Plan for Public-Private Disaster Response Coordination*, was released in January 2007.² The Task Force attempted to answer these questions:

- How can business become better integrated structurally into the disaster response effort?
- What mechanisms can improve how business and government communicate and coordinate decision-making before, during and after a crisis, at all levels of government?
- How should government improve contingency contracting and pre-qualification of vendors for goods and services that will likely be needed?
- How should government and business facilitate and accelerate the delivery of resources (assets and volunteers) that business offers on a pro bono basis?
- How should business emergency-response resources be deployed and managed by federal, state and local government agencies to maximize speed and utility and minimize redundancy?
- How should government improve Good Samaritan laws to better protect businesses and their employees who volunteer to help?
- How should legislation, regulation and policy be better aligned at the federal, state and local levels to encourage private-sector preparedness and better mobilize the private sector in a catastrophic event?
- Is revision of the Stafford Act desirable?

The review made assessments in each of eight areas of inquiry:

Public-Private Collaboration

- A. Creating new ways to institutionalize public-private collaboration at the state and major metropolitan area levels;
- B. Facilitating greater public-private collaboration at the regional and federal levels; and
- C. Building a “Business Emergency Management Assistance Compact (BEMAC)” structure.

Surge Capacity/Supply Chain Management

¹ <http://georgewbush-whitehouse.archives.gov/reports/katrina-lessons-learned/>

² http://www.bens.org/mis_support/Getting-Down-To-Business.pdf

- D. Improving government purchasing protocols;
- E. Revising deficient donations management systems; and
- F. Modernizing logistics processes across the board.

Legal & Regulatory Environment

- G. Enacting a nationwide body of “disaster law”; and
- H. Modifying the Stafford Act to include the private sector

A specific current finding for each of these areas of inquiry is included in the chapters that follow.

1- Public-Private Collaboration

The centerpiece of BENS 2007 Task Force report was establishing the need to institutionalize an effective and sustainable role for business in disaster response at all levels of government. The key element of this task was, and remains, successful public-private collaboration to plan, train, exercise, implement and evaluate joint action to facilitate effective communication, decision-making and execution. Specifically, the Task Force recommended:

- A. Creating new ways to institutionalize public-private collaboration at the state and major metropolitan area levels;
- B. Facilitating greater public-private collaboration at the regional and federal levels; and
- C. Building a “Business Emergency Management Assistance Compact (BEMAC)” structure.

A. Creating new ways to institutionalize public-private collaboration at the state and major metropolitan area levels

Finding: A majority of states’ emergency management agencies that responded to our survey indicated that they do have Business Operations Centers (BOCs) activated as part of the state Emergency Operations Centers (EOCs).

In the latter part of 2009, BENS staff conducted a nation-wide survey of state emergency management agencies to document the progress and status of public-private collaboration initiatives throughout the country. The focus was on various models used to establish Business Operations Centers (BOCs) to operate alongside the EOCs. This survey was also designed to assess organizational structure, funding, and community goals/objectives.

Thirty three states responded. The survey revealed that within the 33 states canvassed, there are seven partnerships in operation that share several common attributes of a successful public-private collaborative enterprise:

- A permanent organizational structure
- A strong mix of business, government and academic membership
- Regular meetings to discuss specific community preparedness issues
- Project teams that work to solve real world problems in their communities
- Partnerships are managed and controlled by local stakeholders
- Participants define measurable deliverables for the partnership each year
- Focus on resilience as well as response and recovery
- Validate new capabilities through regular exercises with public and private partners

The survey also identified an additional twelve partnerships that operate on a less formal level. These partnerships have limited or no organizational structure. Many of them are reliant on the framework of related organizations such as Voluntary Organizations Active in Disaster (VOADs), trade associations, or local Chambers of Commerce in order to function. Unlike the seven formal partnerships surveyed, this particular group of partnerships are not as clearly focused on developing specific programs that build community resilience.

In the four years since the release of the original Task Force report, the landscape of preparedness thinking has changed significantly. The new—and now central—theme of disaster preparedness is resilience, a term not once mentioned in the original report. There are varying definitions of resilience, but a general definition is:³

“The capability to anticipate risk, limit impact, and bounce back rapidly through survival, adaptability, evolution, and growth in the face of turbulent change.”

An extensive and comprehensive body of peer-reviewed research now exists to define and validate the concept of resilience and how to apply it to strengthening community and, ultimately, national preparedness.

³ “Toward a Common Framework for Community Resilience”, The Community and Regional Resilience Institute.

“Community resilience, in general terms, speaks to the continued ability of a community to function during and following stress. Building and maintaining resilience depend on the ability of a community to monitor change and appropriately modify plans and activities to accommodate observed changes. Implicit in...building community disaster resilience is that all sectors of a community can and are obligated to participate in all phases of disaster preparedness, mitigation, response, and recovery.⁴”

Resilience also connotes the recognition that disasters or other abnormal situations, while not predictable, are inevitable. Thus, planning for the unknown becomes more than just a prudential act of preparedness, but also an activity which further bonds the community—its people, government and businesses—to a common goal of endurance, survival and growth.

Community resilience is best facilitated through the development of a permanent, collaborative relationship between businesses, state and local agencies and academia in the form of public-private partnerships. Operating at the tactical, but vitally important, level in this public-private collaborative process are the BOCs. BOCs have become an integral part of the larger partnership endeavor.

The BOC concept, which evolved from BENS’ New Jersey Business Force project beginning in 2003, has taken root in state emergency management operations throughout the nation.⁵ Our review indicates that BOCs are activated in situations where county- or state-wide coordination is imperative for effective response to an emergency event, security threat, extreme weather or other condition.

During a typical response, the private sector staffs a liaison position within the EOC. This liaison may include multiple private sector representatives, constituting a BOC within the EOC itself. BOCs are sometimes physically separate. The liaison staff coordinates between the EOC and the BOC, which can call forth additional resources through its private sector networks.

The following activities are typical of private sector BOC responsibilities:

- Assess and track the status of private sector problems and needs
- Assess the impact to the private sector of problems reported by other entities
- Gather information on private sector operations by phone, fax, email, internet, news media, and other means available
- Provide the EOC with information regarding private sector issues (key operational timelines, facility locations, building access needs, transportation issues, relocation logistics, security issues, recovery priorities)
- Make resource offers on behalf of the private sector to the EOC, as resources become available
- Provide information for EOC status reports as requested
- Disseminate relevant information and guidance from the EOC to private sector contacts as authorized
- Provide brief verbal status updates as requested regarding current viability of the private sector and key infrastructure providers
- Provide a shift change report/briefing to the next private sector liaison on duty
- Participate in meetings and conference calls as needed during the shift

Of the 33 states responding to our survey, twenty indicated that their state EOCs activate a BOC during an emergency. Many of the states support BOCs at both the state and county level. An additional three states have a limited BOC

⁴ “Private-Public Sector Collaboration to Enhance Community Disaster Resilience: A Workshop Report”, Committee on Private-Public Sector Collaboration to Enhance Community Disaster Resilience, Geographical Science Committee, National Research Council, 2010.

⁵ See Appendix B for an overview of BENS Business Force or access online at <http://www.bens.org/our-work/past-work/homeland-security/partnerships.html>

function. In these three cases, there is a single private sector representative assigned to the EOC and his or her function is to reach out to other relevant business organizations during an emergency.

B. Facilitating greater public-private collaboration at the regional and federal levels

Finding: As incidents scale up from local impact to a level requiring regional and federal assistance, the National Response Framework describes the establishment of a Joint Field Office (JFO) to provide a control center for the federal response. We did not find specific federal support for the BOC concept at the JFO level. However, the JFO is typically supported by a Unified Coordination Group which, in turn, contains an external affairs and liaison cell where a federal official would serve as the point-of-contact to the private sector.

The BENS Task Force recommended that the BOC concept also scale up to the regional and federal level. We did not find specific federal support for the BOC concept at the Joint Field Office (JFO) level.⁶ Instead, the Unified Coordination Group supporting the JFO, contains an external affairs and liaison cell where a federal official would serve as the point-of-contact to the private sector. This is not as good as a seat at the table, what the BENS Task Force envisaged, but does provide an avenue for dialogue.

In a related development, FEMA's Office of Private Sector Outreach has succeeded in establishing a 90-day rotation for a private sector representative to sit in the National Response Coordination Center (NRCC). They hope to extend this to the FEMA regional centers in time. FEMA has also hired external affairs specialists to act as private sector liaison officers in each of its 10 regions.

A committee formed by the National Research Council (NRC) made an extensive investigation into the impediments to regional and federal collaboration during disasters—touching on the need to reach out to the private sector. The committee's report, *Private-Public Sector Collaboration to Enhance Community Disaster Resilience: A Workshop Report*, referenced earlier, has the final word on the subject. It says, in part:⁷

“Dealing with disaster-related issues that cross political boundaries is challenging...; the role of governments at different levels is not as clear as would be most useful. New and important issues, such as the spread of the H1N1 virus, can quickly overwhelm the reality of limited time and resources, especially at the local community level. This is further compounded by the time necessary to sort the respective roles of governments and organizations....[T]he federal government may often be more flexible and more proactive in emergent situations than local governments and may provide some forms of assistance. Building trust and improving communication between different levels of government, as well as within different agencies at any given level of government, is essential for clear and sustainable disaster reliance collaboration.

“[F]ederal agencies such as the Department of Homeland Security (DHS) need to learn how to better coordinate with other federal agencies such as the Department of Health and Human Services, the Department of Education, and the Department of Commerce in order to determine how to appropriately support the needs of state and local governments.

“It is important to avoid the “domino theory” of emergency management—one in which the state government becomes involved only when local agencies fail, and the federal government becomes involved if failures occur at the state level. The model of responsibility could be more like concentric circles around an issue with local government at the center and the federal government supporting local and state responsibilities. The

⁶ <http://www.fema.gov/pdf/emergency/nrf/nrf-stafford.pdf>

⁷ http://www.nap.edu/openbook.php?record_id=12864&page=1

responsibilities of each level of governmental could be shared in alignment with their appropriate roles and hence their activities conducted in concert with one other.

“...there is hesitancy in the private sector to become involved in private-public sector collaboration because of the fear of potential additional government oversight. Many in the private sector are already overwhelmed by government programs, regulations, and mandates.”

C. Building a “Business Emergency Management Assistance Compact (BEMAC)” structure

Finding: Following a disaster, the Emergency Management Assistance Compact (EMAC) program provides mutual assistance between states and regions. BENS had recommended building a complementary Business EMAC structure. However, FEMA decided to go in a different direction by implementing the National Donations Management Network deploying Aidmatrix Network® technology.

The Task Force envisioned building BEMACs to complement the existing Emergency Management Assistance Compact structure—a mutual assistance program among the states.⁸ EMAC is administered by NEMA, the [National Emergency Management Association](#). Following release of the 2007 report, BENS entered discussions with NEMA regarding the BEMAC concept. However, FEMA decided to go in a different direction by implementing the National Donations Management Network deploying Aidmatrix Network® technology. We review donations management and Aidmatrix in the next section.

⁸ <http://www.emacweb.org/>

2 - Surge Capacity/Supply Chain Management

Because, ultimately, all goods and most services originate in the private sector, it is to the private sector that government must turn for support in a disaster. To develop the “emergency marketplace,” BENS Task Force suggested four overarching principles to guide both government and private sector planners:

- The private sector routinely operates efficient supply chains; government should not be expending time, effort and money to build its own
- The goal is to get product to the disaster zone quickly and at fair market price
- In the disaster zone, the private sector must be granted access and know that adequate security will be provided
- More planning needs to be put into “last mile logistics”

We can document progress in developing a surge/supply chain capacity in line with all four principles. These changes have come about from two directions: government procedure, starting at the Federal level, has systematically addressed the supply chain issue and brought insight into what expectations disaster responders should have for Federal assistance ; and, at the local, state and regional level, planning and exercising has demonstrated that pre-coordination with private sector suppliers is both possible and prudent.

We looked at three areas deemed deficient by our original effort:

- D. Improving government purchasing protocols;
- E. Revising deficient donations management systems; and
- F. Modernizing logistics processes across the board.

D. Improving government purchasing protocols

Finding: Major improvements have been made in how the government purchases supplies and services for disaster operations.

Starting at the federal level, the U.S. General Services Administration (GSA) continues to improve its support to first responders, emergency workers and recovery teams. To recap, beginning in late 2006, GSA centralized its emergency response resources and began enhancements to the Federal Supply Schedule, giving government purchasers wider access to pre-qualified commercial vendors of disaster recovery supplies and services. GSA *Advantage*® provides the online storefront for access to GSA schedule suppliers. It has added special “aisles” for Disaster Relief, Wildland Fire and Homeland Security with thousands of vendors offering supplies and services.⁹

Since 2007, state and local governments have been able to purchase GSA-scheduled products and services to be used to facilitate recovery from major disasters, terrorism, or nuclear, biological, chemical, or radiological attacks.¹⁰ Further, the Local Preparedness Acquisition Act, signed June 26, 2008, authorizes state and local governments to purchase from GSA alarm and signal systems, facility management systems, firefighting and rescue equipment, law enforcement and security equipment, marine craft and related equipment, special purpose clothing, and related services in advance of a disaster situation.¹¹

E. Revising Deficient Donations Management Systems

Finding: FEMA has given extensive support and sponsorship to the Aidmatrix Foundation to operate the National Donations Management Network.

⁹ <https://www.gsaadvantage.gov/>

¹⁰ Section 833 of the John Warner National Defense Authorization Act for fiscal year 2007 (Public Law 109-364).

¹¹ http://www.washingtonwatch.com/bills/show/110_PL_110-248.html

Volunteerism and pro bono donations are the norm in disaster situations. As we noted in the original BENS Task Force report, the public sector is not always accepting of such support because of the complications it adds to their logistics and delivery challenges. Nevertheless, today the donations management system is vastly improved over the pre-Katrina era.

FEMA has given extensive support and sponsorship to the Aidmatrix Foundation to operate the National Donations Management Network.¹² This network provides a portal for both individuals and businesses to donate cash or goods to state governments and state Voluntary Organizations Active in Disaster (VOADs). The Aidmatrix Network® also permits state and VOAD entities to configure a unique online portal for disaster relief efforts, which will assist them in managing in-kind donations, online warehousing, volunteers and financial donations.

Volunteers, both individual and corporate, have been channeled into a range of organizations in government and the non-profit sector for advance training and preparedness to respond to disaster. The National Voluntary Organizations Active in Disaster (NVOAD) has membership from all 55 states and territories. It lists 49 active national organizations from ACTS World Relief to World Hope International, including all the major US relief organizations, e.g. The American Red Cross, The Salvation Army, United Way of America.

The National Response Framework has a separate support annex directed at volunteers and donations management.¹³ Its purpose is to define the federal role in supporting state governments in the management of masses of unaffiliated volunteers and unsolicited donated goods.

Local Chambers of Commerce provide a conduit for business donations actual and in-kind in many states. The US Chamber of Commerce and its non-profit affiliate the Business Civic Leadership Center hosts the National Disaster Help Desk for Business (1-888-My-Biz-Help) that provides on-the-ground coordination of information among businesses, local chambers of commerce, NGOs, government responders and disaster recovery specialists.

Their website¹⁴ encourages businesses to call after a major disaster if they:

- Are in the impact area and want help with FEMA, SBA, and other assistance programs (or for international disasters, if you want help coordinating with US-based NGOs and US government aid agencies)
- Want information about recovery best practices
- Want to support the recovery process and connect with chambers or businesses in the impact area

F. Modernizing Logistics Processes Across the Board

Finding: To improve the effectiveness of logistics processes during a disaster, the earlier BENS Task Force suggested special emphasis in four areas: preparedness, business closure, credentialing and point-of-delivery. Our review indicates that progress in all four is evident but uneven.

Our review of the effectiveness of logistics processes during a disaster indicates that progress is evident but uneven.

Preparedness. This area lays the groundwork for all subsequent logistics activities. Directed at the state and local level preparedness FEMA, directed by Congress, developed the Logistics Capability Assessment Tool (LCAT). It is a non-compulsory, self-assessment tool that allows disaster response entities to evaluate five core logistical functions: planning, operations, distribution management, property management and organizational functions.

¹² <http://www.aidmatrixnetwork.org/fema/>

¹³ <http://www.fema.gov/pdf/emergency/nrf/nrf-support-vol.pdf>

¹⁴ <http://www.uschamber.com/bclc/programs/disaster>

The LCAT program began in March 2008, is available in all 10 FEMA regions, and is expected to be fully implemented by 2012.

Specifically for the private sector, Congress directed DHS to develop and implement a voluntary program of accreditation and certification that promotes private sector preparedness, including disaster management, emergency management and business continuity programs.¹⁵ The program, called PS-Prep, provides a means of certifying by an accredited third party that private sector entities, e.g. businesses, facilities, not-for-profit organizations, hospitals, universities, etc., conform to preparedness standard adopted by DHS. DHS selected three standards that it intends to adopt.¹⁶ A public comment period has passed and the program is in place. Because of its voluntary nature, we have no means of assessing how widely it will be adopted or well it is being received.

Most state offices of emergency preparedness have developed programs and instructions for individuals and businesses to help them prepare for and recover from emergency situations. For example, the Virginia Department of Emergency Management has a Business Emergency Survival Toolkit.¹⁷ Others, such as the California Emergency Management Agency direct businesses to FEMA and other national resources.¹⁸

Here is a partial list of Federal business preparedness resources. Most did not exist four years ago:

[FEMA Protect Your Business](#)

[FEMA Rebuild Stronger-Smarter](#)

[FEMA Security Risk Management Series \(RMS\) Publications](#)

[Private Sector NIMS Implementation Activities\(FEMA\)](#)

[Ready Business-Prepare, Plan, Stay Informed](#)

[Citizen Corps](#)

[United States Small Business Association](#)

Business Closure. The issue we noted in our earlier assessment was that, for disasters that come with some pre-warning (e.g., a hurricane), state emergency officials must weigh public safety against the usefulness of keeping major supply chain retail stores in the strike area open so that customers can obtain last-minute services and supplies. It is not evident that the issue is systematically or widely considered in federal and state emergency plans. Very thin reports indicate that the decisions remain with local emergency and law enforcement agencies that control access to potential disaster areas. This solution is, perhaps, the best outcome that can be expected.

Credentialing. The ability of emergency workers to operate effectively in a disaster situation creates the need to have an *a priori* credentialing system. Credentialing involves not only identity confirmation but also certification. That is, that incident managers and emergency responders possess a level of training and satisfy other criteria appropriate to the emergency role they are to fulfill.

Two credentialing regimes currently exist under Federal guidelines, and numerous others are employed by states and localities as well as within specific industries, like ports and transportation. We reviewed the federal credentialing processes because they apply specifically to emergency workers likely to be called-up under federal declarations of emergency or incidents of significance.

FEMA has a permanent emergency response workforce plus a temporary workforce known as the Cadre of On-Call Response Employees (CORE), many of whom are currently being moved into full-time permanent federal positions. In 2008, the total FEMA disaster-related workforce had more than 8,000 workers. It has an established agency-wide

¹⁵ Title IX of the Implementing Recommendations of the 9/11 Commission Act of 2007 (PL 110-53).

¹⁶ http://www.fema.gov/privatesector/preparedness/adoption_standards.shtml

¹⁷ <http://www.vaemergency.com/business/index.cfm>

¹⁸ http://cms.calema.ca.gov/prep_business.aspx

credentialing plan that “ensures that [FEMA’s] disaster workforce meets national standards and is capable of executing assigned tasks in a professional and consistent manner during disaster operations.¹⁹” FEMA’s objective with regard to its disaster workforce credentialing plan is to provide consistent quality and efficiency from disaster to disaster and across all ten of its regions. It does not provide certification, which is done through other agency initiatives.

Certification is part of the National Incident Management System (NIMS) process. NIMS is applicable to State, tribal and local governments, private sector organizations, critical infrastructure owners and operators, nongovernmental organizations and other organizations with an active role in emergency management and incident response. Its credentialing process, the National Emergency Responder Credentialing System dates back to at least 2005.

Credentialing under the NIMS process establishes nationally-recognized standards for verifying the qualifications and identities of emergency responders. It does not provide automatic access to an incident site, instead functioning within existing federal, state, tribal and local identification and qualification regimes. It is, however, an attempt to document minimum professional qualification, certification, training and education requirements for a broad range of emergency response functions.

The FEMA NIMS Credentialing Guide identifies 143 position titles with qualification and validation data for each. Each is organized into a respective Emergency Support Function (ESF). Each position title within the ESF has detailed requirements and recommendations.. This list is regularly updated and additional position titles within the ESFs are added as they are defined by FEMA working groups. States are encouraged to adopt these NIMS standards as a condition to receive certain federal grant money.²⁰

In the healthcare credentialing field, the Department of Health and Human Services acknowledges that the nation needs further increases in the number of communities with sufficient staff and volunteers to mount an effective epidemiological response. In addition to the permanent healthcare employees, the credentialing system needs to pre-register volunteers and intermittent workers through the National Disaster Medical System,²¹ Emergency System for the Registration of Volunteer Health Professionals,²² and Medical Reserve Corps.²³

Credentialing remains a work-in-progress. The most recent iteration of the NIMS Guidelines for Credentialing of Personnel was released in July 2011.²⁴

Point-of-delivery. The original BENS effort recognized two deficiencies regarding the nation’s logistics transportation system: obstacles to seamless end-to-end supply chain operations when transiting multiple jurisdictions and responsibility for “last-mile logistics.”

In the first instance, efficient supply chains depend on the ability to keep goods and services moving toward the disaster area with minimal transportation disruption. Checkpoints, roadblocks, fuel availability and credentialing obstacles all factor into the ability for private sector relief to move expeditiously. The second issue is assigning responsibility and determining procedures for moving supplies and service into the actual disaster zone. Are commercial transports escorted to the point-of-delivery or must they offload at marshalling points outside of the disaster zone? There was much confusion and variation on these issues in the aftermath of the Gulf hurricanes.

¹⁹ FEMA Agency-Wide Disaster Workforce Credentialing Plan, April 2009, pg. 7.

²⁰ Homeland Security Presidential Directive–5, revised 2008.

²¹ <http://www.hhs.gov/aspr/oepo/ndms/index.html>

²² <http://www.hhs.gov/aspr/oepo/esarvhp/index.html>

²³ <http://www.medicalreservecorps.gov/HomePage>

²⁴ http://www.fema.gov/pdf/emergency/nims/nims_cred_guidelines_report.pdf

At the federal level, FEMA is the national logistics coordinator. Its Logistics Management Directorate (LMD) maintains control over government-stockpiled basic commodities (water, tarps, meals, cots, blue roof sheeting and blankets) that can be moved from FEMA's distribution centers to points-of-distribution where they are turned over to state and local authorities. That inventory fluctuates at about \$100 million. Most commodities move by commercial trucking, therefore, the LMD maintains liaison with the industry through trade groups like the American Trucking Association. They also work in conjunction with FEMA's Private Sector Office to hold "vendor days" and outreach to the US Chamber of Commerce and various trade associations to inform the private sector of their logistics requirements and processes. LMD has been recognized by DHS for innovative and best practices with regards to its vendor days outreach.

The 2007 DHS funding bill includes language requiring FEMA to establish and maintain a registry of contractors willing to perform certain activities in the event of an emergency. The database will contain information on contractors willing to do debris removal, supply distribution, reconstruction and a variety of other activities. It is to be used by contracting officers during market research and acquisition planning.

GSA also provides emergency transportation services through Blanket Purchase Agreements (BPAs) available to both federal and state entities.

Further, the Federal Highway Administration (FHWA) through its Emergency Transportation Operations initiative developed what they've called "Intelligent Transportation System" technologies to improve management of transportation resources during disasters. These technologies include voice, data and video communications capabilities that collect data on changing transportation conditions and permit transportation agencies to coordinate response with other stakeholders, including the private sector. The ETO initiative is a collective effort of the FHWA, the National Highway Traffic Safety Administration and the Federal Transit Administration. It was completed in December 2008 and provides links to state offices and agencies of emergency management and the NIMS.

3 - Legal & Regulatory Environment

Business requires a predictable legal regime to operate effectively in an emergency situation, whether that business is engaged in charitable or profit-motivated activities. Such was the determination of the Task Force in BENS' 2007 effort. Their observation at the time: The current legal and regulatory environment is conducive to neither predictability nor efficiency. For the most part, with a few exceptions, that assessment remains true.

Recognizing that a comprehensive review of the legal and regulatory framework would take time, we nonetheless recommended focus in two areas:

- G. Enacting a nation-wide body of “disaster law”; and
- H. Modifying the Stafford Act to include the private sector

While neither suggestion played-out exactly the way envisioned by the Task Force, a number of separate actions have, in fact, begun to address the legal & regulatory obstacles.

G. Enacting a nation-wide body of “disaster law”

Finding: Congress has not specifically considered a nation-wide body of disaster law, deferring instead to the authority and responsibility of state and local governments to act first in “catastrophic” events, with federal measures taken only in response to requests from state authorities involved in the incident.

At issue was whether Congress should enact a nation-wide body of disaster law that could ameliorate some of the inconsistencies in the legal and regulatory framework with respect to:

- Lack of predictability
- Differences between laws applicable to pre-disaster agreements and those applicable to people and organizations who deliver goods and services voluntarily after a disaster occurs
- Variations in state law

The numerous congressional hearings and subsequent pieces of legislation following the 2005 hurricane season and other work, including the report of the 9/11 Commission,²⁵ supported the idea that certain federal actions needed to be codified. That was done, as will be reported in the section of this review with respect to the Stafford Act. However, the Congress did not specifically consider a nation-wide body of disaster law for what we can best judge as two salient reasons. First, the difficulty in defining a catastrophe, either by the area affected or the speed of onset, carries with it uncertainty on when federal authorities should be brought to bear to support state and local efforts. The second reason is the nature of our response framework: state and local governments are responsible for responding to emergencies, disasters and catastrophes, with federal assets made available as-needed to the responsible parties.

The USA Council of the International Association of Emergency Managers (IAEM) testified, urging “caution in making statutory changes which enhance the role of the federal government (including the military) at the expense of the authority and responsibility of state and local governments even in what some would describe as “catastrophic” events.²⁶” So it is not without reason that the Congress has moved cautiously in the area of disaster law.

However, federal departments and agencies have, often at the behest of Congress, looked inward to review whether their policies and regulations could be enacted in a more efficient and less time-consuming manner. In 2009, a BENS-led project team worked with FEMA and the Department of Health and Human Services to evaluate how federal

²⁵ www.9-11commission.gov/report/911Report.pdf

²⁶ Statement of Russell Decker, CEM, President, International Association of Emergency Managers-USA Council before the Subcommittee on Economic Development, Public Buildings and Emergency Management, Committee on Transportation and Infrastructure, US House of Representatives, July 27, 2009.

regulatory processes could be streamlined during a crisis so that private sector health and medical resources could be brought to bear more effectively. In the project team's view, the "Draft – Public Health Emergency Declaration under Section 319 of the Public Health Service Act – Standard Operating Procedure," provided a model for government response to public health emergencies. They recommended the HHS template be adapted by "other agencies and cabinet departments to improve the federal government's coordinated responses by all agencies working to recover from crisis."²⁷

Other agencies have indicated that reviews of regulatory authorities are part of their emergency response plans. The Office of Management and Budget has significantly increased its role in the development of policy regarding federal disaster assistance; however, authorities—and the ability to grant waivers to those authorities—remain closely-guarded prerogatives of the departments and agencies to which they pertain.

The Merchant Marine Act of 1920 (The Jones Act)²⁸ gives preference to using US-flagged vessels for coastal shipping and other domestic operations. A recent example of how regulation can slow crisis response is the reluctance of the administration to grant a blanket waiver to the Jones Act with respect to the operation of foreign vessels responding to the clean-up of the Gulf Oil Spill in June 2010. While the blanket waiver is not technically necessary for foreign vessels operating more than three miles offshore, the administration claims that there are sufficient waiver processes for individual ships inside those limits. This interpretation shows the general proclivity of the federal government to rely on normal operating procedures even in extreme crisis situations. In this case, a request to U.S. Customs and Border Protection prompts an inquiry to the Maritime Administration, which leads to a search of the US fleet. If an American ship can provide the same services, the request is denied. Otherwise, the foreign vessel gets a waiver.²⁹ Not necessarily efficient or speedy, it does uphold the process as legally described.

One area of focus in the BENS Task Force report that has undergone significant improvement is the area of extending "Good Samaritan" protections to entities other than individuals. The Task Force recommended that Congress improve protections with the aim of ensuring predictability of liability for private sector entities and individuals. That has not happened by Congressional action. Instead, individual states have moved forward with independent legislation.

In 2009, six state legislatures passed liability protection laws for businesses and non-profit entities who offer assistance during emergencies. Twenty-eight states have now developed entity emergency liability protection. The Public/Private Legal Preparedness Initiative maintained by the North Carolina Institute for Public Health at the University of North Carolina-Chapel Hill promotes the adoption of nationwide Good Samaritan law protection by the states.³⁰

According to a report released in December 2009 by the Trust for America's Health and the Robert Wood Johnson Foundation, entity liability laws remain "less than uniform across the states."³¹ Unlike the Uniform Emergency Volunteers Health Practitioners Act³² that seeks to bring national equity to the healthcare volunteer liability issue, that uniformity is lacking in entity liability. The report suggests that provisions in the Stafford Act (see next section) authorizing the federal government to pay certain costs related to state emergency activities could provide the legal basis for federal reimbursement of claims paid under a state's tort claims act for entities acting in good faith when assisting state or local governments during emergencies. Such a declaration might encourage states to adopt entity liability statutes, but it does not solve the problem of standardization.

²⁷ "Comments on HHS Draft Standard Operating Procedure for Future Public Health Emergency Declarations", Business Executives for National Security, September 2009 (unpublished).

²⁸ The Merchant Marine Act of 1920 (P.L. 66-261), Section 27.

²⁹ Robert Bluey, FOXNews.com, June 21, 2010. (<http://www.foxnews.com/opinion/2010/06/21/robert-bluey-gulf-spill-katrina-jones-act-waive-obama/>)

³⁰ <http://nciph.sph.unc.edu/law/>

³¹ <http://healthyamericans.org/reports/bioterror09/>

³² Fourteen states have either adopted or introduced legislation on the UEVHPA. <http://www.publichealthlaw.net/ModelLaws/UEVHPA.php>

H. Modifying the Stafford Act to include the private sector

Finding: Congress has chosen not to amend the Act with specific extension of coverage for the private sector. In one case, passage of the Security and Accountability For Every (SAFE) Port Act of 2006 extended the Stafford Act to include the private sector, but only to the extent that it precludes the head of a federal agency from denying or impeding essential service providers access to a disaster site or impeding them from performing restoration or repair services.

As background: The Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), 42 USC 5121-5206, is a federal law designed to bring an orderly and systematic means of federal natural disaster assistance to state and local governments. The Act gives FEMA the responsibility for coordinating government-wide relief efforts and includes the contributions of 28 federal agencies and non-governmental organizations, such as the American Red Cross. In October 2000, Congress amended the law with passage of the Disaster Mitigation Act of 2000, Public Law 106-390, which permitted contributions of federal resources to private nonprofit entities under certain conditions. More recent legislation changes other portions of the Act. These include the Post-Katrina Emergency Management Reform Act of 2006³³ (P-KEMRA), The Pets Evacuation and Transportation Standards Act of 2006,³⁴ and The Security and Accountability for Every (SAFE) Port Act of 2006.³⁵ Section 607 of the SAFE Port Act extends the Stafford Act to include the private sector, but only to the extent that it precludes the head of a federal agency from denying or impeding essential service providers³⁶ access to a disaster site or impeding them from performing restoration or repair services.

The BENS Task Force recommended that Congress revise the Stafford Act to designate the private sector as a critical component of a comprehensive disaster response mechanism. The Task Force objective was to provide a legal basis for federal assistance to private sector entities when necessary to carry out disaster mitigation and recovery, e.g., providing escort and security so that emergency repairs, etc., in a disaster zone can be completed. As currently written, the Stafford Act covers public and non-profit utilities, but does not recognize the presence of de-regulated, for-profit utilities.³⁷

Congress has chosen not to amend the Act, but several committees of the Congress have continued to investigate whether certain modifications are necessary. One major issue is whether to create a new response level for “Catastrophic Incidents” beyond the current levels of “Emergencies” and “Major Disasters.” This change would bring the Act in line with the definition set out in P-KEMRA and provide the federal government, acting through FEMA, with authority to direct funds to state and local governments to pay their workers’ salaries and overtime for a period of time during disaster recovery.

Others caution against radical change to the Act. David Maxwell, President of the National Emergency Management Association (NEMA), the professional association of and for emergency management directors from all 50 states, eight territories and the District of Columbia, contends that most criticisms of the Stafford Act lie not in its legislative mandates, but “in unnecessarily strict interpretation and subsequent application of the law.³⁸” NEMA is still considering whether or not the Act requires amending to address catastrophic disasters. At any rate, FEMA is

³³ The Post-Katrina Act was enacted as Title VI of the Department of Homeland Security Appropriations Act, 2007, Pub. L. No. 109-295, 120 Stat. 1355 (2006). The provisions of the Post-Katrina Act became effective upon enactment, October 4, 2006, with the exception of certain organizational changes related to FEMA, most of which took effect on March 31, 2007.

³⁴ Pub. L. No 109-308, 120 Stat. 1725 (2006), signed on October 6, 2006.

³⁵ Pub. L. No 109-347, 120 Stat. 1884 (2006), signed on October 13, 2006.

³⁶ Essential Service Providers include entities that provide telecommunications, electrical power, natural gas, water and sewer services or any other essential services as determined by the President. They include municipal, nonprofit and private, for profit, entities in the act of responding to an emergency or major disaster.

³⁷ Testimony of Mitchell L. Moss, Professor of Urban Policy and Planning, Robert F. Wagner School of Public Administration, New York University, before the Subcommittee on Economic Development, Public Buildings and Emergency Management, US House of Representatives, July 27, 2009.

³⁸ David Maxwell, Director & Homeland Security Advisor, Arkansas Department of Emergency Management and President, National Emergency Management Association, testimony before the Senate Homeland Security and Government Affairs Subcommittee on Disaster Recovery, May 12, 2010.

undertaking a review of its and other agencies' policies and regulations to determine if the intended flexibility envisioned in the original Act could be restored without recourse to changing the law.

The key to maintaining perspective in the Stafford Act is to ensure that the federal role in disaster relief does not step over the preeminent responsibilities of governors and state governments to channel support to communities in disaster areas.

Recommendations

Our intent for this review was to gauge the progress—or lack thereof—being made in the recommendations of the original BENS Task Force report of 2007. The previous chapters have made assertions about the current state-of-play in the three areas we investigated: Public-Private Collaboration, Surge Capacity/Supply Chain Management, and the Legal and Regulatory Environment. It is, however, as a consequence of conducting such a review, compelling to offer some observations on what remains to be done.

The following recommendations are the result of our review, which included: survey information, a detailed search of the similar reviews and analysis of federal, state and local emergency preparedness planning; and, discussions with experts in government, academia, and the private and non-profit sectors.

1. Institutionalize public-private collaboration at the state and major metropolitan area levels.

There is a national leadership deficit in promoting public-private collaboration. Acknowledging in national goals and plans the need and desirability of public-private collaboration is not the same as establishing an actual resource for promoting and building such partnerships. Many groups understand the need for such collaboration, but there is no central repository of knowledge of how to do it.

Recommendation: Federal authorities, particularly the private sector offices in DHS and FEMA, working with national level organizations, such as the US Chamber of Commerce, the National Emergency Management Association and others, should work to define a viable mechanism—federal, public, nongovernmental or some combination thereof—focused solely on facilitating the establishment of enduring public-private collaborative partnerships.³⁹

2. Develop a sustainable funding model for partnerships.

BENS 2007 Task Force report acknowledged that building Business Operations Center (BOC) capabilities at state and local levels would require resources beyond the pro-bono contribution of personnel and services from private sector participants. It suggested that Congress consider direct appropriations to fund public-private communications systems and data links and the funding of BOC operating costs through the federal grant program managed by DHS. Grants to states and localities would be conditioned on their inclusion of private sector participants in training and exercise activities.

Today the Homeland Security Grant Program (HSGP), the Emergency Management Security Grant (EMSG) and the Tribal Homeland Security Grant Program (THSGP) grant guidance incorporates language to highlight private sector partnerships. They all stop short of making grants contingent on inclusion of the private sector.

In the end, the full costs of sustaining viable, enduring public-private partnerships will rest on making a business case for financial and pro-bono support from private sector entities who stand to benefit from the collaborative partnership.⁴⁰ Currently, there is no agreed upon methodology for quantifying risk, and thus no method to identify a return-on-investment for businesses to participate in collaborative partnerships.

Recommendation: Congress should direct DHS to establish, in conjunction with the preparedness and resilience community—and with the participation of academia, the private and non-profit sectors—a forum to make recommendations on the proper role and level of government support to public-private collaborative efforts. It should also encourage the development of the business case and promote an educational campaign that would induce the private sector to contribute their time and treasure to support public-private collaborations in their own self-interest.

³⁹ See Appendix A for a description of existing and proposed mechanisms for fostering public-private partnerships.

⁴⁰ BENS has experience in developing public-private partnership for disaster preparedness and response. Some succeeded, others not. An overview of BENS Business Force partnerships can be found at Appendix B.

3. Facilitate greater public-private collaboration at the regional and federal levels.

We did not find specific federal support for the BOC concept at the Joint Field Office (JFO) level. The JFO makes provisions for a Unified Coordination Group which, in turn, contains an external affairs and liaison cell where a federal official would serve as the point-of-contact to the private sector. This is not the same as having a seat at the table.

Recommendation: To the extent that the case can be developed for sustaining a BOC at the state and local level (See Finding B.), the concept should be applied at the JFO level. Such “federal-level” BOCs would be an extension of, not a replacement for, state and local level entities. In fact, the JFO-level BOC could be minimally staffed with a capability to reach back to state and local BOCs or corporate operations centers directly.

4. Modernize logistics processes across the board.

The BENS Task Force suggested special emphasis in four areas of logistics activities: preparedness, business closure, credentialing and point-of-delivery. Our review indicates that progress in all four is evident but uneven.

The preparedness of businesses to withstand minor and major disasters depends on the risk assessment made by management on the cost of not being prepared. In this regard, the programs described in our review, e.g. PS-PREP and various state guidelines, remain and should be voluntary, subject to the discretion of management. Our view, however, is that the best insurance that a business will stay in business following a disaster is to participate and collaborate with state and local authorities in plans which return a community to normal conditions as soon as possible. Major utilities companies respond to outages not just as a matter of public safety and responsibility, but also because you can't bill what you don't deliver.

Business closure, by which we mean the decision to shut down business operations in advance of known or expected calamity, should remain a decision made by local and regional authorities, with the consideration that guidelines and ground rules need to be widely acknowledged and communicated in advance of need to both the businesses involved and the community at large.

Credentialing is the most uneven of the logistics processes we reviewed. It is more developed in the healthcare field, and perhaps at ports and customs entry points, than it is for emergency workers like debris removal and construction crews. This situation may be tolerable given the timeframes in which certain categories of responders are needed. But the agreements and processes for granting proper credentials should be planned and exercised in advance of need rather than done ad hoc while in the midst of an emergency.

The delivery of goods and services into a disaster is one of the most critical operations in the entire response chain. Our review indicated that FEMA has put a great deal of effort into planning for movement of supplies owned by the government into a disaster area when requested by state and local authorities. It is less evident that coordination between state and local authorities and private logistics and transportation companies are being negotiated, trained and exercised. Major national retailers have fairly sophisticated models and plans to restore operations following a crisis. Federal, state and local authorities need to expand their ability to facilitate and make use of such assets.

Recommendation: Congress should require DHS to complete an assessment of the maturity of its surge capacity and supply chain management to include its ability to call forth capabilities from the private sector. The preparedness and participation of the private sector in following government guidelines should be included. Credentialing should be a major component of such a review.

5. Enact a nation-wide body of “disaster law.”

A fundamental principle of our national disaster response planning is deference to the authority and responsibility of state and local governments to act first in “catastrophic” events, with federal measures taken only in response to requests from state authorities involved in the incident. For that reason, enacting *a priori* a body of disaster law to

respond to incidents which cannot be predicted with any certainty as to how they will evolve makes little sense. The possible combinations would be too complex.

However, that is not to say that laws and regulations should not be reviewed, in advance, to determine if they might be purposely deferred or suspended in a crisis and, if that is the case, what steps the government or responsible agency would take to ensure that the suspension is predictable in the sense of when, how long, and to whom it applies.

Recommendation: The Office of Management and Budget should require federal departments and agencies to review the actual waivers and suspensions they have granted by emergency request over the past decade to consider how timely and effective their actions were and the effect that such actions had on the outcome of the disaster or other response. Concurrently, DHS, through its Private Sector Office, should establish a forum for private industry to comment on its experiences and/or expectations of how their disaster response operations are effected by federal rules and regulations.

6. Extend “Good Samaritan” protections to the private sector.

As noted, twenty-eight states have extended entity liability protection. Other states need to do the same. At the same time, entity liability laws need to become uniform across the country. Recommendations of the North Carolina Institute for Public Health at the University of North Carolina-Chapel Hill provide the model for state entity liability protection.

Recommendation: DHS should engage the National Governor’s Association, the National Association of Attorneys General, and other national groups to encourage states to extend “Good Samaritan” protections to private sector entities.

7. Modify the Stafford Act to include the private sector.

BENS Task Force sought one change to the Stafford Act: to permit federal resources to be provided to private sector entities so that emergency repairs and services could be provided in a disaster zone when safe passage and security exceeded the capabilities of the private entity, usually a for-profit utility. Recall that the Act covers public and non-profit utilities, so the change would merely extend such protections to de-regulated, for-profit utilities as well.

Recommendation: Amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), 42 USC 5121-5206 Stafford Act, to permit federal resources to be committed to the safe passage and security of for-profit private sector entities in the performance of their repair and recovery operations.

Appendix A: Building Public-Private Partnerships

BENS' partnership experience (See Appendix B.) and those of the diverse group of stakeholders with whom we've partnered over the years have formed strong consensus on these principles:

- Resilience is best built from the ground-up. The federal approach needs to be more inclusive if it wants to improve national preparedness and resilience – trusting citizens in their communities with more information, and ensuring that federal policy is conditioned by community feedback
- Community-based public-private partnerships can be consistent with federal or other common doctrine, but if they are to be sustainable, partnerships must be locally “owned” and managed – with the flexibility to address local/regional priorities
- Neither a federal agency, nor a national organization like BENS, can prescribe a top-down, one-size-fits-all solution that will work everywhere. Every disaster is local, and each community different
- The federal government cannot mandate public-private partnerships, but it can enable them

As a model for building public-private partnerships, a national mechanism or framework could satisfy both the government's need for consistency and communities' need for knowledge and guidance. A viable system must:

- Serve as a national repository of subject matter expertise and a trusted, safe venue for sharing best practices and lessons learned
- Protect the interests of businesses and other private organizations willing to partner with government
- Support government in its efforts to engage the private sector in all phases of disaster management
- Ensure greater cross-sector communication to help inform federal policy
- Enable a nationwide network of resilience-focused community partnerships
- Serve as an objective, independent broker that can convene professionals from all sectors and disciplines to address the barriers to effective private-public collaboration
- Neither mandate, nor enforce regulation of partnerships, but rather allow best practices to set a gold standard for community partnerships and public-private collaboration

Locating such an entity on neutral ground may be the most important consideration—negating the impression that government is trying to “manage” the private sector. Impartiality respects state and local autonomy and collaborative solutions while relieving some of the administrative burden and resource requirements at the federal level.

An effective repository and resource for building public-private partnerships is not without competing solutions. The Department of Homeland Security (DHS) notes any number of internal policies and organizations that claim a portion of the issue: the National Infrastructure Protection Plan, the National Response Framework, Sector Coordinating Councils (SCCs), the Critical Infrastructure Partnership Advisory Council (CIPAC), Private Sector Offices in both FEMA and DHS, plus other councils and committees within DHS.

However, retaining all the resources within federal purview impinges on the local “ownership” aspect of public-private partnering. To assess an independent approach, BENS convened a broad-based coalition to define a neutral venue for these subject matter experts and practitioners to build consensus around practical, effective, and scalable solutions.

The product of their effort was a proposal for a nationally-supported, non-profit public benefit organization (PBO), dedicated to facilitating and sustaining public-private collaboration toward the goal of national resilience—attained on a local scale. The proposed PBO would be a resource for businesses, all levels of government, private organizations and communities wishing to establish effective public-private partnerships. It would require federal funding at the beginning, but would transfer eventually to private sponsorship and fee-for-service support.

A hybrid alternative could be a government-chartered and DHS-funded entity attached to an existing non-profit, academic institution, civic, or industry association—in that order. The essential characteristics are: a stand-alone focal point with resident management; a virtual repository for best practices and lessons learned; and, access to subject matter experts.

Appendix B: BENS' Regional Public-Private Partnerships: Their History, What They Do and What We Learned

[Note: Beginning in early 2002, BENS built or facilitated public-private partnerships in eight regions throughout the nation, each with very different economic and political characteristics. Over that time the partnership concept took root and proved itself in a number of preparedness and emergency response situations. In 2008, having completed proof-of-concept, BENS—in agreement with the partnership members—phased-out its direct participation. By mid-year 2009, each partnership transitioned to autonomous operations as a 501(c)(3) non-profit organization.]

Regional Public-Private Partnerships

Government cannot secure the homeland alone. Whether confronting the risks of terrorism or natural disaster, state and local governments face constant budgetary constraints. Meanwhile, many in the private sector who share security concerns don't know how to help.

Regional Partnerships provide the means for business and government to build an efficient, collaborative partnership that strengthens a region's capacity to prevent, prepare for, and respond to catastrophic events. Governors, state and local officials and leading corporations form a working partnership in each region—strengthening relationships at the regional level that transcend many traditional political and other boundaries of government and business relationships.

Governments welcome the resources and capabilities the private sector brings to their homeland security challenges. Likewise, by pledging resources that can be mobilized in a crisis, offering business expertise, and dedicating support to well-managed programs, regional partnership member companies contribute to their communities in a cost-effective and highly-leveraged way. In addition, these partnerships engender a deep sense of pride in employees for having contributed to a safer community.

Overview

The following is a brief review of the eight partnerships:

The **New Jersey Business Force** launched in February 2003 following a year-long design and development effort. This partnership had 30 charter members, including most New Jersey-based Fortune 500 companies, but like all BENS regions, its programs reached businesses large and small throughout the state. New Jersey programs included:

- Creating web-based registries of business resources at the county and state levels that could be called upon by emergency managers in a catastrophic event (over \$300 million in resources have been registered to date)
- Improving information sharing by a) providing targeted alerts about local incidents and threats via custom software provided pro bono by a member company, and b) piloting a satellite data casting system developed by the state's public television and radio affiliate that provides a secure, alternate channel of communication in emergencies
- The Business Emergency Operations Center (BEOC), either virtual or physical, is a business coordination/fusion center designed to exchange information across multiple sectors. Its goal is to facilitate shared situation awareness during major disasters and crises. The evolving BEOC concept was a collaborative effort among the New Jersey Institute of Technology (NJIT), the U.S. Army's Armament Research, Development and Engineering Center (ARDEC) at Picatinny Arsenal, and the members of the New Jersey Business Force (NJBF). During its first real-world activation, the BEOC transitioned from a virtual to a physical operation in support of the Colorado Emergency Preparedness Partnership and the Denver business community during the Democratic National Convention held August 25-28. The BEOC initiative garnered significant attention from government departments at all levels along with private sector groups. Succinctly stated, the BEOC program is a collective endeavor by like-minded, proactive partners who see greater resilience as an outgrowth of mutual cooperation

The **Georgia Business Force** followed New Jersey in 2004 and had 20 charter members, including most global firms based in Atlanta, and several smaller ones. Among other initiatives, Georgia pioneered two programs, subsequently cited as national models:

- A Business Operations Center (BOC) that connects businesses across industry sectors to the state's Emergency Operations Center (EOC), including formal seats in the EOC for business representatives to serve as coordinators and analysts; and a virtual team of a few dozen representatives from leading regional businesses and trade organizations that convened via teleconference during catastrophic events
- Business mobilization to help state and local public health agencies with mass dispensing of medications from the Strategic National Stockpile in the event of a pandemic or terrorist attack

In **Massachusetts**, BENS worked with the state's emergency management agency to build and rapidly deploy a web-based registry of business resources prior to the 2004 Boston Democratic National Convention.

- Resources worth an estimated \$300 million were registered during this effort
- The state developed and expanded its own partnership, known as "ESF 18", and engaged the state's business community in several initiatives that improve regional collaboration and information sharing

The **MidAmerica Business Force**, anchored by ten leading companies in the Metro Kansas City region, also was formed in 2004 and served Missouri, Kansas and Nebraska. MidAmerica programs included:

- Co-developing the charter for the region's information fusion center known as Terrorism Early Warning (TEW), and formally engaging the business community in the implementation of this new information sharing apparatus
- Creating a program called Operation Resilient Guard, a series of seminars and exercises designed to both alert and educate senior business leaders and the public about a wide range of potential threats, both natural and human caused

In 2005, BENS began partnership operations in California, launching the **Bay Area Business Force (BABF)** in Northern California and assuming management of the **Homeland Security Advisory Council** in Los Angeles and Orange Counties.

BENS formed the **Bay Area Business Force (BABF)** as part of an expansion of its Silicon Valley regional office. Nearly fifty companies, representing the hi-tech, financial services, biotech and retail industries, participated in BABF events and exercises. BABF programs included:

- Building a unique "Business Operations Center" that has connected the Bay Area's industry to government through private sector liaison seats in nine regional Emergency Operations Centers
- Serving as the lead organizer of private sector participation in California's emergency preparedness exercises, such as Port Protector and Golden Guardian

The **Homeland Security Advisory Council (HSAC)**, Region One, started in 2003 as a business advisory group for the Sheriffs of Los Angeles and Orange Counties, both of whom play prominent homeland security roles in the region. BENS signed an agreement with HSAC in late 2005 whereby it employed the partnership staff and helped to manage HSAC operations. HSAC has a membership of eighty business, government and academic leaders in Southern California. It has launched a number of programs:

- Building a "Business Response Network" database, which includes tens of millions of dollars in private sector resources that can be called upon for public use during a disaster
- Working with the Los Angeles County Department of Public Health to organize companies so that they can mass dispense medication from the region's strategic national stockpile during a major medical emergency

During the October 2007 Southern California wildfires, HSAC and the BABF each served as the official private sector liaison to the California Governor's Office of Emergency Services. They worked side-by-side with federal, state and local officials inside the state and regional Emergency Operations Centers (EOC) to manage all of the private sector donations offered to California, helping to route millions of dollars worth of food and supplies to affected areas. They also served as a

key information link between the public and private sectors by responding to inquiries from specific companies, relaying business input to the EOC, and disseminating frequent informational updates to different industry sectors.

BENS joined with the Iowa Business Council (IBC) to launch the **Safeguard Iowa Partnership (SIP)** in 2007. The IBC included the top executives from 24 of the state's largest businesses, hospital systems, and public universities. BENS employed SIP's Executive Director to provide management oversight and deliver subject matter expertise. Iowa has implemented programs similar to those in other regions of their state, including integrating business into the state's EOC and building a private sector resource registry. Stakeholders in the partnership agreed to work together on emergency planning, exercises and training, and improved communication between business and government during emergencies.

The Safeguard Iowa Partnership (SIP) surpassed all expectations when it quickly became an integral part of the response following Iowa's historic flooding and a series of catastrophic tornadoes in May and June of 2008. Operating at the center of the response effort, Safeguard Iowa's Executive Director and BENS Regional Partnership staff deployed to the state Emergency Operations Center (EOC) and satellite EOCs in Des Moines and Iowa City. These staff members served as a conduit for two-way communication between the business sector and EOCs statewide and coordinated business outreach efforts with government agencies and other relevant stakeholders. Drawing on the expertise and assets of over 60 member organizations who had previously volunteered to help in a crisis, the SIP assisted in securing items ranging from packaged food and bottled water to clothing, zip ties, cleaning supplies, and transportation. When the distribution schedules of a large, Iowa-headquartered grocery chain were threatened by road closures and state regulations limited the shifts of its drivers, partnership staff facilitated a solution by working directly with the Department of Transportation in the EOC to identify alternative routes that would allow the movement of essential products to continue.

In Colorado, BENS joined a broad coalition led by the Denver Police Foundation, the Denver Infragard Members Alliance (Denver IMA), and the Philanthropy Roundtable to launch the **Colorado Emergency Preparedness Partnership (CEPP)** in early 2008. CEPP enlisted a number of Colorado's civic leaders and organizations, representing relevant city and state agencies, businesses, academia, and the US Northern Command in Colorado Springs.

The August 2008 Democratic National Convention (DNC) in Denver proved to be an excellent platform to utilize the CEPP's organizational framework for increasing private sector involvement in the event's planning. CEPP stakeholders rolled out a virtual Business Operations Center that, among other things, allowed for sharing of security updates between the private sector and local, state, and national agencies, and the US Military (NORTHCOM/CO National Guard).

What Regional Partnerships Do

Each partnership develops an array of tools and plans using an "all hazards" approach by preparing for both natural and human caused catastrophes, while focusing on the hazards that pose the greatest risk to each region (e.g., hurricanes in the Southeast, flooding in the Midwest, and earthquakes on the West Coast and in the New Madrid fault region that is centered in seven southeastern states). The programs outlined above in each region illustrate the kinds of capabilities that have been valuable to both business and government. So far, programs have fallen into six general categories. These are by no means exhaustive—they just scratch the surface of what regional partnerships can deliver.

1. **Getting Organized: Communicating Clearly via Business Operations Centers.** Business and government need a mechanism to ensure quick and reliable communication when catastrophe strikes. Businesses need to link to one another and to state and local government emergency operations centers (EOCs) before, during and after an event to identify threats, minimize bureaucratic roadblocks, and get the right resources to the right places faster. Most BENS' partnerships have built their own "Business Operations Center" (BOC) to fill this need.

The BOC model includes two components. First, the BOC facilitates business-to-business communication by convening representatives from leading companies and trade organizations across critical infrastructure sectors. The representatives initially connect via secure teleconference and the web, and ultimately meet in a physical location as well if the crisis becomes significant enough. Second, the BOC improves public-private communication by securing a few business “seats” at a state or regional EOC that are staffed by a BOC manager and several BOC analysts. The BOC manager facilitates communication between the teleconference and the state EOC, and the BOC analysts help determine disaster needs and develop response solutions to communicate with the BOC representatives. The BOC representatives are then responsible for communicating with the broader business community.

In addition to developing BOCs within its regional partnerships, BENS is working with state and local partners to better define how business collaborates with the federal agencies through FEMA regions and the DHS joint field offices that “stand up” during national emergencies.

2. Supply Chain Management: Getting the Right Resources to the Right Places at the Right Time. Emergency managers need quick, reliable access to private sector resources, ranging from equipment and supplies to specially trained personnel. BENS’ regional partnerships are cataloging, in advance, business resources that can be made available on a pro bono or for-sale basis during a major catastrophe. BENS has built regional registries in New Jersey and Massachusetts, and California and is currently developing registries in Missouri and Iowa. The Colorado partnership, CEPP, is developing a resource registry called Connect Colorado.

BENS has focused initially on registering pro bono resources that are typically not for sale (e.g., trucks, warehouse space, skilled volunteers), but it is beginning to register resources that would be provided at cost or market price as well. BENS also recommends that emergency managers continue to expand contingency contracts for disaster resources that they would expect to be in short supply. Finally, states and regions should consider implementing “reverse auction” systems that enable real-time posting of needs by emergency managers to be matched with real-time proposals by business donors and vendors. FEMA and the Aidmatrix Network have successfully piloted such a system in 34 states and regions throughout the country.

Resource registries can improve the disaster supply chain in a single state, but for large scale disasters like Katrina that overwhelm that state’s ability to respond, a mutual aid system between states can provide significant additional capacity by adapting a process similar, and perhaps parallel, to the state mutual aid system known as EMAC (Emergency Management Assistance Compact).

3. Supply Chain Management: Mobilizing Business for Mass Dispensing of Medications. Public health officials need private sector support to prepare for and respond to the threats of bioterrorism or a disease outbreak, like pandemic flu. For example, if there were an aerosolized anthrax attack in Atlanta, the public health system would likely have less than ten percent of the staff needed to treat the region’s nearly five million residents in four days. BENS is mobilizing businesses to use their corporate facilities as dispensing sites and provide volunteers to assist public health staff at schools and other government sites.

BENS worked with state and county public health officials in Metro Atlanta and the Centers for Disease Control and Prevention (CDC) to create a model for mobilizing business volunteers and using business facilities as dispensing sites, and then recruited 1,200 volunteers to participate in a full-scale, aerosolized anthrax exercise. BENS has also partnered with the Los Angeles County Department of Public Health to execute a similar program with twenty-five companies in Southern California and staged bioterrorism tabletop exercises with public agencies in New Jersey.

4. Ongoing Information Sharing: Integrating Business into State and Local Fusion Centers. Many states are creating fusion centers to synthesize and analyze information and intelligence from multiple public and private sources and to disseminate “fused” information to appropriate government and business stakeholders. Most fusion centers have focused on increasing intelligence sharing among relevant local, state and federal agencies. Many of the fusion centers have found a need for greater private sector participation.

At the same time, the private sector seeks more actionable intelligence from government, and more clarity about the information sharing process. The BENS office in Metro Kansas City is providing assistance with fusion center design, increasing business participation, and exploring ways to enhance the use of web-based information sharing tools such as DHS’ Lessons Learned Information Sharing. In Los Angeles, the Homeland Security Advisory Council has established a relationship with its fusion center by facilitating meetings between the regions’ leading business executives and the Center’s Directors; it is currently exploring the feasibility of establishing a private sector “seat” in the Center.

5. Critical Infrastructure Protection: Improving Risk Assessment. Federal, state and local governments perform risk assessments that identify critical infrastructure sites, and then estimate the threats to each site, the vulnerability of each site if it were attacked, and the criticality/consequence of an attack (i.e., the casualties and economic damage). These assessments can help allocate government and business security resources more rationally.

An estimated eighty-five percent of the nation’s critical infrastructure is privately held, and government often lacks sufficient information about these facilities to accurately assess risk. Meanwhile, many businesses are concerned about disclosing confidential data to government that might be shared with other parties. BENS’ partnerships are facilitating business participation in public agencies’ critical infrastructure risk assessment initiatives in ways that do not compromise the confidentiality of business data.

6. Exercising to Identify Gaps and Test New Programs. Each partnership is committed to performing two types of exercises on a regular basis. The first identifies gaps that need to be filled. For example, a pandemic flu tabletop exercise with twenty or thirty business and government leaders in a region can help these leaders understand what they need to do to prepare their own organizations and how they will need to work together in such a crisis. These exercises produce impressive lists of potential business-government initiatives that would drastically improve response. Too often, however, there is little follow through after these exercises take place, and when the exercise is repeated a year or two later, it produces a similar list of needs and remedies. The partnerships attempt to turn these exercises into programs that produce real results.

The second type of exercise tests an actual business-government program that a regional partnership has started to implement – like a Business Operations Center or mass dispensing of medications – to make sure the program works, and to highlight opportunities for improvement. Each of these programs must be exercised – not once, but on a regular basis.

On a larger scale, BENS has been an ongoing partner of the U.S. Department of Homeland Security (DHS) by helping integrate business into the biennial national terrorism exercises known as TOPOFF (short for Top Officials). Large-scale exercises can both identify gaps and test new programs.

In addition to identifying gaps and testing programs that address them, exercises help build trusted relationships between business and government. These relationships in turn enable business and government to work more effectively “on the fly” in all kinds of scenarios. Katrina helped drive home the lesson that building relationships in advance is better than exchanging business cards during a crisis.

Business and government leaders familiar with continuous improvement models will recognize the process BENS uses in its partnership model: 1) identify gaps, 2) create programs to fill the gaps, 3) test the programs and 4) institutionalize them. The U.S. military has been honing continuous improvement models for about two hundred years. Business operations consulting pioneers Demming and Juran created their own continuous improvement frameworks in the 1960s, as have many others since. This process isn't new, but the players are.

A key difference between regional homeland security partnerships and most continuous improvement efforts is that most require collaboration across organizations that are forced to work together – within a business (sales and shipping), between businesses (manufacturers and their suppliers), within a military service (logistics and special forces), and across services (Air Force and Army). When it comes to homeland security partnerships, however, business and government have to decide they want to work together. Analogies can be found in the social sector, like businesses partnering with local schools to improve education, but in homeland security, we're on new ground. Homeland security as we now know it was nearly non-existent prior to 9/11, and with rare exceptions, business and government saw little need to work together to prepare for catastrophic events.

Lessons Learned

BENS' experience has shown that while each region will develop a unique character and strategy, successful partnerships share several common attributes.

1. Make it Regional.

The federal government should support, not manage, regional public-private partnerships because business-government partnerships require a level of trust and agility that is most easily achieved at the local level. Relationships of trust are strengthened as partners work together on a regular basis to achieve a common objective. Regional partnerships make it possible for business and government leaders to work together for the welfare of their communities – not once, but on an ongoing basis across many initiatives.

Regions should be defined based on natural economic and political boundaries, which could be a state, part of a state or multiple states. Businesses and trade organizations across industry sectors should participate, and state and local government agency partners should include emergency management, law enforcement, public health, National Guard and homeland security. Each region should decide what to do and how to do it – one size doesn't fit all. Regions should share best practices and precautions, but should leave plenty of room for customization.

Regional partnerships let business and government leaders:

- Design their own initiatives, while drawing upon best practices from other regions;
- Coordinate requests from multiple government agencies;
- Rank initiatives according to their needs and priorities;
- Develop and implement a coherent plan; and
- Work with complementary non-profit and trade organizations to build on regional strengths and avoid duplication of effort.

Catastrophic events that are national in scope will require significant federal government support. However, strong regional partnerships—and strong links between them—will delay the need for federal intervention, and they will make federal support more effective when it is needed.

2. Get Political and Business Leaders on Board

The formal endorsement and buy-in of a few prominent CEOs and a senior elected official in the region (e.g., governor or mayor) is a prerequisite to getting business and government organizations to devote the time necessary to make the partnership successful.

3. Build from a Local Institutional Base

Regional partnerships are easiest to build by utilizing a strong base of support from an existing organization in the region. In Georgia, Kansas City, New Jersey and the San Francisco Bay Area, Business Force partnerships were built from an existing BENS regional office. In Iowa, Massachusetts, Colorado, and Southern California, BENS helped an existing organization build the partnership. The Iowa partnership is led by the Iowa Business Council, whose members are the CEOs of 24 of the state's largest employers. In Massachusetts, the state created the partnership within their emergency management agency. In Southern California, the partnership was created by the Los Angeles and Orange County Sheriffs and a business leader in each county, and then BENS was asked to provide management support. The Colorado Emergency Preparedness Partnership (CEPP) is supported and funded by a grant from the Anschutz Foundation.

Other regional partnerships have been spawned by business organizations such as chambers of commerce or business councils, state or local governments, and regional economic development organizations made up of government and business leaders. Any of these can work as long as the lead organization has a strong base of business and government support in the region. A lead organization can accelerate the partnership's start-up and provide the institutional strength to sustain commitment and funding over time. Long-term sustainability cannot be ignored, even during the partnership's start-up phase, as the CEOs and government leaders who help launch the partnership will inevitably move on.

A lead organization must have credibility and influence with government and business leaders in the region, and a commitment to improving security and emergency preparedness. If no organization with these characteristics is available, starting from scratch may be the only option. Starting from scratch presents the greatest challenge, but it is possible with a critical mass of business and government leadership and a small but capable full-time staff.

4. Engage Organizational Partners and Avoid Duplication

Whether the regional partnership is a stand-alone entity or built from within an existing organization, it is important to engage other organizations to add both expertise and resources, and to avoid duplication of effort.

At the regional level, partners can include trade organizations (e.g., Chambers of Commerce, business councils, or a local financial services group), non-profits (e.g., Red Cross, Voluntary Organizations Active in Disaster (VOADs) or Hands on Network), or government-led partnerships (e.g., state or local intelligence fusion centers).

Whether or not they're engaged in homeland security initiatives, each of these organizations can offer specific expertise and resources if they have the capacity to participate in a given region. If they are already engaged in homeland security initiatives, all the more reason to invite them to participate in a broad-based regional partnership. Few regions can support multiple homeland security partnerships, and businesses will lose interest if they're asked to participate in overlapping initiatives. It may not be possible to coordinate every security-related initiative under one regional partnership, but each regional partnership should seek to coordinate as many related initiatives as possible.

Regional partnerships can engage consulting firms to assist in implementing specific programs. For example, BENS has received support from management consultants in implementing the Business Operations Center, mass dispensing and information sharing programs. This consulting support has come pro bono for smaller-scale programs and through commercial contracts for larger-scale initiatives.

At the national level, regional partnerships will benefit from working closely with federal government agencies that have a stake in homeland security, including DHS, CDC and FBI.

Regional partnerships can also consider seeking support from a national organization or consulting firm in building, managing the partnership, and learning from best practices in other regions. BENS has provided this support on an ongoing basis in Southern California and Iowa, including the use of its 501(c) (3) status to employ regional partnership

staff. Some regions may see this as a simpler option than employing staff within a lead organization or starting a new 501(c) (3), while others may prefer to build their partnership independently.

5. Put the Partners to Work

Civic-minded companies with executive-level volunteers are the core of the regional partnership, providing both governance and operating support. BENS-facilitated partnerships are governed and supported by three member “teams.” The first is an Advisory Council that sets strategic direction and is comprised of CEOs and the directors of key state or local agencies. This team keeps its member organizations committed and reviews results on a semi-annual or annual basis. The second is an Operating Council, comprised of business and state agency senior managers, and leaders of non-governmental organizations. The Operating Council meets approximately every two months and is charged with program implementation. The third is a set of program working groups, each of which is charged with implementing a specific program. The working groups meet as often as needed to execute their plans.

Each of these teams engages members based on their seniority, expertise, time availability and passion. Sustaining commitment from a broad cross section of members on an ongoing basis is critical to the success of the partnership.

6. Staff It

Regional partnerships should commit to hiring a small full-time staff with senior management experience. Partnership staff can recruit and motivate business and government partners, hire and oversee consultants as needed, implement programs and exercises, and provide the follow-through and accountability often lacking in all-volunteer partnerships. They also provide subject matter expertise to business and government organizations, and serve on regional committees, panels and working groups. Building a sturdy partnership takes focused, sustained effort from experienced staff on the ground in the region. Each regional director and support staff should have experience and relationships that are relevant to their region.

7. Sustainable Funding

The funding models of BENS-facilitated partnerships vary according to unique characteristics of each region. There is no single best funding mechanism for partnerships; however, BENS has identified some best practices in this important component of partnership development.

BENS has found that a partnership’s efficacy and the long-term commitment of businesses are better ensured when operating funds come from private sources. Government funding – with its attendant constraints and requirements – stifles the leadership and willingness of private sector partners to meaningfully engage – relegating the partnership to becoming “just another government program.” Business is most likely to invest when it has the ability to help drive the agenda.

Partnerships that identify funding in advance for first year operations find it easier to recruit key stakeholders and to demonstrate the program’s value – engendering businesses’ engagement and long-term commitment to the partnership. Four of BENS’ early partnerships relied on individual corporate participants and BENS members for funding, which required partnership staff to dedicate significant time and focus to continuous fundraising – at the expense of substantive program work. After the first year or so, their financial sustainability became increasingly difficult and labor intensive. Conversely, by identifying a source of start-up capital, it becomes easier to recruit and engage a broad base of community stakeholders, provides a window of time to demonstrate the partnership’s value, and thereafter shifts the responsibility of sustainability to a coalition of the private sector partners. The best example of this approach is the Safeguard Iowa Partnership.

If a partnership is to remain viable, two fundamental ingredients are required: 1.) a willingness on the part of businesses to take ownership of the partnership; and 2.) a sustainable funding plan. Businesses have been willing to donate resources, people, information and cash to regional partnerships, but their commitment is strained if individual

stakeholders are constantly bombarded with funding requests or if they do not perceive a value derived from the partnership. When private stakeholders drive the partnership, the funding is infinitely easier to secure.

8. Write a Plan

The lead organization and/or individuals that recruit partners and staff should start building consensus around initial programs during the recruiting process. Once the partnership has established governing councils and put funding and staffing in place, it should write a plan with a few specific programs, with deliverables, for the first year.

To date, BENS' programs have focused more on preparedness and response than prevention and long-term recovery because the partners have judged these types of programs to have the best combination of value and feasibility. Program selection is not a scientific process, but a deliberative one based on analysis of programs that are perceived as high value to all partners, and feasible to implement quickly with limited resources. Partnerships should consider starting with broad-based programs such as a Business Operations Center and a resource registry, because they form a foundation on which other programs can be built. A more comprehensive outline of potential programs has been produced by The Infrastructure Security Partnership (TISP) and can be found at www.tisp.org.

9. Deliver Results, Fast

The best way to build support for a partnership is to deliver tangible results quickly. The first programs should be at least piloted during the first year. This means avoiding programs that are valuable but hard to implement, and it means quickly building the program working groups, including members, partner organizations and consultants, if needed. The partnership programs described above have enabled BENS' regional partnerships to deliver new capabilities in months, not years. If significant roadblocks are encountered during implementation, the partnership should consider postponing the program and replacing it with a more feasible one.

10. Practice, Practice, Practice

Many homeland security partnerships produce recommendations and plans and declare victory without delivering tangible results. Successful regional partnerships won't stop there; they'll conduct exercises to test and improve each program. Many emergency response plans existed pre-Katrina, but not enough involved the private sector, and businesses were often left out of the exercises. Exercising programs makes them real, and exercising on an ongoing basis across many initiatives raises awareness, builds strong relationships and prepares the partners for any catastrophe.

“We don't count on plans, we count on training....[W]e have regular meetings of our emergency people. Live exercises, table-tops, including local first responders and local government officials.” - Donna Shalala, President, University of Miami

11. Tell Your Story

A thoughtful communications effort will tell target audiences about the importance of the regional partnership and recognize the partnership's success, including the contributions of key partners in each program. Each partnership should try to recruit a communications/public relations firm to their team who can help with message development, target audiences and media placement. Recognizing success motivates partners and builds community support. And of course, making sure the partnership is real and producing tangible results before embarking on media campaigns will build credibility.

12. Learn and Teach

Regional partnerships should learn from one another. The most comprehensive source of regional partnership information is the DHS Lessons Learned Information Sharing web site (www.llis.gov). It includes a Best Practice series that provides information and guidelines for developing public-private partnerships for emergency preparedness at the state and local level, and provides numerous references to regional partnerships and related resources.

13. Grow

Regional partnerships invariably identify more important work than can be accomplished in the short term. They find endless opportunities to expand programs, geography and impact. Regional partnerships should not shy away from growth, but manage it wisely, in order to sustain the viability and efficacy of the partnership.