

FEMA PREPAREDNESS

DHS and the states were not prepared for this catastrophic event

Summary

It is clear the federal government in general and the Department of Homeland Security (DHS) in particular were not prepared to respond to the catastrophic effects of Hurricane Katrina. There is also evidence, however, that in some respects, FEMA's response was greater than it has ever been, suggesting the truly catastrophic nature of Hurricane Katrina overwhelmed a federal response capability that under less catastrophic circumstances would have succeeded.

Nevertheless, DHS' actual and perceived weaknesses in response to Katrina revived discussion of the value of incorporation of FEMA into DHS. Many experts and Members of Congress debated the policy and operational ramifications of bringing FEMA into DHS during consideration of the Homeland Security Act of 2002 (HSA).

The HSA transferred FEMA functions, personnel, resources, and authorities to the DHS Emergency Preparedness and Response (EP&R) Directorate. The emergency management community has complained since 2003 that FEMA was being systematically dismantled, stripped of authority and resources, and suffering from low morale, in part because of the Department's focus on terrorism. Others have said that FEMA's placement in DHS enabled the Secretary of Homeland Security to augment FEMA's resources with other DHS personnel and assets, all within an integrated command structure.

The cycle of emergency management begins with preparedness and mitigation, flows into response, and ends with recovery. The four cornerstones to comprehensive emergency management — preparedness, response, recovery, and mitigation — are interdependent and all vital to successful emergency management.

Preparedness encompasses those pre-disaster activities that develop and maintain an ability to respond rapidly and effectively to emergencies and disasters. All levels of government need to be

prepared to respond to disasters. International Association of Emergency Managers President Dwayne West described preparedness as "what emergency managers do every day in order to be able to respond."¹ Emergency management officials at different levels of the government expressed concerns that distancing preparedness efforts from response, recovery, and mitigation operations could result in an ineffective and uncoordinated response.²

Following Hurricane Katrina, emergency management professionals in the Gulf coast region have questioned whether DHS and state preparedness for catastrophic events has declined over the past years due to organizational changes within DHS and a shift in programmatic priorities. In particular, the decline in preparedness has been seen as a result of the separation of the preparedness function from FEMA, the drain of long-term professional staff along with their institutional knowledge and expertise, and the diminished readiness of FEMA's national emergency response teams.

In the Gulf coast region, emergency managers expressed the view that FEMA's disaster response capabilities had declined since its inclusion in DHS, in part due to subsequent organizational changes within DHS and FEMA. The emergency management community has suggested that FEMA's readiness for a large disaster has declined despite extensive preparedness initiatives within the federal government, pointing to the separation of preparedness functions from response, recovery, and mitigation.



Additionally, the tremendous damage and scale of Hurricane Katrina placed extraordinary demands on the federal response system and exceeded the capabilities and readiness of DHS and FEMA in a number of important areas, particularly in the area of staffing. The response to Hurricane Katrina required large numbers of qualified personnel at a time when FEMA's professional ranks had declined. FEMA response officials in both Mississippi and Louisiana testified that the department's inability to field sufficient numbers of qualified personnel had a major impact on federal response operations. In addition, FEMA had lost, since 2002, a number of its top disaster specialists, senior leaders, and experienced personnel, described as "FEMA brain drain." Many emergency management professionals had predicted this 'drain' would have a negative impact on the federal government's ability to manage disasters of all types.

In addition, emergency management professionals said the degraded readiness of FEMA's national emergency response teams reduced the effectiveness of the federal response to Hurricane Katrina. The diminished readiness of the national emergency response teams has been attributed to a lack of funding for training exercises and equipment. Emergency management professionals note the need for trained people, who have experience working together with their federal colleagues and state counterparts prior to a disaster, as a part of national emergency response teams. Emergency responders should not meet each other for the first time right before or after a major catastrophe. A decline in the readiness of these teams along with appropriate staffing added to an ineffective response.

Finding: While a majority of state and local preparedness grants are required to have a terrorism purpose, this does not preclude a dual use application

The "all hazard" versus "just terrorism" debate plays out in the interpretation of permissible uses for homeland security grant funding and efforts to make equipment purchases and exercise scenarios fit terrorism-related criteria while still being of some general use in day-to-day emergency response. For example, funding to exercise response capabilities for WMD-related scenarios might be used to

test evacuation planning and other "all hazard" response functions, with the WMD element little more than pretext.

This concern is evident at the local level. Alabama conducts or participates in approximately 50 training exercises each year ranging from "table top," classroom-like discussions to full scale exercises involving all members of the emergency management community, including federal, state, and local officials. According to Alabama officials, federal DHS funding restrictions dictate that almost all of these exercises involve a terrorism-based threat or scenario, despite the fact that all emergencies largely involve the same set of procedures — evacuations, loss of power, communications difficulties, need for shelter, food, and water, and inter-governmental coordination.³



inevitable, risk.⁵ Although lately, hurricanes have hit the state with some regularity, Alabama is susceptible to a wide variety of other natural disasters, including earthquakes, tornadoes, floods, and droughts. With nuclear facilities located within the state, Alabama Emergency Management Agency (AEMA) officials are also on alert for nuclear-related emergencies. Special plans and precautions have also been funded to prepare for risks posed by an Army chemical weapons storage and incineration facility.⁶

According to Colonel Terry Ebbert, the Director of Homeland Security & Public Safety for the City of New Orleans, DHS' all hazards focus is unsubstantiated.

[T]he Office of Domestic Preparedness restricted any use of grant funding for preparing, equipping, training, and exercising to enhance the preparedness of first responders operating in

a potential WMD environment. Most allowable expenditures under the UASI program remain closely linked to the WMD threat to the exclusion of many other forms of enhanced readiness.⁷

When Ebbert submitted a request to purchase a number of inexpensive, flat-bottomed, aluminum boats to equip his fire and police departments, with the intent of having them available to rescue people trapped by flooding, the request was denied. Ebbert concluded that the rules on what is permitted and reimbursable are unaltered while the newly stated focus on an “all hazards” approach to preparedness remains “elusive.”⁸ Ebbert recommended that “existing limitations imposed on the availability of Federal preparedness funding should be broadened.”⁹

DHS officials are particularly sensitive to the charge that the agency has stopped state and local governments from purchasing equipment not exclusively suited to terrorism preparedness. Former Office of Domestic Preparedness (ODP) Director Suzanne Mencer stressed the dual use capability of many grants: “The grants don’t prohibit a city from buying equipment for use in a natural disaster if it can also be used in a terrorist attack.”¹⁰ Mencer said some locals see the WMD wording and think it prohibits items, such as radios, that could also be used in a natural disaster: “They can still meet their needs in almost all instances if they look at the broader picture and not [just] the wording in the grant.”¹¹ When asked about state and local complaints in Alabama and elsewhere, former director of ODP’s Preparedness Programs Division, Tim Beres, noted that in fiscal 2004, grants paid for more than \$1 billion worth of dual-use equipment, including \$925 million for interoperable communications equipment and \$140 million in chemical protection suits.¹²

DHS continues to develop and refine its guidelines to states and localities, in accordance with Presidential Directives, which require grants to be used in support of catastrophic events regardless of their cause.¹³ Although a July 2005 Government Accountability Office (GAO) report found many state preparedness officials and local first responders believed DHS planners focused excessively on anti-terrorism criteria in their grant, training, and exercise programs, the auditors concluded that 30 of the 36 essential capabilities first responders need to

fulfill the critical tasks generated by the department’s 15 catastrophic emergency planning scenarios would apply to both terrorist and non-terrorist incidents.¹⁴ The GAO auditors concluded that DHS planning supported an all hazards approach.¹⁵ Indeed, according to GAO auditors, in response to state and local complaints that DHS required too much emphasis on terrorism-related activities, DHS increasingly promoted flexibility to allow greater dual usage within the grant program requirements for fiscal year 2005.

DHS’ growing dual use flexibility is reflected in its most recent grant guidelines. Specifically, the FY2006 guidance points out the numerous dual-use target capabilities (identified in the National Preparedness Goal) to be attained through DHS grant funding.¹⁶ The guidance further states:

[f]unding remains primarily focused on enhancing capabilities to prevent, protect against, respond to, or recover from CBRNE [Chemical, Biological, Radiological, Nuclear and Conventional Explosives], agriculture, and cyber terrorism incidents. However, in light of several major new national planning priorities, which address such issues as pandemic influenza and the aftermath of Hurricane Katrina, the allowable scope of SHSP [State Homeland Security Program] activities include catastrophic events, provided that these activities also build capabilities that relate to terrorism.¹⁷

Finding: Despite extensive preparedness initiatives, DHS was not prepared to respond to the catastrophic effects of Hurricane Katrina

As a result of various changes within DHS and FEMA, the emergency management community suggested FEMA’s preparedness and readiness for a large disaster would decline despite extensive preparedness initiatives within the federal government. For example, during an April 2005 House Subcommittee hearing on DHS preparedness efforts, Dave Liebersbach, then President of the National Emergency Management Association (NEMA), expressed

his fear that DHS' de-emphasis of hazards other than terrorism would result in FEMA's inability to respond to a major disaster:¹⁸

My concern is we are not going to be able to maintain [capabilities]. I honestly believe . . . that if the hurricane scenario of September 2004 that occurred in the Southeastern U.S., [happens] five years from now, we will fail the way we are going, because the success of that response, of that hurricane season, was based on the programs that had come before . . . As we are moving forward, that legacy is going to drop if we don't pay attention to dealing with that.¹⁹

Similar issues were raised during the establishment of the department by various first responder professional associations and think tanks, Members of Congress from both political parties, the Government Accountability Office, and the Congressional Research Service.²⁰



One of the primary reasons for creating FEMA in 1979 was to closely link preparedness, response, and mitigation

within one organization.²¹ During consideration of the Homeland Security Act in 2002, the President proposed that all terrorism preparedness functions be consolidated into FEMA's Office of National Preparedness and be managed within the Emergency Preparedness and Response Directorate (EP&R) of the proposed department.

The intention was to provide a one-stop shop for state and local governments and achieve a unified approach to disaster response. Instead Congress opted to split preparedness functions between the Office of Domestic Preparedness (ODP), which was to be transferred to DHS from the Justice Department, and EP&R (or FEMA).²² The goal was to place terrorism preparedness in an organization, ODP, with a strong law enforcement background and relationship with that community.

In late 2003, the debate over the need for a one-stop shop for first responder grants and to unite preparedness with the other functions of comprehensive emergency management continued. When DHS Secretary Tom Ridge proposed to transfer most state and local grant programs

to ODP, the emergency management community again cautioned the capabilities of state and local governments and FEMA to respond to all disasters would suffer.²³ Ridge and his aides "believed FEMA should be a response and recovery agency, not a preparedness agency. In an age of terrorism, they argued, preparedness needed a law enforcement component, to prevent and protect as well as get ready to respond."²⁴

The proposal prompted then FEMA Director Michael Brown to urge Ridge not to further distance preparedness from response as it "can result in an ineffective and uncoordinated response . . . [would] shatter agency morale and would completely disconnect the Department's response functions from the responders and governments they are supposed to support."²⁵ Brown was overruled and the programs were transferred to ODP, which was then incorporated into the newly created Office of State and Local Government Coordination and Preparedness (SLGCP).

The controversy over how to manage disaster preparedness increased with incoming Secretary Michael Chertoff's Second Stage Review. Chertoff argued the federal government's preparedness efforts needed to be enhanced, particularly for catastrophic disasters, and that could be best achieved by consolidating the department's preparedness functions into a new Preparedness Directorate. In a letter opposing the move, NEMA criticized the department's "total lack of focus on natural-hazards preparedness" and argued that separating preparedness from response and recovery would break emergency management's cycle of continuous improvement and result in disjointed and ineffective response operations.²⁶

While Brown agreed with the need to increase catastrophic planning (FEMA had originally proposed the catastrophic preparedness program that funded the Hurricane Pam process), he strongly disagreed with Chertoff's recommended solution of removing FEMA's remaining preparedness functions and transferring them to ODP, which would then be elevated to a Preparedness Directorate. Instead, Brown drafted a 13-page memo to Chertoff urging the consolidation of all preparedness functions into the Emergency Preparedness & Response Directorate, as originally proposed by President Bush, in order to "ensure that capabilities and procedures trained will be identical to the capabilities and procedures



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actually applied during a real event."²⁷ As Brown described it, "These recent organizational changes [the transfer of several FEMA preparedness programs to ODP in Secretary Tom Ridge's reorganization plan of September 2003] have divided what was intended to be one, all-hazards preparedness mission into two artificially separate preparedness categories of terrorism and natural disasters."²⁸

Some experts do, however, endorse the consolidation of preparedness efforts. Last December, the Center for Strategic and International Studies and the Heritage Foundation released a joint study called "DHS 2.0," in which the authors suggested adding a new undersecretary for preparedness with direct access to the secretary.²⁹ Such a move, they said, would speed preparedness decisions past layers of bureaucracy. And in a September 1, 2005 *Washington Post* article, at the height of the Katrina response effort, Paul C. Light, an authority on government operations at New York University, also endorsed Chertoff's proposed reforms.³⁰

In a December 7, 2005 report entitled "The Truth About FEMA: Analysis and Proposals," Heritage Foundation homeland security expert James Carafano and the Hudson Institute's Richard Weitz argued that Chertoff's proposed reorganization would address many of the shortfalls created by placing FEMA within DHS.³¹ At the same time, they said it would preserve the advantages of having most major federal disaster-related preparedness and response activities, for both man-made and natural

disasters, concentrated in one department.³² The authors pointed out that in the event of large-scale disasters, FEMA could be reinforced by other assets from within DHS."³³

In testimony before the Select Committee, Chertoff explained his rationale for integrating the Department's existing preparedness efforts in to a single directorate for Preparedness:

Preparedness is not just about response and recovery — rather, it must draw on the full spectrum — from prevention through protection to response. Our preparedness directorate will rely on the expertise of FEMA, but it will also integrate the experience of the Coast Guard, our Infrastructure Protection division, our intelligence units, and our other operational assets . . . FEMA will become a direct report to the Secretary, allowing it to focus on response and recovery while partnering with the new preparedness directorate to increase our overall capabilities . . . FEMA must also continue to function as an all-hazards agency, leveraging entities within the preparedness directorate, including Infrastructure Protection, the Office of Domestic Preparedness, and State and Local Government Coordination.³⁴

Although many in the emergency management community opposed Chertoff's preparedness consolidation, many first responder groups support it. For example, in a press release issued immediately following the release of Chertoff's Second Stage Review, the International Association of Fire Chiefs applauded the proposal, particularly the creation of a Preparedness Directorate.³⁵

Finding: DHS and FEMA lacked adequate trained and experienced staff for the Katrina response

Brown's memorandum also identified budget cuts and organizational changes he believed were harming FEMA's ability to perform its statutory responsibility of leading the federal government's response to all disasters, including terrorist attacks. For example, Brown claimed

FEMA's operational budget baseline (for non-Stafford Act disaster funding) had been permanently reduced by 14.8 percent since joining DHS in 2003. In addition to the permanent baseline reduction, he claimed FEMA lost \$80 million and \$90 million in fiscal years 2003 and 2004 respectively from its operating budget.³⁶ Brown argued these budget reductions were preventing FEMA officials from maintaining adequate levels of trained and ready staff.

Brown also said FEMA no longer managed numerous functions that were essential to meeting its statutory responsibilities, and therefore did not have the tools to successfully accomplish its mission. For example, the National Response Plan is a fundamental element of coordinating the federal government's response to disasters. Given FEMA's response mission, the Homeland Security Act of 2002 specifically assigned FEMA responsibility for "consolidating existing Federal Government emergency response plans into a single, coordinated national response plan."³⁷ However, instead of assigning this function to the organization responsible for executing the plan during a disaster (i.e. FEMA), the department initially assigned it to the Transportation Security Administration, which then relied on an outside contractor.

When some in the first responder community reacted negatively to the contractor's draft plan, the department transferred the NRP's development to another area of the department, the Integration Staff within the Secretary's office. The resulting plan made a number of departures from the existing Federal Response Plan, including the introduction of the Incident of National Significance (INS), the Principal Federal Official (PFO), the Interagency Incident Management Group (IIMG), the Homeland Security Operations Center (HSOC), and the Catastrophic Incident Annex (NRP-CIA).³⁸ The emergency management community expressed concerns about each of these newly created structures, which ultimately proved problematic or experienced difficulties achieving their intended purposes during the response to Hurricane Katrina.

Brown also identified what he believed were the most important goals for achieving FEMA's mission of leading the federal government's response to disasters. Several of the issues he identified for improvement proved to be critical problem areas in the Katrina response. The requirements he identified in March 2005 included the following:³⁹

1. Improve logistics capability and asset visibility.
2. Implement a comprehensive and integrated multi-year catastrophic planning strategy.⁴⁰
3. Establish a National Incident Management System Integration Center to improve command and control capabilities at the federal, state, and local levels.
4. Recruit, train, credential, deploy and retain a disaster workforce with the appropriate skill mix and management structure to support the operational requirements of all disaster related functions.
5. Ensure appropriate numbers, skills, and grades of employees to support current and long-term mission needs.

Senior DHS and Office of Management and Budget officials vigorously dispute the claim that FEMA's budget has been cut at all. They argue that any transfers from the FEMA budget reflect the transfer of functions carried out by DHS for FEMA, start up costs of the Department, and the use of unobligated funds. According to Andrew Maner, Chief Financial Officer for DHS, the core of the budget adjustments cannot be classified as permanent reductions to FEMA's base budget, as Brown claims.⁴¹ For example, Maner said the transfer of \$30.6 million was a transfer of unobligated balances from the 2002 Olympic Games to help fund the start-up of the new Department. The transfer of such unobligated balances was authorized by Congress in H.J. Res. 124, which became law on November 23, 2002 (P.L. 107-294), to pay for "the salaries and expenses associated with the initiation of the Department."⁴² Also, Maner noted the \$28 million transfer to ODP reflects efforts to complete the transfer of funds accompanying former FEMA functions that have been assumed by other DHS entities.⁴³

Regardless of the impact, if any, of these budget adjustments on FEMA capabilities, the tremendous damage and scale of Hurricane Katrina placed extraordinary demands on the federal response system and exceeded the capabilities and readiness of DHS and FEMA in a number of important areas, including staffing. Hurricane Katrina consisted of three separate major disaster declarations, three separate statewide field operations, two directly-affected FEMA regional operations, and the full activation of national level resources such as the National Response Coordination Center (NRCC), the HSOC, and the IIMG. In addition, most FEMA regional offices were actively supporting

Katrina operations or assisting their regions receive Gulf Coast evacuees. These operations required large numbers of qualified personnel from what had become a relatively small agency of approximately 2,500 positions.



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Ultimately, FEMA officials turned to federal agencies like the U.S. Forest Service and city firefighters from across the country to staff FEMA positions in the state.

FEMA response officials in both Mississippi and Louisiana testified that the department's inability to field sufficient numbers of qualified personnel had a major impact on federal response operations.⁴⁴ The Federal Coordinating Officer (FCO) in Mississippi, Bill Carwile, described how managing the personnel shortfall was perhaps his most difficult challenge. While he was able to deploy division supervisors to the coastal counties, he needed similar qualified employees for the devastated cities of Gulfport, Biloxi, and Pascagoula. Ultimately, FEMA officials turned to federal agencies like the U.S. Forest Service and city firefighters from across the country to staff FEMA positions in the state.

Despite those measures, Carwile stated, "We never had sufficient personnel to meet requirements."⁴⁵ According

to Scott Wells, Deputy FCO for Louisiana, a 90-person FEMA regional office "is woefully inadequate" to perform its two primary disaster functions, operating a regional response coordination center and deploying people to staff emergency response teams in the field.⁴⁶ "You cannot do both. Pick one," he said.⁴⁷ Wells added, "We had enough staff for our advance team to do maybe half of what we needed to do for a day shift.... We did not have the people. We did not have the expertise. We did not have the operational training folks that we needed to do our mission."⁴⁸

In addition to having an inadequate number of qualified personnel, FEMA had lost a number of its top disaster specialists, senior leaders, and most experienced personnel. Both critics and supporters of FEMA's merger with DHS have acknowledged "FEMA brain drain" in recent years and its negative impact on the federal government's ability to manage disasters of all types.⁴⁹ Since 2003, for example, the three directors of FEMA's preparedness, response, and recovery divisions had left the agency, and departures and retirements thinned FEMA's ranks of experienced professionals. At the time Hurricane Katrina struck, FEMA had about 500 vacancies and eight out of its ten regional directors were working in an acting capacity.⁵⁰

At least two factors account for FEMA's loss of seasoned veterans. First, like other government agencies, many of FEMA's long-term professionals are reaching retirement age.⁵¹ And second, job satisfaction was second to last in 2005, according to the Partnership for Public Service, a nonprofit group that promotes careers in federal government.⁵² Regardless of the reasons for the exodus, Brown and senior DHS officials were unable to maintain their ranks of disaster professionals, through employee retention, development, or recruitment, and this failure hindered the response to Hurricane Katrina.⁵³

The disastrous effect of this manpower shortage was compounded in Hurricane Katrina by the difficulty of getting federal workers where they needed to be because of security concerns. In Louisiana, media reports and rumors of violence and general lawlessness delayed the deployment and placement of federal response workers. The Governor's Chief of Staff Andy Kopplin said there were approximately 1,000 FEMA employees deployed and on their way to New Orleans Wednesday, August 31, 2005, many of whom turned back due to security concerns.⁵⁴

Finding: The readiness of FEMA's National Emergency response teams was inadequate and reduced the effectiveness of the federal response

One of the most critical links in the federal response system is the team of FEMA personnel that deploys to a disaster site to establish a unified command with state officials and directs federal operations. These national emergency response teams are the conduits through which federal disaster assistance is requested by and delivered to a state. They are intended to be on call and deploy at a moment's notice, since many disasters provide no advance warning. In prior years, according to Carwile, "We were then able to build a team to about 125 individuals, hand picked, from around the country, and we were able to routinely exercise that team because we had the funding in place to do so on the plan, against several scenarios."⁵⁵ The team had a robust operational plan, was sent to the Winter Olympics in Salt Lake City, and received dedicated satellite communications equipment. It appeared to be a well-equipped, well-trained team at a high state of readiness.⁵⁶

Carwile testified that by 2004, the readiness of FEMA's emergency response teams had plummeted dramatically.⁵⁷ Funding for the teams dried up after 2002. They lost their dedicated communications equipment. Teams were split up into ever smaller units. Team training and exercises ceased.

In a June 30, 2004 memorandum, FEMA's top disaster response operators, the cadre of Federal Coordinating Officers, warned then FEMA Director Brown that the national emergency response teams were unprepared because no funding was available for training exercises or equipment.⁵⁸ In a few short years, FEMA's emergency response teams had been reduced to names on a roster. It appears no actions were taken to address the problems identified in the memorandum.

Asked whether or not implementing the recommendations would have made a difference in Katrina, Carwile responded, "I felt very fortunate because many of my colleagues with me in Mississippi had been with me on a national team in years past. It was kind of coincidental . . . but I can't help but believe that trained

and ready teams, people who have worked together, would not have made some difference in a positive way."⁵⁹ Wells described the situation in Louisiana in this way: "We need to really train together as a team. We need to work as a team. What you have with this National Response Plan in the field is we have no unity of command."⁶⁰

The requirement for trained people, who have experience working together with their federal colleagues and their state counterparts, is a constant theme of federal, state, and local emergency professionals. Numerous officials and operators, from state and FEMA directors to local emergency managers told the same story: if members of the state and federal emergency response teams are meeting one another for the first time at the operations center, then you should not expect a well-coordinated response.⁶¹

Conclusion

For years emergency management professionals have been warning that FEMA's preparedness has eroded. Many believe this erosion is a result of the separation of the preparedness function from FEMA, the drain of long-term professional staff along with their institutional knowledge and expertise, and the inadequate readiness of FEMA's national emergency response teams. The combination of these staffing, training, and organizational structures made FEMA's inadequate performance in the face of a disaster the size of Katrina all but inevitable. ■

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- ¹ International Ass'n of Emergency Managers, *Press Release: IAEM Announces Recommendations for Improved Emergency Response*, (Oct. 25, 2005) (on file with Select Comm.).
- ² *Hearing on The National Preparedness System: What are we preparing for? Before the House Comm. on Transportation and Infrastructure, Subcommittee on Economic Development, Public Buildings, and Emergency Management*, 109th Cong. (Apr. 14, 2005) at 61-62 (statement of Dave Liebersbach, Pres., Nat'l Emergency Mgmt. Assoc.) [hereinafter *Apr. 14 Preparing Hearing*]; Memorandum from Michael Brown, Dir., FEMA to Michael Chertoff, Sec'y, Dept. of Homeland Sec. (March 2005) [hereinafter March 2005 Brown Memo]; Interview by Select Comm. Staff with Ed Buikema, Dir., Response Div., FEMA, in Wash., D.C. (Jan. 6, 2006).
- ³ *Hearing on Hurricane Katrina: Preparedness and Response by the State of Alabama Before Select Comm.*, 109th Cong. (Nov. 9, 2005) at 75 (statement of Bruce Baughman, Dir., Ala. State Emergency Mgmt. Agency) [hereinafter *Nov. 9, 2005, Select Comm. Hearing*].
- ⁴ Interview by Select Comm. Staff with senior AL emergency management officials, in Clanton, AL (Oct. 11, 2005).
- ⁵ *Id.*
- ⁶ *Nov. 9, 2005 Select Comm. Hearing* at 75 (statement of Bruce Baughman, Dir., Ala. State Emergency Mgmt. Agency).
- ⁷ *Hearing on Hurricane Katrina: Preparedness and Response by the State of Louisiana Before Select Comm.*, 109th Cong. (Dec. 14, 2005) at 174 (written statement of Col. (Ret.) Terry Ebbert, Dir., Homeland Sec. for New Orleans) [hereinafter statement of Terry Ebbert] [hereinafter *Dec. 14, 2005 Select Comm. Hearing*].
- ⁸ *Dec. 14, 2005 Select Comm. Hearing* at 174 (statement of Terry Ebbert).
- ⁹ *Id.* at 174-75 (statement of Terry Ebbert).
- ¹⁰ Shane Harris, *Federal Emphasis on Terrorist Threat Frustrates Local Disaster Response Officials*, NAT'L JOURNAL, Oct. 20, 2005 at 4 available at <http://www.govexec.com/dailyfed/1005/102005nj1.htm> (last visited Jan. 26, 2006).
- ¹¹ *Id.*
- ¹² *Id.*
- ¹³ Directive on Management of Domestic Incidents, 39 WEEKLY COMP. PRES. DOC. 10 280 (Feb. 28, 2003) (Known as Homeland Security Presidential Directive/HSPD-5); Directive on Management of National Preparedness, 39 WEEKLY COMP. PRES. DOC. 1822 (Dec. 17, 2003) (Known as Homeland Security Presidential Directive/HSPD-8).
- ¹⁴ Government Accountability Office [hereinafter GAO], Pub. No. GAO-05-652, *Homeland Security: DHS' Efforts to Enhance First Responders' All Hazards Capabilities Continue to Evolve* (July 2005) 26-30.
- ¹⁵ *Id.* at 39-41.
- ¹⁶ Dep't of Homeland Sec., *FY 2006 Homeland Security Grant Program: Program Guidance and Application Kit*, (Dec. 2005). Those capabilities include planning, community preparedness and participation, communications, critical infrastructure protection, on-site incident management, citizen protection: evacuation and in-place protection, emergency operations center management, critical resource logistics and distribution, urban search and rescue, volunteer management, emergency public information and warning, responder safety and health, triage and pre-hospital treatment, public safety and security response, medical surge; medical supplies management and distribution, environmental health, mass prophylaxis, mass care, firefighting operations and support, hazardous material response, structural damage assessment and mitigation, economic and community recovery, restoration of lifelines. *Id.*
- ¹⁷ *Id.*
- ¹⁸ *Apr. 14 Preparing Hearing* at 90 (statement of Dave Liebersbach, Pres., Nat'l Emergency Mgmt. Ass'n).
- ¹⁹ *Id.*
- ²⁰ GAO, GAO-03-119, *High-Risk Series: An Update* (Jan. 2003); Congressional Research Service [hereinafter CRS], Rep. No. 31670, *Transfer of FEMA to the Department of Homeland Security: Issues for Congressional Oversight* [hereinafter CRS Rep. No. 31670] at 5 (Dec. 17, 2002).
- ²¹ Exec. Order No. 12127, 3 C.F.R. 1979 (1979); Exec. Order No 12,148, 44 Fed. Reg. 43239 (1979).
- ²² CRS Rep. No. 31670 at 5 (2002).
- ²³ March 2005 Brown Memo; Letter from Michael Brown, Dir., FEMA to Tom Ridge, Sec'y, Dep't of Homeland Sec. (Sept. 15, 2003); National Emergency Mgmt Ass'n, *Priority Congressional Issues: 2004 Mid Year Conference*, (Feb. 10-13, 2004).
- ²⁴ Spencer S. Hsu and Julie Tate, *Brown's Turf Wars Sapped FEMA's Strength*, WASH. POST., Dec. 22, 2005.
- ²⁵ Letter from Michael Brown, Dir., FEMA to Tom Ridge, Sec'y, Dep't of Homeland Sec. (Sept. 15, 2003).
- ²⁶ Letter from David Liebersbach, Pres., Nat'l Emergency Mgmt. Ass'n to Honorable Don Young and Honorable James Oberstar (July 27, 2005).
- ²⁷ March 2005 Brown Memo.
- ²⁸ March 2005 Brown Memo.
- ²⁹ James J. Carafano and David Heyman, THE HERITAGE FOUND, *DHS 2.0: Rethinking the Dep't of Homeland Sec.*, Dec. 13, 2004 at 14.
- ³⁰ Paul C. Light, *Katrina's Lesson in Readiness*, WASH. POST, Sept. 1, 2005 at A29.
- ³¹ James Carafano, Ph.D., and Richard Weitz, Ph.D., THE HERITAGE FOUND, *The Truth About FEMA: Analysis and Proposals*, Dec. 7, 2005.
- ³² *Id.*
- ³³ *Id.*
- ³⁴ *Hearing on Hurricane Katrina: The Role of the Department of Homeland Security Before Select Comm.*, 109th Cong. (Oct. 19, 2005) at 4-5 (written statement of Michael Chertoff, Sec'y, Dep't of Homeland Sec.).
- ³⁵ Press Release, Int'l Assoc. of Fire Chiefs, *Secretary Chertoff Announces Reorganization, Plans for DHS* (Aug. 1, 2005) (on file with Select Comm.).
- ³⁶ March 2005 Brown Memo.
- ³⁷ Homeland Sec. Act of 2002, Pub. L. No 107-296, 116 Stat. 2135 (2002).
- ³⁸ U.S. Dep't of Homeland Sec., *Nat'l Response Plan* (Dec. 2004).
- ³⁹ March 2005 Brown Memo.
- ⁴⁰ Briefing for Select Comm. Staff with Madhu Beriwal, Pres., Innovative Emergency Mgmt., in Wash., D.C. (Jan. 6, 2006) (discussing how funding for FEMA staff to participate in subsequent Hurricane Pam implementation workshops had been cut).
- ⁴¹ Briefing for Select Comm. Staff with Andrew Maner, Chief Fin. Officer, Dep't of Homeland Sec., in Wash., D.C. (Jan. 18, 2006) [hereinafter Briefing with Andrew Maner].

- ⁴² Briefing with Andrew Maner; FEMA, *Reductions to FEMA Base, FY 2003-2005* (Jan. 18, 2006) (on file with Select Comm.).
- ⁴³ According to OMB data, a total of 448 employees (full-time equivalents, or FTEs) were transferred from FEMA to various DHS offices in 2003:
- 42 FTEs were transferred from FEMA's salaries and expenses budget account to DHS's Departmental Operations account;
 - 206 FTEs were transferred from FEMA's Working Capital Fund to DHS's Working Capital Fund; and
 - 200 FTEs were transferred from FEMA's Office of Inspector General to DHS's Office of Inspector General. (GAO, GAO-04-329R, *Transfer of Budgetary Resources to the Dep't of Homeland Sec. (DHS)* at 22 (Apr. 30, 2004) (on file with Select. Comm)).

And since the establishment of the Department, the following programs have been transferred from FEMA to other Departmental entities (OMB, Funding Chart (Oct. 4, 2005) (on file with Select Comm.):

- Emergency Management Performance Grants
- National Strategic Stockpile
- Citizen Corps
- Other grants for emergency management
- Inspector General
- FIRE Act Grants
- First Responder Grants
- Metropolitan Medical Response System grants

Moreover, according to information provided to the Select Comm. by DHS, the funding transfers that Brown referenced in his testimony Before the Select Comm. break down as follows (Briefing with Andrew Maner; FEMA, *Reductions to FEMA Base, FY 2003-2005* (Jan. 18, 2006) (on file with Select Comm.):

FY 2003 –

- Unobligated balances from FY 2002 – \$30.6 million (*Id.*) (DHS start-up costs)
- FY 2003 appropriations – \$12 million (DHS start-up costs) (Of the \$12 million in FY 2003 appropriations, \$10 million had been allocated for Salaries and Expenses for preparedness functions and \$2 million had been allocated for the programs of another management account – Emergency Management Planning and Assistance.)
- Transfer of Office for National Preparedness functions to Office of Domestic Preparedness/Bureau of Transportation Security - \$10.6 million
- Transfer to the Transportation Security Administration to fund a shortfall from the Liberty Shield Supplemental – \$5.5 million
- Transfer to the DHS Office of Inspector General for audits and investigations of the Disaster Relief Fund – \$21.4 million

FY 2004 –

- FEMA share of DHS e-government initiatives (mostly to maintain DisasterHelp.gov website) – \$2.6 million
- FEMA share of other DHS central services – \$2.8 million
- Transfer to Inspector General for audits and investigations of the Disaster Relief Fund – \$22 million
- National preparedness functions transferred to ODP – \$28 million
- General reduction to base funding for Departmental management – \$34 million

FY 2005 –

- Reduction for management cost savings realized from efficiencies attributable to the creation of DHS – \$11.7 million
- \$18,501 million for Working Capital Fund

⁴⁴ *Hearing on Hurricane Katrina Response and Initial Recovery Operations: Mississippi Before Select Comm.*, 109th Cong. (Dec. 7, 2005) at 7 (written statement of William Carwile, former FEMA Fed. Coordinating Officer, State of Miss.) [hereinafter *Dec. 7, 2005 Select Comm. Hearing*]; *Hearing on Hurricane Katrina: Perspectives of FEMA's Operational Professionals Before the Senate Committee on Homeland Security and Governmental Affairs*, 109th Cong. (Dec. 8, 2005) at 57-58 (statement of Scott Wells, Deputy, FEMA Fed. Coordinating Officer, State of LA) [hereinafter *Perspectives of FEMA Hearing*].

⁴⁵ *Dec. 7, 2005 Select Comm. Hearing* at 7 (written statement of William Carwile, former FEMA Fed. Coordinating Officer, State of Miss.).

⁴⁶ *Perspectives of FEMA Hearing* at 57 (statement of Scott Wells, Deputy, FEMA Fed. Coordinating Officer, State of LA) [hereinafter statement of Scott Wells].

⁴⁷ *Id.*

⁴⁸ *Id.* at 57-58.

⁴⁹ Spencer Hsu, *Leaders Lacking Disaster Experience*, WASH. POST, Sept. 9, 2005 at A1.

⁵⁰ Interview by Select Comm. Staff with William Lokey, FEMA Fed. Coordinating Officer in Wash., D.C. (Jan. 26, 2006); FEMA Regions I, II, III, IV, V, VI, VIII, and IX with Acting Directors; See, e.g., Region VIII Acting Director, available at <http://www.fema.gov/about/bios/maurstad.shtml> (last visited Jan. 30, 2006).

⁵¹ Justin Rood, *FEMA's Decline: An Agency's Slow Slide From Grace*, GOVERNMENT EXECUTIVE (Oct. 1, 2005).

⁵² www.ourpublicservice.org/usr_doc/2003-rankings.pdf (last visited Jan. 28, 2006).

⁵³ *Id.*

⁵⁴ Interview by Select Comm. Staff with Andy Kopplin, Chief of Staff, Office of the Governor of LA, in New Orleans, LA (Nov. 6, 2005).

⁵⁵ *Perspectives of FEMA Hearing* at 60 (statement of William Carwile, former FEMA Fed. Coordinating Officer, State of Miss.) [hereinafter statement of William Carwile].

⁵⁶ *Id.* at 60.

⁵⁷ *Id.* at 65-68.

⁵⁸ *Id.* at 59 (statement of Senator Joseph Lieberman).

⁵⁹ *Id.* at 67 (statement of William Carwile).

⁶⁰ *Id.* at 58 (statement of Scott Wells).

⁶¹ See *id.* at 67 (statement of William Carwile).



FEMA

"The sheer force of Hurricane Katrina disabled many of the communications systems that state and local authorities and first responders rely upon to communicate with each other and with FEMA. This was not an issue of interoperability, but of basic operability, resulting from wind, flooding, loss of power, and other damage to infrastructure."

Michael Chertoff
Secretary, U.S. Department of Homeland Security
Select Committee Hearing, October 19, 2005