
10 MISSING REFORMS IN THE WHITE HOUSE'S HURRICANE KATRINA REPORT



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10 Missing Reforms in the White House's Hurricane Katrina Report

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Hurricane Katrina revealed the United States' lack of preparedness for major disasters—whether caused by Mother Nature or terrorists. Both the House and the Senate, as well as independent assessments, have demonstrated that the National Response Plan, a blueprint designed by the Department of Homeland Security to govern the federal chain of command during an emergency, completely failed during last year's Disaster. Indeed, from helping victims to assisting law enforcement, the federal government simply did not fulfill its responsibilities and did not fully coordinate with state and local governments in need of assistance.

Today, President Bush's Homeland Security Advisor, Frances Townsend, released a report on the results of the White House's investigation of the response to Hurricane Katrina, along with a list of more than 100 recommendations for changes to improve government disaster response. Unfortunately, these recommended reforms do not go far enough.

First, there are three key reforms to the Federal Emergency Management Agency (FEMA) that must be made to improve disaster response, but the White House failed to take this opportunity to mention them at all. As outlined in a report released on February 12, 2006 by several Democrats on the Homeland Security Committee, *Redirecting FEMA Towards Success*,¹ the director of FEMA must be statutorily required to possess emergency management experience, the emergency response and preparedness functions of FEMA must be reunited, and the director of FEMA must report directly to the president during an incident of national significance (such as a hurricane or terrorist attack).

Second, although the White House proposes reforms in areas where change is needed, there are at least seven examples where these proposals could have been much stronger. As discussed below, from better funding training on the National Response Plan to speeding the development of communications interoperability for first responders, the White House's report does not reflect the boldness that is needed to confront the problems revealed by Hurricane Katrina.

Without fully implementing these 13 changes, the federal government will not be ready for the next emergency.

¹ The report is available at <http://hsc-democrats.house.gov/HS/Press+Releases/2005/FEMA+Reform+Needed+to+Prepare+For+and+Respond+to+Future+Disasters+and+Attacks.htm>

1: FEMA MUST BE LED BY A DIRECTOR EXPERIENCED IN EMERGENCY MANAGEMENT.

A director of any agency must deal with the stress and strain of achieving its organizational mission. But being the director of FEMA carries with it a much greater pressure. “Emergency management organizations must plan and train in obscurity and neglect with few resources. Then, in one brief moment, in full glare of media and public scrutiny, they are expected to perform flawlessly like a goalie in hockey, or soccer, or a kicker in football.”² It is hardly surprising that FEMA directors lacking emergency management experience perform inadequately in times of crisis.

Choosing an appointee without an emergency management background to manage FEMA is both reckless and dangerous. Examples of bureaucratic incompetence at the highest level litter FEMA’s history like a bad storm: Hugo, Loma Prieta, Andrew, and Katrina represent not only the worst inflictions of Mother Nature, but the worst responses by our federal government. It is troubling that in this day and age – when our country faces a dual threat of terrorism and natural disasters – our leaders might select an emergency management director on the basis of party identification rather than qualification.

² Federal Emergency Management Agency, “FEMA History.” Retrieved online at <http://www.fema.gov/about/history.shtm>; *National Academy of Public Administration Report on FEMA*, February 1993, p. 17.

In the past, the U.S. Congress has found it suitable to impose qualifications upon executive appointees in positions of a nonpartisan nature. For instance, the Chief Financial Officers Act of 1990, a law creating a higher level of management and accountability in the federal government, requires chief financial officer appointees to possess “demonstrated ability in general management of, and knowledge of and extensive practical experience in financial management practices in large governmental or business entities.”³ Similarly, the Director of the National Park Service is statutorily required to possess “substantial experience and demonstrated competence in land management and natural or cultural resource conservation.”⁴

With these considerations in mind, the FEMA director must be statutorily required to have “ability in, knowledge of and extensive background in emergency or disaster-related management.” FEMA’s Deputy Director must also possess an extensive background in emergency or disaster-related management and must be a career federal employee.

2: THE DIRECTOR OF FEMA MUST REPORT DIRECTLY TO THE PRESIDENT DURING ALL INCIDENTS OF NATIONAL SIGNIFICANCE.

While the leadership of a qualified director is an extremely important factor, equally vital to a successful response is the relationship between the FEMA director and the president, as well as their communication during the disaster. The strength of that relationship will determine the effectiveness of the federal response.

The power of direct reporting to the president helps explain FEMA’s successes and failures over the last 25 years. During the largest natural disasters of his administration, President George H.W. Bush bypassed FEMA all three times, relying on trusted members of his cabinet to serve as head coordinators of the federal response rather than trusting the efforts of the agency’s dubiously qualified directors. In the 1990s, the close, trusting relationship between President Clinton and James Lee Witt has been referred to as Witt’s “greatest asset,” and certainly contributed to the successful responses to floods and earthquakes during the decade. Finally, though he had no emergency management experience, President George W. Bush selected Joe Allbaugh, his former chief-of-staff when serving as Governor of Texas, to be his close confidant at the agency. Their relationship contributed to FEMA’s well-regarded response to the September 11th attacks.

The creation of the Department of Homeland Security had a significant, negative impact on federal emergency management by limiting the FEMA director’s access to the president. The new organizational structure of the Department imposes an additional roadblock in the line of communication by requiring the FEMA director to report directly to the Secretary during incidents of national significance. The problems associated with the restructuring could have been mitigated by a director with a strong emergency background

³ 16 U.S.C. § 1.

⁴ 31 U.S.C. § 901.

and a close working relationship with the President. Unfortunately, Michael Brown was Joe Allbaugh's friend, not President Bush's; he lacked the appropriate relationship with the President to make the structure work.

The impact of the Department's poor structure was not readily apparent until Hurricane Katrina. When hurricanes struck Florida in 2004, the President relied on his close relationship with his brother, Governor Jeb Bush, to ensure a successful federal response. But when Katrina hit the Gulf Coast, it became apparent to everyone that the United States emergency management structure had failed its biggest test.

The solution is to reorganize the Department in such a way that will remove the stifling effect that the current structure imposes upon the President and his FEMA director. Some have proposed making FEMA an independent agency again to re-establish a direct line of reporting to the President. Former Director James Lee Witt notes that "FEMA, having lost its status as an independent agency, is being buried beneath a massive bureaucracy whose main and seemingly only focus is fighting terrorism while an all-hazards mission is getting lost in the shuffle." But the solution to securing our homeland is to strengthen the Department of Homeland Security – FEMA included.

FEMA's success in the 1990s is partially attributable to the open communication between the director and the president. Strengthening FEMA's position with the White House and within the Department's structure will allow it to leverage the resources of the Department in the event of a national crisis in a way that an independent agency could not. With these considerations in mind, there must be a direct line of reporting between the Director of FEMA and the President of the United States during incidents of national significance (*i.e.* emergencies that trigger the National Response Plan).⁵ This proposal retains support from some of the most respected emergency managers and executive officials. For example, during testimony before the U.S. House of Representatives Committee on Homeland Security, Florida Governor Jeb Bush stated "when a disaster is declared, the FEMA director should report directly to the President, just like Craig Fugate, Florida's Director of Emergency Management, reports directly to me."⁶ In creating a direct line of reporting during those crises, FEMA can achieve the success of the 1990s while operating within the Department of Homeland Security.

⁵ Based on criteria established in HSPD-5, an "incident of national significance" is an actual or potential high-impact event that requires a coordinated and effective response by and appropriate combination of Federal, State, local, tribal, nongovernmental, and/or private-sector entities in order to save lives and minimize damage, and provide the basis for long-term community recovery and mitigation activities. See NRP, p. 67.

⁶ *Federalism and Disaster Response: Examining the Roles and Responsibilities of Local, State, and Federal Agencies*, Testimony of Gov. Jeb Bush, 19 October 2005.

3: FEMA SHOULD BE KEPT IN DHS, BUT THE PREPAREDNESS AND RESPONSE FUNCTIONS OF FEMA MUST BE REUNITED WITHIN THAT AGENCY

Emergency managers across the world frame their efforts in terms of a “cycle.”⁷ According to FEMA, “emergency managers prepare for emergencies and disasters, respond to them when they occur, help people and institutions recover from them, mitigate their effects, reduce the risk of loss, and prevent disasters such as fires from occurring.” To create a comprehensive and effective emergency management system, the link between those phases cannot be broken – “they are all interdependent, and they are all vital.”⁸

The link between the phases is broken under FEMA’s current organization within the Department of Homeland Security. Prior to the reorganization, FEMA’s mission comprised four broad areas – preparedness, response, recovery, and hazard mitigation. Under 2SR, Secretary Chertoff identified response and recovery as the “core” operations of FEMA to be retained by the agency, and transferred the preparedness functions to a new directorate. But now, FEMA retains responsibility only for “consequence management” – administering federal response and recovery after a disaster.⁹

The unification of preparedness and response is widely supported by many in the emergency management and response community. The non-partisan Congressional Research Service recognized the possible detriment to responders from the separations: “The Department’s actions “should be reconsidered because emergency preparedness activities should be administered in proximity to the response functions to ensure that funding, technical assistance, and administrative decisions are coordinated and administered efficiently.”¹⁰ Furthermore, in testimony before the House Homeland Security Committee, Governor Jeb Bush explained that “the divisions within FEMA that handle preparation, response, recovery and mitigation comprise a complete cycle of disaster. These four components need to be managed together as one unit.”¹¹ NEMA has also expressed opposition to the separation of the Department’s preparedness and response functions.

Reuniting the agency’s preparedness functions with its response functions is absolutely essential to re-establish the emergency management cycle. Therefore, the Department of Homeland Security must reunite the preparedness and response functions of FEMA by placing FEMA in the new Preparedness Directorate and making the FEMA director the “Under Secretary of Preparedness.” The reunification of these efforts will restore the emergency cycle within the Department.

⁷ *Hurricane Katrina: the Role of the Federal Emergency Management Agency*, Testimony of Michael Brown, 27 September 2005.

⁸ Federal Emergency Management Agency, “About FEMA.” Retrieved online at <http://www.fema.gov/about/what.shtm>; “News Release: IAEM Announces Recommendations for Improved Emergency Response,” 25 October 2005.

⁹ Bea, “CRS Report for Congress: Organization and Mission of the Emergency Preparedness and Response Directorate: Issues and Options for the 109th Congress,” “Summary” page.

¹⁰ *Ibid*, p. 36

¹¹ *Federalism and Disaster Response: Examining the Roles and Responsibilities of Local, State, and Federal Agencies*, Testimony of Gov. Jeb Bush, 19 October 2005.

4: STRENGTHEN THE NATIONAL RESPONSE PLAN AND THE NATIONAL INCIDENT MANAGEMENT SYSTEM

In February 2003, President Bush issued Homeland Security Presidential Directive 5 (HSPD 5), which required the Secretary of Homeland Security to develop and administer a National Incident Management System (NIMS) and a National Response Plan (NRP). These two documents were developed to “enhance the ability of the United States to manage domestic incidents by establishing a single, comprehensive national incident management system.” The NIMS is supposed to provide a suggested framework for management of all the assets on the ground in a given emergency, while the NRP governs the allocation of federal responsibilities and support provided in an emergency.

The White House recommends the Department to establish an interagency team to conduct a comprehensive 90 day review of the NRP and NIMS. While this review is important, the White House has not indicated a willingness to provide the plan with more teeth. The NRP needs to be examined to determine whether its key elements truly form a coherent, actionable implementation plan that officials can utilize during an emergency – especially given that the plan has such a prominent role for the Department of Homeland Security in relation to other agencies. For example, many agencies during Hurricane Katrina were confused about the level of authority that Department of Homeland Security officials could exercise, especially the principal federal official (PFO) and the FEMA federal coordinating officers.

Additionally, the report recommends the Department institute a formal training program on the NIMS and NRP for all federal personnel with incident management responsibilities. The White House proposal is step in the right direction, but it does not correlate with the President’s recent budget request for fiscal year 2007. As of fiscal year 2006 there were a total of only seven people working at the NIMS Integration Center (NIC), which was established by the Secretary of Homeland Security to provide strategic direction for and oversight of the NIMS and to support maintenance and refinement of the system, and no people working at the Department to prepare agencies for operating under the NRP. The President’s proposed fiscal year 2007 budget includes \$5.3 million NRP training, but this amount is not adequate as it only supports 7 full-time employees. As a result, there will only be about 13 people working on full-time on NIMS and NRP training.

Finally, the White House recommends revising the NRP to address situations that render state and local governments incapable of an effective response. Once again, this suggestion does not correlate with the president’s budget. The President’s budget proposes cutting \$15 million from the Emergency Performance Management Performance Grants (EMPG), which are used by local governments to design systems for managing disasters, especially those that overwhelm state and local resources.

5: IMPROVE COMMUNICATIONS INTEROPERABILITY FOR FIRST RESPONDERS SERVING A DISASTER AREA.

Although the 9/11 Commission found that first responders experienced severe difficulty communicating on September 11, 2001, these problems were not resolved before Hurricane Katrina struck. Many first responders had communications systems that were not interoperable with the systems used by other officials. Many systems were not functional at all.

The White House recommends that the Department of Homeland Security review current laws, policies, plans and strategies relevant to communications. At the conclusion of this review, they recommend the development of a national emergency communications strategy that supports communications operability and interoperability.

While developing a strategy is very important, we must establish and adequately fund an office within the Department with clear responsibility for producing this solution. This goal can be accomplished by elevating to assistant secretary the head of the Office for Interoperability and Compatibility (OIC) at the Department of Homeland Security. The OIC includes Project SAFECOM, the communications program charged with assessing interoperability at all levels of government and strengthening interoperability standards and technologies. The OIC should also be moved from the Science and Technology Directorate to the Preparedness Directorate, which has more of a relationship with state and local first responders making decisions about what types of communications systems to use.

Additionally, the White House completely failed to address the need to speed the transfer of broadcast spectrum to first responders. Congress and the Administration should fulfill the recommendation of the 9/11 Commission calling for the adoption of an early date for broadcasters to release more public safety spectrum. Representatives Edward Markey (D-MA) and Jane Harman (D-CA) have already introduced two bills that would achieve this transfer at early dates.

6: REFORM THE NATIONAL DISASTER MEDICAL SYSTEM.

The National Disaster Medical System (NDMS) is a section within FEMA's Response Division and is responsible for supporting federal agencies in the management and coordination of the federal medical response to major emergencies and federally declared disasters. The Disaster Medical Assistance Teams (DMATs), a group of volunteer medical professionals trained to provide medical care during a disaster or other event, are a key component of the NDMS. Currently, there is a large disparity in the amount of support each individual DMAT gets at the local level. This disparity leaves some teams well prepared, while others have insufficient funding and staff, logistical problems in the field, poor communications systems, and incomplete equipment caches.

The White House calls for strengthening public health and medical support during an emergency by making a number of changes to NDMS. However, the President's budget fails to provide the resources to allow for real improvement at NDMS. The President only requests \$34 million for NDMS in fiscal year 2007 – thereby flat-funding the program. Additionally, this amount is a substantial cut from the amounts available in 2004, which was \$83.5 million. NDMS needs increased funding for equipment caches, training competent and qualified leaders, and logistical and administrative support.

7: INCREASE SUPPORT FOR THE EMERGENCY MANAGEMENT ASSISTANCE COMPACT.

The Emergency Management Assistance Compact (EMAC) is an agreement among member states to provide assistance after disasters overwhelm a state's capacity to manage the consequences. The compact, initiated by the states and coordinated by the National Emergency Management Association (NEMA), provides a structure for requesting emergency assistance from party states. EMAC also resolves many potential legal and reimbursement obstacles that may hinder such assistance. Congress approved EMAC as an interstate compact in 1996 (P.L. 104-321).

The White House does not make major recommendations for reforming EMAC, even though its effectiveness and speed in bringing assistance to affected areas during Hurricane Katrina has received mixed reviews. Any emergency preparedness reform needs to include an increased commitment to the EMAC system. For example, the NRP does not even mention EMAC. Additionally, EMAC has only been funded through a \$2 million, three-year grant to NEMA. As a result, there is only one person that works full-time on the EMAC program.

8: CREATE A DATABASE OF SMALL AND LOCAL BUSINESSES ABLE TO RESPOND TO A DISASTER.

In the immediate aftermath of Hurricane Katrina, the Department of Homeland Security, U.S. Army Corps of Engineers, and other agencies signed several large no-bid contracts with national corporations to provide emergency assistance, such as debris removal, reconstruction of levees and the provision of evacuee relief services. Instead of doing this work on their own, however, many of these corporations subcontracted nearly the entire workload to local businesses, and then took an easy profit for “managing” the contract.

The White House recommends federal, state, and local agencies put more contracts in place to pre-position or stockpile supplies prior to an emergency. However, the White House does not seek to put in place a system to use small and local businesses for relief operations in the area affected by a disaster, rather than large national corporations incapable of doing the work themselves. Congressman Bennie Thompson (D-MS) has introduced legislation, H.R. 4427, that would require FEMA to establish a nationwide database of small businesses that federal agencies must consult before awarding disaster assistance contracts. Such a database would increase the amount of federal expenditures funneled to the

communities affected by a disaster, thereby improving relief operations and strengthening damaged economies.

9: ENHANCE CITIZEN AND PRIVATE SECTOR PREPAREDNESS

Hurricane Katrina demonstrated that many communities and citizens lacked plans for the emergency. For example, many people did not have adequate emergency supplies to shelter in place or did not have the means to evacuate. Others did not know where to seek medical care, obtain supplies, or ask for other assistance.

The White House report recommends the Department of Homeland Security make citizen and community preparedness a national priority, while also encouraging individual preparedness and an understanding of the role and limitations of government.

Despite these recommendations, the President only chose to spend \$3.31 million in fiscal year 2006 for the *Ready, Ready Business, Ready Kids*, and *Listo* campaigns, which seek to inform citizens of steps to take to be prepared for an emergency. These programs will need substantially more funding in order to make their recommendations common knowledge in every household in America. Democrats have proposed spending at least \$50 million a year on Citizen Corps and other community and business preparedness programs, but these proposals were rejected on a mostly party-line vote.¹² Congress and the President must better support these programs to ensure communities and individuals are better prepared for an emergency.

10: FEDERAL DEPENDENCY ON THE RED CROSS FOR DISASTER RESPONSE NEEDS TO BE CLARIFIED.

The Red Cross has a unique role in disaster response operations as a Congressionally chartered organization charged with providing disaster relief and mitigation. Furthermore, the Red Cross is the only private organization designated in the NRP to assist with mass care, housing, and human services.

Unfortunately, while the Red Cross provided assistance to thousands of people after Hurricane Katrina, there were inconsistencies in some areas. For example, the Red Cross failed to work with historically African American churches and related organizations. However, the White House failed to address the need to increase oversight over the Red Cross' unique role in federal disaster relief.

FEMA should conduct a comprehensive review of its dependency on the Red Cross, and whether this relationship should be modified. For example, FEMA must determine whether the Red Cross should remain the only private mass care provider under the NRP, or whether it makes sense to partner with other charities to handle the burden when the Red

¹² Thompson Substitute to H.R. 1817, Roll Call #187, 5/18/05.

Cross is overwhelmed. Second, the Government Accountability Office should be commissioned to conduct an audit of the Red Cross' role in federal disaster relief and make recommendations as to whether the organization's responsibilities should be modified. Finally, Congress must conduct more oversight of the Red Cross' disaster relief operations.