

## Union Calendar No. 216

109TH CONGRESS }  
2d Session } HOUSE OF REPRESENTATIVES { REPORT  
109-396

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### A FAILURE OF INITIATIVE

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MARCH 16, 2006.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. TOM DAVIS, from the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina, submitted the following

### SUPPLEMENTARY REPORT AND DOCUMENT ANNEX

On March 16, 2006, the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina approved and adopted a report entitled, “A Failure of Initiative Supplementary Report and Document Annex.” The chairman was directed to transmit a copy to the Speaker of the House.

### FORMER UNDERSECRETARY MICHAEL BROWN'S COMMUNICATIONS WITH WHITE HOUSE OFFICIALS, INCLUDING THE PRESIDENT, REFLECTED A DISREGARD FOR THE PROCEDURES OF THE NATIONAL RESPONSE PLAN

#### I. INTRODUCTION

The Select Committee's efforts to obtain documents and other information from the White House are well-documented in the Select Committee's original report. While the Select Committee received more than 22,000 pages from the Executive Office of the President and the Office of the Vice President, the White House refused to produce communications among senior White House staff and would not permit witnesses to testify or be interviewed regarding communications with senior White House officials and the President.

Before the Select Committee on September 27, 2005, Former Department of Homeland Security Undersecretary for Emergency Preparedness and Response Michael D. Brown told the Select Commit-

tee he would not respond to certain questions regarding his communications with senior White House officials, including the President. Brown told the Select Committee, “I’m being advised by counsel that I can’t discuss with you my conversations with the President’s Chief of Staff and the President.”<sup>1</sup>

On February 10, 2006, however, Brown appeared before the Senate Homeland Security and Governmental Affairs Committee, declaring that, as a private citizen, he no longer felt bound by the same restrictions that applied to his previous testimony.<sup>2</sup> In that appearance, he testified about specific conversations with, among others, White House Chief of Staff Andrew Card, Deputy Chief of Staff Joseph Hagin, and the President.

Deprived previously of this information, the Select Committee served a subpoena on Brown that same day, compelling him to appear on Monday, February 13, 2006.<sup>3</sup> In lieu of his appearance on that date, the Select Committee took testimony from him in a sworn deposition on Saturday, February 11, 2006. In that testimony, he discussed his conversations with President Bush and Chief of Staff Card, among others.<sup>4</sup>

Brown’s communications with the White House generally confirm the Select Committee report’s findings. They confirm the Select Committee’s conclusions regarding the use of the National Response Plan’s (NRP) protocols and procedures and the potential for better response if the President had been involved in the details of the response at an earlier date.

But Brown’s communications with the White House also raise serious questions about when and how the White House becomes involved in disaster response under the NRP. Brown testified he regularly communicated with senior White House officials and asked for their assistance in the response. It is well-documented that the response at all levels of government was inadequate. The record establishes that Brown deliberately ignored the procedures, responsibilities, and mechanisms of the NRP and called directly on the White House for assistance instead.

## II. BROWN DELIBERATELY IGNORED THE NATIONAL RESPONSE PLAN

Brown’s communications with the White House and his sworn statements to the Select Committee and others reflect his deliberate decision to ignore the NRP. The NRP was required to be promulgated under the Homeland Security Act and was established at the direction of the President under Homeland Security Presidential Directive 5 “to align Federal coordination structures, capabilities, and resources into a unified, all-discipline, and all-hazards approach to domestic incident management.”<sup>5</sup> It was designed to

<sup>1</sup>Hearing on Hurricane Katrina: The Role of the Federal Emergency Management Agency Before House Katrina Select Comm., 109th Cong. 79 (Sept. 27, 2005) (statement of Michael Brown, former Dir., Federal Emergency Management Agency) [hereinafter Sept. 27, 2005 Select Comm. Hearing].

<sup>2</sup>Hearing on Hurricane Katrina: The Roles of U.S. Dept of Homeland Security and FEMA Leadership Before Sen. Homeland Sec. and Gov’t Affairs Comm., 109th Cong. 25–26 (Feb. 10, 2006) (statement of Michael Brown) [hereinafter Feb. 10, 2006 Sen. Homeland Sec. Hearing].

<sup>3</sup>Subpoena served on Michael Brown by House Katrina Select Comm. Staff in Wash., D.C. (Feb. 10, 2006).

<sup>4</sup>See Deposition of Michael Brown by House Katrina Select Comm. Staff in Wash., D.C. (Feb. 11, 2006) [hereinafter Brown Dep.].

<sup>5</sup>Dep’t of Homeland Sec., *National Response Plan* (Dec. 2004) at i [hereinafter *NRP*].