



Admiral Allen giving Principal
Federal Officer's views for TV
U.S. Coast Guard photo

Failures in National Response Plan: Unified Command

Failures in Design, Implementation, and Execution of the National Response Plan

The National Response Plan (NRP) aims to be a comprehensive framework for managing domestic incidents, whether terrorist attacks or natural disasters. It seeks to delineate the mechanisms for coordinating federal support to states, localities, and tribes; for interacting with nongovernmental and private-sector entities; and for directly exercising federal authority when appropriate.

The Department of Homeland Security (DHS) developed the NRP pursuant to Homeland Security Presidential Directive-5¹ and in accordance with section 502(6) of the Homeland Security Act.² DHS released the NRP on January 6, 2005.³ It was to be “fully implemented” by April 14, 2005; at that date, response plans that had remained in effect during the implementation period were superseded.⁴ Implementation of the NRP (and the associated National Incident Management System) was deemed a “national priority” in DHS’s Interim National Preparedness Goal.⁵

The NRP was set up to guide the national response to actual and potential Incidents of National Significance – “high-impact events that require a coordinated and effective response by an appropriate combination of federal, state, local, tribal, private sector, and nongovernmental entities in order to save lives, minimize damage, and provide the basis for long-term community recovery and mitigation activities.”⁶ The NRP applies to all federal agencies that may be requested to provide assistance or conduct operations during an actual or potential Incident of National Significance.⁷ The heads of 30 federal agencies and two nongovernmental organizations signed the document.⁸

Incidents of National Significance include all Presidentially declared disasters and emergencies under the Stafford Act, which establishes the most commonly used programs for disaster and emergency assistance to states, local governments and individuals.⁹ Incidents of National Significance can also include incidents not covered by the Stafford Act, such as high-profile “National Special Security Events” like national political conventions or the Super Bowl.¹⁰

Although smaller incidents warranting a Stafford Act declaration occurred in the months after the NRP was issued, Hurricane Katrina was the first major test of the NRP. The response to Katrina exposed flaws in the design and pre-storm implementation of the NRP as well as in its execution during the disaster. Some of the more prominent of these problems are discussed below.¹¹

Failures in the Design and Implementation of the NRP

Insufficient Training and Exercises

The NRP was publicly issued with fanfare in January 2005. Tom Ridge, then DHS Secretary, said, “America is better prepared today, thanks to the National Response Plan.”¹² He contrasted the NRP with other plans and reports routinely issued in Washington: “Instead of promising results in the future, it is a deliverable that we believe will bring definite results now.”¹³

The NRP, however, was not a self-executing document. It is a complex, ambitious, 400-plus-page, high-level plan that was well described in a document produced to the Committee by the Office of the Vice President as “a very detailed, acronym-heavy document that is not easily accessible to the first-time user.”¹⁴ The NRP, moreover, entails significant departures from the primary plan it replaced, the Federal Response Plan,¹⁵ including shifting leadership from FEMA to the new Department of Homeland Security; introducing a new lead coordinating figure, the Principal Federal Official (PFO), to supplement the existing Federal Coordinating Official (FCO) position; and assigning new emergency-support functions to federal agencies, including, for the first time, public-safety and security responsibilities.

Without a systematic training and implementation effort, the NRP was unlikely to be widely or readily understood, and unlikely to offer effective guidance, just four months after its implementation, for the massive federal, state, and local response necessary for Katrina.

DHS’s implementation effort appears to have been entirely inadequate. After the NRP was issued, DHS conducted a wave of training for headquarters staff of component agencies.¹⁶ Beyond that, it appears no one at DHS was charged with ensuring that the NRP would be well implemented. The National Incident Management System (NIMS) Integration Center is responsible for federal, state, and local NRP awareness training as an adjunct to its primary mission of fostering the widespread adoption of the NIMS, a nationwide approach for different jurisdictions and levels of government to work together in domestic incidents, but its staffing (fewer than 10 people) inherently limited its impact.¹⁷ The Integration Center relies largely on self-administered online training, in which sessions could last as little as 15-20 minutes.¹⁸

Only one large-scale exercise of the NRP took place before Katrina, the Top Officials 3 exercise (TOPOFF 3) in April 2005, at about the time the NRP was to take full effect and supersede other plans. TOPOFF 3, sponsored by DHS, involved responders from all levels of government. A report by the DHS Inspector General in November 2005 found that “the exercise highlighted – at all levels of government – a fundamental lack of understanding for the principles and protocols set forth in the NRP and NIMS.”¹⁹ It appears that little was done to correct this shortcoming, and that widespread unfamiliarity with the NRP persisted.²⁰

In addition, the absence of any other exercises of the NRP meant that there were no further formal opportunities to understand and flesh out the roles allocated by the plan, to clarify ambiguities, to identify potential problems, and to incorporate lessons recognized back into the NRP as lessons learned. DHS’s lack of substantial and sustained effort to familiarize officials and responders with the NRP and to exercise the NRP under simulated conditions meant, as one expert testified, that “the NRP was only a plan – it was not a functioning, practiced, operable, system.”²¹

Principal Federal Official and Federal Coordinating Officer Roles

The NRP does not clearly define the role of the PFO or distinguish it from that of the FCO. This was an obstacle to an effective, coordinated response to Katrina.

The FCO position, authorized by the Stafford Act, predates the NRP. The Stafford Act requires that the President appoint an FCO immediately upon issuing a major disaster or emergency declaration.²² The FCO is to appraise the types of relief most urgently needed, establish field offices, coordinate the administration of relief, and take other necessary action to help citizens and public officials obtain proper assistance.²³ Before the NRP, the FCO led the federal response on the ground.

The NRP created a new PFO position that is not explicitly provided for in the Stafford Act, so the PFO remains a non-statutory position. According to the NRP, the PFO is to be “personally designated” by the Secretary of Homeland Security and is to represent the Sec-

retary as “the lead federal official.”²⁴ The PFO is also, among other things, to ensure overall coordination of federal incident-management activities and of resource allocation and serve as a “primary, though not exclusive” point of contact for state and local officials, the media, and the private sector.²⁵ But the NRP also says that the PFO is not to “direct or replace” the incident-command structure, and that the PFO does not have “directive authority” over the FCO or other federal and state officials.²⁶

Tasked with leading the federal response but lacking authority to direct others, the PFO position has inherent challenges. Moreover, the division of responsibilities between the PFO and the FCO – who leads the federal response in Stafford Act situations where no PFO has been assigned²⁷ – is not clear. Both positions have coordination responsibilities, but they are not clearly distinguished.²⁸ Their relationship is also unclear: the PFO can “coordinate” but not direct the FCO, who is to “work closely with” the PFO.²⁹

Bruce Baughman, President of the National Emergency Management Association and Director of the Alabama Emergency Management Agency, testified that “basically, in Louisiana, we had two people in charge. . . . And it wasn’t real clear what the roles and responsibilities of each were.”³⁰

Comptroller General David Walker, the head of the Government Accountability Office (GAO), found that “shifting roles and responsibilities” of the PFO, FCO and the DHS Secretary (who is to provide strategic, national leadership) resulted in “disjointed efforts of many federal agencies involved in the response, a myriad of approaches and processes for requesting and providing assistance, and confusion about who should be advised of requests and what resources would be provided within specific time frames.”³¹ William Lokey, FCO for Louisiana during Katrina, and Colonel Jeff Smith, Deputy Director of the Louisiana Office of Homeland Security and Emergency Preparedness, each testified that problems arose due to the unclear chain of command.³²

Vice Admiral Thad Allen of the U.S. Coast Guard, who succeeded then-FEMA Director Michael Brown as PFO during Katrina, acknowledged the difficulties in sorting out the PFO and FCO roles: “If you need to invoke the Stafford Act for whatever reason, you’re always going to have an issue with the relationship of the PFO and the FCO together.”³³ Approximately three weeks after he was designated PFO, Allen accepted an appointment to be FCO for Katrina in each of the three Gulf Coast states as well – effectively merging the two roles.³⁴

Potentially Overlapping Agency Roles

Another NRP design flaw revealed by Katrina was the failure to delineate areas of potentially overlapping responsibility among federal agencies. The NRP includes 15 Emergency Support Functions (ESF), groupings of substantive capabilities – communications or urban search and rescue, for example – that may be needed in a disaster. Each of these ESFs has a designated primary agency, which is to lead that ESF’s mission in an incident; a list of other support agencies, which are to provide support for that mission in an incident; and a designated coordinating agency, which coordinates the efforts and planning of the primary agency or agencies and support agencies on an ongoing basis.³⁵

A striking example of the problem of overlapping responsibilities, discussed at greater length in the law-enforcement portion of this report (*see* Chapter 25), is the NRP’s assignment of both the coordinating-agency role and the primary-agency role for ESF-13, public safety and security, jointly to DHS and the Department of Justice. Nowhere does the ESF-13 Annex to the NRP spell out the respective roles of the two agencies, how they are to divide or share responsibilities or circumstances where one or the other is to have primacy.³⁶ Compounding this lack of NRP guidance were the agencies’ own failures to clarify the ambiguities prior to a major disaster. Such activities should have been completed

during the initial 60-day “transitional period” after the NRP was issued.³⁷ Predictably, this led to significant confusion, and ultimately contributed to a delayed federal law-enforcement response in the Gulf Coast.

Greater clarity in the responsibilities of Primary and Support Agencies for Emergency Support Functions (ESFs) might also have helped avoid other conflicts. For instance, the NRP assigns lead responsibility for ESF-8, public health and medical services, to the federal Department of Health and Human Services (HHS).³⁸ But one of the response mechanisms, the National Disaster Medical System (NDMS), is part of FEMA, a DHS agency that deploys NDMS’s Disaster Medical Assistance Teams as FEMA assets. In the response to Katrina, FEMA and HHS engaged in minimal coordination on pre-positioning and deploying Disaster Medical Assistance Teams.³⁹

Contingency and Catastrophic Planning

The NRP is a high-level plan, with a core set of principles meant to apply to a wide range of possible events. It was not designed to address specific scenarios or geographic areas, or to provide operational details. The NRP does contemplate that such plans may be developed, but it sets neither a process nor a timetable for doing so.⁴⁰ More detailed planning, particularly for catastrophic events, might have made possible a more effective response to Katrina.

Under the Federal Response Plan, the NRP’s predecessor, FEMA developed plans adapted to each FEMA region; each plan could then be tailored to individual states.⁴¹ The plan for FEMA Region VI, based in Denton, TX, and covering Arkansas, Louisiana, New Mexico, Oklahoma, and Texas, included a hurricane plan for Louisiana.⁴² This investigation found no indication that equivalent work has been done under the NRP, nor any indication that earlier regional plans have been updated.⁴³

It also appears that no plans have been developed under the NRP to deal with specific risk scenarios such as the 15 homeland-security planning scenarios developed by the White House Homeland Security Council in 2004, which included a hurricane situation.⁴⁴ Admiral Allen suggested using more specific “sub-plans” to flesh out how plans would actually be executed. He observed:

This [NRP] is a high-level document. I think as you’re able to establish the parameters of almost a spectrum of an all hazards type of an approach to things that you need to be more detailed planning on how you would respond to it ... a natural disaster is one thing; a natural disaster with a radiological event is an entirely different issue.⁴⁵

Detailed, more specific planning is likely to be particularly important in responding to catastrophes. Comptroller General Walker has stressed the crucial need for strong planning for catastrophic events, and recommended that the NRP and its Catastrophic Incident Annex – the portion of the NRP that provides for a proactive, national response to a catastrophe – “should be supported and supplemented by more detailed and robust operational implementation plans.”⁴⁶

Certainly the NRP, as it had been implemented and without the necessary associated planning to support it, was found inadequate to the catastrophe of Katrina. Though the NRP was intended to address a wide spectrum of events of varying size, in an actual situation where upwards of a million people were affected – tens of thousands of whom continued to face serious danger to life, health or safety after the storm itself had passed – and in which the capabilities of local responders had been decimated, the NRP’s procedures were not yet ready for use and simply fell short. As Admiral Allen noted, the NRP as written “doesn’t contemplate” an event on the massive scale of Katrina: “When it goes off the scale, you

know, you need a separate plan for how to deal with something that massive. In this case, there were some things that were unique to this event that can only be handled by an almost different approach to what you're doing."⁴⁷

The NRP's Catastrophic Incident Annex and its associated but still-to-be-released Catastrophic Incident Supplement were intended to provide this separate plan for a catastrophe, but, incomplete and largely untested, they went unused. The Catastrophic Incident Annex sets out the broad principles of a proactive response; the Catastrophic Incident Supplement was supposed to fill in significant, operational details.⁴⁸ Unfortunately, when Katrina hit, nearly nine months after the NRP had been announced, the Supplement still had not been issued.

According to David Garratt, Acting Director of FEMA's Recovery Division, who had chaired the interagency Catastrophic Incident Planning Group that was charged with developing the Catastrophic Incident Supplement, the Supplement had been 99 percent completed by late 2004,⁴⁹ roughly the same time the NRP itself was finished. Garratt explained that when it came time to get the concurrence of the relevant federal agencies to the Catastrophic Incident Supplement, all approved except the Department of Defense (DOD). DOD had concerns about a Memorandum of Agreement related to the National Disaster Medical System and, in particular, provisions related to reimbursement for certain costs of care in a public-health emergency.⁵⁰ The Memorandum of Agreement (to which DOD, FEMA, the Department of Health and Human Services, and the Department of Veterans Affairs were parties) went unresolved and unsigned until approximately September 6, 2005⁵¹ – eight days after Katrina made landfall and apparently only after the White House's Homeland Security Council got involved.⁵² The Supplement, meanwhile, has never been issued.⁵³

The delay in issuing the Catastrophic Incident Supplement – and developing the agency plans and procedures that were required to support it – deprived the federal government of a potential tool in its response to Hurricane Katrina. The heart of the Supplement is an Execution Schedule that provides an agency-by-agency (and hour-by-hour) list of the assets various federal agencies are to deploy automatically to the affected area once the Secretary of Homeland Security orders implementation.⁵⁴ Had it been issued and high-priority resources pre-identified and made ready to deploy, the Catastrophic Incident Supplement might have sped delivery of supplies and personnel to mobilization centers close to the disaster or, in certain circumstances, directly to the incident scene without a need for requests from state and local authorities, or from any other federal agency.

Even if the Supplement had been implemented, however, it is not clear that it would have been adequate to the task at hand. The Execution Schedule is essentially a method of pre-prioritizing a certain set of assets – an important and potentially very useful function, but not by itself likely to constitute a sufficient response to an event of catastrophic magnitude. Garratt, chair of the Catastrophic Incident Planning Group, characterized the Supplement as “basically just an acceleration model for resources that are already identified under the NRP.”⁵⁵ Indeed, the fact that the Catastrophic Incident Supplement, while complete, has not yet been issued, apparently reflects questions about whether it needs further modification.⁵⁶ To be truly effective, the Supplement would need to move beyond its important but narrowly focused Execution Schedule, and incorporate more robust, catastrophe-focused planning.⁵⁷

Failures in the Execution of the NRP

Declaration of an Incident of National Significance

Under the NRP, every event that provokes a Presidential declaration under the Stafford Act automatically becomes an Incident of National Significance.⁵⁸ Thus, when the President

issued an emergency declaration for portions of Louisiana on Saturday, August 27, 2005, Hurricane Katrina became an Incident of National Significance. Despite this, on the afternoon of Tuesday, August 30, Secretary Chertoff issued a memorandum “declaring” Katrina an Incident of National Significance as well as appointing Brown PFO.⁵⁹ The next day, Secretary Chertoff appeared at a press conference at which he reiterated his declaration and noted that this was the first time that such a declaration had been made.⁶⁰

The superfluous Tuesday “declaration” has caused confusion. In testimony before the House of Representatives, the Secretary said, “I did it because we were going to have a Cabinet meeting the next day and I wanted to have some kind of a documented notification of the steps I had taken. I didn’t have to do it.”⁶¹ He echoed this explanation in testimony before the Committee, again citing the pending Cabinet meeting and saying, “In truth, I didn’t need to do it. I was told I didn’t need to do it. But I just did it to formalize it.” He also stated that “my understanding of the plan and my reading of the plan then and now is that by dint of declaring the emergency, it automatically made it an Incident of National Significance.”⁶²

At minimum, the Secretary’s redundant declaration of an Incident of National Significance confused an already difficult situation and suggested a lack of familiarity with core concepts of the NRP within the Secretary’s office. Robert Stephan, Assistant Secretary for Infrastructure Protection, and the individual who led the Department’s development of the NRP, also addressed the Tuesday “declaration.” In an account similar to that provided by the Secretary’s Chief of Staff, John Wood, Stephan explained that his staff produced the initial draft of the Tuesday announcement, and that as originally written it only addressed the appointment of Brown as PFO. According to Stephan, the “declaration” of an Incident of National Significance was subsequently added to the statement by someone in the Secretary’s office. When, in the wake of press coverage raising questions about the declaration, Stephan realized that this language had been added, he contact the Secretary’s office and explained the issue.⁶³ Stephan further testified that he “got the sense” that the Secretary’s front office staff did not realize the error until he told them, and he noted that the Secretary was “not very excited” when informed that the error had occurred.⁶⁴

Appointment of Michael Brown as Principal Federal Official

Secretary Chertoff also departed from the NRP in his appointment of a PFO. In Chapter 12, this report discusses the advantages that might have been gained by appointing a PFO prior to Katrina’s landfall. Questions have also been raised about the wisdom of appointing Brown, who had little experience as an emergency manager, as PFO. But apart from these issues of judgment, Brown’s appointment as PFO violated the literal requirements of the NRP.

It is inadvisable to appoint any FEMA Director PFO. The NRP prohibits the PFO from being “dual-hatted” – that is, from occupying another position or having another set of conflicting or distracting obligations at the same time. Specifically, the NRP states that, “Once formally designated, the PFOs relinquish the conduct of all normal duties and functions. PFOs may not be ‘dual-hatted’ with any other roles or responsibilities that could detract from their overall incident management responsibilities.”⁶⁵ Notwithstanding this requirement, at the time of his appointment as PFO, Brown also served as Under Secretary for Emergency Preparedness and Response and as the Director of FEMA. Some of his duties appeared to be assumed by his Deputy, Patrick Rhode, but he took no formal steps, nor was he asked to take any, to relinquish his other responsibilities.⁶⁶

Michael Jackson, Deputy Secretary of Homeland Security,⁶⁷ and Secretary Chertoff defended Brown’s “dual-hatted” role, arguing that the PFO and FEMA responsibilities complemented each other.⁶⁸ FEMA Director and PFO responsibilities, however, are far from identical. The FEMA Director has responsibilities for managing an organization that are distinct from overseeing any individual incident, however large. Not only may administrative issues – of

personnel, budget, contracting, and the like – arise back in Washington that will either distract from the incident coordination or be neglected, but other disasters may occur as well that will demand attention from the FEMA Director. Indeed, on September 1, 2005 – three days after Katrina made landfall – an earthquake struck California.⁶⁹ Though fortunately minor, it demonstrates that potential problems that can occur where the FEMA Director is also assigned the day-to-day responsibilities as the PFO for a specific incident. The development of another potentially devastating hurricane, Hurricane Rita, a mere four weeks after Katrina further underscores the problems inherent in tying the Director to the management of a single, specific incident.

Brown also failed to satisfy the NRP requirement that individuals – except in “extenuating” circumstances – must complete a formal training program before serving as PFO,⁷⁰ as he had never participated in such training.⁷¹

Another form of “dual-hatting” occurred after Coast Guard Vice Admiral Thad Allen replaced Brown as PFO. As discussed above (and at greater length in the unified-command section), approximately three weeks after his appointment as PFO, Adm. Allen was also appointed to be the FCO for Louisiana, Mississippi, and Alabama. These dual appointments appear to be inconsistent with the NRP, which clearly envisions the PFO as separate and distinct from the FCO position. Robert Stephan confirmed that the “dual-hatting” of the PFO and FCO “was never contemplated” by the NRP.⁷²

Non-Implementation of the Catastrophic Incident Annex

In failing to implement the National Response Plan’s Catastrophic Incident Annex (NRP-CIA), Secretary Chertoff ignored a potentially powerful tool that might have alleviated difficulties in the federal response to Katrina.

As discussed above, the Catastrophic Incident Supplement, with its detailed Execution Schedule, had not been issued at the time Katrina came ashore, but the NRP-CIA, released in January 2005, provides important tools on its own for a faster and more effective response.⁷³

The NRP-CIA explicitly provides for a proactive federal response to catastrophic events.⁷⁴ The NRP defines a catastrophic event as “any natural or manmade incident, including terrorism, that results in extraordinary levels of mass casualties, damage, or disruption severely affecting the population, infrastructure, environment, economy, national morale, and/or government functions.”⁷⁵ The Secretary of Homeland Security or the Secretary’s designee may initiate implementation of the NRP-CIA.⁷⁶ The NRP-CIA was not accompanied by changes in the Stafford Act or other legislation and thus does not provide new authority to federal officials. It does, however, set a policy and tone for an urgent and proactive response that moves beyond the usual procedures in responding to an “ordinary” disaster.⁷⁷ For a “typical” disaster, the standard practice is that the federal government does not extend aid until a state requests assistance. During a catastrophe, however, NRP-CIA activation prompts the government to help without waiting for requests.

The NRP-CIA recognizes that, in a catastrophe, “Federal and/or national resources are required to augment overwhelmed state, local, and tribal response efforts” and therefore provides for the identification and rapid deployment of essential resources expected to be urgently needed to save lives and contain incidents.⁷⁸ Upon notification that the NRP-CIA has been implemented, federal agencies are to “take immediate actions to protect life, property, and critical infrastructure under their jurisdiction, and provide assistance within the affected area.”⁷⁹ In addition, the NRP provides that normal procedures for certain Emergency Support Functions (ESFs) may be “expedited or streamlined to address the magnitude of urgent requirements of the incident.”⁸⁰ And while the federal government must still notify and coordinate with states, “the coordination process should not delay or impede the rapid mobilization and deployment of critical Federal resources.”⁸¹

In short, the NRP-CIA turns what is traditionally a “pull” system, in which the federal government waits to receive requests from state and local officials, or from other federal agencies, into a “push” system, where federal authorities proactively deploy resources to mobilization centers close to the disaster or, in certain circumstances, directly to the incident scene to assist in responding to the incident.

When the President issued an emergency declaration in the days before landfall, it should have been apparent that Katrina had significant potential to cause a “catastrophe” as defined by the NRP-CIA. After landfall, it should have been immediately apparent that the catastrophe had occurred. Indeed, Secretary Chertoff would eventually describe Katrina as an “ultra catastrophe.”⁸² But the NRP-CIA was never activated. It is unknown whether DHS leaders ever considered activating the NRP-CIA, although both Secretary Chertoff’s Chief of Staff Wood, and Garratt, a FEMA employee who headed the Catastrophic Incident Planning Group, were unaware of any discussions concerning the NRP-CIA in the days before Katrina made landfall.⁸³

In the aftermath of Hurricane Katrina, DHS and other federal officials have suggested that it was not appropriate to invoke the NRP-CIA to respond to the hurricane because the NRP-CIA was intended only for “no-notice” events – for which there is no time to go through normal procedures – whereas there was notice that Katrina was heading toward the Gulf Coast.⁸⁴ The Catastrophic Incident Annex itself, however, does not contain any language that would limit it to no-notice events. The yet-to-be-issued Catastrophic Incident Supplement was somewhat more explicit, stating that it is intended to apply to “no-notice” or “short-notice” events.⁸⁵ These terms are left undefined in the Supplement. While DHS officials contend that Hurricane Katrina was not a no-notice or a short-notice event, a contrary view is just as plausible. Specifically, it could be argued that a massive hurricane hurtling towards a major American city with two or three days’ notice meets some common-sense definition of a short-notice event.

Indeed, the Catastrophic Incident Supplement’s Execution Schedule makes specific reference to hurricanes, events for which there is typically some notice, suggesting further that these documents would apply to an event such as Katrina.⁸⁶ Nonetheless, federal officials have argued that Katrina provided too much notice to qualify as a “short-notice” event.⁸⁷ The basis for this argument is respect for the states – with prior notice the normal NRP process of consultation with the states about their needs should apply. There are, of course, countervailing considerations: some known events can still be so overwhelming and urgent that the NRP-CIA may be the appropriate tool. If it were deliberate policy to exclude an event such as Katrina from the purview of the Catastrophic Incident Annex, there may be a significant flaw in the policy underlying the NRP-CIA and the Catastrophic Supplement. As Comptroller General David Walker testified, “the idea that we would be less proactive in dealing with a known natural disaster [than with a no-notice event] just defies common sense.”⁸⁸

Failures to Establish an Incident Command System Structure or Unified Command

Background: Incident Command System and Unified Command

Emergencies create confusion. Even in the case of a minor incident involving a single response agency, response personnel must quickly determine what is happening and then coordinate and control many separate activities at the scene to ensure everyone is working toward a common, productive goal. If the incident is a disaster or catastrophe, the failure to coordinate multiple agencies from different jurisdictions, each with its own internal lines of communication and authority, can seriously degrade the capabilities of the government as a whole to respond effectively. The absence of interoperable communications or an effectively trained and exercised plan will further undermine the response.

In the event that an emergency or disaster necessitates a response from more than one entity or jurisdiction, use of the Incident Command System (ICS) and establishment of a unified command will normally greatly improve chances of an effective response.

Hurricane Katrina brought about an attempt to establish a unified command among multiple agencies during a significant natural disaster. The story of that effort points to the need for agreement on goals and strategies, for understanding and training, for communication and coordination – and illustrates the practical difficulties of becoming ready and maintaining readiness with the NIMS-ICS doctrine including the concept of unified command.

The NRP, which utilizes ICS as part of the National Incident Management System (NIMS), the system that provides a nationwide approach for federal, state, and local governments and others to work together in domestic incidents, states that a unified command should be established:

when there is more than one agency with incident jurisdiction or when incidents cross political jurisdictions. Agencies work together through the designated members of the Unified Command to establish their designated Incident Commanders at a single [location] and to establish a common set of objectives and strategies and a single Incident Action Plan.⁸⁹

Unified command does not mean that a single person or agency directs others involved in a response (an arrangement known as “unity of command”) Unified command, in the words of the NIMS manual, “allows agencies with different legal, geographic, and functional authorities and responsibilities to work together effectively without affecting individual agency authority, responsibility, or accountability.”⁹⁰

The challenges faced by the City of New York’s emergency response agencies immediately after the attacks on the World Trade Center on September 11, 2001, demonstrate the need for a common incident-command system and a unified command in a major disaster. As reported by the National Commission on Terrorist Attacks Upon the United States (the “9/11 Commission”), deficiencies in the City’s unified-command structure significantly impaired the ability of the New York Fire Department, the New York Police Department, and the Port Authority to coordinate their responses.⁹¹ Exacerbating and complicating the lack of a unified-command structure were the poor communications systems and separate command posts that failed to effectively share information among the various emergency-response agencies.⁹²

To ensure that different agencies work well together in a disaster, the 9/11 Commission recommended:

Emergency response agencies nationwide should adopt the Incident Command System (ICS). When multiple agencies or multiple jurisdictions are involved, they should adopt a unified command. Both are proven frameworks for emergency response.⁹³

Even before the 9/11 Commission made this recommendation, the federal government had begun developing the NRP, as well as NIMS. The Incident Command System, the incident-management component of NIMS, embraces the concept of unified command. Homeland Security Presidential Directive/HSPD-5, issued in February 2003, directed the Secretary of the Department of Homeland Security to develop a National Response Plan, as well as a National Incident Management System “to provide a consistent nationwide approach for Federal, State, and local governments to work effectively and efficiently together to prepare for, respond to, and recover from domestic incidents, regardless of cause, size, or complexity.”⁹⁴ The Presidential directive specified that NIMS should incorporate the concepts of the Incident Command System.⁹⁵

DHS issued NIMS in March 2004. NIMS identifies the advantages of utilizing ICS and specifically of establishing a unified command:

- a single set of objectives,
- a collective approach to develop strategies to achieve incident objectives,
- improved information flow and coordination between all jurisdictions and agencies involved,
- all involved agencies have an understanding of joint priorities and restrictions,
- protection from the compromise of each participating agency’s legal authorities, and
- optimization of combined efforts through a single Incident Action Plan.⁹⁶

Unified command is achieved through a team approach to incident management. The precise nature of a unified command structure will depend on particulars of the incident, but in general, each agency with jurisdictional authority or functional responsibility will participate in a collaborative process.⁹⁷ That is, each of the responding agencies with incident jurisdiction shares in the responsibility to establish a unified command.

Homeland Security Presidential Directive-5 directed federal departments and agencies to “make adoption of the NIMS a requirement ... for providing federal preparedness assistance through grants, contracts, or other activities.”⁹⁸

The NRP, which incorporates NIMS, was to be “fully implemented” 120 days after issuance.⁹⁹ During this period, which ended April 15, 2005, states and local governments were requested to “modify [their] existing incident management and emergency operations plans ... to ensure proper alignment with NRP coordinating structures.”¹⁰⁰ DHS, however, did not require states to be in full compliance with NIMS until the fiscal year beginning October 1, 2006.¹⁰¹ Federal compliance was to have been met by October 1, 2005.¹⁰²

Gil Jamieson, Director of the NIMS Integration Center at FEMA, explained the rationale for this multi-year, phased approach for the states to adopt NIMS:

You’re asking for a cultural change in terms of the way that people do business. The National Incident Management System and ICS grew up from the fire service [due to the frequent need to coordinate firefighting of wildfires ranging across many jurisdictions]. There’s still a tendency on the part of law enforcement to view it as a fire-centered process. Health and medical folks, while they want to comply with it, are just not familiar with it. So as opposed to having a knee-jerk reaction to a very hard-hitting federal mandate, we thought it was an appropriate response to phase it in over time, do the cultural awareness, migrate; while there were negative incentives in there in terms of provision of grant assistance, where we were trying to get to was that we were moving in that direction because it was a good idea, not because it was a federal mandate.¹⁰³

At the time the NRP became effective in early 2005, it was apparent that many local, state, and federal agencies still were unfamiliar with the plan and NIMS. This lack of familiarity was observed in April 2005, during DHS’s Top Officials Exercise (TOPOFF) 3, “by any measure the most ambitious civilian terrorism response exercise ever conducted.”¹⁰⁴ Involving representatives from 27 federal departments, 30 state, 44 local, and 156 private-sector organizations, TOPOFF 3 simulated the simultaneous outbreak of pneumonic plague in Union and Middlesex Counties, New Jersey, and the dispersal of mustard gas and high-yield explosives in the city of New London, Connecticut.¹⁰⁵ TOPOFF 3 was the first national preparedness exercise that used the NRP and NIMS as the framework for the incident response and management.¹⁰⁶

In a Quick Look Report on TOPOFF 3 issued in May 2005, DHS recognized that the exercise had revealed a fundamental lack of understanding of unified command.¹⁰⁷ The Report noted that “confusion at all levels regarding identification and clarification of roles and levels of responsibilities.”¹⁰⁸ In November 2005, the DHS’s Inspector General found that while “overall, objectives were addressed and met,” the TOPOFF 3 exercise demonstrated “at all levels of government – a fundamental lack of understanding for the principles and protocols set forth in the NRP and NIMS.”¹⁰⁹ The Inspector General highlighted “confusion over the different roles and responsibilities performed by the Principal Federal Official (PFO) and the Federal Coordinating Officer (FCO),”¹¹⁰ an issue that also plagued the Katrina response.

In light of the incomplete understanding of the NRP and NIMS “at all levels of government” just prior to the 2005 hurricane season, it is not surprising that a number of the deficiencies in understanding and implementing the NRP surfaced in the wake of Katrina. It was the first time that the NRP and NIMS were used in a real-life major-disaster response.¹¹¹

Difficulties in Establishing an ICS Structure and Unified Command

Louisiana

In the days surrounding Hurricane Katrina’s assault on the Gulf Coast, FEMA’s top operatives in Louisiana struggled to establish a unified-command structure with the state and other entities. But the efforts did not succeed. Although FEMA was contending with its own staffing and training issues, the main problem was the state’s lack of emergency-management capacity. As Deputy FCO Scott Wells put it, “at some point we saw there was . . . nothing for the federal government to stick on to.”¹¹²

As envisioned under the NRP and NIMS, a unified command should include:

- the FCO who, in the absence of a PFO, serves as the lead federal official;
- the State Coordinating Officer (SCO), the lead state official; and
- representatives of a variety of other entities who have authorities or resources important to the response, including the Department of Defense (DOD) (through a Defense Coordinating Officer (DCO)) and other federal and state agencies.¹¹³

Together, the individuals in the unified command are to make collective decisions about priorities and plans in responding to the disaster. In Louisiana, FEMA’s William Lokey served as FCO, Scott Wells was his deputy, and Colonel Jeff Smith of the Louisiana Office of Homeland Security and Emergency Preparedness served as the SCO.

Lokey, Wells, and Colonel Smith worked alongside one another in the State Emergency Operations Center in Baton Rouge. Later, they moved to the Joint Field Office (JFO).¹¹⁴

But a unified command was not achieved. As Lokey frankly noted, “I can pretty much honestly say I was not in charge of all the federal operations in the field.”¹¹⁵ Complicating the situation, many requests for assistance were addressed outside the unified-command structure. For instance, Major General Bennett Landreneau, the Adjutant General and head of Louisiana’s National Guard, requested troops through the interstate Emergency Management Assistance Compact, the National Guard Bureau, and the commander of the DOD forces responding to Katrina, General Honoré. According to the DOD’s DCO for Louisiana, requests for large numbers of active-duty forces did not come to FEMA or to him, as a representative of DOD.¹¹⁶ Although Lokey did not think General Landreneau’s actions were

inappropriate,¹¹⁷ he was frustrated that, overall, many requests for assistance did not go through the unified command and thought this impaired the response to Katrina:

People down there were asking everybody for everything, so when the final analysis is done, and everybody gets all the records of who asked who when, there's a tremendous amount of duplication and there's a tremendous amount of gaps.¹¹⁸

The geographic scope and physical intensity of the devastation, and the urgent human needs that faced responders in the immediate aftermath of Katrina in Louisiana, created a level of challenge not seen before in this country. The storm's decimation of much of the incident-command structure beneath the state-level unified command also undermined effective top-level command. The ICS incorporates the expectation that most incidents will be managed at the most local level possible, but the storm and its massive flooding largely incapacitated local responders. As William Carwile, the FCO for Mississippi, explained, "In a situation, a catastrophic disaster, it is very difficult to build from the bottom up if there is no bottom."¹¹⁹

This situation was exacerbated by the destruction of vast swaths of communication infrastructure in New Orleans and the surrounding parishes, substantially undermining the ability of those in the EOC in Baton Rouge to communicate with responders in the hardest-hit parts of the state.¹²⁰ The lack of communication limited the unified command's ability to form an accurate picture of what has happened in the affected areas, to receive and act on requests for assistance, and to fully understand what some of the goals and objectives for response should be.

The result was that essential features of a unified command were not achieved. The DHS Inspector General found that the FCO and SCO in Louisiana did not establish joint priorities and objectives for the response – a requirement of NIMS and effective unified command – until September 11 and did not develop the first joint incident-action plan until September 14.¹²¹ Katrina had made landfall on August 29.

A catastrophe, of course, is exactly when the need for unified command and an effective incident-command structure is most acute. The failure in Louisiana reflects not only the overwhelming difficulties of the moment, but longer-term problems such as insufficient training; widespread lack of understanding of the NRP, NIMS-ICS and unified command; and an overall lack of preparation. Katrina, like the TOPOFF 3 national preparedness exercise just a few months earlier, exposed – at all levels of government – differing levels of knowledge, training, and ability to implement the principles of the ICS and unified command. During the response to Katrina, these abstract weaknesses became very real liabilities.

Perhaps the most significant reason for the failure to establish unified command in Louisiana is the lack of NIMS and NRP training. While FEMA as an institution must do a better job of training its emergency managers,¹²² the top FEMA officials in Louisiana – including Lokey and Wells – appear to have been well-versed in the doctrine needed to establish unified command. The real problem was that Louisiana's emergency managers were unfamiliar with the NRP and NIMS. Indeed, the state brought in consultants a few days *after* Katrina made landfall to give basic ICS courses to EOC participants and to members of the Louisiana National Guard.¹²³ Both Lokey and Wells expressed frustration with the Louisiana's lack of training and the problems this caused. As Wells put it:

Two days after the storm hit [Louisiana emergency-management staff] had a consultant come in and show them ICS, explain ICS. In the middle of a catastrophic disaster. This is how ICS works. There was no unified command under the National Response Plan. They didn't understand it. They had no idea. ... My point is we have an architecture, we have [the] National Response

Plan. The states agreed to use NIMS. They agreed to ICS. What does it tell you when two days into a catastrophic disaster a state gets somebody in to explain ICS to them?¹²⁴

Louisiana also lacked both adequate staff to support the needed ICS structure and appropriate resources to support the unified command. “Louisiana Office of Homeland Security and Preparedness is a small organization, 44, 47 people,” Tony Robinson, FEMA’s Deputy FCO for Special Projects, explained. “So I think this event challenged them to build an ICS organization to respond and to field geographic teams or liaisons. ... It stretched their staff extremely thin.”¹²⁵

Staffing was a problem for FEMA as well, though it is not clear to what extent the staffing shortfalls impacted the ability to establish unified command. The National Emergency Response Team (ERT-N) was to form the nucleus of support for the FCO in Baton Rouge. Yet, according to Lokey, prior to landfall, only about half of the 25 members of the ERT-N team had arrived.¹²⁶ An internal after-action review by FEMA after Katrina estimated that the ERT team had only 25 percent of the needed staff.¹²⁷ FEMA’s Chief of Planning, who was responsible for producing each day’s Incident Action Plan (IAP) – a fundamental requirement of NIMS-ICS and integral to an effective unified command – did not arrive at the Baton Rouge EOC until after landfall.¹²⁸

Inadequate physical space also presented obstacles. According to Lokey, lack of meeting space at the Louisiana EOC hindered the ability of state and federal officials to work together. “We had much better communication and coordination among everybody when we could [get everybody around the table], because the State EOC was very crowded and we had a lot of our staff meetings in the hallways.”¹²⁹ Although a JFO is normally set up within three days, the JFO established by FEMA in Louisiana was not operational until 12 days after landfall.¹³⁰ Brown had reserved “Red October,” the large FEMA tractor-trailer with meeting space and communications equipment, for his work, so Lokey and his team were rarely able to use it for their meetings with state officials.¹³¹

The combined effect of these problems was that unified command and an incident-command structure were not established in Louisiana until, at the earliest, weeks after the disaster.¹³² This failure had unfortunate consequences. As put succinctly by Wells, “if we can’t do ICS, we cannot manage disasters.”¹³³

Mississippi

Federal and state officials in Mississippi, spared the continuing dangers that afflicted southeastern Louisiana even after Katrina had passed, were able to successfully implement a unified-command system more quickly, though they confronted some of the same challenges.

Carwile was asked if he had found enough qualified people to staff his command. “Absolutely not,” he said.¹³⁴ Like Lokey, his counterpart in Louisiana, Carwile attributed these deficiencies to the failure of DHS to approve funding requests for training and exercises. Beginning in 2004, according to Carwile, there was “no more money to plan; no more money to exercise; no more money for equipment; that money went away.”¹³⁵ “You know, I honestly felt bad,” Carwile told the Committee, “because the [emergency response] teams were reported as ready, and I didn’t feel that they really were.”¹³⁶

Robert Latham, Executive Director of the Mississippi Emergency Management Agency, was particularly critical of federal agencies’ weak knowledge of the NIMS and the ICS:

I don’t think most people understood it at all. I don’t think anybody read the National Response Plan. ... It’s just too many agencies. They didn’t understand

unified command. I mean, you almost had to learn it on the job. They didn't understand NIMS. I almost hate to bring this up ... but I don't think people understood what a PFO was, what an FCO was, what the authority of an FCO was.¹³⁷

Nevertheless, Carwile and Latham both believed that after a period of "chaos" that lasted two to three days after landfall, they were able to establish in Mississippi a successful ICS structure and a broadened unified command that included the State's Adjutant General and its Commissioner of Public Safety.¹³⁸ Carwile and Latham attributed this success, in part, to the extensive prior training on the Incident Command System received by state and local responders in Mississippi.¹³⁹ Carwile also had people on his team who had taught ICS; one member of his team had written an ICS handbook.¹⁴⁰

Carwile also credited his pre-landfall relationship with Latham and Latham's deputy.¹⁴¹ Latham described himself and Carwile as "joined at the hip from Saturday ... I mean, neither one of us did anything or made a decision that the other one didn't know about."¹⁴² Before Katrina's landfall in Mississippi, Carwile had also strengthened his coordination with the state by assigning a FEMA employee to be with state and local officials at each of three local EOC sites in areas expected to be hardest hit.¹⁴³

The joint planning pre-landfall served federal and state managers well in the chaos that followed the storm. As in Louisiana, storm damage hindered maintenance of an ICS structure for several days. For 48 to 72 hours after the disaster, the primary response agencies for Mississippi, MEMA, the National Guard, and the Department of Public Safety, were engaged in their own areas of response. Since the different agencies had representatives at MEMA's Mobile Command Center, officials at MEMA had some idea of what the different agencies were doing, but poor communications prevented them from achieving a fully functioning ICS structure and a broadened unified command that included each of these agencies for the first few days after landfall.¹⁴⁴

Latham described the difficulty of establishing an ICS structure in the immediate aftermath of any major disaster:

I think that it's important to understand that in any disaster there is a period of chaos. And I don't care how good your plan is. ... And what you hope is that at some period of time, as quick as possible, that you can shorten the period of chaos and the plan kicks in.¹⁴⁵

Despite his overall conclusion that Mississippi was able to operate an effective ICS structure and unified command, Latham said that "it wasn't easy."¹⁴⁶ He echoed Carwile's observation that keeping the other participating federal agencies within the unified command was "like herding cats."¹⁴⁷

Moreover, Admiral Allen's appointment as PFO, after which he began to exercise operational command, highlighted the NRP's ambiguity about the respective roles of the PFO and FCO, which had been evident during the TOPOFF 3 exercise. Admiral Allen, Lokey, Colonel Smith, and various other observers have commented that the appointment of a PFO in effect meant that there were "two people in charge" in each state.¹⁴⁸

To resolve this ambiguity, approximately three weeks after he was designated PFO, Admiral Allen was concurrently appointed FCO for each of the three Gulf Coast states as well – effectively merging the PFO and FCO positions. Admiral Allen's concurrent appointment resulted in the simultaneous revocation of the appointments of the existing FCOs in Louisiana, Mississippi, and Alabama; they became Deputy FCOs. From the perspective of Carwile, the FCO in Mississippi prior to the concurrent appointment, the appointment of a single PFO-

FCO created other problems, including the impairment of the unified command where it already had been solidly established. Carwile found it “extraordinarily unusual” to designate a single FCO for three states, “knowing that at least in my view that a Federal Coordinating Officer had to be a full participant in the unified command.” Although, according to Carwile, an FCO “belongs in a state working closely as part of that unified command,” prior to his appointment Admiral Allen had devoted “none of his attention on Mississippi.”¹⁴⁹

Conclusion

Establishing a unified command and incident-command structure can be tremendously important in coordinating a large incident that involves officials and responders from many different jurisdictions and different levels of government.

The situation on the Gulf Coast presented many challenges to establishing a broad, unified command and effective incident-management structure, particularly in the early days after the storm including: the size and chaos of the situation itself; the severely impaired ability to communicate across agencies or with front-line first responders; and the disruption to the potential supporting incident-command structure when many responders became victims. The Gulf Coast experience demonstrated that, despite the many challenges of the incident, additional experience with and training on NIMS-ICS, an adequate number of sufficiently trained support personnel, and the discipline in adhering to the doctrine of the incident command system made a difference in the success of the efforts to establish a unified command and incident-command structure in the response where these circumstances existed.

1 The White House, Homeland Security Presidential Directive-5: Management of Domestic Incidents, Feb. 28, 2003, Section 16. <http://www.whitehouse.gov/news/releases/2003/02/20030228-9.html>. Accessed on Apr. 7, 2006.

2 6 U.S.C. § 312(6).

3 Tom Ridge, former Secretary, U.S. Department of Homeland Security, “Remarks by Secretary of Homeland Security Tom Ridge at a Press Conference Announcing the National Response Plan,” Jan. 6, 2005. <http://www.dhs.gov/dhspublic/display?content=4301>. Accessed on Feb. 28, 2006. As discussed in greater detail below, DHS also developed the National Incident Management System (NIMS) as the incident management system to be used for incidents under the NRP. NIMS was released by DHS in Mar. 2004. U.S. Department of Homeland Security, “Department of Homeland Security Secretary Tom Ridge Approves National Incident Management System (NIMS),” press release, Mar. 1, 2004.

4 U.S. Department of Homeland Security, *National Response Plan*. Washington: Government Printing Office, Dec. 2004, p. ix (Letter of Instruction) [hereinafter *NRP*]. Although the NRP was released publicly on Jan. 6, 2005, it is dated, and was completed in, December 2004. The 120-day implementation period provided for in the NRP was calculated based on the December date and officially ended on Apr. 14, 2005.

5 U.S. Department of Homeland Security, *Interim National Preparedness Goal*, Mar. 31, 2005, p. 10. http://www.ojp.usdoj.gov/odp/docs/InterimNationalPreparednessGoal_03-31-05_1.pdf. Accessed on Apr. 6, 2006. The Interim Preparedness Goal was prepared pursuant to Homeland Security Presidential Directive-8 and is intended to establish the “national vision and priorities” that are to guide preparedness efforts.

6 *NRP*, p. 3. The NRP bases its definition of an Incident of National Significance on the four criteria set forth in HSPD-5 to describe the situations when the Secretary of Homeland Security is to coordinate the Federal Government’s resources in response to or recovery from terrorists attacks, major disaster or other emergencies:

1. A Federal department or agency acting under its own authority has requested the assistance of the Secretary of Homeland Security.
2. The resources of State and local authorities are overwhelmed and Federal assistance has been requested by the appropriate State and local authorities. Examples include:
 - Major disasters or emergencies as defined under the Stafford Act; and
 - Catastrophic incidents (as defined elsewhere in the NRP).
3. More than one Federal department or agency has become substantially involved in responding to an incident. Examples include:
 - Credible threats, indications or warnings of imminent terrorist attack, or acts of terrorism

directed domestically against the people, property, environment, or political or legal institutions of the United States or its territories or possessions; and

- Threats or incidents related to high-profile, large-scale events that present high-probability targets such as National Special Security Events (NSSEs) and other special events as determined by the Secretary of Homeland Security, in coordination with other Federal departments and agencies.

4. The Secretary of Homeland Security has been directed to assume responsibility for managing a domestic incident by the President. *NRP*, p. 4.

7 *NRP*, p. 3.

8 *NRP*, pp. v-viii.

9 *NRP*, p. 7. Note that “emergencies” under the Stafford Act include “any occasion or instance” for which federal assistance is needed, whether man-made or the result of natural disaster. *Source*: 42 U.S.C. § 5122 (1). In contrast, “major disasters” under the Stafford Act include “any natural catastrophe . . . or, regardless of cause, any fire, flood, or explosion,” suggesting that events other than natural disasters, including terrorist events, are covered only insofar as they result in fire, flood or explosion. *Source*: 42 U.S.C. § 5122(2). DHS’s Inspector General has raised concerns that the definition of “major disaster” does not cover all WMD events. *See*: Department of Homeland Security, Office of Inspector General, “A Review of the Top Officials 3 Exercise,” Nov. 2005, p. 30. http://www.dhs.gov/interweb/assetlibrary/OIG_06-07_Nov05.pdf. Accessed on Feb. 28, 2006 [hereinafter “TOPOFF 3,” Nov. 2005].

10 *NRP*, p. 4.

11 The discussion in this section is not intended to constitute a comprehensive assessment of the development and functioning of the National Response Plan. The Committee, for example, has not looked at the initial development process of the NRP, which reportedly encountered some difficulties, nor has the Committee conducted a systematic assessment of the ways in which the NRP interacts with state-to-state assistance mechanisms such as the Emergency Management Assistance Compact (EMAC). Rather, this section is intended to touch on some of the more conspicuous problems that came to light in the preparations for and response to Katrina.

12 U.S. Department of Homeland Security, “Remarks by Secretary of Homeland Security Tom Ridge at a Press Conference Announcing the National Response Plan,” Jan. 6, 2005. <http://www.dhs.gov/dhspublic/display?content=4301>. Accessed on Feb. 28, 2006.

13 U.S. Department of Homeland Security, “Remarks by Secretary of Homeland Security Tom Ridge at a Press Conference Announcing the National Response Plan,” Jan. 6, 2005. <http://www.dhs.gov/dhspublic/display?content=4301>. Accessed on Feb. 28, 2006.

14 Office of the Vice President, “National Response Plan and Response Structure.” Provided to Committee; filed as Bates nos. OVP 003422 through 003424.

15 FEMA, *Federal Response Plan*, Apr. 1999.

16 Committee staff interview of Robert Stephan, Assistant Secretary of Homeland Security for Infrastructure Protection, Preparedness Directorate, U.S. Department of Homeland Security, conducted on Jan. 13, 2006, transcript pp. 126-128. Stephan, who led the development of the NRP at DHS, stated that other agencies that were signatories to the NRP were also required, in the NRP’s 120-day implementation period to conduct appropriate training and awareness courses for the NRP. Stephan interview, Jan. 13, 2006, pp. 126-127. The Committee has not investigated to what extent other federal agencies carried out such NRP training.

17 Committee staff interview of Gil Jamieson, Acting Director, National Incident Management System Integration Center, Federal Emergency Management Agency (FEMA), conducted on Dec. 20, 2005, transcript p. 29. Mr. Jamieson indicated that the NIC was authorized for 10 employees but that only seven slots were filled.

18 Jamieson interview, Dec. 20, 2005, pp. 37-39. Jamieson recognized that such training was not sufficient and that additional training tailored to specific jobs, as well as exercises and actual field assignments, were important as well. In explaining why more had not been done, Jamieson indicated that they were at the beginning of a gradual process and that FEMA needed additional resources. Jamieson interview, Dec. 20, 2005, pp. 8-10.

19 “TOPOFF 3,” Nov. 2005, p. 2.

20 Various officials acknowledged to us their lack of familiarity with the NRP. For example, ICE official Michael Vanacore who was sent down to the Gulf Coast to address DHS’s public safety and security responsibilities under ESF-13, stated: “I . . . had a fleeting familiarity with it. To be honest, wasn’t something that was high on my radar screen with my particular responsibilities.” *Source*: Committee staff interview of Michael Vanacore, Director, Office of International Affairs, Immigration and Customs Enforcement, U.S. Department of Homeland Security, conducted on Jan. 27, 2006, transcript p. 8. During his first three days in Baton Rouge, “a lot of it seemed to be in a foreign language there because that whole National Response Plan had a language all its own, which I had never heard up until that point.” *Source*: Vanacore interview, Jan. 27, 2006, p. 35. Brig. Gen. Graham, Deputy Commanding General for Army North, Fifth U.S. Army who worked for General Honoré in Joint Task Force Katrina testified that he read the NRP on his way to Louisiana. Committee staff interview of Brig. Gen. Mark Graham, Deputy Commanding General, Fifth U.S. Army, conducted on Jan. 12, 2006, transcript p. 26.

21 Written Statement of Herman B. Leonard, Professor, John F. Kennedy School of Government and Harvard Business School, Harvard University, and Arnold M. Howitt, Professor, John F. Kennedy School of Government, Harvard University, for the U.S. Senate, Committee on Homeland Security and Governmental Affairs, hearing on *Hurricane Katrina*:

Recommendations for Reform, Mar. 8, 2006, p. 3.

22 42 U.S.C. § 5143. Pursuant to Executive Order 12148 (July 20 1979 – Sec. 4-203), as amended by Executive Orders 13286 (68 Fed. Reg. 10619, Feb. 28, 2003), Sec. 52 and 12673 (54 Fed. Reg. 12573, Mar. 29, 1989 – Sec. 1) the responsibility to appoint an FCO is delegated to the Secretary of Homeland Security, though traditionally the President has continued to make the initial appointment that accompanies a disaster or emergency declaration, based upon the recommendation of FEMA.

23 42 U.S.C. § 5143.

24 *NRP*, p. 33. Depending on the magnitude of the disaster, a PFO need not always be designated for an incident covered by the Stafford Act; if no PFO is designated, then, according to the *NRP*, the FCO is to serve as the federal lead. *NRP*, pp. 29, 34.

25 *NRP*, pp. 33-34.

26 *NRP*, p. 33.

27 *NRP*, p. 34.

28 According to the *NRP*, the FCO is to “coordinate Federal resource support activities,” while the PFO is to ensure “overall coordination of Federal domestic incident management and resource allocation activities.” *NRP*, pp. 33-34.

29 *NRP*, p. 34. Not surprisingly, the DHS Office of Inspector General found, in its review of the Department’s Apr. 2005 TOPOFF-3 exercise that there was confusion over the different roles and responsibilities of the PFO and FCO; the IG suggested that developing a better understanding of these roles would enhance implementation of the *NRP*. “TOPOFF 3,” Nov. 2005, p. 13.

30 Testimony of Bruce Baughman, President, National Emergency Management Association and Director, Alabama State Emergency Management Agency, before the U.S. Senate, Committee on Homeland Security and Governmental Affairs, hearing on *Hurricane Katrina: Recommendations for Reform*, Mar. 8, 2006.

31 Written Statement of David M. Walker, Comptroller General of the United States, for the U.S. Senate, Committee on Homeland Security and Governmental Affairs, hearing on *Hurricane Katrina: Recommendations for Reform*, Mar. 8, 2006, p. 11.

32 Committee staff interview of William Lokey, Federal Coordinating Officer for Hurricane Katrina in Louisiana, FEMA, conducted on Jan. 20, 2006, transcript pp. 191-192. *See also*: Written Statement of Col. Jeff Smith, Deputy Director, Louisiana Office of Homeland Security and Emergency Preparedness (LOHSEP), before the U.S. House, Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina, hearing on *Hurricane Katrina: Preparedness and Response by the State of Louisiana*, Dec. 14, 2005, p. 16 (“One of the complaints in the testimony before the House that Jeff Smith had was he had three chains of command to deal with. He had the PFOs, he had mine, and he had headquarters. Well, I’m working as much as I can with the whole, now that PFO is operational, which it wasn’t supposed to be. You know, the ERT-N ought to be working for that person, not having them create a separate thing. They were doing their own plans and all that kind of stuff like that and made it very confusing.”).

33 Committee staff interview of Vice Adm. Thad Allen, U.S. Coast Guard, Chief of Staff, conducted on Feb. 3, 2006, transcript p. 76.

34 70 Fed. Reg. 56929 (Sept. 29, 2005) (Louisiana); 70 Fed. Reg. 57308 (Sept. 30, 2005) (Alabama); 70 Fed. Reg. 57309 (Sept. 30, 2005) (Mississippi).

35 *NRP*, pp. ESF–iii through ESF–iv.

36 *NRP*, p. ESF–13.

37 *NRP*, pp. ix-x.

38 *NRP*, p. ESF–8.

39 *See*: Chapter 24: Medical Assistance for more information.

40 *NRP*, pp. 60-62.

41 Committee staff interview of David Garratt, Acting Director of Recovery, FEMA, conducted on Jan. 9, 2006, transcript pp. 170-171.

42 FEMA, *Hurricane Plan for Louisiana: An Attachment to the Regional Supplement to the Federal Response Plan*, May 2002. Provided to Committee; filed as Bates nos. DHS-FEMA-0058-0001773 through 0001785.

43 The *NRP* does appear to contemplate that certain regional plans may be developed. *Source*: *NRP*, p. 61. David Garratt, a 10-year veteran of FEMA who chaired the interagency Catastrophic Incident Planning Group, said he couldn’t say whether he had seen a regional supplement for the *NRP*, but stated that he “would be shocked if there were not regional supplements to the *NRP*.” *Source*: Garratt interview, Jan. 9, 2006, p. 174.

44 Homeland Security Council and U.S. Department of Homeland Security, *National Planning Scenarios*, Version 20.2 Draft, Apr. 2005. Provided to Committee; Homeland Security Council and U.S. Department of Homeland Security, *National Planning Scenarios*, “Scenario 10: Natural Disaster – Major Hurricane,” Version 20.2 Draft, Apr. 2005. Provided to Committee; filed as Bates nos. WHK 17500 through 17511; *See also*: U.S. Library of Congress, Congressional Research Service, *The National Preparedness System: Issues in the 109th Congress*, by Keith Bea, Mar. 10, 2005, pp. 8-10.

45 Vice Adm. Allen interview, Feb. 3, 2006, p. 122. Elsewhere in the interview Adm. Allen gives an example of a “natural disaster with a radiological event” as a disaster that somehow impacted a nuclear power plant. *Source*: Vice Adm. Allen

interview, Feb. 3, 2006, pp. 89-90 (“I think there are a spectrum of hazards that we have to deal with, and I think we need better clarity and maybe some more detail about the types of incidents PFOs are likely to encounter, and we need to plan against those particular threats rather than just having the three generics, you know, the NSSE, the natural disaster, and the terrorist attack.”). Adm. James Loy, former Deputy Secretary of Homeland Security, suggested a similar approach in a non-transcribed interview with Committee Staff, proposing that more specific plans should be developed around particular scenarios. *Source*: Committee staff interview of Adm. James Loy, former Deputy Secretary, U.S. Department of Homeland Security, conducted on Nov. 16, 2005 (untranscribed).

46 Written Statement of Walker, Senate Committee hearing, Mar. 8, 2006, p. 13.

47 Vice Adm. Allen interview, Feb. 3, 2006, p. 106.

48 U.S. Department of Homeland Security, *National Response Plan, Catastrophic Incident Annex*. Washington: Government Printing Office, Dec. 2004, p. CAT-1 [hereinafter *NRP-CIA*].

49 Garratt interview, Jan. 9, 2006, pp. 9-12. In the interview, Garratt initially stated that the final draft of the Catastrophic Incident Supplement was completed in September 2004, but subsequently modified that estimate to “sometime approaching the end of 2004.”

50 Garratt interview, Jan. 9, 2006, pp. 12-13; *See also*: Jamieson interview, Dec. 20, 2005, pp. 24-25; U.S. Department of Homeland Security, *National Response Plan, Catastrophic Incident Supplement*, “National Disaster Medical System, Memorandum of Agreement Among the Departments of Homeland Security, Health and Human Services, Veterans Affairs, and Defense,” Draft for Official Use Only, Sept. 2005, p. 2. Both Mr. Garratt and Mr. Jamieson described the dispute as involving payment for definitive medical care, defined in the Memorandum of Agreement as “medical treatment or services beyond emergency care, initiated upon inpatient admission to an NDMS treatment facility and provided for injuries or illnesses resulting directly from a specified public health emergency, or for injuries, illnesses and conditions requiring non-deferrable medical treatment or services to maintain health when such medical treatment and services are temporarily not available as a result of the public health emergency.”

51 Jamieson interview, Dec. 20, 2005, p. 25. The signature pages to the Memorandum of Agreement reflect fax dates of Sept. 5 and 6, 2005. The version of the Catastrophic Incident Supplement produced to the Committee and attaching the Catastrophic Incident Supplement is dated Sept. 2005.

52 Rajeev Vankayya, e-mail to Tom Sizemore and Brian Kamoie, Sept. 2, 2005, 7:36 p.m. Provided to Committee; filed as Bates no. OPHEP 24179. This e-mail between the Senior Director for Biodefense at the Homeland Security Council and HHS officials said in part “Could you give me a call to discuss the MOU [Memorandum of Understanding]? We discussed in the DC this morning and there was agreement that it should be signed immediately.” An e-mail from Mr. Kamoie to Mr. Sizemore and Robert Claypool of HHS sent approximately one hour later forwarded Dr. Vankayya’s e-mail message and said, in part, “I assume from this the Deputies want this document signed immediately. We did not get to work through the issues Monday. You will recall our concerns as discussed last Friday. Bob, I suggest you raise this with Stewart and get guidance on whether in the middle of all of this he wants us to go to the mat and work through the document or wait until response activities allow a meeting.” *Source*: Brian Kamoie, e-mail to Tom Sizemore and Robert Claypool, Sept. 2, 2005, 8:31 p.m. Provided to Committee; filed as Bates no. OPHEP 24179. The “DC” and “Deputies” referred to in the e-mail messages are presumably references to the Homeland Security Council’s Deputies Committee, the “senior sub-cabinet interagency forum for consideration of policy issues affecting homeland security” and made up of the Deputy Secretaries of Treasury, Defense, Health and Human Services, Transportation, Homeland Security; the Deputy Attorney General; the Deputy Directors of Central Intelligence, FBI, FEMA, and OMB; and the Chief of Staff to the Vice President, as its regular members. *Source*: The White House, Homeland Security Presidential Directive-1: Organization and Operation of the Homeland Security Council, Oct. 29, 2001. <http://www.whitehouse.gov/news/releases/2001/10/200111030-1.html>. Accessed on Apr. 7, 2006.

53 Even once issued, the Catastrophic Incident Supplement was not designed to take effect immediately. Instead, it was to be phased in over a number of months, to allow agencies to make the preparations necessary to be able to comply with the provisions of the Supplement. Garratt interview, Jan. 9, 2006, pp. 37-38; U.S. Department of Homeland Security, *National Response Plan, Catastrophic Incident Supplement*, Draft for Official Use Only, Sept. 2005, p. 2. Provided to Committee; filed as Bates no. DHS-FEMA-0109-0000003 (providing for a 120-day “process institutionalization period”) [hereinafter *Catastrophic Incident Supplement*].

54 *Catastrophic Incident Supplement*, Annex 1. The Execution Schedule varies depending on the nature of the catastrophic incident – *i.e.*, whether it is a natural disaster, biological incident, explosion, etc.

55 Garratt interview, Jan. 9, 2006, p. 44.

56 Jamieson interview, Dec. 20, 2005, p. 60. Asked what had happened since to the Catastrophic Incident Supplement since the Memorandum of Understanding had been signed on Sept. 6, 2005, Mr. Jamieson stated “I think the whole issue has been put on hold in terms of the revision of the NRP and whether or not what we’re doing is still relevant in the context of the post-Katrina environment.” *See also*: U.S. Assistant to the President for Homeland Security and Counterterrorism, *The Federal Response to Hurricane Katrina: Lessons Learned*. Washington: Government Printing Office, Feb. 2006, p. 163 (“our experience in Katrina suggests [the Catastrophic Incident Supplement] must now be reconsidered to make it more robust in ensuring the Federal assistance arrives as soon as possible.”) [hereinafter *The White House, Hurricane Katrina Lessons Learned*].

57 One possible starting point for such planning may be the 15 National Planning Scenarios which have already been developed under the auspices of the Homeland Security Council. The Scenarios represent a diverse array of plausible, high-consequence all-hazards events, ranging from a biological attack to a major hurricane; they are currently used as a preparedness

tool to help identify necessary capabilities for first responders. One measure of an effective catastrophic plan is that it should be capable of addressing these or similar scenarios. See: Homeland Security Council and U.S. Department of Homeland Security, *National Planning Scenarios*, Version 20.2 Draft, Apr. 2005; U.S. Library of Congress, Congressional Research Service, *The National Preparedness System: Issues in the 109th Congress*, by Keith Bea, Mar. 10, 2005, pp. 8-10.

58 *NRP*, p. 7.

59 Sec. Chertoff, memorandum to various DHS officials, "Designation of Principal Federal Official for Hurricane Katrina," Aug. 30, 2005. Provided to Committee; filed as Bates nos. DHS-FRNT-0010-0000768 through 0000769 ("In accordance with the guidance provided in the National Response Plan (NRP), I hereby declare Hurricane Katrina an Incident of National Significance.").

60 Sec. Chertoff, "Press Conference with Officials from Homeland Security, the Environmental Protection Agency, and the Departments of Health and Human Services, Energy, Transportation, and Defense," Aug. 31, 2005. <http://www.dhs.gov/dhspublic/display?content=4773>. Accessed on Mar. 15, 2006 ("The Department of Homeland Security has declared this an Incident of National Significance, the first ever use of this designation under the new National Response Plan.").

61 Testimony of Sec. Michael Chertoff, U.S. Department of Homeland Security, before the U.S. House, Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina, hearing on *Hurricane Katrina: The Role of the Department of Homeland Security*, Oct. 19, 2005.

62 Testimony of Sec. Michael Chertoff, U.S. Department of Homeland Security, before the U.S. Senate, Committee on Homeland Security and Governmental Affairs, hearing on *Hurricane Katrina: The Homeland Security Department's Preparation and Response*, Feb. 15, 2006.

63 Stephan interview, Jan. 13, 2006, pp. 88-92. Mr. Wood identified Scott Weber, Counselor to the Secretary, as the individual who he believed had inserted the language about an Incident of National Significance into the statement. According to Mr. Wood, Mr. Weber was the individual responsible for FEMA matters in the Secretary's Office. Committee staff interview of John Wood, Chief of Staff, U.S. Department of Homeland Security, conducted on Jan. 27, 2006, transcript pp. 34-38.

64 Stephan interview, Jan. 13, 2006, pp. 92-93.

65 *NRP*, p. 33.

66 Testimony of Patrick Rhode, former Acting Deputy Director and Chief of Staff, FEMA, before the U.S. Senate, Committee on Homeland Security and Governmental Affairs, hearing on *Hurricane Katrina: The Roles of DHS and FEMA Leadership*, Feb. 10, 2006. Rhode stated: "I'm not certain as I sit here that I was made aware that Mr. Brown's title as Director had been removed, even temporarily. I honestly can't say that I remember hearing that. . . . I'm not aware during the time of the early days of Katrina, as Brown was initially named Principal Federal Officer, I'm not aware of any additional impacts to me or how I was conducting myself in the office." Asked if he gave up his role as FEMA Director when appointed PFO, Brown replied "Great question. I don't know. I tried not to, and I tried to keep the FCOs - I tried to keep them in the traditional mode of operations; you guys keep doing what you need to do, and when you have policy issues or questions, feed those to me, and I will just deal with those, and the same with the NRCC. Everybody just keep operating as you think we normally should, and I'll just try to deal with this PFO designation on my own." He also stated that no one asked him to relinquish his role as Director of FEMA. *Source*: Committee staff interview of Michael Brown, former Director, FEMA, conducted on Jan. 23, 2006, transcript p. 75. When asked whether Michael Brown's designation as PFO was consistent with his remaining director of FEMA, Robert Stephan, who led DHS's development of the NRP, stated "Well you could remain director of FEMA, but you would have had to have passed of the duties associated with being the director of FEMA to whoever his deputy was, so that Michael Brown could have focused exclusively on the duties as principal federal official." *Source*: Stephan interview, Jan. 13, 2006, p. 123.

67 Committee staff interview of Michael Jackson, Deputy Secretary, U.S. Department of Homeland Security, conducted on Jan. 27, 2006, transcript pp. 49-50. When asked about the NRP and whether Brown was not supposed to continue on as Director of FEMA after being named PFO, Jackson stated: "There is this unique relationship . . . between the FEMA Director managing an event like this and a PFO managing an event like this in which their existing organizational and legal responsibilities are aligned very directly and where there is really, it seems to me, not the inherent conflict that might be anticipated by some portion of this text with a different fact set."

68 Questions for the Record of Sec. Michael Chertoff, U.S. Department of Homeland Security, for the U.S. Senate, Committee on Homeland Security and Governmental Affairs, hearing on *Hurricane Katrina: The Homeland Security Department's Response*, Feb. 15, 2006, p. 8.

69 ⁶⁹ FEMA Operations Center, e-mail to Michael Brown and others, Sept. 1, 2005, 9:07 p.m. Provided to Committee; filed as Bates no. DHS 003140; "Swarm of Small Earthquakes Shakes Calif." *The Associated Press*, Sept. 1, 2005.

70 *NRP*, p. 34.

71 Brown interview, Jan. 23, 2006, p. 132. Vice Adm. Thad Allen, who replaced Brown as PFO, also had not participated in the requisite PFO training prescribed by the NRP. However, Vice Adm. Allen's many years of experience in response efforts with the Coast Guard makes his lack of specific PFO training far less troubling. Vice Adm. Allen interview, Feb. 3, 2006, p. 5.

72 Stephan interview, Jan. 13, 2006, p. 105. Stephan nonetheless declined to criticize the decision to make Allen simultaneously PFO and the FCO of three states, stating "if that's what [Admiral Allen] said needed to be done and the Secretary supported him . . . the dumbest thing I ever did would be to second-guess that."

73 One expert noted to Committee staff that "only a lawyer" would look at the NRP-CIA, even without the Catastrophic

Incident Supplement, and not recognize it as an excellent tool for an emergency response manager to create a “sense of urgency.” Committee staff interview of Chuck Mills, Vice President, Emergency Management Services International, Inc., conducted on Feb. 14, 2006 (untranscribed). Mills is a 30-year veteran and Type-I Incident Commander with the U.S. Forest Service.

74 *NRP-CIA*, p. CAT-1; *NRP*, p. 43.

75 *NRP*, p. 43; *NRP-CIA*, p. CAT-1.

76 *NRP-CIA*, p. CAT-1.

77 For an example of the tone set by the NRP-CIA, see Chapters 13 and 24, describing how, even in the absence of the formal activation of the Catastrophic Incident Annex, officials at the Department of Health and Human Services invoked the Annex in requesting assistance from the Department of Defense and in “leaning forward” to begin to deploy significant medical assets in anticipation of the needs on the Gulf Coast.

78 *NRP-CIA*, pp. CAT-1 through CAT-3 (recognizing that “[t]he response capabilities and resources of the local jurisdiction . . . may be insufficient and quickly overwhelmed. Local emergency personnel who normally respond to incidents may be among those affected and unable to perform their duties.”).

79 *NRP-CIA*, p. CAT-4.

80 *NRP-CIA*, p. CAT-2.

81 *NRP-CIA*, p. CAT-4.

82 Sec. Chertoff, House Select Committee hearing, Oct. 19, 2005.

83 Two days before landfall, David Garratt, the Deputy Director of FEMA’s Recovery Division and the chair of the Catastrophic Incident Planning Group charged with developing the Catastrophic Incident Supplement, told Janet Benini, a former Homeland Security Council official who had worked with him to develop the Catastrophic Incident Supplement, that he had heard no talk activating of the NRP-CIA. David Garratt, e-mail to Janet Benini, Aug. 27, 2005, 12:36 p.m. Provided to Committee; filed as Bates no. DHS-FEMA-0096-0000395. *See also*: Wood interview, Jan. 27, 2006, pp. 54-55.

84 *See*: Altshuler interview, Dec. 15, 2005, pp. 55-59; Wood interview, Jan. 27, 2006, pp. 46-47; Questions for the Record of Sec. Chertoff, Senate Committee hearing, Feb. 15, 2006, p. 3; Jamieson interview, Dec. 20, 2005, pp. 67-71. In written answers to questions posed by the Committee, Secretary Chertoff also asserted that “With regard to Katrina, the Department’s analysis suggests that 100% of the assets called for by the [Catastrophic Incident Supplement] in the first 48 hours *after* landfall were, in fact, deployed *prior* to landfall.” Therefore, the Secretary stated, “any conclusion that use of the CIA would have improved FEMA’s performance in Katrina is mistaken and contradicted by the facts.” *Source*: Questions for the Record of Sec. Chertoff, Senate Committee hearing, Feb. 15, 2006, pp. 3-4 (emphasis in original). A table provided by DHS that purports to demonstrate that the requirements of the Supplement had been fully complied with, however, contains inaccurate entries and, with respect to certain items, is misleading in its portrayal of the extent of DHS’s pre-landfall efforts as well as the difference implementing the Catastrophic Incident Annex (including, if available, the execution schedule in the Catastrophic Incident Supplement) might have made.

For example, the Supplement specifies that the Interagency Incident Management Group (IIMG) is to be activated within 15 minutes of an incident and a PFO is to be designated within one hour; though these entries are marked as completed in the table submitted by DHS, in fact, as described elsewhere in this report, the IIMG was not activated nor the PFO designated until Tuesday, Aug. 30, the day after landfall. Another entry – juxtaposed against a requirement that DHS initiate deployment of 11 Disaster Medical Assistance Teams (DMATs) – indicates that 18 DMATs were “in theater” on Aug. 25, 2005; in fact, as of late on Sunday, Aug. 28, only four full DMAT teams and two partial DMAT teams had been pre-staged and, with the exception of one team in Baton Rouge, these DMATs were outside the affected states of Louisiana and Mississippi. In addition, in entries corresponding to the Supplement’s requirement that DHS initiate action to immediately deploy various quantities of everything from ice and water to tents and sleeping bags, DHS’s chart notes that each of these items were “loaded at Logistics Centers and available.” Such items, however, are permanently stored at such logistics centers throughout the country; their inclusion in this table therefore does not reflect any action on DHS’s part in response to Katrina nor does it necessarily indicate items that were quickly transported to the Gulf Coast. *Source*: Committee staff interview of Gary Moore, Director, Logistics, FEMA, conducted on Dec. 9, 2005, transcript p. 10. Finally, DHS’s table does not reflect the many actions that the Catastrophic Incident Supplement would have directed other agencies to undertake had it been completed and the Annex activated.

85 *NRP-CIA*, p. CAT-5.

86 *Catastrophic Incident Supplement*, p. 1-1.

87 Jamieson interview, Dec. 20, 2005, pp. 67-71.

88 Walker, Senate Committee hearing, Mar. 8, 2006. “Because it is possible to respond to incidents maturing to catastrophic magnitude in a more proactive manner than surprise catastrophic incidents, it does not make sense to exclude evolving catastrophic incidents from the scope of the annex’s coverage.” Written Statement of Walker, Senate Committee hearing, Mar. 8, 2006, p. 12.

89 *NRP*, p. 73. The NRP also explains that the Unified Command “provides direct on-scene control of tactical operations and utilizes a NIMS ICS incident management team organization.” *Source*: *NRP*, p. 39. The Unified Command concept “utilized by civil authorities is distinct from the military chain of command.” *Source*: *NRP*, p. 10.

90 U.S. Department of Homeland Security, *National Incident Management System*, Mar. 1, 2004, pp. 11-12 [hereinafter

NIMS].

91 The deficiencies in unified command reported by the 9/11 Commission included the Fire Department's inability to coordinate excess personnel from West Street to support Fire Chiefs that needed more personnel at the South Tower, and the Police department's inability to control non-Emergency Service Unit personnel inside the towers. National Commission on Terrorist Attacks upon the United States, *The 9/11 Commission Report*. Washington: Government Printing Office, 2004, pp. 319-320 [hereinafter *The 9/11 Commission Report*].

92 *The 9/11 Commission Report*, p. 321.

93 *The 9/11 Commission Report*, p. 397.

94 The White House, Homeland Security Presidential Directive-5: Management of Domestic Incidents, Feb. 28, 2003.

95 The White House, Homeland Security Presidential Directive-5: Management of Domestic Incidents, Feb. 28, 2003.

96 NIMS, pp. 14, 15.

97 The National Incident Management System explains:

As a team effort, [Unified Command] overcomes much of the inefficiency and duplication of effort that can occur when agencies at different functional and geographic jurisdictions, or agencies at different levels of government, operate without a common system or organizational framework. All agencies with jurisdictional authority or functional responsibility for any or all aspects of an incident and those able to provide specific resource support participate in the [Unified Command] structure and contribute to the process of determining overall incident strategies; selecting objectives; ensuring that joint planning for tactical activities is accomplished in accordance with approved incident objectives; ensuring the integration of tactical operations; and approving, committing, and making optimum use of all assigned resources.

NIMS, p. 14.

98 The White House, Homeland Security Presidential Directive-5: Management of Domestic Incidents, Feb. 28, 2003. In 2004, the 9/11 Commission recommended more specifically that DHS "should consider making funding contingent on aggressive and realistic training in accordance with incident command system and unified command procedures." *The 9/11 Commission Report*, p. 397.

99 The National Response Plan is dated Dec. 2004, but was issued – i.e. released – by the Secretary of the Department of Homeland Security on Jan. 6, 2005. The NRP became effective upon issuance but its implementation was phased in over a one-year period:

Phase I – Transitional Period (0 to 60 days): This 60-day timeframe was intended to provide a transitional period for departments and agencies and other organizations to modify training, designate staffing of NRP organizational elements, and become familiar with NRP structures, processes and protocols. Day 60 was Feb. 13, 2005.

Phase II – Plan Modification (60 to 120 days): This second 60-day timeframe was intended to provide departments and agencies the opportunity to modify existing federal interagency plans to align with the NRP and conduct necessary training. Day 120 was Apr. 14, 2005.

Phase III – Initial Implementation and Testing (120 days to 1 year): Four months after its issuance, the NRP was to be fully implemented and the Initial NRP, Federal Response Plan, U.S. Government Domestic Terrorism Concept of Operations Plan, and Federal Radiological Emergency Response Plan were superseded. Other existing plans remained in effect, modified to align with the NRP. During this timeframe, DHS is to conduct systematic assessments of NRP coordinating structures, processes and protocols implemented for actual Incidents of National Significance, national-level homeland security exercises, and National Special Security Events. These assessments are to gauge the plan's effectiveness in meeting specific objectives outlined in Homeland Security Presidential Directive-5. At the end of this period, DHS is to conduct a one-year review to assess the implementation process and make recommendations to the DHS' Secretary on necessary NRP revisions. Following this initial review, the NRP was to begin a deliberate four-year review and re-issuance cycle. The one-year date was Dec. 15, 2005.

NRP, ix.

100 NRP, x.

101 U.S. Department of Homeland Security, "Fiscal Year 2005 Homeland Security Grant Program: Program Guidelines and Application Kit," p. 49.

102 U.S. Department of Homeland Security, "Text of Secretary Ridge's Letter to National Response Plan (NRP) Federal Departments and Agencies Regarding NIMS Implementation in FY 2005." http://www.fema.gov/doc/nims/nrp_letter_from_secretary_ridge.doc. Accessed on Apr. 30, 2006 ("All Federal departments and agencies are required to adopt the NIMS and use it in their individual domestic incident management and emergency prevention, preparedness, response, recovery, and mitigation activities, as well as in support of all actions taken to assist State or local entities.").

103 Jamieson interview, Dec. 20, 2005, pp. 10-11.

104 "TOPOFF 3," Nov. 2005, p. 1.

105 "TOPOFF 3," Nov. 2005, pp. 1, 4.

106 “TOPOFF 3,” Nov. 2005, p. 5.

107 U.S. Department of Homeland Security, “Top Officials 3 (TOPOFF 3) Full Scale Exercise: Quick Look Report,” Draft, May 26, 2005, p. 5.

108 Specifically, the Quick Look Report found:

- “... autonomous UCP [Unified Command Post] often circumvented the state [Emergency Operations Center] EOC and the PFO highlighting the confusion at all levels regarding identification and clarification of roles and responsibilities.”
- “The UCP lost track of overall site management and personnel accountability at the site became inconsistent.”
- “The PFO worked within the framework of the unified command structure however the physical separation of the FCO and the Secretary’s Emergency Response Team representative within the JFO impacted effective communication and coordination.”

U.S. Department of Homeland Security, “Top Officials 3 (TOPOFF 3) Full Scale Exercise: Quick Look Report,” Draft, May 26, 2005, p. 5. Similar deficiencies in establishing an effective command had previously been observed in FEMA’s responses to Hurricanes Charley, Frances, and Ivan in 2004. See: William L. Carwile III, FEMA White Paper: The 2004 Hurricane Season, Issues and Recommendations, Apr. 2, 2005.

109 The Inspector General’s recommendations included “more emphasis on training and exercising NRP and NIMS; developing standard operating procedures to define roles, clarifying Incident of National Significance designations; developing systems to track and share information more openly and efficiently.”

“TOPOFF 3,” Nov. 2005, p. 2.

110 “TOPOFF 3,” Nov. 2005, p. 12.

111 Written Statement of William Carwile III, Federal Coordinating Officer for Hurricane Katrina in Mississippi, FEMA, before the U.S. Senate, Committee on Homeland Security and Governmental Affairs, hearing on *Hurricane Katrina: Perspectives of FEMA’s Operations Professionals*, Dec. 8, 2005, p. 3.

112 Committee staff interview of Scott Wells, Deputy Federal Coordinating Officer for Hurricane Katrina in Louisiana, FEMA, conducted on Nov. 14, 2005, transcript p. 224.

113 *NRP*, p. 29.

114 Lokey interview, Nov. 4, 2005, pp. 41-43, 128.

115 Testimony of William Lokey, Federal Coordinating Officer for Hurricane Katrina in Louisiana, FEMA, before the U.S. House, Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina, hearing on *Hurricane Katrina: Preparedness and Response by the State of Louisiana*, Dec. 14, 2005.

116 Committee staff interview of Col. Anthony Daskevich, U.S. Army, Louisiana Defense Coordinating Officer, conducted on Jan. 10, 2006, transcript p. 132. Scott Wells, the Deputy Federal Coordinating Officer, related how the separate process for requesting and deploying military resources bypassed the unified command:

It was about 6:00 or 7:00 [Wednesday] morning, and [Maj. Gen. Landreneau] says, I called General Honore up and asked him for help. I said, what? And he said, yeah, I asked him for help. I said, you did?

And then I talked to Jeff Smith right after that. And I said, Jeff, he shouldn’t have done that. And he said, why? And I said, the state does not go to DOD directly, you’re supposed to come to Bill Lokey, to the FCO, we will go to DOD to get whatever support you need.

That breaks – that not only violates protocol, but it breaks the whole unified command approach, when you go out to another agency and then this three star general just shows up.

Wells interview, Nov. 14, 2005, p. 67. Lt. Col. Jacques Thibodeaux of the Louisiana National Guard, the Joint Director of Military Support during Katrina, responded that after Lt. Gen. Honore arrived his activities at the Superdome were coordinated through the unified command. Committee staff interview of Lt. Col. Jacques Thibodeau, Joint Director of Military Support to Civilian Authorities and Branch Chief, Louisiana National Guard, conducted on Dec. 6, 2006, transcript pp. 267-269.

117 Lokey interview, Jan. 20, 2006, pp. 67-68.

118 Lokey interview, Jan. 20, 2006, p. 81; Lokey attributed these problems in part to the difficulties in communications, noting “one thing that frustrated me was nobody could call the Louisiana Emergency Operations Center, but nobody had a problem calling the White House or their Senator’s office.”

119 Testimony of William Carwile III, Federal Coordinating Officer for Hurricane Katrina in Mississippi, FEMA, before the U.S. Senate, Committee on Homeland Security and Governmental Affairs, hearing on *Hurricane Katrina: Perspectives of FEMA’s Operations Professionals*, Dec. 8, 2005. Carwile also noted that, as currently constructed, the NRP “calls for unified command only at the top of a few people” but that it was his view that “unified command has to go all the way down the structure, and we have got to be able to use State and Federal personnel to prop up local communities that have been totally destroyed by something like Katrina.” Carwile, Senate Committee hearing, Dec. 8, 2005.

120 Although the lack of a communications infrastructure does not eliminate the ability to form either an Incident Command Post (ICP) at the local level or a Unified Command at the state level, NIMS emphasizes the importance of

functioning communications infrastructure to support the overall ICS structure which in turn supports the unified command. “On activation of a local EOC [Emergency Operations Center], communications and coordination must be established between the [Incident Command] or [unified command] and the EOC, when they are not collocated. ICS field organizations must also establish communications with the activated local EOC, either directly or through their parent organization. Additionally, EOCs at all levels of government and across functional agencies must be capable of communicating appropriately with other EOCs during incidents.” *NIMS*, pp. 26-27.

121 Written Statement of Richard Skinner, Inspector General, U.S. Department of Homeland Security, before the U.S. Senate, Committee on Homeland Security and Governmental Affairs, hearing on *Hurricane Katrina: Recommendations for Reform*, Mar. 8, 2006, p. 5.

122 Lokey interview, Jan. 20, 2006, p. 192. At the time Katrina hit, FEMA had not yet produced an Incident Management Handbook to adapt ICS to FEMA operations. *Source*: Lokey interview, Jan. 20, 2006, p. 194; FEMA, Draft ERT-N Concept of Operations, June 6, 2005. Provided to Committee; filed as Bates nos. DHS-FEMA-0115-000010 through 000011. Lokey partially attributed the gaps in training to lack of funding. “We’ve had no training dollars. We’ve had no opportunity to bring the folks together.” Lokey interview, Jan. 20, 2006, p. 193.

123 Lokey interview, Jan. 20, 2006, p. 193; Wells interview, Nov. 14, 2005, pp. 225-226 (“We didn’t really have a unified command in the EOC. Two days after – we didn’t have a unified command in the EOC. Two days after, the EOC is getting training in ICS. Two days after the storm hit they had a consultant come in and show them ICS, explain ICS. In the middle of a catastrophic disaster. . . . There was no unified command under the National Response Plan. They didn’t understand it. They had no idea. [State emergency management staff] were getting training in the middle of a disaster response operation. . . . My point is we have an architecture, we have [the] National Response Plan. The states agreed to use NIMS. They agreed to ICS. What does it tell you when 2 days into a catastrophic disaster a state gets somebody in to explain ICS to them?”).

Although training individuals on ICS during a disaster may seem like a sign of dysfunction, in fact, William Carwile has subsequently recommended that staff at JFOs all receive basic ICS training as a short-term measure. When Adm. Allen arrived in Louisiana, he tasked one of his assistants with training those who inevitably arrived without ICS knowledge. *See*: William Carwile III, White Paper, “The Response and Initial Recovery to Hurricane Katrina in Mississippi: A Field Perspective,” Feb. 22, 2006, p. 19. Provided to Committee.

124 Wells interview, Nov. 14, 2005, pp. 225-226.

125 Tony Robinson also noted there were a number of state officials at the EOC who did not appear to be familiar with the ICS. Committee staff interview of Tony Robinson, Director, Response and Recovery Division, Region VI, FEMA, conducted on Nov. 15, 2005, transcript pp. 42-43. The DHS IG also found that Louisiana did not have sufficient trained emergency management staff to be able to provide a counterpart to all federal ICS positions. U.S. Department of Homeland Security, Office of Inspector General, “A Performance Review of FEMA’s Disaster Management Activities in Response to Hurricane Katrina,” Mar. 2006, p. 21.

126 Lokey interview, Jan. 20, 2006, pp. 41-42.

127 FEMA, *DHS/FEMA Initial Response Hotwash: Hurricane Katrina in Louisiana*, Feb. 13, 2006, p. 32.

128 Committee staff interview of William King, Branch Chief, Region V, FEMA, conducted on Jan. 17, 2006, transcript pp. 9-11, 95-96.

129 Lokey interview, Jan. 20, 2006, p. 25.

130 Committee staff interview of Lucy Brooke, Emergency Management Program Specialist, FEMA, conducted on Jan. 24, 2006, transcript p. 16.

131 Lokey interview, Jan. 20, 2006, pp. 24-25.

132 Vice Adm. Allen interview, Feb. 3, 2006, pp. 27-29.

133 Testimony of Scott Wells, Deputy Federal Coordinating Officer for Hurricane Katrina in Louisiana, FEMA, before the U.S. Senate, Committee on Homeland Security and Governmental Affairs, hearing on *Hurricane Katrina: Perspectives of FEMA’s Operations Professionals*, Dec. 8, 2005.

134 Committee staff interview of William Carwile III, Federal Coordinating Officer for Hurricane Katrina in Mississippi, FEMA, conducted on Dec. 6, 2005, transcript p. 76.

135 Carwile interview, Dec. 6, 2005, pp. 39, 46.

136 Carwile interview, Dec. 6, 2005, p. 39.

137 Committee staff interview of Robert Latham, Executive Director, MEMA, conducted on Jan. 27, 2006, transcript pp. 149-50. This lack of understanding of the basic principles of the National Response Plan, ICS and the concept of unified command surfaced during the Committee’s interview of Patrick Rhode, the Acting Deputy Director of FEMA during Katrina and at the same time Chief of Staff to FEMA Director Brown. During the interview, Rhode stated he believed “there was difficulty in establishing a unified chain of command within those early days, particularly within Louisiana.” In a unified command involving multiple jurisdictions, however, there is no single “chain of command.” Rhode was unable to elaborate on what he meant by a “unified chain of command.”

Q. Unity of command and unity of effort, are you familiar with the distinction between those two concepts?

A. Maybe, not, No.

Q. Do you know whether Louisiana, the State, at the time of the incident was trying to establish unity of command or unity of effort? Do you know in the Emergency Operations Center [whether] they were trying to establish a unity of effort or a unity of command?

A. I'm not – I'm not certain, going back to your last question, that I understand what you mean by unity of effort.

Committee staff interview of Patrick Rhode, former Acting Deputy Director, FEMA, conducted on Dec. 22, 2005, transcript p. 147.

138 Carwile, Senate Committee hearing, Dec. 8, 2005; Latham interview, Jan. 27, 2006, pp. 92-93, 95-96.

139 Carwile, Senate Committee hearing, Dec. 8, 2005; Testimony of Robert Latham, Executive Director, MEMA, before the U.S. House, Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina, hearing on *Hurricane Katrina: Preparedness and Response by the State of Mississippi*, Dec. 7, 2005.

140 Carwile interview, Dec. 6, 2005, p. 49.

141 Carwile interview, Dec. 6, 2005, pp. 98-99

142 Latham interview, Jan. 27, 2006, p. 147.

143 Carwile interview, Dec. 6, 2005, pp. 97-98. State officials are sometimes reluctant to allow federal officials direct access to local officials and their operations. Robert Block and Amy Schatz, "Local and Federal Authorities Battle to Control Disaster Relief," *The Wall Street Journal*, Dec. 8, 2005, p. A1.

144 Committee staff interview of Thomas McAllister, Director of Response and Recovery, MEMA, conducted on Jan. 27, 2006, transcript pp. 87-90.

145 Latham interview, Jan. 27, 2006, p. 95.

146 Latham interview, Jan. 27, 2006, p. 146.

147 Latham interview, Jan. 27, 2006, p. 146.

148 See earlier discussion in this chapter.

149 Carwile interview, Dec. 6, 2005, pp. 102-104.

