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FEMA, DHS, and Katrina: Managing Domestic Catastrophes Better

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Introduction

Many observers already have decided the reasons for the federal government’s poor performance during hurricane Katrina. They believe that the Federal Emergency Management Agency (FEMA), the main body responsible for coordinating the federal response to any domestic emergency, had devoted insufficient attention and resources to natural disasters following its incorporation into the terrorist-focused Department of Homeland Security (DHS) in March 2003. To resolve this perceived problem, several Members of Congress have submitted legislation requiring FEMA’s separation from DHS and its restoration as an independent agency led by a Cabinet member who would report directly to the president.

Such efforts might prove helpful. After all, it took several major reorganizations for the Department of Defense (DOD) to become highly proficient at joint warfighting.¹ Nevertheless, they certainly are premature. We must avoid a rush to judgment despite

¹ Congress established DOD in 1949, but it was not until after the 1986 Goldwater-Nichols Department of Defense Reorganization Act that the department achieved significant operational cooperation among the military services.

our legitimate outrage over the Katrina disaster. Making changes without prior analysis could easily make matters worse.

The administration (through an internal review led by Homeland Security Advisor Frances Townsend and the Homeland Security Council) and the Congress (through several committee investigations) have just started to investigate the disaster. Only such detailed examinations can clarify the relative importance and interactions during Katrina of flawed policies, leadership, and organization at both the national and local levels of government. It also might prove profitable to look at the apparently more effective national response to hurricane Rita, as well as the diverging results at the state level in other recent natural disasters. Doing so will clarify which problems typically recur and which were particular to Katrina.² Reform efforts should focus on correcting endemic flaws.

We need to continue to develop and evaluate options for strengthening the U.S. government's ability to manage catastrophic domestic emergencies like Katrina. The devastating hurricane-cum-flood should become the new benchmark against which to measure the national capacity for emergency response. In particular, it should provide a standard for assessing disaster planning scenarios, DHS reorganization plans, the allocation of federal grants, and homeland security training and exercises.

Since DHS is currently both refining its capabilities-based planning approach and undergoing a comprehensive reorganization based on its recently completed Second Stage Review, now is an especially opportune time to challenge established practices

² Louisiana responded less effectively to Katrina than neighboring Alabama and Mississippi. Similarly, Virginia had more trouble managing hurricane Isabel in October 2003 than North Carolina. Such variations suggest that, besides the federal dimension, differences in state policies and capacities also affect the nation's ability to respond to domestic disasters.

and explore new policy options. For example, the Katrina experience could provide insights regarding the announced consolidation of all the department's preparedness efforts (including planning, funding, training, and exercising) into a single DHS directorate. The proposed reorganization would transfer the U.S. Fire Administration from FEMA to a new Preparedness Directorate, along with the infrastructure-protection efforts of the Information Analysis and Infrastructure Preparedness Directorate and the grant-making functions of the Office of Domestic Preparedness. As part of the transformation, the DHS would abolish its Emergency Preparedness and Response Directorate and transform FEMA into a stand-alone office led by a director who would report directly to the DHS Secretary. The purpose is to focus FEMA on operational missions directly related to emergency response and recovery.³

Some observers applaud the idea of creating a clearer division of labor for emergency management within DHS and having FEMA concentrate on improving its response and recovery functions. Since FEMA would remain part of the department, they argue that DHS itself would ensure the integration of emergency preparedness programs with disaster response and recovery efforts. Others worry that, by excluding FEMA from reviewing preparedness grant applications and state and local emergency response plans, the agency will lack the detailed knowledge to manage these assets and execute these plans most effectively in a crisis.⁴ At the state and local level, the same

³ For a description of the department's current reorganization plans see "The DHS Transition: Department Six-point Agenda," at http://www.dhs.gov/dhspublic/interapp/editorial/editorial_0646.xml; "Secretary Michael Chertoff U.S. Department of Homeland Security Second Stage Review Remarks," July 13, 2005, at http://www.dhs.gov/dhspublic/interapp/speech/speech_0255.xml; Loren Duggan, "Homeland Security Appropriations," *CQ House Action Reports*, no. 109-7 (October 4, 2005), especially section iii, at <http://www.cq.com>; and Harold C Relyea, *Department of Homeland Security Reorganization: The 2SR Initiative* (Washington, DC.: Congressional Research Service, August 19, 2005).

⁴ See for example James Rosen Bee, "Post-Sept. 11 Revamp May Share Blame: Massive Homeland Security Legislation Affected How FEMA Deals with Disasters," *Sacramento Bee*, September 20, 2005.

people typically are responsible for both emergency preparation and response. The administration and Congress should reassess these competing considerations, as well as how the reorganization might affect the department's relations with other government agencies and nongovernmental actors, in light of the Katrina experience.⁵

FEMA Before 9/11

Following years of complaints by state and local authorities, who had found it frustratingly difficult to deal with the large number of overlapping disaster programs administered by an ever-changing medley of federal agencies, President Jimmy Carter created FEMA in April 1979. His executive order combined a patchwork of over 100 federal programs and organizations addressing the different phases and types of national emergencies. For example, FEMA incorporated the Federal Insurance Administration, the National Fire Prevention and Control Administration, the National Weather Service Community Preparedness Program, the Integrated Hazard Information System administered by the Department of Commerce's National Oceanic and Atmospheric Administration, the General Services Administration Federal Preparedness Agency, the Department of Housing and Urban Development's Federal Disaster Assistance Administration, the DOD Defense Civil Preparedness Agency, and several entities from the Department of Health and Human Services.⁶

The Democratic Members of the House Homeland Security Committee raised additional concerns in *Protecting America Against Terrorists: The Case for a Comprehensive Reorganization of the Department of Homeland Security*, available at http://www.epic.org/privacy/us-visit/dhs_review_071405.pdf.

⁵ For a comprehensive review of the legislative issues raised by the proposed reorganization, see Keith Bea, *Organization and Mission of the Emergency Preparedness and Response Directorate: Issues and Options for the 109th Congress* (Washington, DC: Congress Research Service, September 7, 2005).

⁶ FEMA's origins and early history are summarized in "About FEMA: FEMA History," at <http://www.fema.gov/about/history/shtm>.

Since its creation, FEMA has responded to hundreds of disasters in all 50 states as well as Guam, Puerto Rico, the Pacific Island Trust Territories, and the U.S. Virgin Islands. Despite experiencing mediocre results during its first dozen years, especially in responding to hurricane Andrew in 1992, FEMA's ability to manage domestic emergencies increased with experience. During the Clinton administration, director James Witt, elevated to Cabinet rank and allocated a hefty budget increase, streamlined emergency relief and recovery operations, improved its commitment to client services, and gave increased priority to disaster mitigation.⁷ Under President George W. Bush, FEMA received additional resources and responsibilities for homeland security even before the September 2001 terrorist attacks. For example, in May 2001, the president directed FEMA to create an Office of National Preparedness (ONP) to coordinate all federal programs designed to respond to an incident involving the use of weapons of mass destruction (WMD) within the United States. A major ONP consequence management task was to help state and local governments improve their WMD-related planning, training, and equipment. ONP also took charge of the national and information security functions that previously had been the responsibility of other FEMA offices.⁸

Throughout its history, FEMA has had two core missions that have coexisted uneasily within a single organization: enhancing the federal government's ability to survive a foreign attack (especially a nuclear war) and assisting state and local

⁷ Shane Harris, "What FEMA May Have Gotten Right," *The National Journal* (September 17, 2005).

⁸ Keith Bea, *Transfer of FEMA to the Department of Homeland Security: Issues for Congressional Oversight* (Washington, DC: Congressional Research Service, December 17, 2002), pp. 27-28.

authorities to respond to natural disasters.⁹ While national security managers in Washington tended to prioritize civil defense, state and local authorities evinced most concern about floods and potential nuclear power accidents. Before its incorporation into DHS, FEMA was responsible for developing the Federal Response Plan, the precursor of the current broader National Response Plan (NRP), which defined the roles and responsibilities of federal agencies and their various partners, including voluntary organizations, in managing domestic emergencies. In the mid-1990s, moreover, FEMA became the lead federal agency for responding to a terrorist incident within the United States.

Despite its expanding responsibilities (and name), FEMA has never controlled all federal government emergency management programs, let alone all federal disaster response resources and assets. Consistency in funding also has been a recurring problem. FEMA typically finds it easier to respond and recover after an emergency, when its budget and personnel surges, than to prepare for and mitigate potential future disasters. Although its core operating budget has hovered slightly below \$1 billion annually in recent years, its total spending exceeded \$12 billion in FY2002. Besides its core budget, FEMA has access to a separate Disaster Relief Fund (DRF) used to finance its assistance and coordination efforts during presidentially declared disasters. Congress appropriates money annually to the DRF to reimburse federal agencies that receive mission assignments from DHS during such emergencies. The DRF also supports some disaster relief efforts by states, localities, and certain non-profit

⁹ R. Steven Daniels and Carolyn L. Clark-Daniels, "Transforming Government: The Renewal and Revitalization of the Federal Emergency Management Agency," The PricewaterhouseCoopers Endowment for The Business of Government, April 2000, at www.fema.gov/pdf/library/danielsreport.pdf. According to the authors, during the Cold War FEMA's national security missions (e.g., civil defense) regularly received priority over its natural disaster response functions.

organizations involved in emergency response and recovery operations in stricken communities. Following catastrophic domestic incidents such as earthquakes, major terrorist attacks, and (most frequently) hurricanes, Congress typically appropriates billions of dollars for the DRF through emergency supplemental appropriations.¹⁰

FEMA in the New DHS

Section 503(1) of the Homeland Security Act of 2002 (P.L. 107-296) transferred most of FEMA's "functions, personnel, assets, and liabilities" to the Emergency Preparedness and Response (EPR) Directorate of the new Department of Homeland Security (DHS). The most important exception was that Section 430(c) directed the Office of Domestic Preparedness (ODP), which was transferred from the Department of Justice to the new DHS Border and Transportation Security (BTS) Directorate, to assume the terrorism-related training and preparedness responsibilities formerly lodged in FEMA's ONP. To ensure coordination between the emergency management efforts of EPR and BTS, the Act required ODP, "as the lead executive branch agency for preparedness of the United States for acts of terrorism," to cooperate "closely" with FEMA, "which shall have the primary responsibility within the executive branch to prepare for and mitigate the effects of nonterrorist-related disasters in the United States" [Section 430(c)(6)]. In its original DHS reorganization plan, the administration had proposed that FEMA's ONP administer all federal domestic terrorism and non-terrorism preparedness activities, including its proposed First Responder Initiative. The EPR

¹⁰ For example, Congress already has enacted three supplemental appropriations in 2005, providing over \$60 billion in emergency spending through the Disaster Relief Fund. One act (P.L. 108-324) helps communities recover from four of last year's hurricanes, and two acts (P.L. 109-61 and P.L. 109-62) finance response and recovery operations related to Katrina.

Directorate also acquired disaster-related missions from the Departments of Commerce, Justice, and Health and Human Services.¹¹

Several studies conducted before the 9/11 terrorist attacks recommended merging FEMA into a larger organization dedicated to homeland security. The widely read February 2001 Phase III Report of the U.S. Commission on National Security/21st Century (“the Hart-Rudman Commission”) recommended including FEMA as “a key building block” of its proposed independent National Homeland Security Agency.¹² Some congressional efforts to establish a new federal homeland security department immediately after 9/11 also envisaged including FEMA within the new organization.¹³ (The National Commission on Terrorist Attacks Upon the United States, commonly referred to as “the 9/11 Commission,” did not address this issue.)

Even before FEMA formally joined DHS on March 1, 2003, some observers worried that the reorganization would weaken the agency’s status and interest in non-terrorist issues. A July 2002 Brookings Institution assessment of the Bush administration’s original DHS organization proposal agreed that FEMA should be responsible for all federal emergency preparedness and response efforts. According to the authors, such a consolidation into a “one-stop shop” would reduce what hitherto had been a confusing array of programs aimed at assisting state and local governments, and

¹¹ For a discussion of how the original reorganization plans of the administration and the Congress would have affected FEMA see Bea, *Transfer of FEMA to the Department of Homeland Security*.

¹² U.S. Commission on National Security/21st Century, *Road Map for National Security: Imperative for Change* (February 21, 2001), p. 15. “We propose building the National Homeland Security Agency upon the capabilities of the Federal Emergency Management Agency (FEMA), an existing federal agency that has performed well in recent years, especially in responding to natural disasters. NHTA would be legislatively chartered to provide a focal point for all natural and manmade crisis and emergency planning scenarios. It would retain and strengthen FEMA’s ten existing regional offices as a core element of its organizational structure” (p. 15). According to the Commission, “While taking on homeland security responsibilities, the proposed NHTA would strengthen FEMA’s ability to respond to such disasters. It would streamline the federal apparatus and provide greater support to the state and local officials who, as the nation’s first responders, possess enormous expertise.” (p. 21).

¹³ Daalder et al., *Assessing the Department of Homeland Security*, p. 10.

would increase efficiency and performance. Nevertheless, the study also recommended leaving FEMA an independent agency, outside DHS, until the consequences of DHS's creation became clearer: "And while a merged FEMA might become highly adept at preparing for and responding to terrorism, it would likely become less effective in performing its current mission in case of natural disasters as time, effort, and attention are invariably diverted to other tasks within the larger organization."¹⁴ In late December 2002, moreover, FEMA's Acting Inspector General wrote, "Members of Congress and the general public have expressed concern that FEMA's disaster response and recovery and mitigation missions will be diluted as it is absorbed into a much larger organization and that funding issues will limit FEMA's ability to respond to disasters as it had in the past."¹⁵ The agency's recent critics have resurrected these concerns to account for the federal government's worse-than-expected response to Katrina.

FEMA as Coordinator, Not First Responder

FEMA always has cultivated partnerships with a range of domestic actors, including the military and other federal agencies, state governors, tribal leaders, municipal and county governments, professional associations of first responders, private businesses, voluntary organizations, and the general public. These partnerships are essential since the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) characterizes FEMA primarily as a *coordination* agency. Its main function is to manage assistance from other federal government agencies and non-

¹⁴ Daalder et al., *Assessing the Department of Homeland Security*, pp. 38-40; quotes on pages 38 and 40.

¹⁵ Richard L. Skinner to Joe M. Allbaugh, "Memorandum on 'Management Challenges,'" Federal Emergency Management Agency, December 31, 2002, reprinted in Federal Emergency Management Agency, *Annual Performance & Accountability Report: Fiscal Year 2002* (Washington, DC, 2002), pp. 143-144.

government organizations that help prepare for, prevent, respond to, and recover from domestic disasters. Both federal legislation and executive guidance reflect a belief that other government agencies can make targeted contributions in emergency response areas that represent logical extensions of their regular missions. For example, Homeland Security Presidential Directive (HSPD)-7 of 2003 assigns a range of responsibilities for managing certain types of both natural and man-made (e.g., terrorism) emergencies to non-DHS agencies with specialized response capabilities. For example, FEMA works with the Department of Energy to restore electricity, the Department of Transportation to supply buses to help evacuate victims, the National Guard to provide security, and with the American Red Cross to find emergency housing for evacuees and assist with other mass-care responsibilities.¹⁶

FEMA does not have the authority to tell other federal agencies what to do, or sufficient budget or staff to manage large emergencies without external assistance. At present, FEMA has only about 2,500 full-time permanent employees and 5,000 “reserve” employees available on standby.¹⁷ It also directly controls just a handful of emergency response assets, such as urban search and rescue teams and warehouses storing stockpiles of commodities and equipment that disaster field offices can use in an emergency. DHS and other federal agencies (especially the Department of Defense and the Department of Health and Human Services) control additional specialized teams of

¹⁶ “Mass care” involves non-medical services such as providing shelter, food, and emergency first aid. For a description of the broad range of federal agencies assisting with the Katrina response and recovery under FEMA’s coordination see Sam Coates, “Wide Net Was Cast for Aid After Katrina: Leaving Day-to-Day Jobs, Federal Workers Volunteer By the Thousands for Duty,” *The Washington Post*, September 22, 2005. Besides the Stafford Act, the other core documents shaping FEMA policies include the Homeland Security Act of 2002, the National Strategy for Homeland Security, and Homeland Security Presidential Directive-5 on the Management of Domestic Incidents.

¹⁷ “About FEMA: FEMA History,” at <http://www.fema.gov/about/history/shtm>. The important role of FEMA’s reserves are discussed in Griff Witte, “FEMA Let Reserves Wither, Hurting Response, Some Say,” *The Washington Post*, September 26, 2005.

first responders. Like the military and many other federal departments and agencies, moreover, FEMA increasingly hires contractors to provide assistance with short-term and specialized needs.

FEMA's coordination role becomes evident when one examines its relationship with the military. The NRP instructs the Secretary of Defense to authorize Defense Support of Civil Authorities (DSCA) for domestic incidents as directed by the president or when appropriate under the circumstances and the law. The new U.S. Northern Command (NORTHCOM) has helped streamline and focus how DOD provides civil support for domestic authorities, including FEMA, in an emergency. Common FEMA mission assignments to DOD include requests for search and rescue helicopters, communication teams, and logistical assistance (e.g., distributing food, water, or ice). DOD's help must be provided on a reimbursable basis and must not adversely affect military readiness.¹⁸

Two Presidential Decision Directives (PDD-39 and PDD-62) designate FEMA as the lead agency for coordinating the federal response to a major terrorist attack within the United States. In particular, it takes charge of restoring essential public services and providing emergency relief to affected individuals and groups. Under the National Preparedness Program, FEMA personnel also work with federal, state, and local agencies to ensure the adequacy of their plans and capabilities for responding to terrorist events. PDD-67 reaffirms FEMA's status as the lead federal agency for overseeing other agencies' Continuity of Operations (COOP) plans and capabilities. The FEMA Office of National Security Coordination assists federal agencies with

¹⁸ American Forces Information Service, "Military Prepares Response to Hurricane Rita," US Department of Defense Information, September 22, 2005.

planning, training, and exercising aimed at sustaining Continuity of Government (COG) functions in case of war, terrorist attack, or other emergencies.

The Emergency Management Cycle

FEMA employs the widely used comprehensive emergency management cycle, which identifies four phases of disaster response: preparedness, response, recovery, and post-disaster mitigation (i.e., to fortify a community against a recurrence of the incident). A variety of FEMA programs support at least one of these phases, which overlap in practice.

Preparedness. To prepare for future disasters, FEMA provides technical and financial assistance to help state and local authorities undertake an integrated program of disaster planning, training, and exercises. For example, FEMA organized the now infamous July 2004 Hurricane Pam exercise, in which federal and state officials simulated on computers a major disaster in New Orleans that closely resembled the Katrina catastrophe.¹⁹ FEMA experts regularly provide advice on developing and rehearsing feasible mass evacuation plans, including determining what contribution federal assets might make (e.g., organizing mass temporary housing) following a state or local decision to execute a voluntary or mandatory evacuation. FEMA also organizes courses for emergency managers, first responders, and local elected officials at its National Emergency Training Center in Emmitsburg, Maryland. Many of these courses are accessible online and through satellite broadcasts over the National Preparedness Network. The self-supporting National Flood Insurance Program (NFIP), which FEMA administers, supports floodplain management efforts by offering federally backed flood

¹⁹ “Actually, It Was FEMA’s Job,” Editorial, *New York Times*, October 2, 2005.

insurance to property owners in communities that adopt and enforce ordinances to reduce losses from floods. In cooperation with first responders and other stakeholders, FEMA promotes the adoption of universal standards for emergency equipment and procedures, and helps finance training and exercises based on these criteria. It also works to create user-friendly risk and hazard identification products (e.g., easily updatable digital multi-hazard maps). To enhance individual preparedness, FEMA seeks to publicize potential hazards through various community outreach programs, including posting information on www.Ready.gov and its own website. FEMA managers also coordinate the federal government's interagency planning for emergency response. For example, they have a lead role in developing detailed plans for specific catastrophic disasters.

Response. When an emergency occurs, FEMA responds by coordinating the flow of federal and other assistance to the affected region. If the agency has a few days' warning, as occurs with some imminent disasters like hurricanes, it will surge resources (pre-positioned supplies, equipment, and personnel) to nearby areas, close enough to accelerate the response but sufficiently distant to keep them out of harm's way. FEMA also will activate and deploy specialized assets such as mobile emergency response system (MERS) units, national disaster medical teams, urban search and rescue teams, rapid needs assessment teams, and other emergency response teams. Furthermore, the agency typically hires additional staff at its national processing centers to manage the increased volume of calls to FEMA's toll-free response number.

The Stafford Act requires the President, after declaring a domestic disaster or emergency following a request from a state governor, to appoint a Federal Coordinating

Officer (FCO) to oversee federal and non-federal disaster relief efforts in the areas included in the designation. During Katrina, FEMA deployed FCOs to the state emergency operation centers (EOCs) in Alabama, Florida, Louisiana, and Mississippi before landfall. In addition, FEMA headquarters held daily video conferences with state and local managers to assess the situation and improve the response. FEMA liaison teams in the field partnered with state and local emergency managers to establish a unified command structure, based at the EOC, to integrate the federal contribution with state and local efforts. The liaison personnel also assisted federal military forces involved in search-and-rescue efforts, financed the delivery of food and water by private contractors, and supervised the distribution of federal funds to nonprofit disaster relief organizations like the American Red Cross and the Salvation Army that provided emergency shelter and other mass care. The liaison teams also monitored the developing situation and, taking into account the advice of local authorities and first responders, transmitted status reports to FEMA headquarters. Following state EOC validation of local petitions for federal assistance, FEMA representatives passed along the request to agency headquarters in Washington. Finally, FEMA deployed community relations teams to survey the affected localities and inform their residents about available federal assistance programs and how to access them.²⁰

Recovery. After the emergency has peaked, FEMA refocuses its efforts towards assisting the stricken areas to recover from the disaster. In accordance with any congressional guidance incorporated in FEMA's emergency supplemental

²⁰ These joint federal-state-local procedures are described in some detail in Michael Brown's testimony before the House Select Bipartisan Committee hearings on the response to Hurricane Katrina, CQ Transcripts, reprinted in "Former FEMA Director Testifies Before Congress," September 27, 2005, at <http://www.nytimes.com/2005/09/27/national/nationalspecial/27text-brown.html?ex=1129262400&en=2758b55401a5336a&ei=5070&pagewanted=all&oref=login>.

appropriations, the agency will provide financial assistance to help stricken residents partially cover uninsured losses and dispose of disaster-related debris. For example, it reimburses insurance policy holders for some flood-related losses. FEMA also typically provides grants to assist with the repair and reconstruction of damaged buildings and other structures. The agency works with the U.S. Small Business Administration to help individual entrepreneurs and community businesses recover from disasters, such as by providing low-interest loans. Throughout this and the other three emergency management phases, FEMA representatives ensure that grantees comply with statutory requirements and, in cooperation with federal and state auditors, guard against the misuse of federal funds.

Mitigation. As part of its post-emergency mitigation efforts to reduce future losses in disaster-prone areas, FEMA awards Hazard Mitigation Grants to stricken communities. A common use of these funds is to assist property owners to strengthen their buildings or relocate to safer locations. In addition, the agency publishes flood zone maps and provides funds and technical assistance to update local land use plans and building codes. More generally, FEMA works with state and local emergency managers to identify, assess, communicate, and manage risks. To improve its own response capacities and procedures, FEMA personnel conduct post-incident “hot washes” and “lessons-learned” studies. These after-action reports often result in changes in agency policies and procedures (e.g., revisions in recommended building codes or fire safety standards).

IMPROVING EMERGENCY PREPAREDNESS AND RESPONSE

Although specific recommendations for policy changes or congressional legislation should await the results of comprehensive lessons learned studies, it is not premature to offer options for strengthening the U.S. government's ability to manage catastrophic domestic emergencies like Katrina.

Optimizing the All-Hazards Approach

Citing the amount FEMA has spent recently on antiterrorism, and comparing it with the sums allocated specifically for disaster preparedness and mitigation, does not establish that the agency has neglected preparing for natural disasters. Experience has convinced an overwhelming number of experts that optimal emergency preparedness requires employing a single response system that can be adapted to meet a range of potential disasters, whether caused by natural (e.g., earthquakes, floods, droughts, wildfires, tornadoes, and tropical storms and hurricanes), accidental (e.g., the disintegration of the Columbia space shuttle over many southwestern states), or deliberate (e.g., sabotage and terrorism) factors. Emergency management experts stress that many of the instruments and policies required to prevent, respond to, and recover from a nuclear power or radiological accident, for example, would be applicable, with slight modification, to the detonation of a "dirty bomb" by a terrorist group.

FEMA has long adhered to such an "all-hazards" approach to emergency management. During the 1980s, the agency developed an Integrated Emergency Management System based on "direction, control and warning systems which are common to the full range of emergencies from small isolated events to the ultimate

emergency—war.”²¹ Section 507(a)(2) of the 2002 Homeland Security Act directs FEMA to “protect the Nation from all hazards by leading and supporting the nation in a comprehensive, risk-based emergency management program.” The July 2002 *National Strategy for Homeland Security* affirmed the administration’s intent to create “one genuinely all-discipline, all-hazard plan.”²² Two 2003 Homeland Security Presidential Directives (HSPD-5 and HSPD-8) instructed DHS to promote the use of the all-hazards approach throughout the rest of the federal government and, using federal preparedness grants, by states.²³ Instead of developing a separate plan for every conceivable domestic incident, an impossible task, FEMA currently applies its general framework for mitigation, preparedness, response, and recovery to all types of calamities, including the consequences of natural disasters, major accidents, and domestic terrorism.

Reflecting its two core missions of civil defense and disaster response, FEMA traditionally has allowed state and local authorities to employ federal funds to pay for “dual-use” equipment (such as emergency communications devices) and other preparedness efforts that could help them manage both man-made and natural disasters. A July 2005 Government Accountability Office (GAO) report found that many state preparedness officials and local first responders believed DHS planners focused excessively on anti-terrorism criteria in their grant, training, and exercise programs. Nevertheless, the auditors concluded that 30 of the 36 essential capabilities first responders need to fulfill the critical tasks generated by the department’s 15 catastrophic emergency planning scenarios would apply to both terrorist and non-

²¹ “About FEMA: FEMA History,” at <http://www.fema.gov/about/history/shtm>.

²² U.S. Office of Homeland Security, *National Strategy for Homeland Security* (Washington, DC: July 2002), p. 42, at http://www.whitehouse.gov/homeland/book/nat_strat_hls.pdf.

²³ “To the extent permitted by law, Federal preparedness assistance will be predicated on adoption of Statewide comprehensive all-hazards preparedness strategies” (HSPD-8, section 9).

terrorist incidents. The six capabilities that pertain exclusively to preventing terrorism result from the possibility that, with actionable intelligence, government agencies could prevent a terrorist incident. Unlike natural or accidental disasters, terrorist plots entail advance preparations that often can be detected. The GAO study also found that, while spending on terrorist-oriented first responder grants increased faster than funding for grant programs with an all-hazards focus between fiscal years 2001-2005, the overall expenditures for both types of grants increased substantially during this same period. The authors note, moreover, that most DHS preparedness grants, even if primarily aimed at enhancing state and local responders' capabilities to manage terrorist attacks, could contribute to their response to non-terrorist incidents. They also concluded that the National Response Plan, the department's command and management process, and the interim National Preparedness Goal supported an all-hazards approach.²⁴

Enhancing Planning

Uncertain lines of command and control appear to have degraded the response to the Katrina emergency. The federal and local agencies involved in the immediate recovery operations in New Orleans seem to have pursued uncoordinated and duplicative rescue efforts.²⁵ Furthermore, the Louisiana governor and federal authorities disagreed over who should lead the various dimensions of the response.²⁶ During the first few days of media coverage of the emergency, moreover, it appeared

²⁴ U.S. Government Accountability Office, *DHS' Efforts to Enhance First Responders' All Hazards Capabilities Continue to Evolve*, GAO-05-652 (Washington, D.C., August 2005), at www.gao.gov/cgi-bin/getrpt?GAO-05-652.

²⁵ 9/11 Public Discourse Project, "Kean-Hamilton Statement on Release of 9/11 Public Discourse Project Report on Implementation of Recommendations," September 14, 2005, p. 2, at <http://www.9-11pdp.org>.

²⁶ Manuel Roig-Franzia and Spencer Hsu, "Thousands Remain To Be Evacuated: White House Shifts Blame to Local Officials," *Washington Post*, September 4, 2005.

unclear whether the FEMA Director or the DHS Secretary had the role of chief spokesperson for the federal relief effort.

The National Response Plan, which formally took effect in December 2004, provides the framework for determining responsibilities during a domestic emergency. In particular, the NRP and its various Annexes determine which federal agencies and programs are activated, typically under FEMA's coordination role, in various types of incidents or threat conditions. It also specifies how federal agencies coordinate with state, local, and tribal governments and the private sector, and when federal authorities assume control of the national response.²⁷ DHS anticipates that the NRP will supercede the separate disaster plans developed by each state, U.S. federal agency, and other bodies—defining their roles and responsibilities for managing all types of domestic emergencies—but this integration process remains incomplete.²⁸

In the case of Katrina, the NRP should have resolved the authority issue because it clearly designates the DHS Secretary as the person in charge of the overall response during a catastrophic domestic emergency. But Secretary Michael Chertoff did not implement the NRP until August 30, more than a day after the hurricane had landed on the Gulf Coast and the President had declared Louisiana and Mississippi federal disaster areas, which made the federal government legally responsible for the rescue and relief operations.²⁹ Had the determination that the disaster was an “Incident of National Significance” been made earlier, the NRP Catastrophic Incident Annex would have

²⁷ Department of Homeland Security, “National Response Plan,” December 2004, at <http://www.dhs.gov/interweb/assetlibrary/NRPbaseplan.pdf>.

²⁸ U.S. Office of Homeland Security, *National Strategy for Homeland Security* (Washington, DC: July 2002), p. 42.

²⁹ Jonathan S. Landay, Alison Young, and Shannon McCaffrey, “In Federal Plan, Disaster Call Was Chertoff’s, not Brown’s: The Homeland Security Chief Held the Power to Mobilize But Delayed 36 Hours, Documents Show,” *Philadelphia Inquirer*, September 15, 2005.

allowed FEMA to surge many more federal emergency assets to the region even before the state and local authorities had requested specific assistance.³⁰ Whether additional pre-positioning actually would have helped the first responders, given the destruction of many of the local emergency assets located in the area at the time of the storm, must await detailed examination.

Investigators of the Katrina disaster will need to determine the reasons for the apparent delay in the NPR's implementation. A particular issue for analysis is whether the lag resulted from misperceptions (e.g., an underestimation of the hurricane's probable effects), uncertainty over lines of command and authority (e.g., the relationship between the emergency managers in Washington and their state and local partners), concern about the untested nature of the new NPR (some elements related to catastrophic incidents had yet to complete the interagency review process), or from faulty internal reporting processes within DHS (e.g., between the FEMA director and the office of the DHS secretary).

Even if subsequent analysis confirms the latter problem, the long history of presidents ignoring their Cabinet secretaries and working with whomever they wish in the executive branch on any issue suggests that making the FEMA director a permanent Cabinet member would not ensure access to the chief executive. It might, however, enhance his prestige or her ability to deal with other government agencies—such as the Office of Management and Budget (OMB), which oversees FEMA's resource allocations—and the Congress. If the Katrina reviews suggest a need to reestablish FEMA as an independent agency, we probably will require a mechanism to re-integrate

³⁰ Mike Walker, "What Ails FEMA?: Lack of Effective Leadership," *Washington Times*, September 13, 2005.

FEMA into DHS during the immediate aftermath of a domestic emergency—perhaps using procedures similar to those by which the National Guard and the Coast Guard reintegrate into the Department of Defense during wartime.

The National Incident Management System (NIMS) underpins the NRP by promoting an integrated response across all emergency management disciplines and at all levels of the U.S. government—federal, state, local, or tribal—to any type of domestic disaster (“one all-discipline, all-hazards plan”). It sets unified standards for training, terminology, technologies, organizational processes, and operational and reporting procedures for use by government and nongovernmental first responders in all four mission areas of prevention, protection, response, and recovery.³¹ Although HSPD-5 (section 18) requires all federal departments and agencies to employ NIMS in their preparedness efforts, including in their assistance to state and local entities, the system has yet to be completely implemented. States still have until the beginning of Fiscal Year 2007 (October 1, 2006) before DHS will require their full compliance with the Incident Command System as a condition for continued receipt of federal preparedness funds.³² When it published its interim National Preparedness Goal at the end of March 2005, DHS identified 15 “all-hazards” catastrophic scenarios that should guide state homeland security authorities in developing their plans and capabilities, but they do not need to finalize their responses until September 2007.³³

³¹ See Department of Homeland Security, “National Incident Management System,” March 1, 2004, at www.dhs.gov/interweb/assetlibrary/NIMS-90-web.pdf.

³² 9/11 Public Discourse Project, *Report on the Status of 9/11 Commission Recommendations*, Part I: *Homeland Security, Emergency Preparedness and Response* (Washington, DC: 9/11 Public Discourse Project, September 14, 2005), p. 2, at <http://www.9-11pdp.org>.

³³ Siobhan Gorman, “Key Planner Criticizes Homeland Security Emergency Plan: Designer Says Agency Response to Katrina Was Too Slow,” *Baltimore Sun*, September 7, 2005. DHS plans to issue a final version of the national preparedness goal, which would include explicit performance metrics for various political jurisdictions, later this year.

The Agency's FY2003-08 Strategic Plan has established the goal that FEMA "[d]evelop, acquire, and coordinate a national operational capability, and the resources and assets to simultaneously respond to four catastrophic plus twelve non-catastrophic incidents, anywhere in the country."³⁴ Katrina, which arguably involved a pair of back-to-back catastrophes (a far-reaching and very destructive hurricane followed by the flooding of a major urban area), indicates that the agency has a long way to go to achieve this capacity. For example, the emergency highlighted two persistent types of communications problems. First, many federal, state, and local first responders active in the New Orleans area still used outdated equipment that proved incapable of communicating with one another. Second, the hurricane and subsequent flood devastated much of the local communications infrastructure. Not only did the resulting lack of situational awareness initially mask the extent of the disaster to outsiders (including DHS headquarters in Washington and the military commanders and private relief organizations deployed closer to the site), it also deprived them of the common operating picture they needed to coordinate their response most effectively. Neither the interoperability nor the resiliency problem can be easily solved since they both result from longstanding resource limitations and a national policy of relying primarily on state, local, and private actors to provide and regulate non-military communications.³⁵

³⁴ Federal Emergency Management Agency, *A Nation Prepared: Federal Emergency Management Agency Strategic Plan: Fiscal Years 2003-2008* (Washington, D.C., 2002), p. 11, at http://www.fema.gov/pdf/library/in_brief-fema_strat_plan_fy03-08.pdf; see also p. 13.

³⁵ For more on the communications interoperability problem see Siobhan Gorman and Tom Bowman, "Disaster Workers Left Out in Silence: Better Communications Equipment Years Away," *Baltimore Sun*, September 19, 2005; and 9/11 Public Discourse Project, "Kean-Hamilton Statement on Release of 9/11 Public Discourse Project Report on Implementation of Recommendations," September 14, 2005, p. 2, at <http://www.9-11pdp.org>. Kevin Martin, the Chairman of the Federal Communications Commission, has called for developing a deployable satellite-based system that could be used by the first responders in a disaster area lacking functioning land-based communications infrastructure; see Arshad Mohammed and Yuki Noguchi, "Crisis Communications Network Criticized: FCC Chairman Urges More Mobile, Rugged System as Firms Prepare for Rita," *Washington Post*, September 23, 2005.

Those involved in implementing the NIMS and the NRP, which DHS planners consider a “living document,” should rapidly determine and incorporate the lessons from Katrina. For example, if media reports are correct that DOD leaders found during Katrina that the NRP does not provide sufficient detail regarding how federal agencies should assist local governments during a domestic disaster, the NRP’s authors should provide additional guidance in this area.³⁶ Planners should devote special attention to clarifying lines of authority for each type and phase of an emergency. DHS also must provide adequate direction and resources to ensure the effective implementation of any corrective measures derived from exercise scenarios involving truly catastrophic emergencies, as well as the NRP and NIMS more generally. In his late September post-Katrina testimony to Congress, former FEMA Director Michael Brown said DHS managers could not secure the funds needed even to begin to overcome the problems exposed by last year’s hurricane Pam computer simulation, which accurately predicted the devastation that would ensue should a major hurricane befall New Orleans, because other priorities took precedence.

Finally, the new DHS leadership will need to determine the appropriate role of the proposed DHS Policy Directorate in emergency planning. Brown says he long advocated establishing a planning cell within FEMA to improve the use of funds, personnel, and other assets, and to develop contingency plans and DOD-style playbooks. A dedicated DHS-wide policy office might make such a separate FEMA policy cell unnecessary provided it developed effective relations with FEMA. In

³⁶ “U.S. Military Criticizes Disaster Response Plans,” Global Security Newswire, October 25, 2005, at http://www.nti.org/d_newswire/issues/2005_10_25.html.

addition, the Policy Directorate could help promote integration of the agency's disaster response and recovery programs with those of the proposed Preparedness Directorate.³⁷

Improving Agency Management

FEMA's integration into DHS as a subordinate body, rather than remaining an independent federal agency headed by a Cabinet secretary, has exacerbated long-standing accusations that it has become politicized. For example, states and communities that unsuccessfully apply for FEMA's disaster mitigation grants sometimes charge that political criteria (i.e., Florida's key electoral status) determine the awards. Ironically, whereas FEMA grants are decided on the basis of a competitive nationwide process, the USA PATRIOT Act (P.L. 107-56) required ODP to distribute grants according to a formula in which every state received some funds regardless of threat or vulnerability. Although some awards (e.g., Urban Area Security Initiative grants) flow directly to cities and other vulnerable localities, most go to governors who develop procedures for allocating these federal funds to local jurisdictions within their states. Distributing federal homeland security grants to states and localities based solely on a risk-based approach would reduce the perceived role of political favoritism in the process.

Congress and FEMA also need improved mechanisms for ensuring the proper distribution of federal funds. In past disasters, FEMA sometimes appears to have exercised inadequate oversight over private contractors and provided assistance to

³⁷ The desired functions of a DHS policy unit are discussed in James Jay Carafano, Richard Weitz, and Alane Kochems, "Department of Homeland Security Needs Under Secretary for Policy," Heritage Foundation Backgrounder no. 1788, August 17, 2004, at <http://www.heritage.org/Research/HomelandDefense/bg1788.cfm>.

recipients that did not suffer substantial financial losses.³⁸ FEMA managers acknowledge problems with their accounting and grant management procedures, but argue that agency personnel sometimes need to relax them during a crisis in order to provide relief as rapidly and widely as possible.³⁹ They also have pointed to the need to improve both the visibility and the mobility of government and private sector response assets. Even amidst the chaos of a disaster, emergency managers would like to know, after they assign a mission to another federal agency or private contractor, whether and when the items are delivered or the service completed.⁴⁰

More generally, investigators should examine whether emergency preparedness spending has been allocated optimally at the local and federal levels. Resource constraints always limit the overall amount that can be spent on homeland security, so planners must invariably accept some risks. Targeted spending increases might be warranted in certain cases (i.e., to hire more FEMA personnel), but analysts need to verify that budget cuts in some programs have not been counterbalanced by increased spending under new programs—as has been the case with FEMA’s U.S. Fire Administration.⁴¹

During his post-Katrina congressional testimony, Michael Brown raised the issue of the extensive transfers from FEMA’s core operating budget to support DHS-wide programs or initiatives. Uniquely among federal departments, Congress has granted DHS authority to reprogram funds among its agencies without prior legislative

³⁸ Tim Jones, “FEMA Efforts Under Legal, Political Attack,” *Chicago Tribune*, September 25, 2005.

³⁹ “FEMA Spending Needs Controls,” editorial, *Baton Rouge Advocate*, October 1, 2005.

⁴⁰ See for example Michael Brown’s testimony before the House Select Bipartisan Committee hearings on the response to Hurricane Katrina, CQ Transcripts, reprinted in “Former FEMA Director Testifies Before Congress,” September 27, 2005, at

<http://www.nytimes.com/2005/09/27/national/nationalspecial/27text-brown.html?ex=1129262400&en=2758b55401a5336a&ei=5070&pagewanted=all&oref=login>.

⁴¹ Pat West, “Financial Check-Up,” *Fire Chief*, vol. 49, no. 4 (April 2005).

approval. DHS spokesperson Russ Knocke acknowledged that the department used some money allocated to FEMA and other DHS component agencies to cover shared DHS-wide expenses, such as establishing its new headquarters. He argued, however, that management efficiencies resulting from the department's formation (i.e., consolidation of various support functions) generated other savings, and that FEMA's incorporation into DHS enhanced its ability to gain assistance from other federal agencies.⁴²

The same logic applies to FEMA's disaster response personnel. Although many seasoned emergency managers have left FEMA since its incorporation into DHS, some of them retired, and others resigned because of a desire to pursue opportunities in the private sector, concerns about the administration's plans to create a new human resource management system, the transfer of programs from FEMA to other DHS agencies, low job satisfaction due to overwork and other factors, or additional reasons unrelated to a possible decline in FEMA's attention to non-terrorist threats.⁴³ When FEMA joined DHS, it yielded some missions and staff to the department's transportation and border security entities, but it also acquired some new responsibilities and personnel from other departments. For example, the Department of Health and Human Services yielded its disaster medical assistance teams to FEMA.⁴⁴ In any case, FEMA has hired new experts and managers, and other DHS employees have been

⁴² G. Robert Hillman, "FEMA Troubles No Shock to Previous Chief: Allbaugh Says Agency Suffered in Move to Homeland Security," *Dallas Morning News*, October 1, 2005.

⁴³ Some of these factors are discussed in Peter G. Gosselin and Alan C. Miller, "Why FEMA Was Missing in Action," *Los Angeles Times*, September 5, 2005; Julia Malone, "Storms Bolster Case for Changes at FEMA," *The Atlanta Journal-Constitution*, September 25, 2005; and Justin Rood, "FEMA's Decline: An Agency's Slow Slide from Grace," GovExec.com Daily Briefing, September 28, 2005, at <http://www.govexec.com/dailyfed/0905/092805j1.htm>.

⁴⁴ Randolph E. Schmid, "FEMA Budget So Complex It Defies Consensus," Associated Press, September 25, 2005 (Nexis/Lexis).

assisting with domestic emergency preparedness and response. Only a close examination will determine the net effect of these transfers, and which personnel policies should be changed.

Some critics also argue that FEMA's response to Katrina suffered from poor and inexperienced leadership. Whatever the accuracy of the concerns about unqualified political appointees, a charge that has long bedeviled a number of government agencies (including FEMA), the presidential appointment and congressional hearings processes already have the capacity to address it. If the White House and Congress want FEMA's senior officials to have extensive backgrounds in emergency management before assuming office, they can nominate and confirm only such individuals. Executive and legislative branch officials also dispose of other tools (i.e., the federal budget) to encourage and pressure FEMA's post-Katrina leadership to overcome some of the problems that became evident during the hurricane and its aftermath.

Flexible Federalism

The core assumption guiding the U.S. response to most domestic emergencies is that incidents are typically managed best at the lowest possible geographic, organizational, and jurisdictional level. The local authorities normally best understand the unique capabilities and vulnerabilities of their communities. In addition, the federal government lacks the resources to serve as a first responder in every disaster within the United States. The Stafford Act, other congressional legislation, and presidential directives embody this "tiered" approach in which state and local governments have the

initial lead role in managing any emergency within the United States.⁴⁵ For example, these authorities draw up the emergency response and evacuation plans for their jurisdictions and authorize their implementation. Only when the scale of an incident exceeds their capacity to respond can FEMA and other federal agencies become involved. Such intervention requires the President, following an appeal from a state governor, to issue a disaster or emergency declaration that authorizes supplemental federal assistance to the stricken area.

Even in this case, state authorities preserve much authority over the response. For instance, the governor can retain control of the state National Guard, and state disaster managers continue to decide what role, if any, they want FEMA to play in distributing emergency supplies. State governments have established a network of mutual assistance agreements under the auspices of the Emergency Mutual Aid Compact (EMAC), a congressionally approved arrangement by which states can assist one another during an emergency (e.g., by sharing state National Guard troops). With FEMA's encouragement, similar mutual aid systems have arisen between other jurisdictions. Federalism also underpins the principles of cost-sharing and shared responsibility that govern the national response to major domestic emergencies. This decentralized philosophy also recognizes that nongovernmental actors such as private businesses and voluntary associations (e.g., the American Red Cross) can make substantial independent contributions to emergency preparedness and response.⁴⁶

⁴⁵ For instance, section (6) of HSPD-5, which states: "The Federal Government recognizes the roles and responsibilities of State and local authorities in domestic incident management. Initial responsibility for managing domestic incidents generally falls on State and local authorities." In accordance with the principle of federalism, each state decides for itself the precise delineation of authorities and responsibilities for emergency response between state-wide and local governments.

⁴⁶ See for example section (7) of HSPD-5, which states: "The Federal Government recognizes the role that the private and nongovernmental sectors play in preventing, preparing for, responding to, and

Although the principle of federalism underpinning the tiered approach applies well to most domestic emergencies, catastrophic incidents typically require a more vigorous federal response, especially at the earliest stages of a crisis. The demands of a calamity like Katrina—which unlike other recent domestic disasters saw the total collapse of the local critical infrastructure (e.g., transportation, telecommunications, power, public health, etc.)—overwhelmed the state and local resources before substantial federal assistance could arrive on the scene. Only the federal government has the authority and resources to cope with major disasters on the scale of Katrina or a WMD attack in an American city.

The NRP itself distinguishes between most domestic incidents, best handled by local authorities with limited assistance from the federal government and surrounding communities, and “Incidents of National Significance,” which require DHS quickly to assume the lead coordination role. The DHS Secretary, under certain specified conditions and in consultation with other federal departments and agencies, decides when to make such a declaration.⁴⁷

If analysis shows that normal NRP protocols unduly limited the speed of the federal response during Katrina, officials may need to modify them to provide the flexibility, guidelines, and authority to manage catastrophic situations such as the collapse of a region’s critical infrastructure or the inability of local government bodies

recovering from terrorist attacks, major disasters, and other emergencies. The Secretary will coordinate with the private and nongovernmental sectors to ensure adequate planning, equipment, training, and exercise activities and to promote partnerships to address incident management capabilities.”

⁴⁷ According to HSPD-5, the DHS Secretary can declare an Incident of National Significance when any one of the following four conditions applies: (1) a federal department or agency has requested the Secretary’s assistance; (2) the emergency has overwhelmed state and local resources, and their authorities have requested federal assistance; (3) more than one federal department or agency has become substantially involved in managing the domestic incident; or (4) the President has directed DHS to assume responsibility for the response. See also U.S. Department of Homeland Security, *The National Response Plan*, p. 67, at http://www.dhs.gov/dhspublic/interapp/editorial/editorial_0566.xml.

to continue essential public functions. It might be advisable to allow the president, in exceptionally extreme circumstances, to federalize the state National Guard or issue a mandatory evacuation order even without the approval of the governor of a stricken state.⁴⁸ (A strengthened FEMA, however, might obviate the need for a greater role for the military in domestic disasters.) In any case, the federal government needs to improve its logistical ability to deploy its emergency response assets more rapidly to disaster-stricken regions. DHS also should consider developing national “response packages”—scalable and modular collections of federal and other resources that could rapidly deploy in catastrophic contingencies.⁴⁹

Katrina exposed a problem with the financial provisions embodied in the Stafford Act: they do not apply well to catastrophic disasters. Any major emergency will substantially increase demands for local government spending while simultaneously devastating the region’s revenue base (from industry, commerce, tourism, etc). Even with the 75%-25% federal cost-sharing provisions, states and localities cannot easily pay their required share. Congress needs to consider additional financial support mechanisms for stricken communities until their economies have clearly begun to recover.

For FEMA to concentrate its attention and resources on managing catastrophic disasters, however, we will need to enhance the capacities of state and local authorities, as well as families and individuals, to respond to non-catastrophic disasters. Otherwise, we risk federalizing routine disasters. Washington’s growing involvement in disaster

⁴⁸ Some of the options the Bush administration is considering to make the federal response to domestic catastrophes more “automatic” are discussed in Bill Sammon, “Bush Seeks to Federalize Emergencies,” *Washington Times*, September 27, 2005.

⁴⁹ James Jay Carafano and David Heyman, eds., “DHS 2.0: Rethinking the Department of Homeland Security,” Heritage Foundation *Special Report* No. 2, December 13, 2004, p. 25, at www.heritage.org/Research/HomelandDefense/sr02.cfm.

response in recent years, manifested by the increasing congressional appropriations for the DRF, might have inadvertently given local authorities an additional incentive to prematurely declare that they have exhausted their resources in order to trigger large-scale federal intervention and funds.

One issue warranting renewed attention in light of Katrina is the department's long-delayed plan to create a unified regional structure to govern how it interacts with state and local officials and members of the private sector. The purpose of any regional framework would be to improve coordination, planning, and information sharing among these entities—with an emphasis on strengthening intelligence and early warning, critical infrastructure protection, and emergency preparedness and response.⁵⁰ When the Homeland Security Act of 2002 merged over 22 federal organizations and programs into a single department, DHS inherited at least a dozen different regional structures that provided a framework for directing its national operations. FEMA still has its 10 regional offices and two area offices. Each regional office serves several states, and their staffs work directly with state and local actors to help plan for disasters, develop mitigation programs, and determine what federal assistance to provide when major crises occur.⁵¹ For example, the governor of an affected state requests assistance for specific disaster programs through the FEMA Regional Director. An analysis of the Katrina experience might provide guidance regarding the optimal functions, capabilities, and other attributes of the future DHS-wide regional infrastructure.

⁵⁰ See Edwin Meese III, James Jay Carafano, and Richard Weitz, "Organizing for Victory: Proposals for Building a Regional Homeland Security Structure," Heritage Foundation Backgrounder No. 1817, January 21, 2005, at <http://www.heritage.org/Research/HomelandDefense/bg1817.cfm>.

⁵¹ Federal Emergency Management Agency, "Regional and Area Offices," updated October 22, 2004, at www.fema.gov/regions. For a map of these regions see Federal Emergency Management Agency, *Annual Performance & Accountability Report: Fiscal Year 2002* (Washington, DC, 2002), p. 11.

CONCLUDING OBSERVATIONS

Katrina should serve as a stimulus for reassessing U.S. response policies and capabilities for catastrophic emergencies. Nevertheless, analysis must precede decision. The administration, Congress, and nongovernmental experts should review in detail the policies, decisions, and organizations that might have contributed to the poor management of the disaster. To avoid faulty generalizations, however, they should also examine more successful responses, such as to hurricane Rita. Based on their reviews, we may need to refine DHS's all-hazards approach, clarify disaster planning (especially for incidents of national significance), strengthen FEMA management practices, and improve federal-state cooperation.