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THESIS

**THE MILITARY AND DOMESTIC DISASTER RESPONSE:
LEAD ROLE REVEALED THROUGH THE EYE OF
HURRICANE KATRINA?**

by

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December 2006

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REVEALED THROUGH THE EYE OF HURRICANE KATRINA?**

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ABSTRACT

The traditional role of the active-duty military force at home is one of support to a civilian Lead Federal Agency (LFA) that primarily falls under the Department of Homeland Security (DHS). During emergencies, military domestic assistance is historically provided when local, state, and federal resources have been overwhelmed. During and in the aftermath of Hurricane Katrina, however, the slow and perceived inept response to the massive disaster prompted a national debate on the appropriate role of the military in response to major domestic disasters. Many concerned with the federal response to Katrina believed that America's homeland security system could not aptly respond to a large-scale natural or man-made catastrophe without the military in a lead role. Defining the roles and understanding the responsibilities outlined for the Department of Defense (DOD) within the National Response Plan (NRP) is an important first step toward an effectively coordinated Federal domestic incident response.

The purpose of this research is to explore the role of the active-duty military in domestic disaster response, using Hurricane Katrina, to determine if DOD and DHS response to the disaster was implemented according to the NRP. This research will help to explain the role that the military plays in supporting the civilian LFA in disaster response.

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LIST OF ABBREVIATIONS AND ACRONYMS

ACLU	American Civil Liberties Union
AOR	Area of Responsibility
ASD (HD)	Assistant Secretary of Defense for Homeland Defense
CDT	Central Daylight Time
CI/KR	Critical Infrastructure and Key Resources
CONPLAN	U.S. Government Domestic Terrorism Concept of Operations Plan
CDRUSNORTHCOM	Commander, United States Northern Command
CDRUSPACOM	Commander, United States Pacific Command
DCE	Defense Coordinating Element
DCO	Defense Coordinating Officer
DCE	Defense Coordinating Element
DFO	Disaster Field Office
DHS	Department of Homeland Security
DSCA	Defense Support to Civil Authorities
DOD	Department of Defense
EOC	Emergency Operation Center
ESF	Emergency Support Function
EST	Emergency Support Team
FCO	Federal Coordinating Officer
FEMA	Federal Emergency Management Agency
FRERP	Federal Radiological Emergency Response Plan
FRP	Federal Response Plan
GWOT	Global War on Terrorism
GAO	Government Accounting Office
HASC	House Armed Services Committee
HLS	Homeland Security
HSOC	Homeland Security Operations Center

HSC	Homeland Security Council
HSPD-5	Homeland Security Presidential Directive-5
ICO	Information Cut-Off Date
ICS	Incident Command System
IIMG	Interagency Incident Management Group
INRP	Initial National Response Plan
INS	Incident of National Significance
JDOMS	Joint Director of Military Support
JOC	Joint Operations Center
JTF	Joint Task Force
JFO	Joint Field Office
JP	joint publication
JTF	Joint Task Force
LFA	Lead Federal Agency
MRE	Meal Ready to Eat
NDBC	National Data Buoy Center
NHC	National Hurricane Center
NGO	Non-Governmental Organization
NHC	National Hurricane Center
NIMS	National Incident Management System
NOAA	National Oceanic and Atmospheric Administration
NOC	National Operations Center
NOC-I&A	Intelligence and Analysis
NOC-NICC	National Infrastructure Coordination Center
NOC-NRCC	National Response Coordination Center
NOC-Planning	Interagency Planning Element
NOC-Watch	The NOC – Interagency Watch
NORTHCOM	Northern Command
NRP	National Response Plan
NRP-CIS	NRP Catastrophic Incident Supplement

PCA	Posse Comitatus Act
PDA	Preliminary Damage Assessment
PFO	Principal Federal Official
POC	Point of Contact
RRCC	Regional Response Coordination Center
(R)	Republican
RFA	Request for Assistance
SASC	Senate Armed Services Committee
SAR	Search and Rescue
SCO	State Coordinating Officer
SecDef	Secretary of Defense
SFO	Senior Federal Official
SOP	Standard Operating Procedure
Stafford Act	Robert T. Stafford Disaster Relief and Emergency Assistance Act
USCG	United States Coast Guard
US&R	Urban Search and Rescue

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I. INTRODUCTION, PURPOSE AND IMPORTANCE

On the 29th of August, 2005, Hurricane Katrina, one of the most powerful hurricanes in United States history, made landfall along the gulf coast areas of Louisiana, Alabama and Mississippi.¹ The devastation caused by the storm was witnessed by people around the world through multiple media outlets. Local, state and federal government came under sharp criticism by the American public when the response, particularly to the devastated city of New Orleans, Louisiana was slow and inept.²

Nationwide, citizens and lawmakers demanded to know why fellow Americans on the gulf coast failed to receive a quality federal response to the disaster. Many also questioned why the military was not called in sooner to help the obviously overwhelmed state and local governments, particularly after the levees were breached in the city of New Orleans. The slow and perceived inept response to the massive disaster caused by Hurricane Katrina shattered the belief that America's homeland security system could aptly respond to a large-scale natural or man-made catastrophe.

The purpose of this research is to explore the role of the military in domestic disaster response, using Hurricane Katrina as a case study, to determine first, if the Department of Defense (DOD) (active-duty military) response to Hurricane Katrina was implemented according to the National Response Plan (NRP) and second, whether the Department of Homeland Security (DHS) (FEMA/Coast Guard) response was implemented according to the NRP.

Just days after Hurricane Katrina struck the gulf coast states, President George W. Bush held a press conference in the devastated city of New Orleans.

¹ Henry B. Hogue and Keith Bea. CRS Report for Congress, *Federal Emergency Management and Homeland Security Organization: Historical Developments and Legislative Options*, Jun 1, 2006, 1.

² See U.S. Congress. U.S House of Representatives, House Committee on Government Reform, *A First Look at Lessons Learned From Katrina*, Sep 15, 2005.

During his speech, he lauded the Department of Defense for their comprehensive response to Katrina. The President cited the military as “the institution of our government most capable of massive logistical operations on a moment’s notice.”³ He also publicly called upon the Congress to consider an expansion of the military’s response role in a catastrophic domestic disaster.⁴ This public proposal to expand the military’s role set off a national debate on the appropriate role of the military in domestic disaster response.

The traditional role of the active-duty military force at home is one of support to a civilian Lead Federal Agency (LFA) that usually falls under DHS. However, during his speech in New Orleans, the President explained that the task of recovering from a catastrophe the magnitude of Hurricane Katrina may require an expansion of military authority.⁵ President Bush’s proposal to expand military authority was met with strong opposition shortly after its announcement. This contentious issue may eventually broaden the rift between governors’ offices and the White House over homeland security and emergency management. It also has the potential to widen the gap between federal policies and local emergency management imperatives.

Hurricane Katrina is an intrinsically important case that has shifted the debate on the appropriate role of the military in disaster response. This research will help explain the role that the military plays in supporting the civilian LFA in disaster response. Understanding this role will help DOD plan, prepare and respond more effectively to future disasters. In the on-going Global War on Terrorism (GWOT), understanding the role the military plays before, during and after a disaster can not only help improve our nation’s ability to manage natural disasters, but can potentially enhance future consequence management capabilities necessary to respond to a terrorist attack.

3 White House. *News release: President Discusses Hurricane Relief in Address to Nation*. Office of the Press Secretary, Sep 15, 2005, <http://www.whitehouse.gov/news/releases/2005/09/20050915-8.html> (accessed on May 9, 2006).

4 Ibid.

5 Ibid.

Moreover, national consensus on the appropriate role for the military will allow senior DOD leaders to begin appropriately structuring the active duty force for the role (either support or lead) they will ultimately play in domestic disaster response. The implications for budgets and other resources, manning levels, training and exercise requirements all impact the military's ability to fulfill its primary mission of defending the homeland by conducting missions abroad. The American public seeks reassurance that the federal government can adequately respond to the needs of its citizens after a large scale natural or manmade disaster on American soil.

This report will argue that expanding the military's role to lead the disaster response effort is not the best strategy for improving federal disaster response. Rather, the focus ought to be upon the implementation process within federal plans (i.e. the National Response Plan).

The goal of this research is three-fold. The first goal is to help the intended audience (White House, Congress, DHS, DOD, American public) better understand the National Response Plan (NRP) and the roles and missions for active-duty military forces within the construct of Defense Support of Civil Authorities (DSCA) under the NRP. This includes the Request for Assistance (RFA) process and known legal limitations within the system.

The second goal is to outline a Hurricane Katrina response timeline for DOD and DHS to help identify any gaps during NRP implementation.

The third goal is to explore the DOD lessons learned from Hurricane Katrina and consider some of the political and social implications of expanding the military role in disaster response.

Finally, the report will culminate with conclusions and recommendations, to include future challenges that still exist.

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II. LITERATURE REVIEW

A. OVERVIEW

Since the events following the devastation of Hurricane Katrina occurred just over one year ago from the date of this report, much of the scholarly work analyzing the response is currently being written. As a result, this report will include an information cut-off date (ICO) for its research of September 15, 2006.

A literature review of existing schools of thought or views on the response to Hurricane Katrina surveys official government reports, transcripts of interviews, editorials, scholarly articles, public opinions and relevant books. This report will focus on general views in the literature regarding the DOD response to Katrina and the proposal to expand the military role. The views considered are: the government perspective (White House, Congress and state/local governments), the Pentagon and DHS perspective (civilian, DOD/DHS, military and National Guard views) and the public perspective (political parties, scholars, think tanks, and special interest groups).

B. GOVERNMENT PERSPECTIVES

A Pew poll following Katrina found that after the hurricane, “the public’s focus shifted for the first time since the September 11 attacks from the war on terrorism to domestic policy.”⁶ Addressing the shift in public concern, the federal government discussed engaging in bipartisan discussions to address factors that led to a slow federal response in the aftermath of Katrina. President George W. Bush announced to the nation in an address from Jackson Square in New Orleans, LA, that he wanted “to know all the facts about the government response to Hurricane Katrina.”⁷ According to the President,

Americans have every right to expect a more effective response in a time of emergency. When the federal government fails to meet such an obligation, I, as President, am responsible for the problem, and for

⁶ John Cochran. “Debacles, Delay and Disarray.” *CQ Weekly*, Oct 3, 2005, Pg. 2636, <http://library.cqpress.com.libproxy.nps.navy.mil/cqweekly/document.php?id=weeklyreport109-000001893679&type=hitlist&num=10&> (accessed on Nov 17, 2005).

⁷ *President Discusses Hurricane Relief in Address to the Nation*, Sep 15, 2005.

*the solution. So I've ordered every Cabinet Secretary to participate in a comprehensive review of the government response to the hurricane.*⁸

During that same address to the nation, President Bush called upon the Congress to consider granting greater authority to the military in disaster response.⁹ The national debate on the federal response to Katrina that followed produced three major lessons learned reports from the federal government: a White House report, a Senate report and a House of Representatives report.

The White House report, *The Federal Response to Hurricane Katrina: Lessons Learned*, February 2006, acknowledged the failure of federal, state and local authorities to prepare and respond to Hurricane Katrina. In it, the DOD was mentioned as one of the only departments able to translate Presidential decisions into operational capabilities.¹⁰

The report also recommended that DOD and DHS jointly plan response activities and ensure integration of guard and active duty forces.¹¹ Additionally, White House officials acknowledged that unified command and interagency processes must be improved.¹² Frances Fragos Townsend, White House Homeland Security Adviser, emphasized that during a major catastrophe, "... the United States military may be the only entity available to the federal government to protect the American people."¹³ As a result, the White House predicted that the Pentagon might take over the commanding role during catastrophes of "extraordinary scope and nature."¹⁴

8 *President Discusses Hurricane Relief in Address to the Nation*, Sep 15, 2005.

9 *Ibid.*

10 White House. *Fact Sheet: The Federal Response to Hurricane Katrina: Lessons Learned*, Office of the Press Secretary, Feb 23, 2006, <http://www.whitehouse.gov/news/releases/2006/0223.html> (accessed on May 4, 2006).

11 White House. *The Federal Response to Hurricane Katrina: Lessons Learned*. Washington D.C., Feb 23, 2006, 94.

12 *Ibid.*, 70.

13 Adina Postelnicu. "Greater military role is urged; White House's Katrina Report Lists Lessons," *The Biloxi Sun Herald*, Feb 24, 2006.

14 *Fact Sheet: The Federal Response to Hurricane Katrina: Lessons Learned*, Feb 23, 2006.

The House report also commented on the need for improved integration, communications, coordination and information sharing between and within DOD and DHS.¹⁵ It specifically noted that the military response was hampered by the lack of an information-sharing protocol to enhance situational awareness within military units and integration between Guard and active forces.¹⁶ It also stated that DOD, governors and state officials failed to actively participate in joint planning for both natural and man-made emergencies.¹⁷ The report claimed this “contributed to tension” during Katrina response operations. It also cited DOD as having “too few ‘civilian authorities’ in their military assistance to civilian authority planning.”¹⁸ The *Additional Views Presented by the Select Committee on Behalf of Rep. Charlie Melancon and Rep. William J. Jefferson* did note that a gap existed in the House report because it failed to address how and why the failures occurred, why they weren’t corrected and who was responsible.¹⁹

In Congress, legislative members had the tendency to propose the reorganization of federal agencies like the Federal Emergency Management Agency (FEMA) to solve the federal disaster response problem, when the solution may be much simpler.²⁰ As of May 30, 2006, eleven bills were

15 U.S. Congress, House of Representatives. *A Failure of Initiative: Final Report of the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina*, Feb 2006, 202-204.

16 Ibid, 218, 224.

17 Ibid, 222.

18 Ibid.

19 U.S. Congress, House of Representatives. Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina, Feb 15, 2006: *Additional Views Presented by the Select Committee on Behalf of Rep. Charlie Melancon and Rep. William J. Jefferson*. Washington, D.C., Feb 2006.

20 The eleven FEMA Reorganization bills introduced in Congress were: H.R. 3659, 4493, 3816, 3685, 3656, 2302, 1615, 4840, 4009. H.R. 5316 and 5451 were ordered reported by committee, GovTrack.us: Tracking the United States Congress, <http://www.govtrack.us/congress/bill.xpd?bill=h109-3659> (accessed on Jun 17, 2006). See [GovTrack.us](http://www.govtrack.us) for a summary of the pending legislation as a result of Hurricane Katrina. Of the eleven bills sponsored (as of 30 May 06), eight involve some type of restructuring of FEMA. The other three remaining bills put emergency management activities under DHS. Also see Hogue and Bea’s Jun 1, 06 CRS *Federal Emergency Management and Homeland Security Organization: Historical Developments and Legislative Options*.

introduced to improve disaster response. Eight of the bills introduced by the legislature were to reestablish FEMA as an independent agency.²¹

Within the House of Representatives, members on the House Armed Services Committee (HASC) wanted the President to spell out his plans for the military's broader role in disaster response.²² They were wary of the military leading emergency response and felt the decision could inadvertently harm readiness and the military's ability to protect the homeland.²³

The Senate report, *Hurricane Katrina: A Nation Still Unprepared*, May 2006, was more focused on ensuring the government highlighted the problems with coordination and unity of effort among active-duty, Guard and DHS personnel than who led the response efforts. The report cited the DOD with insufficient preparations and lack of coordination with state governors.²⁴ Senator Joseph I. Lieberman, Ranking Member, Homeland Security and Governmental Affairs Committee, concluded that the lack of unity of command, especially in Louisiana, was a key failure in the federal government's response.²⁵

The Senate said it would consider holding hearings if a more specific proposal was developed regarding the President's proposal to expand the military disaster response role. Because this issue would affect the power of the states and increase the power of the federal government, the Senate Armed

21 Hogue and Bea, *Federal Emergency Management and Homeland Security Organization: Historical Developments and Legislative Options*, 21.

22 William Matthews. "Disaster response: Weak Reception for Bush's Proposal to Broaden Military's Role in Domestic Emergencies," *Armed Forces Journal*, Nov 1, 2005.

23 "Panel Chair Urges Caution in Expanding Federal Role in Disaster Response." *Defense Daily* 228, no. 25 (Nov 10, 2005): 1, <http://proquest.umi.com/pgdweb?did=924788361&Fmt=7&clientId=65345&RQT=309&VName=PQD> (accessed on Nov 17, 2005).

24 U.S. Congress, Senate. Committee on Homeland Security and Governmental Affairs. *Hurricane Katrina: A Nation Still Unprepared*, Report of the Committee on Homeland Security and Governmental Affairs, May 2006, Ch 26-68 to 26-70.

25 Joseph I. Lieberman. *Hurricane Katrina: A Nation Still Unprepared: Additional Views on White House Katrina Failures, Administration Lack of Cooperation with the Investigation, and Failure to Establish Unified Command*, May 2006, 33.

Services Committee (SASC) believed the issue definitely merited a close review.²⁶

State and local levels of government expressed strong opposition to an expansion in military authority during disasters. They generally argued that the current system was grounded in the constitution and preserved states rights. Arkansas Gov. Mike Huckabee (R) sounded off at a Governors' Association meeting by saying, "It's a bad idea for the military to make that decision and usurp the authority that under the U.S. Constitution stays with the governor and local authorities."²⁷

In sum, there was no real consensus on an approach or method to modify the current national disaster response plans – this is a major impediment to progress. This report will attempt to weigh in on the debates with additional research on where in the Katrina response timeline the implementation flaws surfaced.

C. PENTAGON AND DHS PERSPECTIVES

The military and the civilian leadership in the Pentagon generally agree that the military's daily job is focused on preventing, deterring and defeating attacks against the homeland.²⁸ DOD and DHS remained cautious and somewhat quiet on this issue of expanding the military role in disaster response. Unless asked to testify at hearings, officials made few public statements on this specific issue. Instead, the leadership at DHS and DOD combined efforts on this important issue and sent correspondence to President Bush seeking a greater understanding of the conditions for an expanded military role in disaster

26 David E. Sanger. "Bush Wants to Consider Broadening of Military's Powers during Natural Disasters." *New York Times*, Sep 27, 2005, <http://proquest.umi.com/pgdweb?did=902670581&Fmt=7&clientId=65345&RQT=309&VName=PQD> (accessed on May 11, 2006).

27 "States Oppose Military Disaster Role." *Associated Press*, Nov 05, 2005, <http://www.military.com/NewsContent/0,13319,79944,00.html> (accessed on May 11, 2006).

28 "Northern Command Integrating Lessons Learned from Katrina." *US Fed News Service*, Including US State News (Mar 14, 2006): n/a, <http://proquest.umi.com/pgdweb?did=1004052921&Fmt=7&clientId=65345&RQT=309&VName=PQD> (accessed on May 7, 2006).

response.²⁹ In a joint letter from Secretary of Defense, Donald Rumsfeld and Secretary of Homeland Security, Michael Chertoff, both acknowledged that active-duty military troops might be needed to respond to a “catastrophic” event.³⁰ The letter asked the President to further define the scope and duration of an expanded DOD role for such an event.³¹ It also asserted that there was a clear “expectation that a non-DOD Federal civilian lead would assume lead responsibility at the earliest opportunity, consistent with operational requirements.”³² One strong dissenting view on the subject came from Lt. Gen H. Steven Blum, National Guard Chief. He claimed that when a catastrophe hit, there could be only one person in charge—“elected governors,” illustrating the on-going battle over power between federal and state governments.

D. PUBLIC PERSPECTIVES

From a political party perspective, both Republicans and Democrats were extremely cautious about expanding the military’s role in disaster response. There was widespread concern that an expanded role could upset the balance of civil-military relations.³³ Some Washington think tanks did not agree with federalizing domestic disaster response. Unsurprisingly, Gene Healy, senior editor at the Cato Institute, warned that “Putting full-time warriors into a civilian policing situation can result in serious collateral damage to American life and liberty....” His statement hit a perpetual theme among those who seek to enlist military support for their position by adding, “it can also undermine military readiness.”³⁴ From the academic community, Richard Kohn of the University of North Carolina was not in favor of an expanded military role. He claimed that,

29 Donald Rumsfeld and Michael Chertoff. *Memorandum for the President*. “Katrina After-Action Lessons Learned Recommendation that DOD and DHS Determine when the Department of Defense Would be Involved in a Catastrophic Event—Natural or Man-Made,” Apr 7, 2006.

30 Ibid.

31 Ibid.

32 Donald Rumsfeld and Michael Chertoff. *Memorandum for the President*, Apr 7, 2006.

33 “States Oppose Military Disaster Role,” Nov 5, 2005.

34 Matthews, “Disaster response: Weak Reception for Bush's Proposal to Broaden Military's Role in Domestic Emergencies.”

"disaster response is a civil function."³⁵ Others in defense-related agencies agreed with him.³⁶

Similarly, several Washington think tanks and civil libertarians did not support an increased role for the active-duty military.³⁷ Talk of the military's expanded role potentially bringing the nation closer to martial law was commonplace throughout civil libertarian circles. The American Civil Liberties Union (ACLU) called the proposal "a very bad idea" with "unforeseen consequences for civil liberties."³⁸ Overall, the views showed there was general consensus that a shift in roles could possibly affect civil-military relations and would detract the military from its primary mission of fighting and winning wars.

35 Matthews, "Disaster response: Weak Reception for Bush's Proposal to Broaden Military's Role in Domestic Emergencies."

36 Ibid.

37 Mark Sappenfield. "Battle Brews Over a Bigger Military Role; the Pentagon Tilts Toward Taking More Authority in Major Disasters - Worrying Governors, Lawmakers." *The Christian Science Monitor*, Dec 13, 2005, <http://proquest.umi.com/pqdweb?did=940346321&Fmt=7&clientId=65345&RQT=309&VName=PQD>, (accessed Mar 6, 2006).

38 Matthews, "Disaster response: Weak Reception for Bush's Proposal to Broaden Military's Role in Domestic Emergencies."

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III. RESEARCH QUESTIONS AND METHODOLOGY

Based on a preliminary review of the literature, it quickly became evident that more questions than answers existed for this topic. For the purpose of this report, however, four key questions were the primary focus of this research:

- What is a National Response Plan (NRP) and what disaster response role is designated for the DOD active-duty military?
- Does the current construct of the NRP give the military and other key agencies the ability to share critical information during disaster response?
- Did the active duty military performance during Hurricane Katrina versus DHS performance provide evidence that greater DOD authority is needed during a federal response to a domestic catastrophe?
- Will placing the military in the lead role solve the federal government's disaster response problems?

This research will answer these questions and argue that a flawed implementation of the April 2004 NRP, as well as flaws within the NRP itself, led to a slow federal response during Hurricane Katrina. It will also argue that putting the military in the lead role in disaster response does not, in and of itself, solve the problem of an inept federal response to a catastrophic disaster.

This report will support the argument by using an in-case comparative study of the DOD (active-duty military) and DHS (FEMA/Coast Guard) response during Hurricane Katrina. Using the timeline and the NRP process, the report will test the prescribed procedures in the NRP against the implementation of those procedures during Hurricane Katrina. Furthermore, evidence will be used to determine whether or not a flawed implementation of the NRP or flaws within the NRP contributed to an inept federal response during Hurricane Katrina. Primary sources (speeches, interviews, official reports, doctrine, policies and declarations by government officials) as well as secondary sources (books, scholarly journal articles) were reviewed for this research effort.

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IV. WHAT IS THE NATIONAL RESPONSE PLAN?

A. BACKGROUND AND PURPOSE

Following the September 11, 2001 terrorist attacks, the United States found itself challenged with a potentially deadly asymmetric threat environment and a spectrum of man-made and natural hazards.³⁹ The National Strategy for Homeland Security; Homeland Security Act of 2002; and Homeland Security Presidential Directive-5 (HSPD-5), Management of Domestic Incidents, outlined clear objectives for a national approach: “to prevent terrorist attacks within the United States; reduce America’s vulnerability to terrorism, major disasters, and other emergencies; and minimize the damage and recover from attacks, major disasters, and other emergencies that occur.”⁴⁰

In an effort to ensure the objectives were met and requirements implemented, the President of the United States mandated, through HSPD-5, that a new National Response Plan (NRP) be developed to “align Federal coordinating structures, capabilities, and resources into a unified, all-discipline, and all-hazards approach to domestic incident management.”⁴¹ The premise behind the NRP was to establish a single, comprehensive, national framework of structures and mechanisms to conduct domestic incident management. The goal of the plan was to provide coordinated operations and resources at the federal level to support state, local and tribal incident managers “by increasing the speed, effectiveness, and efficiency of incident management.”⁴² In short, the NRP would be a national roadmap to guide U.S. federal response during a major or catastrophic disaster.

³⁹ Department of Homeland Security, *National Response Plan*, December 2004, at www.dhs.gov/interweb/assetlibrary/NRPbaseplan.pdf (accessed September 3, 2006), 1.

⁴⁰ Ibid.

⁴¹ Ibid, i.

⁴² Ibid, i, iii.

B. FOUNDATION AND ACTIVATION

1. National Incident Management System (NIMS)

The NRP was built on the foundational model of the National Incident Management System (NIMS), published on March 1, 2004.⁴³ The NIMS provides a standardized and unified incident management template that aligns command, control, organizational structure, terminology, communication protocols, resources and resource-typing for synchronization of response efforts at all echelons of government.⁴⁴ It also “integrates existing best practices into a consistent, nationwide approach”⁴⁵ to enable a more collaborative domestic incident management at all levels.

Using the comprehensive framework of the NIMS, the NRP is able to provide national-level policy and operational direction between governments and the private sectors.⁴⁶ This framework is consistent “at all jurisdictional levels, regardless of the cause, size, or complexity of the incident.”⁴⁷ As authors Christopher Cooper and Robert Block describe in their book, *Disaster: Hurricane Katrina and the Failure of Homeland Security*, the NIMS was mandated “to ensure all levels of government were working from the same playbook during a disaster. Its bedrock principle: one incident, one commander—no matter how many agencies send help.”⁴⁸ The consistent framework of the NIMS allows the NRP to always remain in effect.⁴⁹ The plan does, however, have the flexibility to be activated either fully or partially for a variety of incidents or emergencies.⁵⁰

43 NRP, 1.

44 Ibid, i.

45 United States. Department of Homeland Security, *National Incident Management System*, March 1, 2004, at http://www.fema.gov/pdf/emergency/nims/nims_doc_full.pdf (accessed September 3, 2006), 3.

46 NRP, 1.

47 Ibid, i.

48 Christopher Copper and Robert Block. *Disaster: Hurricane Katrina and the Failure of Homeland Security*. 1st ed. New York: Times Books, 2006, 277.

49 NIMS, 1.

50 NRP, i.

2. Incident of National Significance (INS)

In addition to covering the full spectrum of incident management and emergency assistance activities, the NRP may be activated for a specific Incident of National Significance (INS).⁵¹ The plan defines an INS as: an actual or potential high-impact event that requires robust coordination of the Federal response in order to save lives, minimize damage and provide the basis for long-term community and economic recovery.⁵²

When appropriate, it is the Secretary of Homeland Security, in consultation with the White House and other agencies, who declares Incidents of National Significance. As further guidance, HSPD-5 sets forth the following four specific criteria for an INS:

1. A Federal department or agency, responding under its own authorities, requests DHS assistance
2. Resources of State and local authorities are overwhelmed
 - a. Stafford Act major disasters or emergencies
 - b. Other catastrophic incidents
3. More than one Federal department or agency is involved
 - a. Credible threats or indications of imminent terrorist attack
 - b. Threats/incidents related to high-profile, large-scale events
4. The President directs DHS to assume responsibility for incident management.⁵³

An important exception to the criteria listed above for the designation of an INS is also noted in the NRP. When a major disaster declaration is given by the President under authority granted in Title V of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), the particular incident automatically becomes an Incident of National Significance.⁵⁴ This will be

⁵¹ *NRP*, i.

⁵² *Quick Reference Guide for the National Response Plan*, 2.

⁵³ *NRP*, 4.

⁵⁴ *Ibid*, 7.

addressed later in Chapter VI of this report. Additionally, since incidents are typically managed at the lowest possible organizational, geographic and jurisdictional level,⁵⁵ the NRP does not attempt to impede or change the ability of a Federal agency to carry out any specific authorities given under applicable directives, laws or Executive orders.⁵⁶

In sum, for incidents that require a coordinated Federal response, the national, state or local authorities may continue their normal procedures, using the NIMS framework, to respond to disasters that are less severe than an INS.⁵⁷ As such, the NRP does not apply to most incidents that occur each year and are handled locally with existing authorities and plans.

C. DEVELOPMENT

The Department of Homeland Security, directed by the President of the United States, led the multiagency development of the NRP. Both the product and process of development was truly a national effort. Comprehensive and extensive coordination and discussion of lessons learned and best practices took place with various members from Federal, state, local, tribal, NGO, private-sector entities and emergency managers nationwide.⁵⁸

During development, the NRP incorporated relevant portions of the Federal Response Plan (FRP), U.S. Government Domestic Terrorism Concept of Operations Plan (CONPLAN), Federal Radiological Emergency Response Plan (FRERP), Initial NRP (INRP) and other national-level contingency plans.⁵⁹ This multiagency effort produced a 58-page Initial National Response Plan (INRP) that was expanded to a full 426-page National Response Plan document, released in December 2004. This full version NRP supersedes all previously

⁵⁵ *Quick Reference Guide for the National Response Plan*, 3.

⁵⁶ *NRP*, 2, 6.

⁵⁷ *Quick Reference Guide for the National Response Plan*, 1.

⁵⁸ *NRP*, i.

⁵⁹ *Ibid*, ix, 1.

noted plans and is essentially the United States' new playbook for national emergency response.

D. STRUCTURE

The NRP structure includes a Base Plan, Appendices, Emergency Support Function (ESF) Annexes, Support Annexes and Incident Annexes.⁶⁰ The main component of the NRP is its base plan which describes the domestic incident management structures and processes.⁶¹ It details roles and responsibilities, incident management actions and various planning assumptions. The plan also includes appendices that contain acronyms, definitions, authorities, and a compendium of national interagency plans.⁶²

The full 426-page NRP contains 15 ESF Annexes⁶³ which describe the roles and responsibilities for the common activities that would support the majority of domestic incidents. The nine Support Annexes to the NRP provide guidance for the functional processes and administrative requirements to facilitate efficient and effective incident management.⁶⁴

The plan also contains the following seven incident annexes⁶⁵ that outline contingency or hazard situations (organized alphabetically) requiring specialized application of the NRP:

- *Biological Incident*
- *Catastrophic Incident*
- *Cyber Incident*
- *Food and Agriculture Incident (to be published in a subsequent version of the plan)*
- *Nuclear/Radiological Incident*

60 See Figure 1, Organization of the National Response Plan, *NRP*, xii.

61 The Base Plan includes the entire 114-page document (base plan and appendices). It does not include the annexes.

62 *NRP*, 63-96.

63 See Figure 2, Emergency Support Functions, *NRP*, 12.

64 *NRP*, SUP-i.

65 See full-text NRP for a detailed look at all incident annexes.

- *Oil and Hazardous Materials Incident*
- *Terrorism Incident Law Enforcement and Investigation.*⁶⁶

A summary of the full NRP structure is as follows:

Base Plan: *Concept of Operations, Coordinating Structures, Roles and Responsibilities, Definitions, etc.*

Appendixes: *Glossary, Acronyms, Authorities, and Compendium of National Interagency Plans*

Emergency Support Function Annexes (15)⁶⁷: *Groups capabilities & resources into functions most likely needed during an incident (e.g., Firefighting, Transportation, Mass Care, etc.)*

Support Annexes (9): *Describes common processes and specific administrative requirements (e.g., Public Affairs, Financial Management, Worker Safety & Health, etc.)*

Incident Annexes (7): *Organized alphabetically. Outlines core procedures, roles and responsibilities for specific contingencies (e.g., Bio, Radiological, Cyber, HAZMAT Spills, and Catastrophic incidents).*⁶⁸

Within the NRP, each annex describes the “policies, situation, concept of operations, and responsibilities pertinent to the type of incident in question.”⁶⁹ Catastrophic incidents such as the September 11 attacks, for example, would be addressed separately in the Catastrophic Incident Annex and under the Terrorism Incident Law Enforcement and Investigation Annex.⁷⁰

⁶⁶ *NRP*, INC-i.

⁶⁷ *NRP*, 12. See Figure 2 for the scope of the Emergency Support Function Annexes.

⁶⁸ *Quick Reference Guide for the National Response Plan*, 2. See the full text *NRP* for the plan’s structure and layout. Also see Figure 1 for an overview of the *NRP* organization.

⁶⁹ *NRP*, INC-i.

⁷⁰ *Ibid.*

One important note to highlight is that the NRP's Catastrophic Incident Annex states that an NRP Catastrophic Incident Supplement (NRP-CIS) will be published and released separately at a later date upon approval.⁷¹ This supplement will be a "more detailed and operationally specific"⁷² document designated "For Official Use Only."⁷³ As of the writing of this report, this document has not been published.

E. IMPLEMENTATION

Upon release of the NRP in December 2004, then Secretary of Homeland Security, Tom Ridge, emphasized that the effective implementation of the NRP would require "extensive cooperation, collaboration, and information-sharing across jurisdictions, as well as between the government and the private sector at all levels."⁷⁴ As such, a letter of agreement within the NRP was signed by 32 departments and agencies. It is important to note that the letter represented a pledge from those signatories to provide cooperation, resources and support to DHS in the implementation of the NRP.⁷⁵

Since release and implementation of the full NRP, White House officials have called for revisions to the plan in light of lessons learned from the response to Hurricane Katrina in 2005.⁷⁶ As a result, DHS released a 49-page *Notice of Change to the National Response Plan*, updating various elements of the December 2004 NRP. The modifications to the NRP were coordinated through the Homeland Security Council (HSC) for review and approval before being

71 *NRP*, CAT-1

72 *Ibid.*

73 *Ibid.*

74 *NRP*, i.

75 *NRP*, iii-viii.

76 White House Report, 88.

released on May 25, 2006. For operational purposes, all the modifications are considered part of the NRP pending a revision and reissuance of the full document.⁷⁷

⁷⁷ *Notice of Change to the National Response Plan*, 1.

V. SHARING INFORMATION DURING EMERGENCY RESPONSE

*Incidents of National Significance require the Secretary of Homeland Security to coordinate operations and/or resources, and may...require significant information-sharing at the unclassified and classified levels across multiple jurisdictions and between the public and private sectors.*⁷⁸

A. WHY SHARED INFORMATION IS CRITICAL

As the U.S. continues to execute the on-going Global War on Terrorism (GWOT), understanding the role that information plays in disaster response will be vitally important. This knowledge can not only help improve the nation's ability to manage domestic emergencies like earthquakes or hurricanes, but can potentially enhance future consequence management capabilities necessary to respond to man-made disasters or terrorist attacks.

In the article, *Information in a Disaster: Sharing Data is Key to Improved Response*, Dr. Linton Wells II, the Department of Defense Principal Deputy Assistant Secretary for Networks and Information Integration, emphasized that federal agencies can better respond to domestic and international disasters “by sharing unclassified information effectively with state, local and tribal governments, nongovernmental organizations and relief entities.”⁷⁹ Additionally, during his March 30, 2006 hearing testimony on information sharing for disaster response, Dr. Wells further explained to the House Committee on Government Reform, that “...information is absolutely critical. Communications is one piece, but the goal, ultimately, is to share information.”⁸⁰ When considering this

⁷⁸ NRP, 6.

⁷⁹ Linton Wells. “Information in A Disaster: Sharing Data is Key to Improved Response.” *Federal Times*, July 10, 2006, 2006. 21, <http://www.federaltimes.com/index.php?S=1936598> (accessed Jul 20, 2006).

⁸⁰ House Committee on Government Reform. *US Representative Thomas M. Davis III (R-VA) Holds a Hearing on Disaster Response Information Sharing*. March 30, 2006, http://w3.nexis.com/new/results/docview/docview.do?start=3&sort=RELEVANCE&format=GNBFULL&risb=21_T612272116 (accessed September 15, 2006).

statement in relation to the United States' efforts to achieve this goal while managing domestic incidents, two important questions emerge: has the U.S. planned for information sharing during disaster response; and if so, how?

One national-level effort that provides several venues to facilitate information sharing between federal, state, local and private sectors during a disaster can be found in the previously discussed NRP. To better facilitate implementation of the national plan, a newly identified key organizational structure was recently chartered as a multiagency, information repository for domestic incident management. This chapter will provide an overview and examination of the information-sharing structure within the NRP now known as the National Operations Center (NOC).

B. NOC: NEW NRP COORDINATING MECHANISM

A primary goal within the NRP is the ability to orchestrate a more coordinated response among federal, state and local organizations. The concept of sharing critical information with decision makers and first responders when and where it is needed is vitally important. Many of the NRP coordinating mechanisms are structured to facilitate information sharing. One of the newly developed organizational structures in the NRP, the National Operations Center and its sub elements, will be examined.

The National Operations Center, or NOC, is the new key coordinating mechanism within the NRP that was created with release of the *Notice of Change to the National Response Plan* in May 2006. Replacing the Homeland Security Operations Center (HSOC), the NOC serves as the national hub for all information sharing, communications, and coordination pertaining to the prevention of terrorist attacks and domestic incident management.⁸¹ This interagency center is staffed with full-time employees from relevant agencies and departments, providing National-level coordination of Federal, state and local response to major domestic incidents.⁸²

⁸¹ *NRP*, 24.

⁸² White House Report, 92.

1. Sub-elements

As a multiagency center, the NOC links key headquarters components and is comprised of five sub-elements: Interagency Watch, National Response Coordination Center, Information and Analysis Component, National Infrastructure Coordination Center, and Operational Planning Element.⁸³ A summary of the key responsibilities for each sub-element follows:

The NOC – Interagency Watch (NOC-Watch): a standing 24/7 interagency organization fusing law enforcement, national intelligence, emergency response, and private sector reporting. Also facilitates HLS info-sharing and operational coordination with other Federal, State, local, tribal, and NGO Emergency Operation Centers (EOCs).

National Response Coordination Center (NOC-NRCC): monitors potential or developing incidents, supports regional/field components with national-level emergency response/specialized teams and resources. Coordinates with Regional Response Coordination Centers (RRCCs) and operates 24/7 during an incident.

Intelligence and Analysis (NOC-I&A): responsible for interagency intelligence collection requirements, analysis, production, and product dissemination for DHS. Coordinates or disseminates DHS threat warnings, advisory bulletins, and other info pertinent to national incident mgt to Federal, State, regional, local, and NGO EOCs, incident management officials and private sector.

National Infrastructure Coordination Center (NOC-NICC): monitors the Nation's critical infrastructure and key resources (CI/KR). During an incident, provides a coordinating forum to share info across infrastructure KR sectors through info-sharing entities such as the Information Sharing & Analysis Centers and Sector Coordinating Councils. To foster info sharing/coordination, private sector reps from CI/KR may provide info to the NOC-NICC.

Interagency Planning Element (NOC-Planning): conducts strategic level ops incident mgt planning/coordination. Responsible for strategic level ops planning, including coordinating response/recovery/mitigation ops planning and interagency coordination with NOC-NRCC;

⁸³ Quick Reference Guide for the National Response Plan, 6.

*coordinating and sustaining Federal preparedness, prevention and protection activities related to an INS or at the Secretary's direction; and coordinating preparedness, prevention and protection ops, resource allocation and planning with Federal departments and agencies, NOC-NRCC, RRCCs and JFO.*⁸⁴

Combined, the five sub-elements of the NOC are designed to ensure that information flows horizontally and vertically between key national emergency response organizations. The ultimate goal is to quickly and effectively disseminate needed information to the decision-making agencies and individuals that need it most.

2. Impact at National Level

At the national level, the NOC also engages in pre-incident actions and “facilitates interagency information-sharing and planning activities to enable the assessment, prevention, or resolution of a potential incident.”⁸⁵ Additionally, the NOC reformulates the mission of the former Interagency Incident Management Group (IIMG) as a senior advisory council and adjudication body for the Secretary of Homeland Security.⁸⁶

As the Federal incident manager, the Secretary of Homeland Security would depend on the NOC for timely and vital information on all aspects of a domestic incident. To help facilitate this important mission, all agency and department command centers are responsible for providing information to the NOC to assist in their ability to develop a real-time common operating picture for the White House and all other agencies during a domestic emergency.⁸⁷ This makes the reach-back capability of the personnel in the NOC a crucial element for nurturing a strong information-sharing environment.

Given the important goal of effectively and efficiently provide critical information to decision makers and response agencies that need it the most, the

⁸⁴ *Quick Reference Guide for the National Response Plan*, 6-7.

⁸⁵ *Ibid*, 9.

⁸⁶ *Ibid*, 4.

⁸⁷ White House Report, 92.

NOC clearly plays a vital role in the overall success of domestic incident management. Together with other agencies in the Federal, state and local, NGO and private sectors, this new multiagency coordinating mechanism within the NRP is designed to better facilitate critical information-sharing activities. If run properly, the NOC will more effectively manage the key processes that must be accomplished during domestic incident management.

C. INFORMATION SHARING: KEY TO DISASTER RESPONSE

As the federal government begins its journey to transform “from a need-to-know information-sharing environment, to a need to share”⁸⁸ environment, the National Response Plan will play an important role. In striving to unify the nation’s capabilities to prevent, prepare, respond and recover from all hazards and asymmetrical threats—whether earthquakes, dirty bombs, hurricanes or nuclear incidents—the NRP has laid out a solid blueprint for successful coordination. The United States has attempted to institute organizational structures within the NRP for information sharing during disaster response.

The comprehensive, national approach to domestic incident management provides a general concept of operations that helps the President of the United States ensure resources are quickly and efficiently applied to any Incident of National Significance.⁸⁹ The established mechanisms to enhance information-sharing and provide a more proactive federal response to catastrophic incidents are visible within the plan. Additionally, the organizational structures within the NRP are established to ensure information is coordinated and communicated “from the local to regional to national headquarters level.”⁹⁰

It is the coordinating mechanisms within the National Response Plan, particularly the new 24/7 multiagency National Operations Center, that serve as useful conduits for information sharing and interagency coordination with

⁸⁸ *US Representative Thomas M. Davis III (R-VA) Holds a Hearing on Disaster Response Information Sharing*, Mar 30, 2006, 4.

⁸⁹ *NRP*, 15.

⁹⁰ *Ibid*, 24

Federal, state, local, tribal, NGO and private sector entities.⁹¹ The true measure of success, however, is not in the organizational structure or coordinating mechanisms of the NRP. Success lies in the effective implementation of the plan; where individual actors have knowledge of their identified roles and actually perform the outlined responsibilities. Simply put, it is essentially up to individuals executing the plan to ensure coordination takes place and that leaders in key positions receive relevant and timely information.

As U.S. Representative Bill Pascrell Jr. aptly noted during a joint subcommittee hearing on military/national guard disaster response, “the National Response Plan is only valuable if these officials use it and use it correctly.”⁹² The failure or refusal of agencies or individuals to use the National Response Plan and effectively share information among the coordinating mechanisms can ultimately result in less than optimal incident and consequence management. Additionally, information that is shared among agencies through the coordinating mechanisms of the NRP will only prove useful if that information can quickly reach the consumers and decision makers who need it most. The current systems within the NRP do, however, provide a foundation upon which a desirable information-sharing environment during emergencies can be developed and expanded.

The disaster response lessons learned from events like the September 11 attacks and Hurricane Katrina have highlighted the national information-sharing challenges that still exist. The nation is however, slowly beginning a paradigm shift to find an appropriate balance within the information-sharing environment.⁹³ As the National Response Plan matures, the effective implementation of its outlined principles will be critical. Each stakeholder’s willingness to share critical information during an actual disaster, will ultimately determine if the United

⁹¹ *NRP*, 24.

⁹² House Homeland Security Committee. *US Representative David Reichert (R-WA) Holds a Joint Hearing with the House Armed Services Committee, Terrorism, Unconventional Threats and Capabilities Subcommittee on Military/National Guard Disaster Response*. Nov 9, 2005.

⁹³ *Preliminary Report on the Creation of the Information Sharing Environment*. Jun 22, 2006, <https://www.hsdl.org/homesecc/docs/intel/nps17-062206-05.pdf> (accessed Sep 15, 2005), 6.

States moves closer to achieving its goal of improving the nation's ability to respond to domestic incidents.

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VI. DOD ROLE IN DISASTER RESPONSE

A. OVERVIEW

Understanding the role each agency plays in U.S. domestic incident management is a critical first step toward achieving an effective response during a disaster. The September 2006 Government Accountability Office (GAO) report entitled, *Catastrophic Disasters: Enhanced Leadership, Capabilities, and Accountability Controls Will Improve the Effectiveness of the Nation's Preparedness, Response, and Recovery System*, emphasized the importance of clearly defined roles and responsibilities in disaster response. The following reminder resonates loudly:

In preparing for, responding to, and recovering from any catastrophic disaster, the legal authorities, roles and responsibilities, and lines of authority at all levels of government must be clearly defined, effectively communicated, and well understood in order to facilitate rapid and effective decision making.⁹⁴

Domestically, the role of the primary decision-making agency was clearly announced by HSPD-5. It charged DHS with the responsibility for coordinating Federal U.S. resources "to prepare for, respond to, and recover from terrorist attacks, major disasters, and other emergencies."⁹⁵ One of the key U.S. resources used to help accomplish this task, particularly when responding to catastrophic disasters, is the Department of Defense (DOD).

When local, state and federal agencies have exhausted their resources, the armed forces have historically played an important supporting role in providing domestic assistance during emergencies. Defining the roles and understanding the responsibilities outlined for the Department of Defense within the National Response Plan is an important first step toward an effectively coordinated Federal domestic incident response.

⁹⁴ Government Accountability Office. *Catastrophic Disasters: Enhanced Leadership, Capabilities, and Accountability Controls Will Improve the Effectiveness of the Nation's Preparedness, Response, and Recovery System*. Washington, D.C, Sep 2006, first page of document; Highlights section.

⁹⁵ *Quick Reference Guide for the National Response Plan*, 7.

The May 2006 *Notice of Change to the National Response Plan*, noted the increased importance of DOD to disaster response by emphasizing that “DOD has significant resources that may be available to support the Federal response to an actual or potential incident.”⁹⁶ This statement begs an important question: when DOD assistance is needed, what mechanism allows the DOD to commit resources to support a Federal response to terrorist attacks, major disasters or other emergencies? The answer: Defense Support of Civil Authorities (DSCA).

B. DEFENSE SUPPORT OF CIVIL AUTHORITIES (DSCA)

Within the National Response Plan, DSCA is defined as DOD support provided by Federal military forces, DOD agencies and components, DOD civilians and contract personnel in response to requests for assistance during domestic incidents.⁹⁷ Specific requests are usually received from a civilian primary or lead agency whenever resources at the local, State, or Federal level are deemed to be overwhelmed or incapable of effectively responding to an incident or natural disaster.⁹⁸ The Secretary of Defense (SecDef) authorizes DSCA for domestic incidents as directed by the President or “when appropriate under the circumstances and applicable laws.”⁹⁹ DOD resources are typically provided for DSCA when it does not interfere with military readiness or operations.¹⁰⁰

Military service capabilities normally used for war fighting and combat operations can often be utilized to assist civilian agencies during domestic events, emergencies or consequence management following a disaster. During his October 27, 2005 statement before the House Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina, Admiral Timothy J. Keating, Commander, United States Northern Command, confirmed

⁹⁶ *Notice of Change to the National Response Plan*, 10.

⁹⁷ *Quick Reference Guide for the National Response Plan*, 19.

⁹⁸ *NRP*, 42.

⁹⁹ *Ibid*, 10.

¹⁰⁰ *Ibid*, 42.

that many of the DOD's "specialized skills and assets"¹⁰¹ can help to "rapidly stabilize and improve the situation."¹⁰² The NRP also acknowledges that "DOD has significant resources that may be available to support the Federal response to an Incident of National Significance."¹⁰³ Accordingly, "the NRP identifies DOD as a supporting agency to the lead agency in all 15 of the NRP's Emergency Support Functions."¹⁰⁴ As such, the DOD, through DSCA, may be called upon to provide a wide variety of valuable support to civil authorities and emergency responders at the local and State level.

1. Request for Assistance (RFA) Process

When civil authorities require DOD support for the preparation, response or recovery of a domestic incident or event, they must submit a request that goes through a prescribed set of procedures. These procedures are part of the Request for Assistance process, commonly referred to as the RFA process. Figure 3 gives a pictorial overview of the complete RFA process. The figure clearly indicates that "DOD is not the lead" federal agency for RFA and outlines specific tasks and functions performed once a request is received from the Lead Federal Agency (LFA).¹⁰⁵

Generally, FEMA would be the LFA during a domestic disaster. If DOD assistance is required, a request would be submitted through the Office of the Secretary of Defense and validated by the ASD (HD), Assistant Secretary of Defense for Homeland Defense. The ASD (HD) then evaluates the suitability of the request according to the following criteria: legality, lethality, risk, cost, readiness and appropriateness.¹⁰⁶ Simultaneously, the request is forwarded to

101 U.S.Congress, House of Representatives. Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina, Hearing on the Military's Role, October 27, 2006: "Hurricane Katrina: Preparedness and Response by the Department of Defense, the Coast Guard, and the National Guard of Louisiana, Mississippi, and Alabama," Oct 2005.

102 Ibid.

103 *NRP*, 10

104 Senate Report, 26-3. Also see Table 1 for a list of DOD's support role under the 15 ESFs

105 See Figure 3 for details.

106 See Figure 3 for details.

the Joint Director of Military Support (JDOMS) while awaiting approval of the submitted request. Once approval is granted, the JDOMS issues orders to the appropriate service, agency or Combatant Commander to carry out assistance to the civil authorities that requested assistance.¹⁰⁷ Joint Publication 3-26, *Homeland Security*, August 2, 2005, issues an important reminder for all entities involved in DSCA: “any requests for DOD assistance should be processed in accordance with the NRP.”¹⁰⁸

After a request is initiated through the RFA process, all DOD support provided for a response effort remains subordinate to civilian control. The civilian LFA, which usually falls under DHS, assumes control of the domestic response effort and uses the NRP as a basis for their actions. For example, according to the NRP, a state Governor “requests Federal assistance when it becomes clear that State or tribal capabilities will be insufficient or have been exceeded or exhausted.”¹⁰⁹ In this case, if the Federal assistance required is from DOD, the Secretary of DHS (senior civilian LFA when not delegated) would assume ultimate responsibility for submitting an RFA through the system to the SecDef for approval. Upon approval to provide DSCA, the specific request would be processed as orders through JDOMS, as described above, and passed to the appropriate Combatant Commander(s).¹¹⁰ In North America, Northern Command (NORTHCOM)¹¹¹ would typically receive orders to assist. Once military forces are tasked to provide DSCA, the Secretary of Defense retains command of the forces as in other military situations and operations.¹¹²

107 Ibid.

108 JP 3-26, *Homeland Security*, August 2, 2005, IV-11.

109 *NRP*, 41

110 See figure X for the routing of request to orders.

111 “NORTHCOM is based in Colorado Springs, Colorado and is responsible for conducting military operations in the United States, Canada, Mexico, Cuba, certain Caribbean islands, and in the sea and air approaches to the United States.” Taken from Senate Report, 26-9.

112 *NRP*, 4.

In the NRP, the concept of “command” and “unity of command” is specifically noted as having a distinct cultural and legal meaning for military forces that differs from civil authorities.¹¹³ As such, the plan implicitly states that: “nothing in this plan impairs or otherwise affects the authority of the Secretary of Defense over the DOD, including the chain of command for military forces from the President as Commander in Chief, to the Secretary of Defense, to the commander of military forces, or military command and control procedures.”¹¹⁴ In short, for active-duty military forces, the chain of command remains unchanged while providing support to civil authorities.

2. Command and Control

Command and control for DSCA largely depends on the magnitude, type of incident and level of resource involvement that would be required during a disaster.¹¹⁵ As mentioned in the scenario above and described in Figure 3, once initial RFAs are routed to the SecDef and receive approval, DOD designates a supported combatant commander to execute the response.

For DSCA, “CDRUSNORTHCOM and CDRUSPACOM are the supported combatant commanders within their AORs for mission execution.”¹¹⁶ When the time comes to put “boots on the ground,” the commander typically directs a senior military officer to deploy to the incident site. Under most circumstances, the senior military officer at the incident site becomes the Defense Coordinating Officer (DCO)—“DOD’s single point of contact in the Joint Field Office (JFO)”.¹¹⁷

The supported DOD combatant commander may also utilize a Joint Task Force (JTF) to command Title 10 federal military activities in support of an incident.¹¹⁸ If a JTF is established, the command and control element will be collocated with the Principle Federal Official (PFO) at the JFO.

113 *NRP*, 10.

114 *Ibid*.

115 *Ibid*, 19.

116 JP 3-26, *Homeland Security*, IV-11.

117 *NRP*, 42.

118 *Ibid*, 19.

The PFO functions as the representative for the Secretary of Homeland Security and is usually delegated as the lead Federal official.¹¹⁹ This person also serves as primary point of contact for “Federal interface with State, local, and tribal senior elected/appointed officials, the media, and the private sector.”¹²⁰ Additionally, they ensure effective communication and information-sharing among the coordinating mechanisms within the NRP.

The JTF Commander is responsible for maintaining “operational control for all allotted DOD resources.”¹²¹ This is “consistent with operational requirements and ensures there is unity of effort and coordination”¹²² among the DOD tasked units and civilian agencies.

3. Coordination and Unity of Command

For DSCA, the concepts of both coordination and unity of effort have become increasingly important. The previously cited GAO report on catastrophic disasters concluded that, “DOD is likely to contribute substantial support to state and local authorities, including search and rescue assets, evacuation assistance, provision of supplies, damage assessment assets, and possibly helping to ensure public safety.”¹²³ If GAO’s observation of the DOD contributing “substantial support” to future disasters is correct, then the NRP was right on target when it stressed that “continuous coordination with Federal, State, local, and tribal elements before, during, and after an event is essential for efficient and effective utilization of DOD’s DSCA efforts.”¹²⁴

The successful implementation of DSCA during an emergency or incident largely depends on the proper execution of both concepts. Clearly, the organizational leadership positions discussed above and outlined in the NRP are

119 NRP, 33.

120 NRP, 10.

121 NRP, 42.

122 *Quick Reference Guide for the National Response Plan*, 19.

123 Government Accountability Office, *Catastrophic Disasters: Enhanced Leadership, Capabilities, and Accountability Controls Will Improve the Effectiveness of the Nation’s Preparedness, Response, and Recovery System*, 65.

124 NRP, 41.

aimed at providing command and control during emergencies. Properly executed, each position will also play a vital role in obtaining and maintaining unity of command and effective coordination during response to a domestic incident or disaster.

4. Legal Limitations

The ability to effectively utilize DOD resources in support of civil authorities during domestic emergencies also requires knowledge of the existing legal limitations to DSCA. Three applicable laws will briefly be examined: the Posse Comitatus Act; Insurrection Act; and the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

a. *Posse Comitatus Act*

The Posse Comitatus Act (PCA) was a law originally passed in 1878 by both political parties to ensure that Executive, State or local officials could not call up military forces whenever they required a “posse” to settle disputes over labor, race or politics, etc.¹²⁵ The Act has largely remained unchanged, and generally prohibits the use of military forces to perform domestic law enforcement or enforce civil law, except as specifically authorized by the Constitution or congressional statute. In short, the Posse Comitatus Act ensures the military is not improperly used to perform as a civilian police force.¹²⁶

The primary limitation of the PCA is against “direct involvement in traditional law enforcement activities by active duty military personnel (including Reservists on active duty and National Guard personnel in Federal service),”¹²⁷ including Federal civilians. This Act applies to the U.S. Army and Air Force. Similar constraints, however, have also been placed upon Navy and Marine Corp forces through DOD policy.¹²⁸ Although the PCA doesn’t specifically mention the Coast Guard, Charles Doyle, American public law specialist with the

¹²⁵ *Posse Comitatus Act*. Pub. L. 97-86, Dec 1, 1981; 95 Stat. 1114; 10 U.S.C. (sections) 371-378.

¹²⁶ CRS Report for Congress 95-964, 37.

¹²⁷ *NRP*, 80.

¹²⁸ JP 3-26, *Homeland Security*, A-5.

Congressional Research Service, noted that for all practical purposes, “the Coast Guard is statutorily authorized to perform law enforcement functions.”¹²⁹ Thus, Congress “has vested the Coast Guard, a branch of the armed forces, with broad law enforcement responsibilities.”¹³⁰

A violation of the PCA generally occurs “(a) when the armed forces perform tasks which are assigned not to them but to an organ of civil government, or (b) when the armed forces perform tasks assigned to them solely for purposes of civilian government.”¹³¹ Additionally, U.S. courts have held that PCA is also violated during the following:

*(1) when civilian law enforcement officials make “direct active use” of military investigators; or (2) when the use of the military “pervades the activities” of the civilian officials; or (3) when the military is used so as to subject citizens to the exercise of military power that is “regulatory, prescriptive, or compulsory in nature.”*¹³²

To date, there have apparently been no prosecutions for violations of the PCA, a “criminal statute.”¹³³ Compliance is largely due to the military’s own self restraint and practice of avoiding situations that could possibly constitute a violation of the law.¹³⁴ When Congress provides statutory exceptions by “vesting law enforcement authority either directly in a military branch (e.g., the Coast Guard) or indirectly by authorizing the President or another government agency to call for assistance in enforcing certain laws,”¹³⁵ there is no violation of the PCA. One such exception to the PCA falls under the Insurrection Statutes.¹³⁶

129 CRS 95-964, 41.

130 Ibid, 20.

131 Ibid, 36.

132 *The Use of Federal Troops for Disaster Assistance: Some Legal Issues*, 2.

133 CRS 95-964, 48.

134 Ibid, 48, 50.

135 *The Use of Federal Troops for Disaster Assistance: Some Legal Issues*, 2.

136 *NRP*, 80.

b. Insurrection Act

Although the SecDef may authorize DSCA when appropriate, State and local governments have “primary responsibility for protecting life and property and maintaining law and order in the civilian community.”¹³⁷ The Insurrection Act, however, focuses on the President’s ability to perform this function with military troops when he deems it is in the best interest of the United States. As such, the Insurrection Statutes “authorize the President to direct armed forces to enforce the law to suppress insurrections (i.e. riots) and domestic violence,”¹³⁸ or other civil disturbances. Additionally, military forces may engage in law enforcement activities to restore order and prevent looting or other illegal activity.¹³⁹

The authority given Congress in the first article of the Constitution is delegated to the President, authorizing him “to use the armed forces as he considers necessary to enforce the law or to suppress the rebellion...if law enforcement is hindered within a state, and local law enforcement is unable to protect individuals.”¹⁴⁰ A request for assistance or permission from the affected state governor is not needed for the President to act—only a determination that the unlawful action is interfering with the state’s ability to execute laws and provide justice within those laws.¹⁴¹

The Insurrection Act has been used several times throughout U.S. history. Two of the most recent uses of the armed forces to maintain law and order occurred during the 1992 Los Angeles riots and looting in the Virgin Islands during Hurricane Hugo in 1989.¹⁴² During these types of civil disturbances or when use of the armed forces under the Insurrection Act is appropriate, the

137 *NRP*, 81.

138 *NRP*, 81.

139 *Ibid.*

140 *The Use of Federal Troops for Disaster Assistance: Some Legal Issues*, 3.

141 *Ibid.*

142 *Ibid.*

President “must first issue a proclamation ordering the insurgents to disperse within a limited time.”¹⁴³ Failure to comply with the President’s order may then result in “an executive order to send in troops.”¹⁴⁴

In addition to use during insurrections and civil disturbances, military troops may also be called upon to assist civil authorities during domestic disaster relief. The Robert T. Stafford Disaster Relief and Emergency Assistance Act give the provisions and limitations for use of armed forces during such incidents.

c. Stafford Act

The Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) “establishes programs and processes for the Federal Government to provide disaster and emergency assistance to States, local governments, tribal nations, individuals, and qualified private nonprofit organizations.”¹⁴⁵ All hazards, from natural disasters to terrorist events are covered in the provisions, as well as instructions for State Governors to request federal emergency disaster assistance.¹⁴⁶

The Stafford Act basically allows the President to “make a wide range of federal aid available to states that are stricken by a natural or man-made disaster.”¹⁴⁷ This aid can come from multiple sources and may be in the form of critical goods and services, financial or technical assistance.¹⁴⁸ A major disaster or emergency declaration may be given by the President when the combined local and State response capacities are exceeded and a joint Federal,

143 *The Use of Federal Troops for Disaster Assistance: Some Legal Issues*, 3.

144 *Ibid.*

145 *NRP*, 79.

146 *Ibid.*

147 *The Use of Federal Troops for Disaster Assistance: Some Legal Issues*, 4.

148 *NRP*, 7.

State and local preliminary damage assessment (PDA) finds that assistance under the Stafford Act is warranted.¹⁴⁹

This Act allows the President to “unilaterally direct the provision of emergency assistance”¹⁵⁰ in an affected area which “the Federal Government exercises exclusive or preeminent responsibility and authority.”¹⁵¹ Advance deployment of Emergency Preparedness and Response (EPR), DHS and FEMA representatives and equipment is also authorized under the Act to expedite assistance and “reduce immediate threats to life, property, and public health and safety.”¹⁵² Additionally, the Stafford Act is the legal mechanism that allows presidential appointment and DHS Under Secretary of EPR designation of an FCO to coordinate Federal disaster assistance.¹⁵³ All Stafford Act authorities granted to the DHS Secretary have been delegated to the Under Secretary of EPR.

An emergency declaration under the Stafford Act requires the affected state governor to provide a “detailed definition of the type and amount of federal aid required.”¹⁵⁴ They must also “implement the state’s emergency response plan, for example, by activating the state’s National Guard units under state control...and provide information regarding the resources that have been committed.”¹⁵⁵

For a major disaster declaration, “the governor need not specify which forms of assistance are needed.”¹⁵⁶ However, the resources committed must still be disclosed and emergency response plans implemented. The

149 *NRP*, 79.

150 *NRP*, 79.

151 *Ibid.*

152 *Ibid.*

153 *Ibid.*

154 *The Use of Federal Troops for Disaster Assistance: Some Legal Issues*, 5.

155 *Ibid.*

156 *Ibid.*

governor must also “certify that the state will comply with cost sharing provisions under the Stafford Act.”¹⁵⁷

One important point to highlight is the fact that according the NRP, “all Presidentially declared disasters and emergencies under the Stafford Act are considered Incidents of National Significance.”¹⁵⁸ This means the DHS Secretary does not need to declare an event an INS as outlined in the NRP if the President has already made an emergency or major disaster declaration.

Immediately following a domestic emergency that would likely qualify for Stafford Act assistance, the Governor of the affected State may request that the President direct the SecDef to utilize DOD personnel, equipment, technology, etc., to perform emergency work “that is essential for the preservation of life and property.”¹⁵⁹ Unlike the PCA, “the Stafford Act does not authorize the use of federal military forces to maintain law and order.”¹⁶⁰ If a state governor keeps National Guard troops under their control, then those forces may engage in law enforcement activities. Once the Guard is federalized for an emergency or major disaster, they fall under the same rules as active duty troops and “their role is restricted to the disaster relief operations authorized under the Stafford Act.”¹⁶¹

If the President concurs with the Governor’s request for assistance under the Stafford Act, DOD resources can be directed to perform emergency work for a maximum of 10 days before a major disaster declaration is issued by the President.¹⁶² The following operations may be performed by U.S. armed forces:

157 Ibid.

158 *NRP*, 7.

159 *NRP*, 79.

160 *The Use of Federal Troops for Disaster Assistance: Some Legal Issues*, 4.

161 Ibid, 5.

162 Ibid, 5 and *NRP*, 79.

- *Debris removal*
- *Road clearance*
- *Search and rescue*
- *Emergency medical care and shelter*
- *Provision of food, water and other essential needs*
- *Dissemination of public information*
- *Assistance regarding health and safety measures*
- *Provision of technical advice to state and local governments on disaster management and control.*¹⁶³

DOD forces may also be called upon to assist civil authorities during a variety of emergency situations. A general knowledge of all three statutes discussed above is helpful in understanding the legal limitations that exist for use of DOD resources during emergencies or major disasters. DOD forces can play an invaluable support role in civil emergency management, as long as their use is understood and complies with all legal statutes.

5. Permissible Support Under DSCA

It is common for DOD to provide extensive lifesaving and sustaining support through DSCA; however, they also provide smaller scale support for incidents such as wild fires, earthquakes or floods.¹⁶⁴ In addition to DSCA for incident response, DOD may be tasked to employ specialized capabilities in support of Federal, State, local, and tribal government agencies. This includes areas such as medical services, test and evaluation facilities and capabilities, and explosive detection expertise. The DOD Homeland Defense Coordination

¹⁶³ *Use of Federal Troops for Disaster Assistance: Some Legal Issues*, 4.

¹⁶⁴ Government Accountability Office. *Hurricane Katrina: Better Plans and Exercises Needed to Guide the Military's Response to Catastrophic Natural Disasters*. Washington D.C., May 2006, <http://www.gao.gov/new.items/d06808t.pdf> (accessed Sep 3, 2006), 12.

Office facilitates the interdepartmental cooperation and transfer of valuable DOD skills and capabilities to the emergency responder community.¹⁶⁵

C. CHAPTER CONCLUSION

Overall, the National Response Plan provides solid coverage of DOD's role in disaster response through Defense Support of Civil Authorities. The details, however, on the specific responsibilities and expected support for various disaster scenarios are lacking. Additionally, there are very few references to the capabilities that DOD can bring to bear for domestic incident management.

A general description of available capabilities at the unclassified level could prove useful to both civil authorities and military planners by providing advance visibility to the type of support the DOD could reasonably provide. The information could also be used to assist local and state leadership when they prepare requests for assistance. Knowledge of the general capabilities DOD offers can not only expedite the flow of RFAs, but streamline the process by reducing inappropriate or unrealistic requests from civil authorities due to ignorance of DOD capabilities.

DOD should engage authorities within DHS before the next revision of the NRP to discuss any additions to the plan in terms of capabilities or responsibilities. This dialogue could also help ensure the timely resolution of any critical disaster response issues involving the DOD that need to be addressed in the NRP. Primary and support agencies or other stakeholders should also be included in the coordination of any proposed modifications to the NRP.

As of this report, the basic script of the NRP has been written and updated. The actors have been cast and the general roles and responsibilities defined. Nevertheless, success or failure of the disaster scene ultimately lies with the actors and the strength of the script. The nation's hope for effective domestic incident management will rely heavily on each actor's ability to clearly understand and effectively perform their roles as written in the script.

¹⁶⁵ *NRP*, 43.

When a disaster does occur and the scene is complete, audiences at all levels throughout the nation can only hope the actors' performances and the current script are sufficient enough for seamless, coordinated and efficient emergency response to an incident. The next domestic disaster will be the litmus test and provide the nation an opportunity to judge.

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VII. HURRICANE KATRINA FEDERAL RESPONSE

A. OVERVIEW

One unforgettable disaster where emergency response at the local, state and federal level was recently judged by the nation was Hurricane Katrina. In August of 2005, this Category 3 hurricane¹⁶⁶ pummeled the gulf coast, wreaking havoc and widespread destruction in its path. The storm became one of the largest disasters in United States history.¹⁶⁷ In the immediate aftermath of the storm, the federal government was criticized for a slow, less-than-effective response to the overwhelmed local and state agencies along the gulf coast.

This chapter will examine the timeline for the U.S. active duty military (DOD) and FEMA/Coast Guard (DHS) response during Hurricane Katrina. Based on that timeline, it will also evaluate whether the actual response to the disaster was implemented according to the National Response Plan. This will provide foundational knowledge to understanding the concerns and issues with the federal government's general response to Hurricane Katrina. Finally, the chapter will also evaluate if greater DOD authority is needed during future major domestic disasters,

B. TIMELINE OF STORM WARNINGS

When considering a timeline for the federal response to Hurricane Katrina, it is useful to look at the warnings received prior to the storm making landfall. The National Oceanic and Atmospheric Administration's (NOAA) analysis and tracking of the storm was comprehensive, detailed and communicated widely through multiple media sources. The NOAA Satellite and Information Service

¹⁶⁶ Hurricane Katrina was originally thought to be a Category 4 or 5 strength hurricane when it made landfall. However the NHC later announced that sustained winds only reached 125 mph at landfall; making it a Category 3 storm. Prior to landfall, Katrina did reach Category 5 strength. See the NOAA website for details at <http://www.ncdc.noaa.gov/oa/climate/research/2005/katrina.html>. Also see Figure 4 for scale and Figure 5 for storm path and intensity.

¹⁶⁷ Henry B. Hogue and Keith Bea. CRS Report for Congress, *Federal Emergency Management and Homeland Security Organization: Historical Developments and Legislative Options*, Jun 1, 2006, 1.

website was one source that consistently posted updates and warnings of the potential track and pending effects of the storm. Forecast advisories and public advisories were posted daily and constantly updated.

The storm initially developed on August 23, 2005 as a Tropical Depression in the southeastern Bahamas.¹⁶⁸ On August 24, 2005, the site showed how Tropical Depression 12 evolved into a Tropical Storm that was given the eleventh name of the 2005 hurricane season: Katrina.¹⁶⁹ As Tropical Storm Katrina moved closer to the United States, its intensity rapidly increased, prompting a hurricane watch followed by a warning for southeast Florida. As the storm crossed over the tip of Florida with wind gusts and heavy rains on August 25, Tropical Storm Katrina become a Category 1 hurricane.¹⁷⁰ “Although the storm over Florida never had sustained winds higher than 80 mph, substantial damage and flooding occurred and fourteen people lost their lives.”¹⁷¹

Hurricane Katrina strengthened as it moved into the warm waters of the Gulf of Mexico on Saturday, August 27, 2005.¹⁷² The National Hurricane Center (NHC) issued another hurricane watch for parts of Louisiana and a hurricane warning for the north central Gulf Coast.¹⁷³ In fact, the director of the NHC, Max Mayfield, took the initiative to call “officials in Alabama, Louisiana, and Mississippi to warn them of the severity of the coming storm.”¹⁷⁴

While in the Gulf of Mexico, Katrina grew to a massive storm that generated hurricane force winds up to 105 miles out and tropical storm force

168 U.S. Department of Commerce, National Oceanic & Atmospheric Administration website, Aug 24, 2005, (accessed 7 Apr 06).

169 Ibid.

170 Axel Graumann, Tamara Houston, et.al. NOAA's National Climatic Data Center, *Hurricane Katrina, A Climatological Perspective Preliminary Report*, Updated August 2006, 1.

171 Ibid.

172 See Figure 5 for Hurricane Katrina's path of travel.

173 *Hurricane Katrina, A Climatological Perspective Preliminary Report*, 2.

174 Douglas Brinkley. *The Great Deluge: Hurricane Katrina, New Orleans, and the Mississippi Gulf Coast*. New York: HarperCollins Publishers, 2006, 626

winds 230 miles out.¹⁷⁵ The sheer size and intensity of Hurricane Katrina at its peak strength prompted the NHC to again issue a warning. This time the warning was for storm surge flooding that could reach 18 to 22 feet above the normal tide. “By 07:00 CDT on Sunday, August 28, Hurricane Katrina reached Category 5 status with wind speeds of 160 mph and a pressure of 908 millibars.”¹⁷⁶ Moreover, the NHC warned that, “some levees in the Greater New Orleans Area could be overtopped.”¹⁷⁷

Early Monday morning, August 29, 2005, at 06:00 CDT, a NOAA buoy 50 miles east of the mouth of the Mississippi River measured a gigantic 55-foot wave, “the highest ever measured by a National Data Buoy Center (NDBC) buoy.”¹⁷⁸ Ten minutes later, at 06:10 CDT, Hurricane Katrina made landfall as a “strong Category 3 storm”¹⁷⁹ in Plaquemines Parish, Louisiana.¹⁸⁰ The result was massive devastation: over 2.5 million customers without power in three states, unusable hospitals and other key infrastructure such as cell phone, television and radio towers, approximately 80% flooding for the city of New Orleans and multiple breaches in the 350-mile levee system.¹⁸¹

Multiple warnings on Hurricane Katrina’s deadly potential were given well in advance of the storm making landfall. In light of the warnings, many local, State and Federal emergency managers, first responders and disaster response agencies began preparing for what was rumored to be the “big one.”

175 *Hurricane Katrina, A Climatological Perspective Preliminary Report, 2.*

176 *Ibid.*

177 *Ibid.*

178 *Ibid.*

179 A Category 3 hurricane can produce winds from 111-130 mph with a storm surge from 9-12 ft above normal. The following damage can be expected: structural damage to small residences, damage to foliage, destruction of mobile homes and flooding near the coast and inland 8 miles or more for areas less than five feet above sea level. Information taken from National Weather Service website, <http://www.nhc.noaa.gov/aboutsshs.shtml>, (accessed May 2006).

180 *Hurricane Katrina, A Climatological Perspective Preliminary Report, 2.*

181 White House Report, 34-36.

C. DOD RESPONSE TIMELINE

Friday, August 19, 2005—Wednesday, September 7, 2005

The DOD was one of the federal agencies that made advanced preparations for Hurricane Katrina. On August 19, 2005, two weeks prior to landfall, DOD heeded the advanced warnings for the 2005 hurricane season. “Secretary of Defense, Donald Rumsfeld, signed a severe weather execution order that gave Northern Command some authority to respond to potential severe weather incidents on its own initiative.”¹⁸² This unprecedented action gave the NORTHCOM commander the ability to deploy DOD assets quicker than in previous years without the requirement for specific SecDef notification.

Preparations for the storm began with identification of military installations as staging bases, coordination with FEMA representatives and DOD components, deployment alerts to military units and early assessment of resources necessary for response.¹⁸³ The SecDef’s order sealed DOD involvement and set the stage for the key role it would play in the federal response to Hurricane Katrina.

On August 23, the week prior to the storm’s landfall on August 29, “USNORTHCOM began tracking the tropical depression that became Hurricane Katrina.”¹⁸⁴ Standard hurricane assessments for MREs, emergency medical capabilities and FEMA staging bases were accomplished by the ASD (HD) Senior Military Advisor for Civil Support. This was performed primarily on individual initiative without formal DOD guidance.¹⁸⁵

As the Tropical Depression evolved into Tropical Storm Katrina on Wednesday, August 24, 2005, NORTHCOM “issued its first warning orders to Regional Emergency Preparedness Officers, State Emergency Preparedness

¹⁸² CRS Report for Congress, *Hurricane Katrina: DOD Disaster Response*, September 19, 2005, 5.

¹⁸³ Senate Report, 26-12 to 26-16.

¹⁸⁴ “Hurricane Katrina: Preparedness and Response by the Department of Defense, the Coast Guard, and the National Guard of Louisiana, Mississippi, and Alabama,” Admiral Keating Statement, Oct 2005.

¹⁸⁵ Senate Report, 26-14.

Officers, and the Senior Army Advisors (Guard) in the states expected to be affected.”¹⁸⁶ NORTHCOM began daily teleconferences with FEMA and other DOD joint supporting commands. The Army, Navy and Air Force were directed to prepare for disaster relief operations, deployments and requests for DOD assets. As a result, First U.S. Army issued its own Warning Order followed by a Planning Order the following day. The DCO and staff were deployed to Florida with deployments to Alabama, Georgia and Mississippi on the horizon.¹⁸⁷

States of emergency declarations for Louisiana and Mississippi were made by each state’s governor on August 26 and 27 respectively. DCOs for both states were deployed to manage coordination efforts with state and federal officials on August 27.¹⁸⁸ NORTHCOM also deployed forward elements to set-up Joint Task Force-Katrina (JTF-Katrina). U.S. Transportation Command alerted C-5 and C-17 heavy transport aircraft and two Contingency Response Wings as standard advanced hurricane planning.¹⁸⁹

As of Sunday, August 27, the Lead Federal Agency (FEMA, under DHS), had not requested assistance from the DOD.¹⁹⁰ Frustrated by the lack of requests for support and “due to the magnitude of Katrina,”¹⁹¹ The DOD continued to lean forward by deploying personnel and assets prior to a Presidential emergency declaration. The *USS Bataan* was the most significant DOD deployment prior to Katrina’s landfall. The Navy ship’s engagement in response activities, however, had to wait until proper request and authorization was received.¹⁹²

Although DOD was eager to assist, state sovereignty became an issue during response. “Florida, Alabama and Mississippi declined active duty military

186 *Hurricane Katrina: DOD Disaster Response*, 5.

187 Senate Report, 26-14 to 26-15.

188 *Hurricane Katrina: DOD Disaster Response*, 5 and Senate Report, 26-14 to 26-15.

189 Senate Report, 26-18.

190 Admiral Keating Statement, Oct 2005 and *Hurricane Katrina: DOD Disaster Response*, 5

191 Admiral Keating Statement, Oct 2005.

192 Senate Report, 26-20.

assistance”¹⁹³ Additionally, the Louisiana governor decided to keep National Guard troops under state control. This issue of federalism in Louisiana may have contributed to a perceived slow active-duty military response.¹⁹⁴

Following Katrina’s landfall on Monday, August 29, the President issued a federal emergency declaration and the Deputy SecDef authorized deployment approval. On Monday evening, JDOMS finally issued “the first official order for military support to the response.”¹⁹⁵ FEMA’s request for two helicopters needed for operations on Tuesday, August 30 was “received by DOD on Sunday, at 5 p.m.”¹⁹⁶ The First Air Cavalry from Fort Hood, Texas received orders for support and had to quickly launch within hours to arrive on the requested date.¹⁹⁷

Some DHS officials complained that it took too long to gain RFA approval. DOD culture, JDOMS, and bureaucracy were blamed for impeding the approval process.¹⁹⁸ “Top DOD officials vigorously disputed the assertion that their approval process slowed the arrival of DOD assets.”¹⁹⁹ Some military officers, however, admitted difficulties processing requests with JDOMS.²⁰⁰

The Senate Committee on Homeland Security and Governmental Affairs also found that “JDOMS was slow in approving the initial requests for helicopter support in Louisiana.”²⁰¹ Records showed that processing times didn’t match up with the scale of the disaster. A bureaucratic process and the treatment of civil support as a secondary mission also slowed the DOD response.²⁰² Although DHS and FEMA officials also “complained that DOD did not do enough, and was

193 *A Failure of Initiative*, 222.

194 *Ibid.*

195 Senate Report, 26-18.

196 *Ibid.*, 26-14.

197 *Ibid.*, 26-19.

198 *Ibid.*, 26-18 to 26-19.

199 *Ibid.*, 26-19.

200 *Ibid.*, 26-20.

201 *Ibid.*, 26-21.

202 *Ibid.*

slow to process requests,”²⁰³ the Senate “investigation found that, in fact, FEMA originated very few requests in this early period.”²⁰⁴

Nevertheless, DOD leadership at the Pentagon took steps to expedite the ordinary approval process and improve information accuracy in the Pentagon. They also attempted to bolster damage assessment capabilities and eliminate television and media reports as primary sources of information.²⁰⁵

As of Tuesday, August 30, a Principle Federal Officer (PFO) “to facilitate Federal domestic incident planning and coordination at the local level”²⁰⁶ had not been designated by the Secretary of Homeland Security. In an effort to expedite the process, DOD’s Principle Deputy Assistant Secretary of Defense called and encouraged DHS to appoint a PFO in accordance with the NRP.²⁰⁷ DOD hoped the PFO would not only manage the response efforts and trigger capabilities under the NRP, but ensure DOD maintained a supporting role under civilian leadership. DHS Secretary appointed Director of FEMA, Mike Brown, as PFO by the end of the day.²⁰⁸ This appointment was welcomed, but surprised many because the NRP specifically states that the PFO is not typically “dual-hatted” with other responsibilities that could detract from incident management of the disaster.²⁰⁹

In the meantime, anticipation of a large rescue and recovery role prompted the DOD to officially activate JTF-Katrina.²¹⁰ The organization commanded all Title 10 assets and “grew to include 24,500 active duty forces, over 200 fixed and rotary wing aircraft, and 20 ships at its peak.”²¹¹

203 Senate Report, 26-20.

204 Ibid.

205 Senate Report, 26-20 to 26-21.

206 *Quick Reference Guide for the National Response Plan*, 7

207 *NRP*, 33-34.

208 Senate Report, 26-21 to 26-22 and Admiral Keating Statement, Oct 2005.

209 *Quick Reference Guide for the National Response Plan*, 7.

210 *Hurricane Katrina: DOD Disaster Response*, 5.

211 Admiral Keating Statement, Oct 2005.

Overall, the DOD remained frustrated, surprised and concerned with the lack of RFAs from FEMA. Although NORTHCOM continued to lack damage assessment information and did not know the types of support that FEMA needed, they were eager to provide assistance. In some cases, the DOD even drafted RFAs and sent them to FEMA to copy and return to DOD as formal requests.²¹²

Also on August 30, Admiral Keating, NORTHCOM Commander, received a “black check” request from Admiral Giambastiani, Vice Chairman of the Joint Chiefs of Staff, to send “whatever you can think of...”²¹³ to the disaster area. Gen Myers, Chairman of the Joint Chiefs of Staff, also instructed his service chiefs to “pre-position resources in anticipation of a request for assistance from FEMA.”²¹⁴ Although “a command of this magnitude is extremely rare in DOD,”²¹⁵ it ensured potentially useful DOD resources were staged closer to the disaster areas and ready to respond when requests were received and approved.

On Wednesday, August 31, Governor Blanco told President Bush, FEMA Director and Louisiana FCO that she did not want federalization of the National Guard Troops under her command. Additionally, she asked Lt. Gen. Honore’, JTF-Katrina Commander, to coordinate the New Orleans evacuation. She also requested federal active-duty troops from NORTHCOM.²¹⁶

Thursday evening, September 1, DOD received a request to airlift evacuees from New Orleans to Houston, Texas. Although the Joint Staff processed the request on Friday, September 2, the first evacuation mission actually left New Orleans on Thursday morning, providing evidence of the overwhelming DOD efforts to lean forward and avoid delays in processing

²¹² Senate Report, 26-20 to 26-24 and *Failure of Initiative*, 204.

²¹³ Ibid, 26-23

²¹⁴ Ibid, 26-24.

²¹⁵ Ibid.

²¹⁶ Ibid, 26-56 to 26-60.

requests for assistance.²¹⁷ DOD also delivered food and water that arrived in Gulfport, Mississippi on September 1.²¹⁸

On Saturday, September 3, the President issued a broad deployment order for “7,200 active-duty forces from the 82nd Airborne, 1st Cavalry and II Marine Expeditionary Force.²¹⁹ The active-duty forces were commanded by Lt. Gen. Honore’ and the Guard forces stayed under Governor Blanco and Maj. Gen. Landreneau’s command.²²⁰

Between Saturday, September 3 and Monday, September 5, 2005, DOD received seven additional RFAs totaling approximately \$805 million. The drafting and refinement of the requests were accomplished by DHS and DOD officials.²²¹ This included a request approved by the SecDef for DOD to take over FEMA’s logistics functions.²²² After a thorough examination of FEMA’s supply chain, the “DOD developed a plan for how DOD would run operations at those staging areas traditionally run by FEMA.”²²³ In the end, federal active duty troops did not need to assume operations from FEMA. Instead, they “simply retooled the way FEMA procured and transported commodities.”²²⁴

Throughout the DOD response to Katrina, several active-duty forces and assets were used for various life-sustaining support and search and rescue operations. The *USS Bataan*’s helicopters were “the first active-duty aircraft to assist with search and rescue.”²²⁵ Various other military members and assets also supported the disaster relief along the Gulf Coast. Navy assets included the *USS Iwo Jima*, *USS Truman*, *USS Shreveport*, *USS Tortuga*, *USNS Arctic* and

217 Senate Report, 26-36.

218 *A Failure of Initiative*, 220.

219 Senate Report, 26-34, 26-67.

220 Senate Report, 26-67

221 *Ibid*, 26-43.

222 *Ibid*, 26-37to 26-43.

223 *Ibid*, 26-41.

224 *Ibid*.

225 *Ibid*, 26-20.

USNS Comfort.²²⁶ Soldiers from 82nd Airborne and 1st Cavalry Divisions, Marines from Camps Pendleton and Lejeune as well as Air Force C-130 Aircraft were all involved in the response efforts.²²⁷

By September 6, 2005, “almost 60,000 U.S. service members were aiding in rescue and recovery efforts in Louisiana, Mississippi, Alabama and Florida.”²²⁸ Even the Ready Reserve Fleet was given blanket approval by the SecDef to support the disaster recovery efforts. Maritime academy training ships also “provided housing and support for port workers and petroleum industry workers.”²²⁹ In fact, when Vice Admiral Allen took over as PFO, he led JFT-Katrina aboard the *USS Iwo Jima*.²³⁰

Although disaster relief is a secondary to the DOD’s primary national defense mission, as of September 7, 2005, “about 45,000 National Guardsmen and 18,000 active-duty troops were involved, working in partnership with the Federal Emergency Management Agency and other federal entities”²³¹ during the response to Hurricane Katrina.

D. DHS RESPONSE TIMELINE

Beginning on July 13, 1994, 13 months before Katrina struck the Gulf Coast, FEMA conducted Hurricane Pam, “an exercise to assess the results of a theoretical Category 3 hurricane” in the city of New Orleans, Louisiana.²³² During the exercise, “270 officials from all levels of government *did* participate in a FEMA-funded, weeklong simulation of a Category 3 Hurricane striking New

²²⁶ *JFT Katrina*. From GlobalSecurity.org, October 11, 2005, <http://www.globalsecurity.org/security/ops/jtf-katrina.htm> (accessed May 12, 2006).

²²⁷ Ibid.

²²⁸ Ibid.

²²⁹ Ibid.

²³⁰ Ibid.

²³¹ Ibid.

²³² See Table 2 for details of the Hurricane Pam exercise compared to Hurricane Katrina.

Orleans, ...based on extensive computer models developed at Louisiana State University.”²³³

The primary assumptions for the Hurricane Pam exercise was that a Category 3 or higher storm would topple New Orleans levees systems, leaving toxic water and 30 cubic yards of debris over 13 parishes. It also assumed up to 500,000 residents who did not evacuate would be stranded in the city.²³⁴ According to the Senate investigation report on Katrina, based on this 1994 exercise, local, state and federal officials knew that large numbers of people lacked means to evacuate themselves, but failed to address the problem.²³⁵

Friday, August 19, 2005—Monday, September 5, 2005

Fast-forwarding to August 25, 2005, the “Gulf Coast States and localities began hurricane preparations...even as the storm approached its first landfall in Florida.”²³⁶ FEMA prepared for Florida and other potential Gulf Coast landfalls by pre-staging more than 400 trucks of ice, 500 trucks of water and almost 200 trucks of food throughout logistics centers in five states: Alabama, Louisiana, Georgia, South Carolina and Texas. They also delivered 100 truckloads of ice, 35 truckloads of food and 70 truckloads of water to areas in Georgia.²³⁷

Before Katrina made its second landfall, the pre-staging efforts by FEMA constituted the “largest pre-positioning of Federal assets in history.”²³⁸ During this time, FEMA began conducting daily video teleconferences at noon from their National Response Coordination Center (NRCC) to “help synchronize Federal, State and local responders,”²³⁹ exchange information and reconcile response activities among the various disaster support agencies and FEMA regions. They

²³³ *The Great Deluge*, 18.

²³⁴ *Ibid.*

²³⁵ Senate Report, 15.

²³⁶ White House Report, 23.

²³⁷ *Ibid.*

²³⁸ *Ibid.*

²³⁹ *Ibid.*

also “placed Rapid Needs Assessment and Emergency Response Teams – Advance Elements on alert.”²⁴⁰

From August 26 through 28, states of emergencies were declared for Louisiana and Mississippi and warnings were given to Gulf Coast residents in the form of televised appearances by FEMA Director, Mike Brown, Louisiana Governor, Kathleen Blanco and New Orleans Mayor, Ray Nagin. Hurricane warnings and watches from the NHC were also provided as the storm intensified into a category 3 hurricane.²⁴¹ The region VI Regional Response Coordination Center (RRCC) and all NRP ESFs, except number 13 were activated. The FEMA-State Liaison was also activated and deployed to the Louisiana Emergency Operations Center (EOC), while Barksdale AFB, Louisiana was activated as a Mobilization Center and FEMA emergency teams deployed to Baton Rouge, Louisiana.²⁴²

In addition to the pre-staging of critical supplies (water, ice, MREs and tarps) at Camp Beauregard in Rapides Parish, federal Disaster Mortuary Operational Response Teams (DMORTs), Disaster Medical Assistance Teams (DMATs), Urban Search and Rescue (US&R) teams and the National Disaster Medical System (NDMS) began meeting with key state and local officials and assisting shelter occupants at the Superdome.²⁴³

On Sunday morning, August 28, the Coast Guard worked to close ports and waterways potentially in the hurricane’s path and pre-staged personnel, vessels and aircraft for the storm’s aftermath. Additionally, the Superdome was opened as a shelter, Mayor Nagin issued a mandatory evacuation order for New Orleans and the Director of FEMA arrived in Baton Rouge.²⁴⁴

240 White House Report, 23.

241 *The Great Deluge*, 625-626.

242 U.S. Department of Homeland Security, DHS/FEMA Initial Response Hotwash: Hurricane Katrina in Louisiana, DR-1603-LA, February 13, 2006, at http://www.disasterthebook.com/docs/Katrina_initial_response_hotwash.pdf (accessed July 25, 2006), 77.

243 Ibid.

244 *The Great Deluge*, 626

During the White House investigation into the federal response to Hurricane Katrina, they found that “State and local officials did not use the Emergency Alert System (EAS) in Louisiana, Mississippi, or Alabama.” Although most residents in the affected areas did evacuate, “tens of thousands, many of them the region’s most vulnerable, remained in areas most threatened by the approaching hurricane.”²⁴⁵

Early Monday morning, August 29, 2005, Hurricane Katrina made landfall in Louisiana as a Category 3 hurricane.²⁴⁶ Violent waves, massive storm surge, powerful winds and subsequent flooding “destroyed communities and infrastructure along the Gulf Coast.”²⁴⁷ By mid-afternoon on August 29, New Orleans received devastating news when “the U.S. Army Corps of Engineers (USACE) notified DHS of a reported levee overtopping in St. Bernard’s Parish...the West Bank, and a small breach in Orleans Parish.”²⁴⁸

According to the White House lessons learned report, since much of the communications infrastructure was disabled by the storm,

*local, State, and Federal officials were forced to depend on a variety of conflicting reports from a combination of media, government and private sources, many of which continued to provide incomplete info throughout the day, further clouding the understanding of what was occurring in New Orleans.*²⁴⁹

This proved particularly problematic for DHS, especially FEMA, since the lack of accurate information contributed to dismal situation awareness that hampered their ability to effectively execute their missions under the NRP. The result was a slowed RFA process and difficulty articulating the specific resources needed from other federal agencies, especially the DOD. In fact, the lack of accurate information caused disagreement on the timeline of canal breaches and overtopping of levees. This was still being debated at the time the White House

²⁴⁵ White House Report, 29.

²⁴⁶ Ibid, 33

²⁴⁷ Ibid.

²⁴⁸ Ibid, 36 and *The Great Deluge*, 628-631.

²⁴⁹ Ibid, 35.

Lessons Learned Report was released.²⁵⁰ As a result, the White House Report made the following recommendation: “Establish a National Operations Center (NOC) to coordinate the National response and provide situational awareness and a common operating picture for the entire Federal government.”²⁵¹ As of this report, the NOC has been created as a new coordinating mechanism within the NRP. It links the former HSOC and key headquarters components as discussed in Chapter V.²⁵²

Immediately after Katrina made landfall on August 29, the first response priority was search and rescue.²⁵³ “Within hours of the storm’s passing, the Coast Guard surged 30 cutters, 38 helicopters and over 5,000 personnel into the affected area, saving 26,055 lives in the first five days alone.”²⁵⁴ This is despite complete devastation of the communications infrastructure in most areas.

The day Katrina hit, a Coast Guard C-130 arrived in New Orleans to provide food, water and communications assistance.²⁵⁵ However, even with this platform, the lack of air traffic control for the first three days after the storm forced pilots to rely on internal standardization and training to communicate and maintain air space.²⁵⁶

According to Coast Guard Rear Admiral Sirois, Assistant Commandant for Operations, the Coast Guard has unique abilities to quickly respond to disaster areas and successfully conduct search and rescue missions.²⁵⁷ This is possible

250 Ibid.

251 White House Report, 36.

252 *Quick Reference Guide for the National Response Plan*, 6.

253 Ibid.

254 House of Representatives. Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina, Hearing on the Military’s Role, October 27, 2006: “Hurricane Katrina: Preparedness and Response by the Department of Defense, the Coast Guard, and the National Guard of Louisiana, Mississippi, and Alabama,” Statement of Rear Admiral Dennis Sirois, Assistant Commandant for Operations, U.S. Coast Guard on the Coast Guards Role in Disaster Preparedness and Response, Washington D.C., October 27, 2005.

255 *A Failure of Initiative*, 215-216.

256 Ibid, 215.

257 Statement of Rear Admiral Dennis Sirois, October 27, 2005

due to the Coast Guard's flexible forces and decentralized command and control structure that "avoids delays caused by time-consuming bureaucratic processes."²⁵⁸ Rear Admiral Sirois went on to explain that "perhaps the most important factor contributing to the Coast Guard's effectiveness in disaster response is the fact that our forces are engaged in this type of mission on a daily basis."²⁵⁹

Prior to Katrina, the Coast Guard actively worked to implement the NRP, training thousands of personnel on NIMS and updating their contingency plans to reflect the NRP's guiding principles.²⁶⁰ Also important to note is that "Coast Guard commanders can be supported or supporting commanders for military operations,"²⁶¹ allowing them to easily integrate with DOD forces. Though the Coast Guard's extraordinary performance saved many lives, the House Report, *A Failure of Initiative*, found that their communication with other responders could be improved for future disasters.²⁶²

On August 30, a FEMA Emergency Response Team-A arrived at the Superdome to establish "a presence, implementing Unified Command, and reaching out to all severely affected Parishes."²⁶³ Nine trailers of water and five trailers of MREs were sent to the Superdome while plans to "air drop MREs to victims stranded on rooftops"²⁶⁴ were assessed.

Throughout the response effort, DHS and FEMA displayed a consistent lack of preparedness in responding to Katrina. Approximately five hours after Katrina hit, FEMA Director Michael Brown sent a memo to DHS requesting 1,000 additional rescue workers within 48 hours and 2,000 within 7 days. He also recommended that the workers be sent to training in Georgia or Florida before

²⁵⁸ Ibid.

²⁵⁹ Statement of Rear Admiral Dennis Sirois, October 27, 2005.

²⁶⁰ Ibid.

²⁶¹ Ibid.

²⁶² *A Failure of Initiative*, 214.

²⁶³ *DHS/FEMA Initial Response Hotwash: Hurricane Katrina in Louisiana*, DR-1603-LA, 79.

²⁶⁴ Ibid.

proceeding to the disaster area. Additionally, the DHS Secretary was slow to act in accordance with the NRP. An INS was not declared by the Secretary until one day after Katrina made landfall and three days after the Presidential disaster declarations were made; displaying unfamiliarity with his outlined responsibilities under the NRP.²⁶⁵ In reality, the Presidential disaster declaration automatically triggered an INS under the NRP, so the Secretary could have initiated implementation of the NRP's Catastrophic Incident Annex immediately following the declaration.²⁶⁶

Similarly, other local, State and Federal disaster agencies began disaster preparation, planning and training after the storm made landfall. On August 31, DMORT began "writing a catastrophic mass casualty plan for Katrina in Louisiana."²⁶⁷ Additionally, the state of Louisiana, showing a gross lack of preparation, had to contract with a consultant to provide just-in-time training on the Incident Command System and the National Response Plan two days after Katrina made landfall in Louisiana.²⁶⁸

DHS and FEMA's lack of preparedness for Hurricane Katrina prompted the Senate report on Katrina to find that "Hurricane Katrina exposed flaws in the structure of FEMA and DHS that are too substantial to mend."²⁶⁹ As a result, the report listed the abolishment of FEMA and establishment of a new organization in its place as their first foundational recommendation. The new organization would be known as the National Preparedness and Response Authority (NPRA), remaining under DHS as a more capable structure.²⁷⁰

On September 1, ESF-13 was activated, prompting the inclusion of an FBI liaison in the RRCC. FEMA logistics also set up "a 500-bed billeting with

²⁶⁵ *Hurricane Katrina: DOD Disaster Response*, 5.

²⁶⁶ *NRP*, 4 and *CAT-1*.

²⁶⁷ *DHS/FEMA Initial Response Hotwash: Hurricane Katrina in Louisiana*, DR-1603-LA, 80.

²⁶⁸ *Ibid.*

²⁶⁹ Senate Report, 18.

²⁷⁰ *Ibid.*, 18.

showers at JFO location.”²⁷¹ Additionally, communication capabilities such as “satellite, medium frequency, high frequency, and very high frequency voice and data communications”²⁷² came on line when the Coast Guard’s Cutter SPENCER arrived in New Orleans to take tactical control of surface forces in the area.²⁷³

From September 2 to 3, NRP functions and coordinating teams were established. A Principle Federal Official cell was established in Baton Rouge for all states impacted by Katrina. The appointed FCO also established Parish Liaison Teams for the parishes hardest hit by the storm.²⁷⁴ In addition, Joint Field Offices (JFOs) were established during this timeframe.²⁷⁵

The next two days, September 4 and 5 had a myriad of activities take place. The evacuees in Texas shelters had to be rerouted to other states after their resources were quickly exhausted. The Amtrak train contract was put on hold until placement of evacuees could be determined and FEMA assisted in the development of an evacuation strategy for New Orleans city workers. Additionally, the DMORT Task Force helped formulate a human remains search and recovery plan and requested the State of Louisiana develop a mass burial plan.²⁷⁶ By September 5, Vice Admiral Thad Allen was appointed as Deputy PFO for Hurricane Katrina in New Orleans and the U.S. Coast Guard had “rescued a total of 6,990 survivors by air operations and total of 10,950 by boat ops.”²⁷⁷

²⁷¹ DHS/FEMA Initial Response Hotwash: Hurricane Katrina in Louisiana, DR-1603-LA, 81.

²⁷² A Failure of Initiative, 216.

²⁷³ Ibid.

²⁷⁴ DHS/FEMA Initial Response Hotwash: Hurricane Katrina in Louisiana, DR-1603-LA, 81-82.

²⁷⁵ A Failure of Initiative, 216.

²⁷⁶ DHS/FEMA Initial Response Hotwash: Hurricane Katrina in Louisiana, DR-1603-LA, 82-83.

²⁷⁷ DHS/FEMA Initial Response Hotwash: Hurricane Katrina in Louisiana, DR-1603-LA, 82 and U.S. Department of Homeland Security, A Performance Review of FEMA’s Disaster Management Activities in Response to Hurricane Katrina, OIG-06-32, Office of Inspections and Special Reviews, March 2006, 147.

Reviewing FEMA's performance during Hurricane Katrina, the DHS Office of Inspector General noted that "when compared to other disasters, FEMA provided record levels of support to Hurricane Katrina victims, states, and emergency responders."²⁷⁸ The sheer magnitude of the storm, however, definitely challenged emergency disaster responders at the local, State and Federal levels. The Inspector General's report also acknowledged that "the integration of FEMA, all hazards preparedness, and disaster response and recovery capabilities within DHS requires additional attention."²⁷⁹

E. NRP IMPLEMENTATION ON PAPER VS IN PRACTICE

To evaluate whether the actual response to Hurricane Katrina was implemented according to the National Response Plan, two key areas will be considered: the Catastrophic Incident Annex and the proactive federal response.

The NRP's Catastrophic Incident Annex (CIA) outlines provisions for a proactive federal response to catastrophic incidents. The annex specifies the following guiding principles:

Primary mission is to save lives; protect critical infrastructure, property, and the environment; contain the event; and preserve national security

Standard RFA procedures may be expedited or, under extreme circumstances, suspended in the immediate aftermath of an event of catastrophic magnitude

Identified Federal response resources will deploy and begin necessary operations as required to commence life-safety activities

Notification and full coordination with States will occur, but the coordination process must not delay or impede rapid deployment and use of critical resources; States are urged to notify and coordinate with local governments regarding a proactive Federal response.²⁸⁰

²⁷⁸ A Performance Review of FEMA's Disaster Management Activities in Response to Hurricane Katrina, OIG-06-32, March 2006, 2.

²⁷⁹ A Performance Review of FEMA's Disaster Management Activities in Response to Hurricane Katrina, OIG-06-32, March 2006, 2.

²⁸⁰ NRP, CAT-4.

Together, these provisions serve as an illustration of the actions federal agencies can take to provide necessary support to disaster areas in a minimum amount of time. During a major disaster, the CIA of the NRP signals to all federal government agencies that they are “expected to think – and act – proactively in preparing for and responding to”²⁸¹ a catastrophe.

1. DOD Action

As part of the federal response, DOD assumed a proactive stance by deploying assets early “due to the magnitude of Katrina.”²⁸² Deployment preparations as well as alert and coordination procedures were well underway prior to Katrina’s landfall. This was permissible under the SecDef’s severe weather execution order allowing NORTHCOM to deploy units under its own initiative.²⁸³ As a result, verbal deployment commands from the Deputy Secretary of Defense the Chairman of the Joint Chiefs of Staff were also given in lieu of deployments “normally processed rigorously through specific written orders and electronic tracking systems.”²⁸⁴ “Many witnesses have credited these actions with fundamentally shifting the overall response of DOD, particularly at the Departmental level, into a proactive mode.”²⁸⁵

In fact, DOD learned forward and deployed DCOs and staff members early to affected states. These teams are not normally activated until after a disaster declaration is made by the President.²⁸⁶ They also alerted forces and directed them to “be prepared to move”²⁸⁷ when events on the ground stabilized and the LFA had an opportunity to determine the required assets needed.

281 Senate Report, 7.

282 Admiral Keating Statement, Oct 2005.

283 CRS Report for Congress, *Hurricane Katrina: DOD Disaster Response*, September 19, 2005, 5.

284 Senate Report, 26-24 to 26-25.

285 Senate Report, 26-25.

286 Admiral Keating Statement, Oct 2005.

287 Ibid.

Additionally, extensive coordination for heavy lift aircraft and military units to perform specialized missions such as inter-costal waterway search and rescue and aviation medical evacuation ensured requested assistance would arrive on scene as quickly as possible.²⁸⁸

At the direction of the SecDef, USNORTHCOM quickly established a Joint Task Force (JTF-Katrina) to provide command and control of deployed assets and anticipate the role DOD could play to save lives and restore services.²⁸⁹ The appointed JTF-Katrina commander, Lieutenant General Russ Honore', "provided pivotal leadership"²⁹⁰ and ensured interagency coordination for requests made under DSCA. All of these actions were right on target with the NRP's Catastrophic Incident Annex and contributed to a proactive federal response. Unfortunately however, "the National Guard deployment process was not well coordinated with the command of active-duty military forces."²⁹¹ In fact, this resulted in a House investigation finding that "the lack of integration of National Guard and active duty forces hampered the military response."²⁹²

The Senate Report on Hurricane Katrina also noted that DOD "preparations were not sufficient for a storm of Katrina's magnitude."²⁹³ This was primarily due to DOD's need to shift from its traditional civil support posture under the NRP (responding to RFAs) to a more proactive, forward-looking approach (action without requests). Overall, however, DOD's preparation and response to the catastrophic disaster were consistent with its role as defined in the NRP and contributed to a proactive federal response.

2. DHS Actions

DHS's Coast Guard and FEMA also prepared for Hurricane Katrina prior to landfall. The Coast Guard, for example, proactively closed ports and

288 Admiral Keating Statement, Oct 2005.

289 Ibid.

290 Ibid.

291 Senate Report, 26-54.

292 *A Failure of Initiative*, 218.

293 Senate Report, 7.

waterways and pre-positioned personnel, vessels and aircraft in staging areas. This enabled them to surge cutters, helicopters and over 5,000 personnel to affected areas within hours of the storm's landfall.²⁹⁴

FEMA also pre-positioned some personnel and assets in the Gulf Coast states prior to the storm's arrival. A FEMA-State liaison and Regional Response Coordination Center (RCCC) was activated 72 and 48 hours before landfall respectively.²⁹⁵ All NRP Emergency Support Functions, except #13, were also activated 48 hours early.²⁹⁶

During the same timeframe, critical resources like water, ice, MREs and tarps were pre-staged near anticipated shelter areas and Barksdale AFB was activated as a Mobilization Center. The day prior to Katrina's landfall, FEMA emergency, regional and specialized team members arrived in Louisiana, along with the FEMA director, to begin preparations for what would become a major catastrophe.²⁹⁷

The DHS Secretary, on the other hand, never invoked the NRP's CIA, thus delaying a proactive federal response to Hurricane Katrina. As stated in the NRP:

Upon recognition that a catastrophic incident condition (e.g., involving mass casualties and/or mass evacuation) exists, the Secretary of Homeland Security immediately designates the event an Incident of National Significance and begins, potentially in advance of a formal Presidential disaster declaration, implementation of the NRP-CIA.²⁹⁸

The Secretary's implementation failure may have prevented critical assistance from getting to an affected area in the timely manner. Moreover, the "activation of the NRP CIA could have led the federal government to respond more proactively rather than waiting for formal requests from overwhelmed state

²⁹⁴ Statement of Rear Admiral Dennis Sirois, October 27, 2005.

²⁹⁵ DHS/FEMA Initial Response Hotwash: Hurricane Katrina in Louisiana, DR-1603-LA, 77 and *The Great Deluge*, 625-626.

²⁹⁶ DHS/FEMA Initial Response Hotwash: Hurricane Katrina in Louisiana, DR-1603-LA, 77.

²⁹⁷ Ibid and *The Great Deluge*, 625-626.

²⁹⁸ NRP, CAT-4.

and local officials.”²⁹⁹ In the case of New Orleans, pre-positioned resources would have helped many Katrina victims that evacuated to the Convention Center or Superdome.

DHS is one of the primary organizations responsible for the NRP. The multiple implementation failures on the part of the DHS leadership provide evidence that there was little familiarity with established roles and responsibilities within the plan. As discussed in Chapter IV, an incident automatically becomes an Incident of National Significance when a major disaster declaration is given by the President under the authority of the Stafford Act. In this case, the DHS Secretary should have declared Katrina an INS no later than Saturday, August 27, 2005, immediately following the Presidential disaster declarations.³⁰⁰

Additionally, a PFO was not appointed by the Secretary until Tuesday, August 30, 2005, a full day after Katrina made landfall. According to the NRP, the PFO’s role is critical for providing seamless, coordinated integration of all federal response activities.³⁰¹ The PFO can be utilized “during an actual or potential INS.”³⁰² The delayed declaration of an INS and appointment of a PFO by the DHS Secretary essentially made a “proactive federal response under the NRP moot.”³⁰³

F. CHAPTER CONCLUSION

An examination of the timeline for the U.S. active duty military (DOD) and FEMA/Coast Guard (DHS) response to Hurricane Katrina clearly showed that improvements at every level are needed to achieve a more effective, coordinated federal disaster response. It also showed that the failure to properly implement the National Response Plan is one issue that contributed to the delays in responding to the victims of the catastrophe.

299 Senate Report, 7.

300 *A Failure of Initiative*, 133.

301 NRP, 33.

302 NRP, 15.

303 *Hurricane Katrina: DOD Disaster Response*, 5.

In fact, the Senate Report on Katrina found that “inadequate training” and a “lack of familiarity with emergency-management principles and plans hampered the Katrina response.”³⁰⁴ One area of focus for improvements to the federal disaster response system ought to be upon the implementation process of the NRP. If parts of the plan are inaccurate or confusing, then signatories to the plan should voice concerns to DHS and suggest changes, additions or deletions to the document.

Ultimately, the concept of accountability for improving processes within the disaster system must become an integral part of each organization that plays a role in domestic incident management. Likewise, for those organizations with a primary leadership role in federal disaster response, responsibility and accountability must be taken for implementation of the current plans in place to help achieve a unified federal response. This is the minimum expectation. Finger pointing, “turf wars”, side-stepping and outright denial of roles and responsibilities within the disaster response system must be eliminated. Failure to do so will only further delay necessary improvement.

304 Senate Report, 15.

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VIII. POLITICAL CONSIDERATIONS FOR EXPANDING MILITARY ROLE IN DISASTER RESPONSE

A. OVERVIEW

This chapter will provide background on why the issue of expanding the military role in disaster response is important and to whom it is important. Additionally, it will provide an update on some of the lessons learned and DOD recommendations from reports on Hurricane Katrina released by Congress and the White House.

B. BACKGROUND

When Hurricane Katrina made landfall on August 29, 2005, it was one of the worst natural disasters in American history.³⁰⁵ In the aftermath of the storm, the federal government's response to the gulf coast received sharp criticism as being inadequate and too slow. Citizens and lawmakers demanded to know why fellow Americans in the gulf coast failed to receive a quality federal response to the disaster. Many also questioned why the military wasn't called in sooner to help the obviously overwhelmed state and local governments, particularly after the levees were breached in the city of New Orleans.

The issue concerning expansion of the military's role in disaster response was first introduced by President Bush on September 15, 2005; just days after Hurricane Katrina struck the gulf coast states.³⁰⁶ During a speech in Louisiana, President Bush recommended that Congress consider expanding the powers of the military during future catastrophic disasters. This suggested that the military might become the nation's lead responder to catastrophic events.³⁰⁷

At the President's request, executive and legislative branches of government conducted investigations and released lessons learned reports on

³⁰⁵ Hogue and Bea, *Federal Emergency Management and Homeland Security Organization: Historical Developments and Legislative Options*, 1.

³⁰⁶ *President Discusses Hurricane Relief in Address to the Nation*, Sep 15, 2005.

³⁰⁷ *Ibid.*

the federal government's response to Hurricane Katrina to find some answers. Hearings were held by the Senate Homeland Security and Governmental Affairs Committee to examine the military response to Hurricane Katrina.³⁰⁸ Congressman Tom Davis, Chairman of the House Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina, also led hearings for the House.

Three primary reports outlining lessons learned from Hurricane Katrina were released: the White House report, *The Federal Response to Hurricane Katrina: Lessons Learned*, Feb 2006; the Senate report from the Committee on Homeland Security and Governmental Affairs, *Hurricane Katrina: A Nation Still Unprepared*, May 2006; and the House report, *A Failure of Initiative*, Feb 2006. Each report outlined comprehensive lessons learned and comments on various DHS and DOD/Military issues to be addressed.

C. REVIEW OF HURRICANE KATRINA LESSONS LEARNED

1. White House Report

The White House report acknowledged the failure of federal, state and local authorities to prepare and respond to Hurricane Katrina. The document lists 125 recommendations on how the government should deal with the next catastrophe and 11 critical actions that were to be completed before June 1, 2006.³⁰⁹

Feedback for the Department of Homeland Security focused on ensuring there is effective integration of all federal search and rescue by leading an interagency review of applicable policies and procedures.³¹⁰ The investigation revealed that it is imperative to design and build a unified system that includes

³⁰⁸ "Pentagon Officials Stress Need for Regional Interagency Planning, Training to Respond to Catastrophic Disasters Such as Hurricane Katrina." US Fed News Service, Including US State News (Feb 13, 2006): n/a, <http://proquest.umi.com/pqdweb?did=986413171&Fmt=7&clientId=65345&RQT=309&VName=PQD> (accessed May 12, 2005).

³⁰⁹ White House Report.

³¹⁰ Ibid, 38.

federal, state, local, community, and individual.³¹¹ Additionally, the report stressed that DOD and DHS should make it a priority to jointly plan response activities and ensure integration of both the guard and active duty forces.³¹²

The discussion on the DOD began by crediting them as being one of the only federal departments able to translate Presidential decisions into operational capabilities. This is not to say, however, that DOD must take a lead role based on this capability. The White House acknowledged that because the DOD has a critical mission overseas, the solution cannot simply be “let the Department of Defense do it.”³¹³ The report further stressed that unified command functions and interagency processes must be improved.³¹⁴

The section that addressed the Congress warned that Congressional committees can produce competing initiatives and requirements that can contradict each other. The White House emphasized that there must be an effort to embrace a risk-based approach to funding of DHS priorities.³¹⁵ It also stressed that more challenging, yet realistic, national response scenarios need to be developed to enhance capabilities-based planning for DHS.³¹⁶

2. Congressional Reports

a. Senate Report

A bipartisan committee (referred to as the Committee) examined the actions of local, state and Federal departments and agencies.³¹⁷ The Committee “conducted a long and thorough investigation”³¹⁸ of the response to Hurricane Katrina. The process of gathering information resulted in 22 public

311 *Fact Sheet: The Federal Response to Hurricane Katrina: Lessons Learned*, Feb 23, 2006

312 White House Report, 94.

313 Ibid, 54.

314 Ibid, 70.

315 Ibid, 74.

316 Ibid,76.

317 Senate Report, 3.

318 Ibid, note to readers.

hearings that drew 85 witnesses.³¹⁹ The final Senate report is over 700 pages, containing 86 findings and 185 recommendations.

Most of the Committee's efforts were focused on the initial response in New Orleans.³²⁰ This is because over 1,500 people died in New Orleans alone. In the Gulf Coast, "tens of thousands suffered without basic essentials for almost a week."³²¹

In the Senate Report, there were four pervasive, overarching failures that were noted:

1) Long-term warnings were unheeded and government officials neglected to prepare for the forewarned catastrophe.

2) Insufficient actions or poor decisions were made by government officials in the days immediately before landfall.

3) Systems relied upon by officials to support response efforts failed.

4) Government officials at all levels failed to provide effective leadership.³²²

When looking at how the DOD performed, the Committee categorized the response into three distinct phases.³²³ The first phase was: planning and preparation for deployment of forces that might be requested by FEMA. The timeline for this phase was the week prior to landfall. The following actions summarize this phase: teleconferences with various interagencies, identification of capabilities, resources and supplies that could provide support

319 Senate Report, 3.

320 Ibid.

321 Ibid, 2.

322 Ibid.

323 Ibid, 26-11.

and pre-deployment of personnel and equipment closer to the affected regions.³²⁴

The Second phase was: gathering information on the situation. The timeline for the second phase was during and immediately after landfall. During this phase, significant information was lacking, primarily due to DOD officials relying on press or media reports for information. In line with the NRP, the DOD waited for FEMA to request specific missions and identify support needed. They also waited for DHS to update them on the situation, contributing to a lack of situational awareness during the response.³²⁵

The third phase was simply: response. This phase was characterized by improvement needed in DOD's ability to integrate the military's response into the overall response effort. During Katrina, there were a large number of ground troops already responding to the disaster (Guard) that needed to coordinate and integrate with active duty forces deployed to support the effort. Response to requests also needed better coordination and more effective communication among military units. For example, as discussed above with the Coast Guard, better communication avoids having different emergency response agencies or military units conducting missions to rescue the same person three or four times.

The Committee also made seven foundational recommendations designed to make the nation's emergency response system "strong, agile, effective, and robust."³²⁶

The first recommendation is: to abolish FEMA and replace it with a stronger, more capable structure, known as the National Preparedness and Response Authority (NPRA).³²⁷

324 Senate Report, 26-11 to 26-12.

325 Ibid, 26-12.

326 Ibid, 18.

327 Ibid.

The second recommendation is: to endow the new organization (NPRA) with responsibilities core to preparing for and responding to disasters.³²⁸

The third recommendation is: to enhance regional operations to provide better coordination between federal and state agencies by establishing regional strike teams.³²⁹ The strike teams would consist of a designed Federal Coordinating Officer (FCO), a Defense Coordinating Officer (DCO), federal liaisons and personnel trained in public affairs, incident management, relief/recovery and communications.³³⁰

The fourth recommendation is: to build a government-wide operations center to improve situational awareness and interagency coordination.³³¹ This recommendation combines three interagency coordinating structures into one integrated entity. The new National Operations Center (NOC)³³² would replace these three structures:

The Homeland Security Operations Center (HSOC)
The National Response Coordination Center (NRCC)
*The Interagency Incident Management Group (IIMG).*³³³

The fifth recommendation is: for all levels of government to renew and sustain commitments to the nation's emergency management system.³³⁴ The Committee expects the Administration and DHS to ensure Federal leaders of all response agencies understand their responsibilities/roles under the NRP, maintain the necessary resources required to carry out planning and train on NIMS, NRP and other operational plans. DHS and NPRA (potential organization

328 Senate Report, 18-19.

329 Ibid, 19.

330 Ibid.

331 Ibid.

332 This recommendation has been implemented. See Chapter V for details.

333 Ibid.

334 Ibid.

to replace FEMA) must fully integrate private and nonprofit sectors into planning preparedness initiatives.³³⁵

The sixth recommendation is: to strengthen underpinnings of the nation's disaster and catastrophe response.³³⁶ Despite imperfections, the NRP and NIMS represent the best approach for a national, multi-agency emergency response. Federal, State and local officials must commit to working together to improve the national emergency management system while supporting the NRP and NIMS.³³⁷

The seventh recommendation is: to improve the nation's catastrophic response capability.³³⁸ DHS should ensure that the Catastrophic Incident Annex (CIA) is understood by federal agencies that have responsibilities under the annex. DHS must also commit to completing and publishing the Catastrophic Incident Supplement (CIS) and supporting documents. Finally, the plans must be coordinated with regions and states to ensure they understand, train and exercise appropriately to the plans.³³⁹

b. House Report

On September 15, 2005, House Resolution 437 was approved by the House of Representatives. This resolution created the Select Bipartisan Committee (referred to as Select Committee) to Investigate the Preparation for and Response to Hurricane Katrina.³⁴⁰ The Committee was charged with conducting:

a full and complete investigation and study and to report its findings to the House not later than February 15, 2006, regarding— (1) the development, coordination, and execution by local, State, and Federal authorities of emergency response plans and other activities in

335 Ibid, 20.

336 Senate Report, 20.

337 Ibid, 20-21.

338 Ibid, 21.

339 Ibid.

340 *A Failure of Initiative*, ix.

*preparation for Hurricane Katrina; and (2) the local, State, and Federal government response to Hurricane Katrina.*³⁴¹

Due to the Committee's short deadline and refusal of the White House to provide access to essential documents, "key questions remain unanswered."³⁴² The results of the House investigation revealed over 90 findings and described critical failures at all levels of government.³⁴³

Two areas of emphasis in the report were coordination and communication. The Select Committee found that greatly improved mechanisms for coordination are needed at all levels of response. They reported that improved coordination would have provided for better military support during Hurricane Katrina.³⁴⁴ Based on their investigation, the Committee confirmed that the coordination between DOD, FEMA and Louisiana led to a slow response.³⁴⁵ They also found that coordination between DOD and DHS was ineffective.³⁴⁶

Additionally, although the Coast Guard responded immediately to the disaster and saved thousands of lives, the Select Committee also found that improved communication and coordination between the Coast Guard and other first responders is still needed.³⁴⁷ For example, multiple response agencies on the ground during a disaster to assist victims make it imperative that the Coast Guard coordinate and share information with other first responders. This is especially true while conducting search and rescue missions. Better coordination will help avoid duplication of effort or inadvertently missing victims that still need to be assisted or rescued.

³⁴¹ Ibid, 1.

³⁴² *A Failure of Initiative*, 1.

³⁴³ Ibid, 4.

³⁴⁴ Ibid, 202.

³⁴⁵ Ibid, 204.

³⁴⁶ Ibid, 203.

³⁴⁷ Ibid, 214.

The Select Committee also found that communication between DOD, DHS and especially FEMA were weak due to process problems and lack of information sharing.³⁴⁸ The report also suggested that an information-sharing protocol would have enhanced communications, coordination, and situational awareness within military units.³⁴⁹ Additionally, they noted that by focusing on integrating the Guard and active forces, the military response can become more seamless and provide better situational awareness to all levels of leadership.³⁵⁰

The Select Committee's investigations also found that a general lack of understanding of states' capabilities by the DOD and military capabilities by the state hindered the request for military assistance process.³⁵¹ One reason may have been due to the lack of participants from the federal, state and local levels during NORTHCOM-sponsored emergency exercises prior to Hurricane Katrina. Greater involvement in exercises from multiple agencies at all levels of government and the public sector will allow the establishment of key relationships that can prove valuable during an emergency. Exercising together allows trust to build and working relationships establish before the emergency or disaster hits. Additionally, it allows agencies to learn more about the capabilities offered by other organizations.

During Hurricane Katrina, the DOD initially drafted its own RFAs and forwarded them to FEMA to copy and send back.³⁵² This was because DOD obviously had knowledge of their own capabilities and capacity to support various disaster response operations. FEMA, on the other hand, was less familiar with DOD capabilities and could not initially assess what DOD resources might be needed to perform a mission. At the unclassified level, the NRP could be a forum to better identify and integrate DOD capabilities.

348 Ibid, 203.

349 *A Failure of Initiative*, 224.

350 Ibid, 218.

351 Ibid, 222.

352 Ibid, 204.

D. CHAPTER SUMMARY AND RECOMMENDATIONS

The results from a majority of the hearings and reports on the federal response to Hurricane Katrina agreed there was there was a failure of government at all levels to plan, prepare for and respond aggressively to Hurricane Katrina.³⁵³ There was also consensus that within the federal government construct, unity of effort and unity of command/leadership needs to be examined and improved for disaster response.³⁵⁴ Better coordination between various federal, state and local actors will be essential for a successful federal disaster response capability in the future.

As far as the military is concerned, both DHS and DOD should plan and prepare for significant roles during a major catastrophe.³⁵⁵ For the DOD, war efforts overseas resulted in some critical equipment item shortages and reduced inventories during the Hurricane Katrina. The reality is that shortages are also likely in future disasters. Therefore, a plan must be devised to mitigate the impact on disaster response efforts.

Flexibility is essential to the timely use of federal active-duty troops to provide assistance to a state following a catastrophic disaster (natural or manmade). The general consensus, however, is that federalizing disaster response is not a good course of action.³⁵⁶ DOD might be required to *temporarily* assume the lead for the federal response during catastrophic incidents only.³⁵⁷ However, the scope and duration of DOD's role during a

353 Joseph I. Lieberman, *Additional Views on White House Katrina Failures, Administration Lack of Cooperation with the Investigation, and Failure to Establish Unified Command*, May 2006.

354 "Panel Chair Urges Caution in Expanding Federal Role in Disaster Response."

355 White House Report, 94.

356 . "Battle Brews Over a Bigger Military Role; the Pentagon Tilts Toward Taking More Authority in Major Disasters - Worrying Governors, Lawmakers," Dec 13, 2005.

357 *Memorandum for the President*.

catastrophic incident need to be defined. Additionally, training requirements and cost of training must be calculated and considered before any potential addition to the military mission.

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IX. CONCLUSIONS

*...Americans had every reason to believe that two disasters hit the Gulf Coast—the hurricanes and the federal response.*³⁵⁸

A. CONCLUSIONS TO RESEARCH QUESTIONS

What is a National Response Plan (NRP) and what disaster response role is designated for the DOD active-duty military?

The President of the United States mandated, through Homeland Security Presidential Directive-5 (HSPD-5), a new National Response Plan (NRP) be developed to “align Federal coordinating structures, capabilities, and resources into a unified, all-discipline, and all-hazards approach to domestic incident management.”³⁵⁹ The result was a 426-page document developed by multiple agencies and released in December 2004.

The NRP serves as a roadmap to guide the nation’s federal response during a domestic disaster. The document was built on the foundational model of the National Incident Management System (NIMS). Using the comprehensive framework of the NIMS, the NRP provides national-level policy and operational direction between government and private sector entities.³⁶⁰

Within the plan, the DOD has a designated supporting role in disaster response under Defense Support of Civil Authorities (DSCA). DSCA is defined as DOD support provided by Federal military forces, DOD agencies and components, DOD civilians and contract personnel in response to requests for assistance (RFA) during domestic incidents.³⁶¹

RFAs are usually received from a civilian primary or lead agency whenever resources at the local, State, or Federal level are deemed to be

³⁵⁸ Walter Brasch. *'Unacceptable': The Federal Government's Response to Hurricane Katrina*, 2006, 94.

³⁵⁹ *NRP*, i.

³⁶⁰ *Ibid*, 1.

³⁶¹ *Quick Reference Guide for the National Response Plan*, 19.

overwhelmed or incapable of effectively responding to an incident or natural disaster.³⁶² The Secretary of Defense authorizes DSCA for domestic incidents as directed by the President or “when appropriate under the circumstances and applicable laws.”³⁶³

Does the current construct of the NRP give the U.S military and other key agencies the ability to share critical information during a federal disaster response?

The NRP does provide appropriate and comprehensive coordinating mechanisms to facilitate the sharing of critical information among federal agencies for disaster response. The challenge, however, is getting individual agencies and actors to actually share the information with the right people, in a timely and effective manner.

The Wall Street Journal authors, Cooper and Block concede in their book, *Disaster: Hurricane Katrina and the Failure of Homeland Security* that “pertinent, accurate, real-time information flowed in great waves through government agencies from all manner of responsible sources.”³⁶⁴ Nevertheless, they argue that during Hurricane Katrina there were many instances where “information sat unused, unread, and even dismissed by the very people charged with ensuring that timely news about disasters made its way to the top levels of the federal government.”³⁶⁵

The NRP provides a forum to successfully implement its established information-sharing protocols and coordinating mechanisms within the plan. Individual attention, responsibility and accountability, however, are the key ingredients to moving federal agencies even closer to the goal of achieving an effective federal disaster response.

³⁶² *NRP*, 42.

³⁶³ *Ibid*, 10.

³⁶⁴ *Disaster: Hurricane Katrina and the Failure of Homeland Security*, xiv.

³⁶⁵ *Ibid*.

Did the active duty military performance during Hurricane Katrina versus DHS performance provide evidence that greater DOD authority is needed during a federal response to a domestic catastrophe?

When considering challenges that complicated the government response to Katrina, an expanded military authority would not have guaranteed a successful disaster response. Rather, a better strategy and important area of focus ought to be upon the implementation process of the NRP.

One immediate goal should be to update the NRP's Catastrophic Incident Annex (CIA) and immediately release the Catastrophic Incident Supplement (CIS). This will provide more clarity of roles, responsibilities and operational actions to be taken during a major disaster.

Additionally, organizational training on the CIA and CIS when released is essential. DOD, DHS and FEMA must work closely with each other to iron out operational procedures under the NRP. This will avoid "playing it by ear" during a catastrophic disaster response.

Examination of the DOD and DHS response to Hurricane Katrina did not provide sufficient evidence that expanding DOD authority during a major domestic disaster is the right step to take. Although the military does bring unique skills and capabilities to the table, the role of DSCA under the NRP helps protect the delicate balance of state sovereignty and federalism. It also helps preserve civil-military relations. As such, it is likely the active-duty military role will remain one of support under a civilian lead during disaster response.

Will placing the military in the lead role solve the federal government's disaster response problems?

A plan that places the military in the lead role will not solve many of the issues highlighted in the lessons learned reports from the White House and Congress. Likewise, the NRP itself will not correct problems like those encountered by the federal government during Hurricane Katrina. Instead, building the capacity for an effective federal disaster response, not just a plan, is

an important step toward addressing some of the federal disaster response challenges.

Continuous updating of the NRP is needed to ensure current and applicable information is incorporated. For example, one of the NRP's shortfalls is its failure to determine necessary actions if an overwhelmed local or state authority is not "capable of making the incident assessments and informed resource requests necessary to obtain DOD assistance."³⁶⁶ Once the plan contains relevant and accurate information, timely dissemination of the updated information to all participating agencies is a must.

Accordingly, it is essential that DHS, DOD, National Guard, State and local responders work together more closely to solve federal response problems. Many issues require long-term solutions that must be accompanied by funding, manpower and other critical resources. An interoperable communications system is needed for a unified local, State and Federal response. Joint planning and training will allow emergency managers to more effectively communicate and mount a timely, coordinated response. Agencies at all levels need to work better as a whole to build interoperability across entire regions. Expanded exposure and training on the NRP will pay dividend in a future response.

The Senate Report, *Hurricane Katrina A Nation Still Unprepared*, agreed that "inadequate training in the details of the...National Response Plan was a contributing factor in shortcomings in the government's performance."³⁶⁷ Placing the military in a lead role will not solve this shortcoming. Individual agency responsibility and accountability for NRP training will help ensure all organizations and personnel are operating from the same playbook.

One fact is clear: the military alone cannot achieve an effective government response. Ultimately, a successful federal disaster response demands coordination and cooperation among multiple agencies at the local, State and Federal levels.

³⁶⁶ *Hurricane Katrina: DOD Disaster Response*, 14.

³⁶⁷ *Senate Report*, 15.

B. CHALLENGES

*From hurricanes and pandemics and to earthquakes and terrorism, the United States is grappling with the prospect of a host of cataclysmic events.*³⁶⁸

Under the National Response Plan, DHS, EPR and FEMA are listed as the agencies responsible for logistics during a disaster.³⁶⁹ Hurricane Katrina showed, however, that “FEMA lacked the tools to track the status of shipments, interfering with the management of supplying food, water, ice and other vital commodities to those in need across the Gulf Coast.”³⁷⁰ In fact, many victims of the storm needlessly suffered hardships due to FEMA’s inability to perform this critical function. For example, an unfilled request for portable toilets at the Superdome left “more than 20,000 people ...without working plumbing for nearly a week.”³⁷¹

A robust logistics capability must be in place during disaster response. If the responsible organizations under the NRP do not have the capability to effectively execute this mission, a new solution must be sought. Future federal disaster response will face the same challenges if not resolved. DOD may be able to provide direction and training to DHS in the logistics arena to enhance their disaster response capability.

Additionally, although organizational structures are in place within the NRP to help facilitate critical information sharing between various emergency response agencies, information sharing among DOD units remains a challenge. The House report, *A Failure of Initiative*, admitted that during their investigation, “the Select Committee could find no reporting requirements for sharing important

368 Jonathan Walters and Donald F. Kettl. “The Katrina Breakdown.” In *On Risk and Disaster: Lessons from Hurricane Katrina*, edited by R. Daniels, D. Kettl and H. Kunreuther, 2006, 261.

369 NRP, LOG-1.

370 Senate Report, 10.

371 Ibid.

information between DOD entities.”³⁷² In fact, the report listed the lack of “an information sharing protocol that would have enhanced joint situational awareness”³⁷³ among military units during response to Katrina as an official finding.

The DOD will need to concentrate on tackling this challenge so that critical information can quickly reach the consumers and decision makers who need it most. Events like September 11, Hurricane Katrina and the war on terrorism continue to highlight the information-sharing challenges that still exist within the DOD and nationally among various agencies.

The coordinating structures within the NRP are an admirable first step toward helping the command, control, communication and intelligence efforts in the emergency response arena. The plans look pretty good on paper. In reality, however, implementation of those plans is much tougher due to technological, procedural, cultural and other challenges.

C. RECOMMENDATIONS

*...experts agree that it's not a matter of "if" but "when" another large-scale disaster will occur somewhere in the United States.*³⁷⁴

1. Exercise and Plan for the Worst-Case Scenario

All joint, interagency, local, State and Federal-level exercises need to plan and test for the worst case scenario. For example, during initial stages of Hurricane Katina, almost all land line communication and cell phone service was inoperable. Satellite phone, fax and scan capability were lacking, yet critical to establishing communication. This created difficulty coordinating and communicating valuable information among various military organizations and between emergency response agencies. Vital information and situational

³⁷² House Report, 224-225.

³⁷³ House Report, 224.

³⁷⁴ Jonathan Walters and Donald F. Kettl. “The Katrina Breakdown,” 261.

updates could not be relayed to first responders in a timely manner. Those who initially needed information the most were often the last to receive updates.

It is unacceptable to send emergency responders into a disaster area without the ability to communicate with units in the rear or other responders. Future exercises must learn lessons from September 11 and Hurricane Katrina. Development of similar catastrophic scenarios to test emergency responders and their ability to maintain situational awareness and communicate when standard systems are not operational is imperative. Additionally, there must be a robust communication outage plan in place for future civilian and military disaster responders.

Finally, when a worst- case scenario exercise is conducted, it should be mandatory for lessons learned to be addressed within a specified timeframe. For example, a hurricane scenario exercise named “Pam” was conducted in July 2004 with a follow-up workshop just one month before Hurricane Katrina hit the Gulf Coast.³⁷⁵ The exercise tested emergency responders in a nearly identical hurricane scenario as Katrina.³⁷⁶ The problem was, lessons learned and necessary corrective actions were not implemented prior to Hurricane Katrina’s fury.

Clearly, disaster response at all levels of government would have been significantly improved if the lessons from Pam had been addressed in a timely manner. In fact, the House Report, *A Failure of Initiative*, agreed that “Hurricane Pam’s striking resemblance to Katrina in force and devastation” left many “wondering at the failure to anticipate, and plan for, these essentials.”³⁷⁷ The following was also listed as a finding: “implementation of lessons learned from Hurricane Pam was incomplete.”³⁷⁸ Future lessons learned must be heeded and challenges tackled immediately. As Katrina showed, lives depend upon it.

375 Senate Report, 16-19.

376 See Table 2 for comparison of “Pam” scenario to Hurricane Katrina.

377 *A Failure of Initiative*, 83.

378 *Ibid*, 83.

2. Avoid Over Reliance on Military Assistance

Relying on active duty military forces to “save the day” during domestic disasters is problematic. Whether performing permissible law enforcement duties or other first responder assignments, the military must remain in a support role under civilian authorities. Assigning DOD a lead role in disaster response has the danger of deterring the creation of an effective civilian capacity and capability to perform.

“Calling in the cavalry” during a domestic emergency might tempt local and state civil authorities to rely so heavily on the military “back-up” plan that they avoid training and equipping their first responders to an appropriate proficiency level. This tendency may simply be human nature. If one believes the job can be done faster, more efficiently, effectively or cheaper with another organization, it’s easy to acquiesce and say “let them do it.” It would be a moral hazard if the federal government (particularly the military) is seen as the only organization “capable” of responding to a domestic disaster; catastrophic or not. This type of attitude could negatively impact funding for first responder training and equipment. There is also the potential that increased federal involvement could trample on states’ rights and negatively impact civil-military relations. The results could ultimately diminish confidence in the separation of powers and infringe upon individual civil liberties.

3. Equip DHS emergency response organizations and first responders to effectively perform their jobs

*We at Northern Command, we don’t care necessarily whether it’s FEMA, DHS or DOD in the lead. What is important is getting the American people the assistance they deserve and need.*³⁷⁹

One of the best ways to ensure the American people get the assistance they need during domestic emergencies is to fully equip local and state emergency responders with adequate funding, personnel, training and supplies.

³⁷⁹ “Q & A: Admiral Timothy Keating; Commander NORAD and NORTHCOM,” *The San Diego Union Tribune*, December 11, 2005, http://www.signonsandiego.com/uniontrib/20051211/news_1e11qnda.html (accessed on May 25, 2006).

First responders have a tough enough job to perform without having to cut corners due to insufficient funding, equipment that is not interoperable or minimal emergency response training.

DHS must make it a top priority to support their emergency management agencies with qualified and experienced leaders that will ensure their personnel have the necessary assets to perform their mission. If this means begging for additional federal funding; then let the begging begin. There is no substitute for preparation when it comes to successfully performing a mission.

Finding new methods to help first responders perform their jobs could prove valuable. The Senate Report even suggested that “DHS could adopt military models of logistics, training, career development, and centralized incident management to improve its ability to function independently.”³⁸⁰

Ultimately, DHS emergency managers and first responders must be set up for success. That means acquiring the proper tools for each agency, by any means necessary. The dedicated and hard working DHS personnel deserve the best and America expects nothing less.

D. SUMMARY

The American public seeks reassurance that the federal government can adequately respond to the needs of its citizens after a large scale natural or manmade disaster on American soil. The National Response Plan is a solid roadmap to guide federal agencies toward achieving a well coordinated, effective federal disaster response. However, updates to the plan are still needed as well as implementation training at all levels of the federal government.

Expanding the military’s role to lead the disaster response effort is not the best strategy for improving federal disaster response. The roles and missions for active-duty military forces within the construct of Defense Support of Civil Authorities can and will provide necessary support to a civilian lead federal agency while preserving civil-military relations.

³⁸⁰ Senate Report, 26-70.

A renewed focus on emergency management budgets, manning levels, personnel qualification, training and interoperability will help ensure successful implementation of the National Response Plan during the next domestic disaster. Rear Admiral Dennis Sirois, Assistant Commandant for Operations, U.S. Coast Guard, reminded Congress during his testimony before the United States House Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina that “We must also continue to improve operational integration at all levels of government in order to improve emergency response communications, planning and execution.”³⁸¹ Nothing could be truer.

The American people will continue to look to the federal government for assistance during an emergency. The successful implementation of an updated National Response Plan will hopefully allow them to deliver and restore America’s confidence in the government’s ability to aid her citizens following a disaster.

381 : “Hurricane Katrina: Preparedness and Response by the Department of Defense, the Coast Guard, and the National Guard of Louisiana, Mississippi, and Alabama,” Testimony of Rear Admiral Dennis Sirois, U.S. Coast Guard, on the Coast Guard’s Role in Disaster Response.

Figure 1: Organization of the National Response Plan (From, NRP, xii)

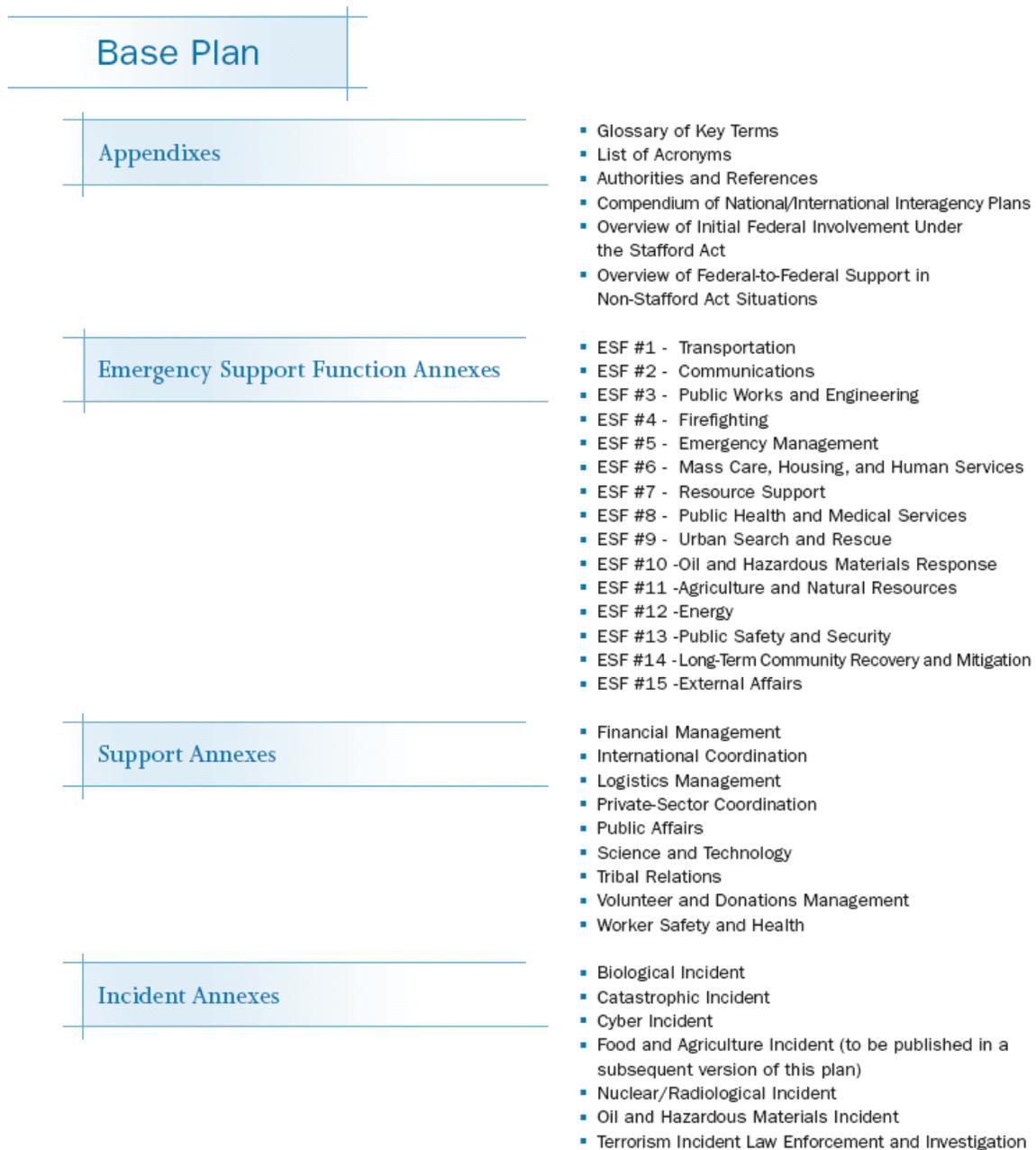


Figure 2: Scope of Emergency Support Function Annexes (From, *NRP*, 12)

ESF	Scope
ESF #1 - Transportation	<ul style="list-style-type: none"> ▪ Federal and civil transportation support ▪ Transportation safety ▪ Restoration/recovery of transportation infrastructure ▪ Movement restrictions ▪ Damage and impact assessment
ESF #2 - Communications	<ul style="list-style-type: none"> ▪ Coordination with telecommunications industry ▪ Restoration/repair of telecommunications infrastructure ▪ Protection, restoration, and sustainment of national cyber and information technology resources
ESF #3 - Public Works and Engineering	<ul style="list-style-type: none"> ▪ Infrastructure protection and emergency repair ▪ Infrastructure restoration ▪ Engineering services, construction management ▪ Critical infrastructure liaison
ESF #4 - Firefighting	<ul style="list-style-type: none"> ▪ Firefighting activities on Federal lands ▪ Resource support to rural and urban firefighting operations
ESF #5 - Emergency Management	<ul style="list-style-type: none"> ▪ Coordination of incident management efforts ▪ Issuance of mission assignments ▪ Resource and human capital ▪ Incident action planning ▪ Financial management
ESF #6 - Mass Care, Housing, and Human Services	<ul style="list-style-type: none"> ▪ Mass care ▪ Disaster housing ▪ Human services
ESF #7 - Resource Support	<ul style="list-style-type: none"> ▪ Resource support (facility space, office equipment and supplies, contracting services, etc.)
ESF #8 - Public Health and Medical Services	<ul style="list-style-type: none"> ▪ Public health ▪ Medical ▪ Mental health services ▪ Mortuary services
ESF #9 - Urban Search and Rescue	<ul style="list-style-type: none"> ▪ Life-saving assistance ▪ Urban search and rescue
ESF #10 - Oil and Hazardous Materials Response	<ul style="list-style-type: none"> ▪ Oil and hazardous materials (chemical, biological, radiological, etc.) response ▪ Environmental safety and short- and long-term cleanup
ESF #11 - Agriculture and Natural Resources	<ul style="list-style-type: none"> ▪ Nutrition assistance ▪ Animal and plant disease/pest response ▪ Food safety and security ▪ Natural and cultural resources and historic properties protection and restoration
ESF #12 - Energy	<ul style="list-style-type: none"> ▪ Energy infrastructure assessment, repair, and restoration ▪ Energy industry utilities coordination ▪ Energy forecast
ESF #13 - Public Safety and Security	<ul style="list-style-type: none"> ▪ Facility and resource security ▪ Security planning and technical and resource assistance ▪ Public safety/security support ▪ Support to access, traffic, and crowd control
ESF #14 - Long-Term Community Recovery and Mitigation	<ul style="list-style-type: none"> ▪ Social and economic community impact assessment ▪ Long-term community recovery assistance to States, local governments, and the private sector ▪ Mitigation analysis and program implementation
ESF #15 - External Affairs	<ul style="list-style-type: none"> ▪ Emergency public information and protective action guidance ▪ Media and community relations ▪ Congressional and international affairs ▪ Tribal and insular affairs

Figure 3: Procedures for Requesting DSCA (From, Joint Publication 3-26, *Homeland Security*, 2 August 2005)

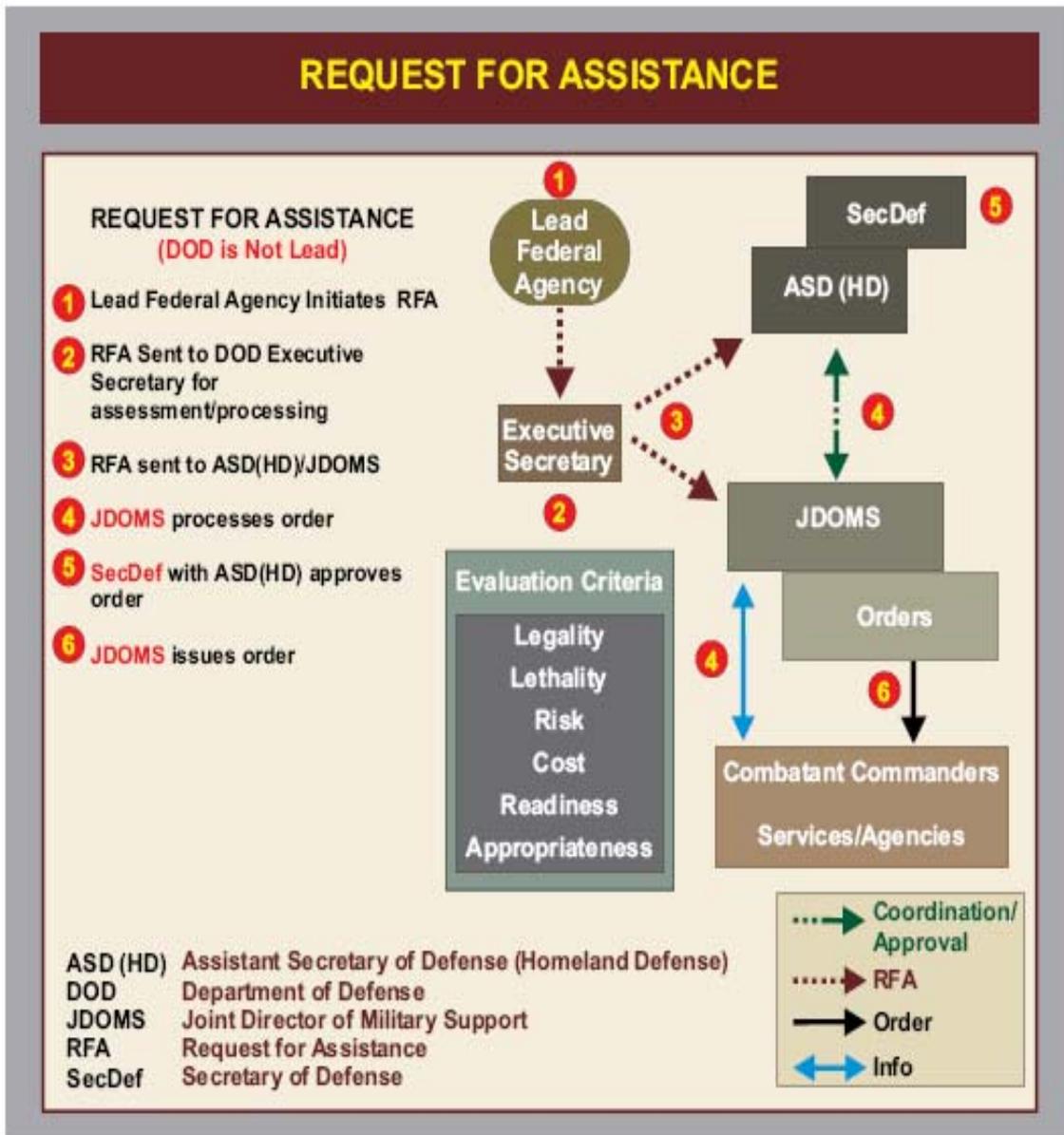


Figure 4: Saffir-Simpson Scale Reflecting Hurricane Intensity (From, NOAA's National Climatic Data Center Technical Report #2005-01, *Hurricane Katrina, A Climatological Perspective*, August 2006)

Saffir-Simpson Hurricane Scale		
Category	Knots	(MPH)
1	64-82	(74-95)
2	83-95	(96-110)
3	96-113	(111-130)
4	114-135	(131-155)
5	136 and >	(156 and >)

Figure 5: Hurricane Katrina Travel Path and Intensity (From, *Climate of 2005: Summary of Hurricane Katrina*, December 29, 2005, at <http://www.ncdc.noaa.gov/oa/climate/research/2005/katrina.htm>)

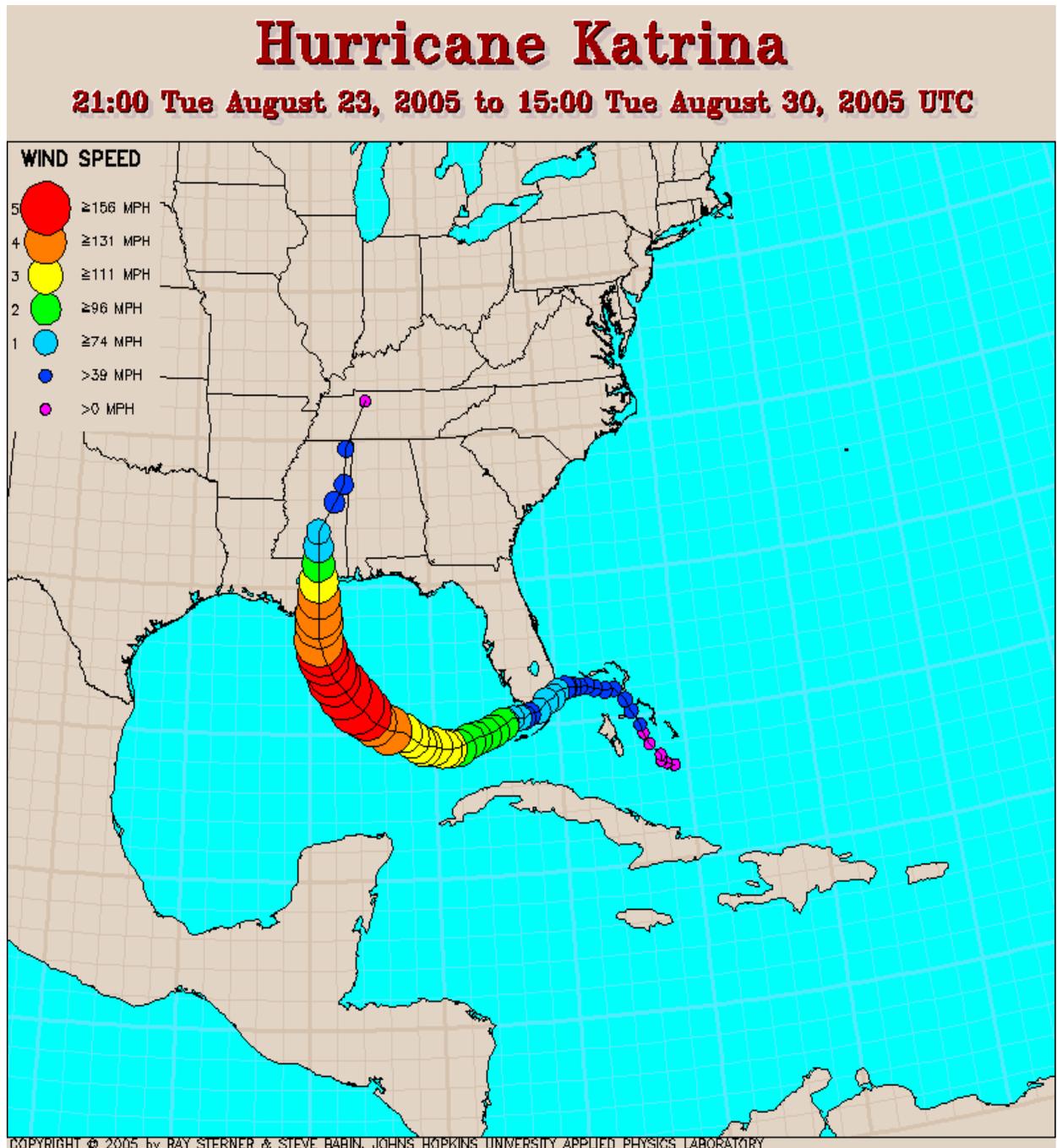


Figure 6: Hurricane Katrina at Maximum Intensity (From, NOAA-18: Polar Orbiter Image, NOAA's National Climatic Data Center Technical Report #2005-01, *Hurricane Katrina, A Climatological Perspective*, August 2006)

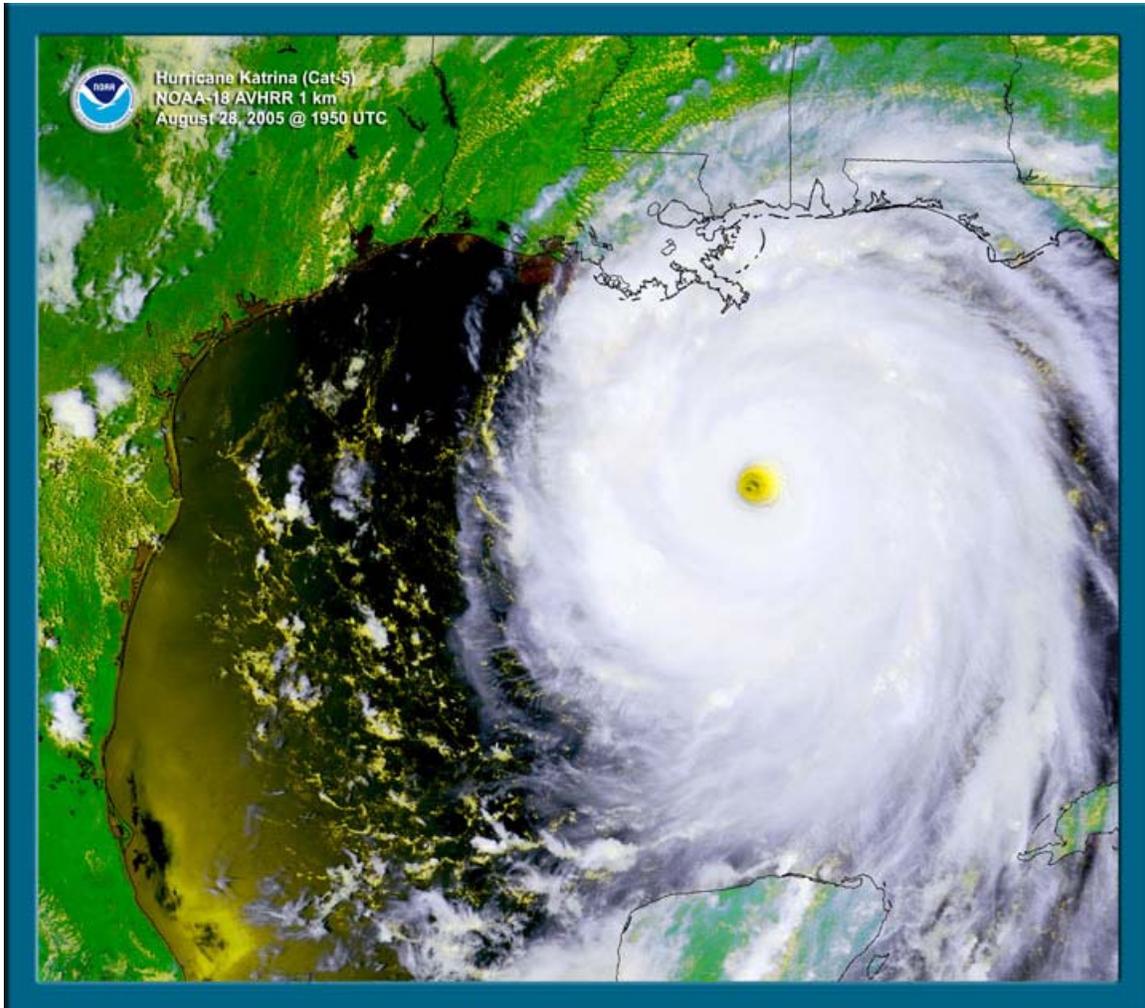


Table 1: DOD Assigned Roles Under the ESFs (From, Senate Report, *Hurricane Katrina: A Nation Still Unprepared*, May 2006, Chapter 26-4)

Emergency Support Function	DOD's Specific Role
1. Transportation	Provides military liaison to ESF #1 desk and military transportation to move resources, and assists in contracting for civilian aircraft. ²⁴
2. Communications	Uses own resources to provide own communications and coordinates numerous other communication issues with the Federal Emergency Communications Coordinator. ²⁵
3. Public Works and Engineering	Army Corps of Engineers provides technical assistance, engineering, and construction management. ²⁶
4. Firefighting	Conducts firefighting on DOD installations and assists other lead agencies for firefighting on non-DOD land. ²⁷
5. Emergency Management Annex	No specific role identified. ²⁸
6. Mass Care, Housing, and Human Services	Army Corps of Engineers provides ice and water; inspects shelter sites for suitability; and assists in construction of temporary shelters and temporary housing repair. ²⁹
7. Resource Support	No specific role identified. ³⁰
8. Public Health and Medical Services	Transports patients to medical care facilities; assists with mortuary services; procures and transports medical supplies; and provides DOD medical supplies, blood products, medical personnel, laboratory services, and logistics support. ³¹
9. Urban Search and Rescue	When requested, serves as a primary source for rotary and fixed-wing aircraft to support urban search-and-rescue operations; and Army Corps of Engineers provides (1) certain training and structural integrity analysis, (2) assessments of whether buildings are safe to enter, (3) building stability monitoring, and (4) other services. ³²
10. Oil and Hazardous Materials Response	Provides the federal on-scene coordinator and directs response actions for releases of hazardous materials from its vessels, facilities, vehicles, munitions, and weapons; and Army Corps of Engineers provides response and recovery assistance involving radiological dispersion devices and improvised nuclear devices. ³³
11. Agriculture and Natural Resources	Assesses (1) the availability of DOD food supplies and storage facilities, (2) transportation equipment at posts near the affected area, and (3) laboratory, diagnostic, and technical assistance; and assists in animal emergency response; develops appropriate plans; and the Army Corps of Engineers provides expertise and resources to assist in removal and disposal of debris and animal carcasses. ³⁴
12. Energy	Coordinates emergency power team missions with power restoration activities and provides appropriate support. ³⁵
13. Public Safety and Security	If directed by the President, quells insurrection and provides physical and electronic security systems assistance and expertise. ³⁶
14. Long Term Community Recovery and Mitigation	Provides technical assistance in community planning, civil engineering, and natural hazard risk assessment and supports national strategy development for housing, debris removal, and restoration of public facilities and infrastructure. ³⁷
15. External Affairs	No specific role identified other than to provide support as required. ³⁸

24 *NRP*, p. ESF #1-4.

25 *NRP*, p. ESF #2-12.

26 *NRP*, pp. ESF #3-5 to 3-8.

27 *NRP*, p. ESF #4-4.

28 *NRP*, pp. ESF #5-1 to 5-6.

29 *NRP*, p. ESF #6-6.

30 *NRP*, pp. ESF #7-1 to 7-6.

31 *NRP*, p. ESF #8-9.

32 *NRP*, p. ESF #9-6.

33 *NRP*, p. ESF #10-10.

34 *NRP*, p. ESF #11-10.

35 *NRP*, p. ESF #12-4.

36 *NRP*, p. ESF #13-6.

37 *NRP*, p. ESF #14-5.

38 *NRP*, p. ESF #15-5.

Table 2: "Pam" Exercise Scenario Compared to Katrina (From, U.S. Department of Homeland Security, *DHS/FEMA Initial Response Hotwash: Hurricane Katrina in Louisiana, DR-1603-LA*, February 13, 2006, vii)

	"Pam"	Katrina
Storm Description	Slow-moving Category 3 Storm with landfall west of New Orleans	Faster-moving Category 3 ¹ storm with landfall east of New Orleans
Rainfall	20" of rain	18" of rain
Levees	Overtopped	Breached
Unwatering of New Orleans	Estimated 30 days to unwater New Orleans	Took 43 days to unwater New Orleans
Pre-Landfall Shelters	Over 55,000 in public shelters	Approximately 60,000 people in public shelters
Power Failures	786,359 people in Louisiana lose electricity at initial impact	881,400 people in Louisiana without electricity the day after impact
Telecommunications Failures	Over 900,000 people without phone service in Louisiana	1.75 million people without phone service in Louisiana and Mississippi (cell phone service sporadic for weeks)
Displaced Population	Over 1.1 million Louisiana residents displaced for the long-term	1 million Gulf coast residents displaced for the long-term, majority from Louisiana
Educational Needs	252,327 children displaced from Louisiana schools	More than 247,000 public and private school students displaced
Structural Losses	Estimated \$40 billion in damage to residential and commercial infrastructure	Losses currently estimated ant \$22 billion to \$65 billion for homes and businesses
Fatalities	61,290	1,102 ²

¹ Initially the National Hurricane Center reported that Katrina made landfall as a Category 4. But the storm was described as a Category 3 in a report released by the National Hurricane Center on December 20, 2005.

² Louisiana Department of Health and Hospitals, February 10, 2006.

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