

MANAGING THE NEXT DOMESTIC CATASTROPHE

Ready (or Not)?

PRINCIPAL AUTHOR
Christine E. Wormuth

CONTRIBUTING AUTHOR
Anne Witkowsky

JUNE 2008



BG-N

BEYOND
GOLDWATER-NICHOLS

CSIS

CENTER FOR STRATEGIC &
INTERNATIONAL STUDIES

MANAGING THE NEXT DOMESTIC CATASTROPHE

Ready (or Not)?

A Beyond Goldwater-Nichols Phase 4 Report

PRINCIPAL AUTHOR

Christine E. Wormuth

CONTRIBUTING AUTHOR

Anne Witkowsky

June 2008

About CSIS

In an era of ever-changing global opportunities and challenges, the Center for Strategic and International Studies (CSIS) provides strategic insights and practical policy solutions to decisionmakers. CSIS conducts research and analysis and develops policy initiatives that look into the future and anticipate change.

Founded by David M. Abshire and Admiral Arleigh Burke at the height of the Cold War, CSIS was dedicated to the simple but urgent goal of finding ways for America to survive as a nation and prosper as a people. Since 1962, CSIS has grown to become one of the world's preeminent public policy institutions.

Today, CSIS is a bipartisan, nonprofit organization headquartered in Washington, D.C. More than 220 full-time staff and a large network of affiliated scholars focus their expertise on defense and security; on the world's regions and the unique challenges inherent to them; and on the issues that know no boundary in an increasingly connected world.

Former U.S. senator Sam Nunn became chairman of the CSIS Board of Trustees in 1999, and John J. Hamre has led CSIS as its president and chief executive officer since 2000.

CSIS does not take specific policy positions; accordingly, all views expressed in this publication should be understood to be solely those of the author(s).

© 2008 by the Center for Strategic and International Studies. All rights reserved.

Cover photograph: © Nicholas Kamm/AFP/Getty Images

Library of Congress Cataloging-in-Publication Data

Wormuth, Christine E.

Managing the next domestic catastrophe : ready (or not)? : a beyond Goldwater-Nichols phase 4 report / principal author, Christine E. Wormuth ; contributing author, Anne Witkowsky.

p. cm.

"June 2008."

ISBN 978-0-89206-534-9 (pbk. : alk. paper) 1. Emergency management—United States. 2. Crisis management—United States. 3. Emergency management—Planning. I. Witkowsky, Anne. II. Title.

HV551.3.W67 2008
363.34'60973—dc22

2008021178

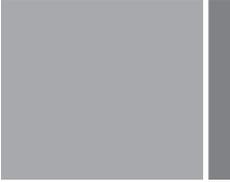
The CSIS Press

Center for Strategic and International Studies
1800 K Street, N.W., Washington, D.C. 20006
Tel: (202) 775-3119
Fax: (202) 775-3199
Web: www.csis.org



CONTENTS

Acknowledgments	iv
Executive Summary	vi
1. America Unprepared	1
2. Problematic Government Relationships	15
3. Immature Processes	42
4. Anemic Implementation	64
Appendix A: Summary of Report Recommendations	83
Appendix B: BG-N Phase 4 Working Group Members	86
Appendix C: Acronyms	87



ACKNOWLEDGMENTS

This report is the result of more than a year of intense discussions and debates with individuals from across the U.S. homeland security and defense policy communities. The authors would like to express their deepest thanks to the members of the Beyond Goldwater-Nichols Phase 4 *Managing the Next Domestic Catastrophe* working group. Members of the working group were drawn from across the federal government, think tanks, academia, state and local governments and various homeland security-focused organizations. Working group members freely shared their extensive professional experiences, tremendous insights and suggestions for change. They helped the authors identify problem areas, facilitated meetings with key individuals working in the field, served as a sounding board for potential solutions and provided crucial assistance in shaping report findings and recommendations. Without their participation this report could not have been written. At the same time, participation in the study as a member of the working group does not imply endorsement by working group members of any or all of the report recommendations. The authors take sole responsibility for the final report and its recommendations. Members of the working group are listed in Appendix B.

The authors also wish to thank their many valuable colleagues at CSIS who played a significant role in the *Managing the Next Domestic Catastrophe* project. Dr. Clark Murdock guided the overall Beyond Goldwater-Nichols project series through multiple phases, challenged the working group to question conventional wisdom and provided valuable comments on the draft final report. Ms. Kathleen Hicks shared insights gleaned from years of experience at the Defense Department working on strategy, planning, programming and budget issues, and also was a thoughtful reader of the draft final report. Three CSIS military fellows were particularly engaged in this project and provided valuable assistance and insights to the authors, including Commander Joanna Nunan, U.S. Coast Guard, Lieutenant Colonel Peter Quinn, U.S. Army National Guard, and Commander John Caplis, U.S. Coast Guard. Perhaps most significantly, three CSIS research assistants provided invaluable support throughout the duration of the project. Jake Harrington, Jeremy White and Peter Roady provided research, writing, analysis, scheduling, event planning, budgeting and report design capabilities with skill and good humor. They balanced this project with several others, and the authors were lucky to have their assistance. We thank them for their excellent work and look forward to watching their careers move forward.

This report would not have been possible without funding provided by the Department of Defense at the direction of Congress, as well as support from the U.S. Coast Guard and the DHS Office of the Assistant Secretary for Policy. We appreciate the support and intellectual freedom our government sponsors provided throughout the duration of the study. At CSIS we benefited greatly as always from the support and counsel of our President, Dr. John Hamre.

Finally, the authors would like to thank the many individuals we interviewed at length during the study. We were fortunate to talk with current and former homeland security advisers, emergency managers, local elected officials and adjutants general in many states and major cities

all around the country. We interviewed many current and former DHS, FEMA, DoD, OMB and HSC officials and met with Congressional staff responsible for oversight of homeland security issues. The study effort benefited greatly from their varied perspectives and honest and insightful observations. While there were many individuals beyond our working group who shared their observations with us, we would like to thank in particular Gordon Adams, Randy Beardsworth, Jane Bullock, William Carwile, Dan Donahue, Jon Duecker, Frank Jones, Admiral James Loy, Bridger McGaw, Kirstjen Nielsen and Jack Weiss. Their deep experience at all levels of government, long hours of public service, and clear desire to do what is needed to make America more prepared for the next catastrophe were inspirational.



EXECUTIVE SUMMARY

America is not ready for the next catastrophe. Almost seven years have passed since the nation was attacked here at home by violent Islamist extremists who remain free and who have made clear their willingness to use weapons of mass destruction against the United States, should they be able to acquire or build them. Almost three years have passed since Hurricane Katrina devastated the Gulf Coast and laid bare myriad flaws in the nation's preparedness and response system. Simply creating the Homeland Security Council, the Department of Homeland Security (DHS), and U.S. Northern Command was not enough to make the country prepared. There are still no detailed, government-wide plans to respond to a catastrophe. There is still considerable confusion over who will be in charge during a disaster. There are still almost no dedicated military forces on rapid alert to respond to a crisis here at home. There are still no guidelines to determine and assess the capabilities that states, cities, and towns should have to ensure they are prepared for the worst.

To be sure, a number of significant steps have been taken, and the nation is clearly more prepared than it was seven or eight years ago. There is a National Homeland Security Strategy that provides overall direction for the federal government's homeland security policies and programs. Hundreds, if not thousands, more people focus each and every day on improving national preparedness than before the September 11 attacks. A National Response Framework describes how the federal government will work with state, local and tribal governments as well as the private sector and nongovernmental organizations during domestic incidents. Fifteen National Planning Scenarios have been drawn up to guide government planning for catastrophes. The Federal Emergency Management Agency (FEMA) has developed more than 200 prescribed mission assignments across 27 federal agencies to strengthen and streamline response capabilities in advance of actual events. The Department of Defense is creating a trained and ready Chemical, Biological, Radiological, Nuclear, and High-Yield Explosives (CBRNE) Consequence Management force that will be able to respond rapidly during a catastrophe, and the National Guard has almost completed its development of 17 CBRNE Emergency Response Forces spread around the country to help bridge the gap between the immediate response to a crisis and the arrival of more extensive federal capabilities.

Although significant progress has been made in the past several years— with many achievements extremely hard-won, through the tireless work of senior leaders and public servants across the government—what ultimately matters to the American public is not how far we have come but how far away we still are from being prepared for the next catastrophe. The task of readying America to face the threats of the post-September 11 era is an enormous one and poses a fundamental challenge for the next President.

Preventing, protecting against, preparing for, and responding to a domestic catastrophe are basic tasks of government at all levels. Unfortunately, today's efforts to provide homeland security, particularly at the federal level, are not unlike the governmental equivalent of a children's soccer game. One can see a tremendous amount of activity under way and considerable energy on the

field, but the movements are often not very well coordinated. Players tend to huddle around the ball—in this case, whatever happens to be the crisis or headline issue of the day—and follow it wherever it goes, even if in doing so they neglect their assigned positions. In such an environment, it is not impossible to score a goal, but that outcome is usually due more to luck than to skill.

Given that this is not a competition the nation can afford to lose, what can be done to improve America's odds? The key for the next Administration will be to bring order to the relationships, processes, and implementation of its homeland security system. Which organizations at the federal, state, and local level will perform what roles, who is the lead official at each level of the response, and how do all the players work together as a team? What processes should guide how stakeholders interact and ensure that everyone is working toward the same goals? What plans are needed to prepare the government to deal effectively with future catastrophes, and how should government at all levels decide what it needs so that it can execute those plans? Finally, how can the government translate its strategies and plans into trained and ready capabilities on the ground that can be deployed effectively in accordance with comprehensive, integrated plans developed in advance of a specific catastrophe?

Many of the building blocks required to move the country toward being truly prepared to handle a catastrophe already exist in some form, but the next Administration needs to bring the pieces together, fill in the gaps, and provide the resources necessary to get the job done. If implemented, the following major recommendations –slightly condensed from their full discussion in the body of this report—would go a long way toward getting America ready to manage the next domestic catastrophe, whatever form it might take.

Recommendations

- **Merge the National Security Council and Homeland Security Council into a single organization with a single staff.**

The U.S. government has artificially separated homeland security from national security. Securing the homeland is a matter of national security—and it has both domestic and international components. Dividing homeland security from national security has resulted in fractured, partial solutions and has greatly weakened the ability of the federal government to generate unity of effort. Merging the National Security and Homeland Security Councils and their staffs will greatly enhance the federal government's ability to develop holistic strategies and policies, and it will ensure that the homeland security aspects of national security policy are also supported by the political and bureaucratic power of the White House.

- **Establish a clear chain of command inside DHS to ensure that the Secretary can carry out his or her responsibility to serve as the federal government's coordinator for incident management.**

The relationship between DHS and FEMA continues to be murky and confusing. If the Hurricane Katrina experience showed anything, it illustrated the perils of not having a clear understanding of who is in charge of what—both in Washington and in the field—during a catastrophe. The absence of a clear framework for the DHS-FEMA relationship has had an extremely pernicious effect on homeland security policy in the past several years and has noticeably hampered the federal government's efforts to improve preparedness. The next Administration and Congress should work together to put into a law a clear chain of command, from the President down to the field level,

for the coordination of domestic incidents. Under this new clarified framework, the Secretary of Homeland Security will serve as the principal federal coordinator of domestic incidents as directed in Homeland Security Presidential Directive (HSPD) 5, “Management of Domestic Incidents,” and will report directly to the President. While the FEMA Administrator should be able to advise the President directly on the subset of emergency management matters, as specified in law, the operational chain of command *for the overall incident* should run from the President to the Secretary of Homeland Security, and then within DHS from the Secretary to the FEMA Administrator. In the field, the DHS chain of command during an incident should extend to the 10 FEMA Regional Administrators, who would execute their responsibilities on the ground through designated “Lead Federal Coordinators,” as discussed in more detail in the following recommendation. During a catastrophe, the Lead Federal Coordinator would be the single federal official on the ground responsible for *coordinating* the overall federal effort with all of the other response efforts.

- **Consolidate the positions of Principal Federal Official and Federal Coordinating Officer into the single position of Lead Federal Coordinator, who would report through the FEMA Administrator to the Secretary of Homeland Security.**

During and after a catastrophe, there must be one DHS official on the ground, responsible to the President and accountable for the agency’s performance. It makes no sense to have a Principal Federal Official (PFO) who reports to the Secretary of Homeland Security and lacks line authority over a Federal Coordinating Officer (FCO) who reports to the FEMA Administrator, particularly when the FEMA Administrator works for the Secretary and FEMA is part of DHS. The continuing existence of the PFO and FCO positions perpetuates confusion at all levels—federal, state, local—and indeed reflects the larger DHS-FEMA bureaucratic battle. It is time for this battle to end. As the relationship between DHS and FEMA is restructured, the PFO and FCO positions should be eliminated in the National Response Framework and in statute, respectively, and replaced with a single position: Lead Federal Coordinator (LFC). In practice the LFCs should typically be very senior officials in each of the 10 FEMA regional offices and they should have the authorities of the FCO as described in the Stafford Act of 1988. Ensuring that there is a *single* DHS senior official on the ground during a crisis—who reports through the Secretary to the President, who has the power to coordinate and distribute federal assistance (whether directly or through delegation of authority), and who already knows the state and local players—would greatly increase unity of effort.

- **State clearly that the Department of Defense will not have the lead in responding to catastrophic incidents but will be expected to play a substantial support role when needed.**

The persistent debate about whether the Department of Defense (DoD) should ever lead the response to a catastrophe instead of DHS should be settled. The next Administration should restate emphatically that DHS will be the Lead Federal Coordinator during domestic incidents, but should also make clear that DoD will be expected to play a significant supporting role in catastrophes, working within the HSPD-5 framework. As outlined in the National Response Framework, the federal government should have a single, scalable framework for incident management, led by a single federal agency. The nation cannot afford to have one system for 98 percent of all events, and a different, DoD-led system for the 2 percent of events that are “high end.” At the same time, the next Administration should make very clear that DoD will no longer hold the civil support mission at arm’s length and will be expected to play a very significant supporting role in the aftermath of a catastrophic event—a role that will require that DoD resource, train, and equip its forces accordingly.

- **Initiate a robust dialogue on the subject of how to balance the need to enable the federal government to directly employ federal resources within a state or states during the most extreme circumstances with the constitutional rights of states.**

The idea of expanding the role of the federal government during a domestic catastrophe is anathema to many in the homeland security community; but in light of the threats faced by the nation in the post-September 11 environment, it is only prudent to ensure that the country's preparedness system includes the ability of the federal government to exercise its full authority under the law to save lives and protect property during a major disaster. It is not impossible to imagine scenarios in which state leadership is severely weakened in its ability to orchestrate an effective response effort, or others in which the state leadership is in place but the state's capacity to execute decisions made by those leaders is severely degraded. In such instances, it may be appropriate for the federal government to exercise the authority granted to it under the Stafford Act more fully than is envisioned today. The goal of adapting the current system is not to enable the federal government to "take over" management of a catastrophe over the objections of a state governor, but rather to develop an understanding *with state governors in advance* about the conditions under which the federal government might need to directly employ federal resources within a state or states in the most extreme circumstances in order to execute its responsibility to save lives and protect property. The principle of managing a crisis at the lowest level of government possible should remain a fundamental feature of the American approach to domestic emergency management. At the same time, the next Secretary of Homeland Security, with the President's strong backing, should work closely with state governors to begin exploring how the current system could be adapted in a mutually acceptable way that balances the need to fully empower the federal government under existing law with maintenance of the constitutional right of states to self-governance during a catastrophe.

- **Conduct a Quadrennial National Security Review and create a National Security Planning Guidance.**

There is growing consensus that the federal government needs a mechanism to develop an integrated set of national security priorities, assess trade-offs among these different priorities, and assign roles and responsibilities for these priorities across the interagency. To achieve these objectives, the next Administration should direct the National Security Council (NSC) to lead a Quadrennial National Security Review (QNSR) in the first few months of the new term. The review would engage the relevant national security agencies, focus on a select set of critical national security priorities, and produce two major documents: an integrated National Security Planning Guidance and a public National Security Strategy, both of which would include treatment of homeland security issues. The National Security Planning Guidance would elaborate on the broad priorities articulated in the QNSR; provide more specific guidance on priorities, roles, and missions; and lay out timelines for the implementation of major planning objectives. In addition, the planning guidance would be the starting point for Cabinet agencies to develop their own more detailed strategies.

- **Create a Senior Director for Strategic Planning within the merged NSC to lead interagency strategic planning efforts and oversee their implementation.**

The federal government cannot develop or implement the kinds of integrated national security strategies and programs that are needed to meet the challenges of the 21st-century security environment in the absence of strong leadership and coordination at the White House level. As part of the NSC, the next President should create *and empower* a robust strategic planning directorate,

led by a Senior Director for Strategic Planning. Rather than relying on the 1- to 2-person strategic planning offices that have sometimes been a part of the NSC organization, the next President and National Security Adviser need at least 10–15 people leading strategic planning efforts on a daily basis. This office should be responsible for leading the QNSR and developing the National Security Planning Guidance. This office also should be responsible for guiding the interagency process to develop detailed plans for responding to catastrophic events, as well as the associated effort to develop requirements for catastrophe response at the federal level that are then fed into the federal budget process.

- **Establish a robust interagency organization overseen by the NSC but housed at DHS that is responsible for the development of integrated and detailed interagency plans and for identification of specific requirements for the federal departments.**

Although considerable progress has been made in 2007 and 2008, the federal government still does not have a set of detailed interagency plans associated with the 15 National Planning Scenarios. The next Administration should establish a strong interagency organization—closely overseen by the NSC Strategic Planning Directorate but housed at DHS—that is responsible on a daily basis for developing integrated, interagency operational plans for responding to catastrophic events. These plans would be updated regularly, perhaps every year or two. Creating such plans is one of the most important steps that the federal government can take to improve national readiness, and the interagency organization should be backed strongly by the NSC, should be staffed with the best possible personnel with planning expertise, and should be high on the radar screen of the next Secretary of Homeland Security. Complementing its deliberate planning function, it should be focal point for identifying specific requirements for federal departments, which are then validated by the relevant agencies and fed into their internal resourcing systems.

- **Create a partnership between the Office of Management and Budget and the NSC Strategic Planning Directorate to lead the development of integrated budget planning across homeland security mission areas.**

To more fully integrate the implementation of homeland security policy, the next Administration should develop a partnership between the Office of Management and Budget (OMB) and the NSC Strategic Planning Directorate charged with devising a method of examining budgets across homeland security mission areas. This process should entail a front-end review of agency budget proposals in the planning stages, across mission areas and programs to identify priorities, capability gaps, overlaps, and shortfalls at the outset of the budget cycle. This partnership will require that NSC and OMB begin reviewing the agency budget plans together over the course of the summer before the President's budget is submitted. The final budget submission to Congress could then include proposals presented not only by mission area but also by major programs that support the mission requirements. Participating NSC staff, taking the lead role, should be drawn mainly from the Strategic Planning Directorate but should also include other members of the NSC staff with deep knowledge of the particular subject matter areas. To facilitate this integrated review across mission areas, a new OMB staff group with significant policy expertise and cross-agency purview should be developed and should play a major role in the process.

- **Substantially revise the Target Capabilities List.**

The federal government has directed state and local governments today to focus their preparedness investments on 37 target capabilities, but the target capability levels do not differentiate between big cities, smaller cities, small towns, and rural areas. Nor is there very clear guidance on

how to measure whether state and local jurisdictions have achieved the prescribed target capability levels. The next Secretary of Homeland Security and FEMA Administrator should build on work that is just getting under way in FEMA to substantially revise the Target Capabilities List (TCL) so that desired target capabilities levels are linked to different types of jurisdictions and the guidelines provided differentiate between cities and towns around the country in terms of area, population size and density, numbers of potential high-risk targets, and other factors. This effort should also clearly describe performance objectives for target capabilities in commonsense terms, linking those objectives to the particular needs of different sizes and types of jurisdictions. Equally important, a revised TCL will specify how progress toward those objectives will be judged. Once the objectives and evaluative measures are developed, DHS and state and local governments will have an agreed-on basis for assessing capability development, something that does not exist today. Particularly in light of the great dissatisfaction expressed by many state and local officials with the consultation process for the original TCL, published as part of the National Preparedness Guidelines, it is critically important that FEMA to adopt a truly collaborative process in undertaking this revision.

- **Reform the DHS grants program to be a flagship component of DHS that is well managed, transparent, highly credible, and tightly linked to federal priorities.**

The DHS grants program and the organization within the department that administers the program will inevitably be crucial to DHS's success in building preparedness at the state and local levels. Recognizing that the grants program and its administration contribute strongly to how DHS is viewed beyond the Beltway, the next Secretary and FEMA Administrator should make reforming the grant program a high priority. The FEMA regional offices should become in effect the front lines of the grant program process, as they are much closer to the state and local grant recipients than is DHS headquarters in Washington. Central to the reform effort should be linking the grant program more tightly to the strategic priorities outlined in policy guidance documents such as the *Guidelines* and a revised Target Capabilities List. Grant applications should explain how proposed investments will achieve target capability levels, grant recipients should report progress toward target capabilities using agreed-on evaluative measures contained in a revised TCL, and federal evaluations should be undertaken in addition to the self-assessment process, perhaps as a condition of grant eligibility.

- **Host a catastrophic event tabletop exercise for very senior officials early in each new Administration.**

The new Administration should bring together its Cabinet officials for a tabletop exercise focused on managing a catastrophic event in the first 60 days of the new term. Such an exercise would force Cabinet officials to become familiar with their basic homeland security responsibilities and would give them all a better understanding of the scope and type of challenges the federal government would likely face should some catastrophe occur. This kind of exercise also would help spur Cabinet Secretaries toward focusing their agencies on critical vulnerabilities early in the next Administration.

- **Reform TOPOFF to make it much closer to a “no-notice” exercise.**

Because it involves extensive advance coordination, TOPOFF—the “top officials” capstone exercise—may not offer sufficient insight into the nation's overall preparedness for catastrophic events. Only an exercise that is “no-notice,” or close to it, will provide an accurate picture of how well the federal government can coordinate its own efforts internally and work collaboratively with state

and local governments as it responds to a catastrophe. Given the practical challenges associated with major field exercises, it may be useful to focus initially on holding no-notice tabletop exercises at the federal and state government level to test decisionmaking and coordination processes before determining whether it is possible to proceed to a full-fledged no-notice field exercise.

- **Complete and expand the existing effort to create homeland security regional hubs that leverage the resources of the FEMA regional offices.**

Common sense dictates that leaders in Washington, D.C., cannot directly manage the response to a catastrophe taking place hundreds or thousands of miles away. FEMA's recent initiatives to reinvigorate its regional offices and make them the essential link between Washington and the field are critical and must be fully implemented. Without this connective tissue between Washington and the state and local levels, it will be difficult, if not impossible, to realize any meaningful vision of national preparedness. The FEMA regional offices should be responsible for developing regional strategies and plans, functioning as a one-stop shop for preparedness activities and the grant programs, and building on existing regional collaborative structures. To ensure that the regional offices can be fully effective, the next Administration should establish requirements making them the principal coordinators for federal agencies in the field. Finally, a very senior official in each regional office with bureaucratic, operational, and "Washington" skills should be predesignated as the Lead Federal Coordinator for each region.

- **Create regional homeland security task forces, drawn largely from existing National Guard units, to complement the regional homeland security hubs.**

Creating regional homeland security task forces from existing National Guard units would provide a military complement to the FEMA regional offices. The next Secretary of Defense and Chief of the National Guard Bureau should work closely with governors and U.S. Northern Command (NORTHCOM) to organize National Guard-led homeland security task forces in each region. Not only would these task forces create a focal point for regional military planning, exercising, and training, they would ensure that each region of the country has a rapid response force able to help bridge the three- to five-day gap between the immediate aftermath of an event, when local first responders are the only capabilities on the scene, and the arrival of most federal capabilities.

- **Implement and fund a strengthened version of the National Security Professional Program and fund and implement an expanded DHS professional development and education system.**

The next Administration needs to beef up the requirements in the National Security Professional Program and provide additional resources for implementing Executive Order 13434, which created it. Without a workforce that has the skills and experience to operate across all the dimensions of homeland security—prevention, protection, preparedness, response, and recovery—the nation will not be able to protect itself against future catastrophes or manage them when they do happen. Rotation through different positions in the government to gain core competencies needs to be linked explicitly to eligibility for career advancement, as it was for uniformed military officers as part of the 1986 Goldwater-Nichols Act. Ideally, the professional development and education program envisioned in the executive order would also include opportunities for state- and local-level personnel to serve in the federal government. To support these rotational assignments and build a robust system of training and professional education, the next Administration should work with Congress to mandate that participating agencies fund a 3–5 percent personnel float. Complementing professional development at the interagency level, the next Secretary of Homeland Security

should ensure that the DHS Learning and Development Strategy is appropriately funded and implemented, expand current education and development plans, and engage institutions of higher learning in a dialogue about future needs for homeland security professionals.

1

AMERICA UNPREPARED

The 2008 presidential election campaign is fully under way, more than six years have passed since the September 11 attacks, and more than two years have passed since Hurricane Katrina made landfall in Louisiana and revealed the fragility of the national homeland security system. The United States is not ready to face the next catastrophe, and too much time has gone by to blame this reality on the newness of the threats or the complexity of potential solutions. If the next President and his or her Administration does not take bold steps to make America truly ready, any response to a future catastrophe—particularly one involving weapons of mass destruction—will almost certainly look like a replay of Hurricane Katrina or worse.

Managing the response to a major catastrophe successfully will involve every part of American society—the federal government, state and local governments, the private sector, the nongovernmental sector, and individuals themselves. No single government agency, private company, or charitable organization can possibly provide all that will be required in the face of a major disaster. The key to a successful response to major disasters in the future will be finding ways to leverage the particular capabilities of many parts of society while these diverse disciplines and tools are brought together for maximum effect. Despite the tireless exertions of many dedicated individuals at all levels of government and across many sectors of society over the past few years, the United States has not yet been able to achieve this kind of unity of effort. Admiral Thad Allen, currently the Commandant of the U.S. Coast Guard and the Principal Federal Official during the response to Hurricane Katrina, described the experience as his personal “Bayou One,” a reference to the failed 1979 “Desert One” rescue operation of the U.S. hostages held in Iran that led to widespread calls for major reforms inside the Department of Defense.¹

How can the many organizations and individuals needed to manage a catastrophe come together and create much more unity of effort than was displayed in the aftermath of Hurricane Katrina? To try to answer this question, the Center for Strategic and International Studies convened a study team that spent more than a year researching how the nation prepares and plans for managing future domestic catastrophes. The study team worked very closely with a group of subject matter experts representing multiple levels of government, academia, think tanks, and many other stakeholders in the homeland security community to identify key problems, discuss potential solutions, and develop recommendations. Though the recommendations in this report are solely those of the authors, the working group served as a vital source of expertise and insight. (For a complete list of the members of the expert working group, please see Appendix B.) In addition, the study team conducted extensive research and interviewed government officials at the federal, state, and local level, as well as experts from all over the country.

The President declares a state of emergency under the Stafford Act about 31 times in an aver-

1. “9/11, Katrina and the Future of Interagency Disaster Response,” interview with Admiral Thad Allen, The Brookings Institution, Washington, DC, May 29, 2007 (<http://www.brookings.edu/~media/Files/events/2007/0529defense/20070529.pdf>).

age year, but this study focuses on how to create unity of effort to respond to catastrophes rather than to more typical disasters.² For the sake of simplicity, it relies on the definition used in the Post-Katrina Emergency Management Reform Act of 2006: a “catastrophic incident is any natural disaster, act of terrorism or other man-made disaster that results in extraordinary levels of casualties or damage or disruption severely affecting the population (including mass evacuations), infrastructure, environment, economy, national morale or government functions in an area.”³ Because many of the greatest challenges to ensuring unity of effort during a response to a catastrophe flow from the absence of functioning organizational structures, the study team placed particular emphasis on one clause, the potential for “disruption severely affecting . . . government functions in an area.”

To manage a catastrophe most successfully, a wide range of stakeholders will need to protect critical infrastructure that could be affected, take steps to mitigate the damage that could result from a catastrophic event, prepare continuously to respond and recover from such events, respond to an actual event, and conduct long-term recovery activities. This cycle of activities will involve government at all levels—federal, state, local, and tribal, as well as companies in the private sector,

At the federal level, homeland security is inherently and fundamentally an interagency undertaking: thus, the quality of interagency relationships and processes is central to determining whether federal homeland security activities succeed or fail.

nongovernmental organizations, and individual citizens. Each stakeholder, and each part of the cycle of activities, is critical, but this study examines only government organizations. In choosing to narrow their analysis the authors in no way discounted the importance of the private sector and nongovernmental organizations, which indeed have played and will continue to play key roles in responding to catastrophes in the future, but merely sought to ensure that the study would be of manageable scope and completed within its limited time frame. Congress obviously has a crucial role, as it is responsible for funding and overseeing the executive branch’s implementation of homeland security policy. Many have observed that the current committee structure, which determines how Congress addresses homeland security issues, is making it harder to achieve a coherent national homeland security system.⁴ The authors share this view and hence chose to concentrate on changes that could be made within the executive branch, as well as in government bodies at the regional and state level.

While focusing mainly on how government organizations prepare for and respond to catastrophes, the study also examines “crosscutting” government processes and functions, such as strategy development and professional development and education, that in theory should strengthen the ability of government across the board to

2. FEMA, “Declared Disasters by Year or State,” January 16, 2008, http://www.fema.gov/news/disaster_totals_annual.fema

3. Public Law 109-295, *DHS Appropriations Act for 2007*, October 4, 2007, section 602, paragraph 4.

4. See Stephen Flynn, *America the Vulnerable: How Our Government is Failing to Protect Us from Terrorism* (New York: HarperCollins, 2004), 143; David Heyman and James Carafano, “DHS 2.0: Rethinking the Department of Homeland Security,” (Washington, DC: Center for Strategic & International Studies, 2004), 19.

generate unity of effort. At the federal level, homeland security is inherently and fundamentally an interagency undertaking: thus, the quality of interagency relationships and processes is central to determining whether federal homeland security activities succeed or fail. With this in mind, the study team looked carefully at the National Security Council and the Homeland Security Council as well as their respective staffs and examined how these organizations set the agenda for the implementation of homeland security policy by Cabinet agencies.

Actions taken at the other end of the governmental spectrum will often have the greatest consequence as agencies prepare for and respond to future domestic catastrophes. Recognizing the importance of state and local governments, the study team spent considerable time interviewing officials and former officials at those levels, seeking to help bridge what at times appears to be a substantial divide between them and federal personnel. The study does address how to strengthen the connective tissues between these levels of government. At the same time, it does not comprehensively assess preparedness at the state or local level or provide detailed recommendations for improving preparedness on a state-by-state or city-by-city basis. Instead, it focuses on steps the federal government and state governments could jointly take to improve preparedness and generate greater unity of effort across federal, state, and local levels the next time the nation is faced with a domestic catastrophe.

Why is the country still not ready to respond effectively to a catastrophe so many years after the September 11 attacks? Why are there so many gloomy assessments of national preparedness even after two congressional reports and one White House report detailing lessons learned from Hurricane Katrina?⁵ These questions and others like them played a large role in animating this study. Ultimately, the study team concluded that the country is still not ready for a domestic catastrophe because the major relationships and processes needed to coordinate a response to a catastrophic event are not yet clear or mature and because attempts to date to implement a homeland security system that will organize these relationships and processes have struggled mightily.

Relationships

During a catastrophe, the only way to orchestrate the complex assembly and deployment of capabilities drawn from a range of government organizations, private corporations and small businesses, nongovernmental organizations, and possibly individuals is to ensure that flexible, clearly defined, and well-understood relationships are in place governing how all of these stakeholders will interact with each other. These relationships do not exist today.

At the federal level considerable confusion still exists regarding who is in charge, which responsibilities are borne by what agencies, and whether assets and capabilities are guaranteed or

At the federal level considerable confusion still exists regarding who is in charge, which responsibilities are borne by what agencies, and whether assets and capabilities are guaranteed or merely potentially available.

5. See *The Federal Response to Hurricane Katrina: Lessons Learned* (Washington, DC: White House, February, 2006); *A Failure of Initiative: Final Report of the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina* (Washington, DC: Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina, February 15, 2006); *Hurricane Katrina A Nation Still Unprepared*, (Washington, DC: Committee on Homeland Security and Government Affairs, 2006).

merely potentially available. The Homeland Security Act of 2002 and Homeland Security Presidential Directive 5, “Management of Domestic Incidents,” state that the Secretary of Homeland Security will serve as the federal coordinator for domestic incident management, but the Post-Katrina Management Reform Act of 2006 identifies the FEMA Administrator as the principal adviser to the President, Homeland Security Council, and Secretary of Homeland Security for emergency management.⁶ The National Response Framework (NRF), formerly known as the National Response Plan, echoes this confusion. The NRF chapter titled “Roles and Responsibilities” clearly names the Secretary of Homeland Security as the principal federal official for domestic incident management, noting that “the FEMA Administrator, as the principal advisor to the President . . . helps the Secretary in meeting these HSPD-5 responsibilities.”⁷ This formulation emphasizes the role of the Secretary as the lead official in Washington, but later sections in the NRF place far more emphasis on the role of FEMA.

Confusion over possibly overlapping roles during a catastrophe is not limited to the Secretary of Homeland Security and the FEMA Administrator; how other Cabinet secretaries, particularly the Attorney General and the Secretary of Defense, interrelate with the Secretary of Homeland Security is also unclear. According to HSPD-5, the Attorney General “has lead responsibility for criminal investigation of terrorist acts or terrorist threats by individuals or groups inside the United States[.]”⁸ HSPD-5 also states that

following a terrorist threat or an actual incident that falls within the criminal jurisdiction of the United States, the full capabilities of the United States shall be dedicated, consistent with United States law and with activities of other Federal departments and agencies to protect our national security, to assisting the Attorney General to identify the perpetrators and bring them to justice.⁹

This language, which grants the Attorney General broad authority within the sphere of law enforcement, has fueled intense turf battles over roles and authorities during the subsequent drafting of guidance documents such as the National Response Framework.¹⁰ It suggests that the Secretary of Homeland Security, as the federal coordinator for domestic incident management, may not have the authority to determine during a catastrophic terrorist incident whether other aspects of crisis management and response could be prioritized above law enforcement activities. HSPD-5 appears to leave the resolution of such possibly conflicting priorities to the President of the United States.

Similarly, HSPD-5 grants considerable autonomy to the Secretary of Defense. Under HSPD-5, the Secretary of Defense “shall provide military support to civil authorities for domestic incidents *as directed by the President* [emphasis added] or when consistent with military readiness and appropriate under the circumstances and the law.”¹¹ In other words, the Secretary of Homeland

6. H.R. 5005, *Homeland Security Act of 2002*, 107th Congress, 2nd sess., §101(b)(2)(A); *Homeland Security Presidential Directive 5* (Washington, DC: White House, February, 2003), Paragraph 4; Public Law 109-295, *Post Katrina Emergency Management Reform Act*, October 4, 2006, §503(4)(A)

7. *National Response Framework* (Washington, DC: Department of Homeland Security, 2008), 25.

8. Homeland Security Presidential Directive 5 (Washington, DC: White House, February, 2003), paragraph 8.

9. *Ibid.*

10. For a general discussion of these kinds of bureaucratic challenges, See Stephen Flynn, *America the Vulnerable: How Our Government Is Failing to Protect Us From Terrorism* (New York: HarperCollins, 2004), 141–43.

11. Homeland Security Presidential Directive 5 (Washington, DC: White House, February, 2003), paragraph 9.

Security cannot, even as federal coordinator for domestic incident management, direct the Secretary of Defense to provide military forces to respond to a domestic catastrophe. Only the President of the United States can do so. There may be little question that the Department of Defense would provide military forces during a catastrophe, but the language in HPSD-5 has reinforced DoD's long-standing view that provision of military support to civil authorities can be treated as a lesser included mission. In practice, this has meant that DoD has few trained and ready forces that are consistently available on very short notice to respond to a catastrophic event here at home. In the same vein, the HSPD-5 language allowed DoD to continue taking a minimalist approach to catastrophic planning and exercising, particularly in interagency forums.¹² The Department of Defense began to change its minimalist approach in 2007 for a number of reasons, but the underlying "carve out" for DoD in HSPD-5 remains.

Confusion over the role of the Department of Defense during a catastrophe is not limited to whether it will be sufficiently responsive to needs of the Department of Homeland Security. Despite the clear language in HSPD-5 designating the Secretary of Homeland Security as the federal coordinator for domestic incident management, there continues to be a quiet debate—inside as well as outside official government circles—about whether the Department of Defense should in fact "take the lead" during a true catastrophe. In the wake of the response to Hurricane Katrina, President Bush himself suggested that perhaps the military's role in managing disasters had to be much larger,¹³ and while this idea quickly vanished from the political arena, ambiguous guidance at the strategic level reportedly led U.S. Northern Command to develop at least one plan that assumes that the lead role is taken by DoD rather than by DHS.

The continuing uncertainties and ambiguities about the roles and responsibilities of Cabinet agencies during a catastrophe are not bureaucratic minutiae whose consequences are confined within the Beltway. Because the nation does not yet have a clear and well-understood set of relationships that will guide actions during a crisis, a catastrophe that occurs in the near future may well trigger a replay of the response to Hurricane Katrina. Who is in charge at the federal level? The Secretary of Homeland Security? the FEMA Administrator? or is it the Secretary of Defense and the military? Time spent arguing in Washington over who has the lead translates into lives lost as state and local officials struggle to figure out who they are supposed to work with and as competing guidance from varying sources delays or thwarts the delivery of federal assets. Even if the nation continues to experience the relative calm that has held since the September 11 attacks, the lack of clarity about roles and relationships is undermining efforts to develop solid catastrophe

Time spent arguing in Washington over who has the lead translates into lives lost as state and local officials struggle to figure out who they are supposed to work with and as competing guidance from varying sources delays or thwarts the delivery of federal assets.

12. *Strengthening America's Defenses in the New Security Environment*, Second Report to Congress, March 1, 2007 ([Arlington, VA: Commission on the National Guard and Reserves], 2007), 50.

13. President George W. Bush, "President Discusses Hurricane Relief in Address to the Nation," Jackson Square, New Orleans, Louisiana, September 15, 2005.

plans, train and exercise to those plans, identify what is really required to manage various kinds of catastrophes, and then build and budget for those capabilities. Precious time is being consumed in arguments over who will do what in the future, rather than being used to ensure that the federal government actually stands ready to respond should the worst happen.

Adding to the problem is the extraordinary complexity of the relationship between the federal government and state and local governments. Indeed, the nation's federalist form of government lies at the root of many of the challenges that make providing homeland security so difficult, as the federal government lacks authority over state governors or even locally elected mayors. The U.S. Constitution grants the states and territories a wide range of sovereign rights and responsibilities, which are taken very seriously by elected officials at the state and local levels. For all the clamor in the wake of Hurricane Katrina for someone, anyone, to be in charge, it is not possible to achieve "unity of command" in the military sense of the term during a domestic catastrophe unless the American public agrees to rewrite the Constitution. No governor or city mayor—elected by constituents and entrusted with the responsibility of developing a plan at the state or local level

...the nation's federalist form of government lies at the root of many of the challenges that make providing homeland security so difficult...

to handle an emergency—will stand idly by and let a federal official impose, from outside, a plan created in Washington. Preventing, protecting against, preparing for, and responding to catastrophes inside the United States requires a *national* approach based fundamentally on coordination and cooperation horizontally between different types of organizations such as governments, the private sector, nonprofit organizations, and individuals and vertically between the federal, state, and local levels of government.

A final complication is the growing question whether the traditional model governing the relationship between the federal government and state and local governments will be adequate during a catastrophe. Historically, the Stafford Act has guided their interactions during disasters. According to this approach, the initial response to all disasters is local. If

local capabilities are overwhelmed, state government will intervene. Only if state capabilities are also overwhelmed may the federal government become involved. Thus, in essence, the relationship between state and local governments and the federal government is a "pull-push-" arrangement. During a disaster, once a state government determines that local capabilities are overwhelmed, the state government can submit a formal "request for assistance" that pulls federal assistance down to the local level. In the absence of a such formal request, the federal government's ability to push assistance out to local communities is limited. The Catastrophic Incident Annex of the National Response Framework (formerly known as the National Response Plan, or NRP) authorizes the federal government to forward deploy assistance in the general area of a crisis during major disasters, but even under these circumstances federal policy prohibits sending aid directly to the incident site in the absence of a request by the state.¹⁴ In practice, this means that the time a state government spends determining whether it has the capacity to respond to a catastrophe is time that the federal government cannot assist by bringing to bear whatever resources it might have.

The aftermath of Hurricane Katrina throws a stark light on the potential shortfalls of the traditional American model for disaster assistance. Although the federal government bore the

14. *National Response Framework* (Washington, DC: Federal Emergency Management Agency, January, 2008), 358.

brunt of public criticism, the weakness of both the state government of Louisiana and the local government in New Orleans contributed significantly to the poor overall response. The current disaster response model relies on state and local governments to assess their needs and request assistance from the federal government. In the case of Hurricane Katrina, the sheer devastation wrought by the storm left both the city of New Orleans and the state government in Baton Rouge without sufficient situational awareness to assess in any detail what was needed. Making matters worse, Governor Kathleen Blanco's office apparently did not know how to request assistance effectively. Twelve hours after Katrina made landfall, Governor Blanco spoke with President Bush on the phone and reportedly said, "I need everything you've got. I am going to need all the help you can send me."¹⁵ Under the current model, a verbal request from a governor to the President of the United States is not an official request for assistance—nor was her televised plea to the President two days later. This failure to formulate a request for assistance that the federal government could recognize delayed critical federal help for two to three days.

At the same time, even as it became increasingly obvious to officials in Washington, D.C., that Louisiana was overwhelmed, the federal government's ability to push assistance to the state in the absence of a formal request was limited. In order to trigger the Catastrophic Incident Annex and forward deploy capabilities, Homeland Defense Secretary Michael Chertoff had to declare an Incident of National Significance. For whatever reason, he did not issue such a declaration under the NRP until almost 48 hours after landfall; as a result, federal assets were not forward deployed as quickly as they could have been.

Tensions between the state/local and federal level are hardly unusual, though they rarely interfere so significantly with the actual response effort as they did after Katrina. In fact, they are intrinsic to the American federalist system. Governors are elected officials, and they know that ongoing support and future electoral success depend on their being decisive, managing crises, and getting done what needs getting done. Governors do not want to appear weak and unable to provide for the safety of the citizens in their states. Therefore they, and state governments more broadly, tend to seek federal assistance only as a last resort. They might also point to many past instances of the federal government's wielding a heavy hand when providing assistance during a disaster. For example, during the responses to Hurricane Hugo in 1989 and Typhoon Iniki in 1992, active Army commanders deployed on their own initiative to storm-struck areas without coordinating with the leadership of the affected states, and as a result were reportedly vigorously rebuffed by the governors upon arrival. More recently, Craig Fugate, Florida's emergency manager, has pointedly made clear his distaste for what he views as unwelcome federal "help," claiming that "if we do ask for [federal help], we need your stuff. We don't need you to come in and take charge."¹⁶ Whether or not this is a matter more of perception than reality, the sometimes overbearing character of federal assistance has reinforced the tendency of state governments to view it as a decidedly mixed blessing.

...“if we do ask for [federal help], we need your stuff. We don't need you to come in and take charge.”

Craig Fugate, Florida's emergency manager

15. Eric Lipton, Christopher Drew, Scott Shane, and David Rohde, "Breakdowns Marked Path From Hurricane to Anarchy," *New York Times*, September 11, 2005.

16. Paul Singer, "FEMA Bulks up on Supplies, Systems for Tracking Them," in *Government Executive.com*, June 26, 2006

In the wake of Hurricane Katrina, the question of the appropriate relationship of the federal government to state and local governments during a catastrophe remains extremely sensitive. In his speech to the nation from Jackson Square in New Orleans, President Bush declared: “It is now clear that a challenge on this scale requires . . . a broader role for the armed forces—the institution of our government most capable of massive logistical operations on a moment’s notice.”¹⁷ This statement generated considerable concern among state governors and National Guard adjutants general and fueled suspicion about the role of U.S. Northern Command. Further exacerbating these concerns was the Department of Defense’s proposal in 2006 to amend the Insurrection Act to state that “the President may employ the armed forces, including the National Guard in Federal



service, to restore public order and enforce the laws of the United States when . . . domestic violence has occurred to such an extent that the constituted authorities of the State or possession are incapable of maintaining public order.”¹⁸ This revision was widely seen by officials at the state level as a federal attempt to usurp gubernatorial authority. In fact, the proposal generated such a furor that although the 109th Congress passed the legislation,

a range of advocacy groups (including the National Guard Association of the United States and the National Governors Association) banded together and lobbied successfully for the measure’s repeal as part of the 2008 National Defense Authorization Act.

Despite the fierceness with which state and local governments defend the existing balance of power, a genuine debate is taking place about whether the traditional Stafford Act model can adequately serve the country. Some argue that in a catastrophe, it is foolish—if not downright irresponsible—to assume that state and local governments will be able to “pull” federal assistance effectively to where it is needed. In the case of a nuclear event, for example, former Secretary of Defense William Perry, former Assistant Secretary of Defense Ashton Carter, and former director of the Lawrence Livermore National Laboratory Michael May have argued that:

Washington must stop pretending that its role would be to support local responders. State and local governments—though their actions to save lives and avoid panic in the first hours would be essential—must abandon the pretense that they could remain in charge. The federal government, led by the Department of Homeland Security, should plan to quickly step in and take full responsibility and devote all its resources, including those of the Department of Defense, to the crisis.¹⁹

17. President George W. Bush, “President Discusses Hurricane Relief in Address to the Nation,” Jackson Square, New Orleans, Louisiana, September 15, 2005.

18. H.R. 5122, *John Warner National Defense Authorization Act for Fiscal Year 2007*, 109th Congress, 2nd sess., January 3, 2006, §1076

19. William Perry, Ashton Carter, Michael May, “After the Bomb,” *New York Times*, June 12, 2007.

The Hurricane Katrina experience did not resolve these issues—if anything, it gave new life to long-simmering disputes. Assertions of the need for a “federal takeover” are fighting words to most emergency managers, first responders, adjutants general, and governors; but in the post-September 11 security environment, it is time for a frank national discussion of what kind of federal-state relationship Americans want, what expectations we have of government during a true catastrophe, and what trade-offs we are willing to make.

- What authorities does the federal government already have?
- Are there thresholds during a catastrophe that, all parties would agree, should act as triggers enabling the federal government to exercise existing authorities such as those in the Insurrection Act?
- Is there value in having senior levels of state and federal government engage in exercises involving “extreme circumstances” scenarios rather than waiting until a catastrophe occurs to sort out the division of labor?
- Are there circumstances in which state government would welcome not just pre-positioning of federal assets, as currently allowed under the Catastrophic Incident Annex, but actual deployment of capabilities into the disaster area, even in the absence of a specific request?

Unless it undertakes a debate to clarify the fundamental nature of the federal-state relationship, the nation is almost surely leaving itself to muddle through the next major disaster, which could be far worse than what the world saw on CNN in the fall of 2005.

The U.S. government’s current vision of how to prevent, protect against, prepare for, and respond to future catastrophes is diffuse and disjointed.

Processes

Added to the continuing ambiguity about intergovernmental roles and responsibilities is a critical weakness in structure: the processes necessary to prepare the nation at all levels to respond effectively to a catastrophe are nascent at best and in some areas simply do not yet exist. Strong mechanisms to develop strategy and conduct strategic reviews of homeland security programs are not yet in place, nor is there a process to translate strategy into planning and program guidance. Finally, no mature planning process exists to prepare for future catastrophes, and the nascent planning efforts are not well linked to the requirements and budget process.

The U.S. government’s current vision of how to prevent, protect against, prepare for, and respond to future catastrophes is diffuse and disjointed. The capstone strategy document for homeland security is supposed to be the National Strategy for Homeland Security (NSHLS). The White House issued the first in 2002 and the second almost five years later, in October 2007. Many observers have questioned the value of delivering a long overdue strategy in the last year of a two-term Administration; that strategy, moreover, was not the product of any sort of comprehensive review that examined goals and objectives, assessed current programs and activities, or articulated priority areas and potential trade-offs.

Numerous other strategy and guidance documents address various aspects of potential catastrophic events, but they often are inconsistent in their treatment of particular concepts, offer competing definitions of key terms, and at times have even directly contradicted one another. Those in effect during 2007 and 2008 include

- The National Strategy for Homeland Security
- The National Strategy for Combating Terrorism
- The National Strategy for Countering Weapons of Mass Destruction
- The National Response Framework
- The National Infrastructure Protection Plan
- The DHS Strategic Plan
- The National Preparedness Guidelines
- The National Planning Scenarios
- The Universal Task List
- The Target Capabilities List

Not surprisingly, many of these strategy and guidance documents reflect to some degree the confusion about roles and responsibilities within the federal government and between the federal government and state and local governments.

Just as the process of strategy development for homeland security is immature, so too is the state of official guidance that translates overarching strategy into more specific articulations of planning assumptions, priorities, and program guidance. There is no well-established analogue in the Department of Homeland Security to the Department of Defense's Guidance for Development of the Force, which used to be known as the Strategic Planning Guidance and Joint Program Guidance.²⁰ As a result, federal efforts—not to mention efforts below the federal level—to prevent, protect against, prepare for, and respond to potential catastrophes in the future are not well-coordinated to produce optimum results. In this environment success in achieving strategic objectives is not impossible, but it is much more difficult than it should be.

Another key step in readying the nation to face a potential future catastrophe is establishing a mature requirements generation process and planning system, a prerequisite for a thoughtful determination of what kinds of capabilities will be needed for particular types of events and how quickly they will be needed, which agencies will provide those capabilities, how they will get to where they need to go, and how they can be effectively integrated. It has taken the Bush Administration years to even begin to develop processes to identify requirements for managing domestic catastrophes and develop detailed plans to address potential scenarios, and those efforts have been hampered by turf battles and controversy.

20. For many years the Department of Defense document that translated strategy into more detailed guidance was called the Defense Planning Guidance. In more recent years this document evolved into two documents—the Strategic Planning Guidance and the Joint Programming Guidance. Both documents were classified. These guidance documents have evolved again, and are now called the Guidance for Employment of the Force and the Guidance for Development of the Force. Although the document has evolved substantially in the last ten years, the essential function these documents serve in terms of translating strategy into the planning, programming and budgeting system has not changed. The Department of Homeland Security has in the past issued an integrated planning guidance document to try to link strategic objectives to its five year budget, but the document's impact on the overall DHS planning, programming and budgeting system has been modest at best.

The absence of reasonably detailed plans to address different contingencies leads to confusion over what kinds of capabilities are actually required for homeland security and which agencies should develop them. In its March 1, 2007, report to Congress, the Commission on the National Guard and Reserves noted that Commissioners “repeatedly questioned witnesses from both the Department of Defense and the Department of Homeland Security about how requirements for civil support are developed and who has that responsibility, but [were] unable to identify the responsible individual or department.”²¹ Moreover, Cabinet agencies have sometimes used the absence of defined requirements as a reason not to invest in the homeland security area.

Without a well-understood process for developing requirements for homeland security, specific capabilities cannot easily be linked to the budget process. Capabilities are sometimes identified by specific organizations through ad hoc processes or institutional initiatives, but resistance from almost any institutional quarter can prevent those proposed capabilities from being inserted into the budgeting system. The lack of a formal validation process to connect requirements identification and budgeting has resulted in a sort of lowest common denominator approach to developing capabilities for homeland security. Only those capabilities on which all stakeholders agree inside a particular federal department, or which can generate sufficient support in Congress, are actually funded.

Finally, no inventory or database has been compiled at the federal level, much less at the state level, listing what capabilities might be *available* to respond to a catastrophe. Effective planning would require a mechanism to assess the readiness of inventoried capabilities, but individual Cabinet agencies do not even consistently compile and track this kind of information. Although the National Preparedness Guidelines, which were issued by the Department of Homeland Security in September 2007, do envision a preparedness system that would include such inventories and assessment mechanisms, to date that system exists only on paper.

These are not esoteric issues of interest only to academics or bureaucrats. Without a solid strategy and clear planning guidance, federal efforts to prevent, prepare for, and manage the next catastrophe will continue to be less than the sum of their parts. Unless it undertakes deliberate planning to drive the creation and allocation of required capabilities and resources, the government risks being caught flat-footed during a future disaster. If the threat of an attack on the United States with a weapon of mass destruction is truly possible, then the next Administration must ensure that basic plans for how to respond to these kinds of attacks are in place. It must also ensure that all levels of government have trained and exercised to these plans, that the plans have guided investments in specific capability areas, and that there are mechanisms in place to make sure these capabilities are ready when they are needed.

The absence of reasonably detailed plans to address different contingencies leads to confusion over what kinds of capabilities are actually required for homeland security and which agencies should develop them.

21. *Strengthening America's Defenses in the New Security Environment*, Second Report to Congress, March 1, 2007 (Arlington, VA: Commission on the National Guard and Reserves, 2007), 50.

Implementation

Beyond lacking clear and mature intergovernmental relationships and strategic processes to manage a catastrophe, the nation is struggling to implement the structures needed to translate these relationships and processes into competency and capacity on the ground.

One clear symptom of this problem is the weakness of the connective tissue linking the federal government in Washington with state and local governments all around the country. Beyond the Beltway, frustration with “the feds” is high. According to the most recent National Governors Association annual survey of homeland security advisers, “states continue to report uneven progress in their relationship with the federal government, specifically with the Department of Homeland Security.”²² State and local emergency managers greeted DHS’s effort to revise the National Re-

Many state and local officials fault the federal government for having a decisionmaking process that lacks transparency and for generally not sharing information with lower levels of government.

sponse Plan after Hurricane Katrina with resignation and were openly dismayed by the draft version that the Administration released in September 2007. The annual grant process has been another major source of contention between federal authorities and state and local governments. Though the particular sources of dissatisfaction vary, certain common themes emerge in conversations with state and local officials. Many state and local officials fault the federal government for having a decisionmaking process that lacks transparency and for generally not sharing information with lower levels of government. They also object that the federal government does not include them in policy development and issues multiple, onerous, and sometimes conflicting guidance and reporting requirements. Indeed, in their view policy and guidance seem to change so frequently that many state and local officials feel they simply cannot keep track of what current policy is.

Part of the reason for this weakness lies in DHS itself, whose offices throughout the country have been relatively scattered and have acted without much coordination either with state and local authorities or with DHS headquarters.

FEMA’s traditional regional offices began to atrophy when FEMA was placed inside of DHS and, perhaps more to the point, when most of its ability to fund grants was reassigned to another part of DHS responsible for preparedness activities. FEMA regional offices no longer had reason to phone state and local officials with regularity, and local officials—knowing that regional offices no longer controlled grants—were certainly less motivated to answer their calls. The Post-Katrina Emergency Management Reform Act passed by Congress in 2006 mandates that DHS reinvigorate FEMA’s regional offices, but this process is only now getting under way.

More broadly, the nation does not have a professional education and development system that can recruit, train, and develop the thousands of professionals needed to ensure that the country is prepared to address future catastrophes. Today, the education and experience of homeland security professionals tend to be relatively narrow. Customs officials understand how to screen and

22. National Governors Association, “2007 State Homeland Security Directors Survey,” December 18, 2007, 7.

control people and things transiting borders; emergency managers are well schooled in natural disasters but lack familiarity with terrorists' capabilities; law enforcement officers understand investigations but are not trained to manage events using the Incident Command System. With few exceptions, most senior executives inside the Department of Homeland Security have no operational experience and minimal exposure to other Cabinet agencies—the very agencies with which they must partner during any major response effort. Without an education and development system specifically designed to produce and sustain a professional homeland security workforce, it will be very difficult to implement any sort of preparedness system that will be effective during relatively minor incidents, much less provide the kind of response that the American public would expect during a true catastrophe.

What Can Be Done?

Although thousands of hardworking political appointees and civil servants across the federal government and at the state and local levels have devoted endless hours since the September 11 attacks to better preparing the country for a future catastrophe, the fact remains that the United States is still not ready. Homeland security expert and former Coast Guard officer Stephen Flynn has called the country “America the Vulnerable,” while former DHS Inspector General Clark Kent Irvin has termed it an “Open Target.” A Century Foundation task force composed of experts and former government officials has labeled the country “The Forgotten Homeland.”²³ What can the next Administration do to rectify this untenable situation?

Among the worst approaches would be to abolish the Department of Homeland Security or begin yet another dramatic reorganization. A new Administration is often tempted to make its own mark by rejecting initiatives and programs identified with its predecessor, and DHS's poor reputation within the executive branch and Congress will make it a particularly attractive target. Nevertheless, major structural reforms would be highly disruptive, would be painfully time-consuming, and would probably yield little in the way of results. Wounds suffered in the course of previous reorganization and reform battles help explain why the homeland security system is plagued by poor relationships and ineffective processes; more bloodletting is unlikely to improve matters.

DHS is a young member of the federal bureaucracy, and it will need considerable time to fully mature. By way of comparison, the Department of Defense took more than 40 years to evolve from the War Department into the Defense Department, and then another 20 years after passage of the 1986 Goldwater-Nichols Act to mature into the integrated agency of today. Without question, DHS must make considerably more progress in the next eight years than it has done since its inception, but reorganization is not a panacea.

Among the worst approaches would be to abolish the Department of Homeland Security or begin yet another dramatic reorganization.

23. Richard A. Clarke, Rand Beers, et al, *The Forgotten Homeland, A Century Foundation Task Force Report* (New York: Century Foundation Press, 2006); Clark Kent Ervin, *Open Target* (New York: Palgrave Macmillan, 2006); Stephen Flynn, *America the Vulnerable: How Our Government is Failing to Protect us From Terrorism* (New York: HarperCollins, 2004).

Rather than wiping the slate clean and spending two years reinventing every part of the department, to little positive effect, the next Administration should concentrate its energy, resources, and political capital on a handful of selected, targeted reforms, paying close attention to aggressive oversight and effective implementation. Maintaining an intense focus on four priority tasks would greatly improve the readiness of the country to manage a potential future catastrophe:

1. Clarify roles and responsibilities, both within the “federal family” and between the federal level and the state/local level.
2. Establish a process to strategically review homeland security efforts and translate strategy into a coherent set of plans, budgets, and activities.
3. Solidify a planning process for catastrophes—building on momentum achieved in 2007—and aggressively *oversee* this inherently interagency and intergovernmental effort from the White House, not DHS.
4. Build a robust structure in the field—staffed by a cadre of trained professionals—to implement guidance and to coordinate plans and activities with state and local governments.

The remainder of this report will discuss these areas in considerable detail. Chapter 2 describes the state of critical federal and federal-state/local relationships and outlines ways to clarify and strengthen these relationships so that greater unity of effort can be generated during a catastrophe. Chapter 3 closely examines the range of processes required in generating that effort, including developing strategies; planning, programming, and budgeting; undertaking deliberate planning and developing capabilities; and assessing capabilities. Chapter 4 considers the need for mechanisms to implement policies and plans developed in Washington, paying particular attention to regional structures, the grants process, and a professional development and education system.

2

PROBLEMATIC GOVERNMENT RELATIONSHIPS

The mission of preventing, protecting against, preparing for, and responding to a potential future catastrophe is a governmental undertaking that is inherently interagency, multidisciplinary, and multilevel. The nation's national security apparatus was designed more than 50 years ago during a time when such integration was unnecessary and indeed inconceivable. Today, however, far-reaching integration is absolutely essential if the country is ever to become ready to face disaster and resilient enough to bounce back after the worst has happened.

Unfortunately, nothing close to the level of governmental integration and coordination that will be needed to weather a true catastrophe has yet been achieved. Relationships between members of the “federal family” are complicated and often contested. Relations between the federal government and state/local governments, always delicately balanced in a federalist system, have been strained significantly in the years after the September 11 attacks and the formation of the Department of Homeland Security. In the wake of Hurricane Katrina, some even began to question whether the traditional “pull-push” model of disaster assistance embodied in the Stafford Act can be sufficient to manage a catastrophic event, but state governments have shown no interest in allowing “federal takeovers.”¹

This chapter will discuss the governmental relationships that are central to preventing, protecting against, preparing for, and responding to potential catastrophes; examine which elements of these relationships are working and which remain problematic; and outline how governmental relationships at all levels need to be strengthened, clarified, and adapted to improve American readiness to face disaster.

The White House

How can the United States achieve the heightened level of governmental integration and coordination that will enable it to weather a possible future catastrophe? The Goldwater-Nichols Act of 1986, which significantly transformed the Department of Defense, is widely pointed to as a high-water mark for government reform efforts, and a growing chorus of voices has been calling for “a Goldwater-Nichols for the interagency.” Few dispute that Goldwater-Nichols has been a success; in 2007, General Peter Pace went so far as to say that nobody below the president has the ability to control, “the process to make people do things. It takes you back to why we needed Goldwater-Nichols.”²

1. See William J. Perry, Ashton B. Carter and Michael M. May, “After the Bomb,” *New York Times*, June 12, 2007; *The Federal Response to Hurricane Katrina Lessons Learned* (Washington, DC: White House, February 2006), 18; Senator Joseph Lieberman, “Press Release: Stafford Act Report,” (New York, NY: Center for Catastrophe Preparedness and Response, 2007), <http://www.nyu.edu/ccpr/news/20071017-000282.html>.

2. Jim Garamone, “Pace Urges Interagency Cooperation in Government,” *Armed Forces Press Service*, August 8, 2007.

At the same time, there are fundamental limits to its applicability beyond its original context. It is worth noting that the 1986 Goldwater-Nichols Act reformed a single Cabinet agency, the Department of Defense; thus, all the organizations affected by Goldwater-Nichols fell under the purview of a single department secretary. The interagency has no single boss, short of the President of the United States, a fact that points to one of the most important and most necessary changes that must be made to the current U.S. homeland security system: the National Security Council and the Homeland Security Council need to be merged into a single, strong organization that, on behalf of the President of the United States, exercises very aggressive leadership in developing strategy and policy and that closely oversees how strategy and policy are implemented. Unless the President is willing to give a single Cabinet Secretary *directive authority* over other Cabinet Secretaries during major domestic incidents, the only way to ensure effective unity of effort at the federal level is to exercise strong leadership at the White House—not just during an actual catastrophe but also when the government is engaged in the day-to-day activities of working to prevent, protect against, and prepare for such catastrophes.

On October 8, 2001, just weeks after the September 11 attacks, President George W. Bush signed an executive order establishing the position of Assistant to the President for Homeland

...by establishing a separate council and associated staff to address homeland issues,...

Security.³ Executive Order 13228 also established the Homeland Security Council to advise and assist the President with all aspects of homeland security and to “serve as the mechanism for ensuring cooperation of homeland security–related activities of executive departments and agencies, and effective development and implementation of homeland security policies.” The Homeland Security Act of 2002 codified the Homeland Security Council in law and superseded the executive order. Led first by former governor of Pennsylvania Tom Ridge, who was followed by General John Gordon, Frances Fragos Townsend, and (currently) Ken Wainstein, the Homeland Security Council as an organization has struggled mightily to execute its mission.

There are three main reasons that the Homeland Security Council and its staff have not been particularly effective. The first, and perhaps most important, is structural: by establishing a separate council and associated staff to address homeland issues, the White House artificially bifurcated its approach to national security issues, although the issues themselves frequently have both domestic and international aspects that are interrelated. Thus, to effectively address 21st-century security challenges requires an integrated approach that considers both sides of a given problem—but such an approach is very difficult to achieve when two different organizations inside the White House are involved. Both council staffs work in the Old Executive Office Building, but they share little more than a mailing address. Each council has a different organizational structure, each reports to a different adviser to the President, and each has its own executive secretariat, with separate systems for convening meetings and designating lead directorates on specific issues. They don’t even work on the same e-mail system: while the NSC staff does most of its work on the classified e-mail system, the HSC staff works mostly on the “low side,” or the unclassified network. Some coordination between the two staffs does take place, but it occurs largely through the initiative of individual staff members, who must overcome the hurdles presented by the bifurcated structure.

3. The White House, “Executive Order 13228,” October 8, 2001.

A second major reason for the ineffectiveness of the HSC on many issues is organizational: it is relatively weak, particularly compared to the NSC. A host of dry, technical personnel and budget issues have contributed significantly to this problem. Unlike the NSC and its staff, the HSC and its staff do not constitute a separate organization inside the Executive Office of the President; as a result, its personnel numbers count against the overall personnel ceiling for White House staff and pressure to minimize the size of the HSC organization is strong. While the NSC has more than 240 staff members, the HSC on average has only 45. Moreover, as a consequence of HSC's status within the Office of the President the council does not have its own budget, necessitating a tight salary cap for its staff. Although HSC staff members have tremendous responsibility and work extremely long hours, even the highest paid among them earn less than senior GS-15 civil servants elsewhere in government. This salary gap has added to the difficulty of recruiting the best and brightest to the HSC organization—a task that was already challenging, because the HSC is seen as having less stature as the NSC. As a result, many more HSC than NSC staffers have backgrounds in politics rather than national security, and frequently they are less experienced overall than their NSC peers.

Finally, the HSC has not been particularly effective in its efforts either to lead the interagency in developing core strategy and guidance on homeland security issues or to oversee implementation of policies once they are developed. This lack of success can be partly attributed to the HSC's relatively small and inexperienced staff, but it is also associated with the explicit preference shown by the Bush Administration for “the lead agency approach,” which assigns the NSC and HSC staffs mainly the responsibility of coordination.⁴ Historically, some presidents have structured the NSC to take a greater leadership role in driving foreign and national security policy; others have used the NSC primarily as a coordinating body.⁵ As security challenges become increasingly complex, however, and as extensive capabilities must be integrated from across the entire federal government, the lead agency model clearly will prove inadequate in many cases. During the Bush Administration, the Department of Homeland Security has served as the lead agency for most major homeland security initiatives, but in the absence of strong backing from the White House and an HSC with the power to quash bureaucratic disagreements, DHS has typically expended a great deal of its efforts on intramural struggles within the executive branch.⁶

RECOMMENDATION 1: The next Administration should merge the National Security Council and Homeland Security Council into a single organization with a single staff, and make it the driver of the President's national security policy.⁷

4. See David Ignatius, “Bush's Clark Kent,” *Washington Post*, February 11, 2005, A25; Colonel David J. Clement, USMCR, “Improving the efficiency of the Interagency,” (Carlisle, PA: U.S. Army War College, 2006), 17; Bob Woodward, *Bush at War* (New York: Simon & Schuster, 2002); Thomas E. Ricks, *Fiasco: The American Military Adventure in Iraq* (New York: Penguin Books, 2006); James Mann, *Rise of the Vulcans: The History of Bush's War Cabinet* (New York: Penguin Books, 2004).

5. For example, in the Eisenhower and Nixon administrations the NSC clearly played a lead role in formulating foreign policy. The Kennedy administration's NSC was much smaller, but its staff was dogged in ensuring that the federal departments implemented the President's policies at the time. In contrast, in the Reagan administration the NSC organization largely shed its policy making functions and adopted much more of a coordinating role. See The White House, “History of the National Security Council 1947—1997,” <http://www.whitehouse.gov/nsc/history.html>.

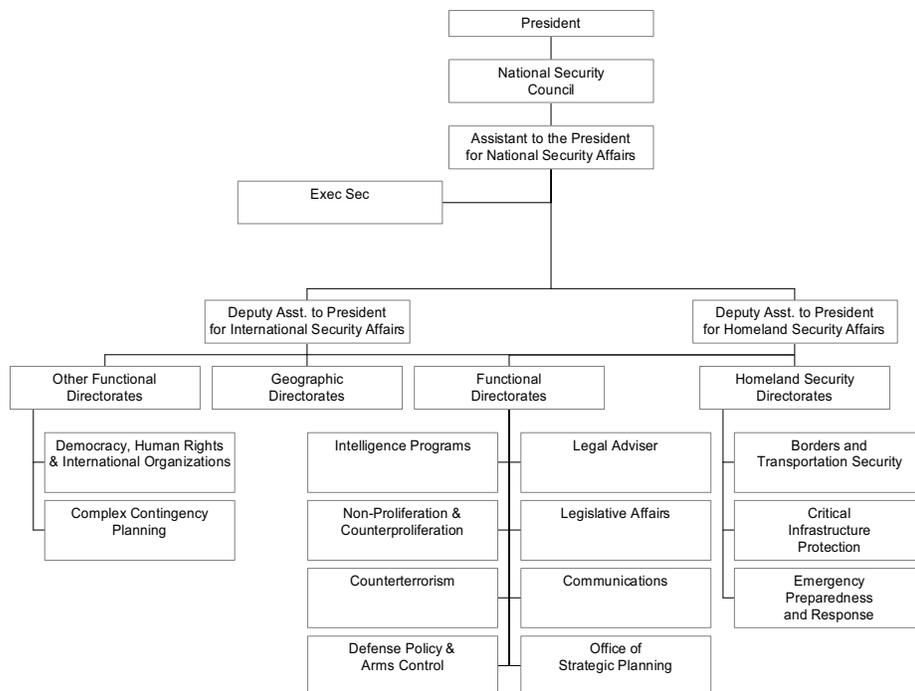
6. David J. Rothkopf, *Running the World* (New York: Public Affairs, 2005), 435; Stephen Flynn, *America the Vulnerable: How Our Government Is Failing to Protect Us from Terrorism* (New York: HarperCollins, 2004), 141–43.

7. The authors of this report were also part of the study team for *Beyond Goldwater-Nichols: U.S. Government and Defense Reform for a New Strategic Era Phase 2 Report* which recommended merging the NSC and HSC in July 2005.

The first step toward creating significantly more unity of effort in government efforts to prevent, prepare for, and respond to a catastrophe is to merge the Homeland Security Council into the National Security Council and empower that unified NSC and its staff to lead the interagency in developing policy and overseeing its implementation on behalf of the President of the United States. To effect this merger, the next President will need to ask Congress to amend the Homeland Security Act of 2002 by eliminating sections 901 through 906 of the law.⁸

The unified National Security Council would be led by the National Security Adviser to the President, just as is the case today, but the NSA would have two deputies—a Deputy for International Affairs and a Deputy for Domestic Affairs. In this construct, much of the NSC staff would be shared and would report to both deputies, but some staffers might report only to one (Figure 1 is an illustrative organizational chart of a unified NSC). While the next President should merge the two councils and their staffs, care should be taken to ensure that the “new” NSC organization complements its traditional national security expertise with senior staff who fully understand and possess considerable experience in catastrophe prevention, protection, preparedness, response, and recovery.

Figure 1. Merged NSC



Unifying the Homeland Security Council and National Security Council organizations would also require amending the National Security Act of 1947 to make the Secretary of Homeland Security and Attorney General permanent members of the NSC. The current practice of inviting other Cabinet heads to NSC meetings as appropriate to the specific substantive issues under consideration should continue.

8. Public Law 107-296, *Homeland Security Act of 2002*, November 25, 2002, §901 -§906.

The National Security Adviser already holds one of the most grueling jobs in Washington, bearing the responsibility for a vast array of issues. Merging the two councils and their staffs would clearly add to this burden, but that disadvantage is more than outweighed by the benefits of addressing security issues holistically at the White House level. Assigning all security issues to a single National Security Adviser will ensure that the NSA has sufficient authority to resolve conflicts between Cabinet heads, particularly during times of crisis. Moreover, the two deputies would help lessen the challenge to the NSA of dealing with such a broad span of duties. They would also need to be of sufficient stature to work effectively with top government officials, including Cabinet Secretaries. During the Bush Administration there have been as many as five positions labeled “Deputy NSA” at one time; limiting their number to two would give the office more importance, bringing its holders much closer to being true seconds in command to the NSA. Moreover, should the international and domestic aspects of a problem seem to give rise to conflicting solutions or to require trade-offs, a single National Security Adviser with authority over the entire spectrum of issues will be positioned to weigh all elements and make a balanced recommendation to the President. Under the current model, the President has no one adviser whose job it is to weigh the competing domestic and international aspects of a problem and render an impartial judgment—overcoming the disagreements of Cabinet members, if necessary.

Whatever its specific organization chosen by the President, to generate greater unity of effort the new unified National Security Council must play a much more prominent role in developing strategy and policy, and in overseeing the implementation of that policy, than that taken by either the NSC or HSC under the current Administration. In integrated approaches to address future security challenges, the roles of all relevant Cabinet agencies will not be equal. Some strategies may require that departments take responsibilities that are outside the organizations’ traditional comfort zones; some resources may have to be shifted from one department to another. To ensure that clear policies are developed, difficult decisions are made, and turf battles are decisively resolved, a strong NSC must act as honest broker and be empowered to carry out presidential decisions once they are made.

Just as important as strong NSC leadership during the front-end phase of strategy and policy development is strong NSC oversight of policy implementation. Such oversight by no means implies an operational role for the council and its staff: the pitfalls of an operational NSC were amply demonstrated by the activities of Lieutenant Colonel Oliver North and others on the NSC staff during the Reagan Administration. But in light of the relative autonomy of the Cabinet agencies, and the frequency of hard-fought battles over policies and resources, the only way to guarantee effective implementation is for the NSC staff to closely monitor the activities of Cabinet agencies. The current HSC organization does not have the staff, expertise, or stature to perform such monitoring; the current NSC has the necessary assets but lacks the power (which must be granted by the President) to execute this oversight role. As a result, turf battles are fought and refought, policy initiatives languish, congressional reporting deadlines are missed, and bureaucratic logrolling is common.

To ensure that clear policies are developed, difficult decisions are made, and turf battles are decisively resolved, a strong NSC must act as honest broker and be empowered to carry out presidential decisions once they are made.

A wide range of outside experts have recommended merging the HSC and NSC and their respective staffs, and that recommendation is supported by many of the government officials who served on this study's expert working group or were interviewed for the study.⁹ After Frances Fragos Townsend announced her resignation in November 2007, some speculated she would not be replaced—a move that would be interpreted as the first step toward an eventual merger.¹⁰ By appointing Ken Wainstein to the position of Homeland Security Adviser, the Bush Administration made clear that it will not merge the two councils and their respective staffs; the next President should do so as soon as he or she takes office.

The Federal Family

The White House's role in setting the agenda and providing guidance to the entire Cabinet is central, but the federal family itself—that is, the Cabinet agencies—is responsible for undertaking the necessary catastrophe planning, developing the capabilities needed to respond to a catastrophe,

Should disaster strike tomorrow, lack of clarity about roles and responsibilities may well slow down the federal response, just as it did during the response to Hurricane Katrina.

and, on the most basic level, being prepared to come to the aid of state and local governments if they are overwhelmed. As noted in Chapter 1, the roles and responsibilities of the various Cabinet agencies still are not well defined, nor are they fully accepted by all members of the federal family. Fierce bureaucratic battles inside the Department of Homeland Security about who is in charge during disasters have deepened the confusion. As a result, considerable time that could be spent planning, training, and exercising for future catastrophes has instead been spent fighting and refighting over matters that ought to have been settled long ago. Should disaster strike tomorrow, lack of clarity about roles and responsibilities may well slow down the federal response, just as it did during the response to Hurricane Katrina.

Inside the Department of Homeland Security

Since DHS was established, the decision to make the Federal Emergency Management Agency (FEMA) part of the larger department has generated considerable controversy.¹¹ Unfortunately, the debate over FEMA's placement and the consequent bureaucratic infighting and organizational decisions have fueled uncertainty about who is in charge during a crisis. The debate about FEMA and its relationship

9. Clark A. Murdock and Michèle A. Flournoy, *Beyond Goldwater-Nichols: U.S. Government & Defense Reform for a New Strategic Era, Phase 2 Report*, (Washington, DC: Center for Strategic and International Studies, 2005), 68; *9/11 Commission Report: Final Report of the National Commission on Terrorist Attacks upon the United States* (New York: Norton, 2004), 406; Richard C. Clarke and Rand Beers, *The Forgotten Homeland* (New York: Century Foundation, 2006), 129–33; Jonah Czerwinski, “A Future for the Homeland Security Council?” *Homeland Security Watch*, <http://www.hlswatch.com/index.php?s=A+Future+for+the+Homeland+Security+Council> (Posted on November 21, 2007).

10. Jon Ward, “White House Yet to Fill Homeland Security Vacancy,” *Washington Times*, January 3, 2008.

11. Public Law 107-296, *Homeland Security Act of 2002*, November 25, 2002, §430 (c) (8).

to DHS headquarters has centered on three major sets of issues. The first is finding an appropriate balance of focus between natural disasters and terrorism-related events. Many who argue that FEMA should not be part of DHS believe the department has placed far too much emphasis on low-likelihood terrorist threats and too little on probable natural disasters, thereby diluting FEMA's overall effectiveness.¹² Most who hold that FEMA belongs within DHS feel the agency has been slow to recognize the significance of terrorist threats; in their view, FEMA can be prepared for all hazards only if it is inside the larger department, interacting routinely with other DHS elements that focus on law enforcement, intelligence, and threats posed by weapons of mass destruction.¹³ All agree that the goal is to have a national system that focuses on all hazards prevention, protection, preparedness, and response, but they continue to clash over how that balance should be struck.

The second set of issues coloring the debate concerns whether response and preparedness activities should be handled by the same organization. Some argue that FEMA has traditionally focused on the response mission, and that by the nature of emergency management such concentration will always be at the expense of preparedness activities. Secretary of Homeland Security Michael Chertoff's decision to create the separate position of Under Secretary for Preparedness as part of his "Second Stage Review" was influenced by this line of argument.¹⁴ Others maintain that preparedness is inextricably linked to the ability to respond effectively to catastrophes, contending that splitting preparedness from response activities will ultimately harm both. Congress entered this fight by passing the Post-Katrina Emergency Management Reform Act, which left FEMA within DHS but also eliminated the Under Secretary for Preparedness position and returned many of the preparedness functions to FEMA.



The third area of contention in the FEMA debate is the role of FEMA and the FEMA Administrator in relation to that of the Secretary of Homeland Security. This issue has played out most visibly in the debate over the position of Principal Federal Official (PFO), created in the December 2004 National Response Plan (NRP) and actually filled during the response to Hurricane Katrina in September 2005.

12. U.S. House of Representatives, *A Failure of Initiative: Final Report of the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina*, February 15, 2006, 151–52.

13. James Jay Carafano and David Heyman, "DHS 2.0: Rethinking the Department of Homeland Security," (Washington, DC: Center for Strategic & International Studies, 2004), 17.

14. Harold C. Relyea and Henry B. Hogue, "Department of Homeland Security Reorganization: The 2SR Initiative" (Washington, DC: Congressional Research Service, 2005), 9.

Because of the many disagreements about what role FEMA should play as a part of DHS, the debate over how to balance the emphases on terrorism and natural disasters, and the struggle within DHS over responsibility for preparedness and over the billions of grant dollars associated with it, tension between the DHS Secretary's front office and FEMA's front office mounted rapidly.¹⁵ The new position—the Principal Federal Official—created in the first National Response Plan was likely designed, at least in part, in response to that tension. The Stafford Act of 1988 had established the position of Federal Coordinating Officer (FCO), which was held during disasters by FEMA officials; the PFO, by contrast, was conceived as the Secretary's personal, forward-deployed representative in a crisis with broad responsibilities for coordinating the federal response in the field—in effect giving the Secretary eyes and ears on the ground independent of FEMA.

The PFO position was immediately problematic. Before it was ever filled, most in the emergency management community viewed it as encroaching on the statutory responsibilities of the FCO; and in its first real test, the aftermath of Hurricane Katrina, it became clear that not all members of the federal family understood its intent, or chose to recognize its authority. As the Senate's report on lessons learned from the response to Hurricane Katrina noted, Vice Admiral Thad Allen of the U.S. Coast Guard, whom Secretary Chertoff appointed to serve as PFO during the response, "acknowledged the difficulties in sorting out the PFO and FCO roles: 'If you need to invoke the Stafford Act for whatever reason, you're always going to have an issue with the relationship of the PFO and the FCO together.'" Robert Latham, the executive director of the Mississippi Emergency Management Office, told congressional investigators, "I almost hate to bring this up . . . but I don't think people understood what a PFO was, what an FCO was, what the authority of an FCO was."¹⁶

"I almost hate to bring this up . . . but I don't think people understood what a PFO was, what an FCO was, what the authority of an FCO was."

Robert Latham, the executive director of the Mississippi Emergency Management Office

Controversy over the PFO position continued long after Hurricane Katrina. Although the White House "lessons learned" report on the Katrina response recommended that the PFO be given authority to coordinate the federal response and that the FCO should report through the PFO, Congress did not agree. The Post-Katrina Emergency Management Reform Act (PKEMRA), which became law as part of the fiscal year 2007 appropriations for the Department of Homeland Security, made clear that the Principal Federal Official "shall not have directive authority over the Senior Federal Law Enforcement Official, Federal Coordinating Officer, or other Federal and State officials."¹⁷ Yet despite this congressional direction, the draft National Response Framework issued for public comment in September 2007 retained a significant on-scene leadership role for the PFO and seemed to imply that he or she would have seniority over the FCO, while clearly stating that the PFO would not have line author-

and that the FCO should report through the PFO, Congress did not agree. The Post-Katrina Emergency Management Reform Act (PKEMRA), which became law as part of the fiscal year 2007 appropriations for the Department of Homeland Security, made clear that the Principal Federal Official "shall not have directive authority over the Senior Federal Law Enforcement Official, Federal Coordinating Officer, or other Federal and State officials."¹⁷ Yet despite this congressional direction, the draft National Response Framework issued for public comment in September 2007 retained a significant on-scene leadership role for the PFO and seemed to imply that he or she would have seniority over the FCO, while clearly stating that the PFO would not have line author-

15. Robert Block and John D. McKinnon, "Panel to Begin an Inquiry into the Katrina Response and the Military's Role," *Wall Street Journal*, September 27, 2005, 3.

16. Senate Committee on Homeland Security and Government Affairs, *Hurricane Katrina: A National Still Unprepared*, May 2006, 563–64.

17. Public Law 109-295, *DHS Appropriations Act for 2007*, October 4, 2007, §509, paragraph (c) (2).

ity over the FCO.¹⁸ For this and other reasons, many in the emergency management community vociferously opposed the draft,¹⁹ and Congress also gave informal direction to DHS to ensure that the final draft was more consistent with the letter and spirit of the PKEMRA.²⁰ The January 2008 version of the National Response Framework plainly asserts that the Principal Federal Official does not have directive authority over a Federal Coordinating Officer, but it also declares:

By law and by Presidential directive, the Secretary of Homeland Security is the Principal Federal Official responsible for coordination of all domestic incidents requiring multiagency Federal response. The Secretary may elect to designate a single individual to serve as his or her primary representative to ensure consistency of Federal support as well as the overall effectiveness of the Federal incident management. When appointed, such an individual serves in the field as the PFO for the incident.²¹

Confusion about roles during the response to Hurricane Katrina was not limited to the PFO and FCO; at a higher level, the respective roles of the Secretary of Homeland Security and FEMA Administrator were unclear. In the days immediately preceding Hurricane Katrina, Administrator Michael Brown was clearly more engaged with the details of hurricane planning than was Secretary Chertoff.²² Brown held multiple video conference calls with federal officials, including members of the White House staff, and with state and local officials. The day before Hurricane Katrina made landfall, he moderated a video conference call that included both Secretary Chertoff and President Bush, although Chertoff said very little during the call. On August 30, 2005, the day after landfall, Chertoff was in Atlanta attending a conference on pandemic flu; however, as the extent of the flooding in New Orleans became known, he became more directly involved. After making multiple attempts to reach Brown, Chertoff finally contacted him and appointed him to serve as the PFO, but Brown was unenthusiastic about serving in this capacity and by September 9, Secretary Chertoff replaced Administrator Brown as chief of hurricane relief operations with Vice Admiral Thad Allen (who a few months later was appointed Commandant of the Coast Guard).²³

Uncertainty over roles on the scene, together with the apparent tension and lack of coordination between Secretary Chertoff and FEMA Administrator Brown, fueled the broader confusion—not yet resolved—about who is in charge during a crisis. Comptroller General David Walker, the former head of the Government Accountability Office (GAO), found that the “shifting roles and responsibilities” of the PFO, FCO, and DHS Secretary during the response to Hurricane Katrina resulted in “disjointed efforts of many federal agencies involved in the response, a myriad of approaches and processes for requesting and providing assistance, and confusion about who should be advised of requests and what resources would be provided within specific time frames.”²⁴

18. *National Response Framework DRAFT* (Washington, DC: Department of Homeland Security, September 10, 2007), 63–64.

19. International Association of Emergency Managers, “National Response Framework Is Not a Good Replacement for the NRP” 2007.

20. Interviews with Congressional committee staff, January, 2008.

21. *The National Response Framework* (Washington, DC: Department of Homeland Security, January, 2008, 66–67.

22. Christopher Cooper and Robert Block, *Disaster: Hurricane Katrina and the Failure of Homeland Security* (New York: Times Books, 2006), 101–2, 110–15.

23. Christopher Cooper and Robert Block, *Disaster: Hurricane Katrina and the Failure of Homeland Security* (New York: Times Books, 2006), 169–71, 222, 234.

24. Senate Committee on Homeland Security and Government Affairs, *Hurricane Katrina: A National Still Unprepared*, 2006, 553.

The PKEMRA tried to address this problem, stating that the “Administrator is the principal emergency preparedness and response advisor to the President, the Homeland Security Council, and the Secretary for all matters relating to emergency management in the United States.”²⁵ The act also notes that the President may make the FEMA Administrator a member of the Cabinet in the event of a natural disaster, an act of terrorism, or other man-made disaster.²⁶ Finally, it includes the following provision:

The chain of the command specified in the National Response Plan shall—

- (i) provide for a role for the Administrator consistent with the role of the Administrator as the principal emergency management advisor to the President, the Homeland Security Council, and the Secretary under section 503(c)(4) and the responsibility of the Administrator under the Post-Katrina Emergency Management Reform Act of 2006, and the amendments made by that Act, relating to natural disasters, acts of terrorism, and other man-made disasters; and
- (ii) provide for a role for the Federal Coordinating Officer consistent with the responsibilities under section 302(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5143(b)).²⁷

Nevertheless, the law leaves undefined the explicit relationship between the Secretary, the FEMA Administrator, the PFO, and the FCO. While insisting on a role for the Administrator that is “consistent with” the Administrator’s role as principal adviser to the President, it does not set forth a clear chain of command for incident management at the federal level. As a result, the relationship between the Secretary of Homeland Security and the FEMA Administrator is still not clear.

The January 2008 National Response Framework, which by law must be consistent with the relationships outlined in the PKEMRA, does little to clarify this tangled thicket. In its chapter on roles and responsibilities, the document names the Secretary of Homeland the Principal Federal Official for domestic incident management, noting that “the FEMA Administrator, as the principal advisor to the President . . . helps the Secretary in meeting these HSPD-5 responsibilities.”²⁸ This formulation implies that the Secretary is the lead official in Washington, but later sections in the NRF place far more emphasis on the role of FEMA. In its chapter on response organizations, the NRF points out that Congress has generally prohibited appointing a PFO for Stafford Act incidents. During such incidents, which include emergencies and major calamities resulting from natural disasters or any major fire, flood, or explosion regardless of cause, the President will appoint an FCO based on the recommendation of the Secretary of Homeland Security and the FEMA Administrator. The NRF states very clearly that “in all cases, the FCO represents the FEMA Administrator in the field to discharge all FEMA responsibilities[.]”²⁹

According to the Homeland Security Act of 2002, Homeland Security Presidential Directive 5 (“Management of Domestic Incidents”), the Post-Katrina Emergency Management Reform Act, and the most recent National Response Framework, the Secretary of Homeland Security is the Principal Federal Coordinator for domestic incident management. The FEMA Administrator is the principal adviser to the President, the Homeland Security Council, and the Secretary of Homeland

25. Public Law 109-295, *DHS Appropriations Act for 2007*, October 4, 2007, §503 (c)(4).

26. *Ibid.*, § 503 (5)(A).

27. *Ibid.*, §509 (1)(B)(ii).

28. *National Response Framework* (Washington, DC: Department of Homeland Security, 2008), 25.

29. *Ibid.*, 67.

Security for all matters pertaining to emergency management. The PFO reports to the Secretary of Homeland Security, but the Secretary is generally prohibited from appointing a PFO for Stafford Act incidents. The FEMA Administrator “helps” the Secretary of Homeland Security carry out his or her duties under HSPD-5, but the FCO works for the FEMA Administrator, and the PFO—in the event one can be appointed—does not have any directive authority over the FCO. This complicated constellation of relationships seems unlikely to add up to an organizational approach that generates significant unity of effort, particularly in light of the intense bureaucratic struggles that have marred DHS for the past five years.

RECOMMENDATION 2: The next Administration should establish a clear chain of command inside DHS to ensure that the Secretary can carry out his or her responsibility to serve as the federal government’s coordinator for incident management.

The next President and Secretary of Homeland Security should establish a clear chain of command for incident management. It should run from the President to the Secretary of Homeland Security, and then within DHS from the Secretary to the FEMA Administrator to the FEMA Regional Administrators, who can delegate their authority as appropriate. Congress should codify this chain of command in statute to remove any doubts about roles and responsibilities and establish an arrangement that will last into future Administrations.

In drafting the PKEMRA, Congress sought generally to strengthen FEMA and specifically to elevate the Administrator by making that official the principal adviser to the President for emergency management issues. The law attempted to empower FEMA while at the same time keeping it inside the Department of Homeland Security, reflecting the commonsense idea that FEMA would be more effective if it could leverage other elements of DHS to help it perform its duties. The PKEMRA also restored responsibility for preparedness issues to FEMA and directed a reinvigorated of the FEMA regional offices. Though senior FEMA officials now speak enthusiastically about the “new FEMA,” the agency’s transformation will take time; moreover, uncertainty about who will do what lingers, together with some persistent bureaucratic battles as opposing sides seek to capitalize on or undo recent organizational changes.

The next Administration should go one step beyond the articulation of the FEMA Administrator’s roles and responsibilities in the PKEMRA and ask Congress to write into law a complete DHS chain of command from the field to the White House. Doing so would clarify once and for all how the Secretary of Homeland Security and the FEMA Administrator relate to each other during an incident. As the overall coordinator for the federal government for *incident management*, the Secretary must be the single Cabinet official who reports directly and is accountable to the President for how a catastrophe is managed. In that role, he or she is also responsible for making recommendations to the President on how to prioritize competing prevention, protection, response, and recovery objectives. Under this construct, the FEMA Administrator would continue to serve as the princi-

The next Administration should go one step beyond the articulation of the FEMA Administrator’s roles and responsibilities in the PKEMRA and ask Congress to write into law a complete DHS chain of command from the field to the White House.

pal adviser to the President and the Secretary of Homeland Security *for emergency management*, as outlined in the Post-Katrina Emergency Management Reform Act. However, the FEMA Administrator should report directly to the President only when giving advice on issues concerning

To maximize his or her effectiveness during future catastrophes, the next Secretary of Homeland Security should predesignate a senior individual in each of the 10 FEMA regional offices to serve as Lead Federal Coordinator.

emergency management. Consistent with the law, the FEMA Administrator will also share this counsel with the Secretary of Homeland Security. The Secretary, in the role of overall federal coordinator for incident management, has the authority to place the recommendations of the FEMA Administrator on emergency management issues into a broader context. Although the FEMA Administrator should be able to advise the President directly on the subset of emergency management matters, the operational chain of command *for the overall incident* should run from the President to the Secretary of Homeland Security, and then within DHS from the Secretary to the FEMA Administrator.

In the field, the DHS chain of command during an incident should extend to the 10 FEMA Regional Administrators, who would execute their responsibilities through a designated “Lead Federal Coordinator” (a position discussed in more detail in connection with Recommendation 3). During a catastrophe, the Lead Federal Coordinator would be the single federal official on the ground responsible for *coordinating* the overall federal effort with all of the other response efforts. As Admiral Allen noted, when he arrived in New Orleans on

September 6 “it had to be made clear there was one, single person representing the federal government on scene[,] . . . responsible to the President and accountable for performance.”³⁰

RECOMMENDATION 3: The next Administration should consolidate the positions of Principal Federal Official and Federal Coordinating Officer into the single position of Lead Federal Coordinator, who would report through the FEMA Administrator to the Secretary of Homeland Security.

Closely related to the need to establish a clear chain of command within DHS is the need to eliminate the confusion—outlined above—surrounding the positions of Principal Federal Official and Federal Coordinating Official. The current ambiguous relationship between the FCO position as established in statute³¹ and the PFO as described in the National Response Framework is a recipe for disaster during an actual domestic catastrophe. Unity of effort during a future catastrophe could be established only in spite of having two equally senior federal individuals from the same department on the ground during a single domestic event, never because of it. Even if the particular PFO and FCO involved somehow understood their respective roles and responsibilities and avoided conflicts, those with whom they must work during the event—state and local officials, individuals in the private sector, and nongovernmental representatives—are highly unlikely to share that same broad understanding.

30. Admiral Thad W. Allen, “9/11, Katrina and the Future of Interagency Disaster Response,” Remarks at the Brookings Institution, Tuesday, May 29, 2007.

31. Both the Stafford Act and the PKEMRA specifically mention the FCO position.

The next Administration needs to work with Congress to consolidate the FCO and PFO into a single position named something like Lead Federal Coordinator (LFC).³² The LFC would be appointed by the President (as is currently required for FCOs), would function as the Secretary of Homeland Security's direct representative on the ground during domestic incidents, and would have all of the authorities of the FCO.³³ To maximize his or her effectiveness during future catastrophes, the next Secretary of Homeland Security should predesignate a senior individual in each of the 10 FEMA regional offices to serve as Lead Federal Coordinator. Given the responsibilities of the LFC during an incident, it might be appropriate to dual-hat the senior official for disaster response operations and recovery within each regional office as its predesignated LFC. The critical coordinating role of the LFC makes it imperative that these individuals be drawn from the most senior personnel in the regions below the regional administrators and their deputies, who will need to maintain their usual duties to ensure continuity of regional operations during a disaster. The predesignation of LFCs would enable all major stakeholders in each region to know in advance who is expected to serve as the on-scene DHS representative responsible for coordinating federal assistance during domestic incidents, and they would likely seek to develop strong working relationships with that individual. The Secretary should retain the right to nominate any qualified senior federal official, inside or outside DHS, to serve as a Lead Federal Coordinator for a specific event,³⁴ but in most cases the predesignated regional official should be chosen.

Managing and coordinating every element of the federal response to a catastrophe—political facets and public communications, in addition to the operational aspects—might overwhelm the capabilities of any single individual, no matter how competent; the predesignated LFCs should therefore have the authority to designate one or more deputies to assist them in carrying out these responsibilities. In theory, an LFC could play a mainly political role, serving as the Secretary's primary representative in the field during a catastrophe, and the deputy LFC could focus on the more operational responsibilities that historically have been assigned to FCOs. In some ways, this would be a familiar scenario, as the LFC would essentially be performing the duties now assigned to the PFO while the deputy LFC performed the functions today handled by the FCO, but the proposed new construct also has a crucial difference: the deputy LFC would report to the LFC, and the LFC would have directive authority over his or her deputy or deputies. By consolidating the responsibilities of the PFO and FCO into a single LFC position and allowing the appointment of deputy LFCs, the next Administration could eliminate the primary problem with the current PFO-FCO construct: its inability to resolve disagreements on the ground over the coordination of federal assistance.

Given the importance of the LFC's role in dealing with future catastrophes, the process for selecting LFCs and their deputies must be highly rigorous. They will need to have not only operational experience, such as serving as the operations section chief (one of the five major functional areas constituting the Incident Command Structure mandated by the National Incident Management System) during a disaster, but also the political and strategic experience typically gained in Washington. Much as military officers at the lieutenant colonel or colonel level typically spend a

32. This would require revision of the Stafford Act, but would essentially be a name change because the FCO functions would continue to be carried out, just by an individual with the LFC title. It also would require revision of the PKEMRA to eliminate references to the PFO and FCO positions.

33. The LFC should have the authority to delegate the authorities formerly held by the FCO, for example should the LFC need a deputy to focus solely on administering federal assistance as outlined in the Stafford Act.

34. For example, under current policy the PFO for a pandemic outbreak would be a representative of the Department of Health and Human Services.

year or two serving in a staff job in the Pentagon before their selection for brigade-level command, future LFCs would benefit from working for a while in DHS headquarters prior to returning to the FEMA regional offices. Their time in Washington will provide greater opportunity to develop relationships with and gain the trust of the senior officials to whom they will be reporting as LFCs.

Personnel do not gain overnight the training, experience, and appropriate skill sets to serve as Lead Federal Coordinators and Regional Administrators. Unfortunately, the Department of Homeland Security and FEMA do not yet have a professional development and education system analogous to that in the Defense Department, which is designed to train a cadre of skilled professionals at all levels. Initially DHS could draw on the pool of senior individuals who have already been chosen as PFOs and FCOs to serve as LFCs, but as the department creates a professional education system it should consciously design a program geared toward developing future LFCs who will have the full range of requisite skills at the senior career level. Chapter 4 will discuss regional organizations and professional development and education in more detail.

Regardless of what the position is called, there is unquestionably a need to clearly designate one and only one senior federal official as the individual responsible to the President and Secretary for coordinating all federal assistance in the field. Given how much attention the various high-profile “lessons learned” reports paid to the confusion inherent to the reliance on both a PFO and FCO, it is remarkable that both positions still exist almost three years after Hurricane Katrina.

DHS as Principal Federal Coordinator and the Rest of the Federal Family

Confusion about federal roles and responsibilities during major domestic incidents extends beyond DHS to the entire federal family. Although the Homeland Security Act of 2002 and Homeland Security Presidential Directive 5 outline official policy on the roles and responsibilities of the various Cabinet agencies during domestic incidents, ambiguities in these two documents have exacerbated uncertainty about who is in charge during crises.

The Homeland Security Act states that the Secretary of Homeland Security has the responsibility to carry out all functions of the Department of Homeland Security, and it includes in the primary mission of DHS requirements to

prevent terrorist attacks within the United States; . . . minimize the damage, and assist in the recovery, from terrorist attacks that do occur within the United States; [and] carry out all of the functions of entities transferred to the Department, including by acting as a focal point regarding natural and manmade crises and emergency planning[.]³⁵

According to HSPD-5,

the Secretary of Homeland Security is the Principal Federal Official for domestic incident management. Pursuant to the Homeland Security Act of 2002, the Secretary is responsible for coordinating Federal operations within the United States to prepare for, respond to, and recover from terrorist attacks, major disasters, and other emergencies.³⁶

Although these two documents clearly give the Secretary of Homeland Security responsibility for coordinating federal operations during catastrophes and lesser disasters, other language—

35. Public Law 107-296, *Homeland Security Act of 2002*, November 25, 2002, §101.

36. *Homeland Security President Directive 5: Management of Domestic Incidents* (Washington, DC: White House, 2003), paragraph 4.

particularly in HSPD-5—has fostered confusion over how these broad statements translate into actual responsibilities in the real world. This confusion has lingered in part because the Homeland Security Council has not been strong enough to resolve bureaucratic disputes.

While paragraph 4 of HSPD-5 makes the Secretary of DHS the coordinator of federal operations, paragraph 8 suggests that the Attorney General’s authority overlaps that role:

The Attorney General has lead responsibility for criminal investigations of terrorist acts or terrorist threats by individuals or groups inside the United States, or directed at United States citizens or institutions abroad, where such acts are within the Federal criminal jurisdiction of the United States, as well as for related intelligence collection activities within the United States, subject to the National Security Act of 1947 and other applicable law, Executive Order 12333, and Attorney General–approved procedures pursuant to that Executive Order. Generally acting through the Federal Bureau of Investigation, the Attorney General, in cooperation with other Federal departments and agencies engaged in activities to protect our national security, shall also coordinate the activities of the other members of the law enforcement community to detect, prevent, preempt, and disrupt terrorist attacks against the United States. Following a terrorist threat or an actual incident that falls within the criminal jurisdiction of the United States, the full capabilities of the United States shall be dedicated, consistent with United States law and with activities of other Federal departments and agencies to protect our national security, to assisting the Attorney General to identify the perpetrators and bring them to justice.³⁷

The problem is that neither the public law nor the presidential directive specify where the Secretary of Homeland Security’s responsibility to prevent terrorist attacks ends and the Attorney General’s responsibility to coordinate the law enforcement community’s efforts to prevent terrorist attacks begins. Similarly, no clear guidance is given on what is actually meant by dedicating “the full capabilities of the United States” to bringing perpetrators of a terrorist act to justice; how will the responsibility to assist the law enforcement community will be prioritized against other requirements during a catastrophe, such as the need to save lives or minimize property damage? The most recent National Response Framework, issued in January 2008, underscores the importance of the Department of Justice’s role, commenting in a footnote that “Per HSPD-5, paragraph 8, the Secretary of Homeland Security’s operational coordination role excludes law enforcement coordination activities assigned to the Attorney General and generally delegated to the Director of the FBI”;³⁸ but again, the text does not make clear who, short of the President of the United States, has the authority during a domestic incident to resolve conflicts between law enforcement objectives and other objectives that may be equally crucial, such as saving lives.

A paragraph in HPSD-5 on the role of the Department of Defense creates further confusion:

Nothing in this directive impairs or otherwise affects the authority of the Secretary of Defense over the Department of Defense, 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. The Secretary of Defense shall provide military support to civil authorities for domestic incidents *as directed by the President or when consistent with military readiness and appropriate under the circumstances and the law* [emphasis added]. The Secretary of Defense shall retain command of military forces providing civil

37. Ibid., paragraph 8.

38. *The National Response Framework* (Washington DC: Department of Homeland Security, January 2008), 54 n. 41

support. The Secretary of Defense and the Secretary shall establish appropriate relationships and mechanisms for cooperation and coordination between their two departments.³⁹

Thus, short of explicit direction from the President, HSPD-5 leaves it up to the Secretary of Defense to determine whether the Defense Department will provide military forces for civil support. Apparently, the Secretary of Homeland Security's authority as the Principal Federal Official for coordinating federal operations during a domestic incident does not extend to being able to require the participation of military forces if the Secretary of Defense believes that such participation would be inconsistent with military readiness. At the same time, HPSD-5 gives no guidance for determining under what circumstances military readiness would trump managing the consequences of an incident in the homeland. Although this paragraph stipulates that the two Cabinet secretaries will establish appropriate relationships and mechanisms for cooperation, its ambiguity enables stakeholders in both departments to hold differing interpretations of the text. The preferred approach of DoD, as two previous CSIS reports and the January 2008 report by the Commission on the National Guard and Reserves have pointed out, has been to hold the civil support mission at arm's length, even after the attacks of September 11.⁴⁰ This preference, which paragraph 9 of HSPD-5 supports, has been so pronounced that the Commission went so far as to recommend that Congress amend existing statutes to stipulate that civil support is a primary mission for DoD, as important as its war-fighting responsibilities.⁴¹

It is not yet clear in practice how the authority of the Secretary of Homeland Security meshes with that of other Cabinet Secretaries, nor are departmental responsibilities clearly delineated in such areas as preventing terrorist attacks in the United States.

Bureaucracies—such as the departments of Homeland Security, Justice, and Defense—naturally seek to protect their interests and maximize their influence. The somewhat ambiguous language in HSPD-5 outlining the responsibilities of DHS, DoJ, and DoD has enabled these bureaucracies to continue fighting turf battles. It is not yet clear in practice how the authority of the Secretary of Homeland Security meshes with that of other Cabinet Secretaries, nor are departmental responsibilities clearly delineated in such areas as preventing terrorist attacks in the United States.

RECOMMENDATION 4: The next Administration should amend HSPD-5 to clarify the authority of the Secretary of Homeland Security in relation to that of the Attorney General and of the Secretary of Defense so that the Secretary of Homeland Security can function effectively as the Principal Federal Official for domestic incident management.

39. *Homeland Security President Directive 5*, paragraph 9.

40. Clark A. Murdock and Michèle A. Flournoy, *Beyond Goldwater-Nichols: U.S. Government & Defense Reform for a New Strategic Era, Phase 2 Report* (Washington, DC: Center for Strategic and International Studies, 2005), 9; Christine E. Wormuth et al., *The Future of the National Guard and Reserves: The Beyond Goldwater-Nichols Phase III Report* (Washington, DC: Center for Strategic & International Studies, 2006), x.

41. *Transforming the National Guard and Reserves into a 21st-Century Operational Force*, Final Report to Congress and the Secretary of Defense, January 1, 2008 ([Arlington, VA: Commission on the National Guard and Reserves], 2008), 14.

HSPD-5 is useful insofar as it directs that the Secretary of Homeland Security serve as the Principal Federal Official for coordinating federal operations during a domestic incident, but the next Administration would be well served to revise the directive in order to specify more fully what authorities that role confers on the Secretary in relation to other members of the Cabinet, particularly the Attorney General and the Secretary of Defense. For example, HSPD-5 should more clearly delineate how the Attorney General's responsibilities to prevent terrorist attacks working with other members of the law enforcement community relate to the broad authority granted to the Secretary of Homeland Security under the Homeland Security Act of 2002 to carry out the department's mission to prevent terrorist attacks on the homeland. HSPD-5 should also make clear that the Attorney General's authority to call on other members of the Cabinet to assist in identifying perpetrators and bringing them to justice does not preempt that of the Secretary of Homeland Security to set federal priorities—which may include objectives other than law enforcement—during a response to an incident. Similarly, HSPD-5 should be revised to clarify that the Secretary of Defense will provide military support to civil authorities not only at the direction of the President but also at the request of the Secretary of Homeland Security in the event of a catastrophe (with “catastrophe” perhaps defined in the terms supplied by the Post-Katrina Emergency Management Reform Act). Consistent with the chain of command laid out in Title 10 of the U.S. Code, the Secretary of Defense would retain operational control over the military forces responding to a catastrophe. The clause enabling the Secretary of Defense to provide forces “if consistent with military readiness” should be either eliminated or expanded to include clear criteria for determining under what circumstances the need to maintain military readiness would be more important than undertaking civil support missions in the homeland.

DHS and the Role of the Department of Defense

Particularly since the response to Hurricane Katrina, the question of whether the Department of Defense should ever replace the Department of Homeland Security in taking the lead during a catastrophe has been much discussed. President George W. Bush opened the door to this debate when he addressed the nation from Jackson Square in New Orleans. As noted in Chapter 1, in that speech he declared, “It is now clear that a challenge on this scale requires . . . a broader role for the armed forces—the institution of our government most capable of massive logistical operations on a moment's notice.”⁴²

The stance of the executive branch on this issue seems schizophrenic. As already observed, the Homeland Security Act of 2002 and HPSD-5 clearly state that the Secretary of Homeland Security is the federal coordinator for domestic incidents. The Department of Defense has long sought to avoid taking primary responsibility for civil support missions. At the same time, the White House lessons learned report on Hurricane Katrina recommends that “DOD and DHS should develop recommendations for revision of [the National Response Plan] to delineate the circumstances, objectives and limitations of when DOD might temporarily assume the lead for the Federal response to a catastrophic incident.” The report further suggests that DoD should “develop plans to lead the Federal response for events of extraordinary scope and nature (e.g., nuclear incident or multiple simultaneous terrorist attacks causing a breakdown in civil society).”⁴³ U.S. Northern Command

42. President George W. Bush, “President Discusses Hurricane Relief in Address to the Nation,” Jackson Square, New Orleans, Louisiana, September 15, 2005.

43. *The Federal Response to Hurricane Katrina: Lessons Learned* (Washington, DC: White House, 2006), 94.

reportedly has at least one plan on the shelf that envisions a DoD, rather than DHS, lead role; it may have been developed in response to the White House report. Currently, however, the official U.S. policy on whether and under what circumstances DoD might ever have the lead in responding to a catastrophe is not entirely clear.

Most state governors and the broader homeland defense community did not greet President Bush's comments about the need for a larger role for the military with much enthusiasm, but the debate about the roles of the two departments continues. In February 2008 testimony before the Senate, the chairman of the Commission on the National Guard and Reserves seemed to share the view that in certain scenarios, DoD rather than DHS should have the lead. Noting that during a high-end catastrophe, the Department of Defense is likely to supply the preponderance of capabilities, Chairman Arnold Punaro went on to say that "our military training tells us, typically the person that brings the preponderance of the force usually is the one that has the command and control."⁴⁴

While this debate ebbs and flows, the preparedness and response system outlined in the National Response Framework is based on the doctrine in HSPD-5, which places DHS squarely in

In many corners of government there seems to be a tacit understanding that in a "real disaster," DoD will simply take over.

the lead. The Department of Homeland Security has established a National Operations Center to provide situational awareness to the Secretary of Homeland Security, who in turn will work closely with the President during a catastrophe. During an incident, DHS has the authority to chair the Domestic Readiness Group (DRG), an assistant secretary-level committee to coordinate interagency policy that can evaluate recommendations on response and recovery issues for the members of the Homeland Security Council.⁴⁵ The NRF states clearly that if DoD elects to designate a Joint Task Force to command federal military activities in the field, "the command and control element will be co-located with the senior on-scene leadership at the [Joint Field Office] to ensure coordination and unity of effort."⁴⁶ In other words, the JTF commander will work closely with the senior on-scene

leadership, which at the federal level will generally be an individual appointed by the Secretary of Homeland Security. A firm emphasis on DHS as the lead federal agency is also incorporated into the National Exercise Program, a critical component of the overall national preparedness system and the mechanism by which DHS works with state and local governments to develop, test, and assess their readiness for disasters.

The question of whether DoD should ever have the federal lead during a catastrophe needs to be definitively answered. As long as the debate inside and outside of government continues, uncertainty about who is actually going to be in charge will remain. In many corners of government there seems to be a tacit understanding that in a "real disaster," DoD will simply take over. But the view that DoD and the cavalry will ride to the rescue is dangerous, for it can become a self-fulfilling prophecy that keeps DHS from ever maturing into a strong, effective Cabinet agency that can

44. Chairman Arnold Punaro, Transcript, "The Defense Department's Homeland Security Role: How the Military Can and Should Contribute," *Hearing before the Senate Homeland Security and Governmental Affairs Committee*, February 13, 2008.

45. *National Response Framework* (Washington, DC: Department of Homeland Security, 2008), 54.

46. *Ibid.*, 68.

meet its HSPD-5 responsibilities; at the same time, it does not hold DoD explicitly accountable for preparing for catastrophic incidents.

RECOMMENDATION 5: The next Administration should state clearly that the Department of Defense will not have the lead in responding to catastrophic incidents, even in extraordinary circumstances, but will be expected to play a substantial support role under the overall coordination of the Secretary of Homeland Security.

The next Administration needs to make clear that the Defense Department will not have the federal lead during a future catastrophe for three major reasons. First, though some catastrophes may require very significant numbers of forces or capabilities possessed only by DoD, those same catastrophes will almost certainly have many other facets. DHS, not DoD, is responsible for both crisis and consequence management; DHS works on a much wider range of issues related to homeland security and works daily with a far broader range of stakeholders than does DoD, and it therefore can better address the full spectrum of issues that arise during a catastrophe. Second, the national preparedness system currently under construction is based on the assumption that DHS is the lead federal agency. If DoD is given the lead for certain “high-end catastrophes,” or in “extraordinary circumstances,” then all levels of government, private-sector organizations, and nongovernmental organizations will master one system for 98 percent of the possible scenarios—but for the remaining 2 percent will be dealing with a completely different, DoD-led system. Most state and local emergency management departments, first responder organizations, and public health departments are already struggling to ensure that they have the time and resources to participate in the training and exercise activities required by the National Exercise Program. They do not have the time, resources, or personnel to attain similar proficiency in a second, DoD-oriented response framework. Moreover, if DoD is envisioned to have the lead only in the absolutely worst cases, stakeholders across the board will be using a system with which they have very little familiarity at precisely the time when it is most important that the response system demonstrate maximum unity of effort. And third, as long as the sense that DoD might have the lead under certain circumstances persists, DHS will not be forced to prepare for the worst eventualities—and neither will DoD, since it has no explicit requirement to do so.

Rather than thrusting DoD into the lead role for the few scenarios that are extraordinarily catastrophic, thereby forcing all other players to develop an entirely separate set of organizations and processes for a DoD-led response, the federal family should ensure that the National Response Framework is based on the concept that DoD will play as large a supporting role as is needed *under the DHS umbrella* envisioned in HSPD-5.

For some years, the Defense Department has relied on the concepts of “supported command” and “supporting commands” in its operational doctrine. The supported command is the command element that has “primary responsibility for all aspects of a task assigned,” while a supporting command “provides augmentation forces or other support to a supported commander.”⁴⁷ In the DoD context, a combatant command can be designated as the supported command for a particular task, but such a designation does not necessarily give it sole or final authority over the supporting commands. According to Joint Publication 0-2, *Unified Action Armed Forces*:

As part of the team effort, supporting combatant commanders provide the requested capabilities, as available, to assist the supported commander. . . . When the supporting commander

47. *Unified Action Armed Forces* (UNAAF), Joint Publication 0-2 (Washington, DC: Department of Defense, July 10, 2001), III-11.

cannot fulfill the needs of the supported commander, **the establishing authority will be notified** by either the supported or the supporting commander. The establishing authority is responsible for determining a solution.⁴⁸

The interagency should adopt similar concepts to help structure the integration of disparate elements in domestic incident management. Under HSPD-5, DHS as a federal department is basically the “supported command” for domestic incident management; conversely, the Defense Department is a supporting command to DHS, regardless of the magnitude of the “augmentation forces” it is providing. The National Response Framework seems to point to this kind of supported-supporting relationship when it states that the Joint Task Force commander, if needed, would be co-located with the DHS on-scene senior leadership in the Joint Field Office to ensure unity of effort.⁴⁹

Although the supported and supporting command constructs are useful to guide thinking about the relationships between federal departments during an incident, there is a very important difference in how they are applied in purely military contexts. In practice, the supported commander during a joint military operation typically has operational control over all of the forces in his or her area of operations, even if those forces are provided by a supporting command. Transferring operational control over forces provided by the supporting command to the supported commander ensures unity of command at the operational level. It seems clear, however, that in designating the Secretary of Homeland Security as the federal *coordinator* for domestic incident management in HSPD-5, the executive branch did not envision giving the Secretary operational control over the assets of other Cabinet agencies during an incident.

Though it is difficult to envision Cabinet Secretaries agreeing to transfer operational control over their agencies’ assets to another Cabinet Secretary, there is some precedent for this step in joint military doctrine. When one combatant command is designated as supporting another, it is up to the “establishing authority,” which at this level is the National Command Authority, to determine the “degree of authority granted to the supported commander over the supporting effort.”⁵⁰ It is possible to imagine the federal government eventually embracing a system in which the President, at the outset of a domestic incident, would provide an establishing directive that set forth the degree of authority granted to the Secretary of Homeland Security over the assets of other federal departments.

A further step toward creating greater unity of effort among the military forces responding to an incident that would stop short of transferring operational control of these forces to DHS would be to allow state governors to have tactical control over military forces operating in their states.⁵¹ Governors can already exercise control over National Guard forces in state active duty or Title 32 status, even if those guardsmen have been provided by other states through the Emergency

48. *Unified Action Armed Forces* (UNAAF), Joint Publication 0-2 (Washington, DC: Department of Defense, July 10, 2001), III-9-10.

49. Lieutenant General Russel L. Honoré, the JTF commander during Hurricane Katrina, was not co-located with the Joint Field Office in Louisiana; this circumstance probably exacerbated command and control challenges between the federal civilian and military components of the response, as well as between the federal military component and the state-level response. See *The Federal Response to Hurricane Katrina: Lessons Learned* (Washington, DC: White House, 2006), 53.

50. *Unified Action Armed Forces*, III-9.

51. The final report of the Commission on the National Guard and Reserves recommended governors be given operational or tactical control over Title 10 forces during an incident with agreement from the President. See *Transforming the National Guard and Reserves Forces into a 21st-Century Operational Force*, 110.

Management Assistance Compact. Congress has also already made possible the dual-hatting of National Guard officers—who in this status report both to a state governor and to the Secretary of Defense—so that they can command active duty soldiers.⁵² Although this authority has not yet been used in an operation involving large numbers of active duty troops, there is no technical reason why that could not happen in the future. Allowing state governors to exercise tactical control over all military forces during an incident would at least establish a unified chain of command on the military side of a response effort, instead of the split seen in the response to Hurricane Katrina: a state military chain of command and a separate federal chain of command. Such a command and control arrangement may not be the most effective in every possible scenario, but it may be appropriate for some kinds of incidents, and the approach seems to be worth exploring further through discussions and tabletop exercises.

In a federalist system like the United States, the nation must have a single framework for managing any kind of catastrophe if it is to have any hope of unity of effort in future disaster responses. At a minimum, the next Administration needs to make clear that the nation's incident management framework places DHS—not DoD—in the lead at the federal level, even during the worst catastrophes. By pinning the rose specifically and definitively on DHS rather than DoD, the next President will make clear that federal agencies, state and local officials, private-sector leaders, and nongovernmental organizations should expect to work with a DHS official, and should focus on mastering and participating in DHS processes, operation centers, and training and exercise programs. Few players in today's homeland security system have the time or resources to master two different systems, especially if one of the two systems is very unlikely ever to be used.

...the next Administration needs to make clear that the nation's incident management framework places DHS—not DoD—in the lead at the federal level, even during the worst catastrophes.

State and Local Governments

The past several years have strained homeland security relationships between the federal government and state and local governments. According to the 2007 National Governors Association Annual Survey, “States continue to report unsatisfactory progress in their relationship with the federal government, specifically with the Department of Homeland Security (DHS).”⁵³ As noted above, many emergency managers at the state and local levels felt that DHS's emphasis on terrorism was misplaced and came at the expense of preparedness for the natural disasters that state and local governments were far more likely to experience. The very public dispute between President Bush and Governor Kathleen Blanco of Louisiana over control of the National Guard during the response to Hurricane Katrina, together with the President's seeming enthusiasm for a greater role for the military in future disasters, unsettled many at the state and local levels. Some state emergency managers, such as Craig Fugate of Florida, emphasized that “it is important that the

52. This authority was used to establish the command and control relationships for the military operations in support of the G-8 Summit on Sea Island Georgia in 2004, as well as the 2004 Republican and Democratic presidential nominating conventions.

53. National Governors Association, “2007 State Homeland Security Directors Survey,” 2007, 1.

response from the federal level is one of a supporting role for state and local emergency management, it cannot supplant these efforts.”⁵⁴

Alarm at the state and local levels about the intentions of the federal government during future catastrophes grew in 2007 with the enactment of a law allowing the President to federalize the National Guard without consent from state governors in order to

restore public order and enforce the laws of the United States when, as a result of a natural disaster, epidemic, or other serious public health emergency, terrorist attack or incident, or other condition in any State or possession of the United States, the President determines that domestic violence has occurred to such an extent that the constituted authorities of the State or possession are incapable of maintaining public order.⁵⁵

The National Governors Association and the National Guard community vigorously opposed this provision, and they successfully lobbied Congress to repeal this expansion of presidential powers a year later. As a result of these developments and others since the formation of the Department of Homeland Security, relations between the federal government and state and local governments are at a low point.

“It is important that the response from the federal level is one of a supporting role for state and local emergency management, it cannot supplant these efforts.”

**Craig Fugate, Florida’s
Emergency Manager**

Underlying these specific grievances and concerns is a broader and largely unspoken concern by some government officials and emergency managers outside Washington, D.C., that the federal government is attempting to significantly change how the United States is organized to respond to domestic emergencies. Historically, responding to domestic emergencies has largely been the job of local and state governments, in recognition of the fact that they are best positioned to assess local needs and take quick action. Only when local and state governments cannot meet all their needs do they turn to the federal government for assistance.⁵⁶ Essentially, states pull down federal assistance through formal requests, and the federal government pushes that assistance out to states once those requests are received and approved.

The September 11 attacks and the growing realization that further acts of catastrophic terrorism in the United States are a real possibility cast serious doubt on that traditional pull-push system. The deeply flawed response to Hurricane Katrina added further fuel to the debate. For those inclined to support the idea of “federal takeovers” of future catastrophes, the performances of the city of New Orleans and the Louisiana state government were confirmation of the need to find a new approach. For those who argue that a federal takeover violates the U.S. approach to governance and is unlikely to lead to better disaster management, the performance of FEMA and the tangled federal command and control structure were proof of the folly of “putting the feds in charge.”

54. Craig Fugate, *Testimony Before the House Committee on Homeland Security*, May 15, 2007, 8.

55. H.R. 5122, *John Warner National Defense Authorization Act for Fiscal Year 2007*, 109th Congress, 2nd sess., January 3, 2006, §1076.

56. The law governing how the federal government provides assistance and describing how state government can request such assistance is the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 100-707).

Although the argument about whether the federal government should take over in a crisis engenders strong feelings on both sides, in reality the nation's traditional system of relying on local and state governments to manage domestic incidents, with help if needed from the federal government, seems to work well for 98 percent of the disasters that occur in this country. As the White House's lessons learned report on Hurricane Katrina noted, "The State's role has been compared to retail sales in terms of organization, delivery, and management. Under this description, the Federal government's role is comparable to wholesale. This generally works well and should continue in the majority of instances."⁵⁷ That this model is equally well suited for catastrophes is less clear; in fact, as the White House report observes on the very next page:

When the affected State's incident response capability is incapacitated and the situation has reached catastrophic proportions, the Federal government alone has the resources and capabilities to respond, restore order, and begin the process of recovery. This is a responsibility that *must be more explicitly acknowledged and planned for in the NRP* [emphasis added], and we must resource, train, and equip to meet this obligation when such a contingency arises.⁵⁸

The federal government has formally issued 15 disaster scenarios to be used in planning and exercising at the federal, state, and local levels, and at least 12 of them would clearly be considered catastrophes by the PKEMRA's definition.⁵⁹ What would the traditional "pull-push" disaster management system look like in the event of a 10-kiloton nuclear detonation, or a major chemical attack in an urban area, to take two of the National Planning Scenarios?

The National Response Framework provides the basic blueprint for how these events would be managed. A local on-scene commander would be present at the ground level, but for such major events the state governor would be making the big decisions. On the federal side, DHS's first step would be to establish a Joint Field Office (JFO) that would be closely tied to the state emergency



57. *The Federal Response to Hurricane Katrina: Lessons Learned* (Washington, DC: White House, February, 2006,) 18.

58. *Ibid.*, 19.

59. Using the definition of catastrophe outlined in the PKEMRA, the following 12 National Planning Scenarios would appear to qualify as catastrophes: Nuclear Detonation of 10-Kiloton Improvised Nuclear Device, Biological Attack employing Aerosol Anthrax, Biological Disease Outbreak of Pandemic Influenza, Biological Attack such as the Plague, Chemical Attack employing a blister agent, Chemical Attack employing toxic industrial chemicals, Chemical Attack involving a nerve agent, Chemical Attack involving a Chlorine Tank Explosion, Natural Disaster such as a major earthquake, Major Disaster such as a major hurricane, Radiological Attack employing a radiological dispersal device and an Explosive Attack involving an IED.

operations center. Under the current system, the lead federal official would likely be the Principal Federal Official, reporting to the Secretary of Homeland Security. Because a nuclear event and a major chemical attack are both obvious catastrophes, the federal government would be able to take accelerated action, using procedures outlined in the Catastrophic Incident Annex (CIA) to the National Response Framework. Under that annex, the federal government can immediately begin deploying federal assets to the vicinity of the crisis without having to wait for formal requests from the affected state governments. Yet even when such predeployment is allowed, as a matter of policy federal resources arriving at federal mobilization centers or staging areas near the incident are to “remain there until requested by State/local incident command authorities, when they are integrated into the incident response effort.”⁶⁰

According to the traditional model, the state government would then put together a formal request for assistance and submit it through the JFO to FEMA, which would farm out the requests to the different parts of the federal government that are predesignated to provide specific forms of help. But if a nuclear device detonated, or if thousands of Americans were dead from exposure to chemical gas and thousands of others were spontaneously evacuating because they feared exposure, is it realistic to assume that the state government would have the capacity to formulate a formal request to the federal government and marshal state resources into an effective response effort? Would the state government have sufficient situational awareness to assess its needs? Would the state government and local jurisdictions have the physical capacity to retain law and order? Would enough of the state leadership be functioning and able to make informed decisions? States that have extremely well developed emergency management systems and extensive response capabilities, such as New York, Florida, and California, may be able to function relatively effectively even during an event as grave as a nuclear detonation, and thus may be able to use the traditional Stafford Act system of federal assistance. But for many other states, it is not clear that the current system would be sufficient to ensure a robust response.

RECOMMENDATION 6: The next Administration should work closely with state governments to initiate a robust dialogue on the subject of how to balance the need to enable the federal government to directly employ federal resources within a state or states during the most extreme circumstances with the constitutional right of states to self-governance.

The idea of expanding the role of the federal government during a domestic catastrophe is anathema to many in the homeland security community, but the time has come to take the first steps toward adapting the traditional emergency management model to the post-September 11 environment. The Stafford Act already grants the federal government substantial authority during a major disaster:⁶¹

60. Catastrophic Incident Annex to the National Response Framework (Washington DC: Department of Homeland Security, December, 2004) CAT-2, <http://www.fema.gov/emergency/nrf/mainindex.htm>.

61. Under the Stafford Act, the President can designate an incident either as an “emergency” or a “major disaster.” Both authorize the federal government to provide essential assistance to meet immediate threats to life and property, as well as additional disaster relief assistance. The President may, in certain circumstances, declare an “emergency” unilaterally, but may only declare a “major disaster” at the request of a governor that certifies the state and affected local governments are overwhelmed. Under an “emergency,” assistance is limited in scope and may not exceed \$5 million without Presidential approval and notification to Congress. In contrast, for a major disaster, the full complement of Stafford Act programs can be authorized, including long term public infrastructure recovery assistance and consequence management. See *The Federal Response to Hurricane Katrina: Lessons Learned* (Washington, DC: White House, 2006), 18.

In any major disaster, the President may provide accelerated Federal assistance and Federal support where necessary to save lives, prevent human suffering, or mitigate severe damage, which may be provided in the absence of a specific request [from the Governor of the affected State] and in which case the President (A) shall, to the fullest extent practicable, promptly notify and coordinate with officials in a State in which such assistance or support is provided; and (B) shall not, in notifying and coordinating with a State under subparagraph (A), delay or impede the rapid deployment, use, and distribution of critical resources to victims of a major disaster.⁶²

Current policy governing the provision of federal assistance during a catastrophe as outlined in the Catastrophic Incident Annex—expedited deployment of federal resources to federal mobilization centers or staging areas near the incident — does not appear to fully exploit the authority granted to the federal government under this section of the Stafford Act.

A President will surely be willing to take whatever steps are necessary to work with a governor and his or her governing team during a major catastrophe,⁶³ but it is not impossible to imagine scenarios in which state leadership is severely weakened in its ability to orchestrate an effective response effort,⁶⁴ or leaders are in place but the state's physical capacity to execute their decisions is severely degraded. In such cases, it may be appropriate for the federal government to exercise more of the authority granted to it under the Stafford Act than today's plans envision.

The goal of adapting the current system is not to enable the federal government to manage a catastrophe over the objections of a state governor, but rather *to develop in advance an understanding with state governors* so that all agree on the extreme conditions under which the federal government might need to directly employ federal resources within a state or states in order to execute its responsibility to save lives and protect property.

The barriers to making such adaptations to the current domestic emergency management system are largely cultural and psychological rather than legal. Despite the substantial legal authority to act during a catastrophe already given to the federal government by both the Stafford Act and the Insurrection Act, the notion of its taking a more prominent role is extremely politically sensitive, and understandably so. The Bush Administration reportedly approached state governors through the National Governors Association early in its first term to discuss new federal-state approaches to disasters, but this initiative did not bear fruit.

62. Public Law 93-288, *Robert T. Stafford Disaster Relief and Emergency Assistance Act*, as amended June 2007, Title IV, §402 (5).

63. The premium presidents are likely to place on cooperation with state governors was apparent in the “Dark Winter” exercise that CSIS sponsored in 2001 and later briefed to Vice President Cheney early in the first Bush administration. The scenario envisioned a catastrophic smallpox outbreak, which during the exercise rapidly outstripped the ability of government at all levels to manage the crisis. Despite intense disagreements among the various governors and the President about how to manage the crisis, the President went to great lengths to work with governors rather than to assert martial law. See the final script of the exercise, “Dark Winter” Exercise (Johns Hopkins Center for Civilian Biodefense, Center for Strategic and International Studies, ANSER, & Memorial Institute for the Prevention of Terrorism; June 22–23, 2001), http://www.upmc-biosecurity.org/website/events/2001_darkwinter/dark_winter.pdf.

64. Although most states have put in place continuity of government plans that include an order of succession in the event that the governor dies or is incapacitated, in a catastrophic event such as a nuclear detonation in a state capitol, it is possible that the political leadership of the state could be so decimated that the state Cabinet member left in charge after an event would be so far down the list that he or she might have very little real experience or capacity to orchestrate an effective response effort.

The principle that crises are best managed at the lowest level of government possible should remain a fundamental feature of the American approach to domestic emergency management. At the same time, in light of the threats the nation faces in the post-September 11 environment, it is only prudent to ensure that the country's preparedness system includes the ability of the federal government to exercise its full authority under the law to save lives and protect property during a major disaster should a state government be incapacitated or its available resources inadequate. The next Secretary of Homeland Security, with strong backing by the President, should work closely with state governors to begin exploring how the current system could be adapted to make such federal help possible in ways that are mutually acceptable. Given the political sensitivity of this issue, the initiative would need to be handled discreetly at the most senior levels of DHS. A first step might be a face-to-face discussion between the Secretary of Homeland Security and as many state governors as possible, with the Secretary making very clear that the federal government has no intention of developing a process to seize control over the objections of governors. A logical follow-up would be a series of "principals only" tabletop exercises focused on a scenario that envisioned the incapacitation of a state government (or multiple state governments). These would enable senior federal officials and state governors to begin exploring key questions:

- Under what circumstances would it be appropriate for the federal government to employ federal resources directly within a state or states?
- How would the federal government execute this authority? Would the procedures look substantially different than those outlined in the NRF?
- Under what, if any, circumstances could state leadership be judged to be fundamentally incapacitated?
- How could state leadership be restored, if it has been incapacitated at the outset of an event?
- What circumstances, if any, might lead a President to go beyond exercising the full authority of the federal government under the Stafford Act to issue a declaration of martial law?

Such an exercise, or series of exercises, would at least prompt the stakeholders to seriously discuss whether the current emergency management system needs to be adapted for the most extreme circumstances. In the absence of this kind of high-level process, the political taboos around this issue will deter the broader DHS bureaucracy from raising these questions. Unless this concerted effort is undertaken at senior levels, in any future catastrophe that destroys a state government's ability to function the federal government's efforts to play a more prominent role in providing assistance and support will be entirely ad hoc, and thus unlikely to be very effective.

Concluding Observations

Although years have passed since the September 11 attacks took place and the Department of Homeland Security was created, the fundamental relationships governing the American homeland security system are still ill-defined, contested, and confusing—even to the very people in federal, state, and local governments who work on preparedness and response issues every day. Given this continuing confusion and its pernicious effects on preparedness efforts across the board, if another Hurricane Katrina—or something worse—happened tomorrow, it is hard to see how the national response would be dramatically better than it was in September 2005.

The next Administration has an opportunity to sweep away this confusion and lay down explicit guidelines to manage these relationships in the future. First, it should merge the Homeland

Security Council into the existing National Security Council and ensure that the new NSC takes a lead role in developing policy and in overseeing the implementation of that policy. Second, it should establish a clear chain of command inside DHS for incident management that goes from the President all the way down to the DHS representative on the ground in the affected area. The Secretary of Homeland Security has overall responsibility for an incident, as the federal coordinator for incident management. The FEMA Administrator remains the primary adviser to the President, the Secretary of Homeland Security, and the newly merged National Security Council for *emergency management* issues, but he or she is subordinate to the Secretary for overall incident management. The operational chain of command during a catastrophe runs from the President to the Secretary of Homeland Security to the FEMA Administrator to the on-scene senior official; in a new system that individual would be the Lead Federal Coordinator, who would typically be a very senior official in the FEMA regional office in the affected region. The LFC, who would have the authority currently vested in the Federal Coordinating Officer position as detailed in the Stafford Act, would serve as the Secretary of Homeland Security's representative at the scene, thereby eliminating the need for separate FCO and PFO (Principal Federal Official) positions. If more than one person is needed on the ground to handle the political and operational aspects of managing an incident, the LFC could designate one or more deputies to assist him or her; such deputies would report to the LFC.

Once roles inside DHS are spelled out, the next Administration should seek to clarify how the agency itself works with other Cabinet agencies. It should revise HSPD-5 to ensure that the Secretary of Homeland Security has the authority needed to carry out the duties of federal coordinator for domestic incidents and eliminate confusion about how the Secretary's role relates to the roles of the Attorney General and Secretary of Defense. The revision should also state clearly that during a crisis, the Defense Department will not have the federal lead but rather will play a supporting role under the umbrella of the Department of Homeland Security. Finally, the next Administration should begin to explore how to adapt the traditional "pull-push" Stafford Act model of domestic emergency management to the cold realities that the United States is confronting in the foreseeable future. In an era when the threat of weapons of mass destruction being used in the homeland is genuine, the next Administration must begin working with state governments to adapt the traditional domestic emergency management system in ways that enable the federal government to exercise its full authority under the Stafford Act in the most extreme circumstances, while at the same time recognizing the constitutional right of states to self-government. Some of the reforms suggested in this chapter are widely accepted; others, still quite controversial—but if the nation is going to achieve any sort of unity of effort in responding to future catastrophes, they must be undertaken and in fact are overdue.

The next Administration has an opportunity to sweep away this confusion and lay down explicit guidelines to manage these relationships in the future.

3

IMMATURE PROCESSES

The nation's ability to prevent, protect against, prepare for, and respond to future catastrophes rests largely on a well-defined set of governmental relationships. What is the role of the White House? Which agency in the Cabinet will coordinate the overall federal response? How should the federal government interact with state and local governments? But even if those relationships are well defined and functioning smoothly, they alone will not be enough. The people and organizations working to protect this nation must have ways of working and solving problems that guide their efforts, prioritize their activities, and focus their energies so that everyone is coordinating their movements toward the same goal. Without these critical processes—strategy and planning guidance development, a deliberate planning system, identification of requirements, an integrated budget process, and, finally, the development, assessment, and exercising of capabilities—the hard work of all these people and organizations may be scattershot and ineffective.

This chapter will discuss the processes that are critical to building the foundations of American preparedness, beginning with development of an integrated national strategy and ending with the program of exercises that test the capabilities required to carry out that strategy. Because homeland security is relatively new a national security discipline, these processes today are largely nascent; they must be brought to maturity as rapidly as possible in order for the nation to be truly prepared to prevent, protect against, prepare for, and if necessary respond to a future catastrophe.

Strategy and Planning Guidance

The United States government today lacks the ability to take a long-term, integrated approach to addressing national security challenges here and abroad. In fact, the federal government has no effective process for integrated strategic planning.¹ In the process that does exist, the homeland security component is separated from other overlapping national strategies. This fundamental disconnect makes it extraordinarily difficult to determine overarching priorities, much less to develop plans and support the capabilities necessary to execute those priorities most effectively.

As CSIS's *Beyond Goldwater-Nichols Phase 2* report observed, greater unity of effort in U.S. national security policy will not happen on its own.² Strategic planning today is frequently crowded out by the immediate issues that are addressed in the day-to-day decisionmaking of senior government officials. Their time is consumed by meetings to resolve interagency differences, consultations with legislators on Capitol Hill, negotiations with their foreign counterparts, and efforts to

1. Michèle A. Flournoy and Shawn W. Brimley, "Strategic Planning for National Security: A New Project Solarium," *Joint Forces Quarterly* 41, 2nd quarter, 2006, 80.

2. Clark A. Murdock and Michèle A. Flournoy, *Beyond Goldwater-Nichols: U.S. Government & Defense Reform for a New Strategic Era, Phase 2 Report* (Washington, DC: Center for Strategic and International Studies, 2005), 7.

manage public perceptions. They rarely have an opportunity to stand back and try to gaze over the horizon in a way that will aid them in setting priorities.³

Strategic planning at the interagency level is further hindered by the division of issues between the two critical U.S. government policy coordinating structures: the National Security Council and Homeland Security Council. In reality, the nation's strategic priorities cut across the areas of responsibility of these two bodies and the interagency committees that are subordinate to them. Policies that ultimately are designed to protect the homeland have both an international and a national component and must be addressed in an integrated way. Setting priorities is difficult enough when structures are in place that promote integration; this organizational bifurcation makes the challenges even greater.

Reflecting these divisions in governmental structures, the national strategy documents produced by the U.S. government are also bifurcated. The Bush Administration, for example, has produced two versions of the National Security Strategy of the United States of America, the first in 2002 and the second in 2006, and two homeland security strategy documents (the National Strategy for Homeland Security), in 2002 and in 2007. Although there may have been reasons to develop separate national security and homeland security strategies in the immediate aftermath of the September 11 attacks, the government's treatment of these issues has matured sufficiently that it is now appropriate to integrate the international and domestic aspects of U.S. security. In reality, preventing terrorism in the United States requires activities overseas as well as at home. Conversely, the nation must address radicalization not just in countries overseas but also here inside the United States. Terrorists must be sought and captured overseas, but the government also must have a strategy to strengthen our borders so that adversaries who elude detection cannot enter the country when they arrive on its shores.⁴ These activities are not designed to achieve two separate kinds of security: all are efforts to achieve U.S. national security.

As noted in Chapter 1, there are several other national strategies to achieve objectives such as combating terrorism that relate to or overlap with these two capstone security strategies. Each serves a specific purpose and builds on goals outlined in the two core documents, but it can be difficult to determine how all these strategies fit together.

Officials who address national security—in the White House, the State Department, the Defense Department, the Department of Homeland Security, and other agencies—need a more effective and stronger architecture for policy development, implementation, and oversight. This architecture must support the development of strategic policy objectives that are then translated

Officials who address national security—in the White House, the State Department, the Defense Department, the Department of Homeland Security, and other agencies—need a more effective and stronger architecture for policy development, implementation, and oversight.

3. Clark A. Murdock and Michèle A. Flournoy, *Beyond Goldwater-Nichols: U.S. Government & Defense Reform for a New Strategic Era, Phase 2 Report* (Washington, DC: Center for Strategic and International Studies, 2005), 27.

4. P. J. Crowley, *Safe at Home: A National Security Strategy to Protect the American Homeland, the Real Central Front* (Washington, DC: Center for American Progress, 2006), 42.

into executable policy initiatives, resourced according to their strategic priority, and implemented with oversight sufficiently rigorous to ensure that they have a chance to succeed. A key element of a stronger architecture should be the creation of a single national security strategy that integrates the “home” and “away” games and sets policy priorities across the board. This single, integrated national security strategy would serve as the umbrella for subordinate strategy documents that may describe particular mission areas in more detail.

RECOMMENDATION 7: The next Administration should conduct a Quadrennial National Security Review (QNSR) to develop U.S. national security strategy and determine the capabilities required to implement the strategy.

At the outset of each presidential term, the White House should lead a Quadrennial National Security Review.⁵ The review should be conducted and concluded within the first several months of the new term. This is the period that affords the greatest opportunity for establishing or shifting strategic direction. The review should be led at senior levels (i.e., by the National Security Adviser or his or her deputy). Its primary objective should be to establish key policy priorities. The review would engage the relevant national security agencies and produce two major documents: an integrated national security planning guidance for the most critical national security priorities and a public National Security Strategy, which would include treatment of homeland security issues.

National security planning guidance developed as part of the QNSR would provide agencies with detailed internal instructions for executing the strategy and would serve as the foundation for the public national security strategy required by Congress. The development of separate and more detailed strategy reviews that address particular mission areas—for example, the Quadrennial Defense Review and the recently legislated (and not yet executed) Quadrennial Homeland Security Review (QHSR)—would then be based on this guidance.⁶

Congress intends the QHSR to serve as a comprehensive examination of the National Strategy for Homeland Security, resulting in recommendations on long-term homeland security strategy and program priorities as well as guidance on the capabilities, policies, authorities, and resources necessary for the Department of Homeland Security. The QHSR is to be conducted by the Department of Homeland Security, in consultation with other agencies and other relevant governmental and nongovernmental entities.

The law requires the QHSR to be conducted at the outset of a new Administration; thus the first review will occur in fiscal year 2009. Because the QNSR will consider only a select set of major national security priorities, the QHSR will remain the primary venue for addressing in detail the full range of homeland security strategy, planning, and resourcing challenges. It will be a significant undertaking, both because of its inherently interagency and intergovernmental scope and because it will be the first review of this nature conducted by DHS, which is still a young bureaucracy. Work on the review can begin in parallel with that on the QNSR recommended above, but the final QNSR should be issued first, before fundamental decisions are made about the QHSR.

5. See Clark A. Murdock and Michèle A. Flournoy, *Beyond Goldwater-Nichols: U.S. Government & Defense Reform for a New Strategic Era, Phase 2 Report* (Washington, DC: Center for Strategic and International Studies, 2005), 28. The authors of this report were contributing authors for the Phase 2 report. The 2006 Quadrennial Defense Review also recommended a QNSR. *2006 Quadrennial Defense Review Report* (Washington, DC: Department of Defense 2006), 85. See also Kathleen Hicks, *Invigorating Defense Governance* (Washington, DC: Center for Strategic & International Studies, March 2008), 19.

6. *Implementing the Recommendations of the 9/11 Commission Act of 2007*, 110th Congress, 1st Sess., 2007.

RECOMMENDATION 8: The next Administration should create a National Security Planning Guidance (NSPG) to be coordinated and reviewed by the reconfigured National Security Council and signed by the President.

One major product of the QNSR should be a National Security Planning Guidance. This document would translate the top national security objectives of the President into detailed approaches to achieve them. The National Security Planning Guidance therefore should address a select set of national security priorities and should specify lead agency responsibilities, priority program areas, and associated timelines for the implementation of major planning objectives. In addition, this guidance would be the starting point for Cabinet agencies to develop their own more detailed planning documents, ideally in mutual consultation. The NSPG should provide detail with respect to the mission priorities to meet national security objectives. It will most likely be classified, although in some areas—particularly those where the guidance needs to be shared with state and local stakeholders—the government may find it advantageous to keep classification to a minimum.

Beyond the problem of determining the appropriate process, the human capacity to conduct strategic planning is limited in many agencies—and the capacity to do so on an interagency basis is even more limited. As a result of the 1993 Government Performance Results Act (GPRA), agencies have been required to prepare annual performance plans that tie together strategy and resources. They have discovered that approaches to strategic planning vary widely throughout the federal government, as does the lexicon of planning. For example, the terms “strategy” and “policy” are used interchangeably. Planning associated with the development of resource priorities is conducted in very different ways in different agencies, none of which has the planning resources of the Department of Defense. Planning on an interagency-wide basis has a foundation in the GPRA-related planning offices, but that capacity is still far too limited to be effective, and this endeavor requires skills that remain in scarce supply. Active duty and retired military planners have become a principal source of talent for initiatives in the homeland security realm, but individuals with a more diverse set of skills and experiences must be sought—a need made even more urgent by the multidisciplinary nature of homeland security.

Because a strong strategy development and planning process is critical to the nation’s overall preparedness, it is essential that the next Administration find a way to dramatically strengthen the strategic planning capacity of the federal government. It is also essential that these processes effectively integrate national and homeland security issues and connect policy priorities to plans and resources. As discussed in Chapter 2, the inherent complexities of the national security and homeland security challenges facing the United States today—together with the premium that the U.S. government, by its very structure, places on coordination rather than directive authority—make it imperative to place in the White House a very strong strategic planning capacity that can lead and integrate planning throughout the rest of the interagency.

...it is essential that the next Administration find a way to dramatically strengthen the strategic planning capacity of the federal government.

RECOMMENDATION 9: The next Administration should create a Senior Director for Strategic Planning in the merged National Security Council to lead interagency strategic planning efforts and oversee their implementation.

To create the structural capacity to conduct these reviews, the National Security Council should create a modest but powerful staff dedicated to strategic planning.⁷ This directorate would have at least 10–15 people who would be detailed to the NSC, drawn not only from traditional national security fields but also from the fields that have become essential to the homeland security disciplines, such as emergency management and law enforcement. Individuals with both extensive operational experience in the field and training in strategic planning would be of particular value.

The senior director leading this office would chair the interagency group that provides staff support to the Quadrennial National Security Review and would be responsible for developing the National Security Planning Guidance. Because of its interagency character, this planning direc-

torate would play a strong role in the development of the Quadrennial Homeland Security Review and of the internal planning guidance that will guide the implementation of the QHSR's primary components. Ideally, this directorate would also play a role in assessing whether interagency strategies are being implemented fully and in a way that reflects the priorities that have been established. Carrying out such assessments will require a different expertise than that of more traditional strategic planners, as it will emphasize performance measurement and program analysis based on an ability to reach back into Cabinet agencies to understand ongoing activities. To develop the cadre of officials needed to support a strategic planning capacity of this breadth and depth, individuals must be given opportunities for training and professional development (discussed in more detail in Chapter 4).

“When there’s a crisis, no one says hand me the strategy.”

Assistant Secretary of Defense for Homeland Defense Paul McHale

Operational Planning

Setting strategy at the national level is critical to defining objectives and determining priorities, but its implementation is what ultimately determines whether the strategy succeeds or fails. Deliberate planning—the structured development of operational plans to prevent and protect against catastrophic events, and to respond to those events if they do occur—is a core element of implementing a strategy to secure the homeland. As Assistant Secretary of Defense for Homeland Defense Paul McHale once observed, “When there’s a crisis, no one says hand me the strategy.”⁸

Advance planning is the bedrock of preparedness, yet the nation is not where it needs to be at any level—federal, state, or local—in its planning for the next disaster. If the nation fails to plan its response to potential attacks, then neither the greatness of the country’s leaders at the time

7. Clark A. Murdock and Michèle A. Flournoy, *Beyond Goldwater-Nichols: U.S. Government & Defense Reform for a New Strategic Era, Phase 2 Report* (Washington, DC: Center for Strategic and International Studies, 2005), 30.

8. Assistant Secretary of Defense for Homeland Defense Paul McHale speaking at a CSIS-sponsored conference titled “The Commission on the National Guard and Reserves Report: Where Do We Go from Here?” (Washington, DC, April 2, 2008).

nor the quality of the nation's disaster response capabilities will be enough to ensure success. The complexity of responding to a catastrophe in today's environment means that even most capable and decisive leaders, drawing on a wealth of capabilities across the government, cannot launch a successful response in the absence of a plan to apply those capabilities effectively and to coordinate their command and control. Planning how the federal government will respond to future catastrophes and how the federal government intends to work with state and local governments, as well as private-sector and nongovernmental organizations, during a catastrophe is critical to preparing the nation to weather a future disastrous event.

Unfortunately, most of the federal government does not have much experience with deliberate planning; as a result, the need is urgent to focus intensely on devising plans to address future catastrophes and, more broadly, on building a robust, mature planning culture—not just at the federal level but also within state and local governments.⁹ Several factors have significantly hampered planning efforts to date. First and fundamentally, planning for a major catastrophe in the United States intrinsically is extremely complicated. The sheer number of stakeholders that would need to be involved in a response effort, coupled with the complexity of the political, legal, economic, and social landscape, makes planning for a catastrophe just plain hard. But even given the task's inherent difficulty, the U.S. government should be further along in its planning. One reason for the lag is the absence of a planning culture—personnel have relatively little expertise in conducting the core business of actually developing plans. Confusion and disagreement over roles and responsibilities, with the attendant bureaucratic infighting, have also acted as a drag on planning efforts. Finally, bureaucratic infighting throughout the interagency has persisted, in part because of the absence of strong oversight by the White House, which also has contributed to slow major decisionmaking in the planning arena.

With a few minor exceptions, only the Department of Defense routinely plans for major contingencies—and as the case of Iraq amply demonstrates, its planning process is far from perfect. Moreover, even the Defense Department does not have extensive experience when it comes to advance planning for large-scale disasters or civil disturbances in the U.S. homeland. U.S. Northern Command (NORTHCOM), the major military command charged with responsibility for conducting the military planning for domestic events, began seriously developing plans only in 2005, more than two years after its creation. Currently NORTHCOM has a number of “concept plans” developed, including the CBRNE (Chemical, Biological, Radiological, Nuclear, and High-Yield Explosives) Consequence Management Concept Plan and the Defense Support of Civil Authorities plan, which addresses each of the 15 National Planning Scenarios that may require NORTHCOM's support.¹⁰ These plans are classified but it is worth noting that they, unlike full-fledged operational plans, can be as basic as a 10-slide PowerPoint briefing. NORTHCOM also has completed the Defense Department's Global Synchronization Plan for Pandemic Influenza. Although NORTHCOM has clearly made progress in this regard in the past two years, some experts still question whether it has developed sufficient plans to be militarily ready for future disasters.¹¹

9. Development of a planning culture at the federal level would also strengthen the ability of the U.S. government to conduct more effective overseas operations, particularly in terms of disaster response and stability and reconstruction efforts.

10. Statement of General Victor E. Renuart Jr., USAF, Commander United States Northern Command and North American Aerospace Defense Command before the Senate Armed Services Committee, March 6, 2008, 5–7.

11. *Transforming the National Guard and Reserves into a 21st-Century Operational Force*, Final Report to Congress and the Secretary of Defense, January 31, 2008 (Arlington, VA: Commission on the National Guard and Reserves, 2008), 13; *Homeland Defense: U.S. Northern Command Has Made Progress but Needs to*

Because most federal agencies do not have deployable personnel that participate in large numbers on the ground during crisis operations, these agencies have generally not perceived a requirement to conduct deliberate planning for potential future operations. Because most non-DoD agencies do not routinely create such plans, planning efforts—to the extent they do exist—vary widely from agency to agency in their process, terminology, and level of standardization. The absence of a common framework for thinking and talking about deliberate planning to manage catastrophes in the homeland has made this difficult task even harder.

Efforts to begin an interagency planning process were under way in early 2005 but made very slow progress, for all the reasons given above. An early building block was development and approval at the Cabinet Secretary level of what are now known as the 15 National Planning Scenarios. Although getting the scenarios approved was very time-consuming, they eventually became the focus of interagency planning efforts.¹² Yet despite approval of the 15 NPS and related planning products, such as a draft Universal Task List and draft Target Capabilities List, no detailed plans for a major federal response effort of any kind were on the shelf when Hurricane Katrina made landfall in August 2005.

The failed response to Hurricane Katrina drew added attention to the need to develop a much more robust planning system, as noted in the White House lessons learned report. In 2006 DHS created the interagency Incident Management Planning Team in an intentional attempt to significantly engage all agencies in the planning process and break down departmental stovepipes. The planning cell is staffed by 53 personnel—15 full-time planners among them—from across the interagency. As part of its initial development, the IMPT created a two-week training course for its new staff on deliberate planning. As word of the IMPT and its work filtered out beyond DHS and into the wider homeland security community, there has been tremendous demand for its training course on planning—a demand that reflects recognition of the huge need to build a more robust planning culture at all levels of government.¹³ The IMPT selected the 10-kiloton nuclear detonation scenario as its test case, and in August 2006 it began work to develop a more detailed federal plan to address this unlikely but devastating potential event.

Having identified its own need for a planning capability, in early 2007 FEMA established a new organization called the Operational Planning Unit. The OPU consists of approximately 12–15 personnel; not surprisingly, given the military's dominance in the planning arena, many of them are former or retired military officers, though several are civilians with emergency management or first responder experience. Because of its long experience with the Emergency Support Functions under the National Response Framework and its predecessors, FEMA's planning office focuses largely on detailed planning for likely near-term occurrences, such as the annual hurricane season and scheduled special events (e.g., the political conventions). The OPU also has worked closely since its creation with planners at U.S. Northern Command, and it liaises with planners at the state and local levels.

Address Force Allocation, Readiness Tracking Gaps and Other Issues (Washington, DC: Government Accountability Office, April 2008), 6.

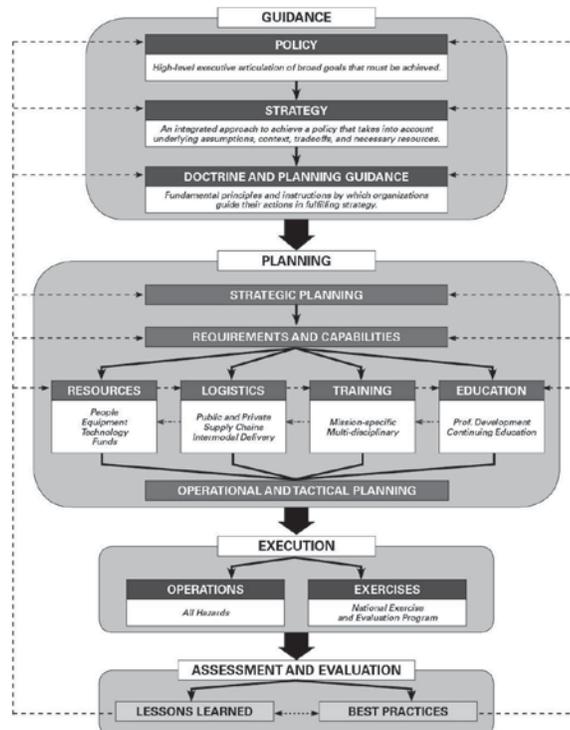
12. The NPS were not originally intended to be the foundation of interagency deliberate planning efforts, but rather were designed to be a planning and exercise tool for the federal, state and local levels of government. In the absence of other clear alternatives, the NPS evolved gradually into the focus of deliberate planning activity, particularly within the Department of Homeland Security. Because the NPS were not created at the outset to be the foundation of federal interagency planning, many argue they do not necessarily reflect the highest risk scenarios and are at best an imperfect starting point for detailed planning and identification of necessary requirements.

13. Demand for the training course has been so large it has far outstripped the ability of the IMPT to provide training and conduct its core mission of actual planning. Unfortunately no organization outside the IMPT has come forward to provide the IMPT-developed course on a regular basis.

Despite its interagency structure, the IMPT has confronted significant obstacles to gaining intra-agency and interagency cooperation. Inside DHS—mirroring the broader bureaucratic tensions between DHS headquarters and FEMA, as well as the reempowerment of FEMA under the Post-Katrina Emergency Management Reform Act (PKEMRA)—the relation between the planning roles of the IMPT and of FEMA’s Operational Planning Unit has been and continues to be the subject of considerable debate. Nor did the IMPT always receive full cooperation from agencies outside DHS. In some cases, the personnel detailed to it were not given the power to develop what their respective agencies might contribute to specific scenarios. In other cases, agencies did not send their most capable personnel, perhaps because the newness of IMPT made them cautious or, in a more cynical interpretation, because they doubted that the IMPT would succeed in its mission. Moreover, the challenges facing the Homeland Security Council (described in Chapter 2) left that body without the resources to closely monitor the IMPT’s work or to function as an effective mediator for the IMPT when it did not get the cooperation it needed from the interagency.

In what may have been an effort to overcome these difficulties, in December 2007 the Homeland Security Council released an annex to Homeland Security Presidential Directive 8, “National Preparedness,” in December 2007. Annex I, “National Planning,” was intended to spur the development of a more formal planning process and to codify some of the roles and responsibilities that were beginning to emerge at the federal level. Annex I seeks to formally establish “a standard and comprehensive approach to national planning. It is meant to provide guidance for conducting planning in accordance with the Homeland Security Management System in the National Strategy for Homeland Security of 2007.”¹⁴ Figure 2 depicts the Homeland Security Management System.

Figure 2. Homeland Security Management System



14. *Homeland Security Presidential Directive 8 Annex 1* (Washington, DC: Homeland Security Council, 2007), http://www.dhs.gov/xabout/laws/gc_1199894121015.shtm

Annex I directs the Department of Homeland Security to develop an Integrated Planning System (IPS) that will provide common processes for developing plans and describing “national planning doctrine and planning guidance.”¹⁵ The annex also directs DHS to develop a National Homeland Security Plan (NHSP) to provide an overarching strategic plan that will guide national efforts to execute the National Strategy for Homeland Security. Both the NHSP and IPS were to be completed by April 2008, but that deadline was not met. It is not clear whether the NHSP or the IPS will be signed by the Secretary of Homeland Security before January 2009, or whether the incoming Administration will implement either or both if they are.

What the next Administration chooses to make of a planning system developed by the current Administration remains to be seen, but it is painfully clear that an integrated, interagency process is desperately needed and long overdue. It is simply not acceptable that almost seven years after the September 11 attacks the federal government still does not have interagency plans to prevent, protect against, and respond to high-risk catastrophes. For the planning system to fully succeed and be truly integrated across the interagency, it would need to be developed in close coordination with staff at the White House. An NSC that has been merged with the HSC and its staff would then need to provide strategic-level planning guidance. The result would be an empowered interagency organization, responsible for developing more detailed plans at the federal level across the full spectrum of prevention, protection, and response functions. The planning system would need to clarify the roles and responsibilities of interagency planning entities and begin development of a common planning lexicon. Ultimately this planning system would issue operational plans submitted for the approval of the President of the United States. But above all, the nation needs a planning system that exists—even if at first only in rudimentary form—not simply ideas on paper.

RECOMMENDATION 10: The NSC Directorate for Strategic Planning should play a central role in guiding the integrated planning effort and ensuring that it produces viable planning products.

In addition to leading the QNSR and developing the NSPG, a new and robust Strategic Planning Directorate in the National Security Council would also have primary responsibility for guiding and overseeing the integrated planning system for homeland security.¹⁶ The Strategic Planning Directorate would *not* develop the plans themselves, but it would lead the interagency effort to produce the strategic planning guidance that will shape the more detailed planning effort. This planning guidance, which would set basic assumptions, priorities, constraints, and trade-off areas, might be issued every year or two. Should the interagency organization that is drawing up the actual detailed plans fail to get the cooperation it needs from one or another federal department, the Strategic Planning Directorate would step in, applying pressure to any recalcitrant parties by emphasizing the importance of the planning effort to the President’s national security goals and objectives. Once the more detailed plans are developed, the Strategic Planning Directorate will spearhead the approval process, guiding the draft plans through the Deputies Committee to the Principals Committee and ultimately to the President for his or her signature.

The inherently interagency nature of the planning process requires that there be strong White House oversight to ensure full, consistent cooperation across all departments, to make certain that

15. Ibid.

16. As noted earlier, to execute these diverse and complex tasks as well as run the QNSR process and participate vigorously in the interagency Cabinet-level quadrennial reviews, this new directorate will require at least 10–15 personnel—a far more substantial unit than the 1- or 2-person strategic planning shop that has occasionally been a part of past National Security Council organizations.

the plans reflect the strategic guidance, to mediate and resolve any interagency disputes that arise during the process, and, finally, to shepherd the plans through the approval process so that they can be signed by the President.

RECOMMENDATION 11: The National Security Adviser and Secretary of Homeland Security should establish a robust interagency organization, overseen by the NSC but housed within DHS, that is responsible for day-to-day implementation of the planning system, including the development of operational plans to be signed by the President.

Detailed interagency planning cannot succeed if the plans are developed largely by representatives from only one federal department. Although the future of the Incident Management Planning Team is uncertain, it is clear that whatever organization is made responsible for developing operational plans in the next Administration will need to be composed of representatives from across the interagency. Given the role of the Secretary of Homeland Security under HSPD-5, it is probably appropriate that the organization responsible for development of detailed federal-level plans be physically housed in DHS. At the same time, it is critical that the planning organization have a very close working relationship with the NSC Strategic Planning Directorate—a relationship that should include the ability, if necessary, to call on the NSC staff to enforce cooperation from the interagency. If the planning cell is perceived as wholly a creature of DHS, or as only weakly supported by the NSC organization, it is unlikely to accomplish its mission. Experience to date proves that by itself, DHS lacks the capacity to compel interagency cooperation and, further, that members of the interagency will not engage in meaningful participation in planning activities that are perceived to threaten departmental interests unless they are compelled to do so by the one organization that represents the President’s agenda: the National Security Council.

This interagency planning organization housed in DHS should be responsible for developing operational plans based on the National Planning Scenarios that identify in sufficient detail the types and quantities of capabilities needed to execute the concept of operations for each plan. These plans should also clearly delineate roles and responsibilities at the federal level, and should at least suggest time-phased allocations of the capabilities needed to execute the plan, on the model of the time-phased deployment lists that are a standard element in military contingency plans. Finally, they should incorporate realistic assumptions about state and local capabilities—including National Guard forces—that are likely to be available during the various phases of the operation, which will require close cooperation with state and local organizations.

The interagency has very little experience in developing integrated operational plans to address the “post-event” phase of a catastrophe, and even less with plans for the “pre-event” phase—for example, a scenario in which the federal government has credible intelligence that there is a “loose nuke” inside the United States but lacks specific information about the weapon’s location. Integrated operational plans clearly are needed to address this phase of a potential event as well, but they will probably continue for some time to remain less fully realized than those covering the

The inherently interagency nature of the planning process requires that there be strong White House oversight to ensure full, consistent cooperation across all departments...

post-event phase because the interagency has so little experience in this area. Because the National Counterterrorism Center is doing the most advanced work at the federal level in the area of pre-event planning, its work may offer a useful starting point.

For most federal agencies, sending only a single individual to serve in the interagency planning cell will probably suffice, but because of the unique nature of the Defense Department—and the potentially very significant support it may have to provide in a catastrophe—it will likely need to send a number of representatives from key DoD components, including the Office of the Secretary of Defense and the Joint Staff, to cover the policy level; U.S. Northern Command, as the combatant command charged with the missions of homeland defense and civil support for the continental United States; and the National Guard Bureau, in light of the critical role that the National Guard will surely play in most major homeland events. U.S. Pacific Command, which is responsible for the non-continental United States, may also need to be represented.

The operational plans developed by this interagency cell housed in DHS should ultimately be approved by the President, despite the political risks associated with linking the President so directly to the plans for responding to catastrophes. The military plans that govern potential military operations are approved by the official with authority over those operations, the Secretary of Defense. Similarly, plans to manage catastrophes inside the United States that genuinely cross agency boundaries should be approved by the individual who has authority over the entire interagency: the President of the United States. If the interagency operational plans are signed only by the Secretary of Homeland Security rather than the President, as envisioned by Annex I, some federal agencies may not see those plans as carrying the full authority of the President and hence will not prepare to execute them as thoroughly as is necessary.¹⁷

Homeland security planning presents special challenges because it must incorporate preparedness and response capacities at the state and local levels. Achieving the necessary transparency into the status of state and local planning across the nation may be an even greater challenge than coordinating across federal agencies. As Annex I to HSPD-8 makes clear, a key preparedness objective is to integrate planning across federal, state, and local jurisdictions. Although the American system of government does not readily accommodate such vertical integration, the obstacles to it must be overcome. This effort is vital for several reasons, but principally because the preparedness and response system is designed to act where state and local capacities are insufficient. It is critical, therefore, that federal planning accurately account for state and local capabilities and the plans in place for deploying them.

A healthy consultative planning process will also be essential in creating the relationships and building the trust and credibility between federal, state, and local officials that are necessary if the nation is to respond effectively to a catastrophe. In recent years, officials from state and local governments have complained consistently and repeatedly that they are disconnected from the policy development process in Washington.¹⁸ Many point out that although there are consultative and advisory boards in place, consultations typically involve only a select few—the “usual suspects”—who are perceived, fairly or unfairly, as having been co-opted by federal officials.

RECOMMENDATION 12: DHS should create and maintain structures that integrate state and local plans with planning at the federal level.

17. Alternatively, the President might approve the strategic planning guidance rather than the plans themselves, following the pattern of presidential approval for DoD's Guidance for Employment of the Force, but this approach would not be as effective in ensuring that federal departments plan, program, budget, train, and exercise to the degree required for successful execution of the specific plans.

18. National Governors Association, “2007 State Homeland Security Directors Survey,” 2007, 1.

Several steps must be taken to more effectively integrate state and local planning efforts into the federal planning process. First, within the strengthened FEMA regions (discussed more fully in Chapter 4), FEMA Regional Administrators (RAs) should have in place a consultative process that encourages transparency between all levels. These RAs should also be positioned to serve as liaisons and provide the relevant state and local authorities with some insights into the federal planning process and its implications for the state and local levels. Second, the other DHS entities and other federal agencies that operate at the regional and local levels also must create transparency throughout their networks on the planning side, not just on the operational side. To that end, it may be necessary to make eligibility for grant funds that support state and local planning activities conditional on the recipients' periodic consultation with federal officials. Third, the Homeland Security Advisory Council, which reports to the Secretary of Homeland Security,¹⁹ should vet planning guidance as it is developed. Finally, the National Security Council should consider establishing a consultative mechanism—perhaps relying on existing groups, such as the National Governors Association—that provides direct contact with the states and major municipalities.

Requirements

To date, the Department of Homeland Security has not fulfilled its responsibility as the lead agency for developing the requirements necessary to respond to catastrophic events.²⁰ A major reason for this failure is that the department has not yet established an interagency planning process that would significantly inform how it identifies those requirements. In the absence of defined requirements, federal agencies may choose not to develop capabilities, perhaps because they resist taking on the homeland security mission or simply lack resources, or may develop too much or not enough of a needed capability.

A functioning planning process would enable the interagency both to clearly delineate agency roles and responsibilities and to define the requirements for fulfilling preparedness and response plans. Identifying requirements should include determining the kinds of capabilities necessary, the agencies responsible for specific capabilities, the needed target levels of capabilities, and the performance levels for those target levels.

RECOMMENDATION 13: The interagency planning organization housed within DHS needs to develop requirements, with associated performance objectives and evaluative metrics, for the federal departments.

Agencies of the federal government need to understand what capabilities they should have available to respond to a catastrophe and how those capabilities need to be developed in order for the nation to be prepared. At the federal level, a robust interagency planning process that reflects

To date, the Department of Homeland Security has not fulfilled its responsibility as the lead agency for developing the requirements necessary to respond to catastrophic events.

19. *Homeland Security Advisory Council Charter* (Washington, DC: Department of Homeland Security, February 2007), http://www.dhs.gov/xlibrary/assets/HSAC_Charter.pdf.

20. *Transforming the National Guard and Reserves into a 21st-Century Operational Force*, 13.

an understanding of agency roles and responsibilities should drive the identification of requirements.

Most federal agencies already have some sense, based on past experience, of the types of capabilities they will be able to bring to a response effort, but the planning process outlined above would provide much of the information needed to identify any gaps in requirements development and would shed light on their appropriate target capability levels. Overseeing the requirements generation process and validating the requirements that emerge so that they can be fed into the resourcing processes of the various Cabinet agencies will be the responsibility of the NSC Strategic Planning Directorate.

RECOMMENDATION 14: DHS, working closely with the interagency, should coordinate a baseline survey of federal capabilities and maintain a database of federal capabilities as part of the national preparedness system.

At the same time as it works to identify needed requirements and to target capability levels for those requirements, DHS should lead an interagency effort to survey existing federal capabilities that could be used to respond to a catastrophic event. This initiative to establish baselines would enable the federal government to assess potential capability gaps as well as overlaps in agencies' target capability levels, thereby providing a sense of the current readiness of federal capabilities.

Budget

The budget process ideally should serve as the mechanism that translates the analytical results of the planning process into real capabilities in the field. It should promote decisions on funding needs that consider all agencies and, once the plans are approved, decisions on spending that reflect priorities in filling the capability gaps. Achieving this ideal is enormously difficult, however. Even within DHS, little realignment of resources has occurred among the 22 legacy agencies that now constitute the department, though it has established a planning, programming, budget, and evaluation process and its overall budget has increased 40 percent since its creation in 2002.²¹ And homeland security is truly an interagency enterprise: only about half of the federal dollars that the federal government spent in fiscal year 2007 on that function were within DHS.²² To establish an interagency process that is sufficiently disciplined to make and enforce tough decisions across mission areas and priorities will be a tremendous challenge.

Today, the budget process lacks integration across mission areas that are supported by more than one agency. Agencies develop budgets under broad guidance from the Office of Management and Budget but generally without any means of developing or reviewing their decisions about resource allocation in a way that takes into account the plans of other agencies. The budget review process at OMB, undertaken before the President's budget is submitted to Congress, generally proceeds agency by agency. The examination of programs that support common mission areas on a cross-agency basis tends to be the exception, not the rule. OMB does issue a report on total federal activities and budgets for homeland security, which appears in the *Analytical Perspectives* volume of the federal budget, but this is created *after* the various agencies' budgets are already approved and submitted to Congress.

21. Cindy Williams, "Paying for Homeland Security: Show Me the Money," MIT Center for International Studies, Cambridge, MA, 2007, 1.

22. Cindy Williams, "Strengthening Homeland Security: Reforming Planning and Resource Allocation," IBM Center for the Business of Government, Washington, DC, 2008, 12.

RECOMMENDATION 15: The next Administration should create a partnership between the Office of Management and Budget and the NSC Strategic Planning Directorate to lead the development of integrated budget planning across homeland security mission areas.

One structural change that would address the challenge of better aligning resources and plans would be to institutionalize a partnership between the Office of Management and Budget and the new National Security Council Strategic Planning Directorate so that together they can develop a budget integrated across homeland security mission areas.²³ This new budget process should entail a front-end review of agency budget proposals in the planning stages, led jointly by OMB and the NSC, and which would build on the budget hearing process in place today. These joint OMB/NSC reviews would examine agency budget proposals from all mission areas and programs. Once priorities, capability gaps, overlaps, and shortfalls have been identified, those results must feed into decisions about agencies' respective budgets. This homeland security budget examination process should begin with joint reviews in the summer, well before the fall agency budget submissions to OMB that will be the basis for final decisions on individual agencies' budgets for the President's budget request. Joint OMB/NSC reviews would be held again in the fall, as part of the process of finalizing the President's budget submission to Congress. When relevant, programs associated with specific mission areas should be presented and reviewed in a crosscut so that decisionmakers can view expenditures on the activities and programs that support missions across agencies. The final budget submission to Congress could then include proposals presented not only by mission areas but also by major programs that support the mission requirements. The first Quadrennial Homeland Security Review, due to Congress by the end of 2009, should provide a starting point for the development and implementation of this process.

Such a White House-led process demands an NSC-OMB partnership that does not exist today on an institutionalized basis. The current HSC, NSC and other Executive Office of the President staff do participate in the OMB budget reviews and do work closely with OMB in many specific priority issue areas, but they do not do so systematically. There has not been a senior official or office within the HSC or NSC dedicated to the task of ensuring that resources are aligned with stated priorities across the spectrum of homeland security activities.

Institutionalizing this kind of cooperation and coordination would require that the NSC and OMB jointly review agency budgets, as described above. NSC staff participation should be led by the Strategic Planning Directorate but should also include the other members of the NSC staff with deep knowledge of the particular subject matter areas. OMB homeland security cross-agency review and related budget decisions in the fall on final agency budget submissions should be undertaken in consultation with the NSC staff.

To facilitate this integrated review across mission areas, a new OMB staff group should be developed that will act as a major partner in the process. With not just budget knowledge but also significant policy expertise, it would be able to evaluate programs and judge the how well they would support stated policy objectives at a given funding level. Such a blend of experience would be similar to that which has traditionally been required within the office of Program Analysis and Evaluation in the Department of Defense.²⁴ This new OMB staff group would require personnel with policy as well as budget expertise; conversely, the NSC Strategic Planning Directorate would need to have personnel with budget in addition to planning experience.

23. Clark A. Murdock and Michèle A. Flournoy, *Beyond Goldwater-Nichols: U.S. Government & Defense Reform for a New Strategic Era, Phase 2 Report* (Washington, DC: Center for Strategic and International Studies, 2005), 34-36.

24. This idea emerged from discussions with Dr. Gordon Adams, former Associate Director for National Security and International Affairs at the Office of Management and Budget.

To improve federal budget and account structures, the next Administration and next Congress should also strongly consider creating a new homeland security budget function that includes all federal homeland security activities. Such a step would create consistency over time in how homeland security spending proposals across missions areas judged and overseen, and it would facilitate an integrated approach to making decisions about federal homeland security resources.²⁵

Capabilities Development, Assessment, and Exercises

Capabilities Development

Developing capabilities at the state and local levels is a central component of a fully developed preparedness system. However, as is also true of federal plans and requirements, efforts to build a process to develop and assess capabilities at the state and local level are now only at a nascent stage of development. Here, as in the planning process, the inherent complexity of the task has slowed development. All levels of government must be prepared to respond to a wide range of hazards,

Defining what capabilities are needed in what quantities and at what level of sophistication is a very complex task, and determining how to measure progress toward these capability objectives is even more difficult.

both natural and man-made, and the responses will require a broad range of capabilities. Defining what capabilities are needed in what quantities and at what level of sophistication is a very complex task, and determining how to measure progress toward these capability objectives is even more difficult. Moreover, many government organizations at the federal, state, and local levels possess neither accurate knowledge of what capabilities they already have nor a rough sense of the state of readiness of those assets.

Efforts to define the capabilities needed to respond to catastrophes at home and to develop a preparedness assessment system began with the publication in December 2003 of Homeland Security Presidential Directive 8, “National Preparedness.” HSPD-8 directed DHS to develop a national preparedness goal that would “establish measurable readiness priorities and targets” and would also include “readiness metrics and . . . standards for preparedness assessments.”²⁶ DHS issued the Interim National Preparedness Goal in March 2005. As part of its development of the preparedness system called for in HSPD-8, DHS began working on a Universal Task List, drawn from the National Planning Scenarios. The

Universal Task List, as its name implies, was intended to capture all the tasks that federal, state, and local governments would need to be able to perform in order to respond to all 15 scenarios. The UTL contains about 1,600 tasks.

In an effort to provide state and local governments with a more accessible and consolidated

25. For analysis of such a concept, together with related initiatives for strengthening homeland security planning and resource allocation, see Cindy Williams, “Strengthening Homeland Security: Reforming Planning and Resource Allocation,” (IBM Center for the Business of Government, 2008), 39.

26. *Homeland Security Presidential Directive 8* (Washington, DC: Homeland Security Council, 2003), <http://www.whitehouse.gov/news/releases/2003/12/20031217-6.html>.

guide that would capture the core capabilities—37, in the end—required by every jurisdiction in the country, DHS set out to develop the Target Capabilities List. Recognizing the need to engage the stakeholders for whom the TCL was being designed, DHS held multiple conferences in 2004 and 2005 with representatives from state and local governments to help develop the list. It was a very difficult process, as many state and local officials raised significant objections to draft versions of the TCL; they argued that the list was too complicated, failed to differentiate between the needs and risks facing major cities and smaller towns, and provided no useful metrics for assessing whether target levels of capabilities were being achieved.

Despite these concerns, the UTL and TCL were issued in draft form in 2004. In 2007 DHS published the National Preparedness Guidelines, which included final versions of the National Preparedness Goal, the UTL, and the TCL, all substantially unchanged from their earlier forms.

According to the final guidelines, their purpose is to “guide national investments in national preparedness; facilitate a capability-based and risk-based investment planning process; and establish readiness metrics to measure progress and a system for assessing the Nation’s overall preparedness capability to respond to major events, especially those involving acts of terrorism.”²⁷

Although there is widespread agreement on the need for a common set of target capabilities whose acquisition would demonstrate a baseline level of preparedness in all jurisdictions, many state and local government officials continue to express their desire for a national preparedness system that differentiates between jurisdictions that vary in size, classification as urban or rural, and risk level and that links those differences to the types and levels of capabilities that each needs to develop. They also continue to ask for a simpler, more user-friendly capabilities document. Finally, and perhaps most importantly, many state and local officials have sought clearer guidance on performance objectives for capabilities, as well as how to evaluate progress toward target levels of capability.²⁸



RECOMMENDATION 16: Working very closely with state and local officials, DHS should substantially revise the Target Capabilities List so that it clearly specifies the different capabilities required by state and local jurisdictions, performance objectives for those capabilities, and yardsticks by which to evaluate whether target levels have been reached.

The existing TCL is an important first step, in that it defines a clear set of baseline capabilities that all localities should possess to some degree, but more needs to be done to jump-start the

27. *National Preparedness Guidelines* (Washington, DC: Department of Homeland Security, 2007), 1.

28. Study team interviews with a wide range of state and local officials from across the United States between October 2006 and April 2008.

capabilities development process. FEMA's National Preparedness Office has begun linking desired target capabilities levels to different types of jurisdictions in guidelines that differentiate between cities and towns around the country in terms of area, population size and density, numbers of potential high-risk targets, and other factors. As part of this effort, clear, commonsense descriptions of performance objectives for target capabilities are also provided, similarly linked to the particular needs of various sizes and types of jurisdictions. The requirements for New York City are obviously different—and more extensive—than for smaller cities and rural areas, such as College Station, Texas.

A key element of a revised TCL will be performance objectives for the target capabilities, together with evaluative measures to assess progress toward those objectives. Once these are developed, DHS and state and local governments will have an agreed-on basis for assessing capability development—something that does not exist today. In the future, capabilities could be assessed through training exercises, and reporting on capabilities development using the evaluative measures could be integrated into the grants process, thereby giving DHS a method for judging the return on investment from the various grant programs focused on building capabilities.

“Key documents impacting how we plan, exercise, train, respond, and recover should not be written without the involvement of State and local government emergency managers. If you expect us there during the crash landing, please make sure we’re a part of the takeoff.”

Larry Gispert, the president of the International Association of Emergency Managers

FEMA has begun working with experts at the state and local levels to revise the entire set of capabilities, a process that it anticipates will take as long as two years. This must be a genuine collaboration, particularly in light of the great dissatisfaction expressed by many state and local officials with the consultation done for the original TCL. Some degree of tension between federal officials and state and local representatives is almost inevitable, given the nation's federalist form of government, but unless it is minimized, state and local governments—the consumers of the TCL—will continue to resist adopting the document. Local officials are far more likely to use the Target Capabilities List to guide their investments if they buy into the TCL at the outset of its development; as Larry Gispert, the president of the International Association of Emergency Managers, testified before Congress in March 2008, “Key documents impacting how we plan, exercise, train, respond, and recover should not be written without the involvement of State and local government emergency managers. If you expect us there during the crash landing, please make sure we’re a part of the takeoff.”²⁹ FEMA's ongoing TCL revision initiative is time-consuming but important, as it should result in a more useful, user-friendly

set of target capabilities that truly can form the foundation of a national preparedness system.

29. International Association of Emergency Managers, *Testimony of Larry Gispert, President, International Association of Emergency Managers, Before the Subcommittee on Appropriations, U.S. House of Representatives, on “Federal Emergency Management Agency: Is the Agency on the Right Track?”* (Washington, DC: March 13, 2008), <http://www.iaem.com/publications/news/documents/IAEMLarryGispert031308.pdf>.

RECOMMENDATION 17: DHS/FEMA regional offices should work closely with state governments to conduct a baseline survey of state capabilities and to maintain databases of state capabilities as part of the national preparedness system.

At the same time as it is establishing a more robust capabilities development system, DHS should work closely with state and local governments to develop a basic understanding of what capabilities currently reside at the state and local level. Such an understanding would greatly strengthen the national preparedness system. A baseline survey of state capabilities, followed by the development of a database to track state capabilities, would facilitate operational planning at all levels. In particular, it would assist all states in determining where their needed capabilities fall short of the target levels and where those capabilities are entirely lacking. Maintenance of basic databases on capabilities at the state and DHS regional level would also assist states in their operational planning efforts, as well as making such information more accessible to DHS and the rest of the federal government as officials factor state and regional capabilities into the detailed plans developed at the federal level.

Grants

The various DHS grant programs, particularly the State Homeland Security Grant Program and the Urban Area Security Initiative, are critical tools in capabilities development, but they have not been used to optimal effect. The Department of Homeland Security allocated \$1.65 billion in grant monies in fiscal year 2008, an amount that has grown steadily from just under a billion dollars annually in the immediate wake of the September 11 attacks.³⁰ Each year DHS issues guidance on grants to inform states of its priorities and guide them through the application process. Although the grants programs clearly play a crucial role in shaping how states build preparedness, the guidance for the State Homeland Security Grant Program failed even to mention national or federal strategic priorities until fiscal year 2005. Not only has DHS been slow to link federal priorities and state-level investments, but it also has little ability to measure recipients' performances and gauge how these investments are improving overall preparedness. Information on grant expenditures consists largely of narrative self-reporting by the state and local recipients. These assessments are infrequent (sometimes biennial), there are few consistent reporting standards, and there are insufficient personnel at the federal level administering and monitoring the grants. As of early 2007 the Homeland Security Grant Program had only 30 preparedness officers, some of whom were overseeing as many as five different states. Site visits to local jurisdictions receiving grant funding, and sometimes even state government offices, rarely occur more than once a year.

RECOMMENDATION 18: DHS should reform its grants program to be a flagship component of the department: well managed, transparent, and highly credible. The FEMA regional offices should be the front lines of the grant program. Grants should be tightly linked to federal priorities—which should include strengthening planning at the state and local level—and to the attainment of target capability levels. Grant recipients should be required to provide reporting and evaluation data on their success in meeting established performance objectives for target capabilities.

The DHS grants program and the organization within the department that administers the program will inevitably be one of the most important elements in building preparedness at the

30. *FY 2008 Homeland Security Grant Program* (Washington, DC: Federal Emergency Management Agency), <http://www.fema.gov/government/grant/hsgp/index.shtm#0>

state and local level. Because this program serves as the primary interface between DHS and state and local governments, its administration contributes strongly to how the department is viewed outside the Beltway. As discussed in more detail in Chapter 4, the FEMA regional offices should be the front lines of the grant program process, as their greater geographical proximity give them much greater familiarity with the state and local grant recipients. Regional offices should have sufficient personnel to ensure that there is at least one dedicated grant officer who will assist each state with the grant application and monitor how grant programs are executed.

At the federal level, the grant program should be more tightly linked to the strategic priorities outlined in such policy guidance documents as the National Preparedness Guidelines and a revised Target Capabilities List. Grant guidance for all major DHS grant programs should focus proposed state investment in the target capabilities. Once a revised Target Capabilities List defines performance objectives for target capabilities levels, DHS will be able to evaluate progress toward attaining those levels; it will then have the means to begin assessing the various grant programs' return on investment. Just as grant applications should clearly explain how the proposed investment will move states and jurisdictions toward acquiring target capabilities, so feedback on investment in grant programs must relate directly to the programs' success in meeting established performance objectives for target capabilities. Simply relying on numbers of personnel trained in a given program or numbers of training programs conducted to demonstrate progress toward preparedness can no longer suffice. Self-reporting at the state and local level will continue to be part of the evaluation process, but another component should be site visits by federal personnel. If necessary, eligibility for grant funding could be made conditional on participation in such federal site inspections.

Exercises

The final step in the capabilities development process is exercising capabilities to assess their effectiveness and to gain proficiency in their use. There are many different exercise programs to test various aspects of national preparedness, and a good number of them existed before the September 11 attacks. The "120 Cities" program, established by Senators Nunn, Lugar, and Domenici in 1996, is an early example, but the Top Officials Exercise, better known as TOPOFF (first conducted in 2000), is probably the most prominent major preparedness exercise. In fact TOPOFF is now the biennial capstone exercise in the much larger National Exercise Program (NEP) managed by DHS. In addition to TOPOFF, the NEP includes a number of Senior Officials Exercises that are intended to engage officials at the assistant secretary level or higher, as well as myriad smaller-scale exercises held around the country with state and local organizations. In recent years NORTHCOM has worked closely with DHS to synchronize its annual exercise program with the NEP so that state and local agencies can make the best use of their scarce emergency management resources and participate in as many events as possible.

The nation's current exercise program, though extensive, has received much criticism. At the same time, concern that acknowledging vulnerabilities and shortcomings might pose a security risk has hindered the development of an effective lessons learned process. The published after action reports from exercises frequently have offered little useful analysis, and reviews of tens of official reports revealed that in several instances entire paragraphs apparently had been copied from other reports on other exercises held in different locations. Although TOPOFF and the large-scale annual NORTHCOM exercises are the culmination of the DHS and DoD exercise programs, critics have called them overly scripted and too tightly controlled, and hence unable to provide an

accurate sense of preparedness levels. For example, the scenario used in Ardent Sentry, a major NORTHCOM exercise held in May 2007, included the detonation of a 10-kiloton nuclear device in Indianapolis. When officials were asked if it was realistic to assume that the state government of Indiana could still function after the state capital was targeted, they acknowledged that the governor would probably be dead and much of the city incapacitated—but they had decided to include the state government in the exercise “to maximize participation and the learning opportunities in the exercise.”³¹ Finally, even those useful lessons that have been learned from the TOPOFF series and similar exercises have not always been put to good use; until very recently DHS has had no systematic way of capturing those lessons and taking appropriate corrective action.

Exercises are a very important element of an effective preparedness system, and though the NEP is becoming increasingly effective, considerably more can and should be done to make the exercise program a cornerstone of U.S. national preparedness efforts.



RECOMMENDATION 19: DHS should host a catastrophic event tabletop exercise for very senior officials early in each new Administration to familiarize new appointees with their roles, their responsibilities, and the magnitude of likely challenges.

Hurricanes, earthquakes, and pandemic outbreaks do not respect political timelines—they can strike at almost any time. Terrorists are even more dangerous in that they can choose to attack when their targets are most vulnerable—for example, during the transition to a new Administration, when many senior chairs in government will be empty, and those officials who are in place are likely to be just learning their jobs. Part of the reason the response to Hurricane Katrina was not more effective is that so few senior officials in 2005 were familiar with the National Response Plan, which had been issued just seven months before. It is therefore essential that the new Administration bring together its Cabinet officials for a tabletop exercise focused on managing a catastrophic event. Such an exercise, held within 60 days of the inauguration, would serve several purposes. First, it would force Cabinet officials to become familiar with their basic homeland security responsibilities as outlined in the HSPD-5 and the National Response Framework. Second, it would give all Cabinet officials a better understanding of the scope and type of challenges that

31. Professional Staff member John Grant of the Senate Homeland Security & Governmental Affairs Committee speaking at a CSIS sponsored conference entitled “The Commission on the National Guard and Reserves Report: Where Do We Go from Here?” (Washington, DC: Center for Strategic & International Studies, April 2, 2008).

the federal government would likely face in the event of catastrophe. Finally, to the extent that the exercise reveals shortcomings in federal preparedness and planning, it will help spur Cabinet Secretaries toward focusing their agencies on critical vulnerabilities early in the next Administration.

...“it is not clear that TOPOFF, as currently structured, is an accurate test of overall national preparedness for catastrophic events.

RECOMMENDATION 20: The National Exercise Program should focus on evaluating progress toward target capability levels outlined in a revised Target Capabilities List and should include a robust lessons learned process and corrective action program.

As a key means to evaluate preparedness, the National Exercise Program should be designed explicitly to verify federal, state, and local acquisition of target capabilities and test the participants’ mastery of associated performance objectives as described in a revised Target Capabilities List. The NEP also should include a robust lessons learned process and corrective action program so that the vulnerabilities that surface during exercises can be reduced or eliminated.

RECOMMENDATION 21: DHS should reform TOPOFF to be far less scripted and much closer to a “no-notice” exercise.

Because of the extensive advance coordination involved, it is not clear that TOPOFF, as currently structured, is an accurate test of overall national preparedness for catastrophic events. Only a “no-notice” or close to no-notice exercise can provide an accurate picture of how well the federal government can both coordinate the actions of its own agencies and work collaboratively with state and local governments in responding to a catastrophe. DHS’s current vision for the National Exercise Program includes a requirement for a major no-notice exercise in 2009; the next Secretary of Homeland Security should make this vision a reality. Given the practical challenges associated with major field exercises, it may be useful to first hold no-notice tabletop exercises at the federal and state government level to test decisionmaking and coordination processes before determining whether to proceed to full-fledged no-notice field exercises on the scale of the TOPOFF series.

RECOMMENDATION 22: Assistant Secretary–level participation in Senior Officials Exercises should be obligatory, and should be monitored and enforced by the National Security Council staff.

The Senior Officials Exercise series is very useful in providing an opportunity for senior managers beneath the level of Cabinet Secretary to explore their homeland security roles and responsibilities. Because these senior managers will be responsible for developing courses of action and directing how the decisions made by Cabinet Secretaries are implemented, they will in fact be the backbone of response management. Yet very few senior officials at the Assistant Secretary level or above actually participate in the current exercise program. Reasons for this lack of participation may vary, but the next Administration should make clear that participation in these exercises is important and required. The next National Security Council should make it a point to enforce participation in the Senior Officials Exercise program.

Concluding Observations

Though the many processes discussed in this chapter are rarely in the news and may seem very bureaucratic and technical, they are absolutely essential to our ability as a nation to prevent, protect against, prepare for, and respond to future catastrophes. A sound, integrated national security strategy will describe the vision for how to achieve these goals. A national security planning guidance will set priorities among the many efforts under way so that stakeholders know where they must focus their efforts. A robust planning system will help define requirements that can then be fed into an interagency budget process designed to maximize investments, and the plans developed will greatly inform the capabilities development process. A process to develop capabilities will ensure that the right capabilities are acquired in the right number, and that they can achieve the desired objectives. Included in this process will be a means of evaluating progress, enabling all levels of government to make certain that they are developing what is needed and that the billions of dollars in federal grant money are being well spent. The evaluation process will include a strong exercise program that tests preparedness against national objectives and priorities. These processes are not sexy—they do not involve arresting terrorists or meeting with important foreign dignitaries—but they are the foundation on which readiness is built. Until they are firmly in place, this nation will not be ready for a future catastrophe, and the American public should not expect much improvement in future responses to national emergencies.

4

ANEMIC IMPLEMENTATION

Even in an ideal world, where the interagency succeeds in developing a robust national security strategy that is translated into clear national security planning guidance, which in turn drives solid detailed planning, requirements identification, and capabilities development funded through an integrated national security budget, the crucial test of preparedness occurs far beyond the Beltway—in the states, cities, and towns that make up this country. The best-laid plans and boldest decisions amount to very little if they are not implemented, and implementation takes place outside Washington. Thus the key to success is ensuring that mechanisms are in place to connect decisions in Washington to what is really happening on the ground.

Today those mechanisms are quite weak. Some federal structures in the field are effective operationally but may not be aligned with national strategic objectives. Others have been weakened by bureaucratic infighting and lack the resources to be effective. Often there is even less coordination and cooperation in evidence between federal structures in the field than in the interagency in Washington. In some areas, capabilities that could better connect Washington to the field have simply been ignored.

...a critical challenge is posed by the lack of any system today to educate, train, and cultivate a strong cadre of homeland security professionals...

To the extent that implementation ultimately comes down to people, a critical challenge is posed by the lack of any system today to educate, train, and cultivate a strong cadre of homeland security professionals who can perform all these tasks—from developing the loftiest national strategy to figuring out how to set up a federal assistance center in Smalltown, USA, when the area has no electricity or running water.

This chapter will discuss core mechanisms to strengthen implementation of the nation's homeland security policies and preparedness programs. Developing federal homeland security hubs on a regional basis, leveraging existing National Guard and Reserve forces to strengthen regional preparedness, and developing a robust professional development and education system are all crucial to moving beyond policy development to making real changes on the ground that will make the nation safer and more prepared.

Regional Government Organizations

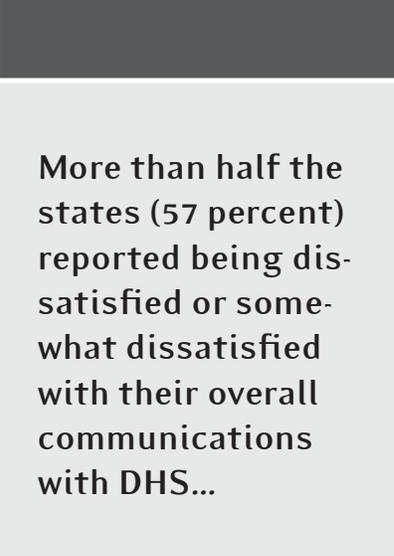
To realize the vision of a National Preparedness System that is outlined in the National Preparedness Guidelines, the nation needs a way to interweave state and local planning and preparedness processes and outcomes with those of the federal government. Common sense dictates that leaders

in Washington, D.C. cannot directly manage a response to catastrophe taking place hundreds if not thousands of miles away. The military likes to describe such remote micromanagement as “Washington’s thousand-mile-long screwdriver.” Because of the sheer distance between state and local governments and Washington, a robust homeland security system will depend on the federal government’s finding a way to tie its operations much more closely with those of these stakeholders—and one important step will be forming the interpersonal relationships that are crucial to prudent planning and effective response. Without some means to link Washington to the field, creating unity of effort will be almost impossible. At the same time, the scarcity of effective federal structures at the regional level that might serve as models suggests that developing this linkage may be the greatest challenge ahead.

Hurricane Katrina exposed what can happen in the absence of well-integrated planning and response across federal, state, and local levels. The breakdown of communications, lack of situational awareness, and absence of a coordinated game plan are well documented in the multiple reports issued in the storm’s aftermath.¹ The Federal Emergency Management Agency in particular suffered a collapse in its relationship with the states across the spectrum of preparedness activities. FEMA regional offices, having lost their grant-making and preparedness functions a few years earlier, had become insular and disconnected both from Washington and from state and local stakeholders.

More than two years after Hurricane Katrina, progress toward a well-integrated national preparedness system remains modest. Across the board, state homeland security directors consistently complain of a lack of cooperation in their dealings with the federal government. More than half the states (57 percent) reported being dissatisfied or somewhat dissatisfied with their overall communications with DHS, and 60 percent said the quality of their communications with the department either had not changed or had deteriorated since 2006. Only slightly more than one-third, or 34 percent, said their communications with DHS had improved in that one-year period.² In its January 2007 report on creating a more collaborative culture, the Department of Homeland Security’s Advisory Council noted that there is a critical need for DHS to recognize and engage state, local, and tribal components within the planning stages of DHS grant funding.³

The challenge of developing a nationally integrated preparedness system should not be understated. It will require the right people, structures, processes, training, and resources.



More than half the states (57 percent) reported being dissatisfied or somewhat dissatisfied with their overall communications with DHS...

1. See *The Federal Response to Hurricane Katrina: Lessons Learned* (Washington, DC: White House, February 2006); *A Failure of Initiative: Final Report of the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina* (Washington, DC: U.S. House of Representatives, February 15, 2006); *Hurricane Katrina: A National Still Unprepared* (Washington, DC: Senate Committee on Homeland Security and Government Affairs, May 2006); *Regionalizing Homeland Security: Unifying National Preparedness and Response* (Washington, DC: George Washington University Medical Center, Homeland Security Policy Institute, 2006).

2. National Governors Association, “2007 State Homeland Security Directors Survey” 2007, 7.

3. Homeland Security Advisory Council, “Report of the Culture Task Force,” January, 2007, 7.

Movement Toward Regional Organizations

As homeland security frameworks and policies have developed over time and as new laws have taken effect, regional structures and cooperation have been widely recognized as critical to the success of enhancing unity of effort. A number of reports issued after Katrina endorse establishing regional arrangements that would help coordinate federal, state, and local preparedness and response functions and ensure that each region is ready to respond effectively to a catastrophe.⁴

The National Preparedness Guidelines identify the expansion of regional collaboration as a priority, noting that “standardized structures and processes for regional collaboration enable entities collectively to manage and coordinate activities for operations and preparedness consistently and effectively.”⁵ The guidelines recognize that efforts to promote communication and coordination across federal, state, local, tribal, and territorial entities are vital to enhancing these efforts. They call on federal departments and agencies to foster regional groupings through planning and federal preparedness assistance, observing that formal regional arrangements will allow the federal government—working with states, territories, local and tribal governments, and other partners—to coordinate preparedness activities and pool resources more effectively. Although the guidelines endorse regional collaboration, they stop short of providing specific structural or procedural recommendations to promote it.

Some steps are already under way to strengthen regional cooperation through an expanded FEMA. In accordance with the Post-Katrina Emergency Management Reform Act (PKEMRA), and consistent with the “Vision for a New FEMA” articulated by the agency’s director in December 2006, FEMA is in the process of building out its regional offices.⁶ Figure 3 depicts the 10 existing FEMA regions, which are intended to become the primary vehicles for implementing the national preparedness system, as articulated in the National Preparedness Guidelines, across federal, state, tribal and local jurisdictional levels.

The FEMA regional offices are now viewed by the Administrator as the “essential field echelon” that engages most directly with state partners and disaster victims to deliver front-line services.⁷ FEMA’s major structural investments going forward, together with internal reorganiza-

4. *The Federal Response to Hurricane Katrina: Lessons Learned* (Washington, DC: White House, February 2006); *A Failure of Initiative: Final Report of the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina* (Washington, DC: U.S. House of Representatives, February 15, 2006), 70.

5. *National Preparedness Guidelines* (Washington, DC: Department of Homeland Security, 2007), 12.

6. The PKEMRA, having provided for a substantially broadened FEMA, also required the strengthening of the regional offices. According to the PKEMRA, each office will have a regional administrator and that administrator’s responsibilities include (in part): ensuring effective, coordinated and integrated regional preparedness, protection, response, recovery, and mitigation activities for natural disasters, acts of terrorism, and other man-made disasters (including planning, training, exercises, and professional development; assisting in the development of regional capabilities needed for a national catastrophic system; designating an individual responsible for the development of strategic and operational regional plans in support of the national response plan.

7. FEMA Director Paulison testified that “The Region is the essential field echelon of FEMA that engages most directly with State partners and disaster victims to deliver frontline services. It is the region that can build and nurture State and local capabilities across the spectrum of preparedness, response, recovery, and mitigation. And it is the Region that will lead the Federal response to incidents across the spectrum of all-hazards events. The New FEMA will rely on strong regions to regain the trust and confidence of Governors, mayors, leaders in the private sector and the citizens of our homeland.” Opening Statement of R. David Paulison, Director, FEMA; U.S. House of Representatives, Committee on Appropriations, Subcommittee on Homeland Security, March 9, 2007.

Figure 3. FEMA Regions



tion to take on preparedness responsibilities as provided for in PKEMRA, will build out the field offices. These offices currently range in size from 50 to 75 people in each region. They are slated to double over the coming two years, and will constitute the major growth for FEMA over that period; the size of the agency is expected to increase from 2,100 employees in early 2008 to a total of 4,300 employees when the offices are fully staffed.

Under FEMA's Regional National Preparedness Concept of Operations, regional offices will work within the regions to help meet regional and national needs, assist in building preparedness capabilities at the state and local level, and expand regional networks by strengthening partnerships within FEMA vertically and horizontally as well as across federal, state, and local jurisdictions. The region will become the principal conduit for delivery of all preparedness programs and activities to state, tribal, and local partners; nongovernmental organizations; and the private sector.⁸

The preparedness function will be supported in each region by Federal Preparedness Coordinators (FPCs), who will in turn be supported by preparedness analysis and planning officers; in each, a new Grant Programs Division will serve as the central location for grant management activities at the regional level. These Grant Programs Divisions will work closely with state and local governments in an advisory capacity and with the major grant-making offices inside DHS headquarters in Washington. Other responsibilities that are currently centralized at the national/federal level will be transferred to the regional offices, together with personnel to manage the programs.⁹

8. *FEMA Regional-National Preparedness Concept of Operations* (Washington, DC: Federal Emergency Management Agency, 2008).

9. These include the programs for Radiological and Emergency Preparedness, Chemical Stockpile Emergency Preparedness, Continuity of Operations, and Community Preparedness programs.

The role of the FPCs will be to lead the national preparedness divisions of the regional offices, directing and coordinating the divisions' activities to ensure regional implementation of national preparedness programs, policies, goals, and objectives.¹⁰ These will include coordination and information sharing, consulting, planning support, capability assessments and reporting, exercise performance and evaluation, and training.¹¹ The FPCs will also work closely with grant management personnel, response teams, and FEMA's Disaster Operations Division to ensure that all align along the spectrum of protection, response, and recovery; to ensure that plans for regional continuity of operations aligns with FEMA headquarters on continuity of government operations; and to take the lead in coordinating FEMA's interactions with other DHS elements and federal agencies.¹²

Regional offices are expected to analyze risk, analyze the region's state of preparedness, and identify capability gaps. They will bring transparency to federal preparedness assistance activities; develop "action" plans and recommendations for adjusting these activities to influence state and local governments and the private sector; perform or participate in preparedness activities, such as planning, training, equipping, exercising, and grant making; and evaluate preparedness activities. As representatives of the newly empowered regional offices, the FPCs and their staffs will be expected to step into a new role to facilitate and help integrate the efforts of the states in their regions.¹³

To improve performance during disaster response operations, FEMA plans to put a permanent Interagency Management Assistance Team (IMAT) in each region. These "regional strike teams"¹⁴ will be designed to provide a forward federal presence to help manage the national response to catastrophic incidents. In the past, such teams existed on a virtual or part-time basis, without full-time dedicated personnel. The primary mission of an IMAT will be to rapidly deploy to a venue where an incident has occurred or threatens to occur, to identify federal assistance needs, and to coordinate and integrate an interjurisdictional response in support of the affected states or territories. The IMATs can support the initial establishment of a unified Joint Field Office command or other interim operating facility as the primary organization for federal response, provide initial situational awareness, and assess the level of operational support that will be needed from the federal government.¹⁵ They are tasked with establishing and maintaining close working relationships with regional, state, and local emergency management officials and with other federal partners to support the needs of the state and local jurisdictions. To build these relationships, the IMAT will be fully engaged in planning, training, and exercising initiatives at the national, regional, and state emergency levels, with the participation of states and local jurisdictions. In addition to the regional teams, there will be three slightly larger (27-person) national teams; all teams will be able to deploy in 4 to 8 hours and will be able to operate independently for up to 72 hours.

In addition to creating new positions and organizations, a major task for the revitalized FEMA regional offices will clearly be to coordinate with the rest of DHS outside Washington, with state and local government officials, with the private sector, and with nongovernmental organizations. Regional administrators already convene Regional Interagency Steering Commit-

10. *FEMA Regional-National Preparedness Concept of Operations*, 4.

11. *Ibid.*, 6.

12. *Ibid.*, 5.

13. FEMA, "Regional-National Preparedness Concept of Operations" February 8, 2008, 9–11.

14. "Regional strike teams" are also required by the PKEMRA.

15. David Paulison, "National Hurricane Conference," April 2, 2008, http://www.fema.gov/pdf/about/paulison/speeches/natl_hurricane_conf_remarks_0401.pdf.

tees (RISCs);¹⁶ meetings of the DHS subcomponents based around the nation, such as the Coast Guard, Customs and Border Patrol (CBP), and Immigration and Citizen Enforcement (ICE); and the newly established Regional Advisory Councils.¹⁷ RISC members—the leaders of the federal Emergency Support Functions in the National Response Framework—meet quarterly. DHS component meetings are held periodically though without formal tasking from DHS headquarters, and the Regional Advisory Councils will meet regularly to reach out to state and local stakeholders in elected or appointed office, to emergency managers, and to the private sector. Regional Federal Executive Boards—regional coordinating entities for federal agencies, whose leadership rotates—also provide a vehicle for coordinating homeland security preparedness and response. However, all this coordination will achieve little without resources and the right mandate from DHS headquarters and without support across federal agencies.

RECOMMENDATION 23: DHS should complete and expand the existing effort to create homeland security regional hubs that leverage the resources of the FEMA regional offices. These hubs should be the coordinators of federal activities outside Washington, D.C., and the focus of interactions with state and local stakeholders.

FEMA's recent initiatives to empower its regional offices and make them the essential link between Washington and the field are critical and must be fully implemented. Without strong connective tissue between Washington and the state and local levels, it will be difficult, if not impossible, to realize any meaningful vision of national preparedness. The transition to a new Administration is always a delicate period, however, when many initiatives begun by its predecessor risk being rejected, or at best left to languish. The next Administration would do well not just to complete the transformation of the FEMA regional offices outlined above but to push beyond it in two important ways.

In order for the reinvigorated offices to be successful, they must have well-defined roles, together with sufficient authority and resources to carry out those roles. They must be seen by the states and local jurisdictions as adding value if they are to be effective in providing coordination and support and in building regional networks. They therefore must be headed by individuals who can effectively lead at the political level and who also have professional backgrounds in homeland security fields. In addition, the regional offices must have competent staffs that are knowledgeable and have the respect of their Washington-based colleagues. Finally, the offices must be able to shape the requests for and distribution of federal resources in the field—that is, the various DHS grant programs.

A core objective for the regional offices should be developing a regional strategy and detailed regional plans in partnership with states and local governments. The broad recognition of the need

The next Administration would do well not just to complete the transformation of the FEMA regional offices outlined above but to push beyond it in two important ways.

16. This responsibility, which pre-dated the Department of Homeland Security and the National Response Plan, continues to be carried out, even though it is no longer specified in planning documents.

17. To broaden and facilitate coordination across communities, the regions have established Regional Advisory Councils, required by the PKEMRA. These are to be composed of elected officials, emergency managers, and emergency response providers from state, local, and tribal governments.

for such strategies, which some attempts have been made to develop, has not yet been matched with the mandate for a systematic, nationwide effort at the regional level. The interagency planning organization housed in DHS will create federal operational plans for the various generic situations envisioned in the National Planning Scenarios, but it will be up to the regional offices to flesh out these schemas into detailed plans that take into account the specific geography, culture, and capabilities of each of the regions. Regional planning should be a comprehensive, disciplined effort that involves federal, state, local, and tribal governments as well as relevant private-sector organizations.¹⁸ Such planning will enable regions to better identify how to utilize Emergency Management Assistance Compacts and other cooperative arrangements on a regional basis, thereby facilitating the efficient use of those networks.

Complementing these undertakings are the tasks of helping state and local governments to develop the capabilities necessary for preparedness and of facilitating the training, exercising, assessment, and evaluation of those capabilities (as discussed in greater length in Chapter 3). For example, the regional offices should be the lead for assisting with and monitoring baseline surveys at the state and local levels. Similarly, regional offices should maintain a regional database of capabilities—federal, state, and local—and serve as the focal point for federal assessment and evaluation of target capability levels. Such assessments, in turn, should inform the requirements and budget process, including decisions on funding grants. These activities clearly fall under the purview of the federal preparedness coordinators in the regional offices.

As noted in Chapter 3, it is imperative that administration of the grant program be more tightly linked to national strategic guidance, priorities, and the achievement of mature target capability guidance. Establishing the new Grant Programs Divisions in the regional offices is an important step in this process. Personnel in the regional offices are better positioned than their counterparts located in Washington to guide state and local actors through the grant application process, to make informed recommendations on grant applications to DHS headquarters, and to monitor and assess ongoing programs in the field.

The regional hubs should also strengthen bonds already formed by interstate mutual aid and assistance agreements such as the Emergency Management Assistance Compact (EMAC). Many states already have cooperative relationships with neighboring states in their regions because they share similar challenges and recognize that cooperation during disasters is in the self-interest of all. The EMAC arrangement provides member states with access to out-of-state personnel and resources for both response and recovery operations once governors have declared a disaster.¹⁹ After such a declaration, EMAC advance teams are dispatched by a national coordinating group to the affected state's emergency operations center; they then help to determine the needs of the state, as well as coordinate offers from other states. Assisting states provide resources to the requesting state through the compact. The EMAC arrangement is widely considered to be a success, having been used extensively in responses to hurricanes and fires.²⁰ Yet it is not clear that EMAC has matured sufficiently to serve as the only mechanism for sharing capabilities across states and regions during a large-scale catastrophe—hence the importance of regional planning and exercising both to explore additional mechanisms and to enhance EMACs to accommodate more throughput in shorter periods of time.²¹

18. Homeland Security Advisory Council, "Report of the Culture Task Force," January, 2007, 7.

19. EMAC is administered through the National Emergency Managers Association, which provides the day to day support and technical backbone for EMAC education and operations. See National Governors Association, "2006 State Homeland Security Directors Survey," 2006, 8–9.

20. National Governors Association, "2007 State Homeland Security Directors Survey" 2007, 5.

21. *Hurricane Katrina: A Nation Still Unprepared* (Washington, DC: Senate Committee on Homeland Security and Governmental Affairs, May 2006), 507–8; *Transforming the National Guard and Reserves into a*

Developing regional strategies and plans, functioning as a one-stop shop for preparedness activities and the grant programs, and building on existing regional collaborative structures are all functions that should be implemented as part of FEMA's new vision for the regional offices. In addition to achieving these very important goals, the vision for the FEMA regional offices should be expanded and strengthened in two important ways.

First, a very senior official in each of the FEMA regional offices, perhaps the director for response and recovery operations, should be named as the pre-designated Lead Federal Coordinator for each region. As described in Chapter 2, the Lead Federal Coordinator would serve as the senior DHS representative on the ground during a crisis, would report to the Secretary of Homeland Security through the FEMA Administrator during domestic emergencies, and would have the authorities—which could be delegated to another individual reporting to the LFC—of the Federal Coordinating Officer that are outlined in the Stafford Act. While there continues to be considerable controversy about the role of the FCO relative to other positions, it will be virtually impossible to achieve significant unity of effort on the ground if the individual with the authorities of the FCO does not report to the individual on the ground who reports back to senior officials in Washington. Establishing real unity of effort on the ground is simply more important than titles, perceived institutional prerogatives and long-standing bureaucratic turf battles.

The IMAT teams that FEMA is already working to build would be incorporated into the Joint Field Office, led by the LFC. Thus the core of the JFO will be a group of individuals who have worked, planned, and trained and exercised together with their state and local counterparts: they will have the preexisting relationships with the state and local governments and with professionals in the region that are necessary for effective cooperation.

Lead Federal Coordinators should know the region well, as should their IMAT colleagues; they will have led the IMATs under their supervision; and they should have the kinds of relationships with senior personnel in Washington that will smooth the way in a crisis. Most Regional Administrators today are political appointees; that is sensible, since they must interact daily with governors and their cabinets, mayors, and other political officials. The LFCs also need to cultivate strong working relationships with political actors in the FEMA regions, because having a political understanding of the region will obviously be important during the response to an incident.

Second, given the regional offices' crucial role as integrators, the next President should establish requirements for the regional offices to serve as principal coordinators for federal agencies in the field, vesting in the FEMA regional administrators the authority necessary to lead these coordinating bodies and processes. RISC mandates must be articulated and strengthened, with the FEMA regional administrator placed in the lead. DHS components and other agencies should be required to coordinate closely even as their existing lines of authority remain unchanged. Requirements for coordination should be reviewed to determine whether personnel should be detailed to the FEMA regional offices, as is now the case for the position of defense coordinating officer. Where detailees are not required, personnel should be routinely available to coordinate with these regional offices, and, in the absence of co-location, technology should be provided for regular virtual communication (videoconferencing capacity). A commitment to strong regions will also necessitate that the differing regional boundaries used in various DHS subcomponents and agencies be reviewed, and realigned to a uniform map wherever possible.

While the next President, Secretary of Homeland Security, and National Security Adviser should strive to give the FEMA regional offices greater authority and capacity to coordinate the

21st-Century Operational Force, Final Report to Congress and the Secretary of Defense, January 1, 2008 (Arlington, VA: Commission on the National Guard and Reserves, 2008), 124.

federal family in the field, it is important to be realistic about how much can be accomplished in this vein. Much has been made of the need for “a Goldwater-Nichols Act for DHS” or for homeland security more broadly, but the analogy only goes so far; and it may be counterproductive to advocate similarly sweeping reforms when the underlying structures are so fundamentally different. Though the FEMA regional offices could loosely be compared to the regional combatant

Much has been made of the need for “a Goldwater-Nichols Act for DHS” or for homeland security more broadly, but the analogy only goes so far; and it may be counterproductive to advocate similarly sweeping reforms when the underlying structures are so fundamentally different.

commands of the Department of Defense, unlike combatant commands they do not control the bulk of capabilities within their areas of operation.²² DHS Regional Administrators have no line authority over other federal agencies involved in homeland security activities. And only in the most extraordinary circumstances, as outlined in Chapter 2, would the federal government potentially have some authority to direct activities within a state or states.

Early in its development, DHS attempted to create full-scale regional offices, but various obstacles—concerns about funding, disagreements about where to locate the offices, and what could generally be termed the perils of bureaucratic overreach—led to the shelving of those efforts. Conceptually, such DHS offices might be the ideal, but the less grandiose goal of rebuilding and reinvigorating the FEMA regional offices is more likely to be achieved. Given the continuing constraints on resources, the persistent bureaucratic difficulties of trying to consolidate multiple existing DHS component offices into a single new office, and FEMA’s current aggressive moves to rebuild its regional offices, it makes more sense to build on work that is under way than for the new Administration to launch a second effort to develop full-fledged DHS-wide regional offices that is no more likely to succeed than the first. Such a failure would waste one or two years without solving the problem of how to connect Washington and

regions outside the Beltway—an unacceptable state of affairs as American approaches the 10-year anniversary of the September 11 attacks.

Regional Military Organizations

Military forces stationed throughout the nation might be leveraged to improve the country’s ability to respond rapidly to a catastrophe, but today very few are dedicated to responding to incidents in the homeland. To a large degree, this reality reflects the fact that the nation’s military—particularly its ground forces—is strained to its limits by overseas operations in Iraq and Afghanistan. National Guard units in the 50 states are already under control of the state governors, however, and they already spend much of their time focused on civil support missions within each state. The National

22. Another model to explore going forward is that of an overseas embassy, in which the ambassador is chief of mission and must coordinate the activities of multiple U.S. agencies not in his or her chain of command. In that situation, U.S. government personnel generally operate under chief of mission authority while in country; but a Regional Administrator currently has no such leverage over personnel in the field, with the exception of his or her own employees.

Guard CBRNE (Chemical, Biological, Radiological, Nuclear, and High-Yield Explosives) Emergency Response Force Packages (CERFPs) are spread around the country; each FEMA region has at least one CERFP that, in theory, could deploy anywhere within the region, if it had sufficiently rapid transport. That said, the CERFPs do not routinely perform regional functions, but rather report solely to the governor of the state where they are located. Nor are they necessarily available: the units that make up the CERFPs may be deployed overseas at any time.

True catastrophes are unlikely to affect only one state at a time, and their arrival is unlikely to be announced in advance. Hurricanes routinely threaten more than one state, a pandemic outbreak by definition spreads over a large area, and a terrorist attack employing a weapon of mass destruction could easily affect multiple states, particularly if it occurs on the crowded eastern seaboard. Given the likelihood that catastrophes will have regional impacts and will occur with little or no warning, it makes sense to place greater emphasis on dedicated regional response mechanisms. Creating regional military organizations to plan, train, exercise, and respond to actual catastrophes would be a logical complement to strengthened FEMA regional offices, which would be coordinating the regional activities of DHS and the federal government as a whole. These military organizations, dedicated to the civil support mission and equipped and resourced as “rapid responders,” would be ready to respond to catastrophic events more quickly than is possible for military forces today.

RECOMMENDATION 24: The next Administration should create regional homeland security task forces, drawn largely from existing National Guard units, to complement the regional homeland security hubs. The task forces would be able to respond rapidly to catastrophes and would focus day-to-day on leading regional military planning, training, and exercising for major domestic emergencies.

In its July 2006 report, *The Future of the National Guard and Reserves*, the CSIS Beyond Goldwater-Nichols study team described in detail how the Defense Department and the National Guard could create regional military homeland security task forces that are ready to respond to disasters without turning the National Guard into a “homeland security–only” force.²³ In 2007, the RAND Corporation made a very similar proposal in a report for the U.S. Army on lessons learned from Hurricane Katrina, arguing forcefully that “a future Army response will not look very different in the absence of changes to the ways in which the Army plans and operates in domestic emergencies.”²⁴

National Guard–based homeland security task forces in each of the 10 FEMA regions would serve three major purposes. First, the regional task forces would be the focus of regional military planning for domestic emergencies. Currently detailed planning has begun at the federal level and is ongoing at the state level, with mixed success.²⁵ There is almost no formal operational planning at the regional level, even though future catastrophes are likely to have regional impacts and will require cooperation at the regional level. As part of this process, the regional task forces would

23. For a complete discussion of the proposal for Regional Civil Support Task Forces, see Christine E. Wormuth et al., *The Future of the National Guard and Reserves: The Beyond Goldwater-Nichols Phase III Report* (Washington, DC: Center for Strategic & International Studies, 2006), 74–81.

24. Lynn E. Davis et al., *Hurricane Katrina: Lessons Learned for Army Planning and Operations* (Santa Monica, CA: RAND Corporation, 2007), 74.

25. The 2006 DHS Nationwide Plans Review found that “The majority of the Nation’s current emergency operations plans and planning processes cannot be characterized as fully adequate, feasible, or acceptable to manage catastrophic events as defined in the National Response Plan (NRP).” See *Nationwide Plan Review Phase 2 Report* (Washington, DC: Department of Homeland Security, 2006), ix.

work closely with planners in the FEMA regional offices to coordinate their efforts and gain situational awareness of planning efforts in the private and nongovernmental sectors. Second, the regional task forces would coordinate and execute regional military training and exercises so that individuals and organizations likely to be working together during a response effort, such as the U.S. Coast Guard, will not be meeting for the first time—“exchanging business cards”—during the event. Finally, the regional task forces would be designed to be able to respond within 12 to 24 hours of an actual event, enabling them to supplement local first responders as well as state National Guard forces that are likely to be on-scene and to serve as a bridge until much larger forces can arrive either through the EMAC process or under the command of U.S. Northern Command (NORTHCOM).

Both the CSIS and RAND studies envisioned regional task forces composed of at least a battalion of soldiers that would be trained to provide transportation, logistics, mass decontamination,

The almost complete absence of forces dedicated to rapid response to domestic catastrophes is a significant gap in the nation’s readiness today.

medical services, CBRNE assessment, maintenance, engineering, and communications capabilities. The task forces also would be able to provide initial command and control as response forces arrive. Both studies saw these forces as dedicated to the civil support mission and thus unavailable for overseas deployment. The almost complete absence of forces dedicated to rapid response to domestic catastrophes is a significant gap in the nation’s readiness today. Although DoD is in the process of creating three rapid response units for domestic events, they apparently still are not going to be dedicated solely to the homeland mission.²⁶ The CSIS proposal suggested that the units constituting the regional task forces could be drawn from National Guard forces in the third year of the Army Force Generation model. These forces from year 3 of the cycle would have emerged from the post-deployment readiness “trough”; thus the units in the task forces could train and exercise for civil support missions

that year, but could continue in the fourth and fifth year of the cycle to focus on potential overseas missions. Over time, such task forces could be expanded to include members of the reserves, particular if legislation is passed enabling the President to involuntarily mobilize reserve forces during domestic emergencies.

Both studies envisioned flexibility in command and control of the task forces. If there were a catastrophe, the task force could fall under the command of the state governor most affected, with the soldiers in Title 32 status. If the President chose to federalize the National Guard during the event, the task force would report to NORTHCOM, as would all Title 10 military forces in the response effort. The RAND report anticipated that these task forces could have the capacity to command and control Title 10 forces, noting that there is historical precedent for delegating control of Title 10 forces to United Nation commanders and, further, that no legal obstacle exists

26. Details of DoD’s plan for the CNRNE Consequence Management Response Forces (CCMRFs) are classified, but at an April 2008 conference, Assistant Secretary of Defense for Homeland Defense and the Western Hemisphere Paul McHale described these forces as “available for” rather than “dedicated to” civil support missions. Assistant Secretary of Defense for Homeland Defense Paul McHale speaking at a CSIS-sponsored conference titled “The Commission on the National Guard and Reserves Report: Where Do We Go from Here?” (Washington, DC, April 2, 2008).

to delegating control of Title 10 forces to other parties, such as state governors. Given the range of potential command and control arrangements—and the likelihood that different scenarios may require different options—DHS and DoD should work closely with governors and state National Guards to explore through exercises the strengths and weaknesses of the different possibilities.

Professional Education and Development

A final step—fundamental and absolutely critical, though the last discussed here—in implementing the strategies and policies needed to protect the United States and prepare for future catastrophes is the development of capable, well-trained homeland security professionals who can become part of a national security professional workforce. Trained and knowledgeable experts are now in high demand across the spectrum of critical homeland security capabilities. Many are sought by the private sector, whose attractions make the challenge of recruiting qualified professionals to government service even more difficult. Without a workforce with the skills and experience to operate across all the dimensions of homeland security—prevention, protection, preparedness, response, and recovery—the nation will not be able to protect against future catastrophes or manage them when they do happen. Strategies and plans do not write themselves, organizations and processes do not connect the dots buried in intelligence and law enforcement reports, and National Response Frameworks and incident annexes do not lead during a disaster: people make the difference. Unfortunately, today there is no fully trained cadre of people with the broad-ranging skills and experience required to be truly effective in the homeland security arena. Ensuring the quality and effectiveness of the homeland security workforce for the future should be a national priority. Although personnel issues are never considered very sexy in government circles, this task must be undertaken with a sense of urgency.

A new core competence for homeland security must be created. Today, most professionals who work on might be considered homeland security issues have expertise mainly in a single area, with very little exposure to or depth in related disciplines or subject matter. An individual with a defense background, for example, is unlikely to have also had significant exposure to state or local preparedness activities or to response planning and execution. An expert in critical infrastructure protection for nuclear power plants may know little about cyber security, even though the two infrastructure issues are integrally linked. Most law enforcement officials do not have experience in emergency response, yet they will be deployed with emergency management professionals in the event of a major terrorist incident. A policy analyst who is tasked to develop a strategy for pandemic flu preparedness may well have no training in the field of health. Stovepiped career tracks are unacceptable, given that the success of the nation's homeland security programs vitally depends on the ability of individuals to work together cooperatively and effectively across a very broad span of subject matters, skill sets, and institutions.

Problems caused by narrow expertise are not unique to homeland security; they are found across the entire national security spectrum. But gradually, over the past 50 years, national security professionals have developed a tradition of working across agencies on an extensive range of issues, from proliferation of weapons of mass destruction to postconflict reconstruction, foreign

Ensuring the quality and effectiveness of the homeland security workforce for the future should be a national priority.

assistance, and arms control. That the policy community shows strong interest in the issue of interagency reform suggests some acknowledgment that the degree of collaboration between agencies leaves much to be desired, but at least it has a strong foundation and tradition of interagency cooperation on which to build. The field of homeland security has almost no tradition of coordination across disciplines, let alone between federal, state, and local governments. Professionals are only now in the early stages of beginning to develop these habits of cooperation—for example, through collaborative endeavors such as state and local intelligence fusion centers. Cul-

Stovepiped career tracks are unacceptable, given that the success of the nation's homeland security programs vitally depends on the ability of individuals to work together cooperatively and effectively across a very broad span of subject matters, skill sets, and institutions.

ture clashes between major national security agencies such as the departments of State and Defense are significant and well documented, but in the broad field of homeland security, the divisions in culture, knowledge, and experience can be even more pronounced and may be far less well understood.

The 1986 Goldwater-Nichols Act demonstrated the value of joint training and joint experience for the development of the professional American military. Joint duty assignments are now a required and routine dimension of an officer's training program. Promotion to general officer rank requires at least one assignment in a joint billet.²⁷ In part because this reform has been so successful in the military context, there is growing recognition that professional education and training that incorporates exposure to multiple disciplines and organizations must be an important element of a robust national homeland security system. *The Federal Response to Hurricane Katrina: Lessons Learned*, the report issued by the White House, identified as a "lesson learned" that

The Department of Homeland Security should develop a comprehensive program for the professional development and education of the Nation's homeland security personnel, including Federal, State and local employees as well as emergency management persons within the private sector [and] non-governmental organizations. . . . This program should foster a "joint" Federal Interagency, State, local, and civilian team.²⁸

The White House Katrina report called for each federal department and agency assigned a specific homeland security role to establish a homeland security professional development program that encompasses career assignments, education exercises, and training. It also urged the creation of a National Homeland Security University for senior officials.²⁹

27. The Goldwater-Nichols Act required that in order to be promoted to general officer or flag officer, military officers had to complete at least one joint assignment outside of their home services. Most experts agree that this requirement was one of the act's most profound reforms and has contributed directly to the increased professionalism and effectiveness of the modern military. See James A. Locher III, *Victory on the Potomac: The Goldwater-Nichols Act Unifies the Pentagon* (College Station: Texas A&M University Press, 2004), 445.

28. *The Federal Response to Hurricane Katrina*, 73; see also *A Failure of Initiative*, 119.

29. *Federal Response to Hurricane Katrina*, 119, 120–21.

The October 2007 National Strategy for Homeland Security underscores the importance of building a strong community of homeland security professionals:

In order to ensure the success of the Homeland Security Management System, our Nation must further develop a community of homeland security professionals. This requires establishing multidisciplinary education in homeland and relevant national security policies and strategies; the planning process; execution of operations and exercises; and overall assessment and evaluation. Furthermore, this should include an understanding and appreciation of appropriate regions, religions, cultures, legal systems, and languages. Education must continue outside the classroom as well—in order to enhance knowledge and learning, build trust and familiarity among diverse homeland security practitioners, break down organizational stovepipes, and advance the exchange of ideas and best practices, we must continue to develop interagency and intergovernmental assignments and fellowship opportunities, tying them to promotions and professional advancement.³⁰

Recognizing the critical role that professional education and development must play in enhancing unity of effort across the spectrum of national security missions, the executive branch has taken a number of positive first steps toward reform. Executive Order 13434, which was issued on May 17, 2007 (“National Security Professional Development”), and the resulting *National Strategy for the Development of Security Professionals* are important steps toward meeting these new educational needs. The executive order is intended to integrate professional development for areas common to international and homeland security; achieve unity of effort through intergovernmental training, professional education, and career opportunities; and provide 21st-century national security professionals with a breadth and depth of knowledge and skills.³¹

The order establishes a steering committee whose members are the heads of 15 agencies—State, Defense, Treasury, Justice, Labor, Agriculture, Health and Human Services, Housing and Urban Development, Transportation, Energy, Education, DHS, the Office of the Director of National Intelligence, the Office of Management and Budget, and the Office of Personnel Management—with others as may be designated. This steering committee is charged with coordinating national security professional programs and each agency’s guidance in order to ensure an integrated approach to those programs.

In conjunction with the implementation of this executive order, the U.S. government also has established the National Security Education Consortium to provide common educational opportunities to national security professionals. The consortium includes many of the educational institutions supported by the agencies on the steering committee, such as the Department of Defense’s National Defense University and the State Department’s Foreign Service Institute.

Although the executive branch has made some important initial strides toward developing a new professional education and development system, reaching agreement on the details will be hard—as evidenced by the delay in completing an implementation plan. The program will require significant White House support and leadership to see it through, because it is simultaneously a new concept and a multiagency endeavor and because it requires scarce personnel and other

30. *National Security Strategy* (Washington, DC: Department of Homeland Security, 2007), 45.

31. Executive Order 13434 says, “In order to enhance the national security of the United States, including preventing, protecting against, responding to, and recovering from natural and manmade disasters, such as acts of terrorism, it is the policy of the United States to promote the education, training, and experience of current and future professionals in national security positions (security professionals) in executive departments and agencies.” <http://www.whitehouse.gov/news/releases/2007/05/20070517-6.html>.

resources.

At the Cabinet agency level, DHS has taken steps to begin building a more robust cadre of homeland security professionals by offering more opportunities for education, training, and professional development. In 2007, DHS published its Learning and Development Strategy, which calls for a homeland security community of learning (“DHS University System”) with four pillars: a leadership institute to deliver leadership training at career milestones for DHS employees at all levels, a homeland security academy providing a graduate program in homeland security studies focused on strategic analysis and decisionmaking, a center designed to develop a culture of preparedness and enhance performance of preparedness activities, and a center for academic and interagency partnerships to establish ties with counterparts in the interagency and the academic community.³² DHS’s Learning and Development Strategy is a start toward creating the kinds of highly trained professionals that it needs in the field, but funding for these programs in the proposed budget for fiscal year 2009 was clearly inadequate—only \$5 million. Moreover, the system’s programs to date have had far too few participants, given the urgent demand for a high-quality workforce.

Challenges Ahead

A number of major challenges lie ahead in assembling a cadre of homeland security professionals. First, the boundaries of the “homeland security field” and the jobs within it have yet to be defined. Without clarity about the roles, responsibilities, and career tracks of homeland security professionals, it is impossible to determine what skills and expertise homeland security professionals require to do their job well. Defining the universe of homeland security jobs, and spelling out the skills and expertise needed for these jobs, will be a critical component of any professional development program within or outside the government.

Educators and trainers in the national security field more broadly as well as in homeland security, in programs that are government funded as well as for those that are not, need to know what it is they are educating their students for. More than 340 schools are teaching courses or awarding degrees in homeland security, but they lack a shared understanding of what constitutes proper preparation for entering the homeland security enterprise.

Second, building a longer-term professional development and education system has taken a back seat to addressing more immediate personnel issues such as recruiting qualified personnel and managing an undersized workforce. DHS still faces well-publicized morale problems,³³ and it is struggling to handle current missions and operations with a professional workforce that is already stretched very thin. As a result, DHS, like many other federal departments, is reluctant to allow personnel to engage in education and training activities, which take them away from the organization’s daily operations and functions. Although the military generally maintains a 10 to 15 percent training and transit “float,” such a large personnel cushion is not the norm in civilian departments and agencies—certainly not in the Department of Homeland Security, which has virtually no float at all.

A third challenge is the difficulty of recruiting and retaining national security professionals. Today’s employers are discovering that they cannot attract and keep members of Generation Y

32. Establishing a Department of Homeland Security University System: Learning and Development Strategy; Office of the Chief Human Capital Officer (Washington DC: Department of Homeland Security, September, 2007).

33. *2006 Federal Human Capital Survey* (Washington, DC: U.S. Office of Personnel Management), <http://www.fhcs2006.opm.gov/Reports/ResponseWPCT.asp?AGY=ALL&SECT=4>.

and the Millennial Generation by relying on salary offers alone. Recruiting the next generation of workers into government service may require that traditional personnel policies be modified; the changes should include greater flexibility for those entering and leaving the government, as well as more opportunities for professional education and training. The federal government must explore avenues to make service in the homeland security field more appealing: for example, the use of grants and fellowship programs that link scholarships to service requirements might be expanded.³⁴

RECOMMENDATION 25: The White House and participating agencies should implement and fund a strengthened version of the National Security Professional Program.

To implement the vision outlined in this report, the U.S. government will have to establish a much more robust cadre of homeland security professionals within the national security enterprise. The Defense Department's Joint Professional Military Education (JPME) program, one consequence of the Goldwater-Nichols Act, offers a solid starting point. Within the national security professional development and education system, individuals would specialize in a specific mission area or particular subject matter, but they would also receive broad training aimed at grooming future leaders, enhancing the ability of individuals to work closely together, and developing the kind of joint efforts that will make possible a more strategic approach to homeland security and more effective cooperation in the field.

The U.S. government will not be able to realize the vision outlined in Executive Order 13434 unless it provides additional resources for implementing that order and beefs up the requirements in the National Security Professional Program. Although the executive order supports the concept of tying experience outside one's home agency to professional advancement, it does not make such rotation a universal requirement for promotion to senior ranks, as the Goldwater-Nichols Act did for the U.S. military. Unless rotational assignments are explicitly linked to career advancement, agencies and the career personnel within them are unlikely to embrace the notion on their own. The Goldwater-Nichols joint officer corps has been a success because officers who complete joint assignments are rewarded professionally, and because senior leadership has come to strongly support these joint assignments.

Translating this model into the federal government's broader national security arena will require that all relevant agencies make temporary assignments available to outside personnel. The system should include rotational opportunities at the regional office level, and perhaps at the state and local government level. Although achieving these kinds of opportunities will be a bureaucratic challenge, they would be a major step toward creating a truly "joint" homeland security work-

The federal government must explore avenues to make service in the homeland security field more appealing: for example, the use of grants and fellowship programs that link scholarships to service requirements might be expanded.

34. For example, the "Scholarship for Service Program" co-sponsored by the Department of Homeland Security and National Science Foundation is used to recruit students in information assurance and cybersecurity fields by providing academic funding in return for federal service. For more information on the Scholarship for Service program see www.sfs.opm.gov.

force whose vertical and horizontal integration will enhance national preparedness. Some joint programming exists for professional education at the state and local levels, but—as is true of DHS professional development and education writ large—resources are very limited and participation in such programs is relatively low.

Ideally, the professional development and education program would give state- and local-level personnel a chance to serve in the federal government. Some rotations to DHS headquarters do take place now, but because of the tightness of state and local government budgets they are generally limited to officials from the largest cities. Such a program should be federally funded.



To support these rotational assignments and build a robust system of training and professional education, the next Administration should work with Congress to mandate that participating agencies fund a 3–5 percent personnel float. This is a smaller float than the military services generally maintain for professional military education and transit, but it would nevertheless represent a major investment in much-

needed professional development and education.

Finally, as part of implementing Executive Order 13434, the Secretary of Homeland Security, together with the other members of the National Security Professional Development Executive Steering Committee, should develop a comprehensive strategy specific to homeland security professional education and development. This strategy should articulate agreed-on roles, functions, and qualities of government homeland security professionals, as well as the career track requirements and options needed to establish a strong cadre of them. Agencies with a role in homeland security will need to agree on the necessary core competencies for homeland security professionals, which should factor not only into the training of personnel but also into their recruitment and evaluation. As the homeland security field continues to grow and mature, those competencies must be periodically reviewed to ensure that they continue to best represent the skill sets needed immediately and in the future in the government workforce.

To assist DHS and the steering committee in its efforts, the Secretary of Homeland Security should establish a high-level commission of educators and practitioners in the field to study this strategy. After a year, the commission should present its recommendations to the Department of Homeland Security and the other departments that have a role in homeland security.

By creating a more coherent, structured approach to professional development and education, centered on the core competencies needed to become a successful homeland security professional, the U.S. government will begin to bring more knowledgeable and skilled personnel to the workforce in the areas of expertise needed.

RECOMMENDATION 26: The next Secretary of Homeland Security should make funding and implementation of an expanded DHS professional education and development strategy a top priority. He or she also should begin a dialogue with institutions of higher learning about what skills the nation needs its homeland security professionals to possess.

First, the next Secretary of Homeland Security should ensure that the Learning and Development Strategy for a DHS university system is properly funded and fully implemented. The strategy envisioned is a good starting point, but it will not be realized unless programs are fully funded and a large enough personnel “float” is supported. Both programs and people require more resources.

Second, the DHS university system should be expanded in several important ways. It should include opportunities for academic study outside government-run programs, as are offered elsewhere in the national security arena (e.g., by the Defense and State departments). It must also be extended beyond the Naval Postgraduate School to fully encompass the existing academic assets of DHS; for example, it should include the DHS Centers of Excellence. Academic opportunities for federal, state, and local officials to study jointly must continue to be expanded. As noted above, significantly more opportunities should be given to federal officials to work in the field, whether at a regional office or at the state or local level. Conversely, opportunities should be provided for officials in the field to rotate to a Washington-based assignment.

Third, the DHS university system should offer courses of study across the areas identified for multidisciplinary education in the 2007 National Strategy for Homeland Security. Thus, it should offer training in strategy and budget development, deliberate planning, and other areas viewed as critical to the development of approved homeland security core competencies.³⁵ Experienced planners and budget analysts are not created overnight. Personnel working in these areas across the federal government would benefit from the opportunity to study together, share insights, and discuss lessons learned and best practices. For example, within the preparedness community, great value would be derived from increased cross-fertilization between planners with military backgrounds and those with expertise in the Incident Command System and in emergency response planning.

Finally, DHS should work with public and private universities and other academic institutions to ensure that the myriad degree programs for students with an interest in homeland security are designed to best meet the future needs of the homeland security field and to best prepare students for jobs in the field over the longer term. Although these programs may bear the label “homeland security,” they can differ enormously in their content, and both educational institutions and the government would benefit from an exchange about what students are learning and what the government needs them to know. Incentives also need to be developed for recruiting a high-quality workforce from institutions of higher education. One initiative that could pay dividends is to build on the Science and Technology Directorate’s University Scholars and Fellows programs by attaching federal service requirements to academic scholarship funding provided to students in an expanded version of the programs.

To meet the future challenges of securing the homeland, the nation needs a new cadre of professionals at the federal, state, and local levels committed to the homeland security mission. The government must not only address the professional development needs of current personnel, who need training to better execute their mission, but also establish a pipeline from academic institutions to provide future generations of professionals.

35. James Jay Carafano, “Missing Pieces in Homeland Security: Interagency Education, Assignments, and Professional Accreditation,” (Washington, DC: Heritage Foundation, 2006).

Concluding Observations

As a strategic planner with long experience once wisely observed, “Plans become irrelevant because organizations fail to carry them out.”³⁶ Implementation is everything, and the sooner government at all levels—federal, state, and local—commits to developing robust mechanisms to implement national homeland security policy, the faster the nation will make progress toward being truly prepared and resilient. The Department of Homeland Security has already begun to reinvigorate the FEMA regional offices around the country. The next Administration should ensure that this critical work is continued, expanded, and given the resources necessary to succeed. The Defense Department and DHS should work closely with governors to develop regional military homeland security task forces to complement the work of the DHS regional offices. Finally, Congress, the interagency, and DHS in particular must start paying more than lip service to the need for a professional development and education system for homeland security professionals; if they do not, the nation simply will not have the governmental workforce it needs to get the job done.

36. Clark A. Murdock, *Future Making: Getting Your Organization Ready for What's Next* (Washington, DC: Murdock Associates, 2007), 8.



APPENDIX A

SUMMARY OF REPORT RECOMMENDATIONS

RECOMMENDATION 1: The next Administration should merge the National Security Council and Homeland Security Council into a single organization with a single staff, and make it the driver of the President's national security policy.

RECOMMENDATION 2: The next Administration should establish a clear chain of command inside DHS to ensure that the Secretary can carry out his or her responsibility to serve as the federal government's coordinator for incident management.

RECOMMENDATION 3: The next Administration should consolidate the positions of Principal Federal Official and Federal Coordinating Officer into the single position of Lead Federal Coordinator, who would report through the FEMA Administrator to the Secretary of Homeland Security.

RECOMMENDATION 4: The next Administration should amend HSPD-5 to clarify the authority of the Secretary of Homeland Security in relation to that of the Attorney General and of the Secretary of Defense so that the Secretary of Homeland Security can function effectively as the Principal Federal Official for domestic incident management.

RECOMMENDATION 5: The next Administration should state clearly that the Department of Defense will not have the lead in responding to catastrophic incidents, even in extraordinary circumstances, but will be expected to play a substantial support role under the overall coordination of the Secretary of Homeland Security.

RECOMMENDATION 6: The next Administration should work closely with state governments to initiate a robust dialogue on the subject of how to balance the need to enable the federal government to directly employ federal resources within a state or states during the most extreme circumstances with the constitutional right of states to self-governance.

RECOMMENDATION 7: The next Administration should conduct a Quadrennial National Security Review (QNSR) to develop U.S. national security strategy and determine the capabilities required to implement the strategy.

RECOMMENDATION 8: The next Administration should create a National Security Planning Guidance (NSPG) to be coordinated and reviewed by the reconfigured National Security Council and signed by the President.

RECOMMENDATION 9: The next Administration should create a Senior Director for Strategic Planning in the merged National Security Council to lead interagency strategic planning efforts and oversee their implementation.

RECOMMENDATION 10: The NSC Directorate for Strategic Planning should play a central role in guiding the integrated planning effort and ensuring that it produces viable planning products.

RECOMMENDATION 11: The National Security Adviser and Secretary of Homeland Security should establish a robust interagency organization, overseen by the NSC but housed within DHS, that is responsible for day-to-day implementation of the planning system, including the development of operational plans to be signed by the President.

RECOMMENDATION 12: DHS should create and maintain structures that integrate state and local plans with planning at the federal level.

RECOMMENDATION 13: The interagency planning organization housed within DHS needs to develop requirements, with associated performance objectives and evaluative metrics, for the federal departments.

RECOMMENDATION 14: DHS, working closely with the interagency, should coordinate a baseline survey of federal capabilities and maintain a database of federal capabilities as part of the national preparedness system.

RECOMMENDATION 15: The next Administration should create a partnership between the Office of Management and Budget and the NSC Strategic Planning Directorate to lead the development of integrated budget planning across homeland security mission areas.

RECOMMENDATION 16: Working very closely with state and local officials, DHS should substantially revise the Target Capabilities List so that it clearly specifies the different capabilities required by state and local jurisdictions, performance objectives for those capabilities, and yardsticks by which to evaluate whether target levels have been reached.

RECOMMENDATION 17: DHS/FEMA regional offices should work closely with state governments to conduct a baseline survey of state capabilities and to maintain databases of state capabilities as part of the national preparedness system.

RECOMMENDATION 18: DHS should reform its grants program to be a flagship component of the department: well managed, transparent, and highly credible. The FEMA regional offices should be the front lines of the grant program. Grants should be tightly linked to federal priorities—which should include strengthening planning at the state and local level—and to the attainment of target capability levels. Grant recipients should be required to provide reporting and evaluation data on their success in meeting established performance objectives for target capabilities.

RECOMMENDATION 19: DHS should host a catastrophic event tabletop exercise for very senior officials early in each new Administration to familiarize new appointees with their roles, their responsibilities, and the magnitude of likely challenges.

RECOMMENDATION 20: The National Exercise Program should focus on evaluating progress toward target capability levels outlined in a revised Target Capabilities List and should include a robust lessons learned process and corrective action program.

RECOMMENDATION 21: DHS should reform TOPOFF to be far less scripted and much closer to a “no-notice” exercise.

RECOMMENDATION 22: Assistant Secretary–level participation in Senior Officials Exercises should be obligatory, and should be monitored and enforced by the National Security Council staff.

RECOMMENDATION 23: DHS should complete and expand the existing effort to create homeland security regional hubs that leverage the resources of the FEMA regional offices. These hubs should be the coordinators of federal activities outside Washington, D.C., and the focus of interactions with state and local stakeholders.

RECOMMENDATION 24: The next Administration should create regional homeland security task forces, drawn largely from existing National Guard units, to complement the regional homeland security hubs. The task forces would be able to respond rapidly to catastrophes and would focus day-to-day on leading regional military planning, training, and exercising for major domestic emergencies.

RECOMMENDATION 25: The White House and participating agencies should implement and fund a strengthened version of the National Security Professional Program.

RECOMMENDATION 26: The next Secretary of Homeland Security should make funding and implementation of an expanded DHS professional education and development strategy a top priority. He or she also should begin a dialogue with institutions of higher learning about what skills the nation needs its homeland security professionals to possess.

APPENDIX B

BG-N PHASE 4

WORKING GROUP MEMBERS

1. Mr. Ernest Abbott, FEMA Law Associates
2. COL Neal Anderson, USA (ret.), NORTHCOM, Senior Representative to DHS
3. Mr. Keith Bea, Congressional Research Service
4. Ms. Janet Benini, Department of Transportation
5. Mr. David Berteau, CSIS
6. Mr. Richard Burke, DHS
7. CDR John Caplis, U.S. Coast Guard and CSIS Military Fellow
8. Mr. Frank Cilluffo, Associate Vice President for Homeland Security and Director, Homeland Security Policy Institute
9. Mr. Alan Cohn, DHS
10. Ms. Kristen Cormier Robinson, National Emergency Management Association
11. LtCol David Dockery, NORTHCOM Liaison to DoD
12. Mr. Corey Gruber, DHS
13. Carl Hawkinson, Former Director, Homeland Security, State of Illinois
14. Mr. David Heyman, CSIS
15. Ms. Kathleen Hicks, CSIS
16. Mr. William Jenkins, General Accounting Office
17. Mr. Frank Jones, U.S. Army War College
18. Captain Brian Kelley, U.S. Coast Guard
19. Mr. Robert Kravinsky, Office of the Secretary of Defense
20. Major General Timothy Lowenberg, Adjutant General, State of Washington
21. Mr. Bear McConnell, NORTHCOM
22. Mr. Bridger McGaw, Booz Allen Hamilton
23. Mr. John Medve, ALIS Inc.
24. Dr. Clark Murdock, CSIS
25. CAPT Sam Neill, U.S. Coast Guard
26. Mr. Daniel Ostergaard, former Director, Homeland Security Advisory Council
27. LTC Peter Quinn, U.S. Army National Guard and CSIS Military Fellow
28. Mr. F. Brooks Royster, Executive Director of the Maryland Port Administration
29. Mr. Joseph Rozek, Microsoft
30. COL Ron Salazar, The Joint Staff
31. CAPT Steven Taylor, DHS
32. Lt. Col. Bert Tussing, USMC (ret.), U.S. Army War College Center for Strategic Leadership

APPENDIX C

ACRONYMS

CBRNE	chemical, biological, radiological, nuclear, and high-yield explosives	NHSP	National Homeland Security Plan
CERFP	CBRNE Emergency Response Force Packages	NORTHCOM	U.S. Northern Command
CIA	Catastrophic Incident Annex	NPS	National Planning Scenarios
CBP	Customs and Border Patrol	NRF	National Response Framework
DHS	Department of Homeland Security	NRP	National Response Plan
DoD	Department of Defense	NSA	National Security Adviser
DoJ	Department of Justice	NSC	National Security Council
DRG	Domestic Readiness Group	NSHLS	National Strategy for Homeland Security
EMAC	Emergency Management Assistance Compact	NSPG	National Security Planning Guidance
FCO	federal coordinating officer	OMB	Office of Planning and Budget
FEMA	Federal Emergency Management Agency	OPU	Operational Planning Unit
GPRA	Government Performance Results Act	FPC	federal preparedness coordinator
HSC	Homeland Security Council	PFO	principal federal official
HSPD	Homeland Security Presidential Directive	PKEMRA	Post-Katrina Emergency Management Reform Act
IMAT	Interagency Management Assistance Team	QDR	Quadrennial Defense Review
IMPT	Incident Management Planning Team	QHSR	Quadrennial Homeland Security Review
IPS	Integrated Planning System	QNSR	Quadrennial National Security Review
JFO	Joint Field Office	RAs	regional administrators
JTF	Joint Task Force	RISC	Regional Interagency Steering Committees
LFC	lead federal coordinator	TCL	Target Capabilities List
NEP	National Exercise Program	UTL	Universal Task List

