

STATEMENT

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COMMITTEE ON HOMELAND SECURITY
SUBCOMMITTEE ON EMERGENCY COMMUNICATIONS, PREPAREDNESS, AND
RESPONSE

“PKEMRA IMPLEMENTATION: AN
EXAMINATION OF FEMA'S PREPAREDNESS AND RESPONSE MISSION”

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Chairman Cuellar, Ranking Member Rogers, and distinguished members of the subcommittee, thank you for the opportunity to appear before you today. The topic of today's hearing, "Post-Katrina Emergency Management Reform Act (PKEMRA) Implementation: An Examination of FEMA's Preparedness and Response Mission," intersects with many of my research interests as well as my professional experience.


As a matter of background, I presently serve as the Deputy Director of Homeland Security Policy Institute (HSPI) at The George Washington University, a position I previously held from 2002-2005. During my three-year absence from HSPI, I served on the Homeland Security Council staff at the White House, most recently as Special Assistant to the President for Homeland Security and Senior Director for Response Policy.

Just one month after arriving at the White House, I witnessed first hand the failures of the response to Hurricane Katrina from a bird's eye view. What I saw appalled me and as the event unfolded I committed to myself, and more importantly the nation, that I would do everything in my power to ensure we did not repeat the tragic failures of Hurricane Katrina.

Let me first caveat my remarks by saying that clearly there were failures at all levels of government during Hurricane Katrina. For the purposes of this hearing, I will focus my remarks on the federal level, but in no way do I mean to imply that only the federal government was to blame; all levels of government must understand the lessons learned from the catastrophe and implement changes to ensure we do not again experience such a tragedy.

Preparedness at all levels of government prior to an incident is important because any one broken "link" in the response "chain" imperils the national response system.¹ When the system fails, as it did during Hurricane Katrina, the responsibility of managing the incident falls solely to those near the incident site – usually the first responders. As one of those first responders, I understand that such a situation puts those of us charged with saving lives in an untenable situation. Without the resources of the federal government, local and state governments will quickly become

¹ I use the term "national response system" to include federal, State, local, county, tribal, volunteer and private sector entities; essentially any individual or organization involved in responding to an incident.



overwhelmed. Such a cascading failure can make a *significant* event a *catastrophic* one.

The Federal Emergency Management Agency (FEMA) has been put to the test since the failed response to Hurricane Katrina in 2005. In 2008 alone, the agency faced numerous natural disasters across the country, including very active hurricane and tornado seasons, intense wildfires, and widespread flooding. In fact the 2008 hurricane season broke two records: it was the first time that six consecutive tropical cyclones made landfall on the U.S. mainland and the first to have a major hurricane (Category 3 or higher) form in five consecutive months.² Unlike the response to Hurricane Katrina, federal, state, and local officials were prepared, garnering resources well ahead of the storm and executing timely and effective evacuations. In the aftermath of the storms there were more stories of triumph than tragedy: largely successful responses at all levels of government.³


The triumph is not just in lives saved because of evacuations and other measures, but also in the ability of the national response system—including the convergence of local, state and federal efforts—to support response and recovery to the benefit of America’s communities.

The government’s improved response to natural disasters is more than a feel-good story. As America’s homeland and national security policy is guided by a new presidential administration and Congress, it is an important reminder for policymakers to first assess how new or existing policies benefit the citizen. The bottom line is this: will these new policies increase our level of readiness for natural or manmade disasters? If this question cannot be answered in the affirmative, the new Administration should reflect and reassess, rather than rush to implement change.

Today I will first outline the evolution of policies following Hurricane Katrina. Then I will explain why FEMA should remain within the Department of Homeland Security (DHS). Next I will demonstrate the need for stronger homeland security

² “Atlantic Hurricane Season Sets Records,” *National Oceanic and Atmospheric Administration* (November 26, 2008), http://www.noaa.gov/stories/2008/20081126_hurricanesession.html (accessed March 13, 2009).

³ “Kind Words for New FEMA,” *USA Today* editorial (October 2, 2008), <http://blogs.usatoday.com/oped/2008/10/kind-words-for.html> (accessed March 13, 2009) and Fiore, Faye, “FEMA Says It’s Applying Hurricane Katrina’s Lessons to Gustav,” *Los Angeles Times* (September 2, 2008), <http://www.latimes.com/news/nationworld/nation/la-na-fema2-2008sep02.0.7688528.story> (accessed March 13, 2009).



regions. I will then mention the role of the Secretary of Homeland Security. And finally I will turn to the need to consolidate congressional oversight of DHS.


Katrina Lessons Learned/PKEMRA

In the months that followed Hurricane Katrina, I began re-living my own experiences, day by day, minute by minute, and meshing those experiences with the massive research effort that had provided mountains of interview transcripts from people who had witnessed first hand the response to the events as they unfolded. It was through this prism that I helped to separate the facts from fiction, and pinpoint the crux of the problems. Under the leadership of my boss Fran Townsend, we published our findings and 125 recommendations in the official White House report *The Federal Response to Hurricane Katrina: Lessons Learned*.

I should mention that the Katrina Lessons Learned report was published without any formal review by departments and agencies. For a public report issued by the White House to lack such review, in my assessment, is unprecedented. Officials from departments and agencies were interviewed, but there was no guarantee that the opinions they held would be published; it was the facts that we cared most about, and as one of the only writers of the report, it was largely up to a handful of us to draw the conclusions and make the recommendations. Given the desire to give an objective, and often critical, view of the federal government's response, I agree with my boss Fran Townsend's decision, and so did the President.

Following the publication of this report, I became part of the small team at the White House overseeing the implementation of the recommendations in the report, eventually becoming the leader of this team. I give this background because it is directly applicable to the topic at today's hearing. You see, though I, my bosses, and my staff desperately wanted to improve the nation's response capabilities, others in the federal government saw the implementation of the Katrina Lessons Learned recommendations as onerous at best.

Some agencies stepped up and accepted their responsibility not just because the White House told them to do so, but because they truly believed it would improve our national response system. Luckily for all of us, FEMA was one such agency. I can take little credit for this. The credit is instead due to the leadership of FEMA Administrator David Paulison and his deputy Harvey Johnson. They were able to move forward with their vision of "New FEMA," which implemented the White



House recommendations, and took them even further. They did this against the resistance of some FEMA staff who had seen reform come and go over the years. This reform, however, stuck. Why? One reason was the leadership of Paulison and Johnson. But even they couldn't move against both internal resistance from some of their subordinates and the more daunting resistance from their leadership at DHS. It would be Congress, not the White House that would overcome this feud.

About the time that Paulison and Johnson were developing a strategy for "New FEMA," Congress was completing its review of the Hurricane Katrina response failures. There was increasing talk that there would soon be reform legislation. White House staff, including myself, reviewed proposed language from congressional staff and provided feedback in an informal capacity.

Unfortunately, though we at the White House saw significant utility in coordinating with our congressional counterparts, the senior leadership of DHS was largely unwilling to negotiate with either the White House or Congress. The DHS leadership even pressed the White House to issue a veto threat on PKEMRA; something that we would not consider. Why would DHS leadership want the President to issue a veto threat on a legislation that aimed to correct FEMA's failures during Katrina? Quite simply they were worried that a strengthened FEMA, particularly a FEMA that would be provided a direct reporting relationship, when appropriate, to the President and Congress, would be to the detriment of DHS. Though I disagreed with their view, DHS leaders were acting rationally: Secretary Chertoff himself often expressed to us that he knew better than anyone what would happen if FEMA failed to effectively respond to the next disaster. Thus he should have complete responsibility to make sure that FEMA was up to the job. Though we did not support his position on PKEMRA because we could not possibly recommend that the President threaten to veto a bill that would codify many of the changes we supported, I did respect his view from a management perspective. After all, it was him, and not me, who would have to go on television in the wake of a catastrophe and explain to the American public why FEMA failed again under his watch.

I personally saw that PKEMRA not only codified many of the Katrina Lessons Learned recommendations that we had made, but it also forced reforms that many of us knew were necessary, yet were unable to achieve on our own. It required DHS to

take the uncomfortable, but essential reforms that were necessary in the post-Katrina environment.^{4 5} In short, we as a nation are better off as a result of PKEMRA.

FEMA within DHS

The debate over the FEMA's placement within the executive branch is a well-worn one. In 2002, during the debate over the legislation creating DHS, it became a polarizing issue.⁶ The debate again surfaced in 2006 as Congress considered, and ultimately passed, PKEMRA.⁷ So it is not surprising that once again policymakers and pundits alike are calling for various proposals to keep FEMA in DHS or move it out.⁸

FEMA is an easy target; its four-letter acronym is often used as shorthand to convey all of Hurricane Katrina's response failures. But FEMA is just one piece of the preparedness puzzle. The organization is relatively new by historical standards, having been created as an independent agency in 1979. Before that time, disaster-

⁴ For a summary of Post Katrina Emergency Management Reform Act implementation efforts, see, "Implementation of the Post-Katrina Emergency Management Reform Act And Other Organizational Changes," *U.S. Department of Homeland Security* (updated October 7, 2008), http://www.dhs.gov/xabout/structure/gc_1169243598416.shtm (accessed March 13, 2009). See also, Bea, Keith, "Federal Emergency Management Policy Changes After Hurricane Katrina: A Summary of Statutory Provisions," *Congressional Research Service* RL33729 (December 15, 2006), <http://www.fas.org/spp/crs/homsec/RL33729.pdf> (accessed March 13, 2009).

⁴ Relyea, Harold C., "Organizing for Homeland Security: The Homeland Security Council Reconsidered," *Congressional Research Service* RL22840 (November 26, 2008), <http://www.fas.org/spp/crs/homsec/RS22840.pdf> (accessed March 11, 2009).

⁵ For an assessment of overall progress of implementing the Post Katrina Emergency Management Reform Act, see, Skinner, Richard, "Statement before the Committee on Homeland Security and Government Affairs, U.S. Senate," *Office of the Inspector General, U.S. Department of Homeland Security* (April 3, 2008), http://hsgac.senate.gov/public/_files/040308Skinner.pdf (accessed March 11, 2009).

⁶ Keith Bea outlines the key issues in the 2002 debate on the placement of FEMA fostered by the 107th Congress. See Bea, Keith, "Proposed Transfer of FEMA to the Department of Homeland Security," *Congressional Research Service* RL31510 (July 29, 2002), http://www.law.umaryland.edu/marshall/crsreports/crsdocuments/RL31510_07292002.pdf (accessed January 12, 2009).

⁷ The Post Katrina Emergency Management Reform Act of 2006 became law on October 6, 2006. See, "Can Congress Rescue FEMA," *The Washington Post*, (June 26, 2006), A19, <http://www.washingtonpost.com/wp-dyn/content/article/2006/06/25/AR2006062500645.html> (accessed January 12, 2009).

⁸ For example, Congressman James Oberstar (D-MN) authored a memorandum to then President-elect Barack Obama calling for FEMA to be "re-instated as an independent cabinet-level agency reporting directly to the President," because it has "consistently failed to meet the expectations of the American people and Congress" since its incorporation into the Department of Homeland Security—a place where its mission has been "distorted by a focus on terrorism" and where state, local, and its relationship with local and state entities has been "impeded." See, Oberstar, James, "Memorandum: An Independent FEMA," as obtained by *Congressional Quarterly* (December 17, 2008), <http://homeland.cq.com/hs/flatfiles/temporaryItems/20081218FEMALetter.pdf> (accessed January 12, 2009). However, Representative Bennie Thompson (D-MS), called for FEMA to stay where it is as quoted in a recent interview: "Pulling FEMA out of the department will once again fracture the nation's ability to respond to all types of catastrophes — whether natural or man-made," he said. Instead of "focusing on dismantling the department," the emphasis should be on "strengthening its components." See, Fowler, Daniel, "Oberstar Appeals to Obama to Create an Independent FEMA," *Congressional Quarterly* (December 18, 2008), <http://homeland.cq.com/hs/display.do?docid=2999304&sourcetype=31&binderName=news-all> (accessed January 12, 2009). Most recently, Richard Skinner, the Inspector General of the Department of Homeland Security, determined that FEMA should stay within the Department of Homeland Security. See, Skinner, Richard, "FEMA: In or Out?" *Office of the Inspector General, U.S. Department of Homeland Security* OIG-09-25 (February 2009), http://www.dhs.gov/xoig/assets/mgmt/rpts/OIG_09-25_Feb09.pdf (accessed March 11, 2009).

response activities were scattered amongst some 100 federal agencies. In 2003, FEMA was brought under the DHS. Regardless of the agency's placement in the federal bureaucracy, there are fundamental misunderstandings of FEMA's role and mission, which drive false expectations by the public.

At issue is whether FEMA should be an independent agency as it once was, or stay within DHS. The debate is spoken in terms of access to the president and strength of the organization.⁹ While FEMA's place on an organizational chart is an important issue, a larger, fundamental discussion must take place about the mission of FEMA and DHS—and their subsequent convergence or divergence—and how that affects our readiness as a nation to prepare for, respond to, and recover from disasters. In other words, policymakers should follow the principle that organization—or form—of FEMA should follow its function.¹⁰

The mission of FEMA is “to reduce the loss of life and property and protect the Nation from all hazards, including natural disasters, acts of terrorism, and other man-made disasters, by leading and supporting the Nation in a risk-based, comprehensive emergency management system of preparedness, protection, response, recovery, and mitigation.”¹¹ FEMA itself is more of a facilitator and coordinator of federal support to state and local officials, rather than a massive federal department with organic response assets. It relies heavily on other federal departments and agencies, contractors, and state and local assets to perform its coordination mission.

So even if state and local officials request the federal government's help, there are no "FEMA" ambulances, helicopters, and buses. FEMA coordinates amongst all levels of government, contracts with the private sector, and leverages personnel and resources from the federal government. Sometimes this system works well, as is the case with the greatly strengthened relationship between FEMA and the Department of Defense;

⁹ For example, the National Association for Emergency Managers calls for FEMA to become “an independent agency reporting directly to the President.” See, “IAEM-USA Requests for Consideration by the President-elect,” *IAEM* (December 8, 2008), <http://www.iaem.com/committees/GovernmentAffairs/documents/IAEMrequestsforconsiderationbyPres-Elec120808.pdf> (accessed January 12, 2009). Additionally, the *New York Times* believes that under the Department of Homeland Security, FEMA “degraded into a patronage-ridden weakling,” and lifting it to the level of the President's cabinet will redeem it from this status. See, “Fixing FEMA,” *New York Times* editorial (November 24, 2008), <http://www.nytimes.com/2008/11/24/opinion/24mon3.html> (accessed January 12, 2009).

¹⁰ Cilluffo, Frank J. and Daniel J. Kaniewski, Jan P. Lane, Gregg C. Lord, and Laura P. Keith, “Serving America's Disaster Victims: FEMA: Where Does It Fit?,” *Homeland Security Policy Institute Issue Brief* (January 13, 2009), http://www.gwumc.edu/hspi/pubs/HSPI_FEMA_IssueBrief_01.13.09.pdf (accessed March 11, 2009).

¹¹ Federal Emergency Management Agency website, “About Us,” online at: <http://www.fema.gov/about/index.shtm> (accessed January 12, 2009).

other times not, such as when Louisiana's pre-established contract for buses fell through as Gustav approached, forcing the State and FEMA to quickly consider other options. Thus, FEMA is only as strong as its weakest link, with "FEMA" failing if a contractor, or a local, state or federal agency, stumbles."¹²

Consistent with its coordination mission, FEMA led the effort to revise the 2005 National Response Plan (NRP) and replace it with the National Response Framework (NRF), a guide for how the nation "conducts all-hazards response – from the smallest incident to the largest catastrophe."¹³ The NRF establishes a revised "response doctrine" and calls for "engaged partnerships" amongst all levels of government, non-governmental organizations and the private sector. I oversaw this project at the White House and can confidently say that it is more than just a simple name change; The NRF is an example of FEMA's capacity to serve as a facilitator at the national level, while simultaneously empowering local, state, and federal authorities to respond quickly and efficiently during crises.

Finally, despite the organizational changes over the years, leadership seems to have been a significant contributing factor for FEMA's successes or failures. FEMA leaders such as James Lee Witt have been lauded for their leadership of the agency. Director Witt inherited the beleaguered agency in 1993 following a widely criticized response to Hurricane Andrew the year before.¹⁴ Infamously, FEMA Director Mike Brown failed to respond effectively to Hurricane Katrina. Most point to Brown as the culprit for the failings, but some feel FEMA's placement in DHS contributed as well. However, Brown's successor David Paulison reinvigorated FEMA's role and capabilities by making dramatic changes inside the organization as well as building bridges within DHS, the executive branch, and with state and local officials. The results were clear: much improved federal responses to the many natural disasters that occurred under Paulison's leadership.

¹² Kaniewski, Daniel J., "Not Your Father's FEMA," *Washington Times* (September 10, 2008), <http://washingtontimes.com/news/2008/sep/10/not-your-fathers-fema/> (accessed March 11, 2009). See also, "Regionalizing Homeland Security: Unifying National Preparedness and Response," *Homeland Security Policy Institute* (June 30, 2006), <http://www.gwumc.edu/hspi/pubs/hspiregion.pdf> <http://www.gwumc.edu/hspi/pubs/hspiregion.pdf> (accessed March 11, 2009).

¹³ "National Response Framework: Frequently Asked Questions," Federal Emergency Management Agency, http://www.fema.gov/pdf/emergency/nrf/NRF_FAQ.pdf (accessed January 12, 2009).

¹⁴ "Coping With Catastrophe," National Academy of Public Administration for the U.S. Congress and the Federal Emergency Management Agency (February 1993), [http://71.4.192.38/NAPA/NAPAPubs.nsf/17bc036fe939efd685256951004e37f4/78f9632b737c132b85256886007eb4bc/\\$FILE/93-01--Coping+with+Catastrophe.pdf](http://71.4.192.38/NAPA/NAPAPubs.nsf/17bc036fe939efd685256951004e37f4/78f9632b737c132b85256886007eb4bc/$FILE/93-01--Coping+with+Catastrophe.pdf) (accessed January 12, 2009).

If DHS is to execute its incident management responsibilities, it should be vested with the critical preparedness and response missions of FEMA. Without FEMA, DHS will have little statutory or organizational capability to effectively manage the response to an incident.¹⁵ With the Secretary of Homeland Security representing FEMA's interests, FEMA has a powerful advocate within the executive branch. As a Cabinet Secretary, the DHS Secretary has the standing to raise issues with and garner the attention of his or her Cabinet peers and the President. The Secretary can also direct DHS resources to the FEMA mission during a disaster.¹⁶ Additionally, as provided for in the subject of today's hearing—PKEMRA—FEMA has a direct line to the President during crisis.¹⁷

Extracting FEMA could also cause bureaucratic confusion among agencies, as well as state and local officials who have labored to learn and abide by the current system's protocols. Congress would be required to provide significant legislation to re-define roles, responsibilities, and authorities, to include statutory authority and funding. Additionally, separating FEMA from DHS would result in an unknown increase of the federal budget to re-create separate governmental administration systems.

Finally, there is the less obvious, but equally important issue of employee morale. If FEMA were to be removed from DHS, staff in both agencies would likely feel the strain from yet another reorganization.¹⁸ Many feel that FEMA is finally a core component of DHS and any changes would crystallize the perception that FEMA is in a never-ending state of flux.¹⁹

¹⁵ For a full listing of FEMA statutory authority, see, "Robert T. Stafford Disaster Relief and Emergency Assistance Act," P.L. 93-288, as amended, 42 U.S.C. 5121-5207, and Related Authorities, Federal Emergency Management Agency (June 2007), http://www.fema.gov/pdf/about/stafford_act.pdf (accessed January 12, 2009).

¹⁶ In just one example, FEMA worked effectively with another DHS agency, Customs and Border Protection, which provided a "real-time streaming aerial video of damaged levees, roads, bridges and oil terminals over a secure Internet feed to 1,200 personnel from multiple federal agencies who worked ... at the Federal Emergency Management Agency's joint field office. Federal officials in Washington, as well as state and local officials throughout Louisiana, could access the feed." Brewin, Bob, "Customs and Border Protection Lends Aerial Vehicle for Hurricane Damage Assessment," *Next Gov. Com* (September 5, 2008), http://www.nextgov.com/nextgov/ng_20080905_9890.php (accessed January 12, 2009).

¹⁷ See, P.L. 109-295, § 611(11), new HSA Sec. 503(c)(4)(A), 120 Stat. 1397, http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=109_cong_public_laws&docid=f:publ295.109.pdf (accessed January 12, 2009).

¹⁸ See, Baker-McNeil, Jena, "Cabinet-level FEMA Not Needed," *The Heritage Foundation Web-Memo #2153* (December 4, 2008), <http://www.heritage.org/Research/HomelandSecurity/wm2153.cfm> (accessed January 12, 2009).

¹⁹ For more on FEMA at HSPI, see Paulison, David, "FEMA: Capabilities, Coordination and Capacities for the Future," remarks at *Homeland Security Policy Institute* (January 13, 2009), http://www.gwu.edu/hspi/hspi_paulison_01.13.09.pdf (accessed March 11, 2009).

The bottom line is that the consequence of extracting FEMA from DHS could be a lower level of national readiness to respond to disaster.²⁰ Instead of focusing on current disasters and preparing for future ones, the agency would instead be hobbled with required statutory, policy, budgetary and other bureaucratic manifestations of reorganization.

Local, State, and Regional Response

The vast majority of incidents that occur daily in the U.S. are handled at the local level. Some require assistance from surrounding local jurisdictions, counties, the State, or multiple States. Few involve federal assistance.

For example, an industrial fire will most often be handled by a local fire department. However, if this is a particularly large industrial fire the local fire department may request assistance from neighboring jurisdictions to help douse the flames. If specialized assets, such as hazardous materials teams, are not available locally the local fire department may request these assets from the county or the state. If the industry is considered nationally critical infrastructure; has significant environmental, human or economic impacts; or a terrorism nexus is suspected, specialized federal assets may be requested to assist.

As shown by Hurricane Katrina and subsequent major domestic incidents including hurricanes, tornados, wildfires, and industrial and infrastructure accidents, “all response is local.”²¹ Washington has a critical, but usually a limited supporting role. The federal government cannot be a first responder; nor can it effectively manage an incident from inside the Beltway. Local officials that determine critical response requirements and make informed judgments about unmet needs are absolutely essential for the national response system to be effective. Having a regional office to coordinate with the local and state officials ensures that federal response meets the needs of the victims, and is not duplicative or, worse, in competition with local and state response efforts. A standing presence builds relationships among local, state, and federal responders and other public officials. Regional offices have the potential to reach every level, from the individual citizen and communities to federal officials in

²⁰ Gorud, Larry J., Harold A. Schaitberger, and William Jenaway, “Letter to President-elect Obama,” Congressional Fire Services Institute (December 22, 2008), http://www.iafc.org/associations/4685/files/ntlRegResp-gr_IAFC-IAFF-CFSI-081222-LtrToPresElectObamaReFEMA.pdf (accessed January 12, 2009).

²¹ Borrowing the line “All politics is local” from former Speaker of the House Tip O’Neill.

Washington. Indeed, “regionalizing our national preparedness system is the very linchpin that connects all of the elements of our preparedness and response.”²²

Though FEMA regions exist, there are no true “homeland security” regions that translate all the headquarters elements of DHS to the state and local levels. And since DHS does not even have its own consolidated regional offices, there remains much more work to be done if the regional offices are to include the full spectrum of homeland security functions, including core homeland security missions of other departments and agencies.²³ Finally, public-private partnerships are the buzz in Washington, but there is little evidence that significant efforts are underway at the regional level.²⁴

Role of the Secretary of Homeland Security

The Secretary of Homeland Security, just like all other Cabinet secretaries, is the CEO of her organization; and managing a large federal bureaucracy is not an easy job. But the Secretary of Homeland Security has an additional duty, unique to her position: she is the “principal Federal official for domestic incident management,” responsible for coordinating among all federal departments and agencies to ensure an effective response to man-made and natural disasters.²⁵ This interagency role is most important during catastrophic incidents when virtually every federal department and agency contributes to the federal response. This means that the Secretary must view other federal departments and agencies as equivalent stakeholders in the response, not just those agencies within DHS. Though DHS possesses substantial response capabilities, it certainly does not have all of the capabilities required to respond to incidents of every scope and magnitude. Capabilities outside DHS such as aircraft at the Department of Defense, medical response teams at the Department of Health and Human Services, and hospitals in the Department of Veterans Affairs network, for

²² Cilluffo, Frank J., “Hurricane Katrina: Recommendations for Reform,” testimony before the Committee on Homeland Security and Government Affairs, U.S. Senate (March 8, 2006), http://www.gwumc.edu/hspi/congress/March8_06.htm (accessed March 11, 2009).

²³ The U.S. Government Accountability office agrees. See, Dalton, Patricia A., “Homeland Security: Effective Regional Coordination Can Enhance Emergency Preparedness,” *U.S. Government Accountability Office* (GAO-04-1009) (September 15, 2004), <http://www.gao.gov/new.items/d041009.pdf> (accessed March 11, 2009). See also, Carafano, James and David Heyman, “Homeland Security 3.0: Building a National Enterprise to Keep America Safe, Free, and Prosperous,” *The Heritage Foundation* SR23 (September 18, 2008), http://www.heritage.org/Research/HomelandDefense/upload/sr_23.pdf (accessed March 11, 2009).

²⁴ Cilluffo, Frank J., “Hurricane Katrina: Recommendations for Reform,” testimony before the Committee on Homeland Security and Government Affairs, U.S. Senate (March 8, 2006), http://www.gwumc.edu/hspi/congress/March8_06.htm (accessed March 11, 2009).

²⁵ “Homeland Security Presidential Directive 5: Management of Domestic Incidents,” (February 28, 2003), http://www.dhs.gov/xabout/laws/gc_1214592333605.shtm#1 (accessed March 13, 2009). See also, “Homeland Security Act of 2002,” P.L.107-296, (November 28, 2002), http://www.dhs.gov/xlibrary/assets/hr_5005_enr.pdf (accessed March 13, 2009).

example, are equally important to the federal response as those assets located within DHS.

Congress should emphasize the Secretary's interagency incident management role, and consider measures to further clarify this role. One suggestion I wish to offer is for the Deputy Secretary to be responsible for coordinating *internal* DHS agencies during an incident, thereby freeing the Secretary to coordinate response efforts with *external* departments and agencies. I feel that this action would better delineate the Secretary's dual roles.

Congressional Oversight

Prior to 9/11, I was on staff here in the House of Representatives as a Homeland Security Fellow. In this capacity I conducted research on congressional coordination for homeland security. The answer to me was as obvious then as it is today: there are too many committees, each with competing priorities that have oversight of DHS. I had proposed a House Select Committee on Homeland Security in June 2001, and subsequently published my findings in February 2002.²⁶ As you know, the House Select Committee on Homeland Security became a reality on June 19, 2002 with the adoption of H. Res. 449 during the 107th Congress.²⁷ Then, for several years thereafter I published policy papers and op-eds calling for the consolidation of committees that I had earlier described.²⁸ Now after a three-year absence from writing and speaking on this issue, I again call upon the Congress, and particularly the House, to consolidate congressional authorizations and oversight under a single committee. This is almost so rational that I find little need to explain the need.²⁹

²⁶ Kaniewski, Daniel J. "Create a House Select Committee on Homeland Security and Terrorism," *Journal of Homeland Security* (February 2002), <http://www.homelandsecurity.org/newjournal/articles/kaniewskilegislative.htm> (accessed March 12, 2009).

²⁷ "To establish the Select Committee on Homeland Security," H.Res. 449 (June 19, 2002), http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=107_cong_bills&docid=f:hr449eh.txt.pdf (accessed March 13, 2009).

²⁸ Cilluffo, Frank J. and Daniel J. Kaniewski, "Consolidating the House's Homeland Security Efforts: The Time To Act is Now," *Homeland Security Policy Institute Issue Brief* (December 29, 2004),

http://www.gwumc.edu/hspi/news/HS_Jurisdiction_Report_for_109th_Congress.pdf (accessed March 11, 2009). See also,


Cilluffo, Frank J. and Daniel J. Kaniewski, "Commission's Proposals Fall on Deaf Ears," *Roll Call* (August 16, 2004),

http://www.gwumc.edu/hspi/pubs/rc_08-16-04.pdf (accessed March 13, 2009); Kaniewski, Daniel J., "War Requires Homeland Panels' Attention, Too," *Roll Call* (March 24, 2003), http://www.gwumc.edu/hspi/pubs/rc_032403_00_00_004_b.pdf (accessed March 13, 2009); Kaniewski, Daniel J., "House Homeland Panel Needs Own Jurisdiction," *Roll Call* (March 9, 2003),

http://www.gwumc.edu/hspi/pubs/rc_03-09-04.pdf (accessed March 13, 2009); Kaniewski, Daniel J., "The Blame Game: More Fingers Required," *Homeland Protection Professional* (March 9, 2003); Kaniewski, Daniel J., "Home Alone; Congress Needs Security Plan," *The Washington Times* (May 14, 2002), http://www.gwumc.edu/hspi/pubs/wash_times_051402.htm (accessed March 13, 2009).

²⁹ Crowley, P.J., "Safe at Home: A National Security Strategy to Protect the American Homeland, the Real Central Front," *Center for American Progress* (February 2008), 62, http://www.americanprogress.org/issues/2008/02/pdf/safe_at_home.pdf (accessed March 11, 2009); Peters, Catherine McIntire, "Congressional Oversight of Homeland Security Comes Under Fire Again,"

Government Executive (July 30, 2008), http://www.govexec.com/story_page.cfm?articleid=40599&ref=relink (accessed March 11, 2009).



The only aspect that I wish to add to this now after having participated in the debate for more than seven years is the role of the White House in the contemporary debate. During my time at the White House we considered committee consolidation as a policy priority on a few occasions, but given the competing priorities and the increasingly tense relations between the Hill and the White House, it was clear to all at the time that this issue could not have conceivably been a priority for the President. Now, with a new President, during a time of unified government, again the talk inside the Beltway has turned to the potential for the President to call upon Congress to reform itself. While I see this as a noble thought, it is unrealistic to think that the President would expend his political capital to make this rather wonky proposal a priority, especially given the crises domestic and abroad. I believe that reform must come from within, with the Congressional leaders taking the initiative and working with the stakeholder committee chairmen and ranking members. It will not be easy, but then again neither was the creation of the intelligence committees 30 years ago. But that doesn't mean it isn't necessary.

To quote our December 2004 HSPI issue brief on the subject:

Now is the time to act. Congress must not let its homeland security efforts remain unfocused and dispersed. Consolidation of authority under a single permanent standing committee is the best answer to a problem that has already persisted two years too long.³⁰


More than four years later, there's still no better time than now to fix this problem.

Looking Ahead

There is little controversy over the fact that since Hurricane Katrina, FEMA has demonstrated substantial progress. The challenge for those on both sides of the debate will be to demonstrate that this progress will not be lost, benefits will be realized and that opportunity costs will not outweigh the benefits. Such a discussion could take place during the upcoming Quadrennial Homeland Security Review.

11, 2009); Chertoff, Michael, "Letter to Representative Peter King on Time and Resources DHS Devotes to Congressional Inquiry," *U.S. Department of Homeland Security* (September 4, 2007), <http://www.dhs.gov/xlibrary/assets/secltr-chertoff-king-congressionaloversight-20070904.pdf> (accessed March 11, 2009).

³⁰ Cilluffo, Frank J. and Daniel J. Kaniewski, "Consolidating the House's Homeland Security Efforts: The Time To Act is Now," *Homeland Security Policy Institute Issue Brief* (December 29, 2004), 3, http://www.gwumc.edu/hspi/news/HS_Jurisdiction_Report_for_109th_Congress.pdf (accessed March 11, 2009).



Something that has yet to be done is to clearly articulate FEMA's role. For example, FEMA is currently configured as a support and coordination entity for state and local governments, but the public often believes that the organization alone is capable of providing substantial "boots on the ground." Policymakers must either confront the reality that FEMA is a disaster coordinator and appropriately manage the public's expectations, or invest substantial resources to provide significant capabilities to FEMA. This would be an excellent first step for the Administration's capable FEMA nominee, Craig Fugate. I witnessed first hand Craig in action during the many disasters that struck the state during my tenure at the White House. I was always comforted when I saw Craig's face on the Video Teleconference amid crises in Florida; his confidence inspired confidence in the rest of us watching him from the comfort of our Washington offices.

Looking back to what HSPI Director Frank Cilluffo testified to in March 2006, he properly captured the issues of a post-Katrina FEMA: "Our problem is not one of organizational design – the requisite policy and law exists. The challenge is one of management and leadership. The future leadership of FEMA must understand that they are part of an all hazards preparedness team – that response and recovery complement preparedness and protection. FEMA supports a system of systems – our focus must be on fixing what is wrong with the four major functions originally housed within FEMA: preparedness, response, recovery, and hazard mitigation. Therefore, the debate should not center on FEMA – it must be focused on what's needed from the perspective of the "customer" – those on the frontlines charged with the awesome responsibility of turning victims into patients and survivors. There are numerous customers with different needs: disaster victims, first responders, state and local governments, the faith-based community, and the private sector. What they have in common is the need to receive the right "thing" (service, equipment, personnel, or relief supply) at the right time and in the right place. This requires inter- and intra-agency coordination among all levels of government and the private sector. Therefore form must follow function, with a clear chain of command, unencumbered by bureaucratic obstacles and based upon timely and effective supply chains enabling the response effort."³¹

Thank you for your time and I will be happy to answer any questions you may have.

³¹ Cilluffo, Frank J., "Hurricane Katrina: Recommendations for Reform," testimony before the Committee on Homeland Security and Government Affairs, U.S. Senate (March 8, 2006), http://www.gwu.edu/hspi/congress/March8_06.htm (accessed March 11, 2009).