



Federal Emergency Management Agency

Washington, D.C. 20472

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Part 13

SEP 14 1992

MEMORANDUM FOR: Antonio Lopez
Associate Director, NP

Grant C. Peterson
Associate Director, SLPS

FROM: Russell F. Miller *R Miller*
Inspector General

SUBJECT: Inspection Report: Federal Response Planning
and Coordination


This is the final Inspection Report entitled, Federal Response Planning and Coordination. This is the first of a two-stage review of FEMA's planning and performance in preparedness, response, and recovery for domestic emergencies. The second stage of the review will specifically address FEMA's involvement in Hurricane Andrew. Although findings have been presented in this report, we are withholding specific recommendations until the second stage of the review is completed. Therefore, the audit action plan required by FEMA Instruction 1270.2 is not applicable to this inspection at this time.

Please contact me at 646-3910 should you or your staff have any questions concerning this report.

Attachments

cc: Director
General Counsel

*Provided to NAPA Team
for assistance in preparing
Feb 93 Report
"Coping with Catastrophe"
WRL*

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* ALSO NOTE 4 pp document attached GCM-92-76*

FEDERAL EMERGENCY MANAGEMENT AGENCY
OFFICE OF THE INSPECTOR GENERAL

Office Of Inspections



Federal Respose Planning
and Coordination

INSPECTION REPORT # IN-92-11

Date Sept. 11, 1992

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Exhibits

- 1 - FEMA Director's Memorandum, January 24, 1991, "FEMA's Emergency Response Readiness."
- 2 - Associate Director's SLPS Memorandum, December 5, 1991 "Responsibility for the Emergency Support Team (EST) and the Emergency Response Team (ERT)."
- 3 - Associate Director NP, Memorandum, February 14, 1992, "Lead and Support Activities in Emergency Response."
- 4 - Associate Director SLPS, Letter to Senator Lieberman, September 30, 1991.
- 5 - SLPS and NP memorandum, September 11, 1992, "Comments on Draft Inspection Report: Federal Response Planning and Coordination."

EXECUTIVE SUMMARY:

This is the Office of Inspector General's (OIG) review of Federal Response Planning in FEMA as it was prior to Hurricane Andrew. Previous reports (Response 91A, Response 91B and Nine Mile Point) supported FEMA's response plan concept, while noting a need to clarify operational command and control relationships between FEMA and the various levels of government, including the Executive Office of the President. The OIG concludes that such clarification is fundamental to FEMA's ability to coordinate Federal preparedness activities and to carry out its mission as expressed in Executive Orders 12148 and 12656 and the Stafford Act.

In 1988 the President approved a National System for Emergency Coordination (NSEC). This system provided for a "national coordinating official", such as those appointed by the President during the Los Angeles disturbances and the Hurricane Andrew response. It was intended to ensure coordinated assistance in "extreme catastrophic, technological, natural or other disasters of national significance." It is, however, disregarded in FEMA's Federal response planning.

This report finds that FEMA management should, with other Federal agencies, either reconsider and strengthen the NSEC, or develop a justifiable alternative.

This report also finds a clear and present need to combine national security and domestic emergency response plans and their assets (both human and material). Such action should result in savings through operational efficiencies from reduced preparedness activities. It would also reduce the conflicts and confusion for State and local governments that work with the Federal response efforts. Perhaps more importantly, this action is a necessary adjustment to our present geopolitical environment. FEMA's organizational structure also should be re-examined in light of these findings.

Finally, the report finds that clarification is needed about: (1) the appropriate use of the Disaster relief fund for non-declared disasters; and (2) when the Stafford Act can be invoked.

In view of the coincidence of the arrival of Hurricane Andrew at the approximate time of the issuance of this report, it is the OIG intention that this report will be the first of a two-stage review of Federal Response Planning. The second stage, which will include a complete audit of FEMA's activities concerning Hurricane Andrew, has already been initiated by the OIG.

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Comments from the National Preparedness and State and Local Programs and Support Directorates were received September 11, 1992. These comments are provided in full as Exhibit 5 of this report. These comments acknowledge agreement with many of the report's findings and offer disagreement with others. [REDACTED]

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I. INTRODUCTION:

The Office of Inspector General's (OIG) Office of Inspections has issued several reports concerning FEMA's Federal Response Plan. Most of the findings in these reports supported FEMA's planning initiatives. However, other findings underscored opportunities for greater program efficiencies by incorporating other hazard-specific plans into the Federal Response Plan. These reports also found that better command and control relationships should be established between: (1) FEMA Headquarters and FEMA Regions; (2) FEMA and other Federal agencies and (3) FEMA and the White House. The OIG concludes that these relationships are essential to FEMA's mission as prescribed by Executive Orders 12148, 12656 and the Stafford Act. This report therefore continues to analyze the effectiveness of structures and processes for facilitating these critical linkages. The scope of this inspection was expanded to include national security response planning.

II. METHODOLOGY AND REPORT STRUCTURE:

In preparing this report we built on the foundation of information compiled through research and interviews conducted for past OIG reports, i.e., Response 91-A, Response 91-B and Emergency at Nine Mile Point. We also included national security executive orders, plans, and interviews with key national preparedness planners from FEMA and other Federal agencies. Other Federal agencies contacted included: the Department of Justice, Department of Energy, Environmental Protection Agency, Department of Defense, Defense Nuclear Agency and the U.S. Nuclear Command and Control System Support Staff. In addition, exercises and training seminars provided new information about domestic and national security response operations.

As our research evolved, information fell within two general categories: (1) Response Planning for both domestic and national security events; and (2) The Federal Response Plan, which at this point in the plan's evolution primarily focuses on natural disasters. The findings section of this report has been organized around this split. Part A deals with response planning issues; Part B with the Response Plan.

III. BACKGROUND:

Throughout the agency's history, management teams have struggled to develop a framework for transforming the "peacetime" FEMA organization into one with all assets integrated and capable of effectively responding to all types of emergency events. An additional challenge has been the requirement for FEMA to coordinate with other Federal agencies as they respond to domestic and national security emergencies. One of the first attempts to meet these challenges was initiated in 1980, with the



establishment of an Interagency Emergency Coordinating Group and Interagency Emergency Policy Board. This concept attempted to pull together human resources from across FEMA's organizational boundaries to meet specific crisis requirements. Similarly, inter-agency staff were to serve as a central government-wide policy making body. The historical record is unclear, but it appears this concept was never tested nor did it survive the change in administrations.

In 1982, FEMA developed the Integrated Emergency Management System Concept (IEMS). This concept for the first time aligned mitigation, planning and response initiatives as a coherent approach to emergency management. While not an organizational initiative, it influenced the way FEMA thought about its organization, and soon after, FEMA management reorganized and established the Emergency Operations Directorate. The directorate's primary objective at the time was to ensure a coordinated FEMA response under one directorate and through this, eliminate replication of planning and response operations in each FEMA program office. Subsequently, in 1984, the results of a report commissioned by FEMA became available. The report, entitled "FEMA's Response in Emergency Operations", concluded that "the agency currently has no means for assuring an integrated and coordinated response in extraordinary situations or larger scale, multi-faceted emergencies." The report went on to recommend adoption of a concept named the Integrated Emergency Coordination Structure (IECS). Although this concept is no longer officially recognized, key elements of the concept endure, among them the Director's Emergency Council (DEC), Emergency Response Teams (ERT) and the Emergency Support Teams (EST).

While internal emergency organizational efforts continued, another effort sought to facilitate FEMA's external emergency coordination plans and processes. In 1987, the President's Domestic Policy Council (DPC) concluded that a "generic interagency structure would provide a more efficient and effective means of coordinating Federal emergency responses than would multiple plans with different organizing principles." The DPC's proposed solution was entitled National Emergency Response Structure (NERS). The key feature was a consistent set of organizational principles and procedures for all response agencies to use in both domestic and national security emergencies. Significantly, the concept provided interagency coordination channels and links to the Chief Executive through an interagency council and a "national coordinating official" appointed by the President. Response operations would be conducted through a "lead federal agency concept" and inter-agency functional groups. This "functional group concept" exists today in both our domestic and national security plans.

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EO 12919 - June 1994

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In January 1988, the NERS Concept was re-titled the National System for Emergency Coordination (NSEC) and approved by the President. In communicating the decision to the Domestic Policy Council, the approval specifically stated that NSEC was a means for "ensuring that the Federal Government provided timely, effective and coordinated assistance to State and local governments in extreme catastrophic technological, natural or other domestic disasters of national significance." The concept clearly provided for a command relationship between the Executive Office of the President and other Federal agencies through an appointed national coordinating official. Significantly, NSEC cites the Plan for Federal Response to a Catastrophic Earthquake, which is now named the Federal Response Plan (FRP), and acknowledges it as the key plan through which assistance gets funneled to State and local governments. Concurrent with this action in June 1988, then Assistant to the President for National Security Affairs, General Colin L. Powell, instructed agencies to develop a National Security Plan with a "functionally" oriented structure as a companion approach for national security emergencies. This, he concluded, "will assure a consistent response by the Federal Government regardless of the nature of an emergency and will eliminate the need to change response mechanisms in the midst of a crisis."

Today, the NSEC concept is still included in official documents and many of the planning tenets still endure, although the concept has been disregarded by many agencies, including FEMA. However, the Environmental Protection Agency, Department of Energy, and the Nuclear Regulatory Commission still include NSEC as a planning assumption and acknowledge its relevance to their response plans, i.e., the National Contingency Plan for Oil and Hazardous Substance Pollution (NCP) and the Federal Radiological Emergency Response Plan (FRERP).

IV. FINDINGS

A. FEDERAL RESPONSE PLANNING FOR DOMESTIC AND NATIONAL SECURITY EMERGENCIES

1. The National System for Emergency Coordination (NSEC) should be re-examined.

The National System for Emergency Coordination (NSEC) is still the executive response coordination structure for both domestic and national security emergencies. FEMA should therefore initiate action to update and re-emphasize the concept or develop a justifiable alternative. Our data and analysis suggests that the Director re-evaluate the NSEC for several reasons.

First, NSEC provides formalized linkages between FEMA and the White House in an emergency. If abolished, no such formalized process will exist. While informal linkages are currently present between the Catastrophic Disaster Response Group, a policy coordination



group established in the Federal Response Plan, and the White House, these relationships are unique and largely personality dependent. They may be effective for now, but they provide no long term structure or regularized process between FEMA and the White House. Further, while the Catastrophic Disaster Response Group provides the forum for inter-governmental policy deliberations during an emergency, this group is composed of individuals at the Assistant Secretary level. It does not include department heads or the Director of FEMA, and should not be viewed as a substitute for NSEC.

Second, we continue to find incorrect perceptions regarding FEMA's role in emergencies other than natural disasters. The Exxon Valdez accident offers the most classic example of this. After this event, FEMA was chided in 1989 Congressional hearings as the "911" of government and for failing to respond aggressively to this event. This debate shows the range of perceptions over the appropriate role for FEMA. The experiences of Desert Storm also provide a glimpse into the internal and external confusion over when and how FEMA should become involved. This event prompted the FEMA Director to clarify this issue in a memorandum to all employees dated January 24, 1991 (Exhibit 1). A further example is provided by the Loma Prieta Earthquake, when the President publicly turned to Sam Skinner, then Secretary of Transportation, to coordinate the early Federal response. This decision was quickly put back on track, but a pre-negotiated executive coordination structure similar to that provided by NSEC might have mitigated this confusion by minimizing ad hoc decision-making. Finally, we believe that the negotiation and participation inherent in the NSEC structure will, over time, solidify FEMA's role among executive departments and agencies.

2. Classified and domestic plans and assets should be focused toward a common purpose.

The background section of this report highlighted the similarities in planning for domestic and national security emergencies. To summarize, agencies were instructed by the President and the Assistant to the President for National Security to develop plans with a functional structure to assure a consistent response by the Federal Government. This structure is now in place for both domestic and national security emergency plans. The fact remains, however, that FEMA has separate sets of plans and separate personnel rosters for both requirements. In an earlier report (91-B), the Inspector General questioned the apparent redundancy of similar arrangements at the regional level. Attention was called to the fact that the regions had a Emergency Response Team (ERT) assigned to domestic emergencies and a Regional Emergency Management Team (REMT) assigned to national security matters.



Since the report, the Associate Director of National Preparedness advised that the REMT teams will be disbanded and their functions assigned to the ERT.

An apparent redundancy of plans and personnel at FEMA Headquarters should be examined. This finding is cast against the backdrop of the changing geopolitical environment, the reduced threat, and the associated defense build-down. It is clearly time for FEMA to closely examine its programs and plans, and to combine them when economies can be realized. In this respect, combining the mitigation components of Federal Insurance Administration (FIA), State and Local Programs (SLPS) and the U.S. Fire Administration (USFA), into a single unit should be considered. Similarly, the mission of the Mobile Emergency Response Support (MERS) units should be expanded to better integrate those assets with all of FEMA's programs and emergency support responsibilities.

3. FEMA should review and adjust its programs and organization to better serve changing public requirements and ensure more effective use of public resources.

As strategic interests of the world's superpowers are redefined, there will be compensatory adjustments in our national security policy. FEMA must therefore anticipate adjustments to long held doctrines, and prepare to persuade others that programs justified primarily on the basis of national security have relevance in responding to domestic emergencies. Our review concludes, however, that FEMA's present organizational alignments and functional assignments make this difficult to accomplish. Some examples are illustrative of this finding.

Example 1. The Agency/Department Emergency Coordinator is a concept that FEMA supported for inclusion in Executive Order 12656. The purpose of this emergency coordinator, a high level executive is to coordinate agency-wide emergency management issues and plans. Yet the FEMA Instruction "Designation of Emergency Coordinator" specifically did not grant coordination responsibility for significant emergency authorities vested in FEMA, including the Stafford Act, and all national security program planning. In effect, this document is a hollow shell. The reason most often provided for this was the inability of Directorate officials to reach consensus over who would be "the coordinator", and to what extent their coordination would affect others.

Example 2. A recent exchange of memoranda between the SLPS and NP Directorates. In a memorandum from SLPS dated December 5, 1991, and the response from NP dated February 14, 1992, the depth of territorial divisiveness between the two Directorates was evident by their inability to reach consensus on Emergency Support Team responsibilities. These memoranda are Exhibits 2 and 3.



The FEMA Director should develop organizational alternatives to reduce the fractures between the National Preparedness and State and Local Directorates. In conjunction with this, management should inventory legislative and executive assignments made to FEMA, and work with OMB to drop programs either unfunded or incongruent with FEMA's mission. Budget corrections should be requested as appropriate. The organization and functions manual should then be revised.

B. THE FEDERAL RESPONSE PLAN

1. FEMA's role in non-declared disasters should be clarified.

Although FEMA's Federal Response Plan has been signed by participating agencies, several key considerations still need to be addressed. Some agencies believe there is a lack of definition regarding situations where they, not FEMA, have lead emergency response coordination mandates from independent legislation and executed through separate plans. Principal among these are the Environmental Protection Agency (EPA) and the United States Coast Guard (USCG), which respond to emergency events under the National Oil and Hazardous Substance Pollution Contingency Plan (NCP). In addition, the Nuclear Regulatory Commission, Department of Energy, Department of Defense, Department of Transportation and National Aeronautics and Space Administration respond under the Federal Radiological Emergency Response Plan (FRERP). If an emergency event triggered one of these plans, these agencies might request that FEMA provide telecommunication support, technical assistance or other logistical support. However, if the situation did not warrant a Presidential Declaration, questions would arise over what authority FEMA has to provide support and assistance, and how is it paid for. In a September 20, 1991, letter from the Associate Director, SLPS, to Senator Lieberman, the Associate Director said, "I must emphasize that FEMA will be involved in managing the consequences of any disaster or emergency, regardless of the cause." Similarly, in a memorandum from the FEMA Director to all employees dated January 24, 1991, the Director emphasized his commitment to "support the full scope of emergency response." While the Stafford Act appears to grant FEMA the authority to support these commitments, the requisite funding authority would follow only in those instances of a Presidential declaration. The Associate Director SLPS should seek clarification on this issue through the General Counsel. Should OGC conclude that funds can only be made available for response actions when the President has declared a Disaster, legislative changes will be necessary to provide needed flexibility. Conversely, if this authority is not present or granted, FEMA should scale back response commitments.

2. Confusion exists over when to invoke the Stafford Act

Closely related to the question of funding is the question of when the Stafford Act should be invoked. In 1989, following the Exxon

A



Valdez Alaskan Oil Spill, there was considerable confusion between EPA, Coast Guard, and FEMA over who should coordinate the response. While the real question of who should pay was debated, Congress, the State and the media were labeling FEMA as the "911" of government and questioning its reluctant response posture. FEMA took the position that response to the oil spill was outside the bounds of The Stafford Act since there were no unmet needs. At the height of the crisis, FEMA's General Counsel rendered the opinion that, in any emergency, the President must first invoke other Federal authorities available to him to meet the crisis. If there are other authorities, the role of the Federal Emergency Management Agency would be left to providing technical assistance and coordinating the efforts of other Federal agencies. Only after a determination that assistance under other Federal authorities is inadequate to meet the crisis may FEMA directly intervene. This opinion is inconsistent with more recent statements by the Director in his January 27, 1991, memorandum (Exhibit 1) and the letter from the Associate Director to Senator Lieberman, (Exhibit 4). Further, it slows response time by sparking a lengthy and complex debate over who should go first. Review and clarification are warranted to ensure that in situations requiring Federal response, the appropriate authority is identified and implemented without delay or debate. FEMA, as the agency charged with being the focal point for response to emergencies, should take the lead in investigating and recommending strategies for ensuring swift and appropriate response.

3. Inter-governmental Headquarters and Regional Command and Control Linkages Should Be Examined.

Currently there is an awkward fit of operational command structures when multiple agency response plans are activated. A recent event provides insight to this problem. In December 1991, radioactive tritium was leaked into the Savannah River below the Department of Energy's Savannah River nuclear processing plant. Our review of this event found that the Federal Radiological Emergency Response Plan (FRERP) could have been activated by DOE. Similarly, under the National Oil and Hazardous Substance Pollution Contingency Plan (NCP), EPA should have been notified and may have deployed a Regional Response Team (RRT). If the situation worsened, FEMA may have been called in by DOE under our FRERP commitment, or by the Governor for response under the Federal Response Plan (FRP). It is not difficult to envisage the Federal calamity that could have resulted if this crisis had worsened. We found no structure or process to successfully integrate or manage these Federal plans and assets.

A system and process should be established that will permit a clear understanding by the President and others of the need for coordination when quick deployment of Federal plans and assets is required. NSEC is one alternative among others to consider as a possible solution.



V. CONCLUSION:

We found that substantial improvements have been made by FEMA in both its internal and external coordination practices, however more work is needed to ensure better orchestration of emergency management capabilities at all levels of government. FEMA's Federal Response Plan could organize this capability, but it requires a broader strategic application, and closer coordination of planning within FEMA. This is being addressed in our second stage review, which is covering actual experience resulting from Hurricane Andrew. Our findings will be coordinated with management officials, and their views will be reflected in the report.

VI. MANAGEMENT COMMENTS:

Comments on this Inspection Report were received in the Office of Inspector General on September 11, 1992, four months after the report was issued in draft and 2 months after extension requests had expired. Many of the comments support the report's central findings, while others provide disagreement. Since these comments are broad and far ranging they are included in their entirety as Exhibit 5 of the Inspection Report.

The management comments correctly note that this report does not describe many activities directed at the correction of problems or improvement of response systems. This report stresses needed results.





Federal Emergency Management Agency

Washington, D.C. 20472

Exhibit 1

DIR

January 24, 1991

MEMORANDUM FOR: ALL FEMA EMPLOYEES

FROM: Wallace E. Stickney
Director

Wally Stickney

SUBJECT: FEMA's Emergency Response Readiness

Events in the Middle East have made readiness a watchword throughout the world. Accordingly, we have reviewed and tested our plans, our communications system and procedures for support to state and local emergency response operations. We found that some requirements and systems need updating and clear decisions needed to be made. To ensure FEMA's capability to support the full scope of emergency response, and best support the state and local response plans which we helped develop, I have determined that the Federal Response Plan (for Public Law 93-288, as amended) will be used if needed. We use all or parts of this plan on a regular basis and it is the process with which states are most familiar. The State and Local Programs and Support and National Preparedness Directorates are cooperating in fine tuning this capability, and I am pleased with their progress.

Our readiness review identified some areas of FEMA in need of additional improvement. These areas include the Continuity of Operations Plan and other routinely used management tools. We are taking this opportunity to address these areas as well to assure a fully integrated response capability. I appreciate your assistance in the longer term planning required to achieve these improvements. We will be a much better agency next month than we were last month!

To date there is no known specific threat against any facility or person. However, because of the war in the Middle East, the potential exists that a terrorist act could occur. FEMA, like most other departments and agencies, has taken steps to enhance security in this building and in all field activities. In addition, security awareness of personnel has been encouraged through security advisories both local and nationwide. We feel confident that should a specific threat become identified, we will be provided information to make available to all FEMA employees. Moreover, should a threat exist anywhere in the country, we are confident that we and the state officials will be advised of this by those agencies tasked with law enforcement aspects of national security.

FEMA's readiness to respond to major emergencies is an important responsibility for all of us. I know we all want to offer our talents to FEMA when needed. Extra assistance could be required were a major technological or natural disaster to occur. Please let your

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supervisor know if you would like to volunteer to assist, should we need to implement the Federal response plan.

I appreciate your support in these times. Our task, without question, is to execute our assigned programs and emergency operations. We know our responsibilities. We have reviewed, practiced, tested and updated our procedures. We will continue to hone our skills and be prepared to do our best when called. I'm confident that if we all simply do our jobs well, we will ensure that the Federal Government will provide the support that the state and local governments need, when and if required.

I KNOW I CAN COUNT ON YOU TO DO WHATEVER WE NEED TO DO WHEN WE NEED TO DO IT. THANKS FOR YOUR HELP.

W

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Federal Emergency Management Agency

Washington, D.C. 20472

Exhibit 2

5 1988

MEMORANDUM FOR: Antonio Lopez
Associate Director
National Preparedness Directorate

FROM:  Grant C. Peterson
Associate Director
State and Local Programs
and Support

SUBJECT: Responsibility for the Emergency Support Team
(EST) and the Emergency Response Team (ERT)

As the Agency's involvement in Federal response planning has progressed, it has become increasingly unclear at the headquarters level which office has the lead responsibility for management of the Emergency Support Team (EST) and the Emergency Response Team (ERT) processes. The EST and the ERT are integral parts of the way our Agency responds when operating within the structure of the Federal Response Plan (FRP). Consequently, the State and Local Programs and Support (SLPS) Directorate has taken the lead in developing EST and ERT response procedures, and in rostering and training EST and ERT response personnel.

Work to be performed on procedural guidance, rostering, training, and other EST and ERT-related activities is clearly required both in SLPS-issued Regional Workplans and in SLPS work planning for headquarters staff. However, your staff has implied that the NF Directorate has responsibility for these activities pursuant to FEMA Instruction 8720.2, Designation of Emergency Coordinator. This instruction states that an Emergency Coordinator appointed by the Director is responsible for such EST and ERT activities. Further in the instruction, however, most of the occasions during which the EST and the ERT are used are excluded from the purview of the Emergency Coordinator in the following statement:

This instruction does not apply to emergency response activities covered by Public Law 93-288, the Disaster Relief Act of 1974; to national security planning and response activities; to long-term interagency planning activities associated with the National System for Emergency Coordination (NSEC); nor to planning activities with the Federal Radiological Emergency Response Plan (FRRP).

In fact, the instruction excludes most of the catastrophic threats for which my Directorate has responsibility.

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Since SLPS is currently the primary user of the EST and the ERT in response to natural, technological, and manmade disasters and emergencies, I propose that SLPS assume the lead responsibility for the issuance of EST and ERT guidance necessary to support the FRP. This would allow your Directorate to concentrate on the development of any EST and ERT guidance necessary to support NP programs. Please let me know if this proposal makes sense to you or if you would like to discuss it further.

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Exhibit 3

FEB 14 1992

MEMORANDUM FOR: Grant Peterson
Associate Director
State and Local Programs and Support
Directorate

FROM: Antonio Lopez
Associate Director
National Preparedness Directorate

SUBJECT: Lead and Support Activities in Emergency Response

In response to your memorandum of December 5, 1991, my concern is not whether your Directorate is FEMA lead or support with regard to the Emergency Response/Emergency Support Teams (EST/ERT). The support role is as essential as the lead role, a principle fundamental to our respective emergency response plans. Rather, my concern is to resolve emergency response ambiguities and better develop our lead and close support roles in order to improve FEMA's emergency response capability.

In my view, most current ambiguities are directly related to the Director's delegations covering Executive Orders 12146 (terrorism), 12221 (FRERP), 12657 (radiological response), and 12560 as amended by 12777 (national contingency plan). I propose the following:*

Objectives

1. A rewrite of the FEMA Mission and Functions Manual that recognizes the current delegations and support roles and responsibilities and the policy points listed below.
2. A revision of the appropriate language in the FRERP and/or the FPP that reflects 1 above.
3. A revision of related FEMA manuals and Instructions.

Policy Points

5. SPS has the lead for national plans and EST/ERT operations and procedures pursuant to the delegations referenced in 1.
6. NP has the lead for support of the Directors Emergency Council.
7. NP will continue as lead in support of the Emergency Coordinator (Director) readiness functions to include:
 - Operations and maintenance of the Emergency Information and Coordination Center (EICC), including telecommunication support.

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- Rostering of FEMA staff on all emergency assignments across the various FEMA organizational elements.
 - Provision of team training for the use of all hardware, software, communication and other systems available in the EICC.
8. NP will continue to provide field response support via the national telecommunications systems and FEMA Emergency Response Capability (FERC) in line with the various national plans.
 9. NP will continue to take the lead on the exercise committee, exercise schedule, exercise development, and remedial action program.
 10. NP will continue to be responsible for COOP and continue to take the lead on special events planning.
 11. NP will take the lead on resources, claimancy, and logistics support.
 12. NP will take the lead for contingencies involving the national security community or its assets beyond those contemplated by disaster relief and civil-defense operations and plans.

Responsibilities

13. NP's Assistant Associate Director (AAD) for Operations (OP) will be the NP point of coordination (POC) and NP lead for clarification of lead and support activities. Other NP AAD's will provide input through the NP-OP.
14. We assume that SLPS's AAD for the Office of Emergency Management (OE) will be the principal SLPS POC for clarification of lead and support activities.

Next Steps

15. The two POC's should meet to determine a lead and support management plan and schedule a presentation to the two AD's/DAD's.

I will be in touch to arrange a meeting to exchange views on any unresolved ambiguities and to expedite the implementation phase. My point of contact on this is Homer V. Harvey, NP's AAD for Operations.

* Note: Due to classification issues, certain national security activities are beyond the scope of this memorandum.

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Federal Emergency Management Agency

Washington, D.C. 20472

SEP 30 1991

The Honorable Joseph Lieberman
United States Senate
Washington, D.C. 20510

Dear Senator Lieberman:

I would like to thank you for the opportunity to testify at the hearing on domestic terrorism. This is a vital area of our Nation's security and I am heartened that you are taking a personal interest in it. 

Mr. Noel Koch of International Security Management, Inc. also testified at the hearing. However, in the course of his testimony, Mr. Koch made several erroneous assertions with regard not only to the role of the Federal Emergency Management Agency (FEMA) in the area of terrorism but also to its larger mission. I believe that the Congress and the American people would be ill-served if FEMA allowed the record to stand without correcting Mr. Koch's misstatements.

The crux of Mr. Koch's misunderstanding about FEMA's role is his belief that FEMA's mission is simply civil defense planning, defined in his terms, we are to infer, as nuclear attack preparedness exclusively.

Contrary to Mr. Koch's assertion that the Agency was merely an "outgrowth of the Office of Emergency Preparedness," in fact the establishment of FEMA in 1979 brought together under one organization a wide range of disaster activities which up until that time had been spread throughout many departments of the Federal government, including the U.S. Fire Administration (Department of Commerce), the Defense Civil Preparedness Agency (Department of Defense), the Federal Preparedness Agency (General Services Administration), and the Federal Disaster Assistance and Federal Insurance Administrations (both in the Department of Housing and Urban Development). In continuing to carry out the many and diverse programs established by law for which these agencies were responsible, FEMA still reports to 24 Congressional Committees and Subcommittees.

Addressing all phases of emergency management--prevention and mitigation, preparedness, response, and recovery, FEMA works closely with State and local governments, the private sector, and other members of the Federal family and the emergency management community to improve our Nation's ability to respond to major emergencies of all types--natural and technological, as well as attack. FEMA's coordination role comes into play before any emergency as well as at the time of the response to an emergency. FEMA has responsibilities to assist Federal, State and local governments, and private organizations in

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achieving coordinated, efficient and effective planning, preparedness, mitigation, response and recovery activities, and integrate national security resources. These authorities are derived from the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251, *et seq.*); the National Security Act of 1947, as amended, 50 U.S.C., §§ 404, 405; Executive Order 12148 of July 20, 1979, as amended, "Federal Emergency Management," 3 C.F.R., 1982 Compilation, p. 207; and Executive Order 12656 of November 18, 1988, "Assignment of Emergency Preparedness Responsibilities," 3 C.F.R., 1988 Compilation, p. 585.

Under the civil defense program, incorrectly characterized by Mr. Koch as exclusively war-related, FEMA provides assistance to States and local governments for building and maintaining a system of all-hazard emergency preparedness. All programmatic components of civil defense--personnel, planning, systems, facilities, and equipment--are required by law to have maximum applicability to all hazards, natural and man-made.

Besides civil defense, FEMA manages a full range of other programs aimed at specific threats and hazards--for example, earthquakes, hurricanes, flooding, hazardous dams, and offsite preparedness around nuclear power plants, hazardous materials, and chemical stockpile incidents. Thus, with the combined resources of FEMA's civil defense and hazard-specific disaster programs, a fully integrated system of emergency management is available to States and localities to assist them to respond to any major disaster and emergency that may pose a threat. In sum, FEMA was conceived as the central point of contact within the Federal government for the entire spectrum of emergency management activities in both peace and war. (Logically, this would include response to the consequences of a terrorist incident as well as to all of the other risks and hazards FEMA plans against.) Mr. Koch's implication, therefore, that in the wake of a perceived diminishment of the Soviet nuclear threat FEMA needs "to find a job" to do indicates a serious lack of knowledge about the extensiveness of the FEMA mission.

As noted earlier, FEMA's mission extends beyond mitigation and preparedness to span all phases of emergency management. In the event that a disaster or emergency overwhelms the combined response and recovery capabilities of the State and affected local governments, and following the declaration of a Presidentially declared emergency or major disaster, FEMA is charged under the Stafford Act with providing disaster assistance to individuals and to State and local governments.

In proposing the Department of Defense (DoD) as the most appropriate agency to manage the consequences of terrorism, Mr. Koch states that the ability to organize . . . to focus assets. . . to plan quickly happen[s] to fall within the Pentagon somewhere." That DoD undoubtedly possesses these capabilities is not the point. The essential factor, rather, is that FEMA, under the Stafford Act (noted above), has been assigned responsibility for giving mission assignments to DoD and the Federal civil agencies and for coordinating the responses of those agencies, as well as other governmental and private entities in the wake of a major domestic emergency.

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Under the Stafford Act, the President has delegated to FEMA responsibility for appointing a Federal Coordinating Officer to operate in the affected area who will estimate the types of relief most urgently needed, establish field offices disaster application centers as necessary, and coordinate the administration of relief (including the activities of the State and local governments, the American Red Cross, and other volunteer organizations.) The Stafford Act also states that support teams of Federal personnel will be deployed in the affected area which will "assist the Federal Coordinating officer in carrying out his responsibilities." In any major disaster or emergency, the Federal government can bring to bear vast resources, and the crucial role of coordinating those defense and civil agency assets can hardly be construed as adding "one more layer of management," as Mr. Koch suggests.

The mechanism for coordinating Federal resources in major emergencies is the Catastrophic Disaster Response Group (CDRG), which I chair. Consisting of 26 Federal agencies and the American Red Cross, it focuses all Federal authorities, resources, capabilities, and expertise in responding to a large-scale disaster. The CDRG facilitates decision making on major policy issues and resource problems keyed to twelve emergency support categories-- transportation, communications, construction management, firefighting, damage information, mass care, resource support, health and medical services, urban search and rescue, hazardous materials, food and energy.

The effectiveness of the CDRG was amply demonstrated in the Federal response to Hurricane Hugo, in which FEMA managed, through its own operations and through mission assignments to other Federal agencies, a relief effort which in the Virgin Islands alone consisted of the following actions:

- Purchasing and airlifting over 5.4 million square feet of plastic and installing it as emergency roofing over 3,000 homes.
- Purchasing and airlifting 111 emergency generators, 4 of which were 750 kW, requiring more than 20 people to operate.
- Airlifting 2 battalions of military police (about 1,100 people along with their support systems) and utility crews (over 400 people from all over the United States and Guam to help restore electric power).
- Airlifting and setting up 2 air traffic control towers and two deployable medical hospitals (providing more than 100 beds-- plus emergency room capabilities--and staffed with over 120 off-island medical personnel from the U.S. National Disaster Medical System for months following the disaster).
- Airlifting and distributing over 4.5 million lbs. of food, 100,000 "Meals-Ready-To-Eat," and 6,000 cots and comfort kits.

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- Shipping and setting up over 400 specially constructed mobile homes to provide shelter and lodging for homeless disaster victims.
- Transporting and delivering over 2.5 million gallons of water to families in need.
- Removing nearly 2,000,000 cubic yards of debris.

At the same time FEMA was managing this relief effort in St. Croix, it was also coordinating similar operations in other parts of the Virgin Islands, in Puerto Rico, and in North and South Carolina. Contrary to Mr. Koch's notion that all FEMA does is "planning" in the Hurricane Hugo operation, the Agency was simultaneously coordinating the Federal response to four major disasters spread out over a 1,500-mile area. To put the magnitude of this effort in perspective, consider that although North Carolina was the least severely hit by Hugo, the effects of the hurricane even in that State represented FEMA's eighth largest disaster in the last five years.

One month to the day after Hurricane Hugo had struck the Virgin Islands, the east coast of northern California sustained a 7.1 Richter Scale earthquake centered at Loma Prieta. In this instance fact also contradicts Mr. Koch's idea that "if you look at [FEMA's] plans you find that they are never exercised." Indeed, one of the primary reasons for the ready response to the Loma Prieta earthquake by all levels of government was that less than two months before that disaster struck, Federal, State, and local officials, as well as many utilities and private sector organizations, had taken part in the largest earthquake exercise ever held, FEMA's Response '89. The success of FEMA's planning for catastrophic earthquakes, in fact, has resulted in an expanded "Federal Response Plan" which is being adapted to address any peacetime catastrophic event. In addition, FEMA coordinates closely with the Department of Energy and the Federal Bureau of Investigation in energy exercises, and during Operation Desert Shield/Storm also worked closely with the latter in preparedness against potential terrorist activity. Again I must emphasize that FEMA will be involved in managing the consequences of any disaster or emergency, regardless of the cause--and this would include terrorism--that overwhelms the abilities of State and local governments to respond.

Mr. Koch is equally off the mark in his charge that "FEMA, over time, has become a convenient dumping ground for political appointees. All of FEMA's eight Presidential appointees must be confirmed by the Senate, which carefully scrutinizes their qualifications to carry out the responsibilities with which they are entrusted.

I hope that this summary of FEMA's role in disaster management dispels any misconceptions Mr. Koch's testimony may have left about the important contribution that this Agency makes to the safety and protection of the American people in peace and in war. If you have any questions or would like to explore the mission and activities of FEMA further, I would be most happy to accommodate you in any way I can. Therefore, if you do

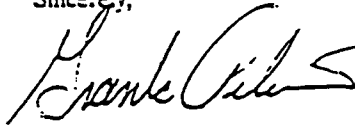


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have any questions, please have a member of your staff call FEMA's Office of Congressional Affairs at 646-4500.

Sincerely,



Grant C. Peterson
Associate Director
State and Local Programs
and Support

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Federal Emergency Management Agency

Washington, D.C. 20472

SEP 11 1992

Exh. b. + 5

MEMORANDUM FOR: Russell F. Miller
Inspector General

FROM: Antonio Lopez *Antonio Lopez*
Associate Director
National Preparedness

Grant C. Peterson
Grant C. Peterson
Associate Director
State and Local Programs
and Support

SUBJECT: Draft Inspection Report: Federal Response
Planning and Coordination

Thank you for providing us an extended opportunity to review the draft of the subject report prior to its issuance on September 11, 1992. While it is unfortunate that we could not have provided comments earlier, and further unfortunate that we need to take the time to address this report while we are in the midst of a response to a catastrophic disaster, we will attempt to address all of the issues that are of concern to the Agency and our Directorates in particular. Our comments will address individual conclusions, recommendations or issues as outlined in the report.

GENERAL

Any discussion or analysis of Federal response planning and coordination is, by its very nature, a very broad and complex issue involving many different legal, legislative and even cultural aspects. While we recognize that this has been a good faith attempt on the part of your office to investigate this issue, we must register strong objections to the tone, content, recommendations and conclusions contained in this report. Our objections are based on the fact that the report itself is cursory at best, bases conclusions and recommendations on premises that are not necessarily supported by current activities, and provides a generally inaccurate picture of the past and current efforts in the area of Federal response planning and coordination by this Agency and its component elements. Of more critical importance is the simple fact that the report pays no attention the many *positive* actions and directions that have been taken to accomplish a cohesive Federal response planning and coordination function.

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In stating our objections, we do not wish in any way to imply that we do not recognize that there have been serious challenges in this area. FEMA and its predecessor agencies have wrestled with the issues surrounding these functions for many years and there is no question but that there have been overlaps and even duplications throughout these processes. At the same time, it is important that appropriate attention be paid to some of the root **causes** of these problems, including the legal, legislative and national security constraints under which the Agency and its predecessors have operated for over 40 years. To ignore these elements is to portray a fundamentally inaccurate picture of the evolution of Federal response planning and coordination throughout its history.

We also want to make it very clear at the outset that we have no vested interest in *whitewashing* any of these issues -- that would be of no benefit to anyone involved at any level of government or the private sector. At the same time, we do have a vested interest in making sure that the evolution of and problems with these issues are portrayed accurately. There is no question but that the impact of Hurricane Andrew on Florida and Louisiana will have a significant impact on Federal response planning and coordination in the coming months and that there will be many recommendations for improvements, changes or new methods that will be developed. And it is not unreasonable to expect that many of these recommendations for improvements, changes or new methods will be based, in part, on the contents of your report; *however, in its current form, with the many inaccuracies and omissions contained in it, this report has the potential to provide an erroneous base level for future decision making.*

Our subsequent comments will be keyed to the individual statements and/or sections contained in your draft report. We have not commented on the *Executive Summary* since it is only a recapitulation of the contents of the report itself. Statements from the report itself on which our comments are made are noted in *italics*.

Page 1 - Section I

Most of the findings in these reports supported FEMA's planning initiatives. However, other findings underscored opportunities for greater program efficiencies by incorporating other hazard-specific plans into the Federal Response Plan.

This statement ignores one of the fundamental premises of the *Federal Response Plan*, i.e., it is an **all-hazards** plan to be used in responding to large-scale or catastrophic disasters. The *Federal Response Plan* was never designed to be an *additional* plan -- it was designed to be *the* Plan to be used by the Federal Government in emergency operations in response to natural and technological hazards. In fact, the origins of the *Federal Response Plan* are to be found in the attempt to develop a hazard-specific plan for catastrophic earthquakes.

Recognition of a widespread threat from earthquakes prompted Congress to legislate a national program for reduction of earthquake hazards. The original legislation, which started in 1972, culminated in the Earthquake Hazards Reduction Act (PL 95-124), which was

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signed into law on October 7, 1977. This authority provided the cornerstone on which today's Federal disaster response planning rests.

The second key ingredient to Federal disaster response planning is contained in the authority Congress provided with the Disaster Relief Act of 1974 (PL 93-288), as amended through the 1988 Robert T. Stafford Disaster Relief and Emergency Assistance Act (PL 100-707). This legislation provides the Federal Emergency Management Agency (FEMA) with the authority to direct emergency domestic planning for the Federal government and, upon Presidential disaster or emergency declaration, the authority to task other Federal agencies as required to protect lives and property.

In 1980, Congress passed the next piece of legislation that would have an impact on planning efforts - an amendment to the National Earthquake Hazards Reduction Act (PL 96-472) that required FEMA to lead the development of an inter-agency coordination plan for earthquake hazard mitigation and response. Between 1982 and 1986, FEMA used the congressional charter provided by this legislation to direct an intensive effort of Federal and State agencies in the development of a plan which would organize Federal disaster response. The result of that effort was realized in 1987 when 26 Federal agencies signed the *Federal Plan for Response to a Catastrophic Earthquake*.

As the result of Hurricane Hugo and the Loma Prieta earthquake, FEMA reexamined its leadership role in coordinating the whole spectrum of the Federal government's response to natural disasters and other significant events. Based on the specific need for a rapid and coordinated Federal response to a catastrophic earthquake, as well as the potential need for such a response to other significant disasters such as a hurricane, FEMA has expanded the scope of the original earthquake plan to include a variety of natural disasters and other events which may require Federal response assistance. The result is the *Federal Response Plan*, which is applicable to a variety of natural disasters such as earthquakes, hurricanes, typhoons, tornadoes, volcanic eruptions and other significant events which could result in the need for substantial Federal response activities.

Throughout the developmental process, FEMA has worked closely with all 27 Federal departments and agencies, to ensure the effective incorporation of other, hazard-specific plans such as the *Federal Radiological Emergency Response Plan* and the *National Oil and Hazardous Substance Pollution Contingency Plan*. At the outset of FEMA's Federal response planning efforts, it was clear that the effectiveness of the *Federal Response Plan* was based, to a large degree, on the ability to integrate other hazard-specific plans to eliminate overlap and duplication in Federal response functions. While final closure may not have been reached on all of these issues, the draft report ignores the fact that very significant progress has been made in incorporating radiological and hazardous materials response activities into the Federal response plan without detracting from their intended purpose or duplicating their efforts.



The draft report also ignores the fact that there are, in some instances, valid reasons for retaining some of the established hazard-specific plans already in existence. For example, the *Federal Radiological Emergency Response Plan* is specifically designed to determine the management of on-site response activities in the event of an emergency event involving radiological materials, e.g., a nuclear power plant. The primary intent of the *Federal Radiological Emergency Response Plan* is to bring into focus the expertise and capabilities of the various Federal agencies with specific radiological responsibilities, such as the Nuclear Regulatory Commission, the Department of Energy, the Department of Defense (including the Defense Nuclear Agency and the respective military services), the Environmental Protection Agency, etc. It is important to note, however, that this plan is directly related to the management of the specific radiological incident itself -- it was never designed to cope with this type of a disaster under the authorities of the Stafford Act or a Presidential disaster declaration. These activities are addressed by the *Federal Response Plan* and include such functions as evacuation of the population, shelter, feeding, medical assistance, etc.

To the extent that there are duplications or overlaps in these two plans, both FEMA and the Nuclear Regulatory Commission have been working closely over the past two years to integrate the plans in order to provide for effective on- and off-site response operations. For example, at the present time, FEMA is heavily involved in the development of Federal Field Exercise (FFE)-3 with the Nuclear Regulatory Commission. All activities are closely coordinated with the Federal Radiological Policy Coordinating Committee (FRPCC) and, with response to the *Federal Response Plan*, the FRPCC's Federal Response Subcommittee. In November 1991, members of the FRPCC were provided with copies of the draft *Federal Radiological Emergency Response Plan* annex of the *Federal Response Plan*. Comments were received and incorporated and resulted in the Federal Response Subcommittee meeting and agreeing on how best to proceed to meet the mutual objective of structuring a single plan for Federal response to any disaster or emergency.

The Nuclear Regulatory Agency has already prepared an analysis of the two plans by separating the *radiological* and *non-radiological* aspects of the two plans to delineate between the technically oriented radiological requirements and the non-radiological support functions. Based on this analysis, it was clear that, while the structure of FEMA's response under the *Federal Response Plan* and the *Federal Radiological Emergency Response Plan* are the same, the structure does not need to be reiterated in the both plans. It was further realized that simply subsuming the *Federal Radiological Emergency Response Plan* into the *Federal Response Plan* would not solve problems either. Work is underway at this time on clarifying the best means of interfacing responsibilities between the two plans to ensure maximum efficiency and utilization.

While similar activities have been underway with the Environmental Protection Agency, we have not yet reached the same point of progress. Nevertheless, in the numerous meetings that have been held between FEMA *National Response Team* representatives (Federal response planning personnel are normally invited to the regular NRT meetings), there has been clear recognition of the fact that the functions must be better integrated. Members



of the *National Response Team* activities routinely participate in exercises and meetings conducted under the *Federal Response Team* and are generally familiar with the procedures. Again, while activities may not be quite as far along as they are in the radiological area, we believe that significant progress is still being made with regard to hazardous materials response activities.

With regard to national security considerations, there have also been significant ongoing discussions with the National Preparedness Directorate on the integration of national security plans and the *Federal Response Plan*. In his January 24, 1991, memorandum to all FEMA employees, included as an attachment to your draft report, the Director specifically stated that (with respect to *Operations Desert Storm*):

To ensure FEMA's capability to support the full scope of emergency response, and best support the state and local response plans which we helped develop, I have determined that the Federal Response Plan (for Public Law 93-288, as amended) will be used if needed. We use all or parts of this plan on a regular basis and it is the process with which states are most familiar. **The State and Local Programs and Support and National Preparedness directorates are cooperating in fine tuning this capability, and I am pleased with their progress.** (emphasis added)

Has resolution been reached on all of these issues? No. But your draft report ignores many of the critical decisions that have been reached during the past 18 months with regard to national security response operations. These include, but are not limited to:

- Delegation of primary responsibility for Emergency Support Team (EST) and Emergency Response Team (ERT) functions from NP to SL.
- Discussion on ways to better integrate the interaction between the Regional Emergency Management Teams and the EST/ERT functions while continuing to adhere to external policy constraints on some of these functions.
- Improving assimilation of the Civil Defense- and Federal Preparedness-funded communications assets for expanded use in **both** national security and domestic emergencies.
- Utilization of NP-managed communications personnel, equipment and facilities in *Federal Response Plan* exercises (including Response 91-A and Response 91-B) and emergency response operations, including Hurricane Andrew.

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- Use of NP-developed damage assessment models in both *Federal Response Plan* exercises and emergency response operations, including Hurricane Andrew.

In summary, the draft inspection report flatly ignores the many efforts underway or even completed in incorporating other hazard-specific plans into the *Federal Response Plan* and should be corrected to **highlight** the actions taken instead of portraying them as inaction.

These reports also found that better command and control relationships should be established between: (1) FEMA Headquarters and FEMA Regions; (2) FEMA and other Federal agencies and (3) FEMA and the White House.

(1) We do not dispute the report's recommendation that there could be improved command and control relationships between FEMA headquarters and FEMA regions; however, if your draft report is going to raise this as an issue, then it is important that the issue itself be presented in a more effective manner. To state that better "command and control relationships should be established between...FEMA Headquarters and the FEMA Regions..." implies that it is simply based on a lack of effective communication. In reality, the relationship between the FEMA Headquarters and Regions was one of the knottiest problems dealt with by the President's Reorganization Project (PRP) during the deliberations on the creation of FEMA in 1978/1979. More importantly, the existing relationships between the Headquarters and Regions are directly related to decisions made at the outset by the PRP regarding these roles.

In an August 10, 1979, report to John W. Macy, Jr., then Director of FEMA, on the *Reporting Relationships between the Associate Directors and the Regional Directors*, it was noted that the primary issues still involved:

- (1) Should the programs of FEMA be operated in a centralized or a decentralized manner, or perhaps a combination of both?; and
- (2) Should the Regional Directors have a strong degree of delegated program authority for program implementation in the field, or should there be a "counterpart" relationship between the Associate Directors and the Regional Directors, or an amalgamation of the two?

It is interesting to note some of the issues that the report raised as potential problem areas, issues that are now directly relevant to the issue of "command and control" between the headquarters and the regions:

Conceivably, the Associate Director could ask that certain staff members from a particular Regional Office be assigned to a disaster area and be refused on the grounds that they are involved in performing other priorities established by the Regional Director. This situation could result in significant delays in response time and have an adverse impact on the President's Disaster Relief Program, as

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well as generating unfavorable publicity for FEMA. (Difficulties of this type occurred in Hurricane Hugo response operations.)

However, while the Associate Directors have the responsibility to provide policy and program guidance to the Regional Directors, they do not currently have the authority to make staff assignments and allocations of priorities to the Regional staff since it is the responsibility of the Regional Directors...

These are issues that the Associate Directors and Regional Directors must cope with on a regular basis, but the draft inspection report makes no mention of the historical background or policy decisions governing the issue of headquarters/regions command and control. We need to be very careful in a report such as this not to make statements that can have far wider implications than may be intended.

(2) To state that better command and control relationships should be established between FEMA and other Federal agencies and the White House raises two fundamental questions. *First*, what specific problems have been encountered that led to this conclusion? and *Second*, has any consideration been given to the existing structures that work effectively?

While the report states that the "...OIG concludes that these relationships are essential to FEMA's mission and as prescribed by Executive Orders 12148, 12656 and the Stafford Act...", there is an implication that these functions are not already being performed or, if they are being performed, that there are specific problems that need to be remedied. Whether we are discussing day-to-day or emergency response operations, FEMA has extensive linkages with other Federal agencies and the White House at all levels through wide varieties of forums, including interagency policy groups, interagency coordinating committees, the National Security Council, the Office of Management and Budget, and the Cabinet Affairs Office on virtually a daily basis, etc. The response operations relating to Hurricane Andrew have demonstrated the efficacy of many of these systems, including the *Catastrophic Disaster Response Group*.

This is yet another example of a conclusion based on *presumption rather than specifics*.

Page 2 -- First Full Paragraph

As our research evolved, information fell within two general categories: (1) Response Planning for both domestic and national security events; and (2) The Federal Response Plan, which at this point in the plan's evolution primarily focuses on natural disasters.

✱ We must take strong exception to item (2) of this statement. The *Federal Response Plan* has, since January 1991, been an **all-hazards** plan that addresses the full range of emergencies, including natural, technological and national security emergencies. As stated on Page 1 of the *Federal Response Plan* itself:



The Federal Response Plan (for Public Law 93-288, as amended...is designed to address the consequences of any disaster or emergency situation in which there is a need for Federal response assistance under the authorities of the Stafford Act. It is applicable to natural disasters such as earthquakes, hurricanes, typhoons, tornadoes and volcanic eruptions; technological emergencies involving radiological or hazardous material releases; and other incidents requiring Federal assistance under the Act.

The use of the term "other incidents" is clearly intended to include such emergencies as might be expected to result from national security events -- and, in fact, as noted above, the *Federal Response Plan* was used by the Director specifically for activities related to *Operation Desert Storm*. Nor would it be logical to exclude national security emergencies from a *Federal Response Plan* that is specifically designed to respond to all-hazards.

It should also be noted that the development, management and implementation of the *Federal Response Plan* are located in the Office of Emergency Management which manages the civil defense program. This was the direct result of the reorganization of SL in 1990 and recognized that the civil defense program, though originally national security oriented, provided the sole, base infrastructure of emergency management personnel, systems, facilities, equipment and training at the State and local levels for the implementation of Federal response activities. In addition, there is a direct legislative mandate contained in the civil defense program that relates directly to the *Federal Response Plan* as noted below:

Page 2 of the *Federal Response Plan* states that:

Response assistance includes those actions and activities which support State and local government efforts to save lives, protect public health and safety, and protect property.

This language is directly consistent with the language contained in Section 2 of the *Federal Civil Defense Act of 1950, as amended*, which states that:

It is the sense of the Congress that the defense of the United States can best be accomplished by enacting into law the measures set forth in this Act. It is the policy and intent of Congress to provide a system of civil defense for the protection of life and property in the United States from attack and from natural disasters. (emphasis added)

and by Section 3(c) of the Act, which states that:

The term "civil defense" means all those activities and measures designed or undertaken (1) to minimize the effects upon the civilian population caused or which would be caused by an attack upon the United States or by a natural disaster, (2) to deal with the immediate emergency conditions which would be

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created by any such attack or natural disaster, and (3) to effectuate emergency repairs to, or the emergency restoration of, vital utilities and facilities destroyed or damaged by any such attack or natural disaster.

The *Federal Response Plan* recognizes that there are national security considerations that might require other authorities or response mechanisms as noted in the following section:

5. In some instances, a disaster or emergency may result in a situation which affects the national security of the United States. For those instances, appropriate national security authorities and procedures will be utilized to address the national security requirements of the situation.

This does not preclude use of the Plan, but only recognizes that other authorities may be necessary to meet national security requirements.

Given the fact that it is absolutely incorrect to state that the *Federal Response Plan* focuses primarily on natural disasters, to state that the "findings section of this report has been organized around this split" raises serious questions about the basic approach of the draft inspection report itself.

Page 2 -- Section III

The first paragraph of this section is seriously misleading and ignores some basic facts that have surrounded emergency management activities from their inception in 1950. To state that, "Throughout the agency's history, management teams have struggled to develop a framework for transforming the "peacetime" FEMA organization into one with all assets integrated and capable of effectively responding to all types of emergency events", ignores some fundamental issues that **must** be taken into consideration, as noted below:

There is no question that the integration of "peacetime" and national security functions has been troublesome for this Agency or that "dual-use" application of many of the systems has been standard policy for quite some time. At the same time, we should be very careful to avoid a simplistic interpretation of this issue. FEMA and its predecessor agencies have constantly had to walk the tightrope between domestic and national security emergency management considerations and the vocal opposition of its primary constituent groups (State and local governments) to attack planning or preparedness. The decision was not FEMA's alone -- despite the implication contained in the draft inspection report that we just could not seem to get the right mix to develop an appropriate "framework".

There are some major considerations that are neither addressed or referenced in this section which have had a significant impact on FEMA's policy making in these areas since its inception (and even before). These include, but are not limited to, the following:

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- There must be a clear and precise distinction made here that recognizes the fact that by far the largest portion of FEMA's emergency management programs (Civil Defense and Federal Preparedness) were originally rooted in national security considerations predicated on the fear of a nuclear attack by the former Soviet Union.
- The national security orientation of some of these programs often precluded adaptation of assets to "peacetime" functions, a requirement over which FEMA had little or no control.
- There were unwritten *hierarchies* of importance in emergency management functions relating to Federal, State and local preparedness that were frequently viewed by FEMA and external sources as "mutually exclusive", *i.e.*, the roles of Federal Preparedness and Disaster Relief were similar but of disproportionate scale.
- Despite the consolidation of emergency management programs into FEMA, the fact remained that the Agency reported to 28 Congressional committees and operated under a wide range of legislative and executive authorities, in and of itself a barrier to "integrating" programs.
- Many of the present changes in direction and focus are occurring quite simply because of the dramatic changes in the reduction of the threat facing the United States with the collapse of the former Soviet Union -- it is unlikely that the Administration or Congress would have authorized the current redirections if the threat had remained constant.

A reader of this report who is **not** familiar with many of these factors could, by virtue of the way in which the report is written, conclude that we just missed the "magic" combination. That is an inaccurate representation of what has been a very complex policy problem for FEMA and its predecessors for over 40 years as evidenced by the countless reorganizations, joining and separating the various programs.

Page 3 -- First Full Paragraph

The discussion of the Integrated Emergency Management System (IEMS), developed in 1982, and the establishment of the Emergency Operations Directorate is not an accurate reflection of many of the activities during that period.

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The IEMS concept was not the first, but actually one of many different approaches developed over the years to address the consolidation of mitigation, planning and response activities -- in many respects, it was a more formalized representation of the long-standing principle of "dual-use" contained in the civil defense program.

Comments regarding the draft report's discussion of National System for Emergency Coordination on pages 4-6 are contained in Section IV. Findings.

Page 6 -- Section IV

Since the draft findings do not reflect all of the issues raised in the draft report, the following responses are structured to address both the discussions and recommendations.

A. FEDERAL RESPONSE PLANNING FOR DOMESTIC AND NATIONAL SECURITY EMERGENCIES

1. The National System for Emergency Coordination (NSEC) should be re-examined.

NP and SL do not object to the proposed recommendation but believe that the *Federal Response Plan* adequately covers the planning requirements.

The NSEC was promulgated almost four and a half years ago. NP and SL have continually emphasized throughout this response that a great deal has happened since that time, including the *geopolitical* factors mentioned in the OIG draft report, the Gulf War, and the advent of the *Federal Response Plan* as FEMA's preferred intra- and inter-agency emergency management and planning structure.

A fundamental problem with NSEC is that it has no legal status based on either legislation or Executive Order. NSEC was developed late in the previous Administration and was, as noted in the draft report, largely ignored by Federal departments and agencies. It has received little to no emphasis by this Administration and, as a result, has not been pursued as a viable option.

Part of this is directly related to the fact that the NSEC document published in January 1988 varied considerably from the original proposal. As originally designed and proposed to the White House, NSEC provided a mechanism for generating the capabilities for most emergencies and for clarifying "command" relationships. However, as approved by the White House, NSEC stripped all of the *operational* detail from the concept and left only the designation of "lead" agencies for most emergencies. While this was a worthwhile accomplishment, it was accompanied by only very vague and general guidance that raised as many questions as it was supposed to answer. As result, the NSEC document published in 1988 has always been regarded as having little value to operational planners. For example, while the *Purpose* of the NSEC is described as "...a mechanism for ensuring that the Federal Government provides timely, effective, and coordinated assistance to States and

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local governments in extreme catastrophic technological, natural or other domestic disasters of national significance...", it emphasizes the fact that:

(d) The Federal Government's response to major domestic crises will be consistent with current emergency plans and existing domestic and national security crisis information and management systems will be used.

It is interesting to note that, while the draft inspection report believes that "greater program efficiencies" could be realized by "...incorporating hazard-specific plans into the *Federal Response Plan*," the NSEC essentially maintains something of a *status quo* in this regard. With the exception of a *National Coordinator*, the NSEC essentially directs Federal departments and agencies to participate in:

Federal interagency functional groups...to support and coordinate relief operations in extreme emergencies, consistent with those currently called for in existing emergency plans such as the Plan for Federal Response to a Catastrophic Earthquake...[the forerunner of the *Federal Response Plan*].

Much of the remaining requirements of the NSEC are directly related to current Federal disaster relief activities as managed under the Stafford Act.

NSEC is primarily a statement of principles not linked to a clear response structure. As pointed out in the subject draft report, the *Federal Radiological Emergency Response Plan*, the *National Oil and Hazardous Substance Pollution Contingency Plan*, and the *Federal Response Plan* could have been simultaneously activated by the lead agencies and FEMA if the December 1991 Savannah River event had become a full-scale emergency. However, it should be noted that, based on the ongoing efforts to better integrate the activities of the *Federal Radiological Emergency Response Plan* and the *Federal Response Plan* in particular, and the progress that has been made to date, we could have anticipated an improved response capability above and beyond that originally anticipated by NSEC.

We must also take strong exception to the statements that:

...NSEC provides formalized linkages between FEMA and the White House in an emergency...If abolished, no such formalized process will exist...While informal linkages are currently present between the of [sic] the Catastrophic Disaster Response Group, a policy coordination group established in the Federal Response Plan, and the White House, these relationships are unique and largely personality dependent...they may be effective for now, but they provide no long term structure or regularized process between FEMA and the White House.

The stated purpose of the Catastrophic Disaster Response Group is to address "...response issues and problems which require national-level decisions or policy direction." While it is chaired by the Associate Director for State and Local Programs and Support, it is simplistic

to assume that any problems requiring senior government approval will not be brought immediately to the attention of the Director of FEMA and from there to the appropriate offices of the White House. One of the fundamental reasons for developing the Catastrophic Disaster Response Group was to provide a high-level forum for the resolution of problems that could hinder or otherwise impede the provision of immediate emergency response assistance to State and local governments.

This leads to the next statement in the report which states that:

...while the Catastrophic Disaster Response Group provides the forum for inter-governmental policy deliberations during an emergency, this group is composed of individuals at the Assistant Secretary level. It does not include department heads or the Director of FEMA, and should not be viewed as a substitute for NSEC.

The membership of the Catastrophic Disaster Response Group consists of individuals appointed by the heads of the respective departments and agencies to represent them. It is not essential for department or agency heads to be participants in this group in order for it to be effective -- that is what the Cabinet is designed to accomplish. Furthermore, it is unrealistic to assume that the Director of FEMA, who is not a member of the Cabinet, would chair meetings attended by Cabinet members. The membership of the Catastrophic Disaster Response Group represents senior-level policy makers within each department and agency who can, in turn, make immediate recommendations to their leadership for resolution of problems. Where consensus cannot be achieved, it is then appropriate for the decision requirement to be raised to the White House for resolution, either through the Cabinet or other resources.

The development and coordination of the *Federal Response Plan* has been a cooperative effort with the 27 Federal departments and agencies who are signatory to the plan; while there may be some merit to incorporating some of the NSEC recommendations, such as the National Coordinator, this should rightfully be worked out with key department and agency representatives and regional representatives prior to presentation to the White House or Congress.

A related issue under item 1 is that:

...we continue to find incorrect perceptions regarding FEMA's role in emergencies "outside" traditional Stafford Act coverage, i.e., natural disasters. The Exxon Valdez accident offers the most classic example of this. After this event, FEMA was chided in 1989 Congressional hearings as the "911" of government and for failing to respond aggressively to this event.

There is no question that there are often misperceptions as to the role of FEMA both "within" and "outside" traditional Stafford Act coverage. For example, there are clearly

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misperceptions as to the role FEMA is currently legally authorized to fulfill in any disaster, regardless of its size or scope -- there is a widespread assumption that FEMA can "just move into" a State and take over. In reality, natural disaster relief has historically been viewed as primarily a State responsibility; Federal resources can currently only be authorized when a disaster or emergency is beyond the effective capabilities of the State and local governments and such Federal assistance is **requested** by the Governor of the affected State.

The specific needs required in response to a catastrophic disaster are often very difficult to define during the first hours and days after impact. While it is easy to "second-guess" decision making during this early period, it is clear that certain disasters require immediate infusions of Federal assets. For example, had legislative authority been available to allow for immediate movement of Federal assets into Miami to provide critical life-saving and population protection measures, some of the delays that were encountered could have been avoided. Conversely, a significant change in the current supplementary nature of disaster relief, **albeit used in only extreme instances**, must not be allowed to substantially change the relationships between the Federal, State and local governments in the area of emergency responsibilities. We must strike an appropriate balance between urgent requirements to save lives and protect property in relationship to the long-standing **constitutional** issues that may be involved, as well as the potential budgetary implications.

In further regard to this issue, the draft inspection report fails to appreciate the distinction between the roles, authorities and responsibilities of Federal departments and agencies to carry out direct actions **in areas in which Congress has legislated a Federal interest**. The Stafford Act quite clearly authorizes the Federal Government to provide *supplementary* Federal assistance to assist individuals and State and local governments in recovering from the effects of a disaster or emergency. Conversely, in the case of the Exxon Valdez spill, the Environmental Protection Agency and the U.S. Coast Guard have specific legislated responsibilities specifically designed for cleaning up the effects of oil or hazardous materials spills. While there were questions on the part of *State* officials, who initially assumed that the Stafford Act would be the most suitable means of response to the Exxon Valdez disaster, it became readily apparent that the more **appropriate** assistance was available through the National Contingency Plan. We need to exercise caution in ensuring that a misunderstanding of the **appropriateness** of legislation should not be used as impetus for revising it. ✖

2. *Classified and domestic plans and assets should be focused toward a common purpose.*

The draft inspection report highlights the degree to which there are, within FEMA itself, some fundamental misunderstandings with regard to how the classified and domestic planning functions are performed and the degree to which they can be unilaterally realigned. It is clear from this recommendation that the OIG does not necessarily recognize the degree to which many of these decisions are beyond the effective control of FEMA or the degree to which progress has been made in some of these efforts.

While FEMA plays a role in national security strategic planning, it is a somewhat minor role in relationship to other Federal departments and agencies. Policy decisions in this area are not made unilaterally by any one agency, but instead are made by various policy coordinating committees in the national security area that issue guidance depending on current requirements. Outside the scope of these bodies, the development of options and proposals affecting other Federal agencies should involve key departments and agencies and be presented to senior FEMA management and representatives from other Federal agencies, as appropriate, prior to presentation to the White House.

Much the same is true with regard to unclassified domestic emergency management planning. Recent history in the civil defense program clearly demonstrates the problem. In December 1981, Congress enacted a new Title II for the Civil Defense Act, which included Section 207, entitled, "Dual-Use for Attack-Related Civil Defense and Disaster-Related Civil Defense", as noted below:

Section 207. Funds made available to the States under this Act may be used by the States for the purposes of preparing for, and providing emergency assistance in response to, natural disasters to the extent that the use of such funds for such purposes is consistent with, contributes to, and does not detract from attack-related civil defense. (emphasis added)

While the revision to the legislation incorporated officially the concept of "dual-use", the underscored wording above did not clearly define what "contributed to" or "detracted" from attack-related civil defense. In an effort to provide such a definition, FEMA, in 1982, prepared a "finding" that adopted as policy the belief that all activities undertaken in the area of natural or technological disaster preparedness or response contributed to and did not detract from attack-related civil defense. Codified in the Integrated Emergency Management System (IEMS), this policy remained in effect until 1985, when the Senate and House Armed Services Committees expressed serious concern as to the use of civil defense funds by FEMA for what the Committees perceived to be "questionable" purposes. In Conference Report 99-235, issues were raised concerning:

...an apparent lack of focus and direction in the current civil defense program. The situation is manifested in the funding emphasis on State and local civil disaster programs which, while meritorious, is a questionable use of national defense budget resources...

This concern was reiterated in 1987 in a hard-hitting report prepared by the General Accounting Office on FEMA's management practices. As noted in the report:

...[civil defense funds] are to be used to prepare for the protection of the civilian population in the event of an enemy attack, and may be used for natural disasters to the extent that the use of such funds for such purposes is consistent with, contributes to, and does not detract from attack-related civil defense.

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However, FEMA's internal assessments and our tests of fiscal year 1985 expenditures showed that FEMA's primary focus for civil defense was to plan for natural and technological disasters.

The report further stated that:

FEMA said that it did not mean its new attention to dual-use, peacetime-emergency preparedness to result in a neglect of attack-preparedness. However, we found that, in fiscal year 1985, peacetime emergency preparedness efforts appeared to be emphasized over, and perhaps inconsistent with, attack-preparedness efforts at all levels--not only at FEMA headquarters and the satellite facility and the National Emergency Training Center, but also at the regional, state, and local levels...Most of the civil defense contract awards FEMA made in fiscal year 1985 seem to have had limited relevance for attack-preparedness.

As a result of the stated Congressional concerns, FEMA's policies regarding "dual-use" were altered in 1986/87 to ensure that nuclear attack primacy was re-emphasized in all guidance and that the States adhered to these policies in the performance of their annual requirements under the Comprehensive Cooperative Agreement. FEMA's position was bolstered with the President's signing on February 4, 1987, National Security Decision Directive 259. This document, which enunciated Presidential policy for a new and improved civil defense program, specifically stated that:

The States have the primary responsibility for developing their capabilities for peacetime emergencies and share responsibility for attack preparedness. They should support development of civil defense plans, systems, and capabilities for themselves and their political subdivisions. States will assure that where federal civil defense funds and assistance are applied to natural and technological disaster preparedness, such use is consistent with, contributes to, and does not detract from attack preparedness.

Not three years later, much of the direction of the program changed again with the collapse of the former Soviet Union and the significant reduction in the attack threat. Based on the dramatic *geopolitical* changes, a policy coordinating committee was established, consisting of representatives of FEMA, the National Security Council, the Office of Management and Budget, the Department of Defense, the Department of Health and Human Services, the Department of Transportation, and the Department of Energy. The results of the policy coordinating committee's deliberations were presented to Congress by the Administration in a March 1992 report entitled, *Civil Defense: A Report to Congress on National Disaster Preparedness*. The recommendations and program improvements contained in the report have resulted in a major restructuring and realignment of civil defense program priorities, including:

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(1) acknowledgement that significant changes in the range of threats eliminates the long-standing civil defense emphasis on nuclear attack and recognizes the need for civil defense to address all forms of catastrophic emergencies;

(2) establishment of the civil defense program and organization as the focal point within Federal, State and local governments for integrated multi-hazard response planning and operations (this enhances the level of Federal attention to the requirements for resources necessary for State and local government planning for and response to the consequences of large-scale disasters, while reaffirming the long-standing principle that State and local governments have the primary responsibility for developing their capabilities for peacetime emergencies while sharing responsibility for national security preparedness;

(3) revision of the scope of the Civil Defense Program to focus on the development of capabilities common to all catastrophic emergencies and those unique to attack;

(4) establishment of the need to identify and develop a base capability from which any essential surge of civil defense capability could be conducted;

(5) increases in the emphasis on preparedness to respond to the consequences of all emergencies, regardless of cause.

The improved civil defense program more clearly recognizes that the need for the Nation to be able to provide protection for its citizens is not predicated on the cause of the event but rather the management of the consequences of the event (consequence management). The new focus on consequence management underscores that, regardless of the cause of an emergency situation (natural, technological or national security), certain capabilities are necessary to respond to any emergency (e.g., personnel, plans, operating facilities, communications, equipment, training and exercises).

While these are major undertakings and represent perhaps the most significant changes in the civil defense program in its 42-year history, the OIG report makes absolutely no mention of them. Nor does the draft inspection report address any of the dramatic changes in the Federal Preparedness program which, again as a result of external deliberation, resulted in the significantly expanded use of Federal Preparedness assets in domestic emergencies.

This represents a major omission in the draft inspection report which is made worse by the fact that the recommendation is based on a loosely organized premise that essentially ignores the extraordinary progress being made in these areas.

The fact remains, however, that FEMA has separate sets of plans and separate personnel rosters for both requirements. In an earlier report (91-B), the Inspector General questioned the

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apparent redundancy of similar arrangements at the regional level. Attention was called to the fact that the regions had a [sic] Emergency Response Team (ERT) assigned to domestic emergencies and a Regional Emergency Management Team (REMT) assigned to national security matters.

Previous IG comments on this fact was inserted into a report which dealt with the FRP only, with no factual development. To cite it as though it were a valid finding is inappropriate. This report itself notes elsewhere that the relationship of the two types of Regional teams is being re-examined. As with much of the draft report, the finding is premature and ill-considered. The draft report does not establish that the previous situation impairs Federal Response activities. NP and SL are working to unite the teams to cover the similar requirements. The dissimilar requirements, however, will continue to require slightly different team structures and plans. Whether and how these teams can be linked is under review by NP and SL.

An apparent redundancy of plans and personnel at FEMA Headquarters should be examined. This finding is cast against the backdrop of the changing geopolitical environment, the reduced threat, and the associated defense build-down. It is clearly time for FEMA to closely examine its programs and plans, and to combine them when economies can be realized.

Given the extraordinary amount of time and effort that has already been expended by SL and NP in revamping program direction to meet current requirements during the past 18 months, a recommendation such as this can only be characterized as amazing and indicative of the relatively shallow work performed in preparing this report. Based on the following, it is clear that some of the elements of the recommendation demonstrate a clear lack of awareness of some of the significant factors involved in our current operations and long-range planning:

- Civil defense did not benefit greatly from the defense build-up of the 1980's and need not be treated the same as other defense programs. In real terms, civil defense funding has dropped and remained relatively level unlike other defense appropriations.
- There has been a **34 percent reduction in civil defense workyears** since 1980, despite no lessening of the program requirements.
- The nation has **never funded a full capability attack-preparedness program -- to find monetary "peace dividends" from an investment that was never made is not logical.**
- The Civil Defense Act is the only legislation under which appropriations are requested which allows Federal assistance in building and maintaining a comprehensive, integrated emergency management system for the Nation at the Federal, State and local levels -- *significant reductions in this program result*

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in major reductions of emergency management capability at all levels of government.

- We have obtained concurrence in the proposed transfer of 34 FTE from the Federal Preparedness program to the Civil Defense program in order to reflect current, realigned priorities.
- We conducted a review of recent funding levels in relationship to Facility Survey program requirements and found that the program could no longer be accomplished efficiently or effectively as a result of recent low levels of funding. As a result, the Agency's Fiscal Year (FY) 1993 budget request recommends that the Facility Survey program be terminated at the end of FY 1992 and that the resources be transferred to higher priority civil defense efforts, including the *Federal Response Plan* and the *Survivable Crisis Management* initiative. If Congress approves the proposed FY 1993 budget and the termination of the Facility Survey program, State and local resources for the program will be transferred to the *Survivable Crisis Management* initiative; Federal resources would be transferred to *Federal Response Plan* activities.
- The Mobile Emergency Response Support (MERS) units have played a major role in providing communications, electronic and food distribution support in Florida and Louisiana in the aftermath of Hurricane Andrew and, in addition, have been used in recent *Federal Response Plan* exercises.
- Roughly 40 percent of the staff of NP were directly engaged in emergency response operations at the headquarters, regional offices and Florida and Louisiana following Hurricane Andrew.
- Extensive use has been made during Hurricane Andrew response operations of the NP damage assessment modeling capability and emergency communications systems (such as the National Emergency Coordination Center).
- In its Report to accompany S. 3114, *National Defense Authorization Act for Fiscal Year 1993*, the U.S. Senate Committee on Armed Services stated that:

In a March 1992 report [Civil Defense: A Report to Congress on National Disaster Preparedness], the administration stated that the civil defense program will henceforth be guided by a policy of providing an infrastructure (of communications capabilities, facilities, personnel, and training) to enable the federal government and state and local governments to respond to the consequences of any domestic emergency or disaster...The report also stated that the administration has initiated a

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comprehensive review of the resources required to implement this changed policy and of the pros and cons of shared funding for the civil defense program between the national defense and domestic discretionary categories...The committee is pleased that the administration has responded positively to congressional direction...Finally, because the civil defense infrastructure provides a core capability to respond to any emergency, whether defense-related or not, there is no logical basis for assigning budget shares to national security, on the one hand, and domestic programs on the other.

By any reasonable standard, this is a remarkable example of both response to external events and Congressional approval for longer term program direction.

The fact that none of these items is even referenced in the draft inspection report is more than surprising and is one of our most significant concerns about the validity of the report itself.

3. *FEMA should review and adjust its programs and organization to better serve changing public requirements and ensure more effective use of public resources.*

While the majority of this issue has been discussed in full in the preceding issue, there are some statements contained in the issue to which we would like to respond.

Example 1: One of the fundamental difficulties in coming to resolution on the issue of the Agency Emergency Coordinator was defining who, other than the Director of the Agency, had authority to commit Agency resources in accordance with stated requirements. While it is true that the function has never been effectively coordinated, the existence of agency-wide response functions such as the *Federal Response Plan* rendered the issue moot.

Example 2: It is interesting that the draft inspection report cites a December 5, 1991, SL memorandum and a February 14, 1992, NP memorandum on the issue of the Emergency Support Team and the Emergency Response Team as an example of "territorial divisiveness between the two Directorates" and "inability to reach consensus on Emergency Support Team responsibilities." In point of fact, precisely the opposite occurred -- the memoranda served as a point of departure for the eventual decision to assign full responsibility and authority for the Emergency Support Team to SL. We find it interesting that working memoranda designed to eliminate problems are cited as example of "territorial divisiveness".

The FEMA Director should develop organizational alternatives to reduce the fractures between the National Preparedness and State and Local [sic] Directorates. In conjunction with this, management should inventory legislative and executive assignments made to FEMA, and work with OMB to drop programs either unfunded or incongruent with FEMA's mission. Budget corrections should be requested as appropriate. The organization and functions manual should then be revised.

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As part of the 1994 budget issues process, SL made recommendations to the Director for a realignment of functions, to be accomplished as a result of joint NP/SL deliberations, to ensure appropriate placement of resources in light of current priorities. The Director has approved the recommendations contained in the budget issue process and work had been initiated on further realignment of functions; however, because of the priority operations in response to Hurricane Andrew, any further action on this process has been deferred until such time as senior staff can be made available.

Both NP and SL have been undertaking reviews of the Civil Defense and Federal Preparedness programs in response to the changing *geopolitical* situation and have made recommendations for realignments, including enhancement of the planning, exercising and response functions of SL and adjustment of Federal Preparedness activities. The 1994 budget request reflects the results of these actions.

Again, these are items which should have been incorporated in the draft inspection report as examples of progress being made in accomplishing exactly what the report is recommending.

B. The Federal Response Plan

1. FEMA's role in non-declared disaster [sic] should be clarified.

The Associate Director SLPS should seek clarification on this issue through the General Counsel. Should OGC conclude that funds can only be made available for response actions when the President has declared a Disaster, legislative changes will be necessary to provide this much needed flexibility. Conversely, if this authority is not present or granted, FEMA should scale back response commitments.

We believe that, unless FEMA activities can be tied to a Presidential major disaster or emergency declaration, the response activity cannot be funded from the Stafford Act authorities for disaster-specific missions. Without a Presidential declaration, FEMA support activities could possibly be performed on a reimbursable basis, with funding provided from the cognizant response authority, such as Superfund under an National Contingency Plan activation.

We agree that the FEMA management and coordination roles in any disaster need to be clearly articulated, both within FEMA and within the Federal community. This is particularly important in view of FEMA's role as either *lead* or *support* agency depending on the circumstances of the emergency. For example, FEMA is the *lead* agency for Stafford Act responsibilities. It plays **both** a *lead* agency role as coordinator and a *support* role as one of the many Federal agencies with identified responsibilities under the *Federal Response Plan*. FEMA also plays a *support* role in *Federal Radiological Emergency Response Plan* and *National Contingency Plan* activities. That FEMA has a role in these plans is clear; however,



the issue regarding the source of funding for FEMA's activities is a valid concern and needs clarification.

2. *Confusion exists over when to invoke the Stafford Act.*

FEMA's response authorities need clarification. The FEMA response posture should not be examined each time an emergency event occurs. If the existing Stafford legislation contains such barriers, FEMA should seek legislative changes to remove them.

This is a relatively sweeping statement on the issue of when to invoke the Stafford Act. For the vast majority of disasters, we do not have to seek the advice of General Counsel to determine applicability of the Act -- the parameters are fairly clearcut. However, it is not unreasonable to expect that certain emergency situations may, in fact, be of such a nature that there are questions as to the applicability of the Act. Unusual situations such as the Chicago floods or the Los Angeles riots did, in fact, involve consultation with the General Counsel, an action we consider prudent and effective management in such instances. We do not believe that consultation equates to confusion, nor do we consider questions concerning applicability of the Act to be unusual.

Technically, the Stafford Act can be invoked only after a Governor has made a request to the President for a major disaster or emergency declaration and the President, based on a recommendation from FEMA, makes the declaration. The statement that, in an emergency the President must first invoke other Federal authorities available to him to meet the crisis, somewhat oversimplifies the logic of the decision making process that the President utilizes in deciding whether to declare a major disaster or emergency.

In response to an emergency situation, one of FEMA's most significant roles is to help identify the requirements for Federal assistance, including what authorities might apply. The Governor may request a Presidential declaration or he may also request certain types of assistance, such as the Small Business Administration loan program or agricultural assistance, without a request for a Presidential declaration.

If the Governor chooses to request a major disaster or emergency declaration from the President, FEMA processes the Governor's disaster request and recommends a course of action to the President as to whether adequate resources are available under other Federal agency statutory authorities, or if the situation is of such severity and magnitude as to warrant a Presidential declaration to trigger assistance under the Stafford Act authorities. The President always has the option of declaring a major disaster or emergency for whatever purpose he chooses, but he does rely on FEMA to advise him about the nature of the emergency and what Federal authorities are available to deal with it.

We believe FEMA's role should be to coordinate the overall response to emergencies to ensure that problems are being addressed by the Federal Government. Once a requirement is identified, FEMA needs to ensure that the affected State is aware of the options for



various types of Federal assistance and is being provided the Federal resources it needs to cope with the situation. **There is a difference in coordinating the response, managing the response activities, and providing the funding.**

We believe that FEMA's position should be that the Department or agency with the requisite technical expertise is the best one to manage the response missions by providing specific technical or specialized assistance needed to mitigate the emergency. FEMA, on the other hand, best serves as the broker for the State in coordinating with the appropriate agencies to provide the necessary assistance. Whether or not the Federal agency authorities that provide technical assistance or direct Federal intervention in emergency response also carry alternate funding, these other agencies are responsible for fulfilling these authorities and responsibilities with their own resources or obtaining supplemental funding from Congress as appropriate. If Federal authorities and responsibilities of other agencies are inadequate to respond to extraordinary State and local disaster-related requirements, the Stafford Act, with a declaration by the President, can provide reimbursement to an agency to cover its missions as assigned by FEMA. This is the logic applied to the Emergency Support Functions under the *Federal Response Plan*. **It is, however, critical to understand and maintain the distinction between various direct Federal emergency response authorities to respond to requests for assistance from State and local governments in areas which are generally State and local responsibilities.**

3. *Intergovernmental Headquarters and Regional Command and Control Linkages Should be Examined.*

A system and process should be established that will permit a clear understating [sic] by the President and others of the need for coordination when quick deployment of federal plans and assets is required. NSEC is one alternative among others to consider as a possible solution.

As previously stated, NSEC is **not** viewed as an effective alternative since it is **primarily a statement of principles not linked to a clear response structure.** We believe that this recommendation demonstrates a profound lack of knowledge or understanding of the *Federal Response Plan* and the close linkages between headquarters and regional command and control systems that are emphasized throughout. For example:

- Based upon the magnitude of an event and the initial damage reports, the Regional Director immediately activates the *Regional Operations Center (ROC)* to establish a **direct link** to the affected State for the coordination of initial Federal response operations and support of the deployment of the Advanced Element of the Emergency Response Team (ERT-A). The ROC also serves as the primary communications link to the headquarters to ensure rapid dissemination of information required for dissemination. As the focal point connecting Federal/State and headquarters/regional command and control operations, the ROC is a pivotal element of the Plan and the primary linkage.

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- The main portion of the ERT-A deploys directly to the affected State's Emergency Operations Center or other facility designated by State officials while the remainder deploys to the disaster site to establish a Disaster Field Office.
- At the Emergency Operations Center, the ERT-A works with the State to obtain information regarding the extent of the damage and to identify specific requirements for assistance.
- At the disaster site, the ERT-A conducts on-scene damage assessments and provides reports to the ERT-A element at the State Emergency Operations Center. This team also identifies a location for a Disaster Field Office and one or more Mobilization Centers and initiates actions to make these facilities operational.
- As State officials identify the extent of the damage and the types of Federal response assistance required by the State, *i.e.*, urban search and rescue, medical support, mass care, specific Emergency Support Functions are activated to conduct response operations.
- Once the Disaster Field Office is operational, the Federal Coordinating Officer moves the operations response functions from the Regional Operations Center and the State Emergency Operations Center to the Disaster Field Office. The majority of the staff at the Regional Operations Center redeploys to the Disaster Field Office and assumes operations from that facility. The ERT-A element at the State-designated facility also redeploys to the Disaster Field Office.

While some elements of the system may not work as well as others, particularly depending on the circumstances of the disaster, availability of communications, etc., the structure is in place to provide strong headquarters and regional command and control linkages. Given the fact that the *Federal Response Plan* provides for flexible implementation of any or all elements in or to meet the requirements of the emergency response operation, this is a particularly workable system and has proven effective both in exercises and real-world response operations.

In addition, FEMA maintains command and control through coordinated mission assignments to other Federal agencies for implementation of their response and recovery authorities. Of necessity, FEMA must rely on other Federal agencies to provide the appropriate materials (Meals Ready-to-Eat, generators, plastic sheeting, etc.) since we have never received adequate funding or resources for such a function.

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CONCLUSION

It is apparent from reviewing the report that the investigators neither understood the *Federal Response Plan*, the Stafford Act, NSEC, or fundamentals on the way in which FEMA operates. The draft inspection report is particularly distressing in that it represents, at best, only a cursory and very incomplete review of FEMA's response functions and mechanisms - - at worst, it is replete with unsubstantiated claims, conclusions that are not always clearly developed and, to some extent, a predisposition to believe that FEMA has done little in the way of ensuring improved response coordination or which demonstrates a limited amount of research on this subject. To ignore the progress made by FEMA in these areas and the extremely positive accomplishments that have been made (that have received accolades from the Administration and Congress), is to portray a distorted and inaccurate picture that reflects badly on both the Office of the Inspector General and the Agency.

We strongly urge that before this report is released, that your investigators sit down with us and our staffs to discuss in detail the matters discussed in this report.

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