Congress of the United States
Washington, DC 20515

November 1, 2005

The Honorable Michael Chertoff
Secretary of Homeland Security
Department of Homeland Security
Washington, DC 20528

Dear Mr. Secretary:

We are writing to express serious concern with the Department's failure to complete a confidential, operational annex to the National Response Plan before Hurricane Katrina struck the Gulf Coast on August 29.

The National Response Plan issued last January by Secretary Ridge established broad lines of authority for agencies responding to catastrophic events. It stated that a "more detailed and operationally specific" annex would set forth in detail the precise role of each agency involved in federal response efforts. Although the National Response Plan was issued over nine months ago, we have been informed that the operational annex remains incomplete to this day.

During your testimony on October 19, 2005 before the House of Representatives, you acknowledged that "there are a lot of things that didn't work well with the response" to Hurricane Katrina. You attributed these deficiencies overwhelmingly to the failure to properly plan for the federal response, stating, "I think 80 percent or more of the problem lies with the planning."

You illustrated this point by highlighting major coordination problems with the Defense Department. You testified that the absence of a plan "goes to how well we work with the military when the military has large numbers of assets they can bring to bear on a problem, how fluid we are with them. I think that's an area where had we had sufficient time … that would have made the single biggest difference in terms of allowing us to respond hours and maybe even days earlier."

While your testimony appears to be an accurate reflection of the critical problems experienced on the ground, it does not explain why your Department has failed over the past nine months to complete this planning and issue the operational annex. Had you done so, perhaps the various federal agencies inside and outside your Department would have responded in a more coordinated and effective manner.

Background

In response to the terrorist attacks of September 11, 2001, Congress passed the Homeland Security Act of 2002. In addition to establishing a new Department of Homeland Security,

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Congress charged the new Secretary of the agency with "consolidating existing Federal Government emergency response plans into a single, coordinated national response plan."[1]

On January 6, 2005, your predecessor, Homeland Security Secretary Tom Ridge, unveiled the National Response Plan. It was the product of coordination among 32 federal agencies and departments. At the press conference introducing the new plan, Secretary Ridge said: "The National Response Plan embodies our nation's commitment to the concept of one team, one goal — a safer and more secure America."[2] He also said the plan was "one of my department's highest priorities" and called its issuance "a bold step forward in bringing unity in our response to disasters and terrorist threats and attacks."[3]

Although the National Response Plan established broad lines of authority for agencies responding to catastrophic events, it did not provide precise operational responsibilities for officials responding on the ground. Instead, the plan was intended to provide "a core operational plan for all national incident management."[4] The plan combined and superseded various existing plans, including the Federal Response Plan, the U.S. Government Interagency Domestic Terrorism Concept of Operations Plan, and the Federal Radiological Emergency Response Plan.[5]

In order to address this lack of operational specificity, the National Response Plan required the development of a much more detailed annex. As the National Response Plan states: "A more detailed and operationally specific NRP [National Response Plan] Catastrophic Incident Supplement (NRP-CIS) that is designated 'For Official Use Only' will be approved and published independently of the NRP Base Plan and annexes."[6]

Status of Detailed Operational Annex

We have been informed that your Department did not complete the detailed, operational annex prior to Hurricane Katrina striking the Gulf Coast. In fact, it is our understanding that the annex still has not been completed to this day, more than nine months after the National

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[1] Section 502(6), Homeland Security Act of 2002, Pub. L. 107-296.

[2] Office of the Press Secretary, U.S. Department of Homeland Security, *Department of Homeland Security Secretary Tom Ridge Announces Completion of the National Response Plan* (Jan. 6, 2005).

[3] *Id.*

[4] *Id.*

[5] *Id.*

[6] U.S. Department of Homeland Security, *National Response Plan, Catastrophic Incident Annex, p. CAT-1* (Dec. 2004).

Response Plan was issued. According to information provided to our staff, a draft annex was reportedly circulated in September, but concerns about an accompanying Memorandum of Agreement between the relevant agencies delayed its issuance.

This new information raises significant questions about your testimony on October 19, 2005, before the House Select Committee to Investigate the Preparation for and Response to Hurricane Katrina. During your testimony, you made clear that you believed there were major problems with the federal response. You also made clear that you believed the most significant cause of these deficiencies was a failure to properly plan.

For example, during your opening statement, you observed that "we did not have the kind of integrated planning capabilities that you need to deal with the kind of catastrophe we faced in Katrina."[7] You explained that you were referring to "not only our own planning but our ability to plan with others, including state and local government and including the military."[8]

When you were questioned by Rep. Melancon about this issue, you elaborated on your assessment. You stated: "you can't plan in a crisis environment. If we at DHS fell down, it was largely in the area of planning. I think that the challenge of dealing with this kind of ultra-catastrophe is one that requires a lot of work beforehand, months beforehand. It doesn't require work — 48 hours before the event, you're past planning. You've got to be executing."[9]

You made similar statements to other members. For example, in response to a question from Rep. Shuster, you stated: "To the extent I think there was a flaw in the execution, I think the flaw lay in planning what to do."[10] And in response to a question from Rep. Jefferson, you stated: "the largest problem here was attributable to planning .... If you start to plan in the emergency, you're not planning. You're improvising."[11]

Over and over again, you pointed to a lack of planning as the key to the federal government's response failures. As you stated to Rep. Thornberry: "I think 80% or more of the problem lies with the planning .... [I]t doesn't come naturally to civilian agencies for the most part to do the kind of disciplined planning for a complicated operation."[12]

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[7] FDCH Political Transcripts, *House Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina Holds a Hearing on Department of Homeland Security Relief Response* (Oct. 19, 2005).

[8] *Id.*

[9] *Id.*

[10] *Id.*

[11] *Id.*

[12] *Id.*

Given your numerous statements about the importance of planning, it is unclear why your Department did not complete the detailed operational annex, which would have provided precisely the type of planning you believe was missing in your agency's response to Hurricane Katrina. As Secretary of Homeland Security, you are the federal official responsible for this planning function. Although Secretary Ridge completed the National Response Plan over nine months ago, it was your responsibility to complete the operational annex.

Lack of Coordination with the Defense Department

Without the detailed operational annex to guide federal response efforts, there was tremendous confusion and an utter lack of coordination among federal agencies involved in the response efforts. As you mentioned in your testimony on October 18, no example illustrated these problems more clearly that the failure of the Department of Homeland Security to coordinate and communicate at the most basic levels with the Department of Defense.

In your testimony, you explicitly recognized that the failure to properly plan related directly to "how well we work with the military when the military has large numbers of assets they can bring to bear on a problem, how fluid we are with them."[13] You testified, "I think that's an area where had we had sufficient time ... that would have been the single biggest difference in terms of allowing us to respond hours and maybe even days earlier to some of the issues that were addressed on a Thursday and a Friday that might have been addressed on a Tuesday or a Wednesday."[14]

Internal emails appear to support this aspect of your testimony. They document a complete breakdown in coordination between the top military official on the ground, Lieutenant General Russell Honore, and the head civilian official in the field, former FEMA Director Michael Brown. You testified that on the Wednesday two days after the hurricane, you instructed Mr. Brown to "[g]et hold of General Honore and make sure you two guys are lashed at the hip."[15] You explained the importance of this unified command: "What that means is everybody who has got command responsibility has to be in one place."[16]

However, an email sent the next day shows that General Honore and Michael Brown still had not connected. In the email, General Honore asks FEMA officials to get Michael Brown's satellite phone number. The officials wrote: "He wants to speak with Mike very badly."[17] Mr.

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[13] *Id.*

[14] *Id. (emphasis added).*

[15] *Id.*

[16] *Id.*

[17] Email from "Todd" at FEMA-R01-ROC-DIR to William Carwile *et al.* (Sept. 1, 2005).

Brown, however, was not even in the same state. The reply to the email explained that Mr. Brown was "[n]ot here in MS. Is in LA, as far as I know."[18] As a result, a full four days after the hurricane, the top civilian and military field commanders still had not spoken.

Another example of failures at the most basic levels between the Homeland Security and Defense Departments was the lack of coordination on the deployment of response assets. On September 6, General Richard Myers, Chairman of the Joint Chiefs, stated at a press conference that no federal civilian government officials had requested assistance from the military by Tuesday, August 30, the day after the hurricane struck. He said:

> [W]e started working issues before we were asked. And on Tuesday, at the direction of the secretary and the deputy secretary, we went to each of the services. I called each of the chiefs of the services, one by one, and said we don't know what we're going to be asked for yet.[19]

This situation apparently persisted for days. On Wednesday, August 31, Louisiana Governor Kathleen Blanco made a request for 40,000 troops.[20] But it was not until Friday, September 2, that FEMA officials finally sent an email requesting the Defense Department to "support the planning and execution of the full logistical support to the Katrina disaster."[21] Inexplicably, the Defense Department response rejected the request on the grounds that bureaucratic protocol had not be followed. According to the email message, the Pentagon rejected FEMA's request for assistance because it had not "come from Secretary to Secretary."[22]

This statement, which was attributed to Col. Chaves in the office of the Deputy Secretary of Defense, revealed an ignorance of the National Response Plan and the authority of the Principal Federal Official, who at the time was Mr. Brown. It elevated mindless protocol over urgently needed help for those in need. And it highlighted your own lack of involvement, which may have delayed unnecessarily the delivery of this critical assistance.

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[18] Email from William Carwile to Jesse Munoz and FEMA-R04-ROC-DIR (Sept. 1, 2005).

[19] U.S. Department of Defense, *Defense Department Operational Update Briefing* (Sept. 6, 2005).

[20] *Political Issues Snarled Plans For Troop Aid,* New York Times (Sept. 9, 2005).

[21] Email from Ken Burris to Mathew Broderick, Michael Brown, Patrick Rhode, Edward Buikema, Brooks Altshuler, Michael Heath, and David Trissell (Sept. 2, 2005).

[22] *Id.*

Conclusion

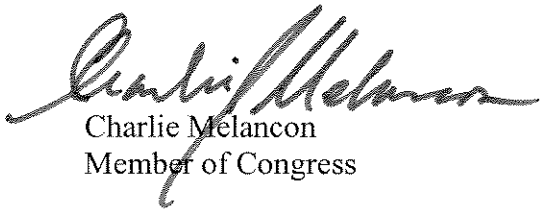
Throughout your testimony on October 19, you referred to former FEMA Director Michael Brown as your "battlefield commander on the ground."[23] You claimed that you had given him "all the legal authority to gather cooperation from other federal agencies in terms of supplies and manpower to be available to assist the state and local government dealing with the emergency."[24]

Your judgment in relying on Mr. Brown as your "battlefield commander" can be called into serious question. But putting that aside, it was your responsibility — not Mr. Brown's — to complete the detailed operational annex to the National Response Plan, which would have set forth in clear terms the precise responsibilities of each agency involved in the federal response to Hurricane Katrina. In effect, you sent an unqualified battlefield commander into the field without an adequate battle plan.

For these reasons, we request that you report on the current status of the detailed operational annex and explain how you intend to address the specific coordination problems between the Department of Homeland Security and the Department of Defense that occurred after Hurricane Katrina.

Sincerely,

Henry A. Waxman
Ranking Minority Member
Committee on Government Reform



Charlie Melancon
Member of Congress

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[23] FDCH Political Transcripts, *House Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina Holds a Hearing on Department of Homeland Security Relief Response* (Oct. 19, 2005).

[24] *Id.*