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Subcommittee on Economic Development, Public Buildings, and  
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I wish to thank the Subcommittee for providing me the opportunity to address questions concerning the National Response Framework and how the current draft was developed.

I am Professor of Public Administration in the Andrew Young School of Policy Studies at Georgia State University in Atlanta and I teach graduate and undergraduate classes in disaster management, public policy, and organizational theory. I also teach in the Executive Masters degree program in Crisis and Emergency Management at the University of Nevada at Las Vegas and am involved in American University's Senior Crisis Management Seminar (as part of the U.S. State Department's Anti-Terrorism Assistance Program). I serve on the Emergency Management Accreditation Program (EMAP) Commission and served six years on the Certified Emergency Manager (CEM) Commission. EMAP sets standards for and accredits state and local emergency management programs and the CEM Commission administers the top national credential for professional emergency managers. Kathleen Tierney and I are co-editors of the second edition of the International City/County Management Association's forthcoming "green book" on local emergency management which will be published in the next few months and I am editor-in-chief of the *Journal of Emergency Management*.

Several articles focusing on the national emergency management system and its priorities were provided to the committee and are noted at the end of this document. The gist of those articles is that the national emergency management system in the United States is made up of networks of public agencies, private firms, nonprofit organizations, and volunteers and that involving them in Homeland Security and emergency management decision making is essential. The national system's foundation is local emergency management offices, local emergency response agencies, faith-based and secular community organizations, ad hoc volunteer groups, and individual volunteers and its surge capacity is provided by volunteers. We have a long history of volunteerism in

emergency management in the United States and should always expect that volunteers will be a significant segment of our disaster response operations. Most fire departments today are still volunteer organizations. Most search and rescue is done by neighbors, family members, and friends. Faith-based and secular community groups increasingly have their own disaster relief organizations and the capabilities of those organizations are increasing rapidly. The point is that we have a system in place for dealing with large and small disasters that is heavily reliant upon local resources and local capacities. Building those resources and enhancing those capacities should be the goal of local, state, and federal programs.

One of the products of local capacity building is greater community disaster resilience. Communities that have experienced disaster and have managed its effects develop a sense of efficacy that carries over into other disaster situations and into other community activities. Preempting local action or excluding local officials from crisis decision processes does not increase resilience or encourage capacity building. National response plans must be cognizant of the need to involve local officials and residents in both decision processes and relief operations. Perhaps most important, the community needs to be in charge of its own disaster operation. The community needs to mitigate its own hazards, prepare for disaster, respond when necessary, and set its own priorities for recovery. Outside assistance may be necessary as the scale of events increases, but disasters are local and recovery ultimately is local.

How we organize to manage hazards and deal with disasters is critical. In a large nation, a cavalry approach to disaster assistance simply does not work because it takes too long for the cavalry to get to disaster areas, the cavalry is unfamiliar with the community, and the cavalry has less disaster experience generally than local responders and emergency managers. Emergency management is a profession that prizes collaboration and the information-sharing and close working relationships that are essential to collaboration.

There are positive signs in the new National Response Framework that Homeland Security officials recognize the authority and roles of local officials:

Even when a community is overwhelmed by a disaster, there is still a core, sovereign responsibility to be exercised at this local level, with unique response obligations to coordinate with State, Federal and private sector support teams. Each organization or level of government therefore has an imperative to fund and execute its own core emergency management responsibilities (page 3).

The emphasis on unified command, for example, suggests that local authorities will be very much involved in decision processes. A problem with the NIMS organization generally has been that it is based upon assumptions about legal authority that are in some cases erroneous and in some cases misguided because the practical exercise of authority would be difficult at best. The development of response objectives should be primarily a state and local responsibility. Response strategy should be primarily a state and local responsibility. The federal government, in most cases, should be in a supporting role. Dropping the dropping NRP language that would suggest federal

takeovers during “incidents of national significance” may represent a recognition of the legal, political, and practical problems associated with preempting local and state authority.

On the negative side, despite frequent use of the term “all-hazards,” the NRF is scenario-based rather than all-hazards. The 15 scenarios upon which national planning is based are almost wholly terrorism-related. The “natural” disasters include a major hurricane, a major earthquake, and a pandemic, but there are no scenarios for catastrophic floods, tornado outbreaks, tsunamis, or other relatively common natural disasters and no scenarios for technological failures or accidents like oil refinery fires, nuclear facility accidents, and maritime accidents. The adaptation of terrorism plans to natural and technological disasters will be a serious problem because of differences in federal authority and responsibilities in terrorism-related events. Confusion and conflict, much as happened during the Katrina response, will be the likely results of relying upon terrorism-focused plans.

The discussion of community responsibilities also focuses on preparedness. The NRF should point out the critical role of individuals, families, and communities in setting local priorities and participating in disaster operations. As the document states: “In today’s world, senior elected officials and their emergency managers build the foundation for an effective response. They organize and integrate their capabilities and resources with neighboring jurisdictions, the State and the private sector” (page 3). State and federal governments are critical partners in building local capacities. Volunteers are an essential component. The “tiered response” begins at the local level.

My responses to the Subcommittees questions follow:

Question:

1. One of the more important findings of the numerous reviews into the response to Hurricane Katrina was that the President did not appear to receive adequate advice and counsel from a senior disaster professional. As a result, Congress’s intent to remedy this situation is reflected in the Post-Katrina Emergency Management Reform Act (the Post-Katrina Act) in which it requires the FEMA Administrator to be a professional, and it designates the Administrator as the principal advisor to the President for all matters relating to emergency management in the United States.

Additionally, the Post-Katrina Act requires the Administrator of FEMA to ensure that the National Response Plan provides for a clear chain of command that is consistent with the role of the Administrator as the principal emergency management advisor and the responsibility of the Administrator under the Post-Katrina Act.

- Do you believe the draft National Response Framework reflects the role and responsibility of the FEMA Administrator as required by law? Do you believe the President will receive the professional advice he needs during a catastrophic disaster?

Answer:

Under the NRF, the Secretary of Homeland Security is the “principal Federal official for domestic incident management” and “is responsible for coordination of Federal resources utilized in the prevention of, preparation for, response to or near-term recovery from terrorist attacks, major disasters, or other emergencies.” In short, the Secretary is responsible for many, if not most, of the activities previously assigned to the director of FEMA under the FRP. The FEMA Administrator is an advisor to the Secretary of Homeland Security on emergency management. If the Secretary is knowledgeable about emergency management and relies upon the FEMA Administrator and other advisors who are professional emergency managers, the President may get the professional advice he needs during a catastrophic disaster. The FEMA Administrator does advise the President, through the Secretary, when a Presidential Disaster Declaration has been requested. It is uncertain whether the FEMA Administrator has a similar advisory role when no request for declaration has been made.

- The law also required that FEMA and the Department of Homeland Security coordinate and confer with state and local emergency managers in developing the National Response Framework. In your opinion did FEMA/DHS comply with the law in this regard?

Answer:

My understanding of the process is that state and local emergency managers were not substantially involved in the drafting of the NRF after the initial phase. Rather they were permitted to comment after the draft was completed. This is essentially the process that was used in the drafting of the National Response Plan and significant changes had to be made before the final document was issued. When state and local emergency managers have participated it has been through large working groups that limit their impact. The professional organizations that represent state and local emergency managers, i.e., NEMA and IAEM principally, have generally felt that they were on the margins of the process at best. The Department of Homeland Security has been slow to respond to state and local concerns and, frankly, often has seemed indifferent to those concerns.

Question:

2. Many of the reviews following Hurricane Katrina concluded that the conflicting roles of the Principal Federal Official (PFO) and the Federal Coordinating Officer (FCO) caused considerable confusion regarding the federal chain of command among state and federal response organizations. While Admiral Allen was appointed PFO in order to coordinate the federal response, the legal authority to direct federal agencies and commit federal resources resided with the FCO. Ultimately, this led to the unprecedented step of appointing Admiral Allen as both the PFO and FCO for Louisiana, Mississippi and Alabama. As a result, the Post-Katrina Act prohibits the PFO from having directive authority and replacing the incident command structure in the field. Additionally, the

Post Katrina Act requires that the National Response plan provide for a role of the Federal Coordinating Officer consistent with the responsibilities under section 302(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

- Do you believe the draft National Response Framework reflects the requirements of the Post-Katrina Act with respect to the PFO and FCO? Given the description of the roles of the PFO and the FCO in the draft National Response Framework, is it clear who will be in charge of coordinating the federal response? What are the repercussions of any confusion between these two positions?

Answer:

The PFO represents the Secretary of Homeland Security and may or may not have any experience or training in emergency management and the FCO represents the FEMA Administrator. Historically, most FCOs have been experienced emergency managers. Both serve on the Unified Coordination Group. Clearly, the PFO will have a direct or indirect impact upon operational decisions. He or she will be the proverbial 800-pound gorilla in the room. The people on the recently released list of pre-designated as PFOs do not appear to have disaster experience. It was clear during the Katrina response that decisions were being made by officials who lacked a basic understanding of emergency management and the federal organization outlined in the NRF does not appear to address that problem.

- Since state and local emergency personnel are the implementers of the national plan, it is Congress's intent that state and local emergency managers have a vital, significant role in developing such a national response framework. In your opinion, what results when the "users or practitioners" of a plan are excluded from the development of the plan? How are ground operations affected?

Answer:

Because state and local emergency management personnel did not participate fully in the drafting of the National Response Plan and the National Response Framework there is a perception that those documents are federal plans, rather than national plans. Reconciling state and local plans with the national plans has been difficult in many cases because the plans were not written by people who understand emergency management at the state and local levels. Some of the assumptions made by the authors of the NRF are accurate in some states and communities and not accurate in others. For example, one of the problems noted in the after-action reports of the Emergency Management Assistance Compact was differences in the authority delegated to local officials by their states. A national plan has to accommodate those kinds of differences.

Question:

3. Do you believe placing the PFO program and the 15 planning scenarios within the Office of Operations Coordination is consistent with the Post Katrina Act? Do you believe placing these preparedness and response functions outside of FEMA will have negative repercussions on FEMA's ability to prepare for and coordinate the federal response to disasters and emergencies?

Answer:

No, I do not think that placing the PFO program and the planning scenarios with the Office of Operations Coordination is consistent with the Post Katrina Act. The coordination function is central to the FEMA role.

The NRF mentions "all-hazards" frequently, but the plan basically is scenario-based rather than all-hazards. The overwhelming majority of the 15 scenarios are terrorism-related. The only non-terrorism scenarios are a pandemic, an earthquake, and a hurricane. There are no flood, tornado outbreak, heat wave, or similar natural disaster scenarios and no oil refinery fire, nuclear plant accident, or similar technological disaster scenarios.

Question:

4. Many of the reviews into the federal response to Hurricane Katrina recommended the federal government clarify when and how it would proactively "push" resources into a declared disaster area upon a general request for assistance from a governor as opposed to the more traditional "pull" system where a state makes detailed and specific requests for particular resources.

- Do you believe the draft National Response Framework adequately addresses when and how the federal government will initiate a proactive response to a catastrophic disaster? Does the framework adequately define the role of military authorities in such situations?

Answer:

The NRF seems to assume that the triggers for a federal response are easily identified and that all disasters develop in the same way. The assumption is that federal assets will be deployed when state resources are overwhelmed and the governor requests assistance. In the past, federal assets have been staged close to the disaster area when the scope of the disaster strongly suggests that state and local authorities will need assistance and federal assets have been deployed prior to disaster. The trigger for a federal response necessarily needs to be flexible. If the federal government is to be a partner, there need be a more proactive approach that assures support for state and local authorities in requesting assistance and a quicker response from federal agencies when needed. Officials should not assume that they do not have to have resources on the ground in the disaster area sooner than 72 or 96 hours (as some evidently assumed after Katrina's landfall). The

system should be flexible and should encourage innovation and improvisation when needed.

The NRF acknowledges that the National Guard is an essential asset for state authorities and that federalizing the Guard can raise legal issues under the Posse Comitatus Act. It is still unclear when and how active duty military units would be deployed.

## **Conclusion**

The answer to the question of how to prepare the nation for catastrophic disasters of all sorts is to increase support for the development and adoption of state and local emergency management standards, particularly comprehensive sets of standards like the Emergency Management Accreditation Program (EMAP), encourage greater professionalization among emergency managers at all levels through the Certified Emergency Manager (CEM) program and professional education, and facilitate collaboration between and among state and local and federal agencies through the Emergency Management Assistance Compact (EMAC), statewide mutual assistance programs, and community to community programs like the National Emergency Management Network sponsored by ICMA and the Public Entity Risk Institute. Collaboration is the key.

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