

Norton Asks for GAO Report to Help Clear Away

Controversy and Confusion Surrounding New Plan for National Disasters

Washington, DC-- **At a September 11th hearing today, Congresswoman Eleanor Holmes Norton (D-DC) said that she will ask the Government Accountability Office (GAO) for a report on the National Response Framework (NRF) and will ask her Ranking Member, Steve Graves, to join the request because of controversial testimony before the Subcommittee on Economic Development, Public Buildings and Emergency Management, which Norton chairs.** The subcommittee heard blistering criticism from expert state, local and academic emergency managers regarding the just released national plan to make the country safe in the event of a natural disaster or terrorist disaster. "The critiques of the Framework raise the most serious, unanswered questions that must be settled before Congress will be able to say that we have an operational all-hazards national plan that has achieved consensus with federal, state and local officials, and that they agree they will follow should another 9/11 or Katrina occur," Norton said. "Testimony of experts questioning the just released plan raises serious questions that must be answered at once, including, among others, whether the Department of Homeland Security and FEMA followed the Post-Katrina Act," which prescribes the content of the Framework but is not mentioned in the document; who is in charge or whether two major federal officials continue to have duplicative responsibilities, a major part of the confusion in responding to Katrina; whether the Framework is a unified operational plan that local officials can and will follow; and whether the NRF cuts the President of the United States out from receiving quick and undiluted advice from FEMA in the event of a disaster.

In her opening remarks, Norton outlined some of the criticisms raised by expert testimony in order to afford an opportunity in advance for FEMA Administrator R. David Paulison and Office of Operations Coordination Department of Homeland Security Director Admiral Roger T. Rufe to respond. She said that "the critiques of the plan we are receiving go to the congressional mandate in the Post-Katrina Act itself, suggesting that the Department of Homeland Security "just doesn't get it," and doesn't want to get it.

The full text of Norton's opening statement follows:

Good morning and welcome to today's hearing. We are pleased to welcome our federal guests and the panel of experts, and look forward to their testimony on the National Response Framework. We are holding the first hearing on the anniversary of 9/11 concerning the NRF because we hold primary jurisdiction over the Federal Emergency Management Agency (FEMA), the primary agency implicated in the most serious terrorist and natural disaster events in U.S. history, two years after Hurricane Katrina and six years following the 9/11 terrorist attack on the United States. After months of delay, we gave FEMA and the Department of Homeland Security (DHS) a deadline of September 5th to supply the NRF. We thank the officials for meeting this deadline and for giving the subcommittee time to analyze the NRF. They have agreed that on this 9/11 anniversary that the American people must be assured, in the midst of yet another hurricane season and the administration's own warning about a reorganized and strengthened Al Qaeda, that the country is ready for a catastrophic attack.

To address issues of accountability that were on stark display during the administration's response to Katrina, the last Congress passed the Post-Katrina Emergency Management Reform Act of 2006, which prescribed several directives that Congress felt were essential to prepare the nation for any new disasters, whether a natural event or a terrorist attack. The Post-Katrina Act requires the Administrator of FEMA to ensure that the National Response Framework provides for a clear chain of command that is consistent with the role of the Administrator as the principal

emergency management advisor to the President. Perhaps most important, the new Act requires FEMA to coordinate with state and local officials when developing the National Response Framework.

To assure that these mandates were met and that the subcommittee could objectively evaluate the administration's submission, the subcommittee sent pre-hearing questions to our expert witnesses to get their assessment of the draft plan. They were asked: 1) "Do you believe the National Response Framework reflects the role and responsibility of the FEMA Administrator as reflected by law? 2) Do you believe that the President will receive the professional advice he needs during a catastrophic disaster? 3) The law 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?" The answers we received were candid, and I must say, troubling.

One of today's witnesses will testify, "The draft framework overlooks concerns that helped shape the legislation Congress enacted, and would put the nation at risk to some of the same systematic failures that hobbled the federal response to Katrina." According to the testimony of another of today's experts, the National Response Framework "ignores the role of counties and parishes in disaster response and early recovery, which in many states is very significant." Such criticism of missing on-the-ground involvement from first responders, who alone are familiar with local conditions and who must implement any plan, goes to the heart of a response to disasters and would amount to noncompliance with the requirements of cooperation and coordination set forth in the Post-Katrina Act.

Remembering the plain and painful confusions between the roles of FEMA and DHS during Katrina, we are left concerned that as another witness notes, "It is not clear in the NRF who will be in charge of coordinating the federal response; in fact it contradicts the Post-Katrina Act." This year this subcommittee has already had occasion to examine the chain of command issue as it relates to the Federal Coordinating Officer (FCO), a FEMA official, and the Principal Federal Official (PFO) who works for DHS. We concluded the PFO position in DHS was duplicative and caused confusion in the field. The subcommittee subsequently asked the Appropriations Committee to prevent funds from being used for the PFO positions and the House did so. The Senate DHS appropriation is as yet unfinished.

When Congress enacted the Post-Katrina Act, it wrote in by statute one Coordinating Federal Officer, who must have emergency management experience and must be the disaster response official. The provision was written with the clear intent to provide the President, through the FEMA Administrator, with direct emergency management consultation to avoid delay in response to a disaster. If the PFO, who is not required to have emergency background and is the representative of the Secretary of the Department of Homeland Security, is to be the advisor to the Secretary in a disaster, as the NRF plan states, the plan would contravene the Act.

We are mindful of the difficulty of putting together a document so ambitious in its mandate that it is named a "National Response Framework." We must expect that any such document would incur some criticism. However, we are deeply troubled that the critiques of the plan we are receiving go to the congressional mandate in the Post-Katrina Act itself, suggesting that the Department "just doesn't get it," or does not want to get it. We will listen carefully and objectively to testimony from the administration and particularly to their defense against the caustic criticism of the experts. However, we are a democratic nation of laws, and no executive branch agency, including the Department of Homeland Security, gets to pick and choose which laws to follow. We do not intend to forget that the reason Hurricane Katrina response was such a disaster was in no small part because of the lack of a coherent plan for marshalling the resources available locally, at the state level and at the federal level.

Katrina was a dress rehearsal for the next disaster that this country may face, whether man-made or natural. This subcommittee, in its role of oversight, intends to work closely with FEMA and DHS to do whatever proves necessary to ensure that the congressional mandates of the Post-Katrina Management Act of 2006 are implanted as written into law. Under no circumstances will this subcommittee abrogate its responsibility to ensure that in the next disaster response there is full accountability.

Again we appreciate the time and effort that went into the National Response Framework and look forward to the testimony of the government and expert panel.