

contain. Although the minority requested briefings to answer these questions, those requests were denied.

III. OTHER FAILURES TO ASSIGN ACCOUNTABILITY

The White House may be the most extreme example in the majority report of a failure to determine responsibility for mistakes and assign accountability. But it is not the only example. Consistently throughout the report, problems in the response are identified without an assessment of cause and responsibility. We know from the majority report that “massive failures” in communications operability “impaired response efforts,” we know that coordination with the Pentagon was not effective, and we know that poor planning and the failure to adequately preposition medical supplies led to delays and shortages. But we do not know who was responsible for these failures.

In the discussion below, we comment on several areas where further investigation is required to determine why specific mistakes were made and to hold those responsible to account.

A. Delays in Deployment of Military Assets

The majority report contains multiple findings about problems in the Defense Department response to Hurricane Katrina. The report finds that “DOD/DHS coordination was not effective during Hurricane Katrina”; “DOD, FEMA and the state of Louisiana had difficulty coordinating with each other, which slowed the response”; and that various military organizations, including active duty troops, the National Guard, and the Coast Guard, each performed admirably, but that coordination among them was inadequate. But the Select Committee failed to insist on a full review of Defense Secretary Rumsfeld’s responsibility for these problems.

At the Select Committee hearing on October 27, 2005, Defense Department officials claimed that they fulfilled every request for assistance they received in a timely manner. For example, Admiral Timothy Keating, the Commander of Northern Command, stated: “The United States Northern Command met every request for support received by FEMA.”¹⁰⁰ Assistant Secretary of Defense for Homeland Defense Paul McHale testified: “The Department of Defense received 93 mission assignments from FEMA and approved all of them.”¹⁰¹ Mr. McHale further testified that the Defense Department moved quickly to accept a mission

¹⁰⁰ Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina, *Hearings on Hurricane Katrina: Preparedness and Response by the Department of Defense, the Coast Guard, and the National Guard of Louisiana, Mississippi, and Alabama* (Oct. 27, 2005).

¹⁰¹ *Id.*

assignment from FEMA to take over logistics. When asked whether any time was lost waiting for approval of civilian mission assignments by Secretary Rumsfeld, Mr. McHale said, “I don’t believe so. I think the time that elapsed was commensurate with the magnitude of taking on full logistical support throughout a three- or four-state area.”¹⁰²

This testimony was contradicted by FEMA officials. On January 5 and 6, 2006, Select Committee staff interviewed Ed Buikema, Acting Director of FEMA’s Response Division, and Michael Lowder, FEMA Deputy Director of Response.¹⁰³ Mr. Buikema and Mr. Lowder were the senior FEMA officials responsible for coordinating logistics in response to Hurricane Katrina.

Both FEMA officials stated that on Thursday, September 1, 2005, three days after Hurricane Katrina made landfall, FEMA requested emergency assistance from the Defense Department pursuant to the National Response Plan.¹⁰⁴ In particular, they stated that FEMA issued a massive “billion-dollar mission assignment” to the Defense Department to deliver food, water, ice, and other essential commodities to all three states affected by the hurricane. The FEMA officials said that this urgent request included “logistical support,” “airlift” assistance, and “commodity distribution.” They characterized the request as a “blanket mission assignment” that was critical to a timely and effective emergency response.¹⁰⁵

Both Mr. Buikema and Mr. Lowder stated that the Defense Department “rejected” this request.¹⁰⁶ The FEMA officials said they relayed their request to the Defense Department’s Joint Director of Military Support, which told them that the Defense Department would not accept the mission assignment and that all requests for assistance by FEMA had to be personally approved by Secretary Rumsfeld. According to the FEMA officials, the Defense officials expressed concern that the involvement of active duty troops in providing emergency supplies raised legal issues that the Department had not resolved.

Both FEMA officials recounted that this unexpected rejection of their emergency request delayed critical assistance for days. They reported that they were forced to leave their command post at FEMA headquarters in order to negotiate with Pentagon attorneys about what assignments the Defense Department would and

¹⁰² *Id.*

¹⁰³ Interview of Michael Lowder, Deputy Director of Response, Federal Emergency Management Agency, by Select Committee Staff (Jan. 5, 2006); Interview of Ed Buikema, Acting Director of Response, Federal Emergency Management Agency, by Select Committee Staff (Jan. 6, 2006).

¹⁰⁴ *Id.*

¹⁰⁵ *Id.*

¹⁰⁶ *Id.*

would not accept. These bureaucratic interagency negotiations continued throughout the weekend.

The FEMA officials did not personally communicate with Defense Secretary Rumsfeld during this period. But they told the Select Committee that they were informed during these protracted negotiations that Secretary Rumsfeld had to personally sign off on every mission assignment and that this added an extra layer of bureaucracy and review. According to one of the FEMA officials, “all FEMA mission assignments to DOD had to go to the Secretary of Defense.”¹⁰⁷ This official also said that “had DOD fully engaged earlier, that would have helped.”¹⁰⁸

According to the FEMA officials, a final agreement on the Defense Department’s mission assignment was not worked out until Monday, September 5 — one week after Hurricane Katrina struck. These accounts appear to be supported by documents. On Monday, September 5, Homeland Security Operations Center Director Matthew Broderick wrote to Assistant Secretary of Defense Paul McHale asking whether the renewed FEMA mission assignments to the Defense Department had been finally approved.¹⁰⁹

The majority report describes the contradiction between the accounts of Pentagon officials, who claimed they approved every request for assistance, and the accounts of FEMA officials, who said their requests were denied. It recognizes that “communications between DOD and DHS, especially FEMA, ... reflect a lack of information sharing, near panic, and problems with process. But the majority report fails to assign accountability for the delays in responding to FEMA’s pleas for help.

On multiple occasions, the Select Committee tried to obtain documents that would allow the Committee to investigate these issues further. Chairman Davis and Rep. Melancon first requested documents from the Department of Defense on September 30, 2005.¹¹⁰ In that letter, they made clear that the Defense Department should give first priority to producing documents from the Office of the Secretary of Defense.

When these documents were not produced, Chairman Davis and Rep. Melancon sent another letter requesting high priority documents from Secretary

¹⁰⁷ Interview of Michael Lowder, Deputy Director of Response, Federal Emergency Management Agency, by Select Committee Staff (Jan. 5, 2006)

¹⁰⁸ *Id.*

¹⁰⁹ E-mail from Matthew Broderick, Director, Homeland Security Operations Center, to Paul McHale, Assistant Secretary of Defense, et al. (Sept. 5, 2005).

¹¹⁰ Letter from Select Committee Chairman Tom Davis and Rep. Charlie Melancon to Donald H. Rumsfeld, Secretary of Defense (Sept. 30, 2005).

Rumsfeld.¹¹¹ When the documents still had not been produced, Rep. Melancon offered a subpoena motion at the Select Committee’s hearing on December 14, 2005. That motion was adopted, and the Select Committee directed Secretary Rumsfeld to turn over his communications on Katrina.¹¹²

Although the subpoena did prompt the production of some documents, including some of Secretary Rumsfeld’s official correspondence, Secretary Rumsfeld continued to defy the subpoena with respect to his e-mails, notes, memoranda, and other documents. Secretary Rumsfeld withheld these documents “subject to a continuing review of the communication for legitimate issues of legal privilege and confidentiality,” according to press accounts quoting Assistant Secretary of Defense Paul McHale.¹¹³ The minority requested a meeting with Mr. McHale to determine precisely which documents were being withheld and why, but this request was denied. In response, Rep. Melancon wrote to Chairman Davis on January 23, 2006, to urge him to enforce the subpoena he had issued, but that request was also denied.¹¹⁴ Our requests for an interview or direct testimony from Secretary Rumsfeld were denied as well.

Because Secretary Rumsfeld refused to comply with the Select Committee’s subpoena, and because the Select Committee rejected our requests to enforce it, we were unable to determine why the Defense Department refused FEMA’s requests for assistance or why protracted negotiations continued for more than a week after Hurricane Katrina struck.

B. Failures in the Medical Response

Although evidence gathered by the Committee revealed that major failures were predicted in the nation’s medical response system well before the storm hit, the Select Committee did not fully investigate why these breakdowns occurred or who was responsible for correcting these deficiencies before Katrina struck.

A report issued on December 9, 2005, by Rep. Henry A. Waxman, Rep. Bennie G. Thompson, and Rep. Charlie Melancon documented major failures in the medical response to Hurricane Katrina.¹¹⁵ This report found that a key component of federal emergency response capacity — the National Disaster

¹¹¹ Letter from Chairman Tom Davis and Rep. Charlie Melancon to Donald H. Rumsfeld, Secretary of Defense (Dec. 7, 2005).

¹¹² House Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina, *Subpoena to Donald H. Rumsfeld, Secretary of Defense* (issued Dec. 14, 2005).

¹¹³ *Pentagon May Resist Rumsfeld Subpoena with Legal Privilege*, Associated Press (Dec. 16, 2005).

¹¹⁴ Letter from Rep. Charlie Melancon to Select Committee Chairman Tom Davis (Jan. 23, 2006).

¹¹⁵ Minority Staff, Special Investigations Division, House Committee on Government Reform, *The Decline of the National Disaster Medical System* (Dec. 2005).

Medical System (NDMS) — experienced breakdowns in planning, supply management, communications, and leadership.

Evidence shows that the Administration was repeatedly warned about problems at NDMS. In 2002, an internal HHS report identified major gaps in the readiness of NDMS, including poor management practices, inadequate funding, and a lack of relevant doctrine and standards.¹¹⁶ The review also pointed to deficiencies in communications, training, and transport that hindered the system’s capability.¹¹⁷

In a 2005 report, a senior medical advisor to the Secretary of Homeland Security found that NDMS was rapidly degrading under mismanagement and neglect.¹¹⁸ The report described federal medical capability as “fragmented and ill-prepared to deal with a mass-casualty event.”¹¹⁹ With respect to NDMS specifically, the report concluded that the system lacked the medical leadership and oversight “required to effectively develop, prepare for, employ, and sustain deployable medical assets.”¹²⁰ The report called for a “radical transformation” of NDMS to enable it to fulfill its responsibilities under the National Response Plan.¹²¹ Yet the Administration did not act on the report’s recommendations.¹²²

Given these multiple unheeded warnings, the minority requested hearings on the medical response to Hurricane Katrina, but no hearings were held. The minority also requested that the Select Committee interview ten key officials at the Department of Homeland Security and the Department of Health and Human Services who were responsible for the medical response. In response, the Committee interviewed two of these officials in late January, after most of the Committee’s work was complete.¹²³ These two interviews were with Stewart Simonson, Assistant Secretary of Public Health and Emergency Preparedness at HHS, and Jack Beall, Chief of the NDMS Section of FEMA.

In speaking with Select Committee staff, Mr. Simonson and Mr. Beall gave sharply conflicting accounts of who was responsible for directing NDMS

¹¹⁶ The CNA Corporation, *Assessing NDMS Response Team Readiness: Focusing on DMATs, NMRTs, and the MST* (Oct. 2002).

¹¹⁷ *Id.*

¹¹⁸ Department of Homeland Security, *Medical Readiness Responsibilities and Capabilities: A Strategy for Realigning and Strengthening the Federal Medical Response* (Jan. 3, 2005).

¹¹⁹ *Id.*

¹²⁰ *Id.*

¹²¹ *Id.*

¹²² Minority Staff, Special Investigations Division, House Committee on Government Reform, *The Decline of the National Disaster Medical System* (Dec. 2005); *See also Review Warned of Medical Gaps Before Hurricanes*, Associated Press (Sept. 26, 2005).

¹²³ The Select Committee interviewed four other DHS and HHS officials about the medical response, but minority staff were not invited to participate.

operations during the response. Mr. Simonson stated that HHS had a limited role, since NDMS is housed within DHS. According to Mr. Simonson, HHS could not directly order the movement or operations of NDMS teams, but instead could only “advocate” for DHS to issue mission assignments that would place the teams where they were needed.¹²⁴ Mr. Beall denied this, stating that he and other NDMS officials “can’t mission ourselves. We work for HHS. We just put the teams out there — then they belong to HHS.”¹²⁵

In its findings, the Select Committee identifies this critical confusion of roles, but it does not resolve the opposing accounts. Instead of determining who actually made critical decisions in the medical response, the majority report concludes that “the command structure between HHS and NDMS was problematic.” While noting that more supplies and personnel could and should have been pre-positioned before the storm hit, the majority does not address why this was not done.

One way the Select Committee could have resolved this disconnect would have been to interview HHS Secretary Michael Leavitt — the person identified by the National Response Plan as responsible for overseeing the health and medical response to a disaster. Although the minority requested this interview, that request was denied. Without further investigation, it is impossible to know which officials controlled NDMS operations in the response and thus who should be held accountable.

Another way the Select Committee might have helped resolve this issue would have been to speak with the medical first responders on the ground who actually carried out orders. In his interview with staff on January 23, 2006, Mr. Beall informed the Select Committee that the Department of Homeland Security was planning to host a conference on January 26 and 27 in which all NDMS team leaders would gather in Washington D.C. to discuss the best way for NDMS to move forward in light of the problems experienced during Hurricane Katrina. Although not intended to be a backward-looking “lessons-learned” exercise, the conference promised to identify needed improvements, including resolving issues of command and control. We asked to have our staff attend this conference as observers and report back to the Select Committee. Although the majority initially responded positively to this request, the Administration refused to allow congressional investigators to attend.

Finally, the majority report does not fully address the inadequacy of medical supplies. Multiple accounts indicate that NDMS teams lacked critical medicines

¹²⁴ Interview of Stewart Simonson, Assistant Secretary of Health and Human Services for Public Health and Emergency Preparedness, by Select Committee Staff (Jan. 20, 2006).

¹²⁵ Interview of Jack Beall, Section Chief, National Disaster Medical System, Federal Emergency Management Agency, by Select Committee Staff (Jan. 23, 2006).

and equipment, such as ventilators, and that requests were delayed or ignored for days, diminishing the quality of medical care.¹²⁶ Team leaders report that NDMS officials regularly refuse requests for restocking and that, as a result, teams “almost always deploy with an insufficient cache.”¹²⁷ The majority report finds that equipment and supplies “were in heavy demand and could not quickly be replenished.” It also notes that many DMATs arrived without their caches. But it does not address why these problems occurred or who was responsible for addressing these preexisting deficiencies.

IV. FAILURE OF LEADERSHIP AT THE DEPARTMENT OF HOMELAND SECURITY

A major hurricane striking the Gulf Coast and New Orleans was one of the top three potential disasters facing the United States. Yet the evidence before the Select Committee shows that the Secretary of the Department of Homeland Security, Michael Chertoff, was detached and relatively disengaged in the key days before Katrina hit. He also had the atrocious judgment to rely on Michael Brown as his “battlefield commander,” despite his lack of training. The majority report finds that Secretary Chertoff made a series of critical mistakes, especially with respect to a basic understanding and execution of the National Response Plan. Reviews by the Government Accountability Office and the White House come to similar conclusions. We agree with these findings and call for the replacement of Secretary Chertoff.

A. Failure to Understand or Invoke National Response Plan

After the attacks of September 11, 2001, the Homeland Security Act transferred responsibility for responding to both natural and man-made disasters to a newly created Department of Homeland Security. As Secretary, Michael Chertoff was charged by the Act and by presidential directive with responsibility for managing the overall federal response to Hurricane Katrina. We agree with the majority report finding that Secretary Chertoff executed these responsibilities “late, ineffectively, or not at all.”

In proposing a new Department of Homeland Security on June 6, 2002, President Bush observed that while “as many as a hundred different government agencies have some responsibilities for homeland security ... no one has final accountability.”¹²⁸ To provide this accountability, Congress passed the Homeland Security Act of 2002, which made the Secretary of Homeland Security

¹²⁶ Minority Staff, Special Investigations Division, House Committee on Government Reform, *The Decline of the National Disaster Medical System* (Dec. 2005).

¹²⁷ *Id.*

¹²⁸ White House, *Remarks by the President in Address to the Nation* (June 6, 2002) (online at www.whitehouse.gov/news/releases/2002/06/20020606-8.html).