

# CRS Report for Congress

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## **The National Preparedness System: Issues in the 109<sup>th</sup> Congress**

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# The National Preparedness System: Issues in the 109th Congress

## Summary

The national preparedness system (NPS), administered by the Department of Homeland Security (DHS), holds significant implications for the operations and priorities of homeland security officials, emergency managers, and first responders. NPS documents guide federal funding allocation decisions, direct federal and nonfederal efforts to build emergency response capabilities, establish the means by which homeland security priorities will be set, and save lives and property when catastrophes occur. Work on the NPS stems from authority set out in the Homeland Security Act of 2002 (P.L. 107-296), the DHS appropriations legislation for FY2005 (P.L. 108-334) and FY2006 (P.L. 109-90), and Homeland Security Presidential Directives 5 and 8, issued by President Bush. The failures associated with the response to Hurricane Katrina have stimulated congressional interest in the procedures, plans, and systems of the NPS.

The NPS represents a comprehensive effort to develop an emergency preparedness and response system that relies upon the capabilities and resources of all levels of government as well as nongovernmental actors. Many lives were saved after Hurricane Katrina struck the Gulf Coast on August 29, 2005. However, the tragedies, losses, and reports of inefficiency raised congressional attention to the need to address emergency preparedness shortcomings.

In general, agreement appears to exist among federal and nonfederal emergency management officials that emergency preparedness standards and objectives need to be reexamined. In the course of this process a variety of issues could be the subject of congressional attention. For example, some contend that concern with preparedness for terrorist attacks could subordinate local priorities, particularly those associated with natural disasters. Also, the traditional roles exercised by the states in preparing for and responding to emergencies may be challenged by calls for a more proactive federal presence. A third issue concerns the involvement of the private sector. At issue are steps Congress might take to ensure that the private sector is part of the emergency preparedness process, and measures to protect the proprietary interests of the sector.

Members of Congress might elect to evaluate the reach of the presidential directives in considering pending legislation, notably S. 3721, H.R. 5316, and H.R. 5351, that would expand upon current legislative requirements concerning two NPS elements, the National Response Plan and the National Incident Management System. This report will be updated as events warrant.

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# The National Preparedness System: Issues in the 109th Congress

Congressional mandates and administrative directives of recent years have resulted in policy changes focused on improving the nation's preparedness for catastrophes, including terrorist attacks. Within months of enactment of the Homeland Security Act (HSA) of 2002 (P.L. 107-296)<sup>1</sup> President Bush issued Homeland Security Presidential Directive 5 (HSPD 5), which requires that the Secretary of Homeland Security develop and administer a National Incident Management System (NIMS) and a National Response Plan (NRP).<sup>2</sup> These two documents subsequently were developed to "enhance the ability of the United States to manage domestic incidents by establishing a single, comprehensive national incident management system."

The President then issued HSPD 8 to complement HSPD 5.<sup>3</sup> HSPD 8 requires development of a national preparedness goal (NPG) applicable to catastrophes regardless of cause, commonly referred to as "all-hazards." HSPD 8 requires that the NPG establish priorities and "appropriately balance" resources to potential threats of "terrorist attacks, major disasters, and other emergencies."

Congressional interest in improving emergency preparedness capabilities came shortly after the presidential directives. The FY2005 appropriations legislation (P.L. 108-334) for the Department of Homeland Security (DHS) established a statutory requirement for DHS officials to develop preparedness goals. The statute required the following:

In accordance with the Department's implementation plan for Homeland Security Presidential Directive 8, the Office of State and Local Government Coordination and Preparedness shall provide state and local jurisdictions with nationally-accepted first responder preparedness levels no later than January 31, 2005; include in the fiscal year 2005 formula-based grant guidance guidelines for state and local jurisdictions to adopt national preparedness standards in fiscal year 2005; and issue final guidance on the implementation of the National Preparedness Goal no later than March 31, 2005.<sup>4</sup>

This requirement was expanded upon in the FY2006 appropriations legislation, as follows:

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<sup>1</sup> P.L. 107-296, 6 U.S.C. 101 et. seq., 116 Stat. 2140-2321.

<sup>2</sup> U.S. President (Bush), "Management of Domestic Incidents," Homeland Security Presidential Directive - 5, Feb. 28, 2003.

<sup>3</sup> U.S. President (Bush), "National Preparedness," Homeland Security Presidential Directive 8, Dec. 17, 2003.

<sup>4</sup> P.L. 108-334, 118 Stat. 1310.

That in accordance with the Department's implementation plan for Homeland Security Presidential Directive 8, the Office for Domestic Preparedness shall issue the final National Preparedness goal no later than December 31, 2005; and no funds provided under paragraphs (1) and (2)(A) [formula grants, law enforcement terrorism prevention grants, and urban area security grants] shall be awarded to states that have not submitted to the Office for Domestic Preparedness an updated state homeland strategy based on the interim National Preparedness Goal, dated March 31, 2005;<sup>5</sup>

DHS met the requirement set out in the FY2006 appropriations legislation (at least in part) by issuing a National Preparedness Goal (NPG), marked "Draft" in December 2005.<sup>6</sup>

## The NPS Documents and Issues for Debate

On the basis of the authorities identified above, DHS officials have developed seven documents to be used in building the National Preparedness System (NPS). Background information on each of these documents is presented in this CRS report.

- National Preparedness Goal (Draft)
- National Preparedness Guidance
- Planning Scenarios (15)
- Universal Task List
- Target Capabilities List
- National Incident Management System
- National Response Plan

The texts of these documents, and the manner in which DHS staff use the documents to implement the NPS and measure state, tribal, and local government achievements, are to influence the homeland security priorities and operations of federal and nonfederal agencies. This report provides background information on the NPS documents and identifies related issues that may be the subject of debate during the 109<sup>th</sup> Congress. The NPS components reflect continuing interest in improving the capabilities of federal and nonfederal emergency management entities and procedures, as well as measuring the achievements and gaps.<sup>7</sup> DHS officials continue to seek and obtain feedback from state and local governments, reconsider the documents, and modify the NPS. Congressional involvement in the process of

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<sup>5</sup> P.L. 109-90, 119 Stat. 2076. For more information on the homeland security grant programs and funding requirements see CRS Report RS22349, *FY2006 Homeland Security Grant Distribution Formulas: Issues for the 109th Congress*, by Shawn Reese. Information on how DHS uses the NPS documents in federal funding is found in CRS Report RL33583, *Homeland Security Grants: Evolution of Program Guidance and Grant Allocation Methods*, by Shawn Reese.

<sup>6</sup> The document may be accessed, through a password protected system, at [<https://www.llis.dhs.gov/member/secure/getfile.cfm?id=15144>], visited Aug. 2, 2006.

<sup>7</sup> Considerable effort has been expended on improving preparedness measures and evaluating the capabilities of state and local governments. See CRS Report RL32520, *Emergency Management Preparedness Standards: Overview and Options for Congress*, by Keith Bea.

building the NPS will likely have an impact on the development of the NPS components. In particular, lessons learned from the response to Hurricane Katrina have already resulted in administrative modifications, and will likely continue to influence congressional discussions on the NPS.

**National Preparedness Goal.** HSPD 8 required that the Secretary of DHS develop a national preparedness goal (NPG) to improve the nation's capabilities and practices to ensure that adequate resources exist to respond to a catastrophe. The directive sets forth the following specific task.

The national preparedness goal will establish measurable readiness priorities and targets that appropriately balance the potential threat and magnitude of terrorist attacks, major disasters, and other emergencies with the resources required to prevent, respond to, and recover from them. It will also include readiness metrics and elements that support the national preparedness goal including standards for preparedness assessments and strategies, and a system for assessing the nation's overall preparedness to respond to major events, especially those involving acts of terrorism.<sup>8</sup>

DHS issued several versions of draft preparedness goals in accordance with the statutory mandate in the FY2005 and FY2006 appropriations acts, as well as HSPD 8. The most recent, issued in December 2005, supersedes its predecessors. The national preparedness goal comprises several elements, summarized as follows.<sup>9</sup>

- The NPG engages federal, nonfederal, nongovernmental entities, and the public to be capable of preventing, responding to, and recovering from attacks, disasters, and emergencies.
- The goal uses and supports the *National Response Plan* and the National Incident Management System (both summarized below) and the *National Infrastructure Protection Plan*.
- The NPG is based upon an all-hazards risk-based approach that encourages officials to strengthen capabilities, and establishes national priorities in emergency preparedness.

The roles and responsibilities of federal and nonfederal entities are intended to be clarified through the goal. Preparedness, as noted in the document, is a shared responsibility of all units of government, and will be measured and directed toward guidelines to be issued in 2005. "The goal establishes the first truly national approach to preparedness by encouraging alignment of efforts at all levels of government to achieve shared goals and priorities."<sup>10</sup>

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<sup>8</sup> Section (6) of HSPD 8.

<sup>9</sup> Summary drawn from: U.S. Department of Homeland Security, *National Preparedness Goal* [draft], December 2005, pp. 1-12.

<sup>10</sup> *Ibid.*, p. 3.

The seven national priorities included in the draft NPG have been identified as follows.

- Implement the National Incident Management System and the *National Response Plan*
- Expand regional collaboration
- Implement the *National Infrastructure Protection Plan*
- Strengthen information and collaboration capabilities
- Strengthen interoperable communication capabilities
- Strengthen Chemical, Biological, Radiological, Nuclear, and Explosives (CBRNE) detection capabilities
- Strengthen medical surge capabilities<sup>11</sup>

Like other aspects of the NPS, the NPG will be reevaluated and modified over time.

***Issues for Congressional Consideration.*** The NPG represents an effort to set a national objective and direct the integration of federal, state, and local resources and capabilities. While the other documents provide details on operations and procedures, the NPG establishes the overall mission to “guide the nation in achieving its vision for preparedness.”<sup>12</sup> In considering the content and intent of the National Preparedness Goal, Members of Congress might elect to consider the following issues.

- Do state and local officials agree that the NPG (and related documents) will help them establish priorities commensurate with federal guidance? Have nonfederal partners become fully invested in the goal, issued in draft form to date?
- What consideration has DHS given to the existing state priorities in preparing the goal?<sup>13</sup> Have attempts been made to reconcile disagreements with state priorities, or have federal priorities “trumped” state decision makers?
- Police, fire, rescue, emergency medical, and public works employees frequently respond to local and relatively minor catastrophes. These “first responders” will be on the scene when what was first seen to

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<sup>11</sup> Ibid, pp. 13-20.

<sup>12</sup> Ibid., p. 2.

<sup>13</sup> According to the Government Accountability Office (GAO), some state and local government officials at a workshop held by DHS expressed concern “that the process, among other things, was moving too fast and did not consider the state and local needs assessments that had already been done.” U.S. Government Accountability Office, *Homeland Security: Management of First Responder Grant Programs Has Improved, but Challenges Remain*, GAO report GAO-05-121, (Washington: Feb. 2, 2005), p. 20. In commenting on the GAO report, the DHS respondent noted that “officials listened and responded to the concerns of stakeholders and others as noted in the draft report and will continue to do so.” Ibid., p. 46.

be a relatively minor incident comes to be recognized as an incident requiring implementation of the the National Response Plan (discussed on page 28 of this report). To what extent will the work and priorities of local responders, largely oriented toward events of lesser consequence, become more identified with and responsive to federal needs resulting from major incidents that rarely occur?

- Will local concerns be relegated to a lower priority as communities set their objectives aside in order to meet NPG standards and receive federal funding?
- The expansion of regional collaboration is one of the national priorities. S. 3721 and H.R. 5351, pending before Congress, would mandate that regional offices be established and functions coordinated with state and local governments to improve emergency management operations. DHS officials have, for years, struggled to establish a network of regional offices for the department. What obstacles have prevented establishment of a regional network to date? If Congress enacts the legislation, what procedures would be used by DHS to ensure that the NPG objectives are addressed on a regional basis?
- Some might argue that the range of federal response capabilities and the authorities enacted since 2001 have resulted in the federalization of functions previously carried out by state and local governments. Will the NPG presage development of a federal first responder force? How might DHS address concerns about the federalization of emergency preparedness and response in the NPG?

The NPG document is not the only federal standard or guidance with which state and local emergency responders will have to comply. The National Highway Traffic Safety Administration (NHTSA) of the Department of Transportation has developed a “Scope of Practice Model” that presents certification guidelines (not standards) for emergency medical technicians (EMTs) throughout the nation.<sup>14</sup> Those guidelines might bear on a community’s efforts to meet NPS requirements. For example, the different skills and functions for which EMS providers would be certified or licensed might affect the type of service provided under different scenarios in the NPG. Communities that rely upon volunteers (emergency medical responders) may not be certified to provide the medication needed immediately by victims of a bioterrorist attack.

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<sup>14</sup> For further information on the NHTSA standards see “The National Scope of Practice Model” available at [<http://www.jems.com/data/pdf/SOPFinal4.0.pdf>], visited Aug. 2, 2006. Detailed information is available on the “First Responder National Standard Curriculum” at [<http://www.nhtsa.dot.gov/people/injury/ems/pub/frnsc.pdf>], visited Aug. 2, 2006.



- According to NHTSA officials, DHS is involved in the development of the EMT guidelines for education curricula.<sup>15</sup> To what extent is the NPG consistent or coordinated with the objectives of NHTSA's EMT guidelines, as well as any other federal standards pertinent to emergency responders?<sup>16</sup>
- The Homeland Security Act of 2002 assigned preparedness responsibility to the Under Secretary of Emergency Preparedness and Response (EPR).<sup>17</sup> As a result of a reorganization of DHS functions, a Preparedness Directorate has been established within the department.<sup>18</sup> What steps have been taken by the Secretary of DHS to ensure that the Federal Emergency Management Agency (FEMA) director, the Under Secretary for Preparedness, and other officials, work in concert to achieve the NPG?

**National Preparedness Guidance.** Pursuant to the directive set out in HSPD-8, DHS issued the *National Preparedness Guidance* “as a companion document to the Interim National Preparedness Goal that provides instructions and guidance on how to implement the Goal. The National Preparedness Guidance will be reissued periodically as needed to reflect changes in the National Priorities and/or further development of the Capabilities-Based Planning process and tools.”<sup>19</sup> The *Guidance* explains the relationship between the NPS requirements and the Goal, introduces NPS components (National Planning Scenarios, Universal Task List, Target Capabilities List), and reviews assessment standards for preparedness efforts. Use of the *Guidance*, particularly through use of the assessment metrics, is intended to ensure that preparedness resources are used effectively and that a better understanding is developed of the emergency preparedness capabilities at all levels of governance.

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<sup>15</sup> Telephone conversation with Drew Dawson and Gam Wijetunge, NHTSA, December 29, 2004.

<sup>16</sup> Other references to federal response standards include the identification of common standards and protocols for “field operators and first responders” [Section 312(c)(4), P.L. 107-296, 6 U.S.C. 192(c)(4)]; standards for public safety officer response to hazardous material incidents [29 CFR 1910.120]; and critical benchmarks for public health systems. See [[http://www.bt.cdc.gov/planning/continuationguidance/pdf/guidance\\_intro.pdf](http://www.bt.cdc.gov/planning/continuationguidance/pdf/guidance_intro.pdf)], visited Aug. 2, 2006.

<sup>17</sup> The responsibilities of the Under Secretary include “building a comprehensive national incident management system with federal, state, and local government personnel, agencies, and authorities, to respond to such attacks and disasters;” Sec. 502(5), P.L. 107-296, 6 U.S.C. 312(5).

<sup>18</sup> Legislation to combine the Preparedness Directorate with FEMA is pending in Congress. See CRS Report RL33522, *FEMA Reorganization Legislation in the 109<sup>th</sup> Congress*, by Keith Bea and Henry Hogue.

<sup>19</sup> U.S. Department of Homeland Security, *National Preparedness Guidance* (Washington: Apr. 27, 2005), p. 1.

Four elements comprise the assessment process set forth in the *Guidance* — (1) compliance assessment, that is, a checklist of whether federal and nonfederal entities have accomplished specified requirements, (2) capability assessment, initially based on a sampling of states and sub-state regions, (3) needs assessment, the identification of resource needs based upon capability assessments, and (4) performance assessment, measured through after-action reports and documentation of performance in exercises and emergencies. The “Capabilities-Based Planning” envisioned in the *Guidance* would be accomplished in three stages: first, the definition of national readiness targets; second, assessments of how state, local and tribal governments measure in relation to the targets; and third, a national preparedness assessment process that includes annual reports and the establishment of national priorities.

***Issues for Congressional Consideration.*** Congressional and administrative concern over the response to Hurricane Katrina modified federal approaches to the assessment of capabilities and needs and provided new emphasis on the need for assessing the preparedness of units of government. Roughly a month after the hurricane, conferees on the FY2006 appropriations legislation for DHS (H.R. 2360) included the following text in the report:

The conferees note the tragic events in the wake of Hurricane Katrina indicate the importance of preparation and having plans in place to deal with catastrophic events.... The conferees direct the Secretary to report on the status of catastrophic planning, including mass evacuation planning in all 50 states and the 75 largest urban areas by February 10, 2006. The report should include certifications from each state and urban area as to the exact status of plans for evacuations of entire metropolitan areas in the state and the entire state, the dates such plans were last updated, the date exercises were last conducted using the plans, and plans for sustenance of evacuees.<sup>20</sup>

Pursuant to this congressional directive, DHS issued a bulletin that initiated the Nationwide Plan Review process, a requirement that states and urban area emergency operation plans be subject to an assessment process.<sup>21</sup> Through self-assessments (Phase One) and assessments conducted by outside teams of experts (Phase Two), DHS identified strengths and weaknesses of the nation’s most significant plans.<sup>22</sup> The Phase Two report included conclusions, among others, such as the following:

- the majority of the nation’s plans are not “fully adequate, feasible, or acceptable” to manage catastrophic events;

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<sup>20</sup> U.S. Congress, House, Conference Committees, *Making Appropriations for the Department of Homeland Security for the Fiscal Year Ending September 30, 2006, and for Other Purposes*, 109<sup>th</sup> Cong., 1<sup>st</sup> sess., H.Rept. 109-241 (Washington: 2006), p. 68.

<sup>21</sup> U.S. Department of Homeland Security, Preparedness Directorate, Office of Grants and Training, *Preparedness Directorate Information Bulletin No. 197*, Nov. 23, 2005, available at [<http://www.ojp.usdoj.gov/odp/docs/info197.pdf>], visited Aug. 4, 2006.

<sup>22</sup> See U.S. Department of Homeland Security, *Nationwide Plan Review Phase 1 Report* (Washington: Feb. 10, 2006), and *Nationwide Plan Review Phase 2 Report* (Washington: June 16, 2006).

- collaborative planning is not being conducted among the states and urban areas;
- continuity of operations and continuity of government issues are not addressed in the plans;
- special needs populations are not addressed; and
- capabilities for evacuation, receiving and hosting evacuees, and tracking needs of evacuees are deficient.

In light of these findings and the intent of the *Guidance*, Members of Congress might elect to raise the following issues:

- To what extent will state, local, and tribal officials contribute to the preparation of the annual reports to be prepared as part of the assessments called for in the *Guidance*? Will nonfederal officials have the opportunity to submit comments or minority reports? Do state and local officials agree with the conclusions in the *Nationwide Plan Review, Phase 2 Report*?
- The seven national priorities established in the National Preparedness Goal are used to guide decisions on the allocation of resources and modifications of practices. In light of the challenges identified in the response to Hurricane Katrina, do these priorities sufficiently reflect the demands placed on public officials from disasters not caused by terrorists?
- The *Guidance* states that “existing systems, processes, and data” will be used where possible to develop the approach for measuring national preparedness.<sup>23</sup> What criteria will be used to determine which existing systems and processes are deficient? How will the metrics identified in the *Guidance* compare to those established in the Emergency Management Accreditation Program (EMAP) and the attendant standards?<sup>24</sup>

**Planning Scenarios.** Fifteen scenarios have been developed to assess the emergency response and preparedness capabilities of state, local and tribal governments. These scenarios have not been developed to identify events that are likely to occur; instead, they are to facilitate efforts by all government agencies to assess the full range of needs that might be required if events similar to these scenarios take place. **Table 1**, below, summarizes the scenarios.

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<sup>23</sup> Ibid., p. 39.

<sup>24</sup> Emergency Management Accreditation Program, *Accreditation Process Guide* (Oct. 2005), available from the CRS author. A tool developed by the EMAP commission (available from the CRS author) correlated *Nationwide Plan Review* questions to those in the EMAP assessment process.

**Table 1. Homeland Security Planning Scenarios and Summary Descriptions**

| Threat   | Description summary   | Projected consequences <sup>A</sup>  |
|--|---|--|
| Nuclear detonation                               | Terrorists detonate a 10-kiloton nuclear device in a large city                             | 450,000 or more evacuees; 3,000 square miles contaminated; hundreds of billions of dollars in economic impact                  |
| Biological attack                                | Terrorists spray anthrax spores in a city using a concealed spray device                    | 13,000 fatalities and injuries; extensive contamination; billions of dollars in economic impact                                |
| Biological disease outbreak — pandemic influenza | Natural outbreak of pandemic influenza that begins in China and spreads to other countries  | 87,000 fatalities, 300,000 hospitalizations; \$70 to \$160 billion impact  |
| Biological attack — plague                       | Terrorists release pneumonic plague into three areas of a large city                        | 2,500 fatalities; 7,000 injuries; millions of dollars in economic impact; possible evacuations                                 |
| Chemical attack — blister agent                  | Terrorists spray a combination of blister agents into a crowded football stadium            | 150 fatalities; 70,000 hospitalized; more than 100,000 persons evacuated; \$500 million in economic impact                     |
| Chemical attack — toxic industrial chemicals     | Terrorists use grenades and explosive devices at petroleum facilities                       | 350 fatalities, 1,000 hospitalizations; 50% of facility damaged; up to 700,000 persons evacuated                               |
| Chemical attack — nerve agent                    | Terrorists sprays Sarin into the ventilation system of three commercial buildings in a city | 6,000 fatalities in buildings, 350 injuries downwind; evacuation of unknown number of people; \$300 million in economic impact |
| Chemical attack — chlorine tank explosion        | Terrorists uses explosives to release a large quantity of chlorine gas                      | 17,500 fatalities, 100,000 hospitalizations; up to 70,000 persons evacuated; contamination at site and waterways               |

| Threat   | Description summary  | Projected consequences <sup>A</sup>   |
|--|--|---|
| Natural disaster — major earthquake                                    | 7.2 magnitude earthquake occurs in a major metropolitan area   | 1,400 fatalities, 100,000 hospitalizations; 150,000 buildings destroyed; hundreds of billions of dollars in economic impact |
| Natural disaster — major hurricane                                     | Category 5 hurricane strikes a major city  | 1,000 fatalities, 5,000 hospitalizations; 1 million people evacuated; millions of dollars in economic impact                |
| Radiological attack — radiological dispersal device (RDDs)             | Terrorists detonate “dirty bombs” in three cities in close proximity   | 180 fatalities, 20,000 detectable contaminations in each city; billions of dollars in economic impact                       |
| Explosives attack — bombing using improvised explosive device (IED)    | Terrorists detonate IEDs in a sports arena, use suicide bombers in a public transit concourse, and in a parking facility | 100 fatalities, 450 hospitalizations; local economic impact; minimal evacuations  |
| Biological attack — food contamination                                 | Terrorists contaminate food with anthrax in processing facilities  | 300 fatalities, 400 hospitalizations; millions of dollars in economic impact  |
| Biological attack — Foreign Animal Disease (FAD, foot & mouth disease) | Terrorists infect livestock at specific locations  | No casualties; huge loss of livestock; hundreds of millions of dollars in economic impact                                   |
| Cyber attack   | Terrorists conduct cyber attacks on U.S. financial infrastructure  | No casualties; millions of dollars in economic impact   |

**Source:** The Homeland Security Council (Washington: 2004).

A. These hypothetical results are among those presented in the scenarios. They are not intended to be dispositive, but to identify the types of situations responding units should be prepared to address.

Each scenario is accompanied by descriptions of impacts and consequences. Also, eight mission areas are discussed for each scenario in order to outline the types of responses that might be expected.<sup>25</sup>

<sup>25</sup> The eight mission areas are: (1) Prevention/Deterrence/Protection; (2) Emergency Assessment/Diagnosis; (3) Emergency Management/Response; (4) Incident/Hazard Mitigation; (5) Public Protection; (6) Victim Care; (7) Investigation/Apprehension; and (8) Recovery/Remediation.

According to the NPG, “catastrophic WMD scenarios predominate since they present the gravest threat to our national interests and generally require capabilities for which the nation is currently the least prepared.”<sup>26</sup> The scenarios depict events that might require federal involvement and coordination; such events are referred to as Incidents of National Significance.

**Issues for Congressional Consideration.** The FY2005 program guidance issued by ODP stated the following: “The scenarios used in [exercises funded through specified preparedness programs] must be terrorism-related and based on the State or Urban Area Homeland Security Strategy and plans.”<sup>27</sup> The emphasis upon terrorist attacks in the scenarios appears to have raised concern among some. This, and other issues related to the scenarios, are outlined below.

Some have questioned whether the emphasis by DHS on terrorist attacks indicates that the NPG is disproportionately oriented toward enemy attacks and away from the most frequently occurring catastrophes, natural disasters. Some might argue that the terrorism focus is a shift from the “all-hazards” approach that has developed for years. Under “all-hazards” planning, response and preparedness needs common to all disasters are developed, regardless of the cause of the disaster. Examples include the need to prepare for surge capacities at medical facilities, ensuring that safe shelters are available, and distributing essential supplies.

Questions that might be raised include the following:

- Is there a conflict between a terrorism focus and all-hazards planning? To what extent is the “all-hazards” orientation dominated by terrorism concerns? Some of the problems identified in coordinating the response to Hurricane Katrina have been attributed to the emphasis in DHS on terrorist-caused events. Should more detailed implications of the scenarios be developed to better assess the effectiveness of exercises and to ensure that lessons learned are applied in future disasters?

State, tribal, and local units of government will be expected to respond to all 15 scenarios, whether the disasters are caused by floods, civil unrest, earthquakes, attacks, or industrial accidents. However, the demands that will result from certain terrorist attacks present unique circumstances that have little bearing on the responses to floods, tornados, and similar natural disasters. Examples include the targeting of first responders and citizens by secondary and tertiary attack teams of terrorists and the decontamination or isolation requirements associated with chemical attacks. Also, the environmental and health concerns that remained in New York City after the collapse of the World Trade Center towers represented new areas of concern to

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<sup>26</sup> *National Preparedness Goal Homeland Security Presidential Directive 8: “National Preparedness,”* p. 6.

<sup>27</sup> U.S. Department of Homeland Security, Office of State and Local Government Coordination and Preparedness, Office for Domestic Preparedness, *Fiscal Year 2005 Homeland Security Grant Program, Program Guidelines and Application Kit*, p. 38, available at [<http://www.ojp.usdoj.gov/odp/docs/fy05hsgp.pdf>], visited March 2, 2005.

responders. If the scenarios, and the tasks and capabilities associated with the scenarios, are viewed solely from the “all-hazards” perspective, agencies may not include disaster-specific elements they would need to use in saving lives.

- Should the “all-hazards” preparedness goals be modified to include differences in response needs?
- How could the scenarios, and nonfederal preparedness efforts, be used by Congress to evaluate the need for federal policy modifications?
- DHS might consider incorporating the scenarios and the projected outcomes into benchmarks to assess performance. What are the advantages and disadvantages of using benchmarks based on the hypothetical situations presented in the scenarios? Without such benchmarks, how can units of government establish measures for assessing progress?

The hypothetical results presented in the planning scenarios appear to project non-specific impacts (e.g., economic impacts in the billions, indeterminate recovery time-lines, general contamination statements). The unique circumstances of each locality, local weather conditions, the mitigation efforts undertaken by the area which suffers the catastrophe, and other factors would be key determinants of the actual losses incurred.

- How can communities, tribal organizations, and state agencies present their capabilities and test their preparedness when measured against such non-specific estimates of losses?
- Should an event similar to that described in the scenario occur, questions may still remain about capabilities, as the magnitude of the disaster will dictate whether a unit of government is overwhelmed. To what extent might the scenarios be adjusted to more specifically identify impacts and losses to enable state and local governments to better consider their preparedness level?
- How would DHS evaluate nonfederal capabilities when local conditions vary, and uncertain effects are the basis for measurement?

The FY2006 DHS budget justification submitted to Congress advocated the distribution of federal preparedness funding according to risk and threat assessments. DHS continues to develop information on the risks and threats facing the nation, reflected at least in part by the planning scenarios.<sup>28</sup> The most recent version of the

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<sup>28</sup> A significant part of the process of evaluating threats and risks involves construction of the National Asset Database (NADB), comprising an inventory of the nation’s assets. The NADB is a classified document, and therefore cannot be cited. A report issued by the DHS Office of Inspector General on NADB is available at [<http://www.dhs.gov/interweb/>]  
(continued...)

Universal Task List (UTL), described below, summarized the creation of the scenarios as follows.

The objective was to develop a minimum number of credible scenarios that covered the range of response requirements. While it is unlikely that any of these specific scenarios would unfold as described, a nation prepared for these scenarios would be prepared for almost all likely eventualities.<sup>29</sup>

- What relationship do the planning scenarios developed by the Homeland Security Council bear to the threat and vulnerability assessment process underway within DHS?
- What steps have been taken by the Under Secretary for Preparedness, or will be taken by the Under Secretary, to elucidate and prioritize risks?

Tanker rail cars and trucks that carry hazardous material might be targets of opportunity for terrorist attacks because the contents of the containers are marked. Some advocate removal of the signs that identify the load as being a hazardous material to reduce the threat of attack. Emergency responders, however, have long sought to have such identifying information on the vehicles so they can respond appropriately in a safe manner.

- Can the scenarios, and the experiences of state and local responders in addressing the scenarios, be used to fully assess the competing challenges of this and similar situations? Is congressional action required to resolve this point of contention between two public safety concerns?

DHS may exercise primary responsibility for coordinating the response efforts if an event presented in the scenarios occurs. Such responsibility for an outbreak of the pandemic influenza scenario, however, would likely fall primarily to the Department of Health and Human Services (HHS).<sup>30</sup>

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<sup>28</sup> (...continued)  
assetlibrary/OIG\_06-40\_Jun06.pdf], visited Aug. 3, 2006.

<sup>29</sup> U.S. Department of Homeland Security, Office of State and Local Government Coordination and Preparedness, *Universal Task List 2.1* (Washington: 2005), p. 1, available at [<https://www.llis.dhs.gov/member/secure/getfile.cfm?id=11771>] through a password protected system, visited Aug. 3, 2006.

<sup>30</sup> For information on public health threats and response needs see U.S. Department of Health and Human Services, “Office of Public Health Emergency Preparedness,” at [<http://www.hhs.gov/ophep/>], visited Aug. 2, 2006. For information on pandemic influenza threats see U.S. Department of Health and Human Services, “National Vaccine Program Office,” at [<http://www.hhs.gov/nvpo/>], visited Aug. 2, 2006, and University of Minnesota, Center for Infectious Disease Research & Policy, “Pandemic Influenza,” at [<http://www.cidrap.umn.edu/cidrap/content/influenza/panflu/biofacts/panflu.html>], visited Aug. 2, 2006. See also CRS Report RL33579, *The Public Health and Medical Response to Disasters: Federal Authority and Funding*, by Sarah A. Lister.



- To what extent was HHS involved in the development of the scenario, and will HHS officials be included in the assessment of state and local capabilities to respond to such an event?
- Have HHS assessments of the capability of state public health systems been coordinated with DHS assessment efforts?

**Universal Task List.** State and local governments must be deemed able to implement certain tasks involving the delivery of services, needs assessments, organizational requirements, and other requirements in order to receive federal preparedness funding in FY2006. These tasks are set out in the *Universal Task List* (UTL) prepared by the Office for Domestic Preparedness within DHS, the functions of which have shifted to the Preparedness Directorate.

The UTL identifies the operations and tasks expected to be performed in order to meet these needs should events similar to those set out in the planning scenarios occur. Four categories organize the tasks in the UTL — National Strategic Tasks; Planning, Coordination and Support; Incident Management; and Incident Prevention and Response. According to the UTL, tasks set out in the first two levels generally are expected to be performed by federal agencies. Tasks in the second and third levels generally are performed by state agencies, and those in the second, third and fourth levels fall to local governments. Examples of the tasks and functions within each of the four levels follow to illustrate the information included in the UTL.

#### I. National Strategic Tasks

##### A. Develop national strategic intelligence and surveillance

1. Plan and direct strategic intelligence and surveillance activities
  - a. Determine national strategic intelligence and surveillance issues
  - b. Determine and prioritize national strategic intelligence and surveillance requirements

#### II. Planning, Coordination, and Support Tasks

##### A. Conduct Regional, state, and local intelligence and surveillance operations

1. Manage intelligence and surveillance activities
  - a. Determine intelligence and surveillance issues
  - b. Determine and prioritize intelligence and surveillance requirements

#### III. Incident Management Tasks

##### A. Coordinate transportation operations

1. Develop transportation infrastructure incident response plan
  - a. Identify potential transportation targets
  - b. Develop staging areas plan

#### IV. Incident Prevention and Response Tasks

##### A. Provide transportation

1. Activate approved traffic control plan

- a. Provide evacuation routes from affected area
- b. Identify detours and other alternate routes

***Issues for Congressional Consideration.*** All communities are not expected to be capable of accomplishing every task. Incidents of National Significance would require coordinated intergovernmental and interjurisdictional responses. The UTL identifies the range of tasks that responding agencies, in mutual aid arrangements, are expected to accomplish. Issues that might be explored in considering the impact of the UTL include the following.

The UTL is to be used to assess the capabilities of state and local governments to meet the needs expected to result from an Incident of National Significance.

- If DHS does not expect individual communities to accomplish all of the tasks, how will individual communities and states be considered “capable” if they do not have to comply with the entire list?
- How will ODP determine which communities in a region must be responsible for certain tasks?
- To what extent will federal capabilities (generally listed in the “National Strategic Tasks” section) supplement or possibly replace state or local resources?
- How will mutual aid agreements that facilitate the sharing of resources and information across political boundaries be evaluated? Would the experiences gained by the DHS Office of National Capital Region Coordination serve as a pilot for other interstate regions?
- What steps are being taken by DHS to focus attention on the reported inability of states and urban areas to perform necessary tasks, as illustrated by the failures in the response to Hurricane Katrina and the results reported in the *Nationwide Plan Review*? Have benchmarks been developed to measure achievements of the states?

Training and exercise programs are expected to be based upon the UTL and related mission requirements. The enumeration of “standard” tasks will enable administrators to focus curricula and training components on perceived gaps in capabilities.

- Will DHS or state agencies have primary responsibility for identifying the areas that require priority in training efforts?<sup>31</sup>

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<sup>31</sup> One publication urged that state strategies and assessments, within the context of “a nationwide plan,” be used to ensure coordination of homeland security functions, including (continued...)

One researcher has posited that responses to events such as terrorists attacks are best managed through flexible management structures that allow or emphasize participants to gain new information, evaluate developing needs, and reconsider “normal” responses to meet different challenges. “For threats of unbounded certainty, such as terrorism, the preferred type of adaptation is an auto-adaptive system that is able to learn from incoming information, reallocate its resources and attention, reorder its relationships with other entities, and act promptly to reduce the threat or respond to destructive acts.”<sup>32</sup> Many of the tasks in the UTL center on coordinating activities and improving information flows among levels of government.

- As the UTL is revised and reconsidered, what tasks might be added or modified to enable federal and nonfederal agencies to work with systems and plans that facilitate auto-adaptive decisionmaking; rather than forcing existing practices on an evolving and disastrous situation?
- How might training and exercise programs built upon the UTL be modified to encourage officials to build auto-adaptive capabilities?

**Target Capabilities List.** State and local governments seeking to accomplish the tasks set out in the UTL should have the capability to do so. The Target Capabilities List (TCL) identifies and describes the “critical” capabilities that must be performed during Incidents of National Significance in order to reduce losses and successfully respond to a disaster, regardless of cause.<sup>33</sup> Like the UTL, the TCL document is based upon the 15 planning scenarios discussed previously in this report. The capabilities, however, are expected to be used for all catastrophes, not just those identified in the scenarios.

The version of the TCL issued in August 2006, identifies 37 target capabilities, each of which is associated with the tasks set out in the UTL. As stated in the UTL, each unit of government is not expected to exercise all components of the 37 target capabilities. Instead, responsibility for the capabilities is assigned (at least initially) based on the size of the units of local government, according to the following breakdown.

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<sup>31</sup> (...continued)

the improvement of response capabilities. See Donald F. Kettl, *The States and Homeland Security: Building the Missing Link* (The Century Foundation: New York, 2003). Others may contend that the federal government should prioritize training needs as federal funds are the primary means of funding such training programs.

<sup>32</sup> Louise K. Comfort, “Managing Intergovernmental Responses to Terrorism,” *Publius*, vol. 32, Fall 2002, p. 37.

<sup>33</sup> U.S. Department of Homeland Security, Office of State and Local Government Coordination and Preparedness, *Target Capabilities List* (Washington: 2006), available through a password protected Internet site at [<https://www.llis.dhs.gov/member/secure/getfile.cfm?id=18430>], visited Aug. 3, 2006.

*Larger jurisdictions (those counties or contiguous counties with over a million people, an urban core of at least 50,000, and a population density of more than 1,000 per square mile).*

*Medium jurisdictions (those counties or contiguous counties with less than a million people and with a large urban core).*

*Small jurisdictions (counties or contiguous counties that do not meet the thresholds for medium or larger jurisdictions).*

Responsibility for capabilities are also made within the TCL for tribal and state governments and the federal government. The labels for the 37 target capabilities and their description (excerpted from the TCL) are provided in **Table 2**, below.

**Table 2. Target Capabilities and Descriptions**

| Capability                               | Definition component   |
|--|--|
| <b>Common target capabilities</b>        |  |
| Planning                                 | “The focus of the Planning Capability should be on successful achievement of a plan’s concept of operations using target capabilities and not the ability to plan as an end unto itself. Plans should be updated following major incidents and exercises to include lessons learned. The plans should form the basis of training and should be exercised periodically to ensure that responders are familiar with the plan and be able to execute their assigned role. Thus, it is essential that plans reflect the preparedness cycle of plan, train, exercise and incorporation of after action reviews and lesson’s learned.” (p. 71) |
| Communications                           | “Communications is the fundamental capability within disciplines and jurisdictions that practitioners need to perform the most routine and basic elements of their job functions. Agencies must be operate, meaning they must have sufficient wireless communications to meet their everyday internal and emergency communication requirements before they place value on being interoperable, meaning being able to work with other agencies.... It is essential that public safety has the intra-agency operability it needs, and that it builds its systems toward interoperability.” (p. 79)   |
| Risk management                          | “Risk management is founded in the capacity for all levels of government to identify and measure risk prior to an event, based on threats/hazards, vulnerabilities, and consequences, and to manage the exposure to that risk through the prioritization and implementation of risk-reduction strategies.” (p. 95)   |
| Community preparedness and participation | “Everyone in America is fully aware, trained, and practiced on how to prevent, protect/mitigate, prepare for, and respond to all threats and hazards. This requires a role for citizens in personal preparedness, exercises, ongoing volunteer programs, and surge capacity response.” (p. 107)  |

| Capability   | Definition component   |
|--|--|
| <b>Prevent mission area</b>                                      |  |
| Information gathering and recognition of indicators and warnings | “... entails the gathering, consolidation, and retention of raw (analyzed) data and information from sources to include human sources, observation, technical sources and open (unclassified) materials. Unlike intelligence collection, information gathering is the continual gathering of only pure, unexamined data, not the targeted collection traditionally conducted by the intelligence community or targeted investigations. Recognition of indicators and warnings is the ability to see in this gathered data the potential trends, indications, and/or warnings of criminal and/or terrorist activities (including planning and surveillance) against U.S. citizens, government entities, critical infrastructure, and/or our allies.” (p. 125) |
| Intelligence analysis and production                             | “... the merging of data and information for the purpose of analyzing, linking, and disseminating timely and actionable intelligence with an emphasis on the larger public safety and homeland security threat picture. This process focuses on the consolidation of analytical products among the intelligence analysis units at the federal, state, local, and tribal levels for tactical, operational, and strategic use.” (p. 135)   |
| Intelligence/information sharing and dissemination               | “... provides necessary tools to enable efficient prevention, protection, response, and recovery activities ... the multi-jurisdictional, multidisciplinary exchange and dissemination of information and intelligence among the federal, state, local, and tribal layers of government, the private sector, and citizens. The goal of sharing and dissemination is to facilitate the distribution of relevant, actionable, timely, and preferably declassified or unclassified information and/or intelligence that is updated frequently to the consumers who need it.” (p. 147)   |
| Law enforcement investigation and operations                     | “... the capability that includes the broad range of activities undertaken by law enforcement and related entities to detect, examine, probe, investigate, and conduct operations related to potential terrorist activities.” (p. 159)   |
| CBRNE detection  | “The Chemical, Biological, Radiological, Nuclear, and Explosive (CBRNE) Detection capability provides the ability to detect CBRNE materials at points of manufacture, transportation, and use. This capability includes the detection of CBRNE material through area monitoring, but not by their effects (i.e., signs or symptoms) on humans and animals which is addressed through the public health and animal capabilities.” (p. 171)  |

| Capability                                     | Definition component   |
|--|--|
| <b>Protect mission area</b>                    |  |
| Critical infrastructure protection             | “... enables public and private entities to identify, assess, prioritize, and protect critical infrastructure and key resources so they can detect, prevent, deter, degrade, and mitigate deliberate efforts to destroy, incapacitate, or exploit the nation’s critical infrastructure and key resources.” (p. 185)  |
| Food and agriculture safety and defense        | “... the capability to prevent, protect against, respond to, and recover from chemical, biological and radiological contaminants, and other hazards that affect the safety of food and agricultural products.” (p. 199)  |
| Epidemiological surveillance and investigation | “... the capacity to rapidly conduct epidemiological investigations. It includes exposure and disease (both deliberate release and naturally occurring) detection, rapid implementation of active surveillance, maintenance of ongoing surveillance activities, epidemiological investigation, analysis, and communicating with the public and providers about case definitions, disease risk and mitigation, and recommendation for the implementation of control measures.” (p. 219)   |
| Public health laboratory testing               | “... the ongoing surveillance, rapid detection, confirmatory testing, data reporting, investigative support, and laboratory networking to address potential exposure, or exposure, to all-hazards which include chemical, radiological, and biological agents in all matrices including clinical specimens, food and environmental samples (e.g., water, air, soil). Such all-hazard threats include those deliberately released with criminal intent, as well as those that may be present as a result of unintentional or natural occurrences.” (p. 233) |
| <b>Respond mission area</b>                    |  |
| Onsite incident management                     | “... the capability to effectively direct and control incident activities by using the Incident Command System (ICS) consistent with the National Incident Management System (NIMS).” (p. 253)   |
| Emergency operations center (EOC) management   | “... the capability to provide multi-agency coordination (MAC) for incident management by activating and operating an EOC for a pre-planned or no-notice event.” (p. 267)  |

| Capability                                   | Definition component  |
|--|---|
| Critical resource logistics and distribution | “... the capability to identify, inventory, dispatch, mobilize, transport, recover, and demobilize and to accurately track and record available human and material critical resources throughout all incident management phases.” (p. 281)  |
| Volunteer management and donations           | “... the capability to effectively coordinate the registration and management of unaffiliated volunteers and unsolicited donations in support of domestic incident management.” (p. 295)  |
| Responder safety and health                  | “This capability identifies the critical personnel, equipment, training, and other resources needed to ensure that all workers are protected from all hazards, including fire (heat and products of combustion), CBRNE ... materials, electrical hazards, collapsed structures, debris, acts of violence, and others.” (p. 307)   |
| Public safety and security response          | “... the capability to reduce the impact and consequences of an incident or major event by securing the affected area, including crime/incident scene preservation issues as appropriate, safely diverting the public from hazards, providing security support to other response operations and properties, and sustaining operations from response through recovery.” (p. 321) |
| Animal health emergency support              | “... the capability to protect, prevent, detect, respond to, and recover from threats and incidents that would result in the disruption of industries related to U.S. livestock, other domestic animals (including companion animals) and wildlife and/or endanger the food supply, public health, and domestic and international trade.” (p. 335)                              |
| Environmental health                         | “... the capability to protect the public from environmental hazards and manage the health effects of an environmental health emergency on the public. The capability minimizes exposures to all-hazards in environmental matrices (i.e., food, air, water, solid waste/debris, hazardous waste, vegetation, and sediments) animal, insect and rodent vectors.” (p. 367)        |
| Explosive device response operations         | “... the capability to coordinate, direct, and conduct improvised explosive device (IED) response after initial alert and notification.” (p. 387)   |



| Capability   | Definition component  |
|--|---|
| Firefighting operations/support                      | “... provides coordination and implementation of fire suppression operations, which include the following tasks: assessing the scene, assigning resources, establishing an incident command system (ICS) consistent with the National Incident Management System (NIMS), communicating the status of the situation, requesting additional resources, establishing a safe perimeter, evacuating persons in danger .... This capability further includes support necessary to prepare the community and reduce vulnerabilities in the event of a major event.” (p. 397) |
| WMD/hazardous materials response and decontamination | “... the capability to assess and manage the consequences of a hazardous materials release, either accidental or as part of a terrorist attack.” (p. 407)   |
| Citizen evacuation and shelter-in-place              | “... The capability to prepare for, ensure communication of, and immediately execute the safe and effective sheltering-in-place of an at-risk population (and companion animals), and/or the organized and managed evacuation of the at-risk population (and companion animals) to areas of safe refuge in response to a potentially or actually dangerous environment. In addition, this capability involves the safe reentry of the population where feasible.” (p. 423)  |
| Isolation and quarantine                             | “... the capability to protect the health of the population through the use of isolation and/or quarantine measures in order to contain the spread of disease. Isolation of ill individuals may occur in homes, hospitals, designated health care facilities, or alternate facilities. Quarantine refers to the separation and restriction of movement of persons who, while not yet ill, have been exposed to an infectious agent and may become infectious.” (p. 441)   |
| Urban search & rescue                                | “... the capability to coordinate and conduct urban search and rescue (US&R) response efforts for all hazards, including searching affected areas for victims (human and animal) and locating, accessing, medically stabilizing, and extricating victims from the damaged area.” (p. 451)   |
| Emergency public information and warning             | “... includes public information, alert/warning and notification. It involves developing, coordinating, and disseminating information to the public, coordinating officials, and incident management and responders across all jurisdictions and disciplines effectively under all hazard conditions.” (p. 463)   |

| Capability                                   | Definition component   |
|--|--|
| Triage and pre-hospital treatment            | “... the capability to appropriately dispatch emergency medical services (EMS) resources; to provide feasible, suitable, and medically acceptable pre-hospital triage and treatment of patients; to provide transport as well as medical care en-route to an appropriate receiving facility; and to track patients to a treatment facility.” (p. 463)  |
| Medical surge                                | “... the capability to rapidly expand the capacity of the existing healthcare system (long-term care facilities, community health agencies, acute care facilities, alternate care facilities and public health departments) in order to provide triage and subsequent medical care.” (p. 495)  |
| Medical supplies management and distribution | “... the capability to procure and maintain pharmaceuticals and medical materials prior to an incident and to transport, distribute, and track these materials during an incident.” (p. 513)   |
| Mass prophylaxis                             | “... the capability to protect the health of the population through administration of critical interventions in response to a public health emergency in order to prevent the development of disease among those who are exposed or are potentially exposed to public health threats.” (p. 525)  |
| Mass care                                    | “... the capability to provide immediate shelter, feeding centers, basic first aid, bulk distribution of needed items, and related services to persons affected by a large-scale incident. The capability also provides for companion animal care/handling through local government and appropriate animal-related organizations. Mass care services are also delivered to those in medical shelters. Mass care is usually performed by nongovernmental organizations (NGOs), such as the American Red Cross, or by local government sponsored volunteer efforts, such as Citizen Corps.” (p. 545) |
| Fatality management                          | “... the capability to effectively perform scene documentation; the complete collection and recovery of the dead, victims’ personal effects, and items of evidence;... certification of the cause and manner of death;.... Fatality management operations are conducted through a unified command structure.” (p. 567)   |

| Capability                                  | Definition component   |
|---|--|
| <b>Recover mission area</b>                 |  |
| Structural damage and mitigation assessment | “... the capability to conduct damage and safety assessments of civil, commercial, and residential infrastructure and to perform structural inspections, and mitigation activities. The capability includes being able to provide contractor management ... and other engineering services to support and manage response and recovery operations.” (p. 593)                     |
| Restoration of lifelines                    | “... the capability to begin clearing and initial restoration activities (e.g., demolition and repairing). This includes the immediate repair/replacement of critical lifelines for essential fuel, electric, communications, water, wastewater, transportation infrastructure; to include moving debris to establish access.” (p. 605)  |
| Economic and community recovery             | “... the capability to implement short- and long-term recovery and mitigation processes after an incident. This will include identifying the extent of damage caused by an incident, conducting thorough post-event assessments and determining and providing the support needed for recovery and restoration activities to minimize future loss from a similar event.” (p. 617) |
| Worker health and safety                    | “...protect the health of on-scene first responders ... and other emergency workers through effective medical care ... adequate work schedule relief, psychological support ... and follow-up assessments.”  |

**Source:** U.S. Department of Homeland Security, *Target Capabilities List: A Companion to the National Preparedness Goal* (Washington: 2006).

**Issues for Congressional Consideration.** The TCL establishes expected qualifications to be possessed by state and local governments. For some, these federal standards may be among the more controversial aspects of the NPS. Related issues are discussed below.

The first version of the TCL noted that “The UTL and TCL will be enhanced, revised, and strengthened with periodic input from all levels of government....”<sup>34</sup> The current version, significantly different from the first, serves as an indication that the capabilities have changed over time, and will continue to change, subject to negotiation.<sup>35</sup>

- To what extent will jurisdictions be expected to be competent in specific capabilities?
- How will states and communities use the TCL document in preparing applications for FY2006 preparedness funding if the target capabilities and task list are part of a dynamic, shifting process? Will resources expended one year to meet certain capabilities be used effectively if those capabilities are significantly changed?

The TCL document notes that a “detailed training analysis for the target capabilities” will be conducted.<sup>36</sup>

- To what extent will such an analysis consider the existence of seemingly redundant training programs?
- Which training programs will be considered acceptable in order for a jurisdiction to be deemed “capable” in a target area?

The grouping of jurisdictions by size may be crucial factors in developing judgments on whether communities meet the TCL requirements.

- On what basis is population size the determinant factor in assessing responsibility for certain capabilities? What other indicators or characteristics were considered?

The introductory section of the TCL notes as follows: “The UTL and TCL provide an improved means of determining required levels of task proficiency and the resources required for each capability. They identify levels and measures against which the quality, level, or degree of preparedness can be measured.”<sup>37</sup> Many, but not all, of the capability measures in the TCL are evaluated in a dichotomous framework, “yes” or “no.” The criteria used to determine whether a capability exists

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<sup>34</sup> *Target Capabilities List: Version 1.0*, p. 5.

<sup>35</sup> The current version of the TCL, *Target Capabilities List: A Companion to the National Preparedness Goal* (p. 10) includes a list of 31 additional capabilities under development.

<sup>36</sup> *Ibid.*, p. 6.

<sup>37</sup> *Ibid.*, p. 4-5.

are not clearly stated. Many of the capabilities will likely be addressed by state and local governments to degrees of completion, some better and some marginal.

- How will “marginally” compliant jurisdictions be rated? Will the TCL be revised to include criteria for measurement?

**National Incident Management System.** The absence of standardized procedures, operating systems, and terminology complicated response efforts at the World Trade Center on September 11, 2001.<sup>38</sup> In response to calls for a standardized system that would speed and not impede response efforts, Congress required development of such a system in the Homeland Security Act.<sup>39</sup> In February, 2003, President Bush set out details to this requirement through HSPD 5, which required the Secretary of DHS to develop the National Incident Management System (NIMS), pursuant to the following mandate.

To provide for interoperability and compatibility among federal, state, and local capabilities, the NIMS will include a core set of concepts, principles, terminology, and technologies covering the incident command system; multi-agency coordination systems; unified command; training; identification and management of resources (including systems for classifying types of resources); qualifications and certification; and the collection, tracking, and reporting of incident information and incident resources.<sup>40</sup>

On March 1, 2004, then-DHS Secretary Tom Ridge announced the release of the framework to be followed by federal and nonfederal entities in responding to emergencies of all types and sizes. The NIMS document presents standard operational components and procedures to ensure that emergency responders communicate and cooperate to achieve the best response to disasters.<sup>41</sup> Responsibility to implement NIMS has been assigned to the National Incident Management System Integration Center (NIC) within the Emergency Preparedness and Response Directorate (EPR) of DHS.

The major components of NIMS include five topics: (1) command and management; (2) preparedness; (3) resource management, communications, and information management; (4) supporting technologies; and (5) ongoing management

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<sup>38</sup> National Commission on Terrorist Attacks Upon the United States, *The 9/11 Commission Report* (Washington: 2004), pp. 278-323.

<sup>39</sup> The statute required that the Secretary of DHS build “a comprehensive national incident management system with federal, state, and local government personnel, agencies, and authorities, to respond to such attacks and disasters ... See Section 502(5), P.L. 107-296, 6 U.S.C. 312(5).

<sup>40</sup> See [<http://www.whitehouse.gov/news/releases/2003/02/20030228-9.html>], visited Dec. 29, 2004.

<sup>41</sup> The NIMS document is available at [[http://www.nimsonline.com/nims\\_3\\_04/index.htm](http://www.nimsonline.com/nims_3_04/index.htm)], visited December 29, 2004. A range of information on NIMS is available online at [<http://www.nimsonline.com/>], visited Dec. 29, 2004. An on-line course on NIMS is available at [<http://training.fema.gov/emiweb/IS/is700.asp>], visited Feb. 28, 2005.

and maintenance.<sup>42</sup> Regardless of the type of disaster, its location, or complexity, NIMS is intended to minimize operational failures at large events that require commitments from multiple agencies and levels of government.

A key element of NIMS is the Incident Command System (ICS). The ICS concept reportedly was first developed in the 1970s by firefighting officials who recognized that responding to wildfires required flexibility as well as standard operating procedures and common language. ICS was created to enable responding agencies to shift and adapt to such environments. For example, a wildfire that begins in one jurisdiction might defy control efforts and spread to a multi-state area. A terrorist attack that begins with a conventional explosion may subsequently involve weapons of mass destruction or complex response assignments.

ICS operates in the framework of five functional areas: (1) command (either single command involving one jurisdiction or agency, or area command involving multiple agencies and jurisdictions); (2) operations; (3) planning; (4) logistics; and (5) finance/administration. By adopting and training on ICS standards, agencies use a system that ideally facilitates communication, consolidates information and intelligence analysis operations, and eliminates inefficient management practices. ICS requires the identification of responsible officers and staff prior to the occurrence of a disaster to ensure that functions and assignments are carried out during the response.

***Issues for Congressional Consideration.*** NIMS was the first NPS document issued by the Administration. While some questions have been raised, there is general agreement that the establishment of a standard operational framework is necessary. Some of the issues related to the NIMS document follow.

HSPD 5 required that states and localities use the NIMS structure and procedures in order to be eligible to receive funds in FY2005.<sup>43</sup> This requirement was echoed and supported by the members of the 9/11 Commission.<sup>44</sup> Many communities and emergency response agencies are familiar with the ICS framework and other NIMS components, particularly fire departments involved in suppressing wildfires and emergency management agencies. However, law enforcement agencies, small, rural emergency response departments, private health care facilities,

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<sup>42</sup> Testimony of Gil Jamieson, Acting Director, NIMS Integration Center, DHS, before: U.S. Congress, House Select Committee on Homeland Security, Subcommittee on Emergency Preparedness and Response, *The National Incident Management System: Enhancing Response to Terrorist Attacks*, 108<sup>th</sup> Cong., 2<sup>nd</sup> sess., hearing, Sept. 29, 2004 (Washington: not yet printed).

<sup>43</sup> “Beginning in Fiscal Year 2005, federal departments and agencies shall make adoption of the NIMS a requirement, to the extent permitted by law, for providing federal preparedness assistance through grants, contracts, or other activities. The Secretary shall develop standards and guidelines for determining whether a state or local entity has adopted the NIMS.” Section 20 of HSPD-5.

<sup>44</sup> National Commission on Terrorist Attacks Upon the United States, *The 9/11 Commission Report* (Washington: GPO, 2004), p. 397.

or public health and emergency medicine agencies, reportedly have less experience with ICS.<sup>45</sup>

- What were the experiences of state and local governments attempting to meet the NIMS compliance deadline? Were funds denied or deobligated because jurisdictions were not compliant?

According to the Acting Director of the NIMS Integration Center (NIC), all federal agencies must have submitted a NIMS implementation plan to DHS. Each plan was to have reflected “full NIMS implementation within the department or agency by September 30, 2005.”<sup>46</sup> It may be argued that state and local government efforts to meet NIMS standards should not be confounded by a lack of support by all relevant federal agencies, particularly those in the National Capital Region.

- To what extent have federal agencies met this requirement?
- Do federal agency plans truly reflect indicators of commitment and capabilities?
- Is there a need for Congress to oversee agency implementation of the plans?

HSPD 5, “pursuant to the Homeland Security Act of 2002,” directs the Secretary of DHS to coordinate federal operations concerning “terrorist attacks, major disasters, and other emergencies.”<sup>47</sup> Four conditions specify the grounds upon which the Secretary is to coordinate federal resources: (1) a request from a federal agency “acting under its own authority;” (2) overwhelmed state and local authorities have requested federal assistance; (3) more than one federal agency is responding to an “incident”; and (4) the President directs the Secretary to assume management responsibility. Implementation of this directive through NIMS standards, under the conditions specified in HSPD 5, might result in an increase in federal responses to disasters, attacks or catastrophes that might be addressed without federal involvement.

- Under what conditions would federal officials invoke this authority?
- Does sufficient statutory authority exist for the obligation of federal funds under all four of these conditions?

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<sup>45</sup> See, for example, testimony of Steve Lenkart, International Brotherhood of Police Officers and Dr. Joseph A. Barbera, The Institute for Crisis, Disaster, and Risk Management, The George Washington University, before: U.S. Congress, House Select Committee on Homeland Security, Subcommittee on Emergency Preparedness and Response, *The National Incident Management System: Enhancing Response to Terrorist Attacks*, 108<sup>th</sup> Cong., 2<sup>nd</sup> sess., hearing, Sept. 29, 2004 (Washington: not yet printed).

<sup>46</sup> Testimony of Gil Jamieson, p. 6, Ibid.

<sup>47</sup> Section (4) of HSPD-5.

- Are existing federal emergency response authorities sufficient to enable officials to legally take such action?<sup>48</sup>

The health and safety of workers (paid and volunteer) at the site of the World Trade Center collapse in 2001 has been an issue of debate.<sup>49</sup>

- Should NIMS be revised to clearly enunciate the responsibility for, and limits of, worker protection at the site of future terrorist attacks or other disasters that pose health risks to responders?

The issue of DHS regional offices remains contentious. Ten Federal Emergency Management Agency (FEMA) regional offices have operated for years building relationships with state and local governments. Other legacy components of DHS have built similar relationships through regional offices that support different combinations of states.

- To what extent will state and local efforts to incorporate ICS and NIMS requirements be affected by the DHS regional office plan?

Conferees on the FY2005 appropriation for DHS directed that DHS “implement a program concept for [NIC] that is anchored in multiple locations serving regional interests. As part of the NIMS mission the conferees strongly encourage the Department to establish regional centers to facilitate the development and deployment of NIMS training, education, and publications.”<sup>50</sup>

- Will the final regional office configuration be consistent with the congressional requirement?

**National Response Plan.** Section 502(6) of the Homeland Security Act of 2002 authorized the Secretary of Homeland Security, acting through the Under Secretary for Emergency Preparedness and Response, to “consolidat[e] existing Federal Government emergency response plans into a single, coordinated national response plan.” Section 16 of HSPD-5 requires the Secretary of Homeland Security to “develop, submit for review to the Homeland Security Council, and administer a National Response Plan (NRP).” This plan must integrate federal domestic

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<sup>48</sup> Congress has authorized the President to exercise certain emergency authority “with respect to an emergency when he determines that an emergency exists for which the primary responsibility for response rests with the United States because the emergency involves a subject area for which, under the Constitution or laws of the United States, the United States exercises exclusive or preeminent responsibility and authority.” See 42 U.S.C. 5191(b). By comparison, the President cannot issue a “major disaster” declaration unless the governor requests federal assistance and meets indicators of need. See 42 U.S.C. 5170.

<sup>49</sup> This issue is also discussed in the National Response Plan section, below.

<sup>50</sup> U.S. Congress, Conference Committees, 2004, *Making Appropriations for the Department of Homeland Security for the Fiscal Year Ending September 30, 2005, and for Other Purposes*, conference report to accompany H.R. 4567, H.Rept. 108-774, 108<sup>th</sup> Cong., 2<sup>nd</sup> sess. (Washington: 2004).



prevention, preparedness, response, and recovery plans into one all-discipline, all-hazard plan.

On January 6, 2005, then-DHS Secretary Tom Ridge released the NRP.<sup>51</sup> The structure of the NRP is similar in some respects to the *Federal Response Plan* (FRP) which it supersedes. Both include emergency support functions assigned to federal agencies (and the American Red Cross), interagency organizational frameworks, and annexes for certain types of catastrophes. The NRP differs from the FRP in that it includes additional emergency support functions, support annexes, and incident annexes.

Hurricane Katrina, and the troubled response to that catastrophe, brought unprecedented scrutiny and attention to the NRP. The House and Senate congressional reports as well as the White House report on the hurricane concluded that failures associated with the NRP were responsible for some of the inadequate response. As noted in the House report, “important aspects of the National Response Plan were poorly executed, which contributed to the inadequate federal response to Hurricane Katrina.”<sup>52</sup> The White House report noted a “lack of clarity” concerning the designation of an Incident of National Significance (INS) and the actions required to be taken after such a designation, as well as unwieldy processes that “proved to be far too bureaucratic.”<sup>53</sup> The Senate Homeland Security and Governmental Affairs Committee report found that the complexity of the plan required “a systematic training and implementation effort” that was not realized by the time Katrina arrived.<sup>54</sup> In summary, deficiencies noted in the studies included failures by the DHS Secretary and others to promptly invoke portions of the plan, to convene and designate high-level officials, as well as inconsistencies in the plan regarding the responsibilities of organizations and officials established in the plan. In particular, the reports noted the government’s inability to implement the unfinished catastrophic incident annex that had never been the subject of a simulated exercise.

In response to these criticisms and calls for reform, DHS issued changes to the NRP. According to the document containing the changes, DHS will review and update the NRP every four years or more frequently, if necessary, and plans to “initiate a comprehensive stakeholder review of the NRP in the fall of 2006 which

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<sup>51</sup> The text of the NRP, and a guide and notice of change, are available at U.S. Department of Homeland Security, *Emergencies & Disasters, National Response Plan*, [<http://www.dhs.gov/dhspublic/display?theme=14&content=4264>], visited Aug. 3, 2006.

<sup>52</sup> U.S. Congress, House, Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina, *A Failure of Initiative*, 109<sup>th</sup> Cong., 2<sup>nd</sup> sess. (Washington: 2006), p. 131.

<sup>53</sup> The White House, *The Federal Response to Hurricane Katrina: Lessons Learned* (Washington: 2006), p. 15, 52.

<sup>54</sup> U.S. Congress, Senate, Committee on Homeland Security and Governmental Affairs, *Hurricane Katrina: A Nation Still Unprepared*, 109<sup>th</sup> Cong., 2<sup>nd</sup> sess. (Washington: 2006), p. 27-2.

may result in additional modifications.”<sup>55</sup> The changes adopted in May 2006 are considered to be fully integrated into the plan as published, and are to be eventually incorporated into the written plan when it is revised and reissued. Eleven categories of changes were made, including clarification of the roles of high-level officials, coordination and information gathering enhancements, amendments to the catastrophic incident annex to provide for accelerated federal action, and references to the term “Incident of National Significance” (INS).<sup>56</sup> The latter change, arguably the most far reaching, involves the replacement, in a number of provisions, of the specific term “Incident (or Incidents) of National Significance” with more generic words such as “incident,” and “actual or potential domestic incidents.”<sup>57</sup>

**Issues for Congressional Consideration.** In light of the concerns identified in these reports, some Members of the 109<sup>th</sup> Congress have focused renewed attention on the intention of the NRP and the need for a unified framework to guide federal and nonfederal actions. Pending legislation would override some current provisions in the plan. Of particular note, S. 3721 would eliminate the position of Principal Federal Official (PFO), mandate that certain procedural changes be made, and authorize activities to support NRP functions.

- As defined in the NRP, an “incident” is a situation that, unlike an INS, does not necessarily require interactions among governmental and nongovernmental units. Also, while still a disaster, an “incident” is not “high-impact” and may not involve “long-term community recovery and mitigation activities.” In light of the changes to the NRP that replaced references to INS events with generic incidents, and the criticisms leveled about the response to Hurricane Katrina, it appears that DHS is positioning itself to implement the NRP and take action on a more proactive basis. What are the federalism implications of this policy change? What is the position of state, local, or tribal officials on this potentially more activist federal role?

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<sup>55</sup> U.S. Department of Homeland Security, *Notice of Change to the National Response Plan*, version 5.0 (Washington: 2006), p. 2, available at [[http://www.dhs.gov/interweb/assetlibrary/NRP\\_Notice\\_of\\_Change\\_5-22-06.pdf](http://www.dhs.gov/interweb/assetlibrary/NRP_Notice_of_Change_5-22-06.pdf)], visited Aug. 4, 2006.

<sup>56</sup> The NRP defines an INS as follows: “Based on criteria established in HSPD-5 (paragraph 4), an actual or potential high-impact event that requires a coordinated and effective response by and [an] appropriate combination of federal, state, local, tribal, nongovernment, and/or private-sector entities in order to save lives and minimize damage, and provide the basis for long-term community recovery and mitigation activities.” U.S. Department of Homeland Security, *National Response Plan* (Washington: 2005), p. 67.

<sup>57</sup> The NRP defines the word “Incident” as follows: “An occurrence or event, natural or human-caused, that requires an emergency response to protect life or property. Incidents can, for example, include major disasters, emergencies, terrorist attacks, terrorist threats, wildland and urban fires, floods, hazardous materials spills, nuclear accidents, aircraft accidents, earthquakes, hurricanes, tornadoes, tropical storms, war-related disasters, public health and medical emergencies, and other occurrences requiring an emergency response.” *Ibid.*, p. 66.

- The Secretary of DHS, or his (or her) designee, serves as the Principal Federal Official (PFO) responsible for implementing the NRP when an Incident of National Significance is declared. What steps could have been taken by Secretary Chertoff in the immediate aftermath of Hurricane Katrina to resolve coordination problems that appeared to compound the tragedy of the hurricane? S. 3721 would strike the PFO position from the NRP. If Congress approves this provision, would the Federal Coordinating Officer (FCO), which is authorized by statute, take on the responsibilities assigned to the PFO in the plan?

The absence of a unified set of regional offices within DHS could prove to complicate efforts to implement the NRP. S. 3721 and H.R. 5351 would mandate the establishment of regional offices and Regional Advisory Councils. S. 3721 would also require the coordination of federal activities with those of state and local governments.

- To what extent have DHS officials considered how state, local, and tribal organizations will implement the NRP while the regional office framework is being developed?
- What would be the roles of nonfederal officials in Regional Advisory Councils? Would they have authority to nullify or challenge federal decisions that, in their view, intrude on state sovereignty matters?

The NRP notes that it is “applicable to incidents that may occur at sites under the control of the legislative or judicial branches of the federal government.”<sup>58</sup> The application of the NRP, and the presence of executive branch officials at legislative and judicial branch office sites, might raise concerns regarding the protection and access to information and facilities normally outside the jurisdiction of executive branch staff.

- What understandings have been reached between executive branch officials and those responsible for legislative and judicial branch facilities? What are the concerns that have to be addressed to preserve the separation of powers among the branches of federal government?

The NRP notes that Defense Department (DOD) resources “may be available to support the federal response to an Incident of National Significance.”<sup>59</sup> According to the *Joint Doctrine for Homeland Security*, DOD is the “lead federal agency” for homeland defense (defined as the “protection of U.S. territory, sovereignty, domestic

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<sup>58</sup> Ibid., p. 3.

<sup>59</sup> Ibid., p. 10.

population and critical infrastructure against external threats and aggression.”)<sup>60</sup> The changes made to the NRP include modifications to the arrangements for coordination with DOD.

- Under the NRP change, federal agency joint operations centers (JOCs) will be collocated, or, if necessary, connected through computer networks, to improve coordination “to support a NSSE [National Security Special Event] or other security coordination function.”<sup>61</sup> Such collocation efforts could include DOD Joint Task Force (JTF) headquarters “whenever possible.” How will this change address concerns raised after Hurricane Katrina that DOD and DHS did not effectively collaborate? Will such collocations be limited to security events and not natural disasters?
- The change to the NRP provides that JTF commanders will exercise operational control over DOD resources and not replace Defense Coordinating Officer (DCO) or Defense Coordinating Elements, entities responsible for receiving requests for military assistance and supporting civilian authorities. What is the relationship of the JTF commander to the DCO? What mechanism will be used to ensure that the requests from the FCO for Defense assistance will be carried out by the JTF commander?

The NRP “incorporates relevant portions of” and supersedes the *Federal Response Plan*, the *Federal Radiological Emergency Response Plan*, and the *Interagency Domestic Terrorism Concept of Operations Plan* (referred to as the CONPLAN). The NRP does not supersede the National Contingency Plan (NCP) and other federal plans specific to certain regions or threats.<sup>62</sup> According to the NRP, national interagency plans “are incorporated as supporting and/or operational plans” when the NRP is activated.<sup>63</sup> The Department of Health and Human Services (HHS) has issued a plan for the potential response to a pandemic influenza incident.<sup>64</sup>

- What mechanisms have been established to integrate NRP operations and assumptions into situations that require the implementation of the other interagency plans?
- The pandemic influenza plan recognizes the NRP as “the primary mechanisms for coordination of the federal government’s response

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<sup>60</sup> U.S. Department of Defense, *Joint Doctrine for Homeland Security* (Washington: 2005), p. vi.

<sup>61</sup> *Notice of Change to the National Response Plan*, p. 6.

<sup>62</sup> *National Response Plan*, p. 1. See Appendix 4 of the *National Response Plan* for a compendium of interagency plans.

<sup>63</sup> *National Response Plan*, p. 61.

<sup>64</sup> Homeland Security Council, *National Strategy for Pandemic Influenza Implementation Plan* (Washington: 2006), available at [[http://www.whitehouse.gov/homeland/nspi\\_implementation.pdf](http://www.whitehouse.gov/homeland/nspi_implementation.pdf)], visited Aug. 4, 2006.

to Incidents of National Significance, and will guide the federal pandemic response.... In the context of response to a pandemic, the Secretary of Homeland Security will coordinate overall non-medical support and response actions, and ensure necessary support to the Secretary of Health and Human Services' coordination of public health and medical emergency response efforts.”<sup>65</sup> If the National Disaster Medical System (NDMS) remains within DHS, what coordination mechanisms will be used to ensure that system medical resources are available to meet the goals of the pandemic influenza response plan? What are the advantages and disadvantages of keeping NDMS within DHS or transferring it back to HHS?

DHS officials, notably then-Secretary Ridge, stressed that state and local government officials have been consulted throughout the process of developing the NRP. The preface to the NRP includes a summary statement concerning the effort by DHS to reach all stakeholders, as follows.

The NRP represents a true “national” framework in terms of both product and process. The NRP development process included extensive vetting and coordination with federal, state, local, and tribal agencies, nongovernmental organizations, private-sector entities, and the first-responder and emergency management communities across the country.<sup>66</sup>

While this statement indicates that widespread consultation occurred, a finding by the authors of a Government Accountability Office report noted that other perspectives have been found among stakeholders from one sector (agriculture), as noted in the following excerpt.

While efforts have been made to include agricultural stakeholders in the development of national guidance through various working groups, state and industry officials told us they were not given sufficient time to review and comment on key draft national guidance from DHS pertaining to protecting infrastructure and preparing for emergencies. Specifically, officials said that they had as little as three days to review and submit comments on both the draft National Response Plan and the draft National Infrastructure Protection Plan, even though they will be expected to implement critical sections of these plans. As a result, state and industry officials we spoke with are concerned that these plans may set unrealistic expectations. Although we asked, DHS officials did not explain to us how they distributed the National Response Plan to stakeholders.<sup>67</sup>

- If questions remain about the consultation process used by DHS in developing the NRP, what actions might Members of Congress consider in evaluating whether a sufficient cross section of parties in the homeland security arena have been included? Is additional

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<sup>65</sup> Ibid., p. 3.

<sup>66</sup> *National Response Plan.*, p. i.

<sup>67</sup> U.S. Government Accountability Office, *Homeland Security: Much is Being Done to Protect Agriculture from a Terrorist Attack, but Important Challenges Remain*, (GAO report GAO-05-214 (Washington: March 8, 2005), p. 47-48.

information required by Congress in assessing whether the NRP, and other NPS components, are sufficiently developed to use in determining the eligibility of units of government for federal funding?

## Conclusion

The development of the six documents, which comprise the essential elements of the national preparedness system, increases federal involvement in emergency preparedness and response. State, tribal, and units of local government will have to increase training, dedicate resources, and possibly shift priorities as they work to comply with the standards. The NPS, still under development, constitutes the most formal effort to date to fully integrate the emergency preparedness and response operations and policy in the nation.

Members of the 109<sup>th</sup> Congress might elect to monitor the degree to which adoption of the NPS helps or aggravates problems in their constituent homeland security agencies. In addition to the specific issues noted previously in this report some of the broad issues that might be explored by the 109<sup>th</sup> Congress include the following.

- State standards generally guide preparedness and training efforts at the nonfederal level. The establishment of federal standards will likely result in a reconsideration of the state standards, possibly their preemption, and an increase in costs associated with training and education. Such expectations would likely pose the most difficult burdens on rural and poor communities with few resources. How would the national needs be balanced against the new demands to be placed upon state and local agencies? What issues, other than funding, are most pertinent to state and local agencies?
- Many emergency response units in rural areas depend upon volunteers or part-time employees to provide the necessary services on emergency medical squads, fire department staffs, or other public safety units. In order to receive federal funds and meet the standards set out in the NPS some communities may impose requirements and duties on volunteer or part-time staff that might discourage the participation of such individuals.
- Historically, state, local and tribal emergency response agencies have been recognized as the primary resources in the event of a catastrophe. The creation of the NPS documents, and the establishment of federal standards, is intended to have a positive impact on the ability of these agencies to work together and with federal agencies. However, since the standards and operations procedures have been developed at the federal level (albeit with considerable input from nonfederal entities), will a “national corps” of emergency responders grow from this effort? To what extent will the model presented by the Urban Search and Rescue teams (local

government units subject to call-up by a federal agency) be carried into other emergency response units?

- To what extent is the NPG goal, and the associated activities and objectives, consistent with those established in the strategic plan for DHS? The strategic plan, issued in 2004, identified six goals, each associated with specific objectives.<sup>68</sup> The six goals are as follows.

1. **Awareness.** Identify and understand threats, assess vulnerabilities, determine potential impacts and disseminate timely information to our homeland security partners and the American public.

2. **Prevention.** Detect, deter and mitigate threats to our homeland.

3. **Protection.** Safeguard our people and their freedoms, critical infrastructure, property and the economy of our nation from acts of terrorism, natural disasters, or other emergencies.

4. **Response.** Lead, manage and coordinate the national response to acts of terrorism, natural disasters, or other emergencies.

5. **Recovery.** Lead national, state, local and private sector efforts to restore services and rebuild communities after acts of terrorism, natural disasters, or other emergencies.

6. **Service.** Serve the public effectively by facilitating lawful trade, travel and immigration.

7. **Organizational excellence.** Value our most important resource, our people. Create a culture that promotes a common identity, innovation, mutual respect, accountability and teamwork to achieve efficiencies, effectiveness and operational synergies.

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<sup>68</sup> U.S. Department of Homeland Security, *Securing Our Homeland* (Washington: 2004), p. 9.