

# **U.S. Senate Homeland Security and Governmental Affairs Committee Hearing on DHS Preparation for and Response to Hurricane Katrina**

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U.S. SENATE HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS  
COMMITTEE HOLDS A HEARING ON THE DEPARTMENT OF HOMELAND  
SECURITY'S PREPARATION FOR AND RESPONSE TO HURRICANE KATRINA  
FEBRUARY 15, 2006

SPEAKERS:

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U.S. SENATOR MARK DAYTON (D-MN)

U.S. SENATOR FRANK R. LAUTENBERG (D-NJ)

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WITNESSES:

MICHAEL CHERTOFF,

U.S. SECRETARY OF HOMELAND SECURITY

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COLLINS: The committee will come to order.

Today marks our 20th hearing on Hurricane Katrina. As this inquiry nears its end, we turn our focus today to that component of the federal government that bears ultimate responsibility for a quick and effective response to the disaster, the Department of Homeland Security.

Our witness is Secretary Michael Chertoff, who today marks his first anniversary as head of DHS.

According to its mission statement, one of the fundamental responsibilities of the Department of Homeland Security is, quote, "preparing for natural disasters and terrorist attacks through planning, technology, and coordinated efforts. In the event of a natural or man-made disaster, DHS will be the first federal department to utilize a full range of state, local and private partnerships to alleviate the effects of a potential disaster," end quote.

Clearly that mission was not accomplished. The federal department that was supposed to lead, direct and coordinate the federal response to Katrina was time and again late, uncertain and ineffective.

A central purpose of this hearing is to learn why in a crisis that called for decisive and speedy action, DHS was plagued by indecision and delay.

If our government failed so utterly in preparing for and responding to a disaster that had been long predicted and was imminent for days, we must wonder how much more profound the failure would be if a disaster were to take us by complete surprise, such as a terrorist attack.

COLLINS: The delays in DHS's response are both alarming and unacceptable. The chasm that Katrina exposed between DHS and FEMA, one of its most important components, presented a significant impediment to a coordinated, swift federal response.

Concerns about this disconnect were expressed long before Katrina, and our investigation has revealed disturbing conflicts about roles, resources and responsibilities.

But the problem within DHS goes beyond its relationship with FEMA. The department's overall lack of preparedness for this catastrophe prevented both decisive action before the storm hit and an effective response in its immediate aftermath.

After landfall, the department far too often appeared to be frozen with indecision and nearly paralyzed by ineffective communications. Key decisions were either delayed or based on faulty information.

As a result, the suffering of Katrina's victims was worsened and prolonged.

This lack of preparedness is evident throughout the response to Katrina. On August 30th, the day after Katrina made landfall, Secretary Chertoff named then FEMA Director Michael Brown as the principal federal official for the response effort. He did so despite Mr. Brown's hostility to the very concept of a principal federal official and his disdain for the national response plan.

In addition to questioning the appointment of Mr. Brown, I wonder why a PFO was not designated before Katrina made landfall when it was already evident that we were facing a looming disaster that would require a direct link between federal operations on the ground and DHS headquarters.

The effect of this delay was much like having the general show up after the battle had already begun.

From that evident lack of readiness come a great many issues that we will explore today. Among them are, why was situational awareness at DHS so severely lacking throughout the Katrina response?

While people throughout the nation merely had to turn on their television sets to learn of the levee failures and the dire need for food and water at the Superdome and the convention center, DHS was consistently behind the curve.

COLLINS: The delays in response to these crises were the direct result of poor communications.

Why weren't the tremendous resources of the Department of Defense deployed sooner? The delay in bringing these assets to bear not only prolonged the suffering of the victims, but also made the work of first responders even more difficult and more dangerous.

The failure to resolve obvious issues beforehand led to numerous other problems, from the poor information flow between DHS and the White House, to the difficulties DHS encountered in assigning missions to other federal agencies to the unnecessary disputes with overwhelmed state and local officials.

The examples are legion. The failure to promptly order the buses Michael Brown promised. The failure to deliver essential commodities for victims at the convention center until two days after Mr. Brown apparently became aware of their plight. The failure to quickly process requests for vital commodities throughout Louisiana and Mississippi and to track their delivery. The failure to field more search and rescue and emergency medical teams at the onset of the flooding. The failure to respond rapidly to a devastated telecommunications system.

The failure to appoint a single senior law enforcement officer as soon as the need became apparent. The failure to invoke the catastrophic incident annex to the National Response Plan, which would have permitted the department to be more proactive.

COLLINS: The list of critical tasks done either late or not at all is staggering.

And perhaps most crucial to understanding the failures of Katrina is the fundamental question of whether FEMA had adequate leadership and resources to respond to a disaster of this magnitude.

As I said at our hearing last Friday, FEMA's response to Katrina has to be judged a failure, and as a consequence, the response of DHS must be judged a failure as well, despite the outstanding performance of the Coast Guard and of individual DHS employees.

As the third anniversary of the Department of Homeland Security approaches, it is past time for the department to carry out its vital mission and meet its responsibilities to the American people.

Senator Lieberman?

LIEBERMAN: Thank you, Madam Chairman.

Good morning, Mr. Secretary.

The many hearings that we have held, the witnesses that we have interviewed, and the documents that we have reviewed have brought us to today's important hearing with our sole witness, the secretary of the Department of Homeland Security, Michael Chertoff.

This committee's Katrina investigation is moving now toward conclusion, reckoning and, I hope, reform.

According to the law, it is the responsibility of the secretary of homeland security to lead the government's preparations for and response to disaster, natural or terrorist. The secretary is the national official most directly responsible for protecting the safety of the American people here at home in times of danger.

That is what the law creating the Department of Homeland Security says, what Homeland Security Presidential Directive number 5 mandates, and what the National Response Plan requires.

And that is why today it is our responsibility to ask Secretary Chertoff some tough, direct and critical questions based on the jarring lack of preparation for Katrina that our investigation has found.

Among the most important of these questions are: Mr. Secretary, why did you do so little in the months after you became secretary to make sure that the agencies of our government, particularly your own, were ready to carry out their responsibilities to protect the American people under the National Response Plan and President Bush's Homeland Security Directive Number 5?

How could you have left us with so many of those agencies so unprepared that when Katrina struck, too many of them ran around like Keystone Kops, uncertain about what they were supposed to do or unable to do it?

Why in the days immediately before Katrina made landfall, as the National Hurricane Service and agencies within your own department warned over and over that this was the long-feared hurricane that would break the levees and drown the city of New Orleans, did you not mobilize more of the resources of the federal government to protect this great American city and its people?

With all the information coming into your department's operations center on the day that Katrina struck New Orleans that the city was flooding and people were trapped or drowning, how could you, as secretary of homeland security, go to bed that night not knowing what was happening in New Orleans and get up the next morning and proceed not to New Orleans to oversee the response, but to Atlanta for a conference?

Respectfully, those are some of the hard and perplexing questions that have emerged from this committee's investigation, that you, Mr. Secretary, and we have a responsibility to answer so that the next time disaster strikes, as it surely will, the federal government is totally ready to protect our country and our people.

Thank you.

COLLINS: Thank you, Senator Lieberman.

Our sole witness today is the secretary of homeland security, Michael Chertoff. He was confirmed unanimously by the United States Senate exactly one year ago. I thank him for appearing here today.

Secretary Chertoff, we are swearing in all witnesses for this investigation, so I would ask that you stand.

COLLINS: Do you swear that the testimony you are about to give is the truth, the whole truth and nothing but the truth, so help you, God?

CHERTOFF: I do.

COLLINS: Thank you.

Please proceed with your statement.

CHERTOFF: Thank you, Chairman Collins.

And thank you, Senator Lieberman.

I ask before I give a shortened version of what I submitted for the record that the full statement I prepared be accepted for the record.

COLLINS: Without objection.

CHERTOFF: I appreciate the opportunity to be here. I've followed the hearings to a reasonable degree of detail and am very interested in the perspective this committee on one of the most difficult and traumatic experiences of my life, which was the process of anticipating and managing and dealing with the consequences of Katrina, consequences which still continue to this day.

You can't escape the fact when you talk about Katrina that this was a storm of unprecedented magnitude. Not because it was a surprise, because I don't think it was a surprise that a storm like this could happen. But because in terms of prior experience, at least as far as I know, nobody in living memory recalls a set of challenges as difficult as those presented by this hurricane.

And without dwelling on it, just a few things that bear keeping in mind: 90,000 square miles were impacted. That's an area larger than Great Britain and three and a half times the area inundated by the great Mississippi flood of 1927.

FEMA estimates that 300,000 homes were destroyed, six times as many as the Midwest flood of 1933 and 11 times as many as Hurricane Andrew. One hundred and eighteen million cubic yards of debris was produced, more than double the amount produced by four Florida hurricanes of last year -- or two years ago and six times what was produced by Andrew.

So this was an unprecedented disaster. While I'm here, I suspect, mainly to talk about things that failed, I do think we have to acknowledge things that succeeded. The United States Coast Guard rescued 33,000 people, six times the number rescued nationwide in all of 2004. FEMA rescued more than 6,500 and deployed all 28 urban search and rescue teams for the first time. Forty thousand rescued by two agencies, which is seven times the number of people rescued in the four hurricanes in Florida in 2004.

In the first six days, the federal government distributed 28 million pounds of ice, 8.5 million meals, 4 million gallons of water, which exceeds the combined total for the entire rescue operation in Hurricane Andrew.

Now, as you pointed out, Chairman Collins, I am responsible for the Department of Homeland Security. I'm accountable and accept responsibility for the performance of the entire department, the bad and the good. I also have the responsibility to fix what's wrong.

If I can digress and step out of my official role for a minute, I can tell you on a personal basis, probably the worst element of this catastrophe personally is not criticism I've received or criticism the department has received by committees and commentators, but the vision of people who did have their suffering unnecessarily prolonged because this department did not perform as well as the vision of its performance suggested it should have been able to do.

I say that without suggesting I was naive about the challenges I assumed when I was confirmed a year ago. In the six months that I was in office before Katrina hit, I knew and I said to this committee there were many, many things to be done.

But I do want to talk about a couple of general observations before I answer the specific questions about what happened in Katrina and about what we want to do going forward.

First of all, I have to say that the idea that this department and this administration and the president were somehow detached from Katrina is simply not correct, in my view and in my recollection of what happened.

We were acutely aware of Katrina and the risk it posed.

CHERTOFF: We followed this hurricane from the time it started to meander up toward the coast of Florida, as it crossed over the southern tip of Florida and got into the Gulf.

We knew, and certainly FEMA most of all -- because if there's anything that FEMA is expert in, it is hurricanes -- knew there was at least a potential, as the week before hurricane landfall, came that this would hit New Orleans with potentially catastrophic consequences.

On the weekend before Katrina made landfall, that's the 27th and 28th of August, the president took an unprecedented step, something that's only been done, to my knowledge, once before, which is to declare an emergency for Louisiana and for Mississippi in advance of hurricane landfall.

And I want to emphasize that that is an extraordinary event, because the Stafford Act, which is the federal law which authorizes the federal government to come in to act at time of disaster, that is what I would say is the kind of ultimate tool, the ultimate source

of authority for the federal government, and for the second time in memory the president took the step of invoking it before a hurricane.

This also, by the way, according to the literal text of the National Response Plan, automatically designated this and created this as an incident of national significance.

So on the weekend before hurricane landfall, as I recollect it -- and I'm going to try very hard to separate what I know now from what I knew then, because I certainly know a lot more now than I knew back then -- but on that weekend, I had the assurance that we had opened the legal and strategic floodgates to allow as much resource and as many assets to be pushed into the theater of engagement as possible.

There was a second major question I confronted in that weekend: Were our incident commanders exercising their authority properly? Were they using the tools? Were they adequately considering the things they had to consider as the operational commanders?

And I want to make it clear that although Michael Brown has got a lot of attention, Michael Brown did not function alone at FEMA. In that weekend, federal coordinating officers, who are statutorily designated officers as part of the Staff Act, were sent down to Mississippi and Louisiana, and other places as well, to be on-the-ground incident managers for FEMA and for the Department of Homeland Security.

You saw Bill Lokey here. I think he was a witness. I don't know if Bill Carlisle testified. These are two very experienced men. They were supported by the very experienced men and women who are in the regional headquarters that support these states.

And they were supported by the very, very experienced men and women who sat around the table at the National Response Coordinating Center at FEMA in Washington who are the principal backstop, the principal pool of talent that supports operational activity in the field in the time of a hurricane.

And I venture to say there were dozens, maybe over 100 years of experience fully engaged that weekend.

I came in on Sunday and I sat in a teleconference. And that conference has about at least 50 people who are either sitting in that room at FEMA or were sitting at DHS or were sitting in the regional centers or were sitting on the ground in the emergency operation centers in the states.

And the purpose of that video conference is to go around and make sure everybody has considered and talked about all of the measures that must be in place to anticipate what is going to happen when this hurricane hits.

If there's nothing else that FEMA is an expert in, it is hurricanes. This is the challenge, although not on this scale, but this is the challenge they have worked at, they have planned for and they have considered the core of their mission since they were created.



And as I sat there, I heard a round-robin go-around, hearing from, first of all, each of the emergency managers for the states, the National Guard representative from the state, talking very specifically about their assessment of what need to be prepositioned, what was on the way, and expressing very clearly their satisfaction with the state of affairs, and their belief they had prepositioned or en route what they needed to respond.

CHERTOFF: I then heard the regional officers go through the same litany and again say they felt that everything was enroute and positioned the way it needed to be.

I then heard the people sitting around the table in headquarters talk about things like transportation, urban search and rescue, logistics, medical teams.

At the end of that VTC -- and I also heard Michael Brown say -- and I think he was quite accurate about this: "We need to push everything we can, jam the system, push the envelope, get everything down there that you need to get."

And then at the end of that, and I was conscious of the fact that although I'm the secretary, I'm not a hurricane operator. I do not have 30 years of experience managing hurricanes, and I do not see myself in a position to contradict or second guess operational decisions by hundreds of years of expertise.

But I did want to get to the core issue. So I asked two questions. And these are in the transcript that's contained of that Sunday VTC which I know you have. First, I said, is there anything in this department that is not fully available to you, that you need, that you don't have, that I need to get to you -- I'm paraphrasing -- because it's all available.

And Michael brown said I'm in touch with the components, the Coast Guard. I specifically mentioned the Coast Guard. Everybody has been through this drill before. We are all engaged and working.

And then, because I knew that the Department of Defense had unique resources and talents, I asked the second question. I asked the question, have you reached out to DOD, the Department of Defense? Are their assets ready? Do you have what you need from them? Are you ready to go with them?

And in the presence of the Defense Department representatives sitting around the table, and who I could see on the screen, Michael Brown said, yes. We are here with the Defense Department. We are engaged. And we are working, getting all of the things that we need.

That was what I needed to know, to believe that we were, that the experts saw us as ready to move and be pre-positioned.

Now, there are many lapses that occurred, and I've certainly spent a lot of time personally, probably since last fall, thinking about things that might have been done differently.

But I do want to talk about things that can be done differently in the future, very, very briefly. First, I want to make it clear, for the public at least, that in the first few months I arrived, after February, I knew that there were a lot of challenges of this department.

In fact, I'm sure in my confirmation hearing I heard predictions that I was getting into a department that was brand-new. Senator Bennett I think pointed out that at the Department of Transportation it took them five years to get ready. And by the way, this is no criticism of Governor Ridge who with some very able assistants had to stand up a department from scratch.

But I think it was a candid recognition that a new department, barely two years old, had a lot of work to do in terms of integration, in terms of building capabilities and in terms of building a common culture.

After I did a review, I came back and I believe I testified in this committee, I certainly testified elsewhere, and I said publicly in July, scarcely a month before Katrina, I said that we were not where we needed to be in terms of preparedness. And I said that because having gone through the exercise of TOPOFF, and having looked and sat with the people in the department, I knew we had a lot of work to do.

And I started to propose some specific things to get ourselves turned around, including getting FEMA to focus on its core mission and making sure we unified all of our preparedness and our planning and our grants and our training in a single focal point.

In accordance with the law and of course the appropriations process, we targeted October 1 to reorganize and get ourselves better situated and then, of course, move forward to start what is not a brief and in fact is a very substantial process of getting ourselves prepared to the level we need to be. Unfortunately, Katrina didn't wait until October 1.

So we come here now with a major set of challenges. And I know this committee is looking very carefully at the issue of reform. I know that the committee, quite rightly, wants us to withhold making significant decisions about major reforms until the committee has had an opportunity to put its findings out. I agree that that's appropriate.

And as a consequence, when I spoke on Monday about some of the things we're doing, I deliberately said I'm not going to talk about more systemic reforms which the president also is going to hear some recommendations about.

But I do know there's some things we have to get done by June 1st, because hurricane season not going to wait again.

First of all, we have to have a unified incident command. Putting aside issues of personality which at least emerged for me last Friday when another witness testified, it is clear that the whole idea we need to pass information from a FEMA operations center to a DHS operations center as if across a gulf or a chasm, makes no sense at all. We have to

complete the process of building out our operations capability. We've got to have real-time, simultaneous visibility into operations in both places.

Second, it is completely correct to say that our logistics capability in Katrina was woefully inadequate. I was astonished to see we didn't have the capability most 21st century corporations have to track the flow of goods and services.

I was more surprised to learn the reason for that is because we don't contract for that directly. We do it through another agency, and that other agency apparently didn't insert a requirement for such visibility in the contract. We're going to correct that.

Our claims management was also something that fell short. Again, to put it in context, we've never had the volume of people whose claims needed to be dealt with. I think 770,000 people were displaced, approximately, many more than FEMA had ever dealt with before.

CHERTOFF: And I think, frankly, FEMA was strained in past emergencies.

So we are talking now about expanded capability to deal with telephone registration, expanded technological capacities, and a dedicated corps of people who are specialists -- to go out into the field to reach people when they're widely dispersed, as opposed to making them touch us.

Financial management: We're already implementing a plan to bring better financial management tools into the department.

Debris removal: I'm aware of the fact that we still have a lot of debris on the ground. It's not moving quickly enough.

I've gotten a lot of complaints in the last few months about the Army Corps of Engineers, in terms of being expensive and in terms of being not necessarily inefficient.

And, of course, all they do is turn around and subcontract out to others.

That didn't make a lot of sense to me. We have already taken the position that we're going to try to equalize the incentive structure to encourage local mayors and local officials to hire their own local debris removers, as opposed to going through the Army Corps.

We're going to work, again, this year going forward to try to identify some contractors who can available.

And finally, communications: We had not just a problem of interoperability, we had a problem with operability.

We are already building teams in FEMA and DHS to get into the field with better communications equipment and ability to stream back directly to where we are in Washington.

We are acquiring more satellite equipment and more communications equipment to be able to deploy to our state and local emergency operators so they can communicate with us.

One thing is clearly true: The foundation of any ability to make significant and intelligent decisions in a crisis is communication. And we have to get the equipment, and then the second thing is we have to have the culture -- a culture where people view themselves as part of an integrated team.

So with that, I want to thank the committee for the opportunity to testify. I anticipate and I welcome tough questions. I'm going to take responsibility for what the department did, but I'm also going to take responsibility for identifying solutions for the problems that we saw in Katrina.

COLLINS: Thank you for your statement.

PROTESTER: But, Senators, but mothers and children are being thrown in the streets. Mothers and children are being thrown in the streets while trailers sit in the ground.

COLLINS: Sir? Sir, this is not a public hearing today.

PROTESTER: This is not American. They're being evicted. Why are they being thrown in the ground? It is hard. It's just hard.

COLLINS: I understand that. And the committee is working on that issue. We've been to the area twice. I invite you to sit quietly and allow us to proceed with the hearing.

Thank you.

I would also invite you to talk further with our staffs if you would like to, sir, and see if we can help any specific concern.

LIEBERMAN: I want to repeat that the chairman has invited you to sit at the hearing if you'd like, sir, so long as you remain quiet.

COLLINS: Thank you.

Secretary Chertoff, I remain perplexed by your decision to appoint Michael Brown as the principal contact for the department when he had such poor relationships with you and with the other senior officials.

Assistant Secretary Stephan has told us that Michael Brown did not fully understand a lot of the responsibilities assigned under the National Response Plan, that he opposed the entire concept of having a principal federal official, a PFO.

COLLINS: I'm trying to understand why, in view of Mr. Brown's open disdain for the department, his disagreement with the concept of the PFO, and his criticisms of the National Response Plan, why you would want to have that person as the principal federal official and how you would think that it would improve the ability of the department to respond to Katrina to have an individual who was disdainful of the whole process.

CHERTOFF: Chairman Collins, when I answer that question, I have to put out of my mind the events of last Friday, because I have to tell you, it was astonishing to me to hear the testimony of Mr. Brown concerning his decision, apparently, by his own admission, as the PFO on the ground, to deliberately bypass the department and not to deal with us.

I had attributed the problems I had sometimes engaging with Mr. Brown to just the overwhelming pressures of the situation itself.

I have to put myself back in the frame of mind of what I knew at the time in August.

Doesn't surprise me to learn that Michael Brown opposed the NRP. I think that there were many people who were not necessarily satisfied with Congress's -- or happy with Congress's decision to create this department. And my experience in government, I have spent well over a decade in government, is, and I saw it when we tried to fuse intelligence and you tried to get the CIA and the FBI to talk together, there was a lot of grumbling and there were a lot of people who bitterly opposed those things.

But one thing I saw, at least until this hurricane, was the fact these people put their policy differences aside and acted professionally when matters of life and death were at stake.

I met with Michael Brown. I heard his vision of what he wanted to do with FEMA. I heard him discuss the issue of preparedness and the lack of preparedness. I actually agreed with some of his suggestions. I agreed we ought to align training and grants and preparedness in one place.

I did disagree with him in one respect. I did not believe that the solution was to put all of the grants and all of the grant-making and training under his authority as the head of the FEMA and as the undersecretary in charge. I wasn't going to give him more authority.

And after I decided that I was going to propose the structure that I ultimately recommended to Congress in July, the deputy secretary and I talked to Mr. Brown and we said to him, "Look, we know you are disappointed with the result of this. If you're going to have a problem functioning as the head of FEMA with this, let us know. It's perfectly creditable to say, 'I can't go along with this and I want to leave.' If you're going to stay, though, we need to have your full commitment."

He told us he felt he had gotten a fair hearing, he would give us his full commitment.

I remember in August, before Katrina, for the first time ever, we brought emergency managers and homeland security advisers into the same room in a summit here in Washington precisely to talk about the needs, to be sure we were an all-hazards agency. And we talked about the need to be integrated and partnered on natural hazards as well as other hazards. And Michael Brown was there and he endorsed it.

So, yes, if I had known then what I know now about Mr. Brown's agenda, I would have done something differently.

COLLINS: I guess, as I look back at all the decisions that you had to make, I can't help but conclude that that was one of your biggest mistakes.

I mean, I have an e-mail in which your staff is complaining to Michael Brown's staff that you've lost all contact with Michael Brown for two days. And this is a critical two days. It's the two days after landfall.

Michael Brown testified before this committee that he found your phone calls to be annoying, disruptive. It's just astonishing to me that a person who seemed to not believe in the cause and a person on whom you were relying for active, complete and prompt communication, which you didn't get, was placed in charged.

COLLINS: But I want to go on to another issue. I know from talking with you during the week of August 28th that, later in the week, you were in Louisiana, you were working night and day, around the clock, to try to remedy the problems and improve the response.

But earlier in the week, your actions are puzzling to me because, despite what you said in your opening statement, earlier in week -- in contrast to later, when you were clearly fully engaged -- you did seem curiously disengaged to me.

And the best example of that is on Tuesday morning, the day after landfall, when you're aware of the significant failures in the levees and you're aware that the city of New Orleans is flooding rapidly -- and yet you make the decision to continue with your schedule and to fly to Atlanta with Secretary Leavitt to attend a conference on avian flu.

Now avian flu is an important potential threat, but Katrina was an immediate crisis. I just don't understand why you didn't cancel those plans, return immediately to the emergency operations center and take control.

CHERTOFF: I think I can address both of the questions or the comments by talking a little bit about Monday and Tuesday.

Let me begin by saying, again -- and I encourage you to look again at the Sunday video teleconference.

Going into the hurricane, both in the words and in the demeanor, Michael Brown gave me no reason to doubt his commitment to work and use all of the assets available to make this response as capable as possible.

So I had no sense going in that, whatever his personal feelings were, there was going to be a problem.

On Monday -- and I'm sure we'll get into this later -- I was concerned about the levees. The original projection, I think, in Hurricane Pam, which actually projected I think 60,000 deaths, was for an overtopping, a single surge that would overtake and flood the city -- whereas levee breaching which, in some ways, presents a much more difficult set of challenges, was not actually what was anticipated.

My focus in that on Monday was -- once the storm had passed sufficiently to start getting reports from the ground -- was to tap into the Homeland Security Operations Center, either by going back and forth or having people come up or by getting on the phone to see: What was the ground truth, what was the real situation on the ground?

And I remember specifically asking about, "What are the conditions of levees," and hearing at some point early in the afternoon, an initial report that said there may be some overtopping, there may be some loss of the I guess they call it "rickrack" (ph) or something on top of the levees -- but no substantial levee breach.

I knew I was going get a situational report at 6:00 P.M., which would give me a complete laydown of all of the assets and all of the conditions on the ground.

And I think situation report is part of what's been submitted. And it probably actually got a little bit closer to 7:00.

And I remember, quite specifically, that report said: "There are some reports of breaching, but nothing has been confirmed. We're looking into it."

So I was mindful of the issue of breaching, because I knew that if we had a substantial breach -- I don't mean a small breach -- that would pose a second set of problems.

I'm sure we'll get into the question of why I didn't hear about e-mails that came later that night. But I will tell you, at least when I went to bed, it was my belief -- and it was somewhat fortified by things I saw on TV -- that, actually, the storm had not done the worse that had been imagined.

CHERTOFF: I think it actually moved a little bit to the east at the last minute.

On Monday, I thought about whether I should go down to the hurricane area. And we actually had a discussion about that in my office, about whether I ought to go down to Baton Rouge where the emergency operations center and Mike Brown was.

And I determined not to do it, because I was concerned about coming in and actually interfering with the operators in the first 24 hours of the post-hurricane operation.

I will tell you that I have a respect for the difference between the operator and the person who's leading the organization. The operator's very much involved in immediate decisions of what goes on. I have been an operator. I was an operator on 9/11. And I know the way I dealt with the attorney general on 9/11.

So I tried to be sensitive to not getting in his hair, but also be supportive. The decision I made was not to go to an avian flu conference, but to do two things on Tuesday. Go down to a meeting at the CDC about avian flu with Secretary Leavitt.

And I want to make it clear, this is not like a conference, like you go to in a hotel. This was a meeting among the top leaders of the department to kick-start our preparedness for avian bird flu.

But secondly, to go to the emergency operations center in Atlanta, which is where Region 4 is located. Region 4 had half the responsibility for coordinating the response for Katrina. My thought was that that would be a way of my getting another perspective and visibility on what was going on on the ground, talking to operational people, without getting into a situation where Mike Brown felt someone was coming and now actually creating a question about who's running the immediate incident management in the field.

On Tuesday morning, at around 7:00 a.m., I got the spot report that indicated there had been a substantial levee breach. I made a determination, since I was going to go to the operations center, I ought to continue with the trip.

And I need to make clear that the federal government spends a considerable amount of effort providing me with 24-hour communications. There is never a moment that I am not within a hand's reach of a secure telephone, a secure fax, and literally what I have in my office. So my the hardware and the ability to communicate is that full capability was with me at every moment that I went down. And I frankly spent a lot of time on the phone and in communication back with headquarters during Tuesday.

So, with that capability in mind, I did take the trip. I did ask the question immediately, is this irreparable breach? What's the area that's going to be flooded? And as reports came in, as information came in, I became the aware of the fact that this was almost the worst possible levee breach because it would submerge the large center part of the city.

I don't want to give a long answer, but I want to give you a complete answer.

I knew at that point that there were three immediate things that had to be done. Search and rescue had to be accelerated, because you were dealing with potentially hours where people's lives were in the balance. Second, we had to make sure there was food and water for people who were stranded. And third, we had to think about a second evacuation.



Those needed to be done in that order because saving lives in search and rescue is a matter of hours. Food and water is a matter of hours. Evacuation is a matter of a day or two.

And really from that point on, I continued either by telephone or in person to repeatedly pulse back at headquarters and in the field, frankly, to see how we were doing on those things.

The last thing I want to add is the e-mail you read about my conversation with Michael Brown occurred on Tuesday night. And as part of my effort to get the truth on Tuesday about now what was the plan for this second evacuation -- because, by the way, Coast Guard, I got very good reporting from throughout the thing.

I was not -- I heard there were approximately 450 buses lined up to come. I didn't have a confidence -- that there was really a plan that was visible to me. I wanted to get the incident manager on the phone. I had difficulty getting it. I heard that he was flying around with governors and other people, that he was thinking about a T.V. appearance. And I gave him a very clear message: Job one, is to get this thing down. Sit in the operations center. Get with the relevant managers. Make sure you're taking care of all of these issues. That's the Tuesday call.

COLLINS: Senator Lieberman?

LIEBERMAN: Thanks, Madam Chairman.

Mr. Secretary, in my opening statement I said that according to the law you were the lead federal official in charge of preparation for and response to disasters. And obviously you were both a distinguished lawyer and a distinguished judge before you assumed this position, so I appreciate the fact that you said in your opening statement that you understand that you are the prime federal official that has that responsibility and that you accept the accountability for it.

Very briefly, pursuant to the Homeland Security Act, President Bush issued Homeland Security Presidential Directive 5 in February of 2003 which said that the secretary of homeland security is the principal federal official for domestic incident management, responsible for coordinating federal operations within the U.S. to prepare for, respond to and recover from terrorist attacks, major disasters and other emergencies.

LIEBERMAN: And then the National Response Plan, issued in January of '05, an update of the previous federal response plan, among its changes made one very significant change. And that was to take FEMA out of the lead position in disaster management and give it to the secretary of the Department of Homeland Security.

That's a very strong legal premise for your accountability, and I want to just make sure I understood that, though you accepted responsibility, at one point you said, "Honestly, I

am not a hurricane operator." And that's why in some sense I gather you're saying you deferred to others.

Nonetheless, I assume, pursuant to the laws that I have described, you accept ultimate responsibility.

CHERTOFF: I want to be completely clear. Not only do I accept responsibility in a legal sense, I took seriously my responsibility to make sure things were operating properly.

When I talk about being the operator, the example I use is a person who actually makes the operational decisions about which particular assets are deployed where, how you are to conduct search and rescue.

And the way the NRP works is...

(CROSSTALK)

LIEBERMAN: Excuse me a second, because I accept that. I have a limited time. I want to get to the day -- the weekend before the landfall.

We spent a lot of time in these investigations on Hurricane Pam, which was a mock hurricane exercise, fortunately much more powerful and damaging than Katrina turned out to be.

I assume that you are familiar with the Hurricane Pam exercise. Is that right?

CHERTOFF: Yes.

LIEBERMAN: And Hurricane Pam showed that federal, state and local agencies were not ready to deal with the Pam or Katrina type hurricane. Is that correct?

CHERTOFF: I think actually Pam itself was not fully complete. I think the evacuation piece was done in the summer of 2005.

LIEBERMAN: But generally speaking it was clear that there was a lot to do to get ready for a Katrina type hurricane.

I want to go to the weekend before the hurricane struck. I know that some people said after the hurricane that there was a misimpression first that New Orleans had dodged the bullet.

But by the evidence the committee has gathered, and to some extent by what you said in your opening statement, by Sunday night, before the Monday morning of landfall, it was very clear that there was a loaded gun poised and aimed at the city of New Orleans. And there were reports all throughout the week.

And on Saturday, 9 a.m., FEMA produces slides at headquarters that state current predicted path takes storm directly over New Orleans. The slides state the Pam exercise predicted 60,000 fatalities and 1 million-plus persons displaced, and then goes on to say Pam's estimates are exceeded by Hurricane Katrina real life impacts, projecting at that point that there could be more than 60,000 fatalities, 1 million-plus persons displaced. Dr. Mayfield is warning constantly about the seriousness.

Sunday afternoon National Infrastructure Simulation and Analysis Center within DHS puts out a report saying Katrina was a Category 4 storm or higher that would, quote, "likely lead to severe flooding and/or levee breaching that would leave the New Orleans metro area submerged for weeks or months." That's Sunday afternoon from within DHS.

So that it's quite correct, and I wrote down what you said, beginning the week before, we were, you said, acutely aware of Katrina and the risks it posed and, finally, we knew that it potentially would hit New Orleans, and I quote what you said, "with potentially catastrophic consequences."

So the question that I have builds on this. And it is that our investigation has nonetheless revealed, though you understood by your statement today that this was a catastrophic hurricane, that prior to landfall there were many things that were not done, that were done later in the week.

For instance, you did not designate a principal federal officer that weekend as required by the National Response Plan. You did not stand up the Interagency Incident Management Group that weekend as required by the National Response Plan. You didn't designate a law enforcement component within DHS to serve as the co-lead for law enforcement under the NRP.

And, based on the projections in the FEMA report I have cited and the NISAC report of enormous number of fatalities and displaced persons, you did not direct FEMA to task the Department of Transportation or you didn't talk to DOT itself to obtain and immediately move buses to New Orleans so that the people who were not able to get out of New Orleans before landfall would not be left in the horrific conditions that we all observed at the Superdome and the convention center.

LIEBERMAN: You didn't designate a law enforcement component within DHS to serve as the co-lead for law enforcement under the NRP.

And, based on the projections in the FEMA report I've cited and the NISAC report of enormous number of fatalities and displaced persons, you did not direct FEMA to task the Department of Transportation -- or you didn't talk to DOT itself to obtain and immediately move buses to New Orleans -- so that the people who were not able to get out of New Orleans before landfall would not be left in the horrific conditions that we all observed at the Superdome and the convention center.

I want to contrast that with what happened three days later, after DHS -- to use your deputy Michael Jackson's term -- kicked it up a notch and the federal government took very powerful actions, the country saw just how impressive that response was.

So the question really is: How do you explain the department's failure, your failure, to take much more aggressive action over the weekend before landfall, since you knew that this storm was going to hit New Orleans with potentially catastrophic consequences?

CHERTOFF: Let me try to unpack all the steps of the question, and begin by saying: I think that the recognition of the catastrophic possibility here -- of course, it was potentially you have to prepare for the worst; you hope for the best -- is reflected by the president's declaration of emergency which, as I said, was virtually unprecedented.

LIEBERMAN: Can I ask you a question on that?

CHERTOFF: Yes.

LIEBERMAN: Let me ask you: Did you know at that point that, when the president declares an emergency, it automatically becomes an incident of national significance...

CHERTOFF: Yes.

LIEBERMAN: ... and charges you with the responsibility?

CHERTOFF: Correct.

LIEBERMAN: I don't want you to spend a lot of time on this, but I was puzzled why, Tuesday evening -- I think announced Wednesday morning -- you formally announced that this was an incident of national significance. It raised a question about whether you knew it over the weekend.

CHERTOFF: The answer is that, on Tuesday, we had a Cabinet meeting the next day and I wanted to formalize the appointment of Brown as PFO, Michael Brown as PFO, and it was I guess kind of a judicial hangover -- you tend to write in a formalistic style.

But my understanding of the plan, and my reading of the plan then and now is that, by dint of declaring the emergency, it automatically made it an incident of national significant.

LIEBERMAN: That's my reading as well.

CHERTOFF: And that's why I became personally involved in it.

As far as the IMG is concerned, the IMG was kept briefed...

LIEBERMAN: So why did you declare it again on Tuesday if you knew that it...

CHERTOFF: I think because I had never done any paperwork in my own hand. I said to somebody afterwards: This is probably a judicial hangover, you know -- it's the way I was used to writing.

In truth, I didn't need to do it. I was told I didn't need to do it -- but I just did it to formalize it.

LIEBERMAN: OK.

So again, you're testifying this morning that, as of the president's declaration of emergency which, by your testimony was unusual, maybe unprecedented, you knew that it was notched up...

CHERTOFF: Correct.

LIEBERMAN: .. it was an incident of national significance -- which gave you more authority and responsibility to mobilize the resources of the federal government?

So I ask, again, why more was not done over the weekend?

CHERTOFF: And let me make clear, it gives me more authority to coordinate it; it doesn't actually change my legal authorities.

So let me talk about the individual things that we're discussing. And I think you raised three: You raised the PFO, the IMG and the issue of transportation.

LIEBERMAN: Right. And the law enforcement.

CHERTOFF: First, as it relates to the IMG, which is a group of representatives of the agencies who come together to provide strategic guidance.

That group was kept in the loop. It was briefed. It was brought in on Monday; didn't actually stand up until Tuesday.

If this had been a different kind of a catastrophe, one that FEMA was not accustomed to dealing with -- like a biological incident -- I would certainly have triggered that group right away.

I think on, July 7th, when the London bombings came up, we triggered that group right away.

But I have to tell you, at least at the time, it was my judgment that if there was any area where the expertise resided around that table at the National Response Coordination Center, it is hurricanes.

I mean, there is no group of people who have spent more time on that than the people of the NRCC.

CHERTOFF: So I frankly view that group as the source of operational advice and even strategic advice going forward.

Likewise, in terms of declaring Michael Brown a PFO.

LIEBERMAN: Yes, why not do that right away, on Saturday, after...

CHERTOFF: What, the PFO?

LIEBERMAN: Yes.

CHERTOFF: Because again -- and this may reflect kind of a practical reality as opposed to formality -- the function of the PFO is to represent the secretary and basically exercise his authority in terms of coordination. It doesn't exercise command authority, it is a coordinating authority.

If I had brought somebody outside the chain of command, I probably before done it right away. But given the fact that Michael Brown was an undersecretary of the department, so he was at the third ranking member of the department, at least in terms of level, and given the fact that he and the team working on this had been working together for a week, I frankly didn't think it was necessary at that point to add an additional title or additional measure of authority.

When the Cabinet meeting came up, I guess in the recognition of the fact that first of all this was going to be a much longer process of actually rescue than we originally hoped it would be, I wanted to make sure that out of courtesy to my colleagues I was very clear to them that I was giving -- I was conveying to Michael Brown every ounce of authority to speak on my behalf in the field as the operator as I could do.

With respect to the issue of transportation, let me say this. In that first couple days after I learned about the levee breach it was clear to me that the biggest failure was not getting buses in. We did a very good job with rescue. And I kept very close tabs through the Coast Guard on the number of missions flown.

LIEBERMAN: How about on the weekend before the storm hit New Orleans, knowing that the predictions were for a very large number of displaced people? Why not mobilize federal DOT resources? We had a witness here from DOT, said they began to get ready to deliver buses under a standby contract they had on the previous Friday, but were not asked.

CHERTOFF: I can't tell you specifically about buses, but I know, because I remember this particularly, if you go back to that Sunday conference, there was a specific question

about activating ESF-1, which is the Department of Transportation and the Movement Coordination Center.

So my understanding on Sunday was that the people whose job at the Department of Transportation to move all this, get buses or get planes or get trains had been stood up and were now working on the contingency plans to do that. I will acknowledge to you, I did not call the Department of Transportation and say I want to see the plan. On Thursday -- actually on Tuesday and Wednesday...

LIEBERMAN: After landfall.

CHERTOFF: After landfall. I expected to then see the plan. And my heated conversation with Mr. Brown, if I can describe it that way, on Tuesday and my consistent, if I can use the word nudging, nudging the department -- nudging, prodding, poking and ultimately raising my voice about buses on Wednesday, led to a decision by the deputy and me on Thursday that we needed to simply take this away and get it done ourselves.

That was, by the way, a failure of -- that is not what I should have been doing and not what the deputy should have been doing and reflected my frustration.

LIEBERMAN: Thank you for answering. My time is up.

I assume, if you'll give me just a one word answer, that as you look back you agree that the department's preparations over the weekend preceding Hurricane Katrina hitting the Gulf Coast were inadequate.

CHERTOFF: Yes, particularly in the area of bus transportation.

LIEBERMAN: Thank you.

*The hearing continued.*

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