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DISASTER RECOVERY

Who's in Charge? Who Should Be?

The Role of the Federal Government in Megadisasters: Based on Lessons from Hurricane Katrina

Richard P. Nathan and Marc Landy

The Rockefeller Institute of Government, with support from the Ford Foundation, conducted a three-year study of how 37 governments in three states in the Gulf (Louisiana, Mississippi, and Alabama) responded to Hurricane Katrina in 2005. Former Mississippi Governor William Winter chaired the committee for this study. This is the eighth and final report, focused on lessons for the nation from Katrina. Governor Winter said the report is "compelling," and that he is "hopeful the Obama administration will consider the recommendations presented. These issues are not going away, and we shall be faced with the same lack of coordination and response in the future unless we pursue better ways to handle them." Former U.S. Ambassador to Hungary, Donald Blinken, who served as a key advisor to (and participant in) this study, said, "This report caps a series of seven solid reports that take a hard look at the state and local levels at the jumble of actors and the challenges of action when great crises occur."

Hurricane Katrina was arguably the worst natural disaster in American history. The storm, which struck in the early morning of August 29, 2005, caused an estimated 1,500 deaths and over \$80 billion in property damage across a 150-mile swath from Southeastern Louisiana to Mobile, Alabama. This paper looks at what has happened, and what has not happened, since the waters receded and the debris was removed. Based on lessons learned from this catastrophe, the paper focuses on possible national legislation amending the Stafford Act by authorizing the appointment by the president of an officer-in-charge with preauthorized discretionary funding; empowered to assemble and deploy experts, including experts seconded from federal agencies; and to recommend and obtain expedited consideration of a national action program if such a program is determined to be appropriate when megadisasters like this occur.

The authors of this paper participated in a study of the effects of Hurricanes Katrina and Rita on 37 Gulf-region governmental jurisdictions, sponsored by the Ford Foundation and jointly conducted by the Nelson A. Rockefeller Institute of Government of the State University of New York and the Public Affairs Research Council of Louisiana. This study produced a series of seven reports, available at www.rockinst.org/disaster_recovery/. The principal author of these reports is Karen Rowley. This paper is presented as the basis for a discussion of an institutional-reform approach to provide facilitated, coherent, deliberative, and effective response by American government when future megadisasters occur — as we know they will.

The three-state (Louisiana, Mississippi, and Alabama) study of Hurricanes Katrina and Rita on which this paper is based showed there actually were *two crises* — one physical, the other governmental. Quoting from the first report on this study,

In the end, Katrina and Rita produced two disasters. The first was the immediate crisis created when the hurricanes made landfall. The second was the difficulty various levels of government had in working together to respond to the crisis. This was — and remains — the more dangerous of the two because the inability to work well together has spilled over into the recovery efforts, with ordinary citizens caught in the middle. The long-term impact could be the haphazard rebuilding of the devastated communities, meaning mistakes will be repeated, segments of the population will be left out, and a rare opportunity to reshape a region for the better will be lost.

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Flooded roadways of New Orleans. U.S. Coast Guard photo by Petty Officer 2nd Class Kyle Niemi.

These fears have come to pass. Rebuilding has been haphazard. Segments of the population have been left behind. A rare opportunity to reshape the region has been squandered. All three levels of government have been caught up in thorny economic, social, and political issues on whether and how to treat the devastated areas. Crucial values came into play on which participants in decision processes had, and still have, strong and differing views and interests. Despite a great deal of planning, myriad hearings, conferences, and public forums, communities still struggle to deal with the profound questions that Hurricane Katrina raised.

This paper has three parts. The next section discusses the governmental terrain. The section that follows defines a megadisaster and a trigger mechanism for possible national action. The final section discusses legislation to amend the Stafford Act by establishing an “officer-in-charge” system and mechanism for responding to future megadisasters.

Governmental Terrain

Any effort to reform domestic governmental operations has to take into account how the nation’s three-tiered federal system operates. Particularly in the current period of high-level stress on the finances and pro-

grams of U.S. governments, re-thinking is in order about how governments operate at all levels. Business as usual, which often consists of proceeding incrementally and spending money unsystematically, is not a workable option in the intensifying global environment of increased competitive pressures. Reform is in the air for health care, schools, infrastructure, energy, and the environment — indeed for many areas of domestic public affairs. The rationale for the proposals for emergency response and recovery in this paper is in line with action needed all across the domestic public sector.

There are 89,527 governments in the United States, according to the 2007 Census of Governments. This includes the national government, 50 states, 3,033 counties, nearly 20,000 municipal governments, over 14,000 school districts, and more than 37,000 special districts that provide a wide array of services. Fiscally, the governments are responsible for direct expenditures that for the first time in 2001 exceeded the aggregate level of direct expenditures of the national government.

Americans cherish their independence in all manner of ways. So do state and local governments. While our subnational governmental system can be ponderous, it is crucial in the domestic sector. We could not live five minutes without the public services that state and local governments provide. They are the primary providers of public safety, traffic control and transportation systems, clean water, waste collection and treatment, education, welfare, and other safety net supports. They are key regulators of health care, insurance, banking, and communication systems. The U.S. federal government does not plow the roads, inoculate infants, pick up or dispose of the trash, or directly provide the kinds of services just listed. It is preoccupied with international affairs, defense, and economic policy. Its role in the domestic public sector tends to be concentrated on large financial systems for income redistribution like social security and Medicare. The vast majority of public services are implemented on the ground by a plethora of local governments and public authorities, and increasingly also by nonprofit organizations. Taken as a whole, government spending comprises over one-third of the gross domestic product, with approximately half of that total accounted for by the states and localities.

Emergency management is a relatively new public function that has grown in recent decades and become complex and bureaucratic. All levels of government devote considerable personnel and resources to deal with disasters, big and small — be they floods, forest fires, blizzards, terrorism, or hurricanes. This function is woven into the fabric of federalism, often in a way that works against what is necessary and critical in any disaster — *fast action*. The immediate response cannot wait for meetings, plans, and intergovernmental agreements to rescue endangered and injured people; identify and collect the bodies of people killed; deal with many dangers; and restore power, water, electricity, transportation, and other vital public services.

As in the case of Hurricane Katrina, immediate responses have to be predominantly *local*, with sirens sounding and rescue, police, fire, emergency medical, and other public servants and volunteers on the job right away. The Katrina story is full of examples of fast, skillful, and brave responses.

- In eastern New Orleans, at Saturday night mass two days before the storm, Father Vien Nguyen skipped the homily and told people to “get out.” Nonetheless, fifty parishioners came to Sunday Mass, a sure sign that congregants remained. Father Nguyen established a shelter in a parochial school, assembled supplies including a battery operated radio, and rounded up 150 stranded people by rowboat and powerboat. When floodwaters receded, parishioners organized work crews and removed rubble and debris from their neighborhood.
- In the town of Waveland, Mississippi, policemen were trapped in the station as floodwaters rose. For five hours they clung to bushes in the front yard of the station. When

the surge subsided, the officers returned to their duties, not having returned to their homes or, in some cases, not knowing if they even had a home to return to.

- Refusing to wait for permission for responses, Pascagoula, Mississippi, City Manager Kay Johnson Kell said, "If the ox is in the ditch you got to get him out." Because Pascagoula had a rainy day fund, she could immediately begin debris removal and other tasks without awaiting permissions that were often slow in coming. Because she had negotiated predisaster contracts, contractors began work immediately at prices stipulated before the storm.

These examples are in contrast to the performance of the local government of New Orleans.

- The city failed to make provision for those who were unable to evacuate on their own — those who did not own cars, the disabled, the elderly, and tourists left stranded when the supply of rental cars ran out. School buses were unavailable because they had not been moved to high ground.
- The mayor held off issuing a mandatory evacuation order until 20 hours before the storm. A U.S. House of Representatives' report offered this critique: "Failure of complete evacuation resulted in hundreds of deaths and severe suffering for thousands ... thousands of dangerous rescues, and horrible conditions for those who remained."

The most consequential role the federal government plays in the immediate response to a disaster is the provision of financial grants-in-aid under the Stafford Act, the legal basis for the activities of the Federal

Emergency Management Agency (FEMA). Both the role and visibility of FEMA, and the amount of money spent on emergency aid, grew pre-Katrina in the 1990s. President Clinton declared a record number of disasters — 379 between 1993 and 2000 and 75 just in 1996. Under FEMA Director James Lee Witt, the agency began providing grants to help localities harden infrastructure to reduce their vulnerability to disasters.



A New Orleans resident salvages personal belongings. U.S. Army National Guard photo.

As difficult as the immediate emergency response proved to be, challenges associated with *recovery* proved even more complex. What to rebuild or to build new? How, where, for whom, and in what form should rebuilding occur? Who pays? Who bears the risk? Decisions about these and other aspects of recovery are affected by laws and regulations on the part of all three levels of American government. At their root, these public policies involve issues of justice, equity, safety, and quality of life. To what extent should people who were displaced be encouraged, even coerced, to move to safer, higher ground? Is there a way, and is there a good rationale, for special efforts to resettle poor and working poor evacuees — for example, from the Ninth Ward of New Orleans?

In New Orleans, planning for flood protection, infrastructure repair, economic redevelopment, and homeowner assistance was not coordinated. Functional-area governmental stovepipes dominated. The state of Louisiana used the bulk of its federal recovery aid to assist homeowners to rebuild in the same place, despite the lack of adequate assurances that they would have flood protection or that the city would provide them with water, sewage, and other vital services. Some owners chose to rebuild despite the lack of these assurances. Others did not. People in New Orleans referred to the resulting haphazard pattern of rebuilding as the “Jack O’Lantern Effect” — the darkness of abandoned houses and empty lots broken by lights from scattered beacons of restoration. Occupants did not know if their neighbors would return, if levees would be rebuilt, or if the city would provide transitional resources to sustain them.

The recovery challenge involves two crucial ingredients — *leadership and expedition*. When future megadisasters occur on the scale of Hurricane Katrina, there is the question, not only for the places affected, but for the American people: Do we care enough about the damaged communities to restore them or create new communities in their stead?

Shortly after Hurricane Katrina came ashore, the Bush administration was criticized for not making a commitment to the future of New Orleans and the Mississippi Coast. Should such a commitment have been made? And, if so, how could wise, timely, and deliberative decisions have been made under such conditions? Actually, as President Bush was increasingly criticized for ignoring Hurricane Katrina, he went to New Orleans to deliver an emotional, expansive, out-of-character speech promising to “do what it takes,” and that we “will stay as long as it takes, to help citizens rebuild their communities and their lives...” “There is no way,” he added “to imagine America without New Orleans ... this city will rise again.” To fulfill this promise would have taken both a national will to act and massive expenditures, more than the large sums the federal government did in fact expend.

Defining a Megadisaster

For the purpose of establishing a national decision-and-action mechanism to take extraordinary steps, a definition is needed of conditions under which such a capacity would be brought into play. Otherwise, a special mechanism to respond could risk becoming a new form of moral hazard. Governors and congressional delegations would be tempted to pressure the president to declare their hurricane, fire, or blizzard eligible for special status in the hope that an extraordinary procedure would produce more financial and other aid than would be obtained through ordinary channels.



Storm destruction in Gulfport, MI. U.S. Air Force photo.

Unfortunately the hurricane severity ranking system of the National Hurricane Center (NHC) does not differentiate megasized hurricanes from those that are less severe. Because this ranking system is based primarily on wind speed, the NHC ranked Katrina, the most destructive storm on record in terms of dollar-level damages, as a category 3 hurricane. Hurricane Camille in 1969, which did much less damage, was assigned the highest rating, category 5. Typically, hur-

ricane damage comes from the storm surge and the water impelled ashore. But storm surges cannot be measured on the basis of wind strength alone. Their severity is also influenced by the slope of the continental shelf: the shallower the slope, the greater the surge that is likely to occur. The NHC categorization does not account for the steepness of the continental shelf, nor does it include a measure of the geographic area affected by a surge. Camille's wind speeds upon landfall were higher than Katrina's but the winds had a range of 75 miles, whereas the Katrina storm surge ranged over 100 miles.

The damage done by a hurricane depends not only on the force and scope of the storm, but also on the population size and the density of the affected area. The more buildings and homes hit, the greater the devastation likely to occur. In addition, damage levels depend on the adequacy of flood protection. Buildings and homes that are elevated may escape surge-related damage

even from a very large storm. Also, New Orleans might have escaped most of the damage it suffered if levees and canal walls protecting the city had not given way.

Because of the variables affecting storm-related damage, an interagency damage-assessment process should be established under the auspices of the NHC. It could be activated in advance of an oncoming hurricane that might be expected to reach category 3 level. Hurricane Katrina inflicted almost twice the damage of Hurricane Andrew, the worst prior hurricane. Andrew was assessed by NHC to have inflicted damages of \$43 billion, and this was almost three times the level of the next worst case, Hurricane Charley, which inflicted damages of \$15 billion. Hurricane Andrew should serve as the benchmark. If a storm is assessed as likely to inflict more than \$43 billion in damages, an officer-in-charge could be appointed by the president.

Similar definitional groundwork would be needed pertaining to other kinds of large-scale disasters.

Role of a Presidential Officer-in-Charge

When disaster strikes, plans often emerge in such profusion, both for the relative near-term and the longer-term, that they delay progress and complicate governmental operations. Underlying this condition is what might be called “planners’ conceit,” an easy assumption that inherently unpredictable events can be anticipated. Over-reliance on both pre- and post-storm planning can produce rigidity and cause leaders to fail to react flexibly to what is in essence “unplannable.” Planning is a mantra in modern government; when something bad happens and governmental leaders are slow or indecisive in getting their act together, critics charge the problem was lack of planning. This was so in the aftermath of Katrina. If the responsible organizations and individuals had anticipated the storm, they could have put procedures in place that would have minimized the casualties and property losses and that would have put the devastated areas on a fast, smoother road to recovery.

Ironically, a year prior to Katrina, thousands of federal planners and state and local government officials and first responders participated in the most ambitious natural disaster-simulation exercise ever undertaken, called “Hurricane Pam,” which some participants said was strikingly similar to the actuality of Hurricane Katrina. In a similar way, in the wake of the 9/11 tragedy, which occurred four years earlier, a 400-page National Response Plan (NRP) was issued to guide the federal government’s actions in response to national emergencies.

The approach we suggest would more flexibly rely on a statutory base for the designation of a presidential officer-in-charge whose job would encompass two purposes: (1) To lead, advise, assist, and coordinate federal, state, local, and private-sector organizations and agencies in the immediate response and recovery processes; (2) To provide timely and deliberative processes to



Flooding in Orleans Parish, LA. U.S. Air Force photo.

enable the president and the Congress to consider extraordinary national action. After the great 1927 Mississippi flood, which inundated the entire midsection of the country, President Coolidge designated Commerce Secretary Herbert Hoover to head response and recovery. He went into action forcefully and prominently. Hoover spent two months on the Mississippi, mostly based in Memphis, organizing and leading response and recovery efforts. De-

spite the fact that President Coolidge stubbornly and steadfastly resisted taking extraordinary national action, Secretary Hoover's efforts catapulted him into the presidential nomination in 1928. Although this paper focuses on one event, in this case a terrible hurricane, we use this experience to suggest consideration of an institutional reform that could have wide applicability for disasters of this scale whatever the cause.

Two months after Katrina came ashore, President Bush appointed an official, Donald E. Powell, to fulfill a similar role as coordinator of federal support for the recovery and rebuilding of the Gulf Coast region. He did not report directly to the president or have a charter to cause federal officials (let alone state and local officials) to submerge their differences and follow his lead, or have an independent source of discretionary funding.

We recommend stand-by federal legislation to enable the president to appoint an officer-in-charge, not to take over state and local responsibilities, but to do two essential things. First, to provide the authority and resources to mobilize the federal establishment (and, by virtue of being able to do this, being in a stronger position to influence major institutions on the scene to get their act together). Second, to enable the national government to adopt extraordinary measures. A major charge to the person assigned as this "presidentially designated driver" would be to report to the president and the Congress within a prescribed period of time on whether extraordinary national action is needed, and if so what it should be. In doing so, the officer-in-charge and the staff of this office would draw on the expertise of federal, state, and local officials and agencies, voluntary groups, and outside experts.

Proposals that emerge out of this process would be time sensitive. At the discretion of the officer-in-charge, we suggest that these proposals be subject to special Congressional procedures like those for international trade agreements and, at the discretion of the officer-in-charge, that they could be considered *en bloc* under processes like those for base-closing commissions. Such authority to put forward legislative proposals for fast, special action would not infringe on the authority of the president and the Congress to reject them, nor on the powers and responsibilities that policymakers and first responders at the state and local levels must retain. What such authority would accomplish – in government jargon – is provide the officer-in-charge with the capacity to collaborate and facilitate – and in plain English, **to lead**.

Earlier reports from the GulfGov project:

[Three Years After Katrina and Rita, Challenges Remain](#) [PDF]

By Karen Rowley, December 8, 2008

[The Role of Community Rebuilding Plans in the Hurricane Recovery](#) [PDF]

By Karen Rowley, June 3, 2008

[Response, Recovery, and the Role of the Nonprofit Community in the Two Years Since Katrina and Rita](#) [PDF]

By Karen Rowley, October 15, 2007

[Spending Federal Disaster Aid: Comparing the Process and Priorities in Louisiana and Mississippi](#) [PDF]

By Jennifer Pike, September 2007

[A Year and a Half after Katrina and Rita, an Uneven Recovery](#) [PDF]

By Karen Rowley, 2007

[An Examination of the Impact of Hurricanes Katrina and Rita on the Public School Districts in 15 Communities](#) [PDF]

By Karen Rowley, April 2007

[GulfGov Reports: One Year Later – First Look at the Recovery, Role, and Capacity of States and Localities Damaged by the 2005 Katrina and Rita Hurricanes](#) [PDF]

By Karen Rowley, 2006