



# Presidential Policy Directive 8 and the National Preparedness System: Background and Issues for Congress

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## Summary

Presidential Policy Directive 8: National Preparedness (PPD-8) was signed and released by President Barack Obama on March 30, 2011. PPD-8 and its component policies intend to guide how the nation, from the federal level to private citizens, can “prevent, protect against, mitigate the effects of, respond to, and recover from those threats that pose the greatest risk to the security of the Nation.” These threats include terrorist acts, natural disasters, and other man-made incidents. PPD-8 evolves from, and supersedes, Homeland Security Presidential Directive 8, which was released under President George W. Bush. PPD-8 is intended to meet many requirements of Subtitle C of the Post-Katrina Emergency Reform Act of 2006 (P.L. 109-295, 6 U.S.C. §741- 764).

In addition to the main Directive, an Implementation Plan for PPD-8 and a National Preparedness Goal were finalized in 2011. Two National Planning Frameworks are also complete, but multiple component PPD-8 policy documents are still being developed. Some elements of PPD-8 may not be finalized until September 2012 or later. However, PPD-8 has already affected national preparedness policy by expanding the scope of the end-state objective for preparedness, modifying the capabilities-based planning methodology, identifying a new set of national capabilities, and directing the creation of more National Planning Frameworks. It is anticipated that the five National Planning Frameworks—one each for prevention, protection, mitigation, response, and recovery—will assign federal roles and responsibilities in each mission area. The National Planning Frameworks are also to guide how nonfederal resources are leveraged, including non-profit and private sectors’ resources.

Congress may wish to oversee how the Administration creates and implements the many elements of PPD-8. This report discusses several potential issues and challenges that may arise in the development and implementation of each National Planning Framework. These issues and challenges include evaluating: how PPD-8 policies conform with statute; how federal roles and responsibilities have been assigned to implement and execute PPD-8 policies; how non-federal resources and stakeholders will be impacted by national preparedness guidance; and how the overall federal budget may be reprioritized by a new national preparedness goal. However, it may be difficult to ascertain the full impact of PPD-8 on national preparedness until its provisions are fully operationalized and tested during real world hazards.

This report will be updated as required by any significant developments in the implementation of PPD-8.

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## Overview

The United States is threatened by a wide array of hazards, including catastrophic natural disasters, acts of terrorism, viral pandemics, and manmade disasters such as the Deep Horizon oil spill. The manner in which the nation prioritizes limited resources to prepare for disasters can significantly influence the ultimate cost to society, both in the number of human casualties and the scope of economic damage.<sup>1</sup> The Post-Katrina Emergency Reform Act of 2006 (P.L. 109-295, hereafter PKEMRA) mandates that the President develop a set of national policies to guide preparedness for these hazards, with the goal of reducing or preventing potentially devastating consequences.<sup>2</sup> On March 30, 2011, President Barack Obama issued Presidential Policy Directive 8: National Preparedness (henceforth PPD-8) initiating the development of national preparedness policies that will fulfill many aspects of the mandate.<sup>3</sup> Consistent with PKEMRA, the ultimate purpose of PPD-8 is to:

strength[en] the security and resilience of the United States through systemic preparation for the threats that pose the greatest risk to the security of the Nation, including acts of terrorism, cyber attacks, pandemics, and catastrophic natural disasters.<sup>4</sup>

According to the Administration, this policy vision will be gradually implemented through a series of supporting documents to PPD-8, only a portion of which are currently finalized. Cumulatively, PPD-8 and its component policies are to guide how the nation “will prevent, protect against, mitigate the effects of, respond to, and recover from those threats that pose the greatest risk to the security of the Nation.”<sup>5</sup> As required by PKEMRA, PPD-8 component policies include a National Preparedness Goal and a series of policies that are to collectively establish a National Preparedness System.

The practical impacts of PPD-8 and component policies are potentially far-reaching. PPD-8 policies could significantly influence the daily operations and priorities of homeland security officials, emergency managers, and first responders at the federal, state, and local government level. Further, PPD-8 policies may impact federal assistance and grant allocation decisions, guide the federal and nonfederal efforts to build homeland security and emergency management capabilities, and establish a national baseline for hazard preparedness. In future years, PPD-8 policies may also influence the Administration’s budget requests and priorities.

Establishing national preparedness policy through a presidential directive has considerable precedent. PPD-8 rescinded the existing Homeland Security Presidential Directive 8: National Preparedness (henceforth HSPD-8),<sup>6</sup> which was released and signed by President George W.

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<sup>1</sup> The importance of national preparedness becomes starkly evident when evaluating the aftermath of the 2010 earthquake in Haiti and the 2011 Tōhoku earthquake and tsunami in Japan. Though both disasters were devastating, Japan’s more advanced protective and mitigation measures, as well as their more robust capability to respond to and recover from the disaster, helped reduce the relative consequence of the disaster in Japan.

<sup>2</sup> P.L. 109-295. See 120 Stat. 1424-1432; 6 U.S.C. §741-754.

<sup>3</sup> White House, *Presidential Policy Directive 8: National Preparedness*, Washington, DC, March 30, 2011, [http://www.dhs.gov/xabout/laws/gc\\_1215444247124.shtm](http://www.dhs.gov/xabout/laws/gc_1215444247124.shtm). Hereafter, the document will be referenced in footnotes as PPD-8.

<sup>4</sup> PPD-8, p. 1.

<sup>5</sup> *Ibid.*

<sup>6</sup> White House, *Homeland Security Policy Directive 8: National Preparedness*, Washington, DC, December 17, 2003. (continued...)

Bush on December 17, 2003. Prior to being rescinded, HSPD-8 and its supporting documents also instituted a strategic national preparedness policy that fulfilled many of the PKEMRA requirements, even before they were passed into law. Before HSPD-8, other administrations used directives to assign federal preparedness responsibilities, such as Executive Order 12656 issued under President Ronald Reagan.<sup>7</sup> PPD-8 policies are not considered a repudiation of HSPD-8 policies; rather they are viewed as a policy evolution from the chain of national preparedness policies that has preceded it. PPD-8 policy evolves from HSPD-8 by:

- Expanding the scope of the end-state objective in the National Preparedness Goal to include mitigation as a key mission area for national preparedness, in addition to prevention, protection, response, and recovery;
- Modifying the capabilities-based planning approach through a reduced focus on national planning scenarios;
- Identifying a different set of national capabilities needed to achieve national preparedness in each mission area; and
- Directing the creation of National Planning Frameworks for all identified mission areas of national preparedness.

This report explains the importance of this evolution, and provides a summary of the implementation status of the directed activities of PPD-8. Further, the report discusses the possible content of the future National Planning Frameworks being produced by the Executive Branch pursuant to PPD-8 requirements. Finally, the report provides a summary of some of the issues Congress may wish to consider when it oversees the development and implementation of national preparedness policy. These include evaluating: how PPD-8 policies conform with PKEMRA statute; how federal roles and responsibilities have been assigned to implement and execute PPD-8 policies; how non-federal resources and stakeholders will be impacted by national preparedness guidance; and how the overall federal budget may be reprioritized by a new national preparedness goal.

## Background on Key Concepts

### National Versus Federal Preparedness Policy

The Obama Administration describes a “Presidential Policy Directive” as a mechanism “for communicating presidential decisions about national security policies of the United States.”<sup>8</sup> The Department of Justice’s Office of Legal Counsel has opined that there is no substantive legal

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[http://www.dhs.gov/files/publications/gc\\_1189788256647.shtm](http://www.dhs.gov/files/publications/gc_1189788256647.shtm). Hereafter, the document will be referenced in footnotes as HSPD-8.

<sup>7</sup> Executive Order 12656, “Assignment of Emergency Preparedness Responsibilities,” *53 Federal Register* 47491, November 23, 1988.

<sup>8</sup> White House, *Presidential Policy Directive 1: Organization of the National Security Council*, Washington, DC, February 13, 2009, p. 5. Each Presidential administration has historically developed a new naming convention to apply to future Presidential directives. In PPD-1, the Obama Administration announced future directives would be named either a Presidential Policy Directive or Presidential Study Directive, replacing the old naming conventions of national security presidential directives and homeland security presidential directives.

difference between a presidential directive, such as PPD-8, and an executive order.<sup>9</sup> Though the legal authority of Executive Orders is vaguely defined, they have been used by all Presidents for a variety of purposes, including to delegate authorities granted to the President by Congress, to achieve policy goals, set uniform standards for managing the executive branch, or outline a policy view intended to influence the behavior of private citizens.<sup>10</sup>

In this instance, the authority of the presidential directive is used to order elements of the federal government to develop a set of national preparedness policies. Further, PPD-8 component policies will assign responsibilities to federal agencies to execute the necessary national preparedness capabilities (namely, in the National Planning Frameworks discussed later). However, the President does not have the authority to direct the resources and authorities of state and local governments, the private sector, the non-profit sector, and normal citizens through PPD-8 and subsequent documents.<sup>11</sup> Traditionally, however, stakeholders in emergency management and national security have generally adhered to the national security guidance provided in presidential directives.<sup>12</sup> Therefore, PPD-8 policy is intended not just to establish a federal set of policies and plans on national preparedness, it is also aimed at “establishing common intent and fostering robust partnerships across all communities and levels of government; building the capacity of partners across jurisdictional boundaries; and encouraging dynamic coordination and cooperation” in national preparedness activities.<sup>13</sup> With these dual objectives, PPD-8 policies may establish *national* preparedness policy and plans, not just federal policy and plans. As a national policy, PPD-8 and its components are core elements of the Administration’s overarching National Security Strategy.<sup>14</sup>

## Capability-Based Planning for All Hazard Preparedness

A capability is defined in PKEMRA as “the ability to provide the means to accomplish one or more tasks under specific conditions and to specific performance standards. A capability may be achieved with any combination of properly planned, organized, equipped, trained, and exercised personnel that achieves the intended outcome.”<sup>15</sup> This definition is echoed in the Implementation

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<sup>9</sup> Memorandum from Randolph D. Moss, Acting Assistant Attorney General, to the Counsel of the President, on Legal Effectiveness of a Presidential Directive, As Compared to an Executive Order (Jan. 29, 2000), <http://www.justice.gov/olc/predirective.htm>.

<sup>10</sup> For more on Executive Orders, see CRS Report RS20846, *Executive Orders: Issuance and Revocation*, by Vanessa K. Burrows.

<sup>11</sup> However, some stipulations developed in policy directives have become requirements for federal grants, such as that states adopt and implement the National Incident Management System (NIMS). For more on this, see <http://www.fema.gov/emergency/nims/CurrentYearGuidance.shtm#2010>.

<sup>12</sup> For instance, though not obligated by law or regulation to do so, private sector owners and operators of critical infrastructure have participated willingly in the Sector Coordinating Councils of the National Infrastructure Protection Plan, outlined in White House, *Homeland Security Presidential Directive 8: Critical Infrastructure Identification, Prioritization, and Protection*, Washington, DC, December 17, 2003, [http://www.dhs.gov/xabout/laws/gc\\_1214597989952.shtm](http://www.dhs.gov/xabout/laws/gc_1214597989952.shtm). For more on Sector Coordinating Councils, see [http://www.dhs.gov/files/partnerships/editorial\\_0206.shtm](http://www.dhs.gov/files/partnerships/editorial_0206.shtm).

<sup>13</sup> White House, *Implementation Plan for Presidential Policy Directive 8: National Preparedness*, Washington, DC, May 2011, p. 2. Hereafter document will be referenced in footnotes as Implementation Plan for PPD-8.

<sup>14</sup> See White House, *National Security Strategy*, Washington, DC, May 2010, [http://www.whitehouse.gov/sites/default/files/rss\\_viewer/national\\_security\\_strategy.pdf](http://www.whitehouse.gov/sites/default/files/rss_viewer/national_security_strategy.pdf).

<sup>15</sup> Section 641(1) of PKEMRA, 6 U.S.C. §741.

Plan for PPD-8.<sup>16</sup> Both PPD-8 and HSPD-8 rely on what is generally referenced to as a “capability-based planning” approach to develop national preparedness policy. The capability-based planning concept in homeland security evolved from traditional national defense planning.<sup>17</sup> No universally accepted definition exists for capability-based planning, but Paul K. Davis of the RAND National Defense Research Institute has defined it in the context of Department of Defense planning. Davis writes:

Capabilities-based planning is planning, under uncertainty, to provide capabilities suitable for a wide range of modern-day challenges and circumstances, while working within an economic framework. This seemingly innocuous definition has three important features. First, the notion of planning under uncertainty appears in the very first clause: uncertainty is fundamental, not a mere annoyance to be swept under the rug. Second, the idea is to develop capabilities—i.e., the general potential or wherewithal—to deal effectively not just with a well defined single problem, but with a host of potential challenges and circumstances... Third, this is to be done not with the largesse of a blank-check policy (preparing for anything that might conceivably arise), but rather while working within an economic framework.<sup>18</sup>

FEMA has created a similar definition in the context of emergency management. FEMA writes:

Planning, under uncertainty, to provide capabilities suitable for a wide range of threats and hazards while working within an economic framework that necessitates prioritization and choice. Capabilities-based planning addresses uncertainty by analyzing a wide range of scenarios to identify required capabilities.<sup>19</sup>

In theory, an advantage of capability-based planning is that it is scalable and flexible enough to meet the unique and unanticipated challenges of an unknown set of threats and disasters. The use of capability-based planning, however, does not preclude the use of specific scenario plans. For example, the HSPD-8 planning process included scenario planning into the approach and released several specific disaster scenario plans, but this was mainly done as a means of identifying the range of possible capabilities required for the nation to be safe. However, if the planning becomes too focused on specific scenarios, Davis notes that the plans often become “characterized by a fixation on particular enemies, particular wars, and particular assumptions about those wars—a fixation that comes at the expense of more flexible and adaptive planning.”<sup>20</sup>

Given the theoretical flexibility of capability-based planning, it is an apt planning method for developing “all hazard” preparedness policy. The Robert T. Stafford Disaster Relief and Emergency Assistance Act (P.L. 93-288, hereafter the Stafford Act) defines “hazard” as any emergency or disaster resulting from a natural disaster or an accidental or man-caused event.<sup>21</sup> PKEMRA adopts the same definition, and stipulates further that the national preparedness system

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<sup>16</sup> Implementation Plan for PPD-8, p. 2.

<sup>17</sup> For a description of this connection, see Sharon L. Claude, “Homeland Security Capabilities-Based Planning: Lessons from the Defense Community,” *Homeland Security Affairs*, vol. I, no. 2 (Article 2, 2005).

<sup>18</sup> Paul K. Davis, *Analytic Architecture for Capabilities-Based Planning, Mission-System Analysis, and Transformation*, RAND National Defense Research Institute, Prepared for Office of the Secretary of Defense, Santa Monica, CA, 2002, pp. 1-2, [http://www.rand.org/pubs/monograph\\_reports/MR1513](http://www.rand.org/pubs/monograph_reports/MR1513).

<sup>19</sup> Federal Emergency Management Agency, *Comprehensive Preparedness Guide 101: Developing and Maintaining Emergency Operations Plans* Version 2.0, Washington, DC, November 2010, p. B-2, [http://www.fema.gov/pdf/about/divisions/npd/CPG\\_101\\_V2.pdf](http://www.fema.gov/pdf/about/divisions/npd/CPG_101_V2.pdf).

<sup>20</sup> *Ibid.*, p. 8.

<sup>21</sup> 42 U.S.C. §5195(a).

should be established “in order to prepare the Nation for all hazards, including natural disasters, acts of terrorism, and other man-made disasters....”<sup>22</sup> Despite the broad inclusiveness of “all hazard” preparedness policy, many types of hazards may not be fully accounted for under this policy. For instance, there are “slow-onset” natural hazards<sup>23</sup> that will likely go unaddressed by the policies of PPD-8, as their time horizon is better handled through traditional land-use, urban development, environmental, or economic policy.<sup>24</sup> Further, though included under the hazard definition, “accidental” or technological disasters may be beyond the scope of some mission areas of national preparedness policy, especially in preventing and protecting against those hazards. Disasters like oil spills, electrical blackouts, train derailments, and dam collapses that are caused by human error or technological failures are often prevented and protected against through government and private-sector regulatory and safety procedures. Therefore, it is likely that PPD-8 policies will guide how the nation responds to and recovers from technological hazards, but it is unlikely that PPD-8 policies would encompass or replace the established procedures for preventing and protecting against these types of hazards.

## **Current Status of PPD-8 Implementation**

In addition to the main Directive, an Implementation Plan for PPD-8 and the National Preparedness Goal were completed in 2011. Two of the National Planning Frameworks are also complete.<sup>25</sup> Multiple component PPD-8 policy documents are still being developed. **Table 1** summarizes the purpose and current status of the PPD-8 supporting documents.

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<sup>22</sup> 6 U.S.C. §742

<sup>23</sup> Though loosely defined, slow-onset disasters include threats like extended droughts, famines, gradual sea-level rise, and desertification (the expansion of arid or uninhabitable land).

<sup>24</sup> The National Mitigation Framework, discussed further on p. 17, may discuss some land-use and environmental policies, it is likely to do so in the context of mitigating the effects of immediate-onset natural disasters, as opposed to slow-onset.

<sup>25</sup> However, the National Response Framework may be revised to fit PPD-8 requirements. See “Content of the Frameworks.”

**Table I. Status of PPD-8 Component Policy Documents**

Title	Purpose	Status	Related PKEMRA Requirement
Implementation Plan to PPD-8	Guides the execution of PPD-8 by expanding upon the purpose of the required directed actions. Assigns responsibilities in the Executive Branch to develop the elements of the Directive. Sets deadlines for steps in the implementation process and the issuance of supporting policy documents to PPD-8.	Completed, May 2011	N/A
National Preparedness Goal	Provides the end-state objective for national preparedness. Identifies the required capabilities to achieve the end-state goal.	Completed, September 2011	6 U.S.C. §743
National Preparedness System Description	Will identify and describe all elements of the national preparedness system that are needed to execute the required capabilities.	Due November 24, 2011	6 U.S.C. §744
National Preparedness Report	Provides an annual report on the progress of the nation in achieving the National Preparedness Goal. The Report will be provided the President and appropriate committees of Congress. Acts as a “status report” on where the Executive Branch is in developing the needed capabilities in fulfillment of PKEMRA reporting requirements.	Due March 30, 2012	6 U.S.C. §752
National Planning Frameworks	Assigns key roles and responsibilities to Executive Branch agencies to provide the necessary capabilities for each mission area. Develops plans for leveraging the resources and authorities of states, local governments, the private and non-profit sectors, and the public in each mission area.	Due June 30, 2012	
<ul style="list-style-type: none"> <li>• National Prevention Framework</li> </ul>	Identifies capabilities necessary to avoid, prevent, or stop a threatened or actual act of terrorism. These capabilities include, but not limited to, information sharing and warning; domestic counterterrorism activities; and preventing the acquisition or use of weapons of mass destruction (WMD).	Due June 30, 2012	N/A
<ul style="list-style-type: none"> <li>• National Protection Framework</li> </ul>	Identifies capabilities necessary to secure the nation against acts of terrorism, and manmade or natural disasters. These capabilities include, but not limited to, defense against WMD threats; defense of agriculture and food threats; critical infrastructure protection; key leadership and events protection; border security; maritime security; transportation security; immigration security; and cybersecurity.	Due June 30, 2012	N/A
<ul style="list-style-type: none"> <li>• National Mitigation Framework</li> </ul>	Identifies capabilities necessary to reduce loss of life and property by lessening the impact of disasters. These capabilities include, but not limited to, community-wide risk reduction projects; improving resilience of critical infrastructure and key resources; risk reduction for specific vulnerabilities from natural disasters and acts of terrorism; and initiatives to reduce future risks after a disaster.	Due June 30, 2012	N/A
<ul style="list-style-type: none"> <li>• National Response Framework</li> </ul>	Identifies capabilities necessary to save lives, protect property and the environment, and meet basic human needs after a disaster.	Existing edition completed January 2008	6 U.S.C. §319

Title	Purpose	Status	Related PKEMRA Requirement
<ul style="list-style-type: none"> <li>National Disaster Recovery Framework</li> </ul>	Identifies capabilities necessary to assist communities affected by a disaster to effectively recover, including, but not limited to, rebuilding infrastructure; providing adequate interim and long-term housing; restoring health, social, and community services; promoting economic development; and restoring natural and cultural resources.	Completed, September 2011	6 U.S.C. §771
Interagency Operational Plans	Accompany each National Planning Framework. Include a detailed concept of operations (CONOPs), detailed task lists, and equipment/resource requirements.	September 25, 2012	6 U.S.C. §753(b)

**Source:** P.L. 109-295, PPD-8, the Implementation Plan for PPD-8, and the National Preparedness Goal.

## National Preparedness Goal

During the development of the National Preparedness Goal, FEMA solicited public comments on a draft version in late August, early September of 2011.<sup>26</sup> The draft was then revised, and the final version of the Goal was released in late September. The end-state objective for national preparedness, as identified in the finalized National Preparedness Goal, is:

A secure and resilient Nation with the capabilities required across the whole community to prevent, protect against, mitigate, respond to, and recover from the threats and hazards that pose the greatest risk.<sup>27</sup>

The end state objective in PPD-8 does not dramatically differ from that of HSPD-8.<sup>28</sup> However, PPD-8 notably differs from HSPD-8 in that it addresses mitigating threats and hazards.<sup>29</sup> This places added emphasis on reducing the consequence of potential disasters, both before and after an incident, by increasing the nation's overall resilience to adversity. As defined in the Directive, mitigation includes capabilities both before and after a disaster, that transcend the preparedness spectrum.<sup>30</sup> On one hand, some might argue that having a separate mission area for mitigation will provide heightened awareness of its importance in each of the other mission areas, leading to a nation that is efficiently mitigating all hazards. Conversely, one could argue that isolating mitigation capabilities in a separate mission may lead those capabilities to being ignored or overlooked by the stakeholders of the other mission areas, even though they are capabilities that should be employed in all phases of the preparedness cycle.

To understand the conceptual importance of this shift, it may be useful to think of the process of building a house. The objective statement of the National Preparedness Goal represents the architect's drawing of the house. At this stage, the drawing is scant in detail, but it illustrates the architect's general vision for how the house will look when completed. With the inclusion of mitigation as an element of the national preparedness goal, PPD-8 has added something akin to a new floor in the architectural drawing. It is hard to assess the value of adding this floor to the design at this point in time, but it is worth noting as a distinct evolution from HSPD-8.

In addition to defining the end-state objective, the National Preparedness Goal also identifies the set of core capabilities needed to reach the end-state objective in each of the mission areas of prevention, protection, mitigation, response, and recovery. The Goal also identifies preliminary

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<sup>26</sup> See Federal Emergency Management Agency, *National Preparedness Goal*, National Review Draft, Washington, DC, August 2011, <http://www.fema.gov/prepared/ppd8.shtm>. Hereinafter document will be referenced in footnotes as National Preparedness Goal, National Review Draft.

<sup>27</sup> Department of Homeland Security, *National Preparedness Goal*, First Edition, Washington, DC, September 2011, p. 1, <http://www.fema.gov/pdf/prepared/npg.pdf>. Hereinafter document will be referenced in footnotes as National Preparedness Goal.

<sup>28</sup> Under HSPD-8, the goal was:

To achieve and sustain risk-based target levels of capability to prevent, protect against, respond to, and recover from major events, and to minimize their impact on lives, property, and the economy, through systematic and prioritized efforts by Federal, State, local and tribal entities, their private and non-governmental partners, and the general public.

<sup>29</sup> PPD-8's inclusion of mitigation arguably conforms more closely with the intention of PKEMRA. See 6 U.S.C. §743(a).

<sup>30</sup> PP. 6 of PPD-8.

target levels for these capabilities. Through a capability-based planning process, 32 different core capabilities were identified across the five mission areas of the National Preparedness Goal. Three core capabilities were identified as being required in all mission areas. The core capabilities are listed in table 2 of the National Preparedness Goal (also provided in **Table 2** of this report). By comparison, the HSPD-8 Target Capability List had five common capabilities and 29 capabilities across four mission areas. The National Preparedness Goal suggests that FEMA will provide a “cross-walk” of the two lists on its website, but one has yet to be provided.<sup>31</sup> One example of a PPD-8 core capability is “Access Control and Identity Verification” in the protection mission area. In order to protect the nation against all hazards, the nation must be able to “Apply a broad range of physical, technological, and cyber measures to control admittance to critical locations and systems, limiting access to authorized individuals to carry out legitimate activities.”<sup>32</sup>

PPD-8 also evolved from HSPD-8 by altering the process used to identify the set of national capabilities. Both HSPD-8 and PPD-8 used a capability-based planning approach, but HSPD-8 relied more heavily on a set of national scenarios to derive the capabilities necessary for national preparedness during the planning process. PKEMRA states that the President “may” include National Planning Scenarios in development of preparedness policy, but does not explicitly require their usage.<sup>33</sup> Under HSPD-8, 15 different National Planning Scenarios were developed that helped identify the capabilities needed for national preparedness.<sup>34</sup> In contrast, PPD-8 policy does not appear to use Planning Scenarios extensively to help identify capabilities for the Goal, nor is there mention that scenarios will be used in the future. In the draft of the PPD-8 National Preparedness Goal, there was mention of a “meta-scenario” that was used to define the capabilities needed for response and recovery.<sup>35</sup> This meta-scenario was not mentioned specifically in the final version of the Goal, and appears to have been simplified in text to a “no-notice, cascading incident”.<sup>36</sup> However, the meta-scenario may still have been used as a template for Administration officials to develop the capability list.

In addition to the possible use of the meta-scenario, a “Strategic National Risk Assessment” was completed to help identify capabilities. In PPD-8, the President mandated that

The Secretary of Homeland Security will conduct a strategic, national-level risk assessment to identify the relevant risk factors that guide where core capabilities are needed and develop a list of the capabilities and associated performance objectives for all hazards that will measure progress toward their achievement. The national risk assessment should build on

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<sup>31</sup> See National Preparedness Goal, p. 3, footnote 4. The “Latest Updates” section of the FEMA PPD-8 website indicates this document will be online soon, see <http://www.fema.gov/prepared/ppd8.shtm>.

<sup>32</sup> National Preparedness Goal, p. 7.

<sup>33</sup> 6 U.S.C. §744(c) and 745.

<sup>34</sup> See [http://www.fema.gov/pdf/media/factsheets/2009/npd\\_natl\\_plan\\_scenario.pdf](http://www.fema.gov/pdf/media/factsheets/2009/npd_natl_plan_scenario.pdf).

<sup>35</sup> On p. 6 of the National Preparedness Goal, National Review Draft, the meta-scenario is described as:

There is a no-notice event impacting a population of seven million within a 25 thousand square mile area. The impacted area includes several states across multiple regions. Severe damage is projected to critical infrastructure including essential transportation infrastructure. Ingress and egress options are severely limited. The projected number of fatalities is 195,000 during the initial hours of the event. It is projected that 265,000 survivors will require emergency medical attention. At least 25 percent of the impacted population will require mass care, emergency sheltering, and housing assistance.

<sup>36</sup> National Preparedness Goal, p. 4.

and integrate current models and best practices to enable the national assessment to be applied regionally and on a local level, as appropriate and practicable. The Director of National Intelligence and Attorney General will provide relevant and appropriate terrorism-related intelligence information to the Secretary of Homeland Security for the development of the risk assessment.

An extensive description of the risk methodology used in this assessment is not publically available.<sup>37</sup> Also, the complete results of the Assessment are classified.<sup>38</sup> However, the Goal mentions several broad key findings, such as that “Cyber attacks can have their own catastrophic consequences and can also initiate other hazards, such as power grid failures or financial system failures, which magnify the potential impact of cyber incidents.”<sup>39</sup> It is difficult to assess the value of these findings in identifying necessary capabilities without access to the classified version of the Assessment. However, on the surface, these findings appear to be too broad for them to be substantially helpful in identifying capabilities needed in any of the mission areas.

Returning to the metaphor of the house, the process used by National Preparedness Goal to identify capabilities is like the development of a engineering blue print from the architect’s drawing of that house. The engineering blue print adds considerable detail to the plan by identifying the core features of the house, such as the plumbing, the electrical wiring, and the masonry walls. Therefore, in assessing the blueprint, the construction foreman knows that in order to build the house, he will need the capability to install plumbing, construct masonry structures, or safely install electrical wiring. The provided example capability, “Access Control and Identity Verification,” is like the capability to install plumbing—it is a necessary set of activities that the nation needs to be able to perform successfully in order to reach the end-state objective of a secure and resilient nation. At this point in the process, the Goal has identified what type of house the administration would like to build, its key features, and the needed capabilities to construct the house. It has yet to identify who, how, and with what tools and resources, these capabilities will be accomplished. That part of the policy is developed in the National Preparedness System, namely through the National Planning Frameworks and companion interagency operational plans.

## National Planning Frameworks

The National Preparedness System has numerous elements, but a series of five National Planning Frameworks will arguably be most significant for overall preparedness policy. The Frameworks, one for each mission area of national preparedness, are to assign key roles and responsibilities to federal agencies and help determine how limited resources and authorities are applied to develop national preparedness. HSPD-8 only specifically called for one document, the National Response Plan, which is the predecessor to the National Response Framework. PPD-8 states:

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<sup>37</sup> The methodology used by DHS for the analysis has a considerable impact on the specificity and types of results that could be produced in the assessment. For a full discussion on risk analysis in DHS, see Committee to Review the Department of Homeland Security’s Approach to Risk Analysis; National Research Council, *Review of the Department of Homeland Security’s Approach to Risk Analysis* (Washington, DC: The National Academies Press, 2010), [http://www.nap.edu/catalog.php?record\\_id=12972](http://www.nap.edu/catalog.php?record_id=12972).

<sup>38</sup> See National Preparedness Goal, p. 3, footnote 6. A more comprehensive description of the Strategic National Risk Assessment may be available online soon, according to the “Latest Updates” section of the FEMA website on PPD-8. See <http://www.fema.gov/prepared/ppd8.shtm>.

<sup>39</sup> National Preparedness Goal, p. 4.

“The frameworks shall be built upon scalable, flexible, and adaptable coordinating structures to align key roles and responsibilities to deliver the necessary capabilities. The frameworks shall be coordinated under a unified system with a common terminology and approach, built around basic plans that support the all-hazards approach to preparedness and functional or incident annexes to describe any unique requirements for particular threats or scenarios, as needed. Each framework shall describe how actions taken in the framework are coordinated with relevant actions described in the other frameworks across the preparedness spectrum.”<sup>40</sup>

Unlike HSPD-8, the key terms prevention, protection, mitigation, response, and recovery have been defined in PPD-8. In the Implementation Plan, each Framework has also been assigned to an Interagency Policy Committee (IPC) of the National Security Council (NSC).<sup>41</sup> The assigned IPC is to oversee the policy coordination of the Frameworks, and provide a forum for resolving policy disputes that may arise in their development. The lead federal government officials have also been designated for each Framework in the Implementation Plan. The National Preparedness Goal lists the capabilities of each Framework mission area, and elaborates further on the definitions of the mission area.<sup>42</sup> This information is summarized in **Table 2** of the report.

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<sup>40</sup> PPD-8, p. 3.

<sup>41</sup> An IPC is described on p. 5 of Presidential Policy Directive 1 as “the main day-to-day fora for interagency coordination of national security policy. They shall provide policy analysis for consideration by the more senior committees of the NSC system and ensure timely responses to decisions made by the President.” Specific descriptions of the purpose of each IPC were not provided by the White House. See White House, *Presidential Policy Directive 1: Organization of the National Security Council*, Washington, DC, February 13, 2009. IPCs replace “Policy Coordination Committees” of the George W. Bush Administration. For more on the purpose and history of the National Security Council, see CRS Report RL30840, *The National Security Council: An Organizational Assessment*, by Richard A. Best Jr.

<sup>42</sup> National Preparedness Goal, p. 4-18.

**Table 2. Summary of the National Planning Frameworks**

Title	Interagency Policy Committee <sup>a</sup>	Federal Leadership <sup>a</sup>	Core Capabilities <sup>b</sup>	Definition of Mission Area <sup>c</sup>
National Prevention Framework	Counterterrorism Security Group	Attorney General, Secretary of Homeland Security, and Director of National Intelligence	Forensics & Attribution; Intelligence & Information Sharing; Interdiction & Disruption; Search & Detection.	The term “prevention” refers to those capabilities necessary to avoid, prevent, or stop a threatened or actual act of terrorism. Prevention capabilities include, but are not limited to, information sharing and warning; domestic counterterrorism; and preventing the acquisition or use of weapons of mass destruction (WMD). For purposes of the prevention Framework called for in this directive, the term “prevention” refers to preventing imminent threats. <sup>d</sup>
National Protection Framework	Transborder Security Group	Secretary of Homeland Security <sup>e</sup>	Access Control and Identity Verification; Cyber-security; Intelligence & Information Sharing; Interdiction & Disruption; Physical Protective Measures; Risk Management for Protection Programs and Activities; Screening, Search, and Detection; Supply Chain Integrity and Security.	The term “protection” refers to those capabilities necessary to secure the homeland against acts of terrorism and manmade or natural disasters. Protection capabilities include, but are not limited to, defense against WMD threats; defense of agriculture and food; critical infrastructure protection; protection of key leadership and events; border security; maritime security; transportation security; immigration security; and cybersecurity.
National Mitigation Framework	Domestic Resilience Group	Secretary of Homeland Security	Community Resilience; Long-Term Vulnerability Reduction; Risk and Disaster Resilience Assessment; Threats and Hazard Identification.	The term “mitigation” refers to those capabilities necessary to reduce loss of life and property by lessening the impact of disasters. Mitigation capabilities include, but are not limited to, community-wide risk reduction projects; efforts to improve the resilience of critical infrastructure and key resource lifelines; risk reduction for specific vulnerabilities from natural hazards or acts of terrorism; and initiatives to reduce future risks after a disaster has occurred.
National Response Framework	Domestic Resilience Group	Secretary of Homeland Security	Critical Transportation; Environmental Response/Health and Safety; Fatality Management Services; Infrastructure Systems; Mass Care Services; Mass Search and Rescue Operations; On-Scene Security and Protection; Operational Communication; Public and Private Services and Resources; Situational Assessment.	The term “response” refers to those capabilities necessary to save lives, protect property and the environment, and meet basic human needs after an incident has occurred. <sup>d</sup>

Title	Interagency Policy Committee <sup>a</sup>	Federal Leadership <sup>a</sup>	Core Capabilities <sup>b</sup>	Definition of Mission Area <sup>c</sup>
National Disaster Recovery Framework	Domestic Resilience Group	Secretary of Homeland Security, Secretary of Housing and Urban Development	Economic Recovery; Health and Social Services; Housing; Infrastructure Systems; Natural and Cultural Resources Recovery	The term “recovery” refers to those capabilities necessary to assist communities affected by an incident to recover effectively, including, but not limited to, rebuilding infrastructure systems; providing adequate interim and long-term housing for survivors; restoring health, social, and community services; promoting economic development; and restoring natural and cultural resources.

**Sources:** White House, *Presidential Policy Directive 8: National Preparedness*, Washington, DC, March 30, 2011, [http://www.dhs.gov/xabout/laws/gc\\_1215444247124.shtm](http://www.dhs.gov/xabout/laws/gc_1215444247124.shtm); White House, *Implementation Plan for Presidential Policy Directive 8: National Preparedness*, Washington, DC, May 2011; Federal Emergency Management Agency, *National Preparedness Goal*, National Review Draft, Washington, DC, August 2011, <http://www.fema.gov/pdf/prepared/npdg.pdf>.

- a. This information is found on pp. 8-10 of the Implementation Plan.
- b. This information is found on p. 2 of the National Preparedness Goal. Planning, Public Information and Warning, and Operational Coordination are capabilities needed in all mission areas.
- c. These definitions are found on p. 6 of the PPD-8. Additional explanation of the mission areas definitions are provided on p. 4-18 of the National Preparedness Goal.
- d. Page 9 of the *Implementation Plan* draws a further distinction between the terms response and prevention. It states: “ ‘Response’ will not include capabilities related to law enforcement investigative and intelligence response to a threatened or actual terrorism event, which are covered under Prevention and in the National Prevention Framework. The prevention and response Frameworks will include language describing how investigation and intelligence actions taken during a threatened or actual terrorism event align with response actions taken under the National Response Framework.”
- e. Except defense activities, which are the responsibility of the Secretary of Defense. This will likely involve the protection of the defense industrial base.

Though PPD-8 describes the Frameworks as being part of a cycle of preparedness, the capabilities covered under each Framework are not necessarily aligned in a chronological order. Prevention capabilities do not always precede protection capabilities, protection does not always precede response, and so forth. For example, the National Prevention Framework is to cover capabilities that may be necessary both before and after the traditional response phase to a disaster.<sup>43</sup> In particular, the National Mitigation Framework encompasses capabilities that are necessary in all four other focus areas, as it deals with the long-term activities to reduce hazard risk and vulnerability by increasing the nation's resilience. Further, three core capabilities are required under all of the Frameworks.<sup>44</sup>

In order to achieve the core capabilities, the Frameworks are not intended to rely solely on the appropriated resources of the federal government, or the authority from any one statute. As discussed earlier, PPD-8 has the authority to direct federal authorities and resources in the provision of the capabilities, but can only provide guidance to the rest of the nation. Through this national guidance, PPD-8 aims to leverage national resources and authorities from state and local governments, private and nonprofit sectors, and the public for the delivery of these core capabilities. At a federal level, leveraged authorities and resources may come from a variety of legislative sources.<sup>45</sup>

Ultimately, these Frameworks may help operationalize the Directive's strategic guidance for the majority of stakeholders in federal, state, and local emergency management and homeland security agencies. Each Framework is to be accompanied by an interagency operational plan that includes "a more detailed concept of operations; description of critical tasks and responsibilities; detailed resource, personnel, and sourcing requirements; and specific provisions for the rapid integration of resources and personnel."<sup>46</sup> Though the Frameworks themselves serve as a guide for the whole nation, it is anticipated that the interagency operational plan will only be prescriptive to the federal government.

Returning again to the homebuilding metaphor, one can think of the national authorities and resources leveraged by the Frameworks as the very large set of specialized construction equipment and tools that are required to build a house. Some of the tools are fundamental to the construction project, such as a hammer, just like many authorities, such as the Stafford Act, will be fundamental to many of the Frameworks. The interagency operational plans are analogous to basic instructions on how to use the equipment for the execution of certain capabilities in the building of the house.

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<sup>43</sup> The Prevention Framework is to include capabilities needed to conduct investigations following a terrorist attack during the response phase to a disaster (Implementation Plan, p. 9).

<sup>44</sup> They are "Planning," "Public Information and Warning," and "Operational Coordination."

<sup>45</sup> For instance, the National Prevention Framework will probably leverage authorities stemming from legislation including, but not limited to, the Intelligence Reform and Terrorism Prevention Act (P.L. 108-458), the Implementing Recommendations of the 9/11 Commission Act of 2007 (P.L. 110-53), and establishing legislation for the national intelligence and law enforcement agencies. The National Response Framework lists 15 principle emergency authorities, 48 other statutory authorities and regulations, 17 executive orders, and 20 presidential directives as guiding the structure, development, and implementation of the NRF. For a full list, see U.S. Department of Homeland Security, Federal Emergency Management Agency, *National Response Framework: List of Authorities and References*, January 2008, pp. 1-16, <http://www.fema.gov/pdf/emergency/nrf/nrf-authorities.pdf>.

<sup>46</sup> PPD-8, p.3.

Another way of conceptualizing the hierarchy of national preparedness policies is through a commonly used pyramid structure. **Figure 1** displays the difference between levels of preparedness planning. For national preparedness policy, the strategic level of planning is provided by the main PPD-8 document, the Implementation Plan, and the National Preparedness Goal. The National Planning Frameworks and the other elements of the National Preparedness System are to establish the operational level of the planning pyramid, and they begin to shape the tactical level of planning for the federal government in the accompanying interagency operational plans. However, the majority of tactical level planning would be beyond the scope of any PPD-8 policy, as it necessitates level of detail and specificity that cannot be generalized nationally. In a sense, the National Planning Frameworks are to translate the strategic vision of the National Preparedness Goal into a more accessible, though detailed, set of directions for stakeholders on how the nation should prepare for disasters.

**Figure 1. Relationship between Strategic, Operational, and Tactical Planning**



**Source:** Federal Emergency Management Agency, Comprehensive Preparedness Guide 101: Developing and Maintaining Emergency Operations Plans Version 2.0, Washington, DC, November 2010, pp. 1-5, [http://www.fema.gov/pdf/about/divisions/npd/CPG\\_101\\_V2.pdf](http://www.fema.gov/pdf/about/divisions/npd/CPG_101_V2.pdf).

## Content of the Frameworks<sup>47</sup>

**Table 2** summarizes the key information available on each Framework called for under PPD-8, its Implementation Plan, and the National Preparedness Goal. Using this information as a baseline, this section of the report discusses the content of the Frameworks, and identifies potential policy issues and challenges associated with their development and content. The Implementation Plan stipulates that the Frameworks should “build on and leverage established relevant planning

<sup>47</sup> Because this section is predictive in nature, it cannot be absolutely authoritative. The suppositions and predictive analysis are based on the expertise of CRS analysts.

documents wherever possible.”<sup>48</sup> The National Disaster Recovery Framework (NDRF) has already been released under PPD-8, and its content and structure may help predict the remaining Frameworks.<sup>49</sup> Two other Frameworks have existing policy documents that can serve as precedent. The National Response Framework (NRF) will probably remain as is or be updated from its current version,<sup>50</sup> and the National Infrastructure Protection Plan (NIPP) will likely serve as a baseline document for the creation of the National Protection Framework.<sup>51</sup> The remaining documents, the National Prevention Framework and the National Mitigation Framework, do not have equally significant precedent, and therefore their content is more difficult to predict.

## **Coordinating Structure and the Support Function Model**

PPD-8 states that the Frameworks “shall be built upon scalable, flexible, and adaptable coordinating structures to align key roles and responsibilities to deliver the necessary capabilities.”<sup>52</sup> Extrapolating from existing precedent, there is an existing coordinating structure that could be adopted in all of the Frameworks—the Support Function model used by the NRF and NDRF. There are other alternatives, such as the Sector Specific Agency coordinating model of the NIPP,<sup>53</sup> but the Support Function model is most applicable to the capability-based planning approach of the Directive. No matter what coordinating structure is used to align responsibilities, it may be applied consistently throughout all the Frameworks, in adherence to the policy guidance that all of the Frameworks should be “coordinated under a unified system with a common terminology and approach.”<sup>54</sup>

Therefore, it is anticipated that the NRF and NDRF support function structure will be adopted in the remaining Frameworks. Support functions are essentially teams of federal agencies working together to accomplish a set of core capabilities in a particular mission area. Returning to the house metaphor, one can think of a support function as the team of plumbers who are assigned to install the plumbing for the house. For example, in the NRF, Emergency Support Function (ESF) #9 is “Search and Rescue” and it unifies federal agencies with the appropriate resources and authorities to conduct search and rescue operations following a hurricane, earthquake, or other disaster. Similarly, the Recovery Support Function (RSF) “Infrastructure Systems” of the NDRF will create a team of federal agencies with appropriate resources and authorities in order to provide the core capability of “Infrastructure Systems” in the recovery mission. Support functions typically have one coordinating agency (often imprecisely referenced to as the “lead” agency), several primary agencies, and many more support agencies; each with a decreasing amount of

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<sup>48</sup> *Implementation Plan*, p. 4.

<sup>49</sup> Department of Homeland Security, *National Disaster Recovery Framework*, Washington, DC, September 2011, <http://www.fema.gov/pdf/recoveryFramework/ndrf.pdf>.

<sup>50</sup> Department of Homeland Security, *National Response Framework*, Washington, DC, January 2008, <http://www.fema.gov/pdf/emergency/nrf/nrf-core.pdf>.

<sup>51</sup> Department of Homeland Security, *National Infrastructure Protection Plan: Partnering to Enhance Protection and Resiliency*, Washington, DC, 2009, [http://www.dhs.gov/xlibrary/assets/NIPP\\_Plan.pdf](http://www.dhs.gov/xlibrary/assets/NIPP_Plan.pdf).

<sup>52</sup> PPD-8, p. 3.

<sup>53</sup> The Sector, or Sector-Specific Agency model, of the NIPP aligns responsibilities by physical or subject area of expertise, as opposed to capabilities. For instance, the Environmental Protection Agency is assigned as the Sector Specific Agency for the water sector because of their leading expertise on all matters relating to water infrastructure, regardless of capability. For more on this approach, see CRS Report RL30153, *Critical Infrastructures: Background, Policy, and Implementation*, by John D. Moteff.

<sup>54</sup> PPD-8, p. 3.

responsibility and relevant authorities, resources, and expertise relating to the core capabilities of the support function.<sup>55</sup> If the model of the NDRF is followed in the remaining Frameworks, there may be a support function paired to each capability. However, this is not the model adopted under the current version of the NRF, which was released prior to PPD-8.

## **National Prevention Framework**

Unlike the other Frameworks that focus on all potential sources of major hazards, the National Prevention Framework is to focus only on preventing an imminent terrorist threat in the homeland. This Framework may discuss how the nation will “connect the dots” of terrorism intelligence, and how actionable intelligence would be shared with stakeholders in order to prevent or disrupt these imminent threats. It may also cover how the nation would detect and interdict “sleeper cells” or “lone wolf” terrorists before they initiate a terrorist attack. It is likely that the Framework will leverage the current policies of the information sharing environment, and existing prevention resources such as the National Counterterrorism Center and associated fusion centers.<sup>56</sup> In the event of a foiled or successful terrorist attack, the Framework could also address the capabilities needed to investigate and find the persons responsible for the attack. Because of its restriction to imminent threats, it is unlikely to deal with longer-term issues such as countering violent extremism.<sup>57</sup>

## ***Potential Issues and Challenges***

- Counterterrorism efforts require close coordination between domestic and international security activities. What impact will the Framework have on international efforts to prevent terrorism by the State Department, Department of Defense, and national intelligence agencies? How will the Framework be coordinated with these existing counterterrorism and intelligence efforts?
- There are a multitude of federal agencies, especially within the Departments of Homeland Security and Justice, with intelligence and law enforcement authorities and resources.<sup>58</sup> It may be particularly challenging to coordinate their available resources and assign responsibilities in this Framework. For instance, how will the roles and responsibilities of the Director of National Intelligence or the Director of the Central Intelligence Agency be delineated from the Attorney General and Director of the Federal Bureau of Investigation, or from the DHS Secretary and Undersecretary of Intelligence and Analysis?

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<sup>55</sup> For a description of how this applies in the NRF, see Federal Emergency Management Agency, *Emergency Support Function Annexes: Introduction*, Washington, DC, January 2008, <http://www.fema.gov/pdf/emergency/nrf/nrf-esf-intro.pdf>.

<sup>56</sup> For more on this topic, see CRS Report R40901, *Terrorism Information Sharing and the Nationwide Suspicious Activity Report Initiative: Background and Issues for Congress*, by Jerome P. Bjelopera.

<sup>57</sup> For more on this issue, see White House, *Empowering Local Partners to Prevent Violent Extremism in the United States*, Washington, DC, August 2011.

<sup>58</sup> An abbreviated list of federal agencies that may be included in the Framework are the: Bureau of Alcohol, Tobacco, Firearms and Explosives; Central Intelligence Agency; Customs and Border Patrol; Department of Defense intelligence agencies; Drug Enforcement Agency; Federal Bureau of Investigation; National Security Agency; National Protection and Programs Directorate, Office of Intelligence and Analysis; Transportation Security Administration; and the U.S. Coast Guard.

## National Protection Framework

The National Protection Framework is to encompass a wide range of homeland security topics, including critical infrastructure and key resource security and protection; border and immigration security; supply chain security; cyber security; the detection and interdiction of weapons of mass destruction; and continuity of operations/government. Arguably, it is the Framework with the broadest portfolio of responsibilities, though this is not reflected in a simple numeric count of assigned core capabilities. The National Infrastructure Protection Plan (NIPP) may serve as a baseline for the infrastructure security and protection issues, but numerous other policy documents and initiatives will probably be leveraged in the development of the Framework.<sup>59</sup>

### *Potential Issues and Challenges*

- Can all the potential topics of the Framework, and their associated resources and authorities, be reasonably addressed in a single scalable, flexible coordinating structure? Will relatively “small” topics like continuity of operations/government be isolated or overlooked given the immense scope of the Framework?
- Can the focus of the Framework be appropriately shared across the spectrum of natural and human-made hazards? Will traditional protection measures against natural hazards, such as reinforced bridges for earthquakes or levee systems for floods, be neglected if the focus of the Framework shifts to protecting the border, cyber security, and transportation security? Or vice versa?
- Will the Framework create risk-based priorities for federal protection resources, and if so, will these priorities be reflected in preparedness grant programs targeted at prevention and in other elements of the National Preparedness System?

## National Mitigation Framework

The content of the National Mitigation Framework may be the most difficult to predict. As defined in PPD-8, mitigation includes capabilities both before and after a disaster.<sup>60</sup> The National Preparedness Goal further asserts that “Spanning across community planning, critical infrastructure, public health, and future land use, mitigation requires an understanding of the threats and hazards that, in turn, feed into the assessment of risk and disaster resilience in the community.”<sup>61</sup> FEMA has been the lead agency working in the traditional field of hazard

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<sup>59</sup> A few examples include

- On continuity of operations; Federal Emergency Management Agency, *Federal Continuity Directive 1: Federal Executive Branch National Continuity Program and Requirements*, February 2008, <http://www.fema.gov/pdf/about/offices/fcd1.pdf>.
- On supply chain security; Department of Homeland Security, *Strategy for International Supply Chain Security*, Washington, DC, July 2007, <http://www.dhs.gov/xlibrary/assets/ply-international-supply-chain-security-strategy.pdf>. This document is currently being revised.
- On cyber security; the White House led “Comprehensive National Cybersecurity Initiative,” see <http://www.whitehouse.gov/cybersecurity/comprehensive-national-cybersecurity-initiative>.

<sup>60</sup> PPD-8, p. 6.

<sup>61</sup> National Preparedness Goal, p. 9.

mitigation.<sup>62</sup> However, the policies advocated in PPD-8 and Goal appear to widen the scope of traditional hazard mitigation to include land use, environmental, infrastructure, and health policy. This expansion could lead to the extensive involvement of non-traditional partners, authorities, and resources that are typically associated with “normal” rural and urban development.

### ***Potential Issues and Challenges***

- A majority of states already have hazard mitigation plans, as a result of FEMA grants and financial incentives.<sup>63</sup> How will the Framework incorporate the consistent elements of these mitigation plans? Will the creation of the Framework impact the design of the state plans, or necessitate their revision? If so, how?
- In floodplain management, the nation attempts to mitigate flood damage through the construction of levees to protect areas within certain zones of risk, namely areas with 1%-annual-chance-of-flooding.<sup>64</sup> What levels of risk will the National Mitigation Framework use to dictate mitigation measures for other threats and hazards? Will the 1%-annual-chance standard be applied to mitigating terrorist events, or earthquakes, or pandemics as well?

### **National Response Framework**

The National Response Framework (NRF) was finalized in 2008.<sup>65</sup> The NRF is the latest iteration of an evolutionary chain of policy documents that guided how the nation responded in the immediate aftermath of an incident.<sup>66</sup> The Administration may determine that the current NRF is sufficient to fulfill the mission detailed under PPD-8, but there are two major reasons why it could be revised instead. First, it may be necessary to develop protocols on how response operations are transitioned to recovery operations of the NDRF, as well as how the NRF response capabilities relate with the other Frameworks.<sup>67</sup> Second, the draft version of National Preparedness Goal also discussed a “meta-scenario” that was potentially used to drive the development of response and recovery capabilities.<sup>68</sup> The extreme catastrophic nature of the

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<sup>62</sup> For more on FEMA’s programs in hazard mitigation, see CRS Report RL34537, *FEMA’s Pre-Disaster Mitigation Program: Overview and Issues*, by Francis X. McCarthy and Natalie Keegan and CRS Report R40471, *FEMA’s Hazard Mitigation Grant Program: Overview and Issues*, by Natalie Keegan.

<sup>63</sup> See CRS Report RL34537, *FEMA’s Pre-Disaster Mitigation Program: Overview and Issues*, by Francis X. McCarthy and Natalie Keegan.

<sup>64</sup> For more on this, see CRS Report R41752, *Locally Operated Levees: Issues and Federal Programs*, by Natalie Keegan et al.

<sup>65</sup> Department of Homeland Security, *National Response Framework*, Washington, DC, January 2008, <http://www.fema.gov/pdf/emergency/nrf/nrf-core.pdf>.

<sup>66</sup> For more on the development of the NRF, see CRS Report RL34758, *The National Response Framework: Overview and Possible Issues for Congress*, by Bruce R. Lindsay, *The National Response Framework: Overview and Possible Issues for Congress*, by Bruce R. Lindsay.

<sup>67</sup> Guidance may especially be needed on how the NRF is changed by the elimination of Emergency Support Function #14: Long-Term Community Recovery by the NDRF, and how the National Prevention Framework capability “Forensics and Attribution” is incorporated within overall disaster response.

<sup>68</sup> On p. 6 of the National Preparedness Goal, National Review Draft, the meta-scenario is described as:

There is a no-notice event impacting a population of seven million within a 25 thousand square mile area. The impacted area includes several states across multiple regions. Severe damage is projected to critical infrastructure including essential transportation infrastructure. Ingress and egress options are severely limited. The projected number of fatalities is 195,000 during the initial  
(continued...)

meta-scenario may necessitate revision of the NRF simply because the event demands the nation to achieve higher standards of response capabilities. This higher standard may lead to a realignment of ESF roles and responsibilities, a further expansion of the existing ESF structure, or a more formal incorporation of the concepts in the NRF's Catastrophic Incident Annex<sup>69</sup> in a newly revised NRF.

### ***Potential Issues and Challenges***

- The NRF, and its ESF structure, has been adopted by significant majority of states, and many local governments, to guide their own disaster response efforts. If the NRF and its ESF structure are revised, how will the changes to the Framework be communicated to stakeholders, and once communicated, will the changes be adopted? If they aren't adopted, how would the potential ensuing confusion or conflict between old and new NRF policies be overcome?
- There have been recent concerns over the cost of federal disaster assistance and the increasing number of disaster declarations through the Stafford Act. If revised, does the NRF increase or decrease federal government's responsibilities to provide disaster response assistance, both technically and financially?
- Response, recovery, and mitigation capabilities often overlap following a disaster. Who is responsible for coordinating national efforts across the Frameworks?

### **National Disaster Recovery Framework**

The NDRF is first national Framework released under PPD-8.<sup>70</sup> The development of the NDRF began well before the release of Directive in March of 2011. The concept of a National Strategy for Disaster Recovery was first mandated by Section 682 of PKEMRA.<sup>71</sup> In September of 2009, the President requested that the Secretaries of DHS and Housing and Urban Development (HUD) co-chair a "White House Long-Term Disaster Recovery Working Group" to develop this national policy on disaster recovery.<sup>72</sup> In addition to the NDRF, the Working Group was charged with completing a "Report to the President" that would identify opportunities for improving the delivery of future recovery assistance.<sup>73</sup> The accompanying "Report to the President" has yet to be released.

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hours of the event. It is projected that 265,000 survivors will require emergency medical attention. At least 25 percent of the impacted population will require mass care, emergency sheltering, and housing assistance.

<sup>69</sup> Federal Emergency Management Agency, *National Response Framework: Catastrophic Incident Annex*, Washington, DC, November 2008, [http://www.fema.gov/pdf/emergency/nrf/nrf\\_CatastrophicIncidentAnnex.pdf](http://www.fema.gov/pdf/emergency/nrf/nrf_CatastrophicIncidentAnnex.pdf).

<sup>70</sup> Department of Homeland Security, *National Disaster Recovery Framework*, Washington, DC, September 2011, <http://www.fema.gov/pdf/recoveryFramework/ndrf.pdf>

<sup>71</sup> Section 682 of PKEMRA (6 U.S.C. §771) called for a "National Disaster Recovery Strategy" by July 1, 2007. FEMA has referenced the National Disaster Recovery Framework as fulfilling this mandate.

<sup>72</sup> See <http://www.disasterworkingrecoveryworkinggroup.gov>.

<sup>73</sup> According to a schedule in the "Purpose Statement" section on the Working Group website, the *Report to the President* was due to be completed by first of April, 2010.

The NDRF uses the Support Function coordinating structure. Instead of the fifteen ESFs of the NRF, the NDRF establishes six Recovery Support Functions (RSFs).<sup>74</sup> Reflecting the Federal Coordinating Officer (FCO) position of the NRF, the NDRF also establishes a Federal Disaster Recovery Coordinator (FDRC) position to lead Federal interagency efforts.<sup>75</sup> Notably, FEMA is the coordinator for only one of the six RSFs.

### *Potential Issues and Challenges*

- Does the NDRF or Report to the President meet all requirements of PKEMRA, while also fulfilling the core capabilities of the Framework as outlined in the National Preparedness Goal? The Working Group, through FEMA, released a draft version of the NDRF in the Federal Register (FR) on February 10, 2010.<sup>76</sup> This draft was broadly criticized in a letter supplied for public comment by the Senate Committee on Homeland Security and Government Affairs of the 111<sup>th</sup> Congress.<sup>77</sup> The final version of the NDRF does not resolve many of the issues suggested in the letter. The final NDRF fails to:
  - Meet the PKEMRA requirement to outline the most efficient and cost-effective federal programs that will meet recovery needs;<sup>78</sup>
  - Describe in detail any funding issues in the federal programs that may be offered as assistance;<sup>79</sup> or
  - Promote the Voluntary Private Sector Preparedness Accreditation and Certification Program (PS-Prep) program, as advocated in the Senate letter.<sup>80</sup>
- One of the major concerns raised during the development of the NDRF was that present authorities and resources may be too limited to enable a resilient disaster recovery process, especially after a catastrophic scenario. Are the federal government's current authorities and resources sufficient to meet the challenge of recovering from the draft National Preparedness Goal's "meta-scenario"? Is new legislation required to further enhance the capability of the federal government?

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<sup>74</sup> The six RSFs are: Community Planning and Capacity Building; coordinated by FEMA; Economic, coordinated by Department of Commerce; Health and Social Services, coordinated by HHS; Housing, coordinated by HUD; Infrastructure Systems; coordinated by USACE; and Cultural and Natural Resources, coordinated by Department of Interior.

<sup>75</sup> See NDRF, p. 25.

<sup>76</sup> Department of Homeland Security, "National Disaster Recovery Framework," 75 *Federal Register* 6681, February 10, 2010.

<sup>77</sup> The Committee submitted a formal letter to the Secretary of DHS requesting it be included as part of the public record of the Federal Register notice. The Document ID for this public submission is: FEMA-2010-0004-0127. See <http://www.regulations.gov/#!documentDetail;D=FEMA-2010-0004-0127>

<sup>78</sup> 6 U.S.C. §771(b)(1)

<sup>79</sup> 6 U.S.C. §771(b)(4)

<sup>80</sup> For more on the PS-Prep program, see <http://www.fema.gov/privatesector/preparedness/>.

## **Additional Components of the National Preparedness System**

There are other components of the National Preparedness System that are mentioned in the strategic guidance of PPD-8, the Implementation Plan, and the National Preparedness Goal. Currently, there is little information available on the additional elements, preventing detailed analysis. These elements will likely be described further in a forthcoming description of the National Preparedness System, due on November 24, 2011.<sup>81</sup> **Table 3** summarizes what is known about these elements and how they are possibly related PKEMRA requirements.

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<sup>81</sup> See p. 11 of the Implementation Plan.

**Table 3. Additional Elements of the National Preparedness System**

Title	Purpose	Possible Related PKEMRA Requirement(s)	Notes
Campaign to Build and Sustain Preparedness	“... will provide an integrating structure for new and existing community-based, nonprofit, and private sector preparedness programs, research and development activities, and preparedness assistance” <sup>a</sup>	6 U.S.C. §753	The Campaign may include public outreach, federal assistance to develop national preparedness (such as grant programs), and a research and development campaign. P. 6 of the Implementation Plan explains these elements further.
National Training and Education System	“... to provide a structure for the development of the core capabilities identified to meet the Goal. Training will be targeted to the specific skill sets required to meet each capability’s performance objectives, organized around learning objectives that identify the tasks that need to be performed.” <sup>b</sup>	6 U.S.C. §747(b)	This may incorporate FEMA’s existing training and education programs, primarily through the Emergency Management Institute <sup>c</sup> .
National Exercise Program	“Provides a Framework for prioritizing and coordinating federal, regional and state exercise activities, without replacing any individual department or agency exercises. The NEP enables federal, state and local departments and agencies to align their exercise programs.” <sup>d</sup>	6 U.S.C. §748	A National Exercise Program is already established under HSPD-8 guidance. It is unclear how PPD-8 might revise the existing program. <sup>e</sup>
Remedial Action Management Program	“... to collect, share, and track progress on lessons learned and corrective actions undertaken to build and sustain preparedness” <sup>f</sup>	6 U.S.C. §749 and 750	

**Source:** : P.L. 109-295, PPD-8, the Implementation Plan for PPD-8, and the National Preparedness Goal.

- a. National Preparedness Goal, p. 19
- b. Implementation Plan, p. 6.
- c. See <http://training.fema.gov/>.
- d. See the existing National Exercise Program’s website at [http://www.dhs.gov/files/training/gc\\_1179350946764.shtm](http://www.dhs.gov/files/training/gc_1179350946764.shtm).
- e. For more, see CRS Report RL34737, *Homeland Emergency Preparedness and the National Exercise Program: Background, Policy Implications, and Issues for Congress*, coordinated by R. Eric Petersen.
- f. Implementation Plan, p. 3.

## Issues for Congress

### *Conformity with PKEMRA*

One of the major issues Congress may wish to consider is the conformity of PPD-8 and component policies with the full intention of PKEMRA. Congress may decide that some the requirements of PKEMRA have not been fulfilled or that certain requirements are no longer relevant.<sup>82</sup> Since the PPD-8 implementation process is in its early phases, it may be premature to assess comprehensive compliance with the statute. However, DHS is to submit a National Preparedness Report, due by March 30, 2012, intended to fulfill the reporting requirements in PKEMRA, notably 6 U.S.C. §752. The Report may be a valuable tool for Congress to assess the progress of the Executive Branch in fulfilling the requirements of PKEMRA. Additionally, Congress may wish to examine individual National Planning Frameworks, including the conformity of the National Disaster Recovery Framework to the PKEMRA mandate in 6 U.S.C. §771.<sup>83</sup>

### *Assignment of Federal Responsibilities*

If, as predicted, a support function model is adopted by all of the National Planning Frameworks,<sup>84</sup> Congress may wish to evaluate the assignment of coordination and primary agency roles to federal departments and agencies. These roles typically carry a varied amount of additional responsibility for each Department assigned with a new role. Further, the Frameworks may attempt to coordinate and de-conflict the authorities and resources through this support function model, and may potentially do so in a manner that is disagreeable to Congress. Congress may also wish to review the leadership responsibilities dictated under PPD-8 policies. The President has directed the Secretary of the Department of Homeland Security (DHS), through the Assistant to the President for Homeland Security and Counterterrorism,<sup>85</sup> to lead the development of the National Preparedness Goal and System. HSPD-8 also directed the creation of the Goal and System by the Secretary of DHS. This delegation of leadership is an important distinction as it diverges from the language of PKEMRA that directed the President to develop the Goal and System by acting through the Administrator of FEMA.<sup>86</sup> Congress may wish to review the impact of this decision on the mission of FEMA and DHS and potential fulfillment of PKEMRA. Additionally, PPD-8 assigned leadership roles for the development and overall coordination of each National Planning Framework (see **Table 2**).

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<sup>82</sup> For instance, the National Planning Scenarios requirement (6 U.S.C. §744(c) and 745).

<sup>83</sup> See “Potential Issues and Challenges” on the NDRF.

<sup>84</sup> See “Coordinating Structure and Support Function Model.”

<sup>85</sup> This is a position in the National Security Council, currently held by John Brennan.

<sup>86</sup> 6 U.S.C. §743-744. It is notable, however, that the main website for PPD-8 is hosted on the FEMA website, at <http://www.fema.gov/prepared/ppd8.shtm>.

### ***Effect on State and Local Governments, the Private Sector, and Citizens***

PPD-8 policies are not, in principle, intended to place undue financial burden on state and local governments, the public and non-profit sector, and private citizens. Congress may want to evaluate PPD-8 guidance for its effect on these other government entities, especially for its compliance with the Unfunded Mandate Reform Act of 1995 (P.L. 104-4).<sup>87</sup> Further, Congress may wish to assess the effectiveness of the preparedness policies within their own districts and jurisdictions, and assess the overall preparedness level of their communities for the unique set of threats faced by each district. The capabilities identified in the National Preparedness Goal can serve as a guide for the types of tasks each state and local government will be expected to be able to accomplish, with the assistance of other stakeholders, in each mission area of prevention, protection, mitigation, response and recovery.

### ***Impact on Federal Budget and Resources***

In Paul Davis's definition of capability-based planning, he specifically noted that planning "is to be done not with the largesse of a blank-check policy (preparing for anything that might conceivably arise), but rather while working within an economic framework."<sup>88</sup> The National Preparedness Goal recognizes the need to use an economic framework in planning, as it notes:

The results of these efforts and the specific deliverables called for in PPD-8 will inform current and future budget year planning and decisions. We will analyze current performance against our intended capabilities, the defined targets, and associated performance measures. This analysis will enable us to individually and collectively determine necessary resource levels, inform resource allocation plans, and guide Federal preparedness assistance. Budget implications across the preparedness enterprise cannot be assessed without this detailed and specific information. This approach will allow for annual adjustments based on updated priorities and our resource posture.<sup>89</sup>

Given current fiscal constraints, Congress may wish to assess, along with the Administration, the total budgetary implications of the "preparedness enterprise" developed by PDD-8. These implications may be specifically referenced in the President's future budget request for FY2012. For example, the establishment of multiple new National Planning Frameworks may bestow additional, and currently unfunded, responsibilities on federal agencies to prepare for and coordinate capabilities in the different mission areas. More holistically, if the standard for preparedness is based in part on the meta-scenario described in the draft National Preparedness Goal, Congress may wish to evaluate whether existing appropriated resources are sufficient to meet the challenge of the consequences described in the catastrophic scenario.

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<sup>87</sup> For more on the Unfunded Mandate Reform Act, see CRS Report R40957, *Unfunded Mandates Reform Act: History, Impact, and Issues*, by Robert Jay Dilger and Richard S. Beth.

<sup>88</sup> Paul K. Davis, *Analytic Architecture for Capabilities-Based Planning, Mission-System Analysis, and Transformation*, RAND National Defense Research Institute, Prepared for Office of the Secretary of Defense, Santa Monica, CA, 2002, pp. 1-2, [http://www.rand.org/pubs/monograph\\_reports/MR1513](http://www.rand.org/pubs/monograph_reports/MR1513).

<sup>89</sup> National Preparedness Goal, p. 19.

### ***Monitoring and Evaluating the Overall Policy Impact of PPD-8***

Finally, it is important to note that it may be difficult to assess the overall policy impact of PPD-8 in the near future. Because most of the evolution from HSPD-8 to PPD-8 is conceptual and strategic, the effect of PPD-8 policies on the preparedness of the nation for a disaster will take time to fully develop as concepts are operationalized. Further, some elements of PPD-8 policy may not be finalized until at least the end of September 2012. Though future exercises and trainings may provide an opportunity to evaluate some PPD-8 policies, a full analysis may not be possible until the nation either averts or is struck by a major disaster. This does not diminish the importance of PPD-8 policies, but may make it challenging for Congress to evaluate the relative worth of PPD-8 as a whole, and even more challenging to evaluate individual components of the policy.

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