

Congress of the United States

House of Representatives

Washington, D.C. 20515

November 25, 2024

The Honorable Gene L. Dodaro
Comptroller General of the United States
U.S. Government Accountability Office
441 G St. N.W.
Washington, D.C. 20548

Dear Comptroller General Dodaro:

We are writing to request the Government Accountability Office (GAO) initiate a review of the Federal Emergency Management Agency's (FEMA) oversight of federal Continuity of Operations (COOP) planning, programs, and associated National Continuity Policy (NCP).¹ Our nation's COOP plans, programs, and policies were historically designed during the Cold War for resilience to a set of threats associated with the Soviet Union, namely the threat of nuclear war. While similar scenarios remain a real risk, COOP plans, programs, and policies must also be designed to manage a much wider range of national security threats in the 21st Century, including from global catastrophic risk.

The diversity and severity of threats our country faces, including global catastrophic and existential threats,² is greater than at any point in human history. As the national and homeland security system continues to identify this risk, we must start building resilience to the whole panoply of possible catastrophes that this range of national security threats may bring about. Our government cannot provide the necessary assistance to the American people during these possible catastrophes if it is not prepared to continue to deliver its National Essential Functions (NEFs) and Primary Mission Essential Functions (PMEFs), as directed to do so in NCP. As such, ensuring effective oversight of COOP plans, programs, and policies is the first, most critical cornerstone to building national resilience to all-hazards, including global catastrophic and existential threats, in a manner that is consistent with our National Preparedness System and Goal.³

Our NCP has recently been revised through the issuance of a *Federal Mission Resilience Strategy* with Executive Order 13961, and through the issuance of updated *Federal Continuity Directives* by the Department of Homeland Security. Therefore, it is appropriate and necessary

¹ Major components of the NCP include, but are not limited to, Presidential Policy Directive 40, *National Continuity Policy* (PPD-40), Executive Order 13961, *Governance and Integration of Federal Mission Resilience* and the associated *Federal Mission Resilience Strategy*, and Federal Continuity Directive

² 6 U.S.C. §821 defines "global catastrophic and existential threats" as threats that with varying likelihood may produce consequences severe enough to result in systemic failure or destruction of critical infrastructure or significant harm to human civilization. Examples of global catastrophic and existential threats include severe global pandemics, nuclear war, asteroid and comet impacts, supervolcanoes, sudden and severe changes to the climate, and intentional or accidental threats arising from the use and development of emerging technologies.

³ As mandated by 6 U.S.C. §741 et seq.

for GAO to review these updates to NCP and assess the adequacy of its reforms to COOP plans and programs to address all-hazards.

Specifically, we ask GAO to examine and report on the following:

1. A summary analysis of NCP, including recent revisions to it, and whether the NCP properly accounts for all of the hazards that could create catastrophes necessitating COOP programs and plans, including global catastrophic and existential threats. This analysis should include a review of the implementation of E.O. 13961, including actions taken pursuant to the Federal Mission Resilience Implementation Plan.
2. An analysis of how the federal Enterprise Risk Management (ERM) processes, as mandated by the Chief Financial Officers Act, interact with and incorporate COOP plans, programs, and NCP. Given the evolving nature of our business environment, we must maintain a robust ERM framework that not only aligns with financial regulatory requirements but also effectively integrates the full range of risks to continue day-to-day operations.
3. A summary and evaluation of federal interagency COOP-related testing and exercises. Below is a list of information that could be included in this review, but should not be considered an exhaustive list:
 - a. Frequency of testing: How frequently are exercises conducted across departments and agencies with NEF and PMEF responsibilities?
 - b. Operational devolution: How often have operations functionally devolved to alternative locations as part of full-scale exercises?
 - c. Presence of senior officials:⁴ How many senior officials are typically present during interagency COOP exercises?
 - d. Senior officials roles: What are the roles and responsibilities of senior officials during COOP exercises? Does their level of participation and responsibility adequately reflect what would be expected and required during a true catastrophe necessitating COOP programs?
 - e. On-site evaluation: Who is responsible for evaluating COOP tests on-site? Are these evaluations and evaluators independent of COOP program managers?
 - f. After-action reporting: Are After-Action Reports (AARs) generated following COOP exercises?
 - g. Tracking of recommendations: If AARs are conducted, who is responsible for tracking and following up on recommendations from AARs?
 - h. Corrective action plans: Are corrective action plans provided for implementing recommendations from AARs?
 - i. Initiation of exercises: How are COOP exercises initiated? Are they scheduled in advance or conducted as no-notice drills, particularly since the renewed focus on these no-notice events in E.O. 13691?

⁴ For example, please identify any officer or employee, or any other individual functioning in the capacity of such an officer or employee, in the Executive Office of the President; any officer or employee serving in a position in level I, II, III, IV, or V of the Executive Schedule, as designated by statute or Executive order; and any member of the uniformed services whose pay grade is at or above O-7 under section 201 of title 37.

- j. Exercised scenarios: What types of catastrophes are typically planned for, tested, and exercised by COOP plans and programs?

Recognizing that much of federal continuity planning could be highly classified, we are asking that GAO focus on FEMA COOP oversight and planning efforts that are not classified, including related interagency exercise efforts. To facilitate the provision of this information in an unclassified manner, we encourage GAO to work with federal agencies to sufficiently anonymize and aggregate data collected to protect national security interests. GAO conducted a similar assessment in 2018 and issued a report that was deemed For Official Use Only.

To ask any follow-up or related questions, please contact Committee on Homeland Security Majority Staff at (202) 226-8417, and the Committee on Transportation and Infrastructure Minority staff at (202) 770-6243.

Sincerely,



MARK E. GREEN, M.D.
Chairman
Committee on Homeland Security



DINA TITUS
Ranking Member
Subcommittee on Economic
Development, Public Buildings and
Emergency Management,
Committee on Transportation and
Infrastructure

Encl.

cc: The Honorable Bennie Thompson, Ranking Member
Committee on Homeland Security

The Honorable Scott Perry, Chairman
Subcommittee on Economic Development, Public Buildings and Emergency
Management, Committee on Transportation and Infrastructure