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HOW EFFECTIVELY IS THE FEDERAL GOVERNMENT ASSISTING STATE AND LOCAL GOVERNMENTS IN PREPARING FOR A BIOLOGICAL, CHEMICAL OR NUCLEAR ATTACK?

HEARING

BEFORE THE

SUBCOMMITTEE ON GOVERNMENT EFFICIENCY, FINANCIAL MANAGEMENT AND INTERGOVERNMENTAL RELATIONS

OF THE

COMMITTEE ON GOVERNMENT REFORM

HOUSE OF REPRESENTATIVES

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HOW EFFECTIVELY IS THE FEDERAL GOVERNMENT ASSISTING STATE AND LOCAL GOVERNMENTS IN PREPARING FOR A BIOLOGICAL, CHEMICAL OR NUCLEAR ATTACK

MONDAY, JULY 1, 2002

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON GOVERNMENT EFFICIENCY, FINANCIAL MANAGEMENT AND INTERGOVERNMENTAL RELATIONS,
COMMITTEE ON GOVERNMENT REFORM,
Milwaukee, WI.

The subcommittee met, pursuant to notice, at 10:10 a.m., in the Milwaukee Common Council Chambers, Milwaukee City Hall, Milwaukee, WI, Hon. Steve Horn (chairman of the subcommittee) presiding.

Present: Representatives Horn, Kleczka and Petri.

Staff present: J. Russell George, staff director and chief counsel; Bonnie Heald, deputy staff director; Justin Paulhamus, clerk; Chris Barkley, staff assistant; Michael Sazonov, Sterling Bentley, Joe DiSilvio and Yigal Kerszenbaum, interns.

Mr. HORN. It is a great pleasure to be in the State of Wisconsin.

I am just going to give you some background before the Mayor will give the major presentation.

This is the Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations and we are in order and we are delighted to have two fine Members of Congress in Wisconsin.

On September 11, 2001, the world witnessed the most devastating attacks ever committed on U.S. soil. Despite the damage and enormous loss of life, the attacks failed to cripple this Nation. To the contrary, Americans have never been more united in their fundamental belief in freedom and in their willingness to protect that freedom. The diabolical nature of those attacks and then the deadly release of anthrax sent a loud and clear message to all Americans. We must be prepared for the unexpected. We must have the mechanisms in place to protect this Nation and its people from further attempts to cause massive destruction.

The aftermath of September 11th clearly demonstrated the need for adequate communications systems and rapid deployment of well-trained emergency personnel. Yet despite billions of dollars in spending on Federal emergency programs, there remain serious doubts as to whether the Nation is equipped to handle a massive chemical, biological or nuclear attack.

Today, the subcommittee will examine how effectively Federal, State and local agencies are working together to prepare for such emergencies. We want those who live in the great State of Wisconsin and the good people of Milwaukee to know that they can rely on these systems, should the need arise.

We are fortunate to have witnesses today whose valuable experience and insight will help the subcommittee better understand the needs of those on the front lines. We want to hear about their capabilities and their challenges and we want to know what the Federal Government can do to help. We welcome all of our witnesses and we look forward to their testimony.

Since we are an investigative committee from the full Committee on Government Reform, we do swear in all our witnesses, so if all the witnesses that are going to be here and any assistance of yours, the Clerk will put them in the hearing record. So if you will stand and raise your right hand.

[Witnesses sworn.]

Mr. HORN. The clerk will note that all the witnesses affirmed the oath, and we will begin with the Mayor of Milwaukee, The Honorable John Norquist. We are honored that with all the things going on in Milwaukee, that he would spend some time with this subcommittee. Thank you, Mayor.

STATEMENT OF JOHN O. NORQUIST, MAYOR, CITY OF MILWAUKEE, WI; AND LARRY GARDNER, CHIEF, MILWAUKEE FIRE DEPARTMENT

Mayor NORQUIST. Thank you, Mr. Chairman. My mic seems to work pretty well. [Laughter.]

I want to welcome you to Milwaukee, along with Congressman Petri, who comes here quite often—it is on his way home—and of course our own Congressman, who we are very proud of, Jerry Kleczka.

In the short time that I have, I wanted to affirm the importance of local responders. We all saw dramatically on the horrible day on September 11th, how New York City firefighters, police officials, health officials and other municipal officials were the key element in responding to the immediate crisis.

A smaller, but nevertheless important, effort was made by communities around the country—Milwaukee was no exception—where we had firefighters, police officers, sheriff's department personnel and health officials responding to fears of anthrax contamination. We had 320 calls and 74 that we had to do tests for, it cost hundreds of thousands of dollars for various law enforcement agencies to deal with this. For the most part, the community and the workers involved did their work cheerfully—I think in every case—did it with a sense of determination. We trained people, our health department trained people. At the post office when the scare happened, it was terrifying, when anthrax was found in the post office in Indianapolis and Kansas City, we thought it was very likely it would come into our post office and our health department personnel quickly, along with our fire department, met with and trained employees of the Federal post office.

We were fortunate in that in the case of our water supply, which water supplies were an immediate concern across the country when

you are dealing with terrorism. We had already done a lot of preparation for preparing our water utility because of an issue here that had to do with fishermen who wanted public access in and around our water plant, and so because of that, we had already put a lot of security protocol in place and were well along on that. And that is an example to other water utilities in the country because we have moved so far with it.

Our city health department pioneered something called ServeNet which tracks and reports communicable diseases at area hospitals, clinics and health departments. This is a communication issue and our health department has done this with tremendous cooperation from other parts of the health care network.

These are things that do not have to cost a lot of money. These are procedures that can be put in place that just make common sense and are useful for other aspects of life other than just dealing with a terrorism crisis. And I would encourage you and your committee and Federal agencies to look at this ServeNet network that has been set up by our health department as an example for the rest of the country.

Cooperation is important. I think that local Federal officials have been very cooperative, have tried to cooperate effectively with our fire department, health department, police department, sheriff's office and other agencies. But this is something that can always improve. FBI offices have a tendency to change their leadership personnel maybe more often than they should. That can lead to communication problems when that happens.

Finally, I wanted to mention funding concerns. The last President was a Governor, the current President is a Governor. It is natural for them to place great value in State government and State government does have great value. But in dealing with these crises, the immediate responders are local and the Federal Government needs to make sure that there is not a tendency just to spread money thinly across political jurisdictions instead of focusing it on places that can really matter. There are only two top level labs in the State of Wisconsin. One the State runs in Madison and the other is run by our health department. Trying to replicate lab resources in small communities that can be served by those in larger communities is something that you really need to be careful about. It should not be just about making everybody feel like they have been treated fairly. It is more important to make sure that the emergency response is effective.

And finally, on one issue that has to do with—not with us locally in terms of a program, but it has to do with your own agency. The Centers for Disease Control has a very effective relationship with health departments across the country, certainly our health department and also, for that matter, the State of Wisconsin's health facilities. The CDC tends to be eager to get information and to share it. They tend to be less arrogant than other agencies, maybe that is because they are so focused on disease. They have been humbled by the fact that disease can spread very quickly if there is not a good communication network.

I would encourage you to consider very carefully whether it is a good idea to put the CDC in the new Department of Homeland Security, and if you ultimately think it is a good idea to put it in

there, I would be very careful to make sure that its ability to communicate and share information with local health agencies is retained. My own view is that it would probably be better to leave it in the Health and Human Services Department and set up some kind of protocol of communication with Homeland Security, because the relationships that have been built up over the years with health departments are so valuable you do not want to wreck them.

With that, I am going to now introduce our fire chief, who was not formally on the program, but played a key role in the response to September 11th and is one of the key actors in all this. When we have an emergency in Milwaukee, it is the fire department usually that is in there first and leaves at the very end.

So with that, here is Chief Larry Gardner.

Mr. GARDNER. Thank you.

I am honored to testify before the Committee on Government Reform, Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations today. My name is Larry Gardner and I am Chief of the Milwaukee Fire Department.

My department provides services; emergency services that include fire education, suppression, emergency medical service, a local heavy urban rescue team and a regional hazardous materials team.

First, I would like to thank the committee for its continued interest and support in the fight against terrorism. I would also like to thank you for making the resources available to better prepare us for the challenges of today's domestic and international terrorist events.

The tragedies of the attack on the World Trade Center in New York and the events of Oklahoma City opened the avenues of opportunity for improved level of preparedness. Quoting a 1997 letter to Mayor Norquist from the Federal Emergency Management Agency, "In light of recent events and the increased access to the proliferation of nuclear, biological and chemical materials, there is a growing concern about the potential for terrorist incidents involving weapons of mass destruction. Recent Federal legislation authorize the Federal Government to offer State and local jurisdictions training to help the emergency personnel to respond to potential terrorist incidents involving such agencies. Initial Federal efforts will target 27 of the Nation's largest cities and will involve a self-assessment by each city of the current terrorist response capabilities and training requirements and a cooperative Federal, State and local approach to meeting identified needs."

Although this letter was written in 1997, the problem of terrorism is still here and even more punctuated today. Let me tell you that the city of Milwaukee has taken advantage of the training and equipment that was made available through the Nunn-Lugar-Domenici Act. Milwaukee has taken full advantage of implementing the MMST or MMRS system, as it is today. And as every day passes, we see how the rules of the game for preparedness change. This is why we must continue to pursue all the resource opportunities for continued training of our emergency response personnel in the event of future terrorist attacks. I personally believe the city of Milwaukee is far better prepared than it would have been if these funds had not been made available.

We must continue to receive these funds at the local level to progressively provide for training, exercising and equipping cities with the latest in medical supplies and technological advances. It is important that these funds get to metropolitan communities such as Milwaukee.

Here are some of the examples of the cooperative efforts Milwaukee Fire Department has been involved with since September 11, 2001: We have responded to the anthrax response and provided public training. We have provided countywide risk assessment and training with law enforcement, media and public health. We have been involved at the State level with our regional hazardous materials team in training regional fire departments in awareness procedures for terrorist activities. We have trained and worked with county employees regarding terrorism awareness training. We have worked with—and one of the handouts I have for you is dated May 2002—we have worked with the city employees involving terrorism awareness training. We have also worked with training our heavy urban rescue team for structural collapse because of the incidents that we have become so aware of from the city of New York. The fire, health, police and public works, employee relations and sheriff's departments have worked in cooperation to increase the level of awareness through the outreach training to better prepare the different tiers of government.

What do we need? We need to make our local efforts as successful as it possibly can be. Incident command training, unified training, we need to continue to work on that. Planning to optimize communications to improve wireless accessibility. Additional training at all levels of government. Seamless grant applications and grants that go directly to the metropolitan communities. Enhanced decontamination capabilities. In our collective efforts to combat terrorism, we have expanded many local resources as well as the Federal financial help. We need to continue to refine our efforts and get the money to the local levels.

With that, I thank you and I am available for any questions.

Mr. HORN. Thank you. We are going to go through a few in this area of law enforcement issues and then our colleagues here can ask questions on that.

So we will now have David Clarke, the Sheriff of Milwaukee County. Thank you for coming.

STATEMENT OF DAVID CLARKE, SHERIFF, MILWAUKEE COUNTY, WI

Mr. CLARKE. Thank you, sir. Good morning, everybody.

I am the newly appointed Sheriff, having been appointed in March of this year, but I do have somewhat of an advantage in that in my previous position as commanding officer of the Intelligence Division of the Milwaukee Police Department, my unit was responsible for the very thing that we're talking about today. So while I have limited training and limited knowledge in that area, I do have some.

The thing that is most critical to me and to us at the law enforcement level is the information sharing. I have heard Tom Rich, Governor Tom Rich, Homeland Security Director, and U.S. Attorney General John Ashcroft say many times that homeland security is

a local issue, and it really is. The information sharing for us is critical at all levels.

We still need to work at tearing down some of these jurisdictional boundaries, just in terms of—you know, not our responsibilities, but in terms of information sharing. One of the areas that I would like to see improved on is the security clearance process, which is a very cumbersome process to go through, to be able to get that clearance to receive a higher level of confidential information. I understand the importance of the confidentiality of this information; however, I think for the heads of agencies, like myself and chiefs of police, there could be a more streamlined process so that we have—so that our counterparts at the various levels; for instance, Jeff Burke and Dave Mitchell with the FBI, Dan Jones with the local ATF office, John Bergland of the Secret Service, people that I interact with frequently, so that they can actually share that information with me, with the understanding that it is sensitive and not everybody needs to know it, but I think the head of the agency does, especially with my countywide jurisdiction. So I would like to see some improvements there.

The other area of concern for me is we do not really seem to have an infrastructure in place with which to share information and we are relying on faxes, we are relying on phone calls. The best example I can give that we have here in the county in terms of information sharing is with the HIDTA organization, the high intensity drug trafficking area, where we do have an infrastructure utilizing the computer, that many agencies, different jurisdictions, different levels of jurisdiction have access to. Of course it is not open to everybody, you need certain clearance and passwords to get into certain information. However, that infrastructure that was set up for the information—and that is why it was set up the way it was, for information sharing at different levels because you have Federal involvement, you have State involvement and you have local involvement and so there is a central point that people can go to, to obtain information as well as disseminate information.

So, like I said, having jurisdiction for the entire county, I think the Milwaukee County Sheriff's Office would be the most reasonable place to start in terms of being the central focal point for receiving the information from the various levels. And it would be my responsibility to disseminate that amongst the municipal agencies within the County of Milwaukee.

That is really all I have to add at this point. Thank you.

Mr. HORN. Well, thank you. That is very helpful for us and you have made some good points there. And other sheriffs such as you and other responders certainly agree with what you are saying. We will get to that in a few minutes.

Right now, I would like to have another from the State of Wisconsin here. Why do we not have the Commander Mark R. Devries, the Marine Safety Office in Milwaukee. So if we could get that view on emergency response, it would be helpful. Mr. Devries.

Mr. DEVRIES. Thank you, Mr. Chairman. If I understand, would you like us, the Coast Guard, to present our oral statement at this point? If so, my counterpart, Captain Hartley, will be delivering that.

Mr. HORN. Go ahead. I just want to see the locals and then go right to the Federal.

Captain HARTLEY. Mr. Chairman, my name is Scott Hartley and I am here to represent the National Strike Force, which is also an entity in the Coast Guard, but I was going to provide a national perspective on that.

Mr. HORN. Sure. I just wanted the local points here, because some of our colleagues might have to go to other things, so we would like to get the view locally and then get some questions and then get to various Federal.

STATEMENT OF MARK DEVRIES, COMMANDER, MARINE SAFETY OFFICE, MILWAUKEE, WI

Mr. DEVRIES. Thank you, Mr. Chairman, I will go ahead and try to share a local perspective.

As the Commanding Officer of the Marine Safety Office here in Milwaukee, I have the responsibility for eastern Wisconsin, stretching up through Green Bay and above Washington Island and back south to the Illinois border. In my capacity as the commanding officer, I am also the Federal on-scene coordinator under the National Contingency Plan for the response to oil and hazardous material incidents.

We feel that the approach to weapons of mass destruction events nearly always will include an incident which will be either a chemical or hazardous material type response. And under the National Contingency Plan, I will be responsible for working with my partners in the State and local government as well as the other Federal agencies as a coordinator in forming a response to an incident such as that.

Under the National Contingency Plan, we operate in the incident command system with a unified command. Wisconsin brings an extra added dimension, which I am quite pleased to say I think works really well, and that is the fact that Wisconsin is a home rule State. The result of that is that I believe in the different areas that I have been stationed throughout the Nation, I find here in Wisconsin that there is responsibility and authority placed at the local level for government services that results in an outstanding participation, wonderful relationships and great interest in planning and actually preparing and executing responses. As such, we have wonderful participation in our area committee, which is responsible for the area plan which is the framework which we respond to these incidents under. The relationships that we have built since we brought the added security dimension to our response network has only grown further with our relationship with the FBI, the Sheriff's Office in the form of the emergency management side of the Sheriff's Office.

The primary fact that what we have here is a coordination type role in the State locally, we work the contingency plans, we exercise them; in 2000, we held a weapons of mass destruction exercise which involved the participation for planning and actually executing the exercise with the county emergency management. We participated in that exercise, we had the FBI and the whole response network that became part of that.

We just recently had a triennial exercise under the National Contingency Plan which requires us to exercise our ability to respond under the area plan. And interestingly enough, including the Y2K events, all of our events have been operated and set up out of the emergency operations center of the county. That in itself represents I think a strong relationship between the response—the local response community.

I will stop at that point and be glad to take any questions.

Mr. HORN. Thank you. We will now have one more local and in this group—and this is the first time we have tried these sorts of things, to try to get groups and then move to the next one. And let me ask about the Administrator for Wisconsin Emergency Management, get that on the table, Edward Gleason.

STATEMENT OF EDWARD GLEASON, ADMINISTRATOR, WISCONSIN EMERGENCY MANAGEMENT AND HOMELAND SECURITY ADVISOR TO GOVERNOR

Mr. GLEASON. Thank you. Good morning, Mr. Chairman and members of this committee. I appreciate the opportunity to testify this morning. My name is Ed Gleason, I serve as the Administrator of Wisconsin Emergency Management, as Homeland Security Advisor to Governor Scott McCallum and also as Co-Chair of the Governor's Task Force on Terrorism Preparedness.

Here in Wisconsin, we did not wake up on September 12 and decide that we needed to do something. We have been working to raise our preparedness levels for the past 5 years. We have two cities in Wisconsin, Milwaukee and Madison, among the 120 cities nationwide that have received Federal assistance to prepare for terrorism as a result of the passage of the Nunn-Lugar Act.

This assistance has helped these two metropolitan areas considerably; however, it left the rest of the State less than prepared. Something else was needed to reach our cities and counties that lie outside the major urban areas. In 2000, the U.S. Department of Justice and the Federal Emergency Management Agency broadened the program and released equipment and planning grants to include these areas.

Counties that applied for the funding were required to conduct threat and vulnerability assessments of their jurisdictions, determine what their local capabilities are to meet these threats and to identify future equipment needs.

Using these assessments, last October, Wisconsin became the tenth State in the Nation to complete the Statewide strategic plan for domestic preparedness. This freed up $3.8 million of fiscal year 1999, 2000 and 2001 funding.

Our Statewide assessment detailed a need for over $16 million though, for essential equipment, so you can see that there clearly is not enough money at this time. The fact that these funds have come as 100 percent funding and no match is required has helped our communities considerably. We do believe at a time when we are struggling to build capacity, it is extremely helpful not to be challenged by identifying a requisite match.

A significant problem with these funds, however, was the lack of flexibility in spending the allocated dollars. The Office of Justice Programs has an Authorized Equipment List that is somewhat lim-

ited. And when you want to deviate from this list, it requires a detailed justification that consumes considerable time.

It has been a demanding grant to administer, as evidenced by how long it has taken to get the dollars down to the streets. In Wisconsin, we have expended about 50 percent of those funds, 95 percent of those are allocated to local communities. However, our spending rate, I would dare venture is probably ahead of the rest of the Nation. Flexibility should be the key in designing future grant programs.

We have just on Friday, submitted our 2002 grant. The Justice Department has expanded the eligible areas under this grant program. We will receive nearly $6 million for program and exercise needs. This will help considerably in our preparedness efforts, but still our needs are greater than the funds available. We believe that the 2003 First Responder Initiative dollars proposed by President Bush will further help our preparedness efforts.

The First Responder Initiative should help immeasurably in raising our preparedness levels. However, probably more appropriately the name for this initiative should be emergency responder initiative vice first responder, to broaden the eligibility for those who could receive these funds. By most definitions, first responders are law enforcement, fire service and EMS, emergency medical services, personnel who are often the first to respond and enter harm's way. They do need and deserve, rightly deserve, our highest effort to get them this protection. Yet, there are a cadre of disciplines who may also be thrust in harm's way and we need to be able to provide them with the appropriate equipment and the flexibility to do so. These response disciplines could be public health professionals, public works personnel and emergency management personnel. All may need consideration for this funding and I suggest you leave it to the Governors to designate who should be eligible for these funds.

Two weeks ago, I was present to hear Governor Ridge's remarks to the U.S. Conference of Mayors in Madison. The mayors asked if he would provide block grants directly to the cities to help them in their preparedness efforts. I strongly support his response, that the grants should not be block grants to municipalities, rather they should be provided to the States through the Governors. I believe that we need to do this if we hope to build a Statewide system that can complement our national system. I believe block grants tend to create islands of response capabilities, that may not add to the system as a whole.

It will also be tough in these difficult financial times for the State and local governments to provide a hard match to these 2003 funds. We would like to see no match at all or a recognition for the efforts as the appropriate match for these funds.

Last October, FEMA led a team of Federal agencies to Wisconsin to jointly assess with us our terrorism preparedness response capability in 18 critical areas. We arrived at more than 40 action items that when implemented will improve Wisconsin's preparedness in response capabilities.

A few examples of these action items include the following: Promoting incident command systems to manage disaster response; strengthening intrastate mutual aid; improving the interoperability

of communications; further strengthening lab capabilities; and seeking the designation of a full time civil support team comprised of 22 National Guard soldiers trained and equipped to face chemical, biological and radiological threats. There are 32 States in the Nation with these teams and we strongly feel that this capability should reside also in Wisconsin.

I would like to conclude with a brief comment on the proposed Department of Homeland Security. Governor McCallum and I support the President's proposal. We believe it is a sound concept to tackle the challenges our Nation faces. I offer this perspective as a State director of emergency management and as a retired Coast Guard officer.

I appreciate the opportunity provided today. As a Nation, we have much work to do and the States appreciate the leadership of the President and Congress in providing funding to help us get there.

I ask that you continue to be flexible in the administration of these funds as we collectively work to make our Nation better prepared.

Thank you.

Mr. HORN. Thank you. We appreciate those ideas.

And now we will move to the Federal portion of the law enforcement issues as we have had at the local and State level. We will have Jeffrey J. Berkin, the Assistant Special Agent in Charge, Milwaukee Division, Federal Bureau of Investigation.

[The prepared statement of Mr. Gleason follows:]

Testimony of
Wisconsin Emergency Management Administrator Ed Gleason's
before the
Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations Hearing
Milwaukee, Wisconsin
July 1, 2002

Good morning Mr. Chairman and members of the Committee. I appreciate the opportunity to testify this morning. My name is Ed Gleason. I serve as Administrator of Wisconsin Emergency Management, Homeland Security Advisor to Governor Scott McCallum and Co-chair of the Governor's Task Force on Terrorism Preparedness.

Here in Wisconsin, we did not wake up on September 12 and decide that we needed to do something. We have been working to raise our preparedness levels for the past five years. We had two cities in Wisconsin among the 120 cities nationwide who received federal assistance to prepare for a weapons of mass destruction event as a result of the 1996 passage of the "Defense against Weapons of Mass Destruction Act," also known as the Nunn-Lugar-Domenici Act. In our state, Milwaukee and Madison were designated as Nunn-Lugar cities and became eligible for federal assistance and dollars to raise preparedness levels.

This assistance has helped these two metropolitan areas considerably; however, it left the rest of the state less than prepared. Something else, in addition to Nunn-Lugar that only targeted America's largest cities, was needed to reach the other cities and towns that mostly comprise our state and nation. In 2000, the U.S. Department of Justice and the Federal Emergency Management Agency (FEMA) broadened the program and released equipment and planning grants to the states.

Counties that applied for the funding were required to conduct threat and vulnerability assessments of their jurisdictions, determine what the local capabilities are to meet these threats and to identify future equipment needs. This assessment was an effective means for our counties to focus on the terrorism risks in their jurisdictions. Upon the completion of these assessments, we developed our Statewide Strategic Plan for Domestic Preparedness.

Last October, Wisconsin became the 10th state to complete the Statewide Strategic Plan and earn the Department of Justice's approval. This was significant because it freed up $3.8 million in equipment dollars for fiscal years 1999, 2000 and 2001. This money will be used to equip our regional response resources and our 72 counties with personal protective equipment, detection and monitoring, decontamination and communications equipment. We are now distributing these dollars to our cities and towns.

Our statewide assessment detailed a need for over $16 million, so you can see that there clearly is not enough money at this time. The purpose of the assessments was to help prioritize the distribution of funds based on the threat, current capabilities and needs.

The strategy we developed had us focus on developing regional capabilities. First, we funded our eight regional hazardous materials teams, our regional bomb squads and various state agencies that would have a response role in weapons of mass destruction event. Then we addressed the 35 county hazardous materials teams who are organized to provide broad response coverage. Lastly, we addressed our 72 counties with the emphasis being on the high-risk counties. All of our counties are eligible for funding, but amounts vary based on their risk and capabilities.

The fact that these funds have come as 100% funding and no match is required has helped our communities considerably. We do believe at a time when we are struggling to build capacity, it is extremely helpful not to be challenged by identifying a requisite match.

A significant problem with these funds was the lack of flexibility in spending the allocated dollars. The Office of Justice Programs (OJP) has an Authorized Equipment List, which is somewhat limited. When you want to deviate from this list it requires detailed justification that consumes time. An example is a first responder group wanted to purchase lockout/tag out kits which would prevent an explosion should there be an oxygen leak on personal protective gear. This equipment was not on OJP's Authorized Equipment Purchase List. We were able to get approval from OJP after providing justification that this piece of equipment was obviously critical to prevent injury.

It has been a demanding grant to administer as evidenced by how long it has taken to get the dollars out on the streets. In Wisconsin, we have expended only about 50% of the $3.8 million and I would venture to say that our spending rate is ahead of most states. Flexibility should be the key in designing future grant programs and for these three fiscal years; it was, to be kind, an inflexible process.

We are now in the process of applying for 2002 Office of Domestic Preparedness Program Grants. The Justice Department has expanded the eligible areas to spend these needed dollars and this additional flexibility is appreciated. Wisconsin will receive over $5.9 million for program and exercise needs with our 2002 dollars. This will help considerably in our preparedness efforts, but still our needs are greater than the funds available. We believe that the 2003 First Responder Initiative dollars proposed by

President Bush that is currently in its way through Congress are necessary and will help in our preparedness efforts.

The First Responder Initiative should help immeasurably in further raising our preparedness levels. However, probably more appropriately, the name for this initiative should be "emergency responder initiative" vice "first responder" to broaden the eligibility for who could receive these funds. By most definitions, first responders are our law enforcement, fire service and emergency medical services personnel who are often the first to respond and enter harm's way. They do need the best protection and rightly deserve our highest effort to get them this protection. Yet, there is a cadre of disciplines who may also be thrust in harm's way and we need to be able to provide them with the appropriate equipment and the flexibility to do so. These response disciplines could be public health professionals, emergency management personnel and public works personnel. All may need consideration for this funding and I would suggest you leave it to the Governor's to designate the eligibility.

Two weeks ago, I was present to hear Governor Tom Ridge's remarks to the U.S. Conference of Mayors in Madison. The Mayors asked if he would provide block grants directly to the cities to help them in their preparedness efforts. I strongly support his response that the grants should not be block grants to municipalities, rather they should be provided to the states through the Governors. I believe that we need to do this if we hope to build a statewide system that can complement our national system. I believe block grants tend to create islands of response capabilities, but may not add to the system as a whole.

It will be tough in these difficult financial times for the state and local governments to provide a hard match to these 2003 funds. We would like to see no match at all or recognition of other state efforts as the appropriate match for these funds. If it is determined that a local and/or state match will be required to apply for and receive funding under this program, the match should only be a "soft match" allowing states and local jurisdictions to identify "in-kind" contributions. In many cases, jurisdictions are often more able to provide an in-kind/soft match more than hard cash matches. An in-kind/soft match would also show support and commitment to enhancing capabilities but would require less of a financial burden. However, at the state emergency management level, many of my staff salaries and programs expenditures have already been designated as in-kind for other grants, and as you are aware, you cannot duplicate in-kind effort. As mentioned, state and local preference would be 100% federal funding.

Training and equipping our first responders is only part of the equation. I would like to spend some time talking about some of Wisconsin's other terrorism preparedness efforts and the assistance we have received from the federal government.

A key part of our response planning has been the work of the Wisconsin Department of Health and Family Services. Since 1998, the Centers for Disease Control has awarded Wisconsin $1.12 million annually to strengthen our public health infrastructure. There are three key focus areas that the grant supports

1. To improve disease surveillance and epidemiology in the area of bioterrorism so that we can learn quickly about potential disease outbreaks.
2. To increase laboratory capacity to identify and report biological agents.
3. To implement a network for public health, medical and other agencies.

In Wisconsin, the Health Alert Network came on line in April 2001 and we are using this network to keep our public health community apprised of the latest developments. The increased laboratory capacity resulted in Wisconsin developing four laboratories that are capable of identifying biological agents. We have two in Milwaukee, the State Lab of Hygiene in Madison and a laboratory in Marshfield. We relied heavily on the Milwaukee and Madison labs during the rash of anthrax threats that consumed our state last fall. Altogether, we received over 700 cases, and all cases tested negative for anthrax. We were indeed fortunate to have the capability to get the tests done quickly to allay concerns and prevent unnecessary decontamination costs.

Recently, the Department of Health and Family Services received a $19.3 million federal bioterrorism grant. This grant will further the efforts undertaken over the past several years and strengthen our public health capabilities. The grant requires us to look at our bioterrorism response on a regional basis instead of our current method that has over 100 public health and tribal health offices. It is a tremendous challenge we are undertaking.

You can see that a lot of work has been done, but you also know from current events that there is much work to do to address our vulnerabilities. To this end, Governor McCallum created a Task Force on Terrorism Preparedness in the days following September 11. The Governor directed this Task Force to look at the work that we have done to date and provide direction and guidance for the work that needs to be done in the future.

Governor McCallum wanted to ensure that emergency management and the public health community work together on this complex issue. He named Department of

Health and Family Services Secretary Phyllis Dubé as my co-chair to encourage improved coordination between these two agencies. Many states have been slow to grasp this partnership. We have long viewed it as essential and will remain joined at the hip in our efforts to keep Wisconsin prepared.

In addition, the Governor appointed task force members from law enforcement, fire service, agriculture, public health, American Red Cross, Public Service Commission, representative from a Local Emergency Planning Committee, and electronic government. This Task Force has met eight times to date and lines of communication have been opened across these response communities. We are learning about the enormity of the challenge and working hard to strengthen weaknesses and promote strengths. The Task Force has covered a broad range of issues. Examples include the following:

- We have spent considerable time discussing the importance of law enforcement information sharing at the federal, state and local level. We have seen improvements in this area of intelligence sharing and will continue to work to improve this vital aspect of keeping our citizens safe.
- We have advanced the proposal to create a Regional Trauma System in Wisconsin. Trauma is the leading cause of death of individuals between the ages of 1 and 44 and is the fourth leading cause overall. The goals of a trauma care system are to match a facility's resources with a trauma patient's needs and ultimately to reduce suffering, disability, death and the cost associated with traumatic injury. Studies done using national data and studies of states before and after implementation of a trauma system show consistent decreases for death and

serious injury ranging from 9% to 20%. A state trauma system will also have an even greater benefit in the event of a mass casualty incident.

- Another component of this initiative is a proposal to tie in emergency rooms throughout the state with a web-based system. This system is currently in place in Milwaukee County and permits the respective emergency rooms to learn of resource strains that may be occurring or if there is a similarity of ailments being treated. All of this information will strengthen our public health system.
- We have discussed and are in favor of the stockpiling of Potassium Iodide as an additional protective measure to evacuations and sheltering for those who live near a nuclear power plant. As you well know, the Nuclear Regulatory Commission (NRC) supports the use of KI as a protective measure for the general public within ten miles of a nuclear power plant. The NRC has found that KI is a reasonable, prudent and inexpensive supplement to evacuation and sheltering in place to protect the public during an emergency at one of our nuclear power plants. KI can effectively block the uptake of radioactive iodine in the thyroid gland, reducing the threat of thyroid cancer. At this time our three counties who are in the emergency planning zone around our nuclear plants are not interested in stockpiling KI and the Governor will not ask the NRC for the KI until our counties are in agreement.

Last October, FEMA led a team of federal agencies to Wisconsin to jointly assess with us our terrorism preparedness and response capabilities in 18 critical areas. They ranged from command and control to communications to public health related capabilities. The assessment identified strengths and shortfalls in each of the areas and

became part of a larger assessment FEMA submitted to the Office of Homeland Security on the nation's overall preparedness posture. Over and above that, Wisconsin used the assessment as a base to determine where to focus our planning, training and exercising. In collaboration with our State Interagency Working Group on Terrorism, we analyzed our shortfalls and have arrived at more than 40 action recommendations, short and long-term, that when implemented will improve Wisconsin's preparedness and response capabilities. The recommendations fall into the four broad categories of command and control, critical infrastructure, training and public health. Some examples of these action items include the following:

- We need to encourage adopting and promoting Incident Command System and Unified Command as a means to manage an incident. We have embarked on an aggressive training program to bring members of the public safety community up to speed in this effective management system.
- We are looking to determine if we have an effective mutual aid system. We are a member of the Emergency Management Assistance Compact (EMAC), which is how states help states. The question is, do we have an effective intra-state mutual aid system. We certainly have systems in place for neighboring jurisdictions, but how about if non-neighboring jurisdictions were to respond to a more distant jurisdiction in the state.
- We need to strengthen interoperability of communications so that different agencies can talk together. In Milwaukee County, there are police departments who cannot talk to each other. We need to do better.

- We also identified infrastructure and resource considerations. This afternoon, I will be meeting with the FBI to further our efforts to identify the critical infrastructure that exists in our state. Protection of our critical infrastructure is very important during these times. We have taken steps to date, working with our utilities to ensure our nuclear plants have adequate security and also with our Department of Natural Resources who have worked closely with Wisconsin's 600-plus water systems to provide recommended protective measures.
- We are seeking the designation of a full-time Civil Support Team comprised of 22 National Guard soldiers trained and equipped to face chemical, biological and radiological threats. There are 32 states in the nation with these teams and we strongly feel that this capability should also reside in Wisconsin.
- We need to conduct meaningful exercises across all lines of our response capability. We have taken advantage of the technical assistance provided by the U.S. Department of Justice to conduct several exercises in the past several months. We held a bioterrorism functional exercise in March dealing with an outbreak of pneumonic plague in Madison. On May 16, we conducted a full-scale exercise in cooperation with Dane County and Madison dealing with a chemical release. We will continue this aggressive exercise schedule to ensure we remain prepared.
- In the area of public health, we will continue to strengthen our preparedness levels. As mentioned earlier, we are strengthening lab capabilities, developing operational plans to deal with public health emergencies, ensuring legislation is adequate for public health emergencies and establishing relationships so that we

know how to obtain federal resources, such as Disaster Medical Assistance Teams or the Pharmaceutical Stockpile Packages, etc.

I would like to conclude with a brief comment on the proposed Department of Homeland Security. Governor McCallum and I support the President's proposal. We believe it is a sound concept to tackle the challenges our nation faces. I offer this perspective as a state director of emergency management and as a retired Coast Guard officer. I personally believe it is a good fit for the Coast Guard and I believe it can be a good fit for the FEMA provided they also remain focused on the natural disaster response.

At the state level, I believe that state emergency management offices are the logical frameworks to provide homeland security planning as part of our all-hazards planning. I believe that FEMA's place in the new Department of Homeland Security can promote this all-hazards planning approach.

Over the past decade, FEMA's response to natural disasters has improved immensely. They serve their customers, i.e., state and local government, individuals and businesses, in an effective and timely fashion when Presidential Disaster Assistance is authorized. Natural disasters will indeed occur and FEMA must continue to support the efforts of state and local governments in responding to them. I would hate to see this capability, which has been so long in the making, compromised or overshadowed in this new department. I have confidence that the President recognizes the dual mission that FEMA must be prepared to meet and juggle the demands resulting from natural disasters and terrorist events. I have confidence that under the umbrella of all-hazards, FEMA has much to offer this new department.

I appreciate the opportunity provided today. As a nation, we have much work to do and the states appreciate the leadership provided by the President and Congress in providing funding to help us get there. I ask that you continue to be flexible in the administration of these funds as we collectively work to make our nation prepared.

Thank you.

STATEMENT OF JEFFREY J. BERKIN, ASSISTANT SPECIAL AGENT IN CHARGE, MILWAUKEE DIVISION, FEDERAL BUREAU OF INVESTIGATION

Mr. BERKIN. Good morning, Chairman Horn, thank you. Good morning, distinguished members of the Wisconsin delegation. I appreciate the opportunity to appear before you today to speak to the FBI in Wisconsin's efforts in the area of weapons of mass destruction preparedness and response.

Basically the focus of FBI efforts to address WMD threats is on prevention. We view prevention as having a number of components or elements, if you like. That is because we view prevention as a defense in depth where we try to have a series of barriers to anyone who would do us harm.

The first layer perhaps is intelligence acquisition. That is the collection of intelligence information from our own human and technical sources, from liaison with our Federal, State and local partners and from our foreign liaison partners.

Once that intelligence is acquired, we engage in intelligence analysis. That, together with the collection, gives us the nature of the threat.

From there, we go to information sharing and I will speak a little bit more about that in a moment.

We also assist with physical security at target sites, particularly for specific events, to try to help harden those potential targets. We assist in addressing information assurance; that is, the security of information systems, computer systems, from the cyber threat.

We also assist in addressing personnel security issues, not replacing the private sector or local security efforts, but where someone comes to a heightened level of attention because they provide some indicia of suspicion, we can address that as well.

And last, of course, we engage in an aggressive and thorough investigation of identified threats to deter, to disrupt and to defeat terrorist operations and efforts against us.

For a moment, I would like to speak about information sharing, because that is a very important topic and one which has received a lot of notice of late. Here in Wisconsin, we engage in information sharing through a variety of mechanisms and I would like to share those with you briefly.

First and foremost is our Joint Terrorism Task Force. Twelve different agencies, State, Federal and local are represented on that task force, which is housed and led by the FBI. It is located not only here in Milwaukee but also in Madison to provide adequate Statewide coverage. These law enforcement agencies that work side by side with us, of course, have access to the information that we have, so that they in turn can take it back to their parent agencies and assist in the dissemination of intelligence information.

We distribute information via computer systems through a number of ways: NLETS, the National Law Enforcement Telecommunications System, sends teletype warning messages to every police department and sheriff's office that is equipped to receive them. LEO, Law Enforcement Online, an FBI sponsored information system, similarly sends out threat information and intelligence information. Those accounts are available to local law enforcement officers who care to have them. WILENET, a Wisconsin-specific Law

Enforcement Network. We obtained authorization to input threat information into WILENET, again for those departments which perhaps have access to it but not to the other systems. We have a program known as InfraGard, which is a private/public partnership with private industry, designed primarily to protect private corporations against cyber threats. We have another program called ANSIR primarily focused on counter-espionage and counter-terrorism. And perhaps one of the more important ones is management representation at public forums, for particularly law enforcement forums, where management distributes information at venues such as the monthly meetings of the Wisconsin chiefs of police, the Milwaukee County chiefs of police, Waukesha County chiefs of police and the like. We go to these meetings and we always bring up information when it is relevant.

Of course, beyond prevention, we address the response to a terrorist event, and we do that through training, through liaison, through national FBI resources and assets such as the National Hazardous Materials Response Unit, Hostage Rescue Team, the National Infrastructure Protection Center and other national resources which we can bring to bear here in Wisconsin if we become overwhelmed in terms of resources. We also, of course, develop response plans, so that we have a blueprint to follow in the event that something does occur. And again, last, but not least, investigation and prosecution, which is our core competency, our traditional function. We of course perform that function here in Wisconsin as well.

But the point I would like to make is that really our primary emphasis is on prevention and I have given you some of the ways in which we attempt to successfully address that.

That concludes my oral presentation this morning. Thank you.

Mr. HORN. Well, thank you, I appreciate it.

We will now get a view of the Federal Emergency Management Agency through the region and to tell us all about that, Edward G. Buikema, the Regional Director. And we thank you for coming over here to give us some of your take on this.

[The prepared statement of Mr. Berkin follows:]

STATEMENT OF JEFFREY J. BERKIN
ASSISTANT SPECIAL AGENT IN CHARGE,
MILWAUKEE DIVISION,
FEDERAL BUREAU OF INVESTIGATION
BEFORE THE HOUSE COMMITTEE ON GOVERNMENT REFORM
SUBCOMMITTEE ON GOVERNMENT EFFICIENCY,
FINANCIAL MANAGEMENT AND INTERGOVERNMENTAL RELATIONS

JULY 1, 2002

Good morning Chairman Horn, Members of the Subcommittee and distinguished Members of the Wisconsin Delegation. I appreciate the opportunity to appear before you and discuss terrorism preparedness, including threats involving biological, chemical and nuclear agents. I will also describe measures taken by the Federal Bureau of Investigation (FBI) and our law enforcement partners to address these threats in the State of Wisconsin.

INTRODUCTION

The mission of the FBI's counterterrorism program is to detect, deter, prevent, and rapidly respond to terrorist actions that threaten U.S. national interests at home or abroad, and to coordinate those efforts with local, state, federal and foreign entities as deemed appropriate. The counterterrorism responsibilities of the FBI include the prevention and investigation of domestic and international terrorism. As events of the recent past have indicated, both domestic and international terrorist organizations represent threats within U.S. borders.

THE MILWAUKEE DIVISION OF THE FBI

The Milwaukee Division of the FBI has responsibility for the State of Wisconsin which comprises both the Eastern and Western Federal Judicial Districts. The State of Wisconsin has 72 counties. The headquarters office for the Division is located in Milwaukee with satellite offices (Resident Agencies) located in Eau Claire, Green Bay, Kenosha, La Crosse, Madison, and Wausau.

The State of Wisconsin shares its northern border with Canada, eastern border with Lake Michigan, western border with the Mississippi River, and southern border with the State of Illinois. Within the state are four nuclear power plants: the Kewaunee Nuclear Power Plant, Kewaunee; the Point Beach Nuclear Plant, Two Rivers; the La Crosse Boiling Water Reactor (LACBWR), Genoa; and the University of Wisconsin Nuclear Reactor Facility, Madison. The LACBWR plant is in a safe storage status with spent nuclear fuel on site. The University of Wisconsin Nuclear Reactor Facility is a small research reactor located at the University of Wisconsin.

Also, the Zion Nuclear Power Plant in Zion, Illinois (covered by the FBI's Chicago Division) could impact Milwaukee Division operations. The Zion plant is an active operating nuclear power facility located approximately 50 miles south of Milwaukee. The Milwaukee Division has a contingency plan in place in the event of a nuclear threat.

Wisconsin's largest military base is Ft. McCoy, located in Monroe County, on the western border. Camp Douglas/Volk Field Air National Guard Base is also located in the western portion of the state. Other military bases include the 440th Airlift Wing and 128th Air Refueling Wing, both located in proximity to the state's largest airport, General Mitchell International Airport in Milwaukee.

JOINT TERRORISM TASK FORCE (JTTF)

Elements of the Wisconsin Joint Terrorism Task Force (JTTF) began operating immediately following the attacks of September 11, 2001, and the JTTF was officially established in January 2002. The top priority of the JTTF, as well as the entire Milwaukee Division, is prevention, through efforts to identify and neutralize terrorists before they attack the persons, property, or interests of the United States.

The Milwaukee Division JTTF, which was formed specifically to address this priority, is comprised of Federal, State, and Local agencies to include the FBI, U.S. Marshal's Service, U.S. Customs Service, U.S. Postal Inspection Service, Bureau of Alcohol, Tobacco and Firearms (BATF), U.S. Secret Service, U.S. Immigration and Naturalization Service, Wisconsin Department of Criminal Investigation (DCI), Milwaukee Police Department,

and Milwaukee County Sheriff's Office. In the Madison Resident Agency, participants include DCI, University of Wisconsin Police Department, Dane County Sheriff's Office and Madison Police Department.

Each of the agencies participating in the JTTF have committed resources to the investigation and prosecution of terrorism related matters. This has ensured maximum availability of the various expertises necessary to pursue these investigations. The JTTF also focuses on domestic terrorism issues such as the recent anthrax threats and concerns posed by hate groups such as the Aryan Nations and the World Church of the Creator. The JTTF closely coordinates terrorism matters with the United States Attorney's Offices in Milwaukee and Madison and their Anti Terrorism Task Forces.

WEAPONS OF MASS DESTRUCTION

Each field division has a designated WMD coordinator whose primary responsibility is to establish and maintain liaison with local, state, and federal crisis and consequence management personnel. Coordination with all entities involved in WMD matters will enable the FBI to identify and successfully prosecute international and domestic terrorists.

The Milwaukee Division has developed and maintains a field office crisis response plan together with a WMD Incident Contingency Plan which is reviewed periodically and updated as necessary.

The Milwaukee Division has taken a very active role in its WMD program. Liaison with our federal regional counterparts to include the Federal Emergency Management Agency (FEMA), Department of Defense (DOD), Department of Energy (DOE), Department of Health and Human Services (DHHS) and Environmental Protection Agency (EPA) is strong. The Milwaukee Division also enjoys a solid working relationship with its local and state partners in the WMD arena to include Wisconsin Emergency Management personnel, local health department officials, fire, hazmat, and local law enforcement.

Since the latter part of 2000 to the present, the Milwaukee Division has hosted six regional WMD awareness/preparedness conferences throughout the State of Wisconsin. In each conference, experienced guest speakers

provided presentations concerning the threat of WMD and the FBI's role as they relate to WMD matters. Conference attendees included the first responder community, mayors, city managers, sheriffs, county supervisors, police and fire chiefs, hazmat, emergency management personnel, and representatives from our federal counterparts. Most of the conferences concluded with a tabletop exercise in the afternoon.

FBI agents who are assigned WMD matters frequently speak and provide instruction about the FBI's role in WMD matters to such groups as the Northwest Wisconsin Sheriffs' Association, the Camp Douglas Anti-Terrorism/Force Protection Class, the UW-Madison microbiology class, the Milwaukee County paramedics continuing education program, Dairy plant representatives, railroad and water works representatives, and the American Society for Industrial Security.

The Milwaukee Division has actively participated in state and county terrorism workings groups, WMD threat assessments, public health bioterrorism preparedness meetings, terrorism tabletops and full-field exercises. Most recently, the Milwaukee Division participated in full scale WMD exercises conducted in Dane, Racine, and Outagamie Counties.

The Milwaukee Division is presently planning for a tabletop exercise in July followed by a full scale exercise in September 2002, which will incorporate scenarios involving improvised explosive devices, an industrial chemical release, and the detection of radiological material.

The Milwaukee Division has established liaison with the local Milwaukee Health Department and has recently requested the necessary background investigation for a "top secret" clearance for the health commissioner and health department manager in an effort to share information vital to the WMD program.

NATIONAL INFRASTRUCTURE PROTECTION CENTER (NIPC)

The National Infrastructure Protection Center (NIPC) was created in 1998 as a means to detect, deter, assess, warn, prevent, respond and investigate attacks on the nation's critical infrastructures. The NIPC is an interagency, public-private partnership comprised of representatives from

the FBI, Department of Defense, Intelligence Community, other federal departments and agencies, state and local law enforcement and private industry.

The Milwaukee Division has contributed intelligence information to the NIPC's 24/7 Watch, relative to intrusion and threat information received by the Milwaukee Division. The community outreach efforts initiated by the Milwaukee Division have been successful in raising the public's awareness of infrastructure protection and computer intrusion issues. FBI presence at public forums has helped to earn public trust in reporting matters that traditionally were not reported to law enforcement. The information, provided by the public is immediately forwarded to the NIPC, which currently provides analysis as to whether a pattern is beginning and allows threat warning information to be disseminated in order to prevent the problem, or attack, from being spread. However, the proposed Department of Homeland Security (DHS) will merge under one roof the capabilities to integrate threat analysis with vulnerability analysis, issue appropriate warnings, and organize the right preventive and protective response. As a result, the NIPC (other than the Computer Investigation and Operations Section) will be transferred to DHS.

Additionally, the Milwaukee Division is a participant in the Wisconsin Association of Computer Crime Investigators (WACCI), which is an organization comprised of federal, state, and local law enforcement officers, as well as private sector computer crime investigators, dedicated to continuous technical training and the exchange of information that will assist in investigating computer crimes, Internet Fraud, Child Pornography, and computer intrusions.

INFRAGARD AND KEY ASSET PROGRAMS

Other initiatives that the Milwaukee Division has undertaken include the InfraGard and Key Asset Programs, which are both under the direction of the NIPC. The Milwaukee Division has two InfraGard Chapters within its territory, serving the eastern and western halves of the State of Wisconsin. The Milwaukee InfraGard Chapter (serving the eastern half of Wisconsin) meets every other month, while the Madison InfraGard Chapter (serving the western portion of Wisconsin) meets quarterly. The meetings allow

InfraGard participants to become acquainted with their counterparts, who are physical and/or information security professionals, working toward maintaining the security of their respective facilities and systems. These meetings also feature speakers, who provide educational presentations on security related topics.

On May 14 and 15 of this year, the two Wisconsin InfraGard Chapters held a Tri-State Regional Conference, in conjunction with the Minneapolis and Chicago InfraGard Chapters, at Wisconsin Dells, Wisconsin. InfraGard Participants are invited and encouraged to progress to a higher level, by completing a formal Secure Access Membership Agreement, which allows a member (company/representative) to have access to the Secure InfraGard Website which provides additional information on threat warnings, recent intrusions, and research related to infrastructure protection.

The Milwaukee Division's Key Asset Program is also part of the NIPC. The Key Assets are categorized into eight critical infrastructures, to include transportation, telecommunications, banking and finance, energies (electric and nuclear), water, oil and gas storage and transportation, emergency services and continuity of government. The Milwaukee Division is responsible for identifying Key Assets within its territory, as well as the individuals who are points of contact for the Key Asset. This and other Key Asset information are forwarded and maintained in the FBI's National Key Asset Database. The Milwaukee Division is in the process of concluding a project, whereby all Emergency Management Directors in the 72 Wisconsin Counties, were (or will be) contacted to ensure that the Key Assets in their respective counties have been identified.

AWARENESS OF NATIONAL SECURITY ISSUES AND RESPONSE (ANSIR) PROGRAM

The ANSIR Program is the FBI's National Security Awareness Program. It is the "public voice" of the FBI for espionage, counterintelligence, counterterrorism, economic espionage, cyber and physical infrastructure protection and all national security issues. The program is designed to provide unclassified national security threat and warning information via e-mail to U.S. corporate physical and information security directors and

executives, law enforcement, and other government agencies. ANSIR advisories are event driven and, therefore, are not disseminated on a regular basis; rather, they are sent as events dictate.

SIGNIFICANT INVESTIGATIONS

The Milwaukee Division has played a significant role in recent investigations which received national attention. The Milwaukee Division was instrumental in the arrest of Luke Helder, the individual who placed pipe bombs in mailboxes throughout the Midwest, Colorado and Texas. A search was conducted at Helder's apartment in Menominee, Wisconsin, which yielded valuable evidence and identified Helder as the bomber. As the day unfolded, Helder was tracked through "real time" cell phone information to his location on the highway. Once his location and direction of travel were determined, FBI agents in the Reno, Nevada, Resident Agency were notified. They were then able to coordinate Helder's arrest with local and state law enforcement officers.

On May 7, 2002, Joseph Daniel Konopka, also known as "Dr. Chaos," was indicted by a Federal Grand Jury in Milwaukee on 13 counts covering 53 Wisconsin crimes. From 1998 through 2002, Konopka wreaked havoc in 13 counties by disrupting power and causing $800,000 in damages. He is also accused of setting fires, disrupting radio and television broadcasts, disabling an air traffic control system, selling counterfeit software and damaging the computer system of an internet service provider. Konopka remains in custody in Chicago, where he was arrested in March after being caught with cyanide, a potentially deadly chemical, near the Chicago subway system. If convicted, he faces up to 30 years in prison.

In September 2000, Mickey Sauer pled guilty and was sentenced to prison for mailing an anthrax threat to a high school principal. Between January 5 and 18, 2000, Sauer sent 17 letters to women's reproductive centers in Racine and Milwaukee, adoption centers in Manitowoc and Milwaukee, two schools and a grocery store in Kenosha and other agencies. All but one of the letters contained an anthrax threat.

During the 2001 anthrax incidents and until April 2002, the Milwaukee Division maintained a database to track all reported calls of suspicious

packages and letters. Information was shared and investigations were coordinated with the Milwaukee Fire Department and other fire departments and law enforcement agencies throughout the state.

SPECIAL EVENTS

The Milwaukee Division has been very active recently with respect to two major events occurring in Wisconsin. The 2002 U.S. Conference of Mayors was held in Madison in June. The 2002 All-Star Baseball Game and festivities in Milwaukee will begin later this week. Preparations for these two special events demonstrate the coordinated efforts of our local, state, and federal partners in Wisconsin.

The U.S. Conference of Mayors was attended by the mayors of numerous cities to include Boston, Chicago, Detroit, and San Francisco. Homeland Security Director Tom Ridge was one of the notable individuals who addressed the conference. The Milwaukee Division coordinated security efforts with the Madison Police Department, Dane County Sheriff's Department, Wisconsin Emergency Management, the Wisconsin and Minnesota Army National Guard Civil Support Teams (CST) and other local law enforcement agencies. The Division also provided FBI bomb disposal technicians, equipment, (robots, x-ray, bomb suits, etc.) and training for the Dane County Bomb Squad. These efforts were coordinated with and supported the BATF canine explosive detection teams.

CONCLUSION

Terrorism represents a continuing threat to the U.S. and a formidable challenge to the FBI. In response to this threat, the Milwaukee Division of the FBI has developed, and is expanding, its broad-based counterterrorism program, which is integrated into the state and local law enforcement and first responder network. The Milwaukee Division intends to disrupt terrorist activities by continuing to support and use the JTTF, and by continually expanding interagency cooperation. While this approach has yielded successes, the dynamic nature of the terrorist threat demands that our capabilities continually be refined and adapted to continue to provide the most effective response.

Within the Milwaukee Division, all of the FBI's aforementioned investigative responsibilities are conducted jointly with other law enforcement agencies represented on the Milwaukee JTTF, and at times, with additional agencies from the intelligence community, emergency response community and medical agencies. It is impossible for the FBI to conduct investigations and obtain intelligence without working in concert with the Wisconsin federal, state and local agencies. Communication and coordination are outstanding and the Milwaukee Division consistently strives to maintain and improve that cooperation.

Chairman Horn, this concludes my prepared remarks. I would like to again express my appreciation for this subcommittee's concentration on the issue of terrorism preparedness and I look forward to responding to any questions.

STATEMENT OF EDWARD G. BUIKEMA, REGIONAL DIRECTOR, FEDERAL EMERGENCY MANAGEMENT AGENCY

Mr. BUIKEMA. Thank you and good morning, Mr. Chairman and members of the Wisconsin delegation. I am Ed Buikema, Director of Region V of the Federal Emergency Management Agency.

FEMA Region V includes the States of Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin representing a population of approximately 51 million people with the majority residing in urban areas. We have significant disaster activity within the region, having administered 48 Presidential Disaster Declarations within the last 5 years, with many events impacting multiple States. Presently, four of Region V's six States have active major Presidential Disaster Declarations. Illinois' declaration is for high winds, tornadoes and flooding. Indiana, Michigan and Minnesota have declarations for flooding.

To maintain the readiness for large scale disasters including acts of terrorism, regional Federal agencies and the States turn to the Federal Response Plan. Under the Federal Response Plan, FEMA coordinates a disaster response system that involves up to 26 Federal agencies and 12 emergency support functions. Each emergency support function has a lead Federal agency. Regionally, these emergency support functions have been called into action during such disasters as the midwest flood of 1993 and the Red River flood of 1997.

Other regional Federal agencies and our State partners meet at least quarterly to share planning efforts, exercise preparedness and response plans and devote attention to emergency response coordination during specific types of natural and manmade disasters.

The region takes an active role in preparing for a response to a terrorism event. FEMA's responsibility is to coordinate Federal, regional and State terrorism-related planning, training and exercise activities. This includes supporting the Nunn-Lugar-Domenici program in which 36 Region V communities participate. We are also working with States to build response capability and keep them informed of Federal initiatives as well as participate in the State-sponsored conferences, training exercises, task forces and workshops.

Just last month, the region hosted a senior leaders homeland security summit which brought together selected officials and representatives of the first responder community throughout our States. The summit provided a forum for discussions of issues relating to the fire service and law enforcement, funding for planning, training, equipment and exercises, border issues, mutual aid agreements and other issues pertinent to homeland security.

All of the States in Region V have implemented proactive and aggressive actions in response to the terrorism threats that have emerged since September 11th.

Many States have committed substantial amounts of staff and their own financial resources toward preparing for weapons of mass destruction events. All States have designated homeland security directors.

Groundwork has been laid or accelerated to develop interstate and intrastate mutual aid agreements. Specialized response teams are being formed. Legislation is being enacted. Training is being

conducted and equipment is being purchased. State government has spent millions of dollars directly responding to homeland security needs and the anthrax crisis.

While much has been done, we have only begun to scratch the surface of what needs to be done. We have identified many shortfalls in our Nation's ability to respond to weapons of mass destruction events. These shortfalls must be addressed. Homeland security initiatives must be sustainable and will require an ongoing commitment of Federal, State and local resources.

FEMA has recently realigned to establish the Office of National Preparedness at the headquarters and regional level. The creation of this office is intended to address a long-recognized problem, the critical need that exists in this country for a central coordination point for the wide range of Federal programs dealing with terrorism preparedness.

I would like to briefly discuss the first responder initiative. To support first responders, the President has requested $3.5 billion in the 2003 budget. These funds would help plan, train, acquire needed equipment and conduct exercises in preparation for terrorist attacks and other emergencies.

Right now, FEMA is developing a streamlined and accountable procedure that would speed the flow of funds to the first responder community. Specifically, the funds would be used to support the development of comprehensive response plans for terrorist incidents, to purchase equipment needed to respond effectively, including a better interoperable communications system, the provide training for responding to terrorist incidents and for coordinated regular exercise programs.

The President is requesting funds in the 2002 spring supplemental to support the first responder initiative, including $175 million to be provided to State and local governments to upgrade and in some cases to develop comprehensive emergency operations plans. These comprehensive plans would form the foundation for the work to be done in 2003 to prepare first responders for terrorist attacks.

FEMA has held listening sessions throughout the country with first responders and emergency managers at every level to solicit their ideas on the design of the grant program process. In addition, we are working to resolve other issues critical to the success of this initiative: National standards for compatible, interoperable equipment. A national mutual aid system. Personal protective equipment for first responders. And national standards for training and exercises.

In addition to the right equipment, planning capabilities and training, first responders have been telling us that they need a single point of contact in Federal Government. In our view, it is absolutely essential that the responsibility for pulling together and coordinating the myriad of Federal programs designed to help local and State responders an emergency managers to respond to terrorism be situated in a single agency. That is why we are so excited about the President's calling for the creation of the Department of Homeland Security.

The functions that FEMA performs will be a key part of the mission of the new Department of Homeland Security. The new de-

partment will strengthen our ability to carry out important activities such as building the capacity of State and local emergency response personnel to respond to emergencies and disasters of all kinds. The new department will administer Federal grants under the first responder initiative as well as grant programs managed by the Department of Justice, the Department of Health and Human Services and FEMA. A core part of the Department's emergency preparedness and response function will be built directly on the foundation established by FEMA. It will continue FEMA's efforts to reduce the loss of life and property and protect our Nation's institutions from all types of hazards through a comprehensive risk-based all hazards emergency management program of preparedness, mitigation, response and recovery.

By bringing other Federal emergency response assets such as the Nuclear Emergency Search Team, Radiological Emergency Response Team, Radiological Assistance Program, National Pharmaceutical Stockpile, the National Disaster Medical System and the Metropolitan Medical Response System together with FEMA's response capabilities, the new department will allow for better coordination than the current situation in which response assets are separated in several departments.

Also the Citizens Corps program is part of the President's new Freedom Corps initiative. The initiative brings together local government, law enforcement, educational institutions, the private sector, faith-based groups and volunteers into a cohesive community resource. Citizen Corps is coordinated nationally by FEMA, which also provides training standards, general information and materials. We also will identify additional volunteer programs and initiatives that support the goals of the Citizens Corps.

Thank you for the opportunity to testify here today on the efforts of the emergency management community. I will be happy to answer any questions you may have.

Mr. HORN. Thank you. And the last speaker on the emergency response issues and the law enforcement issues is Captain Scott E. Hartley, Commanding Officer, National Strike Force Coordinating Center, U.S. Coast Guard.

[The prepared statement of Mr. Buikema follows:]

Statement of
Edward G. Buikema
Regional Director
Federal Emergency Management Agency Region V
House Committee on Government Reform's
Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations
U.S. House of Representatives Field Hearing, Milwaukee, WI

July 1, 2002

Introduction

Good afternoon, Mr. Chairman and Members of the Committee. I am Ed Buikema, Director of the Federal Emergency Management Agency Region V. I am pleased to be with you here today to talk about the challenges facing emergency managers and first responders to be better prepared to respond to acts of terrorism. Having served as the State Emergency Management Director with the Michigan State Police prior to my appointment with FEMA, I can offer you firsthand experience and a unique perspective of the monumental tasks ahead of us in the emergency management community.

FEMA Region V includes the states of Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin representing a population of approximately 51 million people, with the majority residing in urban areas. We have significant disaster activity within the Region having administered 48 Presidential Disaster Declarations within the last five years with many events impacting multiple states. While we are vulnerable to a broad range of natural and technological hazards, our greatest threats are a result of severe weather, specifically tornadoes and floods, and the potential for terrorist attack.

In 2000, three of our states ranked in the top twenty states with the highest damages from flooding. Illinois ranked 8th in the nation at an estimated cost of 219M. Minnesota ranked 15th at 145M and Indiana ranked 18th at 113M. The

three remaining states, Ohio, Wisconsin and Michigan ranked in the top forty. All six states ranked nationally in the top twenty for damages resulting from tornadoes in the same period. Minnesota was the 2nd highest in the nation. Illinois and Indiana finished in the top ten.

The Region V states comprise one of the nation's major transportation corridors. Thirty-six percent (36%) of the total tons of hazardous materials shipped in the United States either originate or terminate in a Region V state. The Region is also home to 16 nuclear power plants, the Newport Army Chemical Depot, and is impacted by the New Madrid and Wabash earthquake faults. Presently, four of Region V's six states have active major presidential disaster declarations. Illinois' declaration is for high winds, tornadoes and flooding. Indiana, Michigan and Minnesota have declarations for flooding. Through years of working with our states during disasters we have formed strong working partnerships and mutual respect that can only strengthen our response to an act of terrorism.

To maintain their readiness for large-scale disasters, including acts of terrorism, regional federal agencies and the states turn to the Federal Response Plan. Under the Federal Response Plan, FEMA coordinates a disaster response system that involves up to 26 federal agencies and 12 Emergency Support Functions. In the past ten years the plan has been used to respond to the Northridge Earthquake, Hurricane Floyd, the bombing of the Murrah Building in Oklahoma City and September 11. Each Emergency Support Function has a lead federal agency. Regionally these Emergency Support Function agencies have been called into action during such disasters as the Midwest Flood of '93, and the Red River Flood of '97. Other regional federal agencies and our state partners meet at least quarterly to share planning efforts, exercise preparedness and response plans, and devote attention to emergency response coordination during specific types of natural and man-made disasters.

The Region takes an active role in preparing for a response to a terrorism event. FEMA's responsibility is to coordinate federal, regional, and state terrorism-related planning, training, and exercise activities. This includes supporting the Nunn-Lugar-Domenici program in which 36 Region V communities participate. We are also working with states to build response capability and keep them

informed of federal initiatives as well as participating in state sponsored conferences, training, exercises, task forces, and workshops.

Just last month the Region hosted the first in the nation Senior Leaders Homeland Security Summit which brought together selected officials and representatives of the first responder community throughout our states. The summit provided a forum for discussions of issues relating to the fire service and law enforcement, funding for planning, training, equipment and exercises, border issues, mutual aide agreements and other issues pertinent to homeland security.

All of the states in Region V have implemented proactive and aggressive actions in response to the terrorism threats that have emerged since September 11. Many states have committed substantial amounts of staff and their own financial resources towards preparing for weapons of mass destruction events. All states have designated homeland security directors. Groundwork has been laid or accelerated to develop inter-state and intra-state mutual aid agreements. Border crossing issues are being addressed. Specialized response teams are being formed. Legislation is being enacted. Training is being conducted. And, equipment is being purchased.
State government has spent millions of dollars directly responding to homeland security needs and the anthrax crisis. While much has been done, we have only begun to scratch the surface of what needs to be done. We have identified many shortfalls in our nations ability to respond to weapons of mass destruction events. These shortfalls must be addressed. Homeland security initiatives must be sustainable and will require an ongoing commitment of Federal, state, and local resources.

Ten months ago, several thousand people lost their lives in the terrorist attacks at the World Trade Center, the Pentagon, and when United Airlines Flight 93 crashed into a field in rural Pennsylvania. Four hundred and fifty of them were first responders who rushed to the World Trade Center in New York City - firefighters, police officers, and port authority officers. These events have transformed what was an ongoing dialogue about terrorism preparedness and first responder support into action. Since September 11, our responsibilities are greatly expanded in light of the new challenges and circumstances.

FEMA has recently realigned to establish the Office of National Preparedness at the Headquarters and Regional level. The creation of this office is intended to address a long-recognized problem - the critical need that exists in this country for a central coordination point for the wide range of federal programs dealing with terrorism preparedness.

The mission and overriding objective of the Office of National Preparedness at FEMA is to help this country be prepared to respond to acts of terrorism. Our effort has three main focuses - The First Responder Initiative; providing a central coordination point for federal preparedness programs; and, Citizen Corps.

First Responder Initiative

For many years now, emergency responders and state and local governments have been telling us that they need our help so they can be better prepared to respond to acts of terrorism. One of the most important things the Agency learned from our experience responding to September 11 is the value of a strong, effective local response capability. Local first responders are the first ones there when there is a fire, accident, chemical spill, earthquake or flood. They are first on the scene when terrorists strike. They need standardized, practical, compatible equipment that works in all possible circumstances. They need our assistance in developing response plans that take into account the new challenges this country is facing. They need to practice and refine those response plans with all possible partners at the local, state and federal level.

To support first responders, The President has requested $3.5 billion in the 2003 budget. These funds would help them plan, train, acquire needed equipment, and conduct exercises in preparation for terrorist attacks and other emergencies. Right now, we are developing a streamlined and accountable procedure that would speed the flow of funds to the first responder community. Specifically, the funds would be used:

- To support the *development of comprehensive response plans* for terrorist incidents.

- To purchase *equipment* needed to respond effectively, including better, more interoperable communications systems.
- To provide *training* for responding to terrorist incidents and operating in contaminated environments.
- For coordinated, regular *exercise programs* to improve response capabilities, practice mutual aid and to evaluate response operations.

The President is requesting funds in the 2002 Spring Supplemental to support the First Responder Initiative, including $175 million to be provided to State and local governments to upgrade and in some cases to develop comprehensive emergency operations plans. These comprehensive plans would form the foundation for the work to be done in 2003 to prepare first responders for terrorist attacks.

FEMA has held "listening sessions" throughout the country with first responders and emergency managers at every level to solicit their ideas on the design of the grant program and process. In addition, we are working to resolve other issues critical to the success of this initiative:

- National standards for compatible, interoperable equipment for first responders and other emergency workers.
- A national mutual aid system that allows the entire response network to work together smoothly and efficiently.
- Personal protective equipment for first responders that is designed for long-term response operations and incidents involving weapons of mass destruction.
- National standards for training and exercises for incidents involving weapons of mass destruction and other means of causing death and destruction.

Department of Homeland Security

In addition to the right equipment, planning capabilities and training, first responders have been telling us that they need a single point of contact in the federal government. They need a single entity to take the lead in coordinating programs, developing standards, and providing resources and training to help them respond to terrorist events. This approach builds on a collaboratively developed national strategy and not just a federal one.

We've heard this from other sources too, the Gilmore Commission, for example, has pointed out that the federal government's terrorism preparedness programs are "fragmented, uncoordinated" and "unaccountable." It also has stressed the need for a single authority for state and local terrorism preparedness support. Other independent studies and commissions also have recognized the problems created by the current uncoordinated approach. In our view, it is absolutely essential that the responsibility for pulling together and coordinating the myriad of federal programs designed to help local and state responders and emergency managers to respond to terrorism be situated in a single agency. That's why we are so excited about the President's calling for the creation of the Department of Homeland Security.

The functions that FEMA performs will be a key part of the mission of the new Department of Homeland Security. The new Department will strengthen our ability to carry out important activities, such as building the capacity of State and local emergency response personnel to respond to emergencies and disasters of all kinds. The new Department will administer Federal grants under the First Responder Initiative, as well as grant programs managed by the Department of Justice, the Department of Health and Human Services and FEMA. A core part of the Department's emergency preparedness and response function will be built directly on the foundation established by FEMA. It would continue FEMA's efforts to reduce the loss of life and property and to protect our nation's institutions from all types of hazards through a comprehensive, risk-based, all-hazards emergency management program of preparedness, mitigation, response, and recovery. And it will continue to change the emergency management culture from one that reacts to terrorism and other disasters, to one that proactively helps communities and citizens avoid becoming victims.

The new Department of Homeland Security would address head-on the problem of fragmentation and duplication in federal terrorism training programs. And FEMA's current efforts in developing and managing a national training and evaluation system would be absorbed into the new Department. The Department would make interoperable communications a top priority just as FEMA is doing.

The structure of this newly proposed Department recognizes that FEMA's mission and core competencies are essential components of homeland security. For this reason, Congress can continue to be assured that the nation will be prepared to respond to acts of terrorism and will coordinate its efforts with the entire first responder community. In fact, FEMA's mission to lead the federal government's emergency response to terrorist attacks and natural disasters will be greatly strengthened by the new Department of Homeland Security. By bringing other federal emergency response assets (such as the Nuclear Emergency Search Teams, Radiological Emergency Response Team, Radiological Assistance Program, National Pharmaceutical Stockpile, the National Disaster Medical System, and the Metropolitan Medical Response System) together with FEMA's response capabilities, the new Department will allow for better coordination than the current situation in which response assets are separated in several Departments. The new Department will have complete responsibility and accountability for providing the federal government's emergency response and for coordinating its support with other federal entities such as the Department of Defense and the FBI.

Citizen Corps

An important component of the preparedness effort is the ability to harness the good will and enthusiasm of the country's citizens. The Citizens Corps program is part of the President's new Freedom Corps initiative. It builds on existing crime prevention, natural disaster preparedness and public health response networks. It initially will consist of participants in Community Emergency Response Teams (FEMA), Volunteers in Police Service, an expanded Neighborhood Watch Program, Operation TIPS (DOJ) and the Medical Reserve Corps, (HHS).

The initiative brings together local government, law enforcement, educational institutions, the private sector, faith-based groups and volunteers into a cohesive community resource. Citizen Corps is coordinated nationally by FEMA,

which also provides training standards, general information and materials. We also will identify additional volunteer programs and initiatives that support the goals of the Corps.

Broader Challenges

In addition to our First Responder and the Citizens Corps programs, we are implementing a number of other important, related initiatives. These include:

- Training Course Review: We are working on a complete accounting of all FEMA and federal emergency and terrorism preparedness training programs and activities to submit to Congress. The National Domestic Preparedness Office's Compendium of Federal Terrorism Training will be used as a baseline for the FEMA Report to Congress on Terrorism and Emergency Preparedness and Training. To supplement the data, we are meeting with a key players in a representative group of 10 cities to determine the effectiveness of the courses, identify unmet training needs, and examine the applicability of private sector training models.

- Mutual Aid: In conjunction with the First Responder Initiative, we are working to facilitate mutual aid arrangements within and among States so the nationwide local, State, Tribal, Federal and volunteer response network can operate smoothly together in all possible circumstances. This idea is to leverage existing and new assets to the maximum extent possible; this involves resource typing for emergency teams, accreditation of individuals using standardized certifications and qualifications, and equipment and communications interoperability.

- National Exercise Program: This National Exercise Program involves the establishment of annual objectives, a multi-year strategic exercise program, an integrated exercise schedule and national corrective actions.

- Assessments of FEMA Regional Office Capabilities: We are reviewing the capabilities of our Regional Offices to respond to a terrorist attack.

Conclusion

The equipment, training, and people who will secure our homeland against terrorist attack will be the same resources we tap when faced by major natural or technological disasters. Investment in these resources will enhance our nation's ability to respond to any emergency.

Thank you for the opportunity to testify here today on the efforts of the emergency management community to be better prepared to respond to acts of terrorism and to build a better, stronger, and safer America. I will be happy to answer any questions you may have.

STATEMENT OF CAPTAIN SCOTT HARTLEY, COMMANDING OFFICER, NATIONAL STRIKE FORCE COORDINATING CENTER, U.S. COAST GUARD

Captain HARTLEY. Thank you, Mr. Chairman. Good morning, distinguished panel members and the guests that we have here today. It is a pleasure to appear before you today.

I am the Commander of the National Strike Force and I have brought along the local Coast Guard rep and he stole some of my thunder, but he did well.

I would like to begin by telling you about the National Contingency Plan and National Response System.

The National Contingency Plan is a result of the Clean Water Act of 1972 and the National Response System is a network of Federal, State and local agencies with extensive capabilities responsible for planning for and responding to oil and hazardous material releases under the National Contingency Plan.

This National Response System activates when notification is made to the National Response Center, which is also a Coast Guard entity, or any of the involved agencies. And a key person in the National Response System is the Federal on-scene coordinator or FOSC and that is what Commander Devries is here in the Eastern Region of Wisconsin.

Under the National Contingency Plan, it is Commander Devries' job as the FOSC to lead local preparedness efforts in coordination with State and local agencies and private industry, and provide the Federal lead in an actual response.

During an actual incident, Commander Devries, as the FOSC, would set up an organization utilizing the incident command system, incorporating Federal, State, local and private resources into a focused and efficient response structure.

As part of the unified command in this response organization, the Coast Guard FOSC works closely with officials such as the fire chief, State officials such as director of response in the Department of Natural Resources and the responsible party, to protect life, property and the environment.

When needed, the FOSC can access the Oil Spill Liability Trust Fund for oil spills or the Superfund for hazardous material releases to fund a response anywhere in the country. In addition to local response assets, the FOSC also has access to Federal resources such as the National Strike Force, and that is where we come in.

The National Strike Force is one of five special teams designated in the National Contingency Plan. We have three strike teams in New Jersey, Alabama and California that are trained and equipped to conduct hazard assessment, source control, contamination reduction, release counter-measures, mitigation, decontamination and response management activities, all to support the FOSC during an incident.

Each strike team has 37 active, 50 reserve and one civilian and are supported by the National Strike Force Coordination Center in North Carolina, which is also home to the National Preparedness for Response Exercise Program, the Public Information Assist Team and the National Inventory Loss Response Resources. All three teams work, train and respond together and are completely

interoperable and we are on call 24 hours a day, 7 days a week and we can get there by land, sea or air.

Because of our role in supporting the FOSC during a major incident, we are often a participant in many of the local preparedness efforts and provide training in incident response throughout the country.

The FOSC is also supported for planning, coordination and interoperability by representatives of 16 Federal agencies and inclusive of States at the regional level by regional response teams, which in turn have a mirror organization for national coordination, planning, policies and interagency coordination known as the National Response Team.

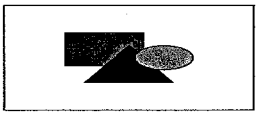
The Environmental Protection Agency is the chair and the Coast Guard is the vice chair of the National Response Team. All of these relationships, roles, capabilities and responsibilities are outlined in the National Contingency Plan.

The National Response System is a valuable time-tested response mechanism. All the authorities necessary to respond to an incident are pre-designated and pre-authorized and this is in keeping with the Presidential Decision Directives 39 and 62, which direct the Federal Government to use existing systems for weapons of mass destruction rather than creating new systems.

The National Response System should be a key component of the new Department of Homeland Security and should reside in the Preparedness and Response Directorate.

Thank you for the opportunity to testify here today and Commander Devries and I would be happy to answer any questions you might have.

[The prepared statement of Captain Hartley follows:]



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DEPARTMENT OF TRANSPORTATION

UNITED STATES COAST GUARD

STATEMENT OF

CAPTAIN SCOTT HARTLEY

ON

FEDERAL, STATE AND LOCAL RESPONSE PREPAREDNESS TO BIOLOGICAL, CHEMICAL AND NUCLEAR INCIDENT

BEFORE THE

SUBCOMMITTEE ON GOVERNMENT EFFICIENCY, FINANCIAL MANAGEMENT, AND INTERGOVERNMENTAL RELATIONS

U.S. HOUSE OF REPRESENTATIVES

JULY 1, 2002

DEPARTMENT OF TRANSPORTATION
UNITED STATES COAST GUARD
STATEMENT OF
CAPTAIN SCOTT HARTLEY
ON
FEDERAL, STATE AND LOCAL RESPONSE PREPAREDNESS TO BIOLOGICAL, CHEMICAL AND NUCLEAR INCIDENTS
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U.S. HOUSE OF REPRESENTATIVES
JULY 1, 2002

Good afternoon, Mr. Chairman, and distinguished members of the Congress. I welcome the opportunity to appear before you today to address the topic of Federal, State and local preparedness and response to a biologic, chemical, and nuclear incident. My name is Captain Scott Hartley and I am the Commander of the Coast Guard National Strike Force. As the name implies, we are a national asset equipped and trained to conduct hazard assessment, source control, contamination reduction, release countermeasures, mitigation, decontamination, and response management activities, in support of a Federal On Scene Coordinator (FOSC), during oil and hazardous material releases occurring here in the United States.

The National Strike Force consists of three regionally based Strike Teams, the Atlantic Strike Team staged in Fort Dix, New Jersey; the Gulf Strike Team staged in Mobile, Alabama; and the Pacific Strike Team staged in Novato, California. Each of these teams of 37 Active Duty, 50 Reservists, and 1 Civilian are supported by the National Strike Force Coordination Center in Elizabeth City, North Carolina which also is home to the Preparedness for Response Exercise Program staff, the Public Information Assist Team, and the National Inventory of Oil Spill Response Resources. These teams are completely interoperable with each other and often augment each other's responses and operational requirements. We are on call 24 hours a day, 7 days a week capable of deploying by land, sea, or air.

The National Strike Force is an integral part of the existing National Response System and is designated by law as one of the special teams in the National Contingency Plan. The National Response System is an extensive capability established in 1972 with the Clean Water Act legislation. Responsibilities and capabilities were significantly expanded in the 1980's with the Superfund Amendments and Re-authorization Act (SARA) Title III legislation and the country's increased desire for hazardous materials response capabilities. The National Response System is a network of numerous federal, state and local agencies, supported by 5 specialized teams including our Strike Force, and is responsible for planning for and responding to oil and hazardous substance releases, which includes chemical and biological incidents. The National Response System activates immediately upon notification of the National Response Center or any of the involved agencies.

A central figure in the National Response System is the FOSC. Under the National Contingency Plan, the FOSC leads local preparedness efforts in coordination with state and local agencies and private industry, and provides the federal lead during an actual response. With me today is Commander Mark Devries, Commanding Officer of Marine Safety Office Milwaukee and the pre-designated FOSC for the coastal regions of eastern Wisconsin. As FOSC, Commander Devries co-chairs the Eastern Wisconsin Area Committee along with the State of Wisconsin's Emergency Management Director for the Southeastern Region. Through the Area Committee process, response protocols are developed, joint priorities are established and response resources identified through an interagency, collaborative process. These local preparedness efforts are captured in the Eastern Wisconsin Area Contingency Plan and serves as the central plan for responding to oil and hazardous materials in the region.

During an actual incident, Commander Devries, as FOSC, would establish a response organization, utilizing the Incident Command System (ICS), incorporating federal, state, local and private resources into single response structure. As part of a Unified Command, the Coast Guard FOSC works closely with local officials, such as the Fire Chief, and representatives from the State to aggressively respond to an incident. If necessary, the FOSC has access to the Oil Spill Liability Trust Fund, for oil spills, or the Superfund, for Hazardous Materials (HAZMAT) releases, to fund responses in any region of the country.

Beyond the local response community, Commander Devries as FOSC, also has access to Federal Resources such as the National Strike Force, Environmental Protection Agency's (EPA) Emergency Response Team, Department of Energy's Radiological Emergency Response Team, NOAA Scientific Support Coordinators, and DOD resources including the Navy's Supervisor of Salvage to support a local response. For planning, coordination, and interoperability, he is supported by representatives of 16 federal agencies at the regional level by Regional Response Teams (RRTs) which in turn have a mirror organization for national coordination, planning, policies, and interagency coordination known as the National Response Team (NRT). The EPA is the Chair and the Coast Guard is the Vice-Chair of the NRT. All of these relationships, roles, capabilities, and responsibilities are extensively outlined in the National Contingency Plan.

If the Federal Response Plan is activated for an incident, the National Response System folds into Emergency Support Function #10 (Hazardous Materials) for further coordination of federal resources to assist the local municipalities and states. In addition, under activation of the Federal Response Plan, the Coast Guard also supports Emergency Support Function #1 (Transportation) as we did during the World Trade Center attack when we coordinated and evacuated over one million people from lower Manhattan following the collapse of the twin towers.

Because of the Coast Guard's critical role in the coordination of local preparedness efforts, the local Coast Guard Captain of the Ports (COTPs) actively participate in training, exercises, and other interagency activities. In June 2000, the Coast Guard and Milwaukee County Emergency Management conducted a major weapon of mass destruction (WMD) maritime incident exercise. Additionally, as a member of the Military Sub-Committee of the Governor's Task Force On Terrorism Preparedness, the local Coast Guard COTP and FOSC participate in exercises designed to examine the military sevices' capability to integrate support operations. In May, the Sub-Committee held an exercise in conjunction with Wisconsin Emergency Management Agency's weapons of mass destruction chemical release exercise in Madison, which included an extensive test of the area, local, and corresponding industry contingency plans. The Coast Guard COTPs regularly participate in the Nuclear Regulatory Commission's exercises with the Kewaunee and Point Beach Nuclear Power Plants and the Coast Guard is part of Wisconsin Emergency Management Agency and power plant radiological incident response plans, and since September 11th, security plans. Because of the key role and support to FOSCs during a major incident, the National Strike Force is often a participant in many of the local preparedness efforts and conducts training around the country. Through these types of exercises, the regional and local response communities including federal, state, county and local agencies continue to expand and enhance their overall response capabilities.

Looking to the future, the Coast Guard is leading a multi-agency review of the National Response System's Special Teams to enhance their interoperability. The FBI Hazardous Material Response Unit (HMRU), Federal Emergency Management Agency (FEMA), Office of Homeland Security and Center for Disease Control have all accepted invitations to participate. This review will (1) assess the special teams' individual and collective response assets and capabilities, (2) project the role the teams will play in future operations, and (3) identify gaps that may currently exist and a strategy for filling in those gaps.

As I've indicated, the National Response System is a valuable, time-tested response mechanism. All the authorities are pre-designated and pre-authorized, which is consistent with Presidential Decision Directives 39 and 62, which directed the federal government to use existing systems for WMD rather than creating new systems. Accordingly, the National Response System should be a key component of the new Department of Homeland Security's Emergency Preparedness and Response Directorate.

The Coast Guard's multi-mission assets, military role as an Armed Service, and maritime presence and authorities bridge security, safety, and response capabilities between federal, state, local, and private organizations as well as other military services. We have been the leader for the non-DOD maritime security needs of our nation since 1790…it was the reason we were formed 212 years ago. We possess extensive regulatory and law enforcement authorities governing ships, boats, personnel, and associated activities in our ports, waterways, and offshore maritime regions. We are a military service with 7x24

command, communication, and response capability. We maintain, "at the ready", a network of coastal small boats, aircraft, and cutters, and expert personnel to prevent and respond to safety and security incidents; and we have geographic presence throughout the country, coasts, rivers, and lakes, both in large ports and small harbors. We are a formal member of the national foreign intelligence community. We partner with other government agencies (OGAs) and the private sector to multiply the effectiveness of our services. The Coast Guard is the recognized leader in the world regarding maritime safety, security, mobility, and environmental protection issues. These characteristics form the core of our organization and enable a unity of effort among diverse entities whether preventing or responding to incidents.

Mr. Chairman, it has been my distinct pleasure to provide this committee with information concerning the federal government's capabilities working with state and local governments to prepare and respond to a biological or chemical attack. Commander Devries and I would be happy to answer any questions.

Mr. HORN. Thank you. And now I am going to ask my colleagues to pose some questions and we will have in the next group, the health-related, and we will have as the wrap-up, which we often do, the General Accounting Office, because they look at it with 50 different studies they have done on this. And like them, if we add any little pieces through the door, we want to make sure that we pull it all together. So Director Hecker will be after the health. So right now, we are going to have the law enforcement, the emergency response questions from our colleagues.

And we have the representative here from Milwaukee. You have a good part of Milwaukee, I think.

Mr. KLECZKA. Mr. Chairman, I have the entire city of Milwaukee.

Mr. HORN. Well, it is great. So go ahead.

Mr. KLECZKA. First of all, Mr. Chairman, let me thank you for including Milwaukee in your field hearings. I think as we have heard already from our law enforcement officials, we are working toward providing a very coordinated effort for the homeland security of not only the Milwaukee area but the State of Wisconsin.

I want to thank our Mayor for his testimony today and want to acknowledge the President of the Common Council, Alderman Pratt, who is here and sitting behind him is the newest council member for the city of Milwaukee, Alderman Dudzik. So gentlemen, welcome also.

Mr. Chairman, I think we all know what Congress has to do to provide for homeland security. I think your hearings around the country will enable us to know what the local concerns are. You know, when Commander Devries was talking and mentioned Y2K, I almost had all but forgotten the big problems we anticipated with Y2K. But as I sat here and thought about it for awhile, that put into place a lot of the coordination which we can use and build upon today. It was a very serious threat, one which did not develop into anything serious, and thank God for that.

However, the President has provided a budget request for immediate response in the amount of $3.5 billion and as I look over that response, I happen to agree with some of the people who testified, like Mr. Gleason, who indicated that the first responders are not only the police and the fire departments around the country, but there are other health departments, health personnel and others who should be included.

But as I look at that, Mr. Chairman, and I would like the Mayor to respond, of the $3.5 billion requested, which I assume Congress will go along with, 25 percent of those funds can be left with the State to be used at their discretion. As I see the State role here, it is one of more coordination. They are not the people who are going to buy the communications systems, they are not the people who are going to buy the equipment that might be necessary, and so my question to you is—and I know the Council of Mayors has also made a statement on this—I do not know if it is wise for us to give the State the authority to retain 25 percent of these funds.

As you know, there was a large tobacco settlement for the State of Wisconsin and it was to be used for smoking cessation and other health concerns. But because of the budget fix we are in, those dollars are now going to be used for the budget deficit. And my fear

is with the authority for the State to use 25 percent of these funds on a discretionary basis, that they might not be coming back to the sheriff's department, the fire department and things that would probably be more attuned to emergency responder.

Mayor NORQUIST. Well, there always is that danger. You can look at TANF, the welfare funds, some of which have ended up being used by States to solve their budget problems instead of getting people out of poverty and off welfare. That is always a danger.

I would approach it this way, rather than say cities ought to get the money instead of the States, I think that the Federal Government should decide what it is going to do to fulfill its responsibility to protect the people of America. And that funds should follow the function and where things can be most effective.

To make sure that funds are expended efficiently, I am not sure that any level of government should be getting 100 percent funding from the Federal Government in this area. That might sound strange coming from me. I do not completely agree with the U.S. Conference of Mayors, which wants to have an unrestricted block grant in this area, and I would not agree that States ought to just be able to have money to throw around.

We are talking about people's lives here and setting up a system that will actually protect people. And so where you have capability, for example, the State's lab, which you will hear more about from Mr. Chapin later on, or our lab. You know, working out who does the testing if there is a chemical threat is something that the city of Milwaukee and the State can try to work out who does what for what part of the State of Wisconsin. But if it becomes just a block grant that people dip into and one level of government is given the money to use for whatever purposes they decide to use it for, I am not sure that you will fulfill your Federal agenda.

Your CDC is very valuable, it is a great Federal agency with tremendous partnerships. You need to decide what you want to accomplish and not just try to figure out how to make various groups happy.

So, you know, my plea to you would be to have the money follow where it is going to be the most effective. That takes a thoughtful approach by the Federal Government, not just making State governments happy or local governments happy, but figuring out how things will work effectively in Wisconsin or California. And you can do this, but I would be careful about how you do it and set it up in a way where there are incentives for people to focus on what really works and what works efficiently rather—the danger, just to close on this—remember when you had the concern about riots and civil disturbances back in the Vietnam era and the civil rights demonstrations? There were some Federal programs set up that led to riot gear, water cannons, all those sort of things. Maybe it made sense in places where it was likely to happen, but it did not make sense in Minot, North Dakota or Decora, Iowa. And yet money was expended through law enforcement grants all across the country on things that really did not make sense.

So I think you really have to craft this carefully so that it actually provides protection to the people of Sheboygan. Maybe it makes sense to find ways to have Sheboygan have an incentive to

use our lab instead of building their own lab. And knowing the Mayor of Sheboygan, I think they would be very open to that.

Mr. KLECZKA. Thank you, Mayor.

Mr. HORN. We will be alternating the questions on a bipartisan basis. And we are now going to have 5 minutes for Mr. Petri, the other Congressman for the rest of—as far as I am concerned—the rest of Wisconsin.

Mr. PETRI. Well, first of all, Mr. Chairman, thank you very much for coming to Wisconsin and having this hearing. I think people in Wisconsin as well as all across the country are concerned about the various aspects of the terrorism threat. We have obviously been doing the best that we can to react to what happened on September 11th and the anthrax attack and we want to be part of the solution to that. And it is a national problem, including here in Wisconsin.

With that said, it is also, it seems to me—I am not on your committee; normally, I work in the transportation and education area and in the transportation area in particular, that is a Federal, State and local responsibility and we have found it tends to work best if there is cost-sharing so that people who are actually at the local level carrying out the programs have some incentive to not gold plate and to kick the tires and to make sure they are getting dollars for dollars spent, because it is some of their money.

And I am just curious if any of the witnesses, the Mayor in particular, but a number of the others, can help me to understand if they feel there is a difference in how far the dollars go if it is 100 percent dollars from—and not just how far they go, toward achieving the objective of the program, if there is cost sharing or if it is 100 percent Federal money. I would expect if it is 100 percent Federal money, I would have a big incentive at the local level to spend a lot of local money on grant writing, which does not really get the job done, it just brings the dollars home, rather than on actually achieving the objective of the overall program. And if there is local share and we do not go for it, it might be because we are all working for the same citizens at the end of the day, whether you are a citizen of Milwaukee, you are still a citizen of Wisconsin and of the country. If the local perception that the threat is not that great in that area and they do not really want to spend local dollars on it, maybe the Federal Government should not force them to do it and should spend the money where people perceive the threat to be greater, because they are willing to spend their own hard-earned dollars on that threat.

Mayor NORQUIST. Well, I think that having some local share or State share would help invest in existing infrastructure and causing that to be shared with everyone who might feel threatened by terrorism, particularly if in-kind matching was allowed.

We already have a lab, the State already has a lab. Creating new labs may not be the answer and investing in existing infrastructure so that it can serve more people would be something that a match would tend to create as opposed to 100 percent grant where you can go out and create things that may not make sense.

Also, the other reason—I answered part of this to Congressman Kleczka, but another reason why I would fear a 100 percent grant program is that it is utterly insustainable—there is no question. Every time the Federal Government creates a 100 percent grant

program, it is the gift that always stops giving. Other concerns suddenly pop up in future years and then the money is shaved back. There is no point in starting up something that would look grand and fantastic to the local and State administrators but disappear very quickly in the future. I think it is more realistic to set it up right in the first place so it is predictable and you can have a commitment by the Federal Government to deal with this over the next 10 years or so and not just start it up at 100 percent and then walk away a few years later.

Mr. PETRI. Mr. Gleason, I should give you a chance to expand on this from the State point of view.

Mr. GLEASON. Thank you, Congressman.

A lot of the points you made and the Mayor made, I do not disagree with philosophically, but we are at a point that, you know, our Nation is at war and we are trying to build capacity in a hurry at the same time where our economies, not just at the State government, but at the local governments are stretched. And this is a chance right now and it has been our chance over the last 4 years of these fiscal dollars, to get us in the game. And eventually, I think there should be ownership passed back to the local government and State government to sustain that effort and make the matches.

But if we are going to make that difference in the short term, at a time when we are facing a $1 billion deficit, the no-match requirement certainly takes some of that burden.

To just address Congressman Kleczka's concern, I had mentioned in my testimony, 95 percent of our first year of Federal fiscal dollars went to the local communities. I have every intent to make it continue at that pace. The idea that you need a 25/75, the only thing it does is there are certain Statewide capabilities that benefit local units of government that really only can be done under the umbrella of the State, maybe an integrated justice communication system. You would not want that in every municipality developed. So that is why the 25 percent portion, some of that could fund those type of capabilities. But our belief is and the Governor's belief is that we are going to push that money down to the local units of government.

Mr. HORN. The gentleman from Milwaukee.

Mr. KLECZKA. Thanks again, Mr. Chairman.

Mr. Gleason, I should also point out that—and I do agree with you that the resources of the State and local units of government are stretched; however, so are the resources of the Federal Government. In fact, we are anticipating a return to yearly Federal deficits, the first one being about $320 billion. So the money is not flush in Washington, DC, either.

But let me turn to the whole issue of the Department of Homeland Security. Mr. Buikema from FEMA, you indicated you are excited over it and you think that this Homeland Security is probably going to be the agency that will be best equipped to handle any future emergencies. I guess my question of you is—I have some concerns about, first of all, the size of the agency. If we are streamlining an agency to be an immediate response for emergencies, combining 22 current agencies to a department of some 170,000 people does not smack of being streamlined, on its face.

But what I am concerned about is two of the agencies that are charged with the most responsibility for intelligence as far as any future terrorist activity would be the CIA and the FBI. Do you not think that they should be made part of this new agency or have a more direct linkage to the new Department of Homeland Security?

Mr. BUIKEMA. Well, Congressman, thank you for the question. I know that one of the benefits that we perceive of this new Department of Homeland Security is in fact the opportunity to better communicate, cooperate and collaborate with representatives of the some 22 agencies that you mentioned. And as has often been said before, there is at least 40 different Federal agencies that have some responsibility in one way, shape or form.

The proposal, as I understand it, Congressman, is in fact that intelligence would be gathered from a number of organizations including the FBI and the CIA, as well as other organizations and analyzed in the Department of Homeland Security, with the hope and the expectation, of course, that will promote closer cooperation and coordination among all intelligence gathering organizations.

So I am confident at this point that in fact the CIA and the FBI will be able to provide great coordination and communication with the new Department of Homeland Security.

Mr. KLECZKA. And Sheriff Clarke, you mentioned in your testimony a concern about the security clearance authority. Could you indicate to the committee what is the current level of security that your office, the fire department gets and what needs to be looked at when we talk about the security info that you are getting.

Mr. CLARKE. The application itself is very cumbersome. It is probably 10 pages long and the kind of information that they need, they want you to go back and list for the last 7 or 10 years, the times you have been out of the country. And I know my wife and I go on vacation every year out of the country, so we have to go back and get those dates. I mean I do not remember exact dates that I was out of the country.

Mr. KLECZKA. So you are talking about the complex application, is the first problem?

Mr. CLARKE. The application, yes, and then the length of time that it takes for a thumbs up or thumbs down, to get that clearance.

Mr. KLECZKA. Chief, do you have the same—did you have the same problem?

Mr. GARDNER. We get a lot of our information directly from the FBI and with the sheriff and local police, and they work very well with the needs that we have. So if there are imminent threats or dangers, they give us an update on that. So I do not have the same concern. That is a little bit more law enforcement.

Mr. KLECZKA. An added concern would be the holiday coming up, the Fourth of July holiday. Did the department receive something specific as to what the level of that threat might be?

Mr. CLARKE. We received information, I believe it was several weeks ago. The exchange of information is adequate.

Mr. KLECZKA. OK.

Mr. CLARKE. But there are some things that cannot be released to us because we do not have—or I do not have the security clear-

ance at this point. I am going to through the process now, I just received the application 2 weeks ago. So I am not criticizing the sort of information, but not having a security clearance, I am limited as to the sort of information I have. And I also have a responsibility to keep the chief executive of the county informed of certain situations as well as Mayor Norquist having the largest municipality inside the county. And so it makes it difficult for me to keep them informed, you know, if I am not informed.

Mr. KLECZKA. OK, but the question, using the example of the Fourth of July, did you receive enough information to know what level that possible threat would be, so you would know how to deploy your troops over the holiday period?

Mr. CLARKE. Oh, yes, the answer to that question is yes. We have received adequate information.

Mr. KLECZKA. That is good to know, thank you very much. Thank you, Mr. Chairman.

Mr. HORN. Thank you. I will now yield 5 minutes to the other gentleman from Wisconsin, Mr. Petri.

Mr. PETRI. Mr. Chairman, I know you have another panel and I will not take the full time, but I just wanted to move to another area.

Mr. Mayor, in your testimony, you spoke a bit about efforts that Milwaukee had engaged in to increase the security of the water supply for the city, probably in response to citizens' requests for access to some of the facilities for fishing and recreational use.

This is a major concern on the part of a lot of Federal, State and local officials, because we all have water systems, most of them are operated by local government and there is a tremendous potential vulnerability there.

I wonder if you could discuss at all what the Federal Government is doing to kind of coordinate, or are there seminars, are they working with water system managers, how great is the real risk. I have heard some people say well, we do put chlorine in, purify the water, and therefore if it were biological things, it would tend to kill most germs, but there is a danger that you could have a chemical illness added that was a threat to life or health of people. Could you discuss that whole area?

Mayor NORQUIST. Sure. We have people that are—Mariano Schifalacqua and his staff, he is the head of the Public Works Department, and he will be presenting this in more detail, but just I think it might be helpful to understand that, you know, it is common sense to think that water could be a target. So it occurs to people, you know, what are you going to do about it.

When the September 11th crisis hit, we had people in the media and citizens saying well, maybe we should have a patrol boat guarding the water intake and our water professionals said well, that would not be a very good idea, the intake is below the surface of the water and all that would do would be to mark where it was. So that would not be the answer.

But there are things that can be done. Where the water can be accessed, where there are major pipes that carry the water and there are areas where maintenance people enter, having those places secure and under lock and key, so that only the maintenance workers get in, that makes sense.

The electrical generation of the plant needs to be secure. The chemicals that are used to treat the water, if they were all dumped into the water at one time could create a problem. They need to be secure. All of the basic ingredients that have to do with production of water, and the threat is not just contamination. The shutdown of a water supply could create an enormous problem of sanitation and health. So these are all things where common sense actually, kind of general knowledge that Members of Congress have actually should lead you to ask the right questions about it as it goes along.

Our experience has been pretty good in dealing with the Federal Government, the EPA in terms of water security. And the consultant that we use is the same one that provided the security plan for Los Alamos, and we were already engaged with them, because, as I said, we were trying to find more access for fishermen near our plant. They will present that more later on.

But I think it is one where congressional oversight actually is very relevant because the general questions that would occur to you are the same questions that would occur to the public and need to be answered.

Mr. KLECZKA. Will my colleague yield?

Mr. PETRI. Yes.

Mr. KLECZKA. You bring up a very, very important point, and I should indicate that in the last budget bill for the Department of Defense, moneys were appropriated to the setup here in Milwaukee in conjunction with the University of Wisconsin-Milwaukee, a water security institute. Those dollars were appropriated, the institute is being developed and it will be monitoring the water supply in the State, especially in the Lake Michigan area. I also should point out that in this upcoming budget, which—in the budget which we just passed in the House last week—an additional $1 million was appropriated for furtherance of the duties of Wisconsin Water Institute. So it is a concern that Congress also is aware of and addressing.

Mr. HORN. Mr. Buikema, in your testimony, you state that the three counties that are in the emergency planning zone around nuclear plants are not interested in stockpiling potassium iodide, which can protect the public during a nuclear emergency. Could you explain their concern?

Mr. BUIKEMA. I do not believe that was in my testimony.

Mr. GLEASON. Congressman, I believe that was in my testimony.

Mr. HORN. Sorry. OK, Mr. Gleason.

Mr. GLEASON. Back in December, the Nuclear Regulatory Commission had gone to the Governors and asked if they would be interested in stockpiling potassium iodide and we did look into that, we went and appeared before our task force and our health department reviewed it, and we came out with the recommendation that we thought it was a reasonable measure to take consistent with the Nuclear Regulatory Commission. But it is a change of our position, because for years with nuclear plants, we had taken a position not to stockpile. We did not want to do anything that interfered with the evacuation. And that is primarily the concern of the local citizens of those counties, is the evacuation. If they felt they had this potassium iodide, it would discourage evacuation.

The second phase of that is testing your ability to distribute that. And that is a particular challenge that has not been worked out very well throughout the Nation yet.

So I think those are the two concerns that our counties had.

Mr. HORN. Thank you.

Captain Hartley, in your testimony, you discussed the Coast Guard's participation in training exercises involving weapons of mass destruction and chemical releases. What was your assessment of the exercises? Did you discover any gaps in your response plans? Did all participants fully understand their roles and their responsibilities?

Captain HARTLEY. I think one of the benefits of any exercise that we attend is that you walk away with a better sense of what is involved and what you need to do and improve on. From our perspective, things are looking much better.

Mr. HORN. Well, that is heartening.

Mayor Norquist, with the upcoming Fourth of July celebrations, what message would you like to send to the people of Milwaukee?

Mayor NORQUIST. Love America. I really have not received any information about the threat other than what I have read in the paper, and my own view is that vague threats that—intimations of vague threats by Federal agencies without any specifics probably do more harm than good and, you know, if there is information that needs to be communicated to law enforcement agencies and there is some specific reason for them, that is vital, they should do it, they should remain very active and alert.

But saying well, the Fourth of July, something bad might happen, I do not know what purpose that serves other than maybe if something bad did happen, the Federal agency could claim they warned everybody—I told you so—they could say that. But I do not think it serves a real useful purpose.

I hope people enjoy the Fourth of July and that they think seriously about the importance of our democracy sometime during that day.

Mr. HORN. Mr. Berkin, when we were just finishing up various things in the legislative situation in Washington, one of them was the very point that people are talking about, how we handle the sharing of intelligence with our other colleagues in the State, in local and the region and so forth. The Judiciary Committee did act on that. We had sent them a bill proposed about 2 months ago and another bill was coming through which included the CIA. I do not know if you have had any direction yet from the agency in Washington, but the theory here is to get and to check on intelligence and to make sure that the various things can be put with responsible people within the sheriff's office, the police department and all the rest. And I just wondered if anything has come out from your headquarters since they just did it a week or two ago.

Mr. BERKIN. I have not yet seen anything as specific as you refer to, Mr. Chairman, but what I can tell you is that for a very long time, well in advance of the events of last year, the sharing of information between law enforcement agencies, between the FBI and its colleagues, whether they be Federal, State or local, has been an important issue that every FBI field office, including this one, addresses.

Subsequent to the events of September 11th, an increasing premium has been placed upon the value of sharing such information and there is more demand for it from our partners perhaps than there has been in the past and we are attempting to satisfy that demand. That is direction we received from Director Mueller directly, indicating that he desires us to ensure that the sharing of information with our law enforcement colleagues is timely and thorough.

To that end, we have undertaken all the various steps that I alluded to in my oral testimony, and I believe that those steps have in fact been effective. Take the example you brought up, the sheriff's department, a deputy is housed in our space now, is a full time integrated partner with us as an investigator. There's two purposes for that. One is to serve as a very specific conduit for information back to his own agency, but really more so the responsibility of the members of the JTTF is to be alert to the equities of their individual constituent home agencies. I am not a deputy sheriff, I do not necessarily know what Sheriff Clarke, in this instance, might personally find to be of special significance to him, although I can use my common sense and judgment in that regard. But by having people from individual agencies with us, they can be alert to their own special equities and they can raise those issues with us and say in a given case, this is something that my particular agency would like to know more about, it is particularly important to us, something that might be lost on us through inadvertence. We can avoid that by having colleagues from other agencies housed where we are. I myself have been a detailee to the Central Intelligence Agency and I know that works very well, because in protecting FBI equities there and promoting agency equities back to the FBI, I have seen how both agencies can benefit from that. I think that same model is working on a very specific scale in the Joint Terrorism Task Forces.

Mr. HORN. Well, that is good news. And if other FBI offices are doing that around the country, I would give them a parade. We have had nothing but cooperation from the FBI on all the hearings we have had, and as well in Washington or in the field. So we are delighted that you are moving ahead on that type of situation.

Let me now call on—it will not be all we will ask of her, but we will start with Jayetta Hecker, the Director of the Physical Infrastructure issues, she represents the Comptroller General of the United States. He has a 15-year term, so neither President nor Congress could get mad at him because he can still be there. And he has done a marvelous job, Comptroller General of the United States Walker. One of his top people is Jayetta Hecker.

So we would like to know from your Federal, across-the-whole-nation view on some of these. Give us your thinking on this.

STATEMENT OF JAYETTA HECKER, DIRECTOR, PHYSICAL INFRASTRUCTURE, GENERAL ACCOUNTING OFFICE

Ms. HECKER. Thank you very much, Mr. Chairman and Mr. Petri, we are very pleased to be here today, and focus, if you will, on the key aspects of this proposal for a Department of Homeland Security on intergovernmental relations and effective partnerships

with State and local governments. That is the presentation that I have had for you today.

I have four areas that I would like to cover. Some are broad areas and comments about the proposed department and then three that flow from that—key aspects of effective partnerships between levels of government in terms of the roles, the performance goals and finally, the appropriate government tools that are used.

As you mentioned earlier, our comments are based on the fact that GAO has been looking at key programs targeted to control and prepare for terrorism for well over 5 years. I have got about 30 reports that are attached to my—references to reports attached to my statement, and most significantly recently, the Comptroller General spoke just last week on the new department and we developed a comprehensive statement and I have a few points to summarize from that today.

My position—everyone else's is kind of self-evident, where they come from and why they know anything about this—my responsibility is that in support of congressional oversight. I oversee all the work looking at key surface programs, in which case I work very frequently with Chairman Petri in the Surface Committee. Also emergency management programs and also all the maritime programs, so I have experience and we have worked looking at major Coast Guard challenges in this new environment, maritime and port security. I have worked looking at the transformation of FEMA and the full range of responsibilities and then of course surface programs as well.

The main point about the department is that it really holds promise, but it is anything but a quick fix. We are concerned that in fact, it will take substantial time and additional resources to realize that promise. And I think one of the interesting things is a lot of the comments that you have heard today about the challenges, intelligence sharing and clearances and relationships with different units—they are not fixed by formation of the department. So the underlying challenges really remain and the bringing together of some of these related agencies does not solve the problem itself.

Our main concern really though is that the challenge of effectively clarifying and partnering the different roles of government is not lost in the significant challenges of putting this department together. They will face enormous challenges in information technology, which I know you know a lot about, and the component agencies have their problems, so putting them together is a compounding of problems. They will face enormous challenges in blending their work forces, in financial management, in acquisition tools. And none of that gets to the point about really building effective partnerships with State and local governments.

So our concern is as the department is formed that there be adequate and continuous focus really on the building of effective partnerships with State and local governments. Basically, my statement talks about three areas where we think there is required focus in not only the department—but the strategy that still is not prepared—that needs to guide the department, and that is the effective roles of the different levels of government, moving toward effective goals and measures of what preparedness is. Right now,

we do not have those measures. We do not have an idea of how well prepared different levels of government are. There are efforts to define standards and there have been reviews, but there is no agreement of what preparedness is or what homeland security is. And finally, tools.

So these are really the critical areas in the formation of the department and the essential nature of building effective partnerships, we are concerned not be lost in the process of pulling together the department.

Mr. HORN. Thank you. Do the gentlemen from Wisconsin have any questions?

[No response.]

Mr. HORN. Then we will move into the health-related issues and we will start with the Commissioner of Health, city of Milwaukee, Dr. Seth Foldy. Thank you.

[The prepared statement of Ms. Hecker follows:]

United States General Accounting Office

GAO

Testimony

Before the Subcommittee on Government Efficiency, Financial Management, and Intergovernmental Relations, Committee on Government Reform, House of Representatives

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HOMELAND SECURITY

Intergovernmental Coordination and Partnerships Will Be Critical to Success

Statement of JayEtta Hecker,
Director, Physical Infrastructure

GAO-02-899T

Mr. Chairman and Members of the Subcommittee:

I appreciate the opportunity to be here to discuss issues critical to successful federal leadership of, assistance to, and partnership with state and local governments to enhance homeland security. As you are aware, the challenges posed by homeland security exceed the capacity and authority of any one level of government. Protecting the nation against these unique threats calls for a truly integrated approach, bringing together the resources of all levels of government.

In my testimony today, I will focus on the challenges facing the federal government in (1) establishing a leadership structure for homeland security, (2) defining the roles of different levels of government, (3) developing performance goals and measures, and (4) deploying appropriate tools to best achieve and sustain national goals. My comments are based on a body of GAO's work on terrorism and emergency preparedness and policy options for the design of federal assistance,[1] our review of many other studies,[2] and the Comptroller General's June 25, 2002, testimony on the new Department of Homeland Security (DHS) proposal. In addition, I will draw on GAO's ongoing work for this Subcommittee, including an examination of the diverse ongoing and proposed federal preparedness programs, as well as a series of case studies we are conducting that examine preparedness issues facing state and local governments. To date, we have conducted interviews of officials in four geographically diverse cities: Baltimore, Maryland; New Orleans, Louisiana; Denver, Colorado; and, Los Angeles, California. We have also interviewed state emergency management officials in these states.

In summary:

- The proposed Department of Homeland Security will clearly have a central role in the success of efforts to enhance homeland security. Many aspects of the proposed consolidation of homeland security programs have the potential to reduce fragmentation, improve coordination, and clarify roles and responsibilities. Realistically, however, in the short term, the magnitude of the challenges that the new department faces will clearly require substantial time and effort, and will

[1] See attached listing of related GAO products.

[2] These studies include the Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction, *Third Annual Report* (Arlington, Va., Dec. 15, 2001); and the United States Commission on National Security/21st Century, *Road Map for Security: Imperative for Change* (February 15, 2001).

take additional resources to make it effective. Moreover, formation of a department should not be considered a replacement for the timely issuance of a national homeland security strategy, which is needed to guide implementation of the complex mission of the department.

- Appropriate roles and responsibilities within and between the levels of government and with the private sector are evolving and need to be clarified. New threats are prompting a reassessment and shifting of longstanding roles and responsibilities, but these shifts are being considered on a piecemeal and ad hoc basis without benefit of an overarching framework and criteria to guide the process. A national strategy could provide such guidance by more systematically identifying the unique capacities and resources of each level of government to enhance homeland security and by providing increased accountability within the intergovernmental system.

- The nation does not yet have performance goals and measures upon which to assess and improve preparedness at all levels of government. Standards are a common set of criteria that can demonstrate success, promote accountability and determine areas where additional resources are needed, such as improving communications and equipment interoperability. Standards could also be used to help set goals and performance measures as a basis for assessing the effectiveness of federal programs. In the intergovernmental environment, these are often best defined through cooperative, partnership approaches.

- A careful choice of the most appropriate assistance tools is critical to achieve and sustain national goals. The choice and design of policy tools, such as grants, regulations, and tax incentives, can enhance the capacity of all levels of government to target areas of highest risk and greatest need, promote shared responsibilities by all parties, and track and assess progress toward achieving national preparedness goals.

Background

Homeland security is a complex mission that involves a broad range of functions performed throughout government, including law enforcement, transportation, food safety and public health, information technology, and emergency management, to mention only a few. Federal, state, and local governments have a shared responsibility in preparing for catastrophic terrorist attacks as well as other disasters. The initial responsibility for planning, preparing, and response falls upon local governments and their organizations—such as police, fire departments, emergency medical personnel, and public health agencies—which

will almost invariably be the first responders to such an occurrence. For its part, the federal government has principally provided leadership, training, and funding assistance.

The federal government's role in responding to major disasters has historically been defined by the Stafford Act,[3] which makes most federal assistance contingent on a finding that the disaster is so severe as to be beyond the capacity of state and local governments to respond effectively. Once a disaster is declared, the federal government—through the Federal Emergency Management Agency (FEMA)—may reimburse state and local governments for between 75 and 100 percent of eligible costs, including response and recovery activities.

In addition to post disaster assistance, there has been an increasing emphasis over the past decade on federal support of state and local governments to enhance national preparedness for terrorist attacks. After the nerve gas attack in the Tokyo subway system on March 20, 1995, and the Oklahoma City bombing on April 19, 1995, the United States initiated a new effort to combat terrorism. In June 1995, Presidential Decision Directive 39 was issued, enumerating responsibilities for federal agencies in combating terrorism, including domestic terrorism. Recognizing the vulnerability of the United States to various forms of terrorism, the Congress passed the Defense Against Weapons of Mass Destruction Act of 1996 (also known as the Nunn-Lugar-Domenici program) to train and equip state and local emergency services personnel who would likely be the first responders to a domestic terrorist event. Other federal agencies, including those in FEMA; the Departments of Justice, Health and Human Services, and Energy; and the Environmental Protection Agency, have also developed programs to assist state and local governments in preparing for terrorist events.

As emphasis on terrorism prevention and response grew, however, so did concerns over coordination and fragmentation of federal efforts. More than 40 federal entities have a role in combating and responding to terrorism, and more than 20 in bioterrorism alone. Our past work, conducted prior to the establishment of an Office of Homeland Security and a proposal to create a new Department of Homeland Security, has shown coordination and fragmentation problems stemming largely from a lack of accountability within the federal government for terrorism-related programs and activities. Further, our work found there was an absence of a central focal point that caused a lack of a

[3] Robert T. Stafford Disaster Relief and Emergency Assistance Act (P.L. 93-288) as amended establishes the process for states to request a presidential disaster declaration.

cohesive effort and the development of similar and potentially duplicative programs. Also, as the Gilmore Commission report notes, state and local officials have voiced frustration about their attempts to obtain federal funds from different programs administered by different agencies and have argued that the application process is burdensome and inconsistent among federal agencies.

President Bush took a number of important steps in the aftermath of the terrorist attacks of September 11th to address the concerns of fragmentation and to enhance the country's homeland security efforts, including the creation of the Office of Homeland Security in October 2001. The creation of such a focal point is consistent with a previous GAO recommendation.[4] The Office of Homeland Security achieved some early results in suggesting a budgetary framework and emphasizing homeland security priorities in the President's proposed budget.

Proposed Department Will Have A Central Role In Strengthening Homeland Security

The proposal to create a statutorily based Department of Homeland Security holds promise to better establish the leadership necessary in the homeland security area. It can more effectively capture homeland security as a long-term commitment grounded in the institutional framework of the nation's governmental structure. As we have previously noted, the homeland security area must span the terms of various administrations and individuals. Establishing a Department of Homeland Security by statute will ensure legitimacy, authority, sustainability, and the appropriate accountability to Congress and the American people.[5]

The President's proposal calls for the creation of a Cabinet department with four divisions, including Chemical, Biological, Radiological, and Nuclear Countermeasures; Information Analysis and Infrastructure Protection; Border and Transportation Security; and Emergency Preparedness and Response. Table 1 shows the major components of the proposed department with associated budgetary estimates.

[4] U.S. General Accounting Office, *Combating Terrorism: Selected Challenges and Related Recommendations, GAO-01-822* (Washington, D.C.: June 2002).

[5] U.S. General Accounting Office, *Homeland Security: Responsibility And Accountability for Achieving National Goals*, GAO-02-627T (Washington, D.C.: Apr. 11, 2002).

Table 1: Department of Homeland Security Component Funding (FY 2003 Requested)

	Dollars in millions	FTE [1]
Chemical, Biological, Radiological and Nuclear Countermeasures		
Civilian Biodefense Research Programs (HHS)	1,993	150
Lawrence Livermore National Laboratory (DOE)	1,188	324
National BW Defense Analysis Center (New)	420	-
Plum Island Animal Disease Center (USDA)	25	124
	3,626	**598**
Information Analysis and Infrastructure Protection		
Critical Infrastructure Assurance Office (Commerce)	27	65
Federal Computer Incident Response Center (GSA)	11	23
National Communications System (DOD)	155	91
National Infrastructure Protection Center (FBI)	151	795
National Infrastructure Simulation and Analysis Center (DOE)	20	2
	364	**976**
Border and Transportation Security		

	Dollars in millions	FTE [1]
Immigration and Naturalization Service (DOJ)	6,416	39,459
Customs Service (Treasury)	3,796	21,743
Animal and Plant Health Inspection Service (USDA)	1,137	8,620
Coast Guard, (DOT)	7,274	43,639
Federal Protective Services (GSA)	418	1,408
Transportation Security Agency (DOT) [2]	4,800	41,300
	23,841	**156,169**
Emergency Preparedness and Response		
Federal Emergency Management Agency	6,174	5,135
Chemical, Biological, Radiological, and Nuclear Response Assets (HHS)	2,104	150
Domestic Emergency Support Team	-	-
Nuclear Incident Response (DOE)	91	-
Office of Domestic Preparedness (DOJ)	-	-
National Domestic Preparedness (FBI)	2	15
	8,371	**5,300**
Secret Service (Treasury)	**1,248**	**6,111**
Total, Department of Homeland Security	**37,450**	**169,154**

ource: "Department of Homeland Security," President George W. Bush, June 2002

Note: Figures are from FY 2003 President's Budget Request
(1) Estimated, final FTE figures to be determined
(2) Before fee recapture of $2,346 million

The DHS would be responsible for coordination with other executive branch agencies involved in homeland security, including the Federal Bureau of Investigation and the Central Intelligence Agency. Additionally, the proposal to establish the DHS calls for coordination with nonfederal entities and directs the new Secretary to reach out to state and local governments and the private sector in order to:

- ensure that adequate and integrated planning, training, and exercises occur, and that first responders have the equipment they need;
- coordinate and, as appropriate, consolidate the federal government's communications systems relating to homeland security with state and local governments' systems;
- direct and supervise federal grant programs for state and local emergency response providers; and

- distribute or, as appropriate, coordinate the distribution of warnings and information to state and local government personnel, agencies and authorities, and the public.

Many aspects of the proposed consolidation of homeland security programs are in line with previous recommendations and show promise towards reducing fragmentation and improving coordination. For example, the new department would consolidate federal programs for state and local planning and preparedness from several agencies and place them under a single organizational umbrella. Based on its prior work, GAO believes that the consolidation of some homeland security functions makes sense and will, if properly organized and implemented, over time lead to more efficient, effective and coordinated programs, better intelligence sharing, and a more robust protection of our people, and borders and critical infrastructure.

However, as the Comptroller General has recently testified,[6] implementation of the new department will be an extremely complex task, and in the short term, the magnitude of the challenges that the new department faces will clearly require substantial time and effort, and will take additional resources to make it effective. Further, some aspects of the new department, as proposed, may result in yet other concerns. As we reported on June 25, 2002,[7] the new department would include public health assistance programs that have both basic public health and homeland security functions. These dual-purpose programs have important synergies that should be maintained and could be disrupted, as the President's proposal was not sufficiently clear on how both the homeland security and public health objectives would be accomplished.

In addition, the recent proposal for establishing DHS should not be considered a substitute for, nor should it supplant, the timely issuance of a national homeland security strategy. At this time, a national homeland security strategy does not exist. Once developed, the national strategy should define and guide the roles and responsibilities of federal, state, and local entities, identify national performance goals and measures, and outline the selection and use of appropriate tools as the nation's response to the threat of terrorism unfolds.

[6] U.S. General Accounting Office, *Homeland Security: Proposal for Cabinet Agency Has Merit, But Implementation Will be Pivotal to Success*, GAO-02-886T (Washington, D.C.: June 25, 2002).

[7] U.S. General Accounting Office, *Homeland Security: New Department Could Improve Coordination but May Complicate Public Health Priority Setting*, GAO-02-883T (Washington, D.C.: June 25, 2002)

Challenges Remain in Defining Appropriate Intergovernmental Roles

The new department will be a key player in the daunting challenge of defining the roles of the various actors within the intergovernmental system responsible for homeland security. In areas ranging from fire protection to drinking water to port security, the new threats are prompting a reassessment and shift of longstanding roles and responsibilities. However, proposed shifts in roles and responsibilities are being considered on a piecemeal and ad hoc basis without benefit of an overarching framework and criteria to guide this process. A national strategy could provide such guidance by more systematically identifying the unique capacities and resources of each level of government and matching them to the job at hand.

The proposed legislation provides for the new department to reach out to state and local governments and the private sector to coordinate and integrate planning, communications, information, and recovery efforts addressing homeland security. This is important recognition of the critical role played by nonfederal entities in protecting the nation from terrorist attacks. State and local governments play primary roles in performing functions that will be essential to effectively addressing our new challenges. Much attention has already been paid to their role as first responders in all disasters, whether caused by terrorist attacks or natural hazards. State and local governments also have roles to play in protecting critical infrastructure and providing public health and law enforcement response capability.

Achieving national preparedness and response goals hinge on the federal government's ability to form effective partnerships with nonfederal entities. Therefore, federal initiatives should be conceived as national, not federal in nature. Decisionmakers have to balance the national interest of prevention and preparedness with the unique needs and interests of local communities. A "one-size-fits-all" federal approach will not serve to leverage the assets and capabilities that reside within state and local governments and the private sector. By working collectively with state and local governments, the federal government gains the resources and expertise of the people closest to the challenge. For example, protecting infrastructure such as water and transit systems lays first and most often with nonfederal levels of government.

Just as partnerships offer opportunities, they also pose risks based upon the different interests reflected by each partner. From the federal perspective, there is the concern that state and local governments may not share the same priorities for use of federal funds. This divergence of priorities can result in state and local governments simply replacing ("supplanting") their own previous levels of commitment in these areas with the new federal resources. From the state and

local perspective, engagement in federal programs opens them up to potential federal preemption and mandates. From the public's perspective, partnerships if not clearly defined, risk blurring responsibility for the outcome of public programs.

Our fieldwork at federal agencies and at local governments suggests a shift is potentially underway in the definition of roles and responsibilities between federal, state and local governments with far reaching consequences for homeland security and accountability to the public. The challenges posed by the new threats are prompting officials at all levels of government to rethink long standing divisions of responsibilities for such areas as fire services, local infrastructure protection and airport security. The proposals on the table recognize that the unique scale and complexity of these threats call for a response that taps the resources and capacities of all levels of government as well as the private sector.

In many areas, the proposals would impose a stronger federal presence in the form of new national standards or assistance. For instance, the Congress is debating proposals to mandate new vulnerability assessments and protective measures on local communities for drinking water facilities. Similarly, new federal rules have mandated local airport authorities to provide new levels of protection for security around airport perimeters. The block grant proposal for first responders would mark a dramatic upturn in the magnitude and role of the federal government in providing assistance and standards for fire service training and equipment.

Although promising greater levels of protection than before, these shifts in roles and responsibilities have been developed on an ad hoc piecemeal basis without the benefit of common criteria. An ad hoc process may not capture the real potential each actor in our system offers. Moreover, a piecemeal redefinition of roles risks the further fragmentation of the responsibility for homeland security within local communities, blurring lines of responsibility and accountability for results. While federal, state, and local governments all have roles to play, care must be taken to clarify who is responsible for what so that the public knows whom to contact to address their problems and concerns. The development of a national strategy provides a window of opportunity to more systematically identify the unique resources and capacities of each level of government and better match these capabilities to the particular tasks at hand. If developed in a partnerial fashion, such a strategy can also promote the participation, input and buy in of state and local partners whose cooperation is essential for success.

Governments at the local level are also moving to rethink roles and responsibilities to address the unique scale and scope of the contemporary threats from terrorism. Numerous local general-purpose governments and special

districts co-exist within metropolitan regions and rural areas alike. Many regions are starting to assess how to restructure relationships among contiguous local entities to take advantage of economies of scale, promote resource sharing, and improve coordination of preparedness and response on a regional basis.

For example, mutual aid agreements provide a structure for assistance and for sharing resources among jurisdictions in preparing for and responding to emergencies and disasters. Because individual jurisdictions may not have all the resources they need to acquire equipment and respond to all types of emergencies and disasters, these agreements allow for resources to be regionally distributed and quickly deployed. The terms of mutual aid agreements vary for different services and different localities. These agreements provide opportunities for state and local governments to share services, personnel, supplies, and equipment. We have found in our fieldwork that mutual aid agreements can be both formal and informal and provide for cooperative planning, training, and exercises in preparation for emergencies and disasters. Additionally, some of these agreements involve private companies and local military bases, as well as local entities.

Performance Goals and Measures Needed in Homeland Security Programs

The proposed Department, in fulfilling its broad mandate, has the challenge of developing a performance focus. The nation does not have a baseline set of performance goals and measures upon which to assess and improve preparedness. The capability of state and local governments to respond to catastrophic terrorist attacks remains uncertain. The president's fiscal year 2003 budget proposal acknowledged that our capabilities for responding to a terrorist attack vary widely across the country. The proposal also noted that even the best prepared states and localities do not possess adequate resources to respond to the full range of terrorist threats we face. Given the need for a highly integrated approach to the homeland security challenge, performance measures may best be developed in a collaborative way involving all levels of government and the private sector.

Proposed measures have been developed for state and local emergency management programs by a consortium of emergency managers from all levels of government and have been pilot tested in North Carolina and North Dakota. Testing at the local level is planned for fiscal year 2002 through the Emergency Management Accreditation Program (EMAP). EMAP is administered by the National Emergency Management Association—an association of directors of state emergency management departments—and funded by FEMA. Its purpose is to establish minimum acceptable performance criteria, by which emergency managers can assess and enhance current programs to mitigate, prepare for, respond to, and recover from disasters and emergencies. For example, one such

standard is the requirement that (1) the program must develop the capability to direct, control, and coordinate response and recovery operations, (2) that an incident management system must be utilized, and (3) that organizational roles and responsibilities shall be identified in the emergency operational plans. In recent meetings, FEMA officials have said that EMAP is a step in the right direction towards establishing much needed national standards for preparedness. FEMA officials have suggested they plan on using EMAP as a building block for a set of much more stringent, quantifiable standards.

Standards are being developed in other areas associated with homeland security. For example, the Coast Guard is developing performance standards as part of its port security assessment process. The Coast Guard is planning to assess the security condition of 55 U.S. ports over a 3-year period, and will evaluate the security of these ports against a series of performance criteria dealing with different aspects of port security. According to the Coast Guard's Acting Director of Port Security, it also plans to have port authority or terminal operators develop security plans based on these performance standards.

Communications is an example of an area for which standards have not yet been developed, but various emergency managers and other first responders have continuously highlighted that standards are needed. State and local governments often report there are deficiencies in their communications capabilities, including the lack of interoperable systems. Additionally, FEMA's Director has stressed the importance of improving communications nationwide.

The establishment of national measures for preparedness will not only go a long way towards assisting state and local entities determine successes and areas where improvement is needed, but could also be used as goals and performance measures as a basis for assessing the effectiveness of federal programs. At the federal level, measuring results for federal programs has been a longstanding objective of the Congress. The Congress enacted the Government Performance and Results Act of 1993 (commonly referred to as the Results Act). The legislation was designed to have agencies focus on the performance and results of their programs rather than on program resources and activities, as they had done in the past. Thus, the Results Act became the primary legislative framework through which agencies are required to set strategic and annual goals, measure performance, and report on the degree to which goals are met. The outcome-oriented principles of the Results Act include (1) establishing general goals and quantifiable, measurable, outcome-oriented performance goals and related measures; (2) developing strategies for achieving the goals, including strategies for overcoming or mitigating major impediments; (3) ensuring that goals at lower organizational levels align with and support general goals; and (4) identifying the resources that will be required to achieve the goals.

However, FEMA has had difficulty in assessing program performance. As the president's fiscal year 2003 budget request acknowledges, FEMA generally performs well in delivering resources to stricken communities and disaster victims quickly. The agency performs less well in its oversight role of ensuring the effective use of such assistance. Further, the agency has not been effective in linking resources to performance information. FEMA's Office of Inspector General has found that FEMA did not have an ability to measure state disaster risks and performance capability, and it concluded that the agency needed to determine how to measure state and local preparedness programs.

In the area of bioterrorism, the Centers for Disease Control and Prevention (CDC) within the Department of Health and Human Services is requiring state and local entities to meet certain performance criteria in order to qualify for grant funding. The CDC has made available 20% of the fiscal year 2002 funds for the cooperative agreement program to upgrade state and local public health jurisdictions' preparedness for and response to bioterrorism and other public health threats and emergencies. However, the remaining 80% of the available funds is contingent on receipt, review, and approval of a work plan that must contain 14 specific critical benchmarks. These include the preparation of a timeline for assessment of emergency preparedness and response capabilities related to bioterrorism, the development of a state-wide plan for responding to incidents of bioterrorism, and the development of a system to receive and evaluate urgent disease reports from all parts their state and local public health jurisdictions on a 24-hour per day, 7-day per week basis.

Performance goals and measures should be used to guide the nation's homeland security efforts. For the nation's homeland security programs, however, outcomes of where the nation should be in terms of domestic preparedness have yet to be defined. The national homeland security strategy, when developed, should contain such goals and measures and provide a framework for assessing program results. Given the recent and proposed increases in homeland security funding as well as the need for real and meaningful improvements in preparedness, establishing clears goals and performance measures is critical to ensuring both a successful and fiscally responsible effort.

Appropriate Tools Need to Be Selected For Providing Assistance

The choice and design of the policy tools the federal government uses to engage and involve other levels of government and the private sector in enhancing homeland security will have important consequences for performance and accountability. Governments have a variety of policy tools including grants, regulations, tax incentives, and information-sharing mechanisms to motivate or mandate other levels of government or the private sector to address security concerns. The choice of policy tools will affect sustainability of efforts,

accountability and flexibility, and targeting of resources. The design of federal policy will play a vital role in determining success and ensuring that scarce federal dollars are used to achieve critical national goals.

Grants

The federal government often uses grants to state and local governments as a means of delivering federal assistance. Categorical grants typically permit funds to be used only for specific, narrowly defined purposes. Block grants typically can be used by state and local governments to support a range of activities aimed at achieving a broad, national purpose and to provide a great deal of discretion to state and local officials. In designing grants, it is important to (1) target the funds to state and localities with the greatest need based on highest risk and lowest capacity to meet these needs from their own resource base, (2) discourage the replacement of state and local funds with federal funds, commonly referred to as "supplantation," with a maintenance-of-effort requirement that recipients maintain their level of previous funding, and (3) strike a balance between accountability and flexibility. At their best, grants can stimulate state and local governments to enhance their preparedness to address the unique threats posed by terrorism. Ideally, grants should stimulate higher levels of preparedness and avoid simply subsidizing local functions that are traditionally state or local responsibilities. One approach used in other areas is the "seed money" model in which federal grants stimulate initial state and local activity with the intent of transferring responsibility for sustaining support over time to state and local governments.

Recent funding proposals, such as the $3.5 billion block grant for first responders contained in the president's fiscal year 2003 budget, have included some of these provisions. This grant would be used by state and local government's to purchase equipment, train personnel, exercise, and develop or enhance response plans. FEMA officials have told us that it is still in the early stages of grant design and is in the process of holding various meetings and conferences to gain input from a wide range of stakeholders including state and local emergency management directors, local law enforcement responders, fire responders, health officials, and FEMA staff. Once the details of the grant have been finalized, it will be useful to examine the design to assess how well the grant will target funds, discourage supplantation, provide the appropriate balance between accountability and flexibility, and whether it provides temporary "seed money" or represents a long-term funding commitment.

Regulations

Other federal policy tools can also be designed and targeted to elicit a prompt, adequate, and sustainable response. In the area of regulatory authority, the Federal, state, and local governments share authority for setting standards through regulations in several areas, including infrastructure and programs vital to preparedness (for example, transportation systems, water systems, public

health). In designing regulations, key considerations include how to provide federal protections, guarantees, or benefits while preserving an appropriate balance between federal and state and local authorities and between the public and private sectors. An example of infrastructure regulations include the new federal mandate requiring that local drinking water systems in cities above a certain size provide a vulnerability assessment and a plan to remedy vulnerabilities as part of ongoing EPA reviews while the new Transportation Security Act is representative of a national preparedness regulation as it grants the Department of Transportation authority to order deployment of local law enforcement personnel in order to provide perimeter access security at the nation's airports.

In designing a regulatory approach, the challenges include determining who will set the standards and who will implement or enforce them. There are several models of shared regulatory authority offer a range of approaches that could be used in designing standards for preparedness. Examples of these models range from preemption though fixed federal standards to state and local adoption of voluntary standards formulated by quasi-official or nongovernmental entities.[8]

Tax Incentives

As the Administration noted protecting America's infrastructure is a shared responsibility of federal, state, and local government, in active partnership with the private sector, which owns approximately 85 percent of our nation's critical infrastructure. To the extent that private entities will be called upon to improve security over dangerous materials or to protect critical infrastructure, the federal government can use tax incentives to encourage or enforce their activities. Tax incentives are the result of special exclusions, exemptions, deductions, credits, deferrals, or tax rates in the federal tax laws. Unlike grants, tax incentives do not generally permit the same degree of federal oversight and targeting, and they are generally available by formula to all potential beneficiaries who satisfy congressionally established criteria.

Information Sharing

Since the events of September 11, a task force of mayors and police chiefs has called for a new protocol governing how local law enforcement agencies can assist federal agencies, particularly the FBI, given the information needed to do so. As the U.S. Conference of Mayors noted, a close working partnership of local and federal law enforcement agencies, which includes the sharing of intelligence, will expand and strengthen the nation's overall ability to prevent and respond to domestic terrorism. The USA Patriot Act provides for greater sharing

[8] For more information on these models, see U.S. General Accounting Office, *Regulatory Programs: Balancing Federal and State Responsibilities for Standard Setting and Implementation*, GAO-02-495 (Washington, D.C.: March 20, 2002).

of intelligence among federal agencies. An expansion of this act has been proposed (S1615; H.R. 3285) that would provide for information sharing among federal, state and local law enforcement agencies. In addition, the Intergovernmental Law Enforcement Information Sharing Act of 2001 (H.R. 3483), which you sponsored Mr. Chairman, addresses a number of information sharing needs. For instance, the proposed legislation provides that the Attorney General expeditiously grant security clearances to Governors who apply for them and to state and local officials who participate in federal counter-terrorism working groups or regional task forces.

Conclusion

The proposal to establish a new Department of Homeland Security represents an important recognition by the Administration and the Congress that much still needs to be done to improve and enhance the security of the American people. The DHS will clearly have a central role in the success of efforts to strengthen homeland security, but it is a role that will be made stronger within the context of a larger, more comprehensive and integrated national homeland security strategy. Moreover, given the unpredictable characteristics of terrorist threats, it is essential that the strategy be formulated at a national rather than federal level with specific attention given to the important and distinct roles of state and local governments. Accordingly, decision-makers will have to balance the federal approach to promoting homeland security with the unique needs, capabilities, and interests of state and local governments. Such an approach offers the best promise for sustaining the level of commitment needed to address the serious threats posed by terrorism.

This completes my prepared statement. I would be pleased to respond to any questions you or other members of the Subcommittee may have.

Contacts and Acknowledgments

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Homeland Security

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STATEMENT OF SETH FOLDY, M.D., COMMISSIONER OF HEALTH, CITY OF MILWAUKEE, WI

Dr. FOLDY. Thank you, Mr. Chairman and members of the Wisconsin delegation, Mayor and members of Common Council.

I have submitted written testimony which begins with laying out a scenario in which some 400,000 people across the city of Milwaukee mysteriously start developing a medical condition that in fact reflected a real condition we faced here in Milwaukee in 1993, a situation in which it took several days before health authorities could even be sure that an outbreak was underway, when it took more days to detect exactly what the cause of the outbreak was and additional time to be able to understand what the source of the problem was.

The point that I was trying to make, of course, is that bioterrorism and natural disease outbreaks, accidental disasters and other problems such as heat waves are events that occur on a regular basis and that from a public health perspective are not always that different. In each of these situations, there are four major points that need to be understood from the public health perspective, particularly at the local level.

The first is that prevention is an option if, but only if, enough information regarding the threat is understood and acted on.

The second is whether it is a natural event or a terrorist event, these are always complex emergencies that require coordinated action of up to scores of agencies.

Third, that health care providers, first responders and the public are really depending on public health authorities for rapid, authoritative health information; again, whether this is a terrorist or non-terrorist event.

And finally, and particularly in the case of communicable disease, the source of an outbreak is typically obscure and sophisticated epidemiologic, environmental and laboratory tools are required to identify and eliminate the source.

Now why do I come to a hearing on terrorism preparedness and talk about non-terrorist events? It certainly is not because I intend to argue that the public health work force and infrastructure is well prepared to deal with terrorism. In fact, the thin white line that protects the American population from both natural and man-made agents has actually eroded over the last half of the 20th century, although we in Milwaukee are proud that we have wrung enormous lessons out of each of the emergencies that we have faced over the last decade. Nevertheless, until recently, we would consider many of our solutions jerry-rigged and perhaps not adequate for the next challenge.

What I do want to reinforce is the understanding that Congress endorsed in the Public Health Threats and Emergencies Act of 2001, and that is precisely that the need to respond to the needs of terrorist activity must also simultaneously strengthen total public health infrastructure of the Nation, and not simply create new programs for terrorism.

The same infrastructure that is needed for bioterrorism must also support our defenses against natural outbreaks and accidental disasters. Otherwise, we have ended up weakening and not strengthening homeland security.

I would like to point out the testimony presented last week by the General Accounting Office, their concern that merging general purpose public health functions of the Centers for Disease Control and Prevention into the Department of Homeland Security could weaken the fabric of our all-purpose public health response capacity.

I would like to point out, for example, how perhaps somebody who is concerned exclusively with terrorism might view the national pharmaceutical stockpile as an important homeland security issue. I view the national pharmaceutical stockpile as creating an essential infrastructure should there be a natural outbreak of endemic influenza in the country that would require the rapid production and dissemination of a specialized vaccine across the country. So it is critical for us to examine how these programs can continue to integrate, whether or not we create a new department.

I would like to note that in Milwaukee, we have actually aggressively integrated our efforts with those of law enforcement and public safety. We are actually becoming members of the Joint Terrorism Task Force that was previously mentioned, and by doing so, we are grafting a full service public health response onto local law enforcement and public safety, rather than creating a pale shadow public health entity that would duplicate our efforts.

I would like to point out to the committee that in the 2001 and 2002 appropriations for public health and bioterrorism preparedness, Congress did take a tack that might be useful in other situations as well. And that is to award funds to States with the understanding that 80 percent of those funds go to support the infrastructure of local public health agencies.

I would like to point out that information collection, management and sharing is one of the critical issues that is faced by public health related to bioterrorism as well as other public health emergencies and that funding for this type of information sharing and management is actually one of the critical tasks. Furthermore, that the responsibility for such information sharing does need to be located at DHHS because it does reflect the sharing of confidential health information, the sharing of information that may be generated by medical billing systems. There are certainly ethical and medical/legal concerns that are related to this information process and, therefore, we think in the end, HHS will need to play a critical role in the development, similar to the development of its national electronic disease surveillance system and health alert network.

Just in closing, I would like to notice a couple of real positives in Federal policy. We were quite satisfied with the sophisticated laboratory response that Wisconsin was able to muster over the last several months regarding anthrax powder concerns that existed primarily because CDC's laboratory response network had better prepared both State and local public health laboratories to respond to that emergency.

And I would like to point out to the subcommittee that HHS, CDC and the Health Resources and Services Administration acted extremely expeditiously in the distribution of terrorism and emergency public health preparedness funds from the 2001 December appropriation. Within months, clear guidance had been issued,

funding has been initiated and I would suggest that the subcommittee examine the carefully defined emergency preparedness capabilities that formed the framework of CDC's grant program, to better understand the true inter-relatedness of public health programs and their capabilities and how they may interact effectively with the Nation's larger preparedness agenda.

[The prepared statement of Dr. Foldy follows:]

City of Milwaukee Health Department

Testimony of Seth Foldy, M.D., Commissioner of Health
City of Milwaukee

before the

Committee on Government Reform
Subcommittee on Government Efficiency, Financial Management
and Intergovernmental Relations
U.S. House of Representatives

Preparation for biological, chemical or nuclear agents

July 1, 2002

Mr. Chairman and subcommittee members, Mr. Mayor and members of the Common Council, thank you for this opportunity to address the critical issue of how the Federal Government might best assist local response to biological, chemical and nuclear agents.

Imagine that diarrhea strikes a major metropolitan area without warning. For the first several days, individuals and families assume theirs is a limited personal health problem. But after several days, emergency rooms become crowded, pharmacists run out of antidiarrheal medications, and labs are besieged by stool culture requests, most of which are negative. It takes a few days before local health authorities even know an outbreak is underway, and a few more to recognize the problem is not bacteria but a previously little-known parasite. When tests indicate drinking water contamination, families, hospitals, industries, schools and jails are forced to boil or buy bottled water and thus water use is rationed by necessity. More than fifty people die of severe diarrheal symptoms and malnutrition before the year is out.

Although the events I described could have been a terrorist scenario, they were not. I describe Milwaukee in 1993 during an outbreak of waterborne Cryptosporidium parvum, one of several communicable diseases that emerged unexpectedly over the last few decades, along with West Nile Fever, human immunodeficiency virus, Sin Nombre hantavirus, and enterohaemorrhagic E. coli. In Wisconsin we also recently experienced exploding tank cars releasing toxic clouds, and greater Milwaukee lost over a hundred people to a severe heat wave over three days in 1995. And with two major nuclear reactors in the state, a Three Mile Island or Chernobyl is never outside the realm of possibility.

My point is that these public health emergencies have nothing to do with terrorism, yet they share many characteristics with biological, chemical or nuclear terrorism:

1. Prevention is an option if enough information regarding the threat is understood and acted on
2. They are complex emergencies requiring coordinated action of scores of agencies
3. Health care providers, first responders and the public, among others, require rapid, authoritative health information rapidly
4. Particularly in the case of communicable disease, the source of an outbreak is often obscure. Sophisticated epidemiologic, environmental and laboratory tools are needed to identify and eliminate the source.

Why discuss public health emergencies not caused by terrorism?

I don't mean to argue that public health is already well enough trained or equipped to deal with all of these emergencies. The nation's public health workforce, its communications, information, laboratory and other infrastructure have actually eroded over the last half of the 20th century. We in Milwaukee

believe we have wrung enormous lessons out of each emergency we've faced, but our jerry-rigged solutions might not be adequate for the next challenge.

My point is to reinforce Congress' understanding, endorsed in the Public Health Threats and Emergencies Act of 2001, that we need to strengthen the total public health infrastructure, and not just create new programs for bioterrorism and other terror threats. The same infrastructure needed for bioterrorism must also support our defenses against natural outbreaks and accidental disasters, else we have weakened, not strengthened homeland security. This is all the more important when we consider that over the past year our nation will have lost 5 persons to anthrax but 62,000 to diabetes, 28,000 to suicide, 25,000 to hypertension, 16,000 to emphysema, 15,000 to AIDS, and 2000 to influenza, and that each of these are preventable in large measure by pubic health intervention.

Therefore my first recommendation is to caution that merging general-purpose public health functions of the Centers for Disease Control and Prevention into the proposed Department of Homeland Security will weaken the fabric of our all-purpose public health response capability. This is the same concern raised July 25 by the General Accounting Office. It is critical that public health authorities work smoothly together across program lines and between local, State and Federal agencies. Removing critical public health resources away from the DHHS and the Centers for Disease Control and Prevention is a step in the wrong direction.

Furthermore, I believe that if you investigate the events after September 11 you will find that public health authorities were consistently anxious to collaborate and cooperate with public safety and emergency management officials, and that it was the converse that often was lacking. We in Milwaukee aggressively pursued relationships with the Federal Bureau of Investigation and local police, fire and other services, sometimes to their puzzlement, until a large series of anthrax hoax letters in early 2000 proved our point. We were able to deliver 24 hour/seven day-a-week public health risk assessments and response protocols that showed we were trustworthy partners. Meanwhile, the public was reassured that a professional health authority stood behind public safety decisions, and benefited from hearing explanations from experienced public health communicators working within a well-organized incident command model. In Milwaukee we have successfully grafted our full-service public health capability onto our emergency response system, rather than creating a weaker, disconnected step-sister to accomplish the same task. (APPENDIX A:

In Milwaukee, Nunn-Lugar-Domenici funds fueled our successful local HAZMED Metropolitan Medical Response System precisely because Milwaukee Fire Department, Milwaukee Health Department, and Milwaukee County Paramedic and Emergency Management programs pooled their strengths. These interdependent agencies now plan and train alongside each other.

Admittedly, coordinating between multiple agencies, particularly in a countywide or metropolitan model, demands substantial time which rarely is acknowledged or reimbursed by the various categorical funding programs.

Few challenges are more acute in emergency public health response than obtaining information rapidly, managing information effectively, and maintaining good communications with health agencies in the community. For example, in a recent disease outbreak associated with a restaurant, our department had to sift through information from over 1700 phone calls, collect information from a dozen labs, and issue health alerts to physicians and hospitals across the region. Imagine dealing with a terror-induced outbreak centered on a sports stadium or large office complex! We have taken some great steps here in greater Milwaukee. For example, communicable disease reporting for 13 local health jurisdictions flows through SurvNet, a one-stop-shop that makes disease reporting easier for health care providers, while speeding recognition of outbreaks.[1] (FIGURE 2) Similarly, the EMSystem website (FIGURE 3) that links all local emergency rooms provides a valuable tool for communication with frontlines providers and for obtaining information from them. These types of communications systems are most practically developed at the local level than state or national levels, given that trusting relationships are critical to their development. Our intent in Milwaukee, embodied in the Milwaukee Center for Emergency Pubic Health Preparedness, is to serve as a test bed for emergency public health informatics and response that can be adopted by other communities if and when shown to be effective in practice. For example, we are pleased that a recently published scientific paper demonstrated a halving of heat wave deaths most likely attributable to our multi-jurisdictional, multi-sector heat plan.[2] Such plans begin with face-to-face information exchange and trust-building. We hope to demonstrate other concrete victories with improvements in planning, information management and communications. Therefore I suggest that Federal funding should explicitly encourage such local innovation and evaluation, in addition to promoting national information and data standards to assure interconnectedness of local, state and national information systems.

Real public health security requires new levels of vigilance. In Milwaukee we have added our traditional public health tools new special surveillance of pharmacy utilization, illnesses in institutions, and of complaints presented to emergency rooms, nurse-lines and doctors' offices. However, these labor intensive processes rapidly break down. The nation will be well-served by

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[1] Barthell EN, Foldy SL, Pemble KR, Felton CW, Greishar PJ, Pirrallo RG, Bazan WJ. Assuring Community Emergency Capacity with Collaborative Internet Tools: The Milwaukee Experience. J Public Health Practice Management (In press, November 2002).

[2] Weisskopf MG, Anderson HA, Foldy S, Hanrahan LP, Blair K, Torok TJ, Rumm PD. Heat wave morbidity and mortality, Milwaukee, Wisconsin, 1999 versus 1995: An improved response. Am J Public Health May 2002; 92(5):830-833.

continued federal leadership in standardization and implementation of electronic health records that permit the secure, accurate and confidential flow of information across medical organizations and into the public health system. These could provide critical information automatically and effortlessly to public health officials, and create the possibility of automated analysis that would further speed early awareness of outbreaks or other emergency conditions. It is critical that strong leadership for this effort emerge at a high level in the Department of Health and Human Services, since no other agency can bring together the necessary leverage over billing, vital statistics and disease surveillance systems, along with the clinical, research, legal and professional ethics background to pursue such a policy. Again, local communities that show the understanding, ability and expertise to unite health providers, public health agencies and academic research expertise should receive funding to build and test these models.

I am also quite satisfied with the sophisticated laboratory response Wisconsin was able to muster to a huge number of false and hoax anthrax powder concerns in our region since October. This response capacity existed only because several laboratories, including the Milwaukee Health Department, had been able to improve their technical readiness and their coordination through the CDC's Laboratory Response Network. We look forward to continued close collaboration with State and Federal partners in building further this essential readiness capability.

Finally, I want the Subcommittee to know that HHS, the Centers for Disease Control and Prevention and the Health Resources and Services Administration acted most expeditiously in the distribution of terrorism and emergency public health preparedness funds from the 2001 appropriation. Within a few months clear guidance was provided, proposals were received, and funding has been initiated. I suggest the subcommittee examine the carefully defined emergency preparedness capacities that formed the framework of the CDC's grant program, to better understand the true interrelatedness of public health programs and capabilities and how they may interact effectively with the nation's larger preparedness agenda.

Fig. 1
NOT JUST BIOTERRORISM: AN INTEGRATED SYSTEM OF PUBLIC HEALTH PREPAREDNESS

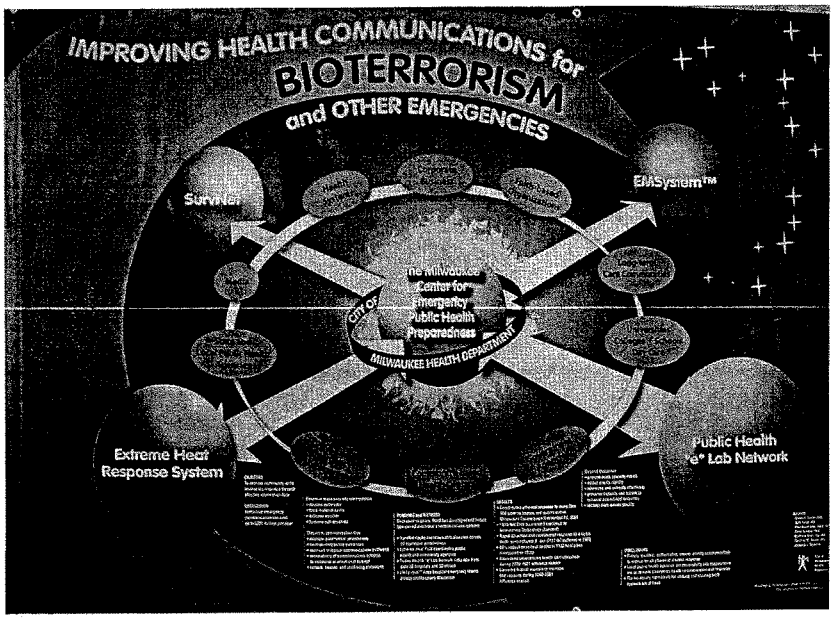


Figure 2: SurvNet Multi-jurisdictional Disease Reporting System

(Collaborators: Cudahy, Franklin, Greendale, Greenfield, Hales Corners, Milwaukee, North Shore, Oak Creek, Shorewood/Whitefish Bay, St. Francis, Wauwatosa and West Allis/West Milwaukee Health Departments, Medical Society of Milwaukee County with funding by the Centers for Disease Control and Prevention through the Division of Communicable Disease, WI DHFS.)

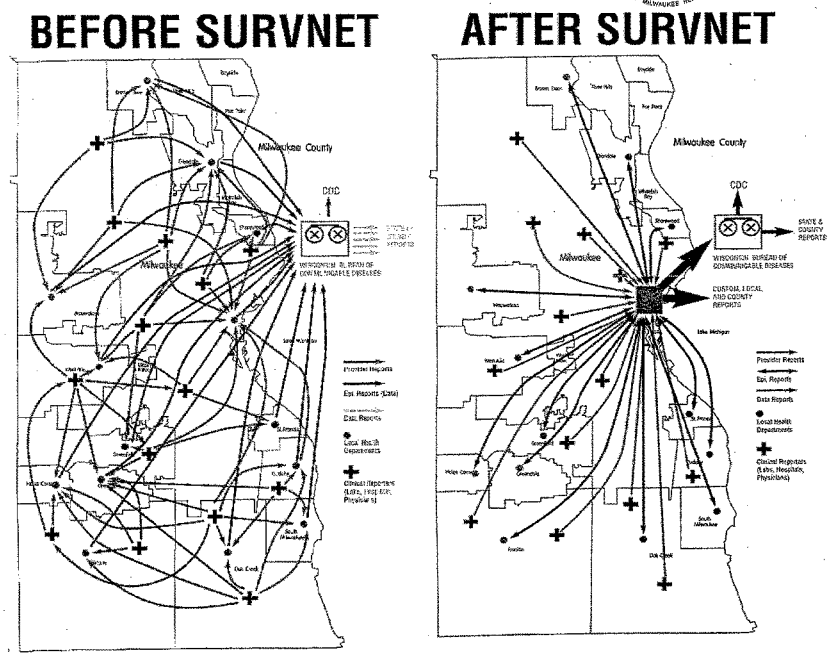
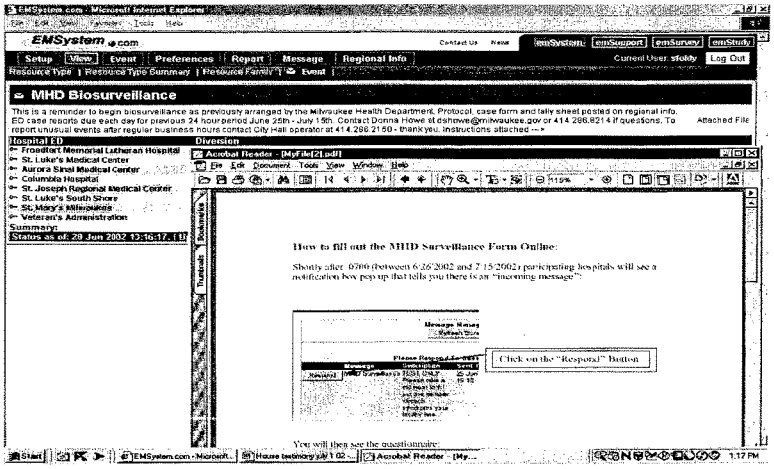
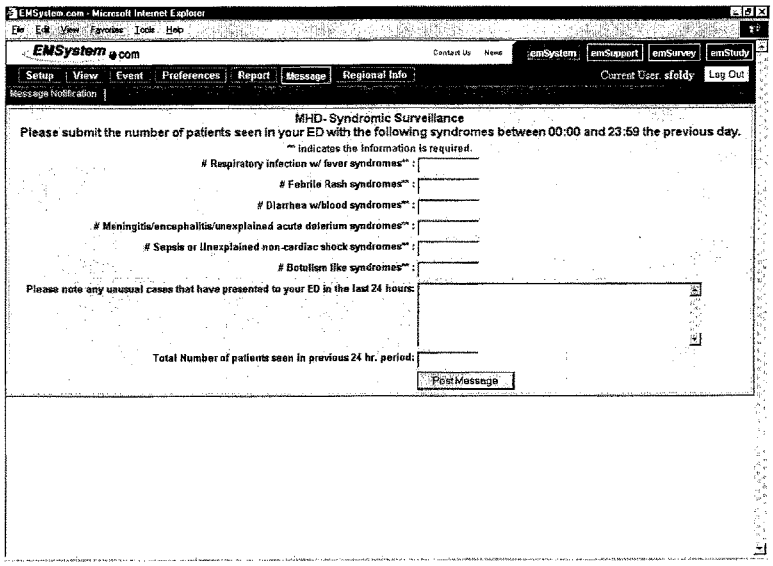


Figure 3. EMSystem Provides Real-time Communications Between Public Health and Emergency Medical Providers





APPENDIX A:

LESSONS LEARNED

ANTHRAX THREAT LETTERS IN WISCONSIN, JANUARY 5 - 13, 2000

Thomas Anderson, BS, RS Wisconsin Department of Health and Family Services
Seth Foldy, MD Milwaukee Health Department and Dept. of Family and Community Medicine, Medical College of Wisconsin

Published on Wisconsin Health Alert Network 5/22/02

Background

From January 5 - 13, a total of 17 letters were mailed to health care clinics, planned parenthood centers, counseling services and several school offices in eastern Wisconsin. The local reaction and response which occurred following the receipt and opening of these letters underscored the importance of preplanning with all of the agencies and services which have roles and responsibilities in a local bioterrorism incident.

Overview of Local Response

In most of these incidents the emergency management system was activated by first calling the local police agency. Local police, fire and EMS personnel then responded for the purpose of securing the scene and rendering it safe. The local police agency then contacted the Federal Bureau of Investigation, which has specific jurisdiction at the federal level for crisis consequence (criminal investigation and apprehension) activities in regard to terrorism situations that also include biologic agents used as weapons. The FBI then alerted a hazardous materials team for possible assistance in collecting and preserving any evidence. Arrangements were then made for transport to a laboratory, which is staffed and equipped for any necessary testing. After testing, all samples in these incidents were found to be negative for the presence of anthrax. The local health officer was then notified of the results.

Issues and Concerns

There were a number of issues and concerns that arose in some of these incidents which merit discussion and further consideration. In one incident involving a school, an envelope containing a powdery substance was opened and spilled. This led to the evacuation of an entire school. A total of 21 persons were considered potentially exposed in this situation. The involved hazardous material team made the decision to decontaminate these people in a nearby garage using a 10% bleach and water solution. A number of these people were then transported by local EMS to an area hospital for

subsequent medical evaluation. These actions most certainly involved a certain level of personal anxiety or emotional trauma to those people involved. In another instance 10 employees at a health care facility received prophylactic treatment with antibiotics. In a number of these incidents a number of local and state agencies were not even aware that these events were taking place. Communication with local agencies or services with roles and responsibilities is important.

Public Health Conclusions

The decision to evacuate, decontaminate, and/or medically evaluate people must be made on a case-by-case basis with the involvement and input of all-necessary local, state and possibly federal agencies and services. This includes but is not limited to: police, fire (including hazmat), EMS, public health, emergency management, hospital/medical, the FBI and qualified laboratory personnel. In Wisconsin, a laboratory network has been established which allows specimens for anthrax to be tested within 2-3 hours of receipt. There is a 24-hour period of exposure to anthrax before medical prophylaxis needs to be undertaken. Because of this, it may not be necessary decontaminate or provide prophylactic treatment if testing determines that anthrax is not present.
These important considerations require that public health, medical and laboratory personnel are included and involved in discussions when local decisions are being made.

Comments from the Perspective of the Local Health Department (City of Milwaukee)

This scenario underscores the potential for unsubstantiated threats to create severe private sector economic impact as well as to consume taxpayer resources and generate unnecessary, costly and potentially harmful medical interventions. These may be limited by well-planned and coordinated response from public health, public safety and law enforcement agencies.

Coordination of threat/risk assessments:

In each potential exposure situation (in this case, each empty threat) three types of threat or risk assessment are performed—either explicitly or informally. The first is a behavioral threat assessment that evaluates the plausible risk that a particular threat would or could be carried out. It is typically performed by the Federal Bureau of Investigation based both on concrete evidence from the scene (delivery device, threat wording, etc.) and other intelligence (suspected plans of existing organizations, threats elsewhere, sophistication and capability of local groups, etc.) From the public health standpoint two other assessments are needed: the clinical risk and the environmental risk. The clinical risk assessment asks the plausibility that each *potentially* exposed individual *actually received* exposure warranting decontamination, prophylaxis, isolation or other interventions. This uses bacteriologic, environmental, behavioral and other information to form an individualized assessment of the need for action in each person or group. It additionally requires a *clinical* understanding of the suspected agent (innoculum size and route, time course of disease development, etc.) An environmental risk assessment is

needed before allowing normal activity to resume at a threat or exposure site. It also relies on bacteriologic and behavioral information, as well as eyewitness descriptions of agent dispersion, consideration of air handling systems, etc. and requires familiarity with recommended decontamination protocols for the agent in question.

In this episode, with multiple threats occurring in rapid sequence over multiple jurisdictions, confusion rapidly emerged regarding who could and should make these assessments, and on what grounds. For example, local HazMat teams initiated personal and environmental decontamination per their routine protocols, but without the benefit of behavioral, clinical or bacteriologic evidence to support the need. Meanwhile, some patients received *de facto* clinical evaluations from the FBI, others from emergency medical responders, others from personal or emergency room physicians, and others from public health authorities. Early on, clinicians and local public health officials were receiving bacteriologic test results reported and interpreted by FBI agents, not clinical or lab personnel.

The practical solution to this problem was to place a public health liaison (clinician or environmental specialist) inside the emergency operations center (in this case, the FBI office). This individual collected and organized information on each event. The information eventually included descriptions of the device and environmental dispersion, physical appearance of the material at each site, numbers of persons potentially exposed and their receipt of health care, and laboratory results. The liaison could consult with FBI staff to obtain behavioral and law enforcement intelligence information. The liaison provided a single point of contact for public health and health care professionals from various jurisdictions, facilitating rapid communication and assessment of public health needs. For example, a public health medical officer and a law enforcement official were able to compare information on threat notes, physical agent descriptions and bacteriologic results to rapidly reopen a major mail sorting facility for regular operations that otherwise might have been closed with major economic consequences.

Coordination of communications:

The volume of phone calls between local health officials, first responders, law enforcement officials, laboratories and other parties rapidly became cumbersome, and the quality of information transmitted was increasingly uncertain. Again, the public health liaison inside the emergency operations center permitted one-stop communications that could reliably collect and transmit laboratory, clinical and environmental information to local and state officials from many different agencies.

Expert assistance to multiple jurisdictions:

With seventeen threats over five separate jurisdictions, assuring consistent, expert response became potentially problematic. This problem was addressed in part by dividing the consulting workload between public health medical officers who each had clearly defined jurisdiction. Inside Milwaukee County, the county Emergency Director for Emergency Public Health and Environmental Services (as authorized in the county

emergency preparedness plan) provided consultation, while the State Epidemiologist/Medical Officer for Communicable Disease assisted other counties. Having a single public health liaison inside the operations center facilitated the work of both medical officers.

Controlling undesired publicity:

There are ample reasons to regulate public information regarding these types of threats. They include limiting the media exposure a perpetrator may thirst for; limiting the public release of information that might assist a perpetrator in planning future actions or evading successful prosecution; limiting the likelihood of "copy-cat" actions by others; and limiting the fairly high likelihood of unwarranted panic in threat situations. Obviously a balance must be struck between sharing information responsibly among agencies and with the public, and uncontrolled full disclosure. The establishment of a unified incident command and an incident public information officer is one such approach to this balance. Other lessons learned include the benefit of using telephone communications rather than radio to notify first responders (since mass media reporters scan radio frequencies). Meanwhile, the public health liaison inside the operations center provided appropriate, confidential, high quality information to local public health officials and medical providers that otherwise they might not receive from law enforcement or other agencies.

Management of multiple "exposures":

A multiple event scenario like this greatly increases the complexity of identifying and managing potentially exposed individuals and assuring appropriate care. Creating a master log of those "exposed", their daytime and home contact information, the physical and bacteriologic evaluation of their exposure situation, their medical provider, and information regarding their decontamination, medical treatment and disposition should be an important function of the public health emergency operations liaison. With events over a broad area, such information collection must begin by first responders at the scene. It is conceivable that such information management may rapidly become problematic in large or multiple exposure scenarios without advance preparation. The importance of such information is greatly amplified when dealing with agents with potential for person-to-person spread.

Mobilizing adequate laboratory capacity:

Analyzing environmental samples of suspected bioterrorism agents while meeting law enforcement evidence standards and assuring biosafety is taxing in a single episode. With seventeen sets of specimens we were fortunate to be able to share the load between two laboratories. Had the demand for laboratory services continued unabated we would have been forced to send out more routine laboratory functions to other clinical labs, and logistical considerations and complexity would have multiplied considerably. This greatly underscores the need for the interactive network of well-prepared laboratories that is being created in Wisconsin.

Mr. HORN. Thank you. Before we call on the Administrator for the State of Wisconsin Department of Public Health, I want to put on the record that I have an excellent paper here by the Commissioner of the Department of Public Works of Milwaukee, Mariano Schifalacqua. It is the best I have seen in a number of hearings around America and it has to do with water quality. That is a very important thing and has a major part in the health situation.

When I was in Europe a few months ago, four terrorists were caught attempting to taint Rome's supply of water. Thankfully, they got them in time. Otherwise, the whole population of Rome would have been poisoned.

So I would like to have Mariano lay it out for us. It is a marvelous paper, as far as I am concerned.

STATEMENT OF MARIANO SCHIFALACQUA, COMMISSIONER OF PUBLIC WORKS, DEPARTMENT OF PUBLIC WORKS, CITY OF MILWAUKEE, WI

Mr. SCHIFALACQUA. Thank you, Mr. Chairman.

I will not go into all the details that are in that statement, but there are a couple of areas that I think are important to highlight.

First of all, I want to thank the members for the opportunity to address you on this critically important topic. While all aspects of public works may be required to respond in an emergency, I wish to focus on one basic but essential public service, which is the Milwaukee Water Works.

The Water Works is a wholly owned and operated water utility within the primary government of the city of Milwaukee. As such, each year, the Water Works treats and distributes approximately 41 billion gallons of pure, clean Lake Michigan water to 845,000 people including the city of Milwaukee residents and 14 surrounding suburban communities.

Water service in Milwaukee is accomplished by two major water treatment plants which draw water from Lake Michigan, effectively treating that water and then distributing it through numerous major pumping stations, booster stations, elevated and ground storage facility as well as over 1950 miles of water mains. Water systems in general have been identified as a vulnerable asset simply because of their large expanse and ability to reach into almost every household and street corner.

A common carrier of drinking water, under the right circumstances, can potentially become a common carrier of biological, chemical or nuclear agents. Improving security effectiveness or reducing the consequences of an attack can be effective means of reducing the risk to water infrastructure and ultimately impact the public health.

The city of Milwaukee has proactively been involved in this effort. In 1999, we conducted a security review of our water plant facilities primarily focused on physical deterrents. Based on those results, we identified areas requiring remedial solutions and funded those with local funds in 2000, 2001 and 2002. This assessment helped focus our efforts in defining the appropriate level of threat to large water utilities and the response required to minimize that threat.

Much of the activity has been focused on short-term physical improvements such as 24-hour around-the-clock security presence, increased use of surveillance and lighting techniques, increased access control and monitoring, strengthening barriers such as doors, alarms, locks and instituting more rigorous protocols and procedures.

Other efforts focused on increased education and training, resource identification and sharing, contingency and emergency response planning with health, fire, police, State and Federal agencies. Many of these same activities have been ongoing concurrently in other public and private sectors; however, those sectors do not share in the same level of accessibility that a water supply and distribution system have.

We applaud Congress for the supplemental appropriation this year of $90 million to the EPA for the purpose of issuing direct grants to large water utilities to conduct vulnerability assessments and related response planning activities. Milwaukee is scheduled to receive a share of that appropriation at a time when this need is the greatest.

Continued direct support at the local level is required in order for all water utilities to move from the initial short-term response and assessment into the development, research, implementation and construction of the recommendations derived from those assessments.

There are many avenues available to accomplish this. While some work has already commenced, the issues are complex and cover many different groups, agencies, jurisdictions and levels. The Federal Government needs to continue to work to ensure that effective and efficient response, resources and support is directly available to agencies on the local, municipal and county levels as first responders to those potential threats and events.

Thank you and I would be more than happy to answer any questions you may have.

Mr. HORN. I thank you and we will now have the Administrator for the Department of Public Health, State of Wisconsin, John D. Chapin. We are glad to have you here.

[The prepared statement of Mr. Schifalacqua follows:]

Department of Public Works
Milwaukee Water Works

Mariano A. Schifalacqua
Commissioner of Public Works

James P. Purko
Director of Operations

Carrie M. Lewis
Superintendent of Water Works

STATEMENT OF

MARIANO A. SCHIFALACQUA,

Commissioner of Public Works, Department of Public Works,

City of Milwaukee, Wisconsin

Congress of the United States,

House of Representatives, Committee on Government Reform,

Subcommittee on Government Efficiency, Financial Management

and Intergovernmental Relations

July 1, 2002

Milwaukee, Wisconsin

Good morning, my name is Mariano Schifalacqua and I am the Commissioner of Public Works for the City of Milwaukee.

I first, wish to thank members of the Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations for the opportunity to address you on the critical and important issue of preparations for potential terrorist attacks. It is vital that local governmental jurisdictions and agencies blend cooperatively with available State and Federal resources to enhance and support the coordinated response that will be required to any potential threat or action. Your attendance in Milwaukee this morning, to hear from local officials, demonstrates the cooperation and commitment required of the Federal government in order to effectively carry out and implement the vital role we play on the local level as first responders to any such event.

As a matter of background, the City of Milwaukee, Department of Public Works encompasses the traditional elements of a municipal public works operation, including refuse collection, drinking water treatment and distribution, fleet management and infrastructure design, construction and maintenance of sewer, water, street and building facilities. While all aspects of public works may be required to respond in an emergency, I wish to focus on one basic, but essential public service; which is the Milwaukee Water Works. The Water Works is a wholly owned and operated water utility within the primary government of the City of Milwaukee. As such, each year, the Water Works treats and distributes approximately 41 billion gallons of pure, clear Lake Michigan water to 845,000 people including City of Milwaukee residents and 14 surrounding suburban communities.

The Federal government, through the Environmental Protection Agency (EPA) and the State of Wisconsin Department of Natural Resources (WDNR), is responsible as the regulatory agency for defining and monitoring related standards associated with the treatment and distribution of drinking water. Milwaukee's experience however, is that those standards are not always absolute in ensuring the protection of public health. Milwaukee has therefore, adopted more stringent standards and objectives in the treatment of our drinking water to ensure quality water continues to play a basic, but vital role in the health, safety and protection of all our residents.

Water service in Milwaukee is accomplished by two major water treatment plants which draw water from Lake Michigan, effectively treating that water and distributing it through numerous major pumping stations, booster stations, elevated and ground storage facilities as well as over 1,950 miles of water mains. Water systems in general, have been identified as a vulnerable asset simply because of its large expanse and ability to reach into almost every household and street corner. The water infrastructure was not built to withstand direct and intentional terrorism. A common carrier of drinking water, under the right circumstances can potentially become a common carrier of biological, chemical or nuclear agents. Improving security effectiveness or reducing the consequences of an attack can be effective means in reducing the risk to water infrastructure and ultimately, impacts to the public health.

The City of Milwaukee takes the potential for disruption to this vital water system as a serious and real threat. This emphasis has been renewed in every one of over 170,000 public water systems across the nation since the tragic events of September 11th. The City of Milwaukee has proactively been involved in this effort even before that time. In 1999, we conducted a security review of our water plant facility, which primarily focused on physical deterrents. Based on those results, we identified areas requiring remedial solutions and funded those in 2000 and 2001. This process culminated in late 2001 with a more detailed analysis and assessment of our facilities and the development of a methodology of identifying the potential vulnerability of water facilities in conjunction with the American Water Works Association Research Foundation (AWWARF) and national security experts from the Sandia National Laboratory. This assessment helped focus our efforts in defining the appropriate level of threat to large water utilities and the response required to minimize that threat.

The direct response by water utilities to these events has been varied. Much of the activity has been focused on short-term physical improvements such as:

- 24-hour around the clock security presence.
- Increased use of surveillance and lighting techniques.
- Increased access control and monitoring.
- Strengthening barriers such as doors, locks and alarms.
- Instituting more rigorous protocols and procedures.

Other efforts focused on increased education and training, resource identification and sharing, contingency and emergency response planning with Health, Fire, Police, State and Federal agencies. Many of these same activities have been ongoing concurrently in other public and private sectors; however, those sectors do not share in the same level of accessibility that a water supply and distribution system has.

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American Water Works Association Research Foundation

We applaud Congress for the supplemental appropriation this year of $90 million dollars to the EPA for the purpose of issuing direct grants to large water utilities to conduct vulnerability assessments and related response planning activities. Milwaukee is scheduled to receive a share of that appropriation at a time when this need is the greatest. Continued direct support at the local level is required in order for all water utilities to move from the initial short-term response and assessment into the development, research, implementation and construction of the recommendations derived from those assessments. Some of these immediate areas impacting the water industry include:

- Effective physical security deterrents and measures for existing and new water treatment plants and remotely operated facilities.
- Effective cyber related security measures for critical computer control and information systems.
- Effective security deterrents and measures for distribution system related infrastructure and appurtenances.
- Increased research on the effects of contaminates intentionally introduced into drinking water including early warning detection and effective treatment techniques.
- Increased resource, contingency and coordination planning efforts for emergency system operation, response and recovery.
- Evaluate current design and operational standards for water treatment, storage and distribution facilities to incorporate added security-related features.
- Evaluate public access information sharing of critical and vital water system infrastructure and data.

There are many avenues available to accomplish these goals. While some work has already commenced in these areas, the issues are complex and cover many different groups, agencies, jurisdictions and levels. The Federal government, specifically your Committee, needs to continue its work to ensure that effective and efficient response, resources and support is directly available to agencies on the local municipal and county levels as first responders to these potential threats and events. We look to you for your continued cooperation and support as we move ahead to address these important and critical issues facing not only Milwaukee, but also our nations, water supply.

Thank you.

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STATEMENT OF JOHN D. CHAPIN, ADMINISTRATOR, WISCONSIN DEPARTMENT OF PUBLIC HEALTH

Mr. CHAPIN. Thank you. The hour is late and you have heard much wisdom here, so I am not going to give you more wisdom. I just want to reinforce four words of wisdom you have heard.

You heard Mayor Norquist talk about function, which is if this stuff does not work, then it is a waste of time and it put lives at risk. You have heard Commissioner Foldy define functionality as it not only has to work in terms of the threat of bioterrorism, but the dual functionality of public health means it has to work for the everyday business of public health. Otherwise, we are just going to have tyvek suits and civil defense barrels sitting in the basement.

You have heard a word of wisdom from Ed Gleason in terms of flexibility. You have heard people talk about, such as our representative from FEMA, the fear of fragmentation.

And let me put those four words together. Our problem is how to functionally fund all the partners, but to do so in a manner that avoids fragmentation, yet retains flexibility. And that is why I am glad I am here and you are in Congress, because that is the paradox you face.

And let me just give four quick examples and be done. And again, using the words of other wise people around this room. When my department was writing the proposal for the CDC and HRSA, we took much to heart the words of Mayor Norquist, although he hadn't spoke them yet, which was the job of us as government officials was not to please everyone, but to have a functional proposal.

And let me talk about the dilemma. In Wisconsin, we have 72 counties, 100 health departments, 11 tribes, 450 EMS services and if we wanted to give everyone a piece of the action, it would raise a fundamental question of have we done anything to increase functionality. And so our approach was one of let us not fund any health department, any EMS, any city, any hospital, of which there is 130 directly, but let us require them to form multi-county consortiums, let us require hospitals and EMS to form trauma regions and then let us fund them cooperatively and collectively, because what do we know about jurisdictions in Wisconsin? First of all, they are all formed in the 19th century. Second, biological entities do not care if they cross the county line or the village boundaries. Third, there is not enough money to fund every jurisdiction up to the point of self-sufficiency. And last, any mass biological event will overwhelm any one individual jurisdiction; and therefore, our approach is to move the money out of the State to the localities, but to do it in terms of regional structures that offer mutual response.

The second thing—and I will reinforce what Chief Clarke said about the cacophony of information jurisdictions and confusion as to all these different information systems. We said in Wisconsin that the two fundamental pieces of CDC's information system, the Health Alert Network and the National Electronic Disease Surveillance System should be welded together. The information going out and the information coming in should all be consistent within one pipeline. And in addition, in Wisconsin, we put together an information steering committee to make sure that every jurisdiction does not go out and buy their own software to please their own

needs so that none of it links together. And that is one of the fundamental requirements we have, which is whatever you buy with this money, it has all got to fit in the HON and NEDS pipeline and we are going to do it together, so it is not like 19th century militia and everybody shows up with their different musket with a different caliber. That led to Bull Run, by the way.

The other thing we wanted to do was to ensure that all partners of public health were funded. And by that, I mean both private and public dimensions. You have heard a great deal about laboratory capacity. The plan in Wisconsin is to have four centers of laboratory capacity—the State Lab of Hygiene, the incredible Milwaukee Public Health Department Laboratory, the VA Laboratory and the Marshview Clinic in northern Wisconsin, yet that is a private entity. We were having a bit of a discussion with CDC, who seems to think that public health is only the public sector. And what we are saying to them is no, we want to fund a private lab because we think citizens north of Highway 29 need to have laboratory capacity and whether it is private or public does not matter if it is part of the public health system.

The other thing we are trying to do is in terms of accountability. We think that for training, we have to use all the educational resources of Wisconsin and not create new structures, which is put a coalition together of the medical schools, the five schools of nursing, the VA system and give them the charge of helping educate all professionals, business, labor, community members because education for public health disaster has to be for the whole public.

And last, issues of accountability. These dollars are scarce, nobody has enough money. And therefore, we are putting out contracts for every single dollar with performance requirements whereby whether we the State, local or private entities are not successful, we want some of that money back so we can redeploy it to people who have been successful.

And I would like to end by urging you to go back to these four words, as you think about your job, which is what we do has to be functional, it has got to fund all partners of public health, yet please give us the flexibility at the State level so that we can do what is creative. Because the four innovations I just told you are not asked for in either the CDC or the HRSA grants. We did it because we thought we needed to do it. And the last is, do not let this scarce money be fragmented into 1000 pieces without appropriate coordination.

And I want to thank the Congress for supporting public health and urge our Federal partners good luck in their tremendous task ahead and to tell you that the good people of Wisconsin at the local, State government will work together and will be successful.

Thank you very much.

Mr. HORN. Well, thank you because I was particularly interested on the funding of the private lab and the worry of CDC on that. Let me talk about another laboratory in a State as great and different types of topography and all the rest, and let us say we had a germ warfare scenerio going on. Would any of the community colleges' laboratories besides the two great universities and perhaps the various colleges that are in Wisconsin play a role?

Mr. CHAPIN. Let me raise the ante from your example one more. Wisconsin also has a wonderful biotechnical industry. Our State Lab of Hygiene is making relations and agreements with our biotech industry across Wisconsin such that if there is a huge demand for capacity, we can bring the scientists from the private sector into our public sector labs to help us with these most difficult—and I just want to reinforce the concept. States should have the ability to form partnerships, both public and private, to protect. Because our public labs, such as the Milwaukee Lab, the VA Hospital and our State Lab of Hygiene are just the first line, but we need to do exactly what you have said, which is have the ability to expand that network so we can pull all the resources of Wisconsin to deal with those issues.

Mr. HORN. Thank you. Do the gentlemen from Wisconsin want a few questions here?

Mr. PETRI. Yes, I was hoping Mr. Chapin can stay around for a few minutes and might be able to give some advice on what we do about the wasting disease and the Federal Government's inability to have adequate capacity to monitor that. Maybe we can help them somehow with some ideas.

But I wonder if you would comment a little bit about the Federal effort to deal with this problem by creating a new Department of Homeland Security, which is a departure from what you have done at the State level in terms of trying to improve coordination and focusing resources, but not creating an additional bureaucracy. I suppose there is no agency, when you stop and think about it, that does not have some security and health aspect to it in a sense. So where you go and when you stop and how it all fits in and whether it will be a diversion of whether it will be an addition, I just wonder if you could comment on that.

Mr. CHAPIN. I think speculating at Federal level is beyond my canon authority, but let me use an analogy from what Mr. Gleason, who is the chair, co-chair of our bioterrorism task force, and my boss, who is the co-chair, and let me take the word of wisdom you gave to me which is we believe every agency in Wisconsin has a role to play and the approach we have taken is to say the true issue is incident command and control and resource coordination. And so let us have a Governor's Task Force on Bioterrorism that brings all the partners together and then in a collaborative role of coordination, we can figure out how to coordinate this. For example, right now, we have multiple Federal agencies all giving multiple State agencies separate money with which we all fund local entities. Now that could be a recipe for fragmentation. The approach Wisconsin has taken is to say let us get all the agencies in one room with our local partners such as fire, police, county government, and let us figure it out here. Because putting everything in one box is a good step if you are in chaos but it does not solve all the coordination command and control. So rather than commenting on the Federal Government, I would like to point out what I think is the wisdom that Mr. Gleason and others have brought to this State in terms of saying it is the State's responsibility not to spend the money on themselves, but to coordinate that so that all the dollars are not fragmented and they are functionally spent.

So I think you might want to look to the model that Mr. Gleason has put together for some insights.

Mr. PETRI. Thank you.

Mr. HORN. Anybody that has listened to all this, and you are good soldiers here because I know you have many other things to do, but if you had an idea that one provoked for another, we would be delighted to have it on the record. So if there is—we will just go around the line down there. Mr. Gleason, any thoughts that you learned from this that we have not got on the record?

Mr. GLEASON. The only point I would make and I think it was made by many people is this is clearly an example that has got to be—and I think Governor Ridge has said this many times—it is a national effort and a national effort does not mean it is a Federal effort or a State effort or local, it is all these units of government need to come together, we need to be as seamless as we possibly can be, and get to that next step and that makes our Nation a better prepared Nation.

Thank you.

Mr. HORN. Any thoughts over here?

Mr. GARDNER. Right. I would just like to echo what everybody else is saying, you know, as far as our risk assessment and our preparedness, I think when we do have an operational incident like they have had historically across the country just recently, we pulled together and we have managed them, but we have to continue to work toward being prepared and doing as was mentioned as far as getting those resources to the appropriate level.

And I would just like to make a comment that you had asked earlier of Mayor Norquist as far as this Fourth of July. I would just like to say that everybody should be alert and aware. You know, we have raised our level of awareness to where we should be able to assist law enforcement and get the information to them as quickly as possible, which then would help reduce the operational side of our efforts tremendously.

I also appreciate the opportunity to speak before you here today. Thank you.

Mr. HORN. Any thoughts here? You all testified very well.

Mr. BUIKEMA. Mr. Chairman, I would just like to echo the comments of Mr. Chapin, especially in regard to the need for cooperative planning regionally as well as the unified command system, mutual aid. Those are themes that are recurring over and over again. I think the lessons of September 11th have taught us the need for interoperability of communications equipment as well as response equipment and the need to make sure we have strong relationships with our partners at all levels of government.

Mr. HORN. Yes.

Dr. FOLDY. Mr. Chairman, I think you have heard how in Milwaukee, considerable work has been done to work across jurisdictions and to work across different programs. And I think you will find as you travel around the country that there are areas where those two rather thorny problems are being addressed in a creative way, and those are going to be the communities that develop new tools and new models for emergency preparedness and I would like to suggest that some attention be paid to fostering innovation at

the local level in those communities that establish models for the rest of the Nation to learn from.

Mr. HORN. That is a good idea.

Captain HARTLEY. Mr. Chairman, if I could elaborate on Mr. Chapin's comment. Actually, I would like to see an all risk, all hazard incident command structure. From what we have seen in previous responses, you are really building a $1 million organization overnight and that is tough to do in the best of situations. Getting the players together beforehand in a non-threatening situation, discuss issues, sort them out, without all the pressures of a response, works wonders, from our perspective.

Mr. HORN. Well, thank you. I think we should say the obvious, that I do not know one person in Congress that is not a fan of the Coast Guard. So you have got a good—right here is one of the key people, Mr. Petri, and I just go along and say what a great bunch. So thank you.

Ms. Hecker, closing for the General Accounting Office?

Ms. HECKER. There were indeed so many words of wisdom and insights and I really credit you for creating these kind of forums that really create the dynamics that lead to this excellent dialog.

Mr. Petri's point I thought about incentives and the Mayor's point about sustainability, I think are pervasive issues that whatever the strategies are, we need to structure Federal programs and assistance in ways that really build sustainable capacity. I think there was a lot of discussion about the scarcity of resources, even though there is new money and there is a lot of new money from the Federal level being targeted at these problems, it still needs to be targeted effectively—the flexibility needs to be there and the performance focus, and I think we heard a lot about that.

Finally, I think the issue of the dual use, the reality that in fact, as I think many have recognized, so many aspects of every level of government are related to securing the homeland and I think we need to be careful. I think as Mr. Chapin said, GAO has already testified that the proposal for the Department of Homeland Security increases fragmentation of bioterrorism approaches and we need to be very careful about the attempt to bring everything that is related to homeland security together and then perhaps end up making things worse rather than better.

But again, I commend you and this forum for so many excellent issues.

Mr. HORN. Well, thank you very much.

Let me thank those who worked on this particular Milwaukee, Wisconsin hearing. J. Russell George is our staff director and chief counsel, at the table over there. And Bonnie Heald is to my left, your the, she is the deputy staff director and spent as lot of her energy with this particular hearing. And then Chris Barkley is here somewhere—there we are, right at the table, he is our majority clerk. And do we have any of the interns here? Well, they did a lot of work at home then—Michael Sazonov, Sterling Bentley, Joe DiSilvio. And then we have Mr. Petri's office, which has been just marvelous in helping us through a lot of these things. One is the chief of staff, Debbie Gebhardt is the chief of staff in Washington for Mr. Petri, and in the District in Wisconsin is Sue Kirkman. And the one that is often the hardest working person and that is our

court reporter and that is Bill Warren. Bill, we thank you for coming. He goes with us almost around the Nation, we have a very good court reporter.

With that, we thank everybody in Wisconsin and Milwaukee and we appreciate that and we will put that into a report to the Congress. Thank you.

[Whereupon, at 12:12 p.m., the subcommittee was adjourned.]