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INVESTING IN HOMELAND SECURITY, CHALLENGES ON THE FRONT LINE

HEARING

BEFORE THE

COMMITTEE ON GOVERNMENTAL AFFAIRS UNITED STATES SENATE

ONE HUNDRED EIGHTH CONGRESS

FIRST SESSION

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INVESTING IN HOMELAND SECURITY, CHALLENGES ON THE FRONT LINE

WEDNESDAY, APRIL 9, 2003

U.S. SENATE,
COMMITTEE ON GOVERNMENTAL AFFAIRS,
Washington, DC.

The Committee met, pursuant to notice, at 9:35 a.m., in room SD–342, Dirksen Senate Office Building, Hon. Susan M. Collins, Chairman of the Committee, presiding.

Present: Senators Collins, Carper, Lautenberg, Durbin, and Pryor.

OPENING STATEMENT OF CHAIRMAN COLLINS

Chairman COLLINS. The Committee will come to order.

Today, the Committee begins a series of hearings on how the Federal Government can best help our States, communities, and first responders protect our homeland. Last year, the Senate spent nearly 3 months on the Homeland Security Act, yet the law contains virtually no guidance on how the Department is to assist State and local governments and first responders with their homeland security needs.

In fact, the 187-page Homeland Security Act mentions the issue of grants to first responders in but a single paragraph. There is no guidance on how Federal dollars should be spent or how much money should be allocated or to whom it should be allocated. Those decisions were left to another day, and today is that day.

As we embark on this effort to improve homeland security grant programs, there is no more important group to hear from than our first responders who serve on the front lines protecting our communities. After all, when disaster strikes, it is our police officers, our firefighters, and our emergency medical personnel who answer the calls for help.

We must invest in additional homeland security resources for our first responders. Just as our first responders stand by to protect our communities, they deserve a Federal Government that stands by them.

The current structure of "one-size-fits-all" homeland security programs, however, is not doing the job.[1] The needs of our States and first responders vary widely and are as diverse as the people who

[1] The chart entitled "Federal Allocation of FY03 Homeland Security Funds, One Size Formula Doesn't Fit All" appears in the Appendix on page 63.

live there. We must make sure that Federal assistance is sufficiently flexible to meet these differing needs.

When I met with Maine's emergency management officials a few weeks ago, they told me that the structure of many homeland security grant programs hinders their efforts to help first responders secure communities across our State. As you can see from this chart, the current Homeland Security Grant Program, administered by the Office for Domestic Preparedness—or ODP—is part of the problem.[1]

ODP provides funding for training, equipment, exercises, and planning based on a uniform, predetermined formula for every State. That may sound good, but let us look at the impact of this formula.

The exact same percentage of each State's funds is allocated for training, equipment, exercises, and planning, thus, leaving no room to accommodate different priorities. In each and every State, for example, 70 percent of the Federal funds must be spent for equipment, 7 percent must be spent for planning, 5 percent must be spent for training. In allocating funds in this manner, the Federal Government is effectively saying that Maine must spend exactly the same portion of its homeland security dollars on training as Hawaii or Delaware. Moreover, States cannot transfer surplus funds from one category to another to meet their needs.

Maine's officials, for example, told me that they need more funding to train first responders to use the equipment purchased under the ODP grant program. The regulations, however, prohibited Maine from transferring surplus exercise dollars to train first responders in using the new equipment. Thus, in some cases, we may see communities with up-to-date, complex equipment, but lacking the training to use it most effectively. This defies common sense.

I believe States should have the flexibility to spend homeland security dollars where they are most needed. To allow flexibility in homeland security funds that have already been appropriated, but remain unspent, I will introduce legislation later today that authorizes the Secretary of Homeland Security to grant waivers to allow States to use funds from one category, such as training, for another purpose, such as purchasing equipment, or whatever the need may be.

I have also introduced legislation that would move the Office for Domestic Preparedness from the Border and Transportation Security Directorate to Secretary Ridge's office where it belongs. By elevating ODP's stature, I hope to begin the process of establishing a centralized location to help support our first responders.

Let me take this opportunity to commend Secretary Ridge for his efforts to promote flexibility as he has worked to incorporate nearly two dozen agencies into the new Department of Homeland Security. But Secretary Ridge can only play the hand that Congress has dealt him, and we have left him a couple cards short.

These hearings are intended to provide this Committee with the information to assess whether the current structure of grant programs is getting the right resources to the right people. The wit-

[1] The chart entitled "ODP State Homeland Security Grant Program Fiscal Year 2003 Funding Allocations" appears in the Appendix on page 64.

nesses will address many of the roadblocks in our grant programs, including the lack of flexibility I have described, difficulties in communication and coordination. The hearings will also focus on what some have referred to as a tangled web of existing programs that is very difficult for States and local communities to penetrate.

In the omnibus funding bill, as well as the supplemental appropriations legislation passed just last week, we put a down payment on the needs of our communities. The increased funding of programs such as the FIRE Act and the State Homeland Security Grants are important steps forward in providing adequate resources to our communities.

I look forward to hearing from our witnesses today. We have a very distinguished panel of first responders, and it is my hope that they will work with us so that we can build a stronger and better homeland security partnership to better serve our Nation in the months and years ahead.

It is now my great pleasure to call upon Senator Carper, from Delaware, for any opening remarks that he might have, and I am pleased that he could join us today.

OPENING STATEMENT OF SENATOR CARPER

Senator CARPER. Thank you, Madam Chairman. I am delighted to be with you, as always. I like that, "a couple of cards short." That is pretty good.

I used to say that to him when he was governor of Pennsylvania. "You are a couple of cards short, my friend." I will not tell you what he said in response. [Laughter.]

I am delighted to be here with you, and the legislation that you will be introducing later today, I believe I get to have the pleasure of being your lead—your token Democrat.

Chairman COLLINS. The lead and most important co-sponsor, and I thank you for that.

Senator CARPER. I am pleased to be a part of your team again.

To our witnesses, thanks for joining us and welcome. We are especially pleased that Chief Jeff Horvath is here from Dover, and sitting back there on our right, the audience's left, is the Mayor of Dover, Jim Hutchinson, whom we affectionately call Hutch. He knows a thing or two about policing himself, having been a police chief in his youth, which was not too long ago. Hutch, it is great to have you here.

I have a longer statement I would like to ask unanimous consent be entered into the record, and I would like to just give you a shorter statement now.

Chairman COLLINS. Without objection.

Senator CARPER. I will be mercifully brief for our witnesses so we can hear what you have to say.

I want to, again, welcome Chief Horvath today and to ask you to extend to the men and women you lead at the Dover Police Department, give them our very best.

Dover is our capital city. Some people say it is the third-largest city in Delaware. I do not know. Dover and Newark, which is the home of the University of Delaware, are about the same size. Our largest city is Wilmington, which only has about 75,000 people, so we are not a State with a large population. We have got a lot of

smaller towns, and Dover is right in the middle of our State, and it is a really neat place.

Chief Horvath brings a tremendous amount of real-world experience that I think can be valuable as this Committee considers the Federal Government's relationship to first responders, and Chief we are glad you are here and grateful for the work that you and your men and women do every day, not just the people of Dover, but really for our State and all of the folks who visit our State capital.

When this Committee worked last year under the previous Chairman—what was his name? [Laughter.]

Chairman COLLINS. The movie star?

Senator CARPER. Joe Lieberman, that was his name. We created the Department of Homeland Security, and I think all of my colleagues hoped that what we were setting up would help the Federal Government to be better able to prevent and to respond to terrorist attacks.

As of March 1, last month, we have in place the skeleton of an organization that should be able to pull together under one roof information on threats and vulnerabilities, and to use that information to improve security and to prepare first responders like those that are arrayed before us today.

I look forward to working with my old colleague, Governor Ridge, now Secretary Ridge, and all of our colleagues here on this Committee to making sure that the Department of Homeland Security works the way it was meant to work.

No matter how well Secretary Ridge does his work on the Federal level, we will not be much safer than we were on September 10, 2001, unless our first responders are better prepared to do their work on the local level. And while homeland security should certainly be a shared responsibility, it is vitally important that the Federal Government does its part to provide each State with enough first-responder aid to ensure that its citizens are adequately protected.

I would like to see the Federal Government's financial commitment to homeland security increase overall, but as the Senator from the first State, from Delaware, I would especially like to see us fulfill our obligation to less-populous States.

How many people live in Maine these days? We have about 800,000.

Chairman COLLINS. One point two million.

Senator CARPER. OK.

Chairman COLLINS. Was that a quiz just to see if I knew my State well? [Laughter.]

Senator CARPER. I understand the need to give larger States, especially those with densely populated urban areas, enough money to protect their larger populations, but no State, including our States, should be less safe than our neighbors because we happen to have a smaller population.

The Federal Government should be working to bring every State and locality to the point where they are capable of responding effectively to any potential threat. By distributing first-responder aid to States based largely on population, however, I fear that we may fail to do just that.

The current formula for distributing first-responder aid ignores the fact that Delaware, small in population, though it is, is located in the Northeast corridor between New York and Washington, it ignores the fact that Delaware is home to a major port, to a major oil refinery, to a number of chemical plants, and that every day scores of ships make their way up and down the Delaware River, which is part of Delaware, by the way, and a lot of them come into the Port of Wilmington. We have scores of trains that ply their way up and down the Northeast corridor, trucks that make their way throughout I–95 to destinations up and down the East Coast.

The formula currently used also ignores the fact that Chief Horvath here, and the officers he leads, work every day to protect a major asset for our country, and that is the Dover Air Force Base facility that is playing a crucial role in the War in Iraq, as we help provide part of the air bridge between the United States and the Middle East.

I look forward, Madam Chairman, to working with you. I especially am pleased with the new legislation that you will be introducing.

Governors like to get Federal money, but we also like to get that Federal money with a reasonable amount of flexibility to use it in ways that make sense for our States. Just as Maine is different from Delaware is different from Arizona, we want to make sure that the monies that come to our first responders come in a way that allows us to use those dollars most effectively and appreciates the different challenges that each of our States represents.

So, Madam Chairman, I am delighted that we are having this hearing. I am honored to be with you and pleased especially with our friends that have taken the time to be with us today. Welcome.

Thank you

[The prepared statement of Senator Carper follows:]

PREPARED STATEMENT OF SENATOR CARPER

Thank you, Madam Chairman. I'd like to begin by welcoming Chief Jeffrey Horvath to the Committee. He is Chief of Police for the City of Dover, Delaware's capitol city and also its third largest. He brings a tremendous amount of real world experience to this hearing that can be invaluable as this Committee considers the Federal Government's relationship to first responders. Thank you, Chief, for the work you do every day to protect the citizens of Dover and for your contribution to our work today.

When this Committee worked last year under Senator Lieberman's leadership to create the Department of Homeland, I think all of my colleagues hoped that what we were setting up would help the Federal Government be better able to prevent and respond to terrorist attack. As of March 1, we have in place the skeleton of an organization that should be able to pull together under one roof information on threats and vulnerabilities and use that information to improve security and prepare first responders. I look forward to working with Secretary Ridge and all of my colleagues on this Committee in making sure the Department of Homeland Security works the way it was meant to.

No matter how well Secretary Ridge does his work on the Federal level, however, we will not be much safer than we were on September 10, 2001 unless our first responders are better prepared to do their work on the local level. While homeland security should certainly be a shared priority, it is vitally important that the Federal Government does its part to provide each State with enough first responder aid to ensure that its citizens are adequately protected. I'd like to see the Federal Government's financial commitment to homeland security increase overall but, as a Senator from Delaware, I'd especially like to see us fulfill our obligations to less populous States.

I understand the need to give larger States, especially those with densely populated urban areas, enough money to protect their larger populations. No state, however, should be less safe than its neighbors simply because it has a smaller population. The Federal Government should be working to bring every State and locality to the point where they are capable of responding effectively to any potential threat. By distributing first responder aid to States based largely on population, however, I fear we will fail to do this.

The current formula for distributing first responder aid ignores the fact that Delaware, small in population though it is, is located in the Northeast midway between New York and Washington. It ignores the fact that Delaware is home to a major port, oil refineries and chemical plants. It ignores the fact that Delaware everyday hosts scores of ships, trains and trucks on their way to destination up and down the East Coast. It also ignores the fact that Chief Horvath and his officers work everyday to help protect the Dover Air Force Base, a facility that is now playing a crucial role in the war in Iraq.

In a story in today's *Wahsington Post,* Secretary Ridge calls on Congress to create a new formula for distributing first responder aid that gives grater weight to risk and the presence of critical infrastructure and national icons. I applaud him for his efforts and hope that this Committee can work with him to draft a better formula. I also hope we can work with him to expand on the small-state minimum now used.

A small-state minimum may mean that States like Maine and Delaware receive more first responder aid per-capita than more populous States like New York and California. When it comes to homeland security spending, however, per capita allocation is not a very meaningful measure of the effectiveness of the Federal aid program. Every state, big and small, must take certain steps and make certain expenditures in order to be even minimally prepared for a major attack.

I look forward to working with Senator Collins and the rest of this Committee to ensure that the Federal first responder aid program takes risk into account without ignoring the needs of less populous States.

Chairman COLLINS. Thank you, Senator.

The Committee will now proceed to hearing from our witnesses.

We are very pleased today to have an outstanding panel of dedicated public servants who are first responders, including police chiefs, firefighters and emergency medical technicians and, in one case, a firefighter who plays both roles, which is common throughout our country.

First, I would like to welcome my friend, Michael Chitwood, who is the police chief in Maine's largest City of Portland, Maine. He has some 38 years of law enforcement experience, and I rely on him often in talking about the security challenges facing our country. I have no doubt that his advice will be very helpful to this Committee as we seek to craft legislation.

Again, Chief, I want to thank you for all of the help that you have provided, for the outstanding leadership that you give the City of Portland's police force and for taking the time to be here with us today.

Mr. CHITWOOD. Thank you.

Chairman COLLINS. Our second witness is going to be Jeffrey Horvath, who as Senator Carper has pointed out, serves as Dover Delaware's police chief. He has moved steadily up the ranks, I understand, since joining the City of Dover in 1984 as a patrolman. His range of law enforcement experiences will help him to bring valuable perspectives to this hearing. And like Senator Carper, I am particularly interested in the relationship between the police force and Dover Air Base. That does add a whole new dimension to the threat facing Delaware, and I will be interested to hear from the witness on that issue.

Our next witness that we will hear from is Chief Ed Plaugher—right? Have I got it wrong?

Mr. PLAUGHER. It is OK.

Chairman COLLINS [continuing]. The fire chief of Arlington County, Virginia. He also offers the Committee a wealth of the knowledge in discussing homeland security programs. His 36 years of service began in February 1966. It is my understanding that the President has recently appointed the Chief as a Senior Advisory Committee Member to the Homeland Security Council.

I would also point out that the chief served as the incident commander at the Pentagon on September 11, 2001. So he certainly brings firsthand experience of the role of first responders when a terrorist attack occurs.

Finally, it is a great pleasure to welcome this morning Captain Chauncey Bowers, from Prince George's County Fire and Rescue. Captain Bowers brings to the Committee a dual perspective as both an EMT and a firefighter, and I think that is very important. I always want to make sure we hear from the EMT community as well when we hear from first responders. So I thank you for being here as well.

I would like to start with Chief Chitwood if you would proceed with your testimony, Chief. Thank you for being here.

TESTIMONY OF MICHAEL J. CHITWOOD,[1] CHIEF OF POLICE, PORTLAND, MAINE POLICE DEPARTMENT

Mr. CHITWOOD. Good morning, again, to both you and Senator Carper.

Senator Collins, from our many conversations, I know you understand many of Portland's concerns, and I appreciate the opportunity to help you and other Members of the Committee understand the challenges facing our police department in the post-September 11 world.

In the City of Portland, we employ 164 men and women, with 18 unfilled positions at any one time due to vacancies or long-term leave. The effect that these unfilled slots have on my police department's manpower, however, is minuscule when compared to the effect that the lack of coordination and information sharing by Federal agencies has on our policing efforts.

The post-September 11 environment calls for new Federal-State-local partnerships. The Federal Government cannot, and should not, write a blank check to pay for round-the-clock surveillance of every possible terrorist target, but it should maximize Federal resources to coordinate Homeland Security's information and manpower with those local governments.

Based on our experiences in Portland, Maine, I am certain that improved coordination and cooperation by Federal agencies could off-set the increased local expenditures that have followed the tragic events of September 11.

In Portland, policing imperatives of a post-September 11 world have caused taxpayers close to a million dollars in police staffing and overtime. Without a more thoughtful and significant Federal partnership, taxpayers will continue to pay more than their fair share, and the Federal Government will not get the most for its Federal dollars.

[1] The prepared statement of Mr. Chitwood appears in the Appendix on page 43.

Perhaps the best example of the need for better coordination is the joint Federal, State and local effort to protect the Portland International Jetport. Portland's Jetport is a very busy traveling point, connecting travelers to most of the hub airports on the Eastern seaboard.

In 2002, over 120,000 flights carried more than 1 million people through Portland, and as everyone knows, Portland played an unwilling and a most unwelcome role to the September 11 terrorist when two of the hijackers, Mohammad Atta and Abdul Alomari, used our airport to start their tragic journey.

Prior to September 11, my department provided the Jetport with three officers from 5 a.m. until 10 p.m. Since September 11, the Federal Aviation Administration and the Transportation Security Administration, have significantly increased the police presence at the airport and now require that I provide 12 officers around the clock 24 hours a day. This represents approximately 2,270 8-hour shifts per year at a cost of about $1.2 million. We are willing and eager to provide manpower and resources to protect our community, but some of the requests by the FAA and the TSA just do not make sense.

It has cost approximately, up to this day, $800,000 to meet the increased staffing needs at the airport, including the supplemental overtime requested by the FAA and the mandated TSA coverage, but the cost does not stop there. The extra hours Portland police officers spend at the airport often requires that the police department pay them overtime for their regular shifts, which is an additional $75,000, and these additional expenses do not account for the physical, emotional, and psychological toll taken on the officers.

Excessive overtime takes its toll not only on the officers, but also on their spouses, their children, and their community. Excessive overtime can lead to increased risk for accidents and injuries, chronic fatigue, stress, and diminished decisionmaking ability.

At the same time that I am required to increase my staffing at the Jetport by 600 percent, the Transportation Security Administration has hired over 160 new employees in Portland and has given them excellent training, and I think that they do a great job in protecting our airport.

While the TSA monitors the Jetport with 160 employees, I have the responsibility for policing the Jetport, the waterfront, and the entire City of Portland with 164 people. If the TSA employees were given additional training, we could work with them to coordinate our efforts to secure the airport, decreasing police staffing needs and prevent additional costs. The point is that the Federal Government does not need to write more checks and spend more tax dollars if we work together in a coordinated fashion to force these agencies to be more proactive in partnering with us at a local level.

Portland is home to a multi-use waterfront that serves as a gateway for cruise ships, oil tankers, fishing vessels, cargo carriers, and a pipeline. If these agencies fail to coordinate their effort, what will happen when my officers are asked to take an increased role in protecting Portland's port or the tank farms? If the Coast Guard and the TSA took steps to coordinate their efforts, we would be able to provide additional protections with our existing manpower and with a minimal cost to both local and Federal Government.

We should consider the following:

One, utilizing TSA resources to supplement airport security and reduce the need for uniform officers;

Two, enhance communication between Federal, State and local law enforcement agencies to pool information and eliminate duplication of effort;

Three, increasing local participation in determining policing needs and identifying potential terrorist threats;

Four, employing the National Guard units to assist with short-term security needs in response to specific threats.

Finally, with regard to new Federal resources for homeland security, we must make sure that they actually get to the local level in some coordinated fashion. So far we have received minimal additional resources to offset our increased expenditures. But, again, writing a check without any increased coordination of information or manpower makes little sense. It is doomed to fail.

In your effort to revise the various homeland security programs, I urge you to look at the structure to make sure that you target resources in a flexible fashion to the local level and at the same time coordinate them with other Federal demands, such as increased staffing.

I want to thank you again for the opportunity to testify before the Committee, and I look forward to answering any questions you may have.

Chairman COLLINS. Thank you very much, Chief.

I would like to stop our witness testimony right now and first see if the distinguished Senator from New Jersey, who has joined us, has any opening remarks that he would like to make.

OPENING STATEMENT OF SENATOR LAUTENBERG

Senator LAUTENBERG. I appreciate that, Madam Chairman, and just listening to the testimony of the police chief from Portland, outlines the problem in absolutely stark and clear terms, and all of our witnesses here, I am sure, would share similar stories.

But I commend you, Madam Chairman, for holding this hearing on homeland security and the challenges our first responders face. It seems that is the area that is most obvious to community leadership, first responders, police, fire, emergency service personnel, and in some cases hazardous laboratory people. It has a direct effect. And I notice that the chief said, also, that he had openings, vacancies, that were not filled to begin with, and I thought that presented a clear picture.

But a significant amount of responsibility authority for public security is delegated to State and local governments, but across the country State and local governments are facing their biggest budget crises in over 50 years. Consequently, police, firefighters, and other first responders to the problems are stretched to the limit trying to protect our communities.

The cost of bolstering security, especially when the U.S. Attorney General and the Secretary of Homeland Security raised the national terrorist threat level, it can be enormous.

I have often talked to the Secretary of Homeland Security and asked why release this data? Why send out these alarms if there is no solution to the problem? Do you want people to just sit home?

That is hardly the answer. Should they carry on their normal activity? Well, yes, but also looking over their shoulders at the same time to make sure that if they see anything suspicious they help out. We ask them to do that in case of a kidnapping, in the case of a threat by an escaped prisoner, or a felon in the area. So there is no reason not to call for that.

And when you see the task that we have and the amount of funding that is required, 170,000 people in the Homeland Security Department, $33 billion in budgets, stretching across 22 departments of government, it is a significant task in just shaping the process. And then allocating the funds and getting the communities to cooperate is a very difficult thing, but we have to do it.

So when we have these alerts, I am told, and this is no military secret or intelligence secret, that the reason that is done, the reason they send out the amber, the yellow or whatever, is to alert the local folk—the governors, the police chiefs, those who are heads of departments of emergency response.

Well, I would have hoped they could have done it neater and not scared everybody because, again, there is nothing we can do. We have to conduct our lives normally, and that is the objective.

Last week, I met with the people from the New Jersey State Association of Chiefs of Police to discuss the tremendous pressure on local police and fire departments. After nearly 2 years of excessive overtime, growing State deficits, limited Federal budgets, we need to bring relief to the communities that have sent first responders to the wars. Their costs can mean large holes in their security, as well as the financial costs, which are very tough to recover in periods of significant deficits in States and communities across the country.

Another problem, which I am attempting to address through legislation, it arises when a jurisdiction's first responders serve in the National Guard or the Reserve and they get called to active duty for 6 or more months, and that is happening with more and more frequency, now that the war with Iraq is underway.

According to the Police Executive Research Forum, nearly one-half of all law enforcement agencies surveyed have lost personnel to military call-ups. Reserves are a crucial component of our armed forces, but call-ups should not undermine our ability to respond to the need to protect communities against terrorist acts, national disasters and other emergencies at home.

The bottom line is that protecting our country in the wake of September 11 will take people, equipment and other resources, and we cannot boost homeland security on the cheap. Unfortunately, since September 11, there has been a lot of talk about homeland security, but at every single turn, it has taken the effort of both Democrat and Republican Senators to try to provide additional funding to offset State and local governments' increased homeland security expenditures.

So thank you, again, Madam Chairman, for your command of this Committee and for your diligence in dealing with the subjects that are in front of us, and I appreciate the fact that I am serving with you here and have the opportunity to participate this morning.

Chairman COLLINS. Thank you, Senator. We will now turn to Chief Horvath for his statement.

TESTIMONY OF JEFFREY HORVATH,[1] POLICE CHIEF, DOVER, DELAWARE POLICE DEPARTMENT,

Mr. HORVATH. Madam Chairman Collins, Senator Carper, and Senator Lautenberg, thank you for inviting me to appear before you today.

I commend you for calling this important hearing. Today, the challenges on the front line are great. Investments are needed more than ever before.

I believe that Delaware has one distinct advantage over most other States in that it is very small. Due to Delaware's small size, the law enforcement community is able to form a very close relationship, and we are able to communicate with each other on a regular basis. The Dover Police Department currently hosts monthly meetings for the Delaware Police Chief's Council and each police agency in the State is usually represented at the meetings by either the Agency's chief or by a chief's representative.

I only provide this information to let you know that while I cannot speak for all of the agencies in the State of Delaware, I know that the concerns that I will express in this statement are shared by many other agencies in Delaware.

Delaware's governor, Ruth Ann Minner, is the lead Democratic governor for homeland security and delivered a nationwide weekly radio address on Saturday, April 5. In her address, Governor Minner stated, "Here at home, Senator Ridge, the President's head of the Homeland Security Department, tells us there is risk of another terrorist attack. We do not know when or where the next attack will come, but we do know who will protect us when it does: Our police, firefighters, public health and emergency medical personnel. They are our neighbors, our family, our friends, and like our troops, they are ready to risk their lives for us. They are our hometown security."

I could not agree with this statement more, and I think it indicates how important it is for the Federal Government to work with the State and local agencies across this country to achieve our homeland security goals.

Since September 11, police departments have been asked to do more for their communities than ever before; walk the beat, be on guard against terrorists, secure critical infrastructures. Despite all the good works of the new Department of Homeland Security, the burdens of security for the hometown fall heaviest on local police departments.

There are more than 700,000 police officers and sheriffs in this country, compared with nearly 11,000 FBI agents. Police chiefs and sheriffs are called upon more and more to protect us against the new threats from abroad.

Local budgets are incredibly tight, and I could truly state that the Dover Police Department is in a position that we may have to cut certain programs and services to our citizens if the city is unable to find other revenue sources in the future. All of this is occur-

[1] The prepared statement of Mr. Horvath appears in the Appendix on page 47.

ring while we are tasked with new homeland security demands. All of this is happening while the FBI has been told to necessarily refocus its resources.

Recently, it was reported that the FBI has plans to mobilize as many as 5,000 agents to guard against terrorist attacks during hostilities with Iraq. The FBI's criminal surveillance operations would be temporarily suspended. Local police will be called upon to pick up the slack once the FBI is forced to pull almost half of its agents out of traditional crime-fighting work.

One of the top concerns for law enforcement in Delaware is that we are not receiving funds in a timely fashion. I have met with James E. Turner, III, the director of the Delaware Emergency Management Agency. He advised me that DEMA just recently received fiscal year 2002 funding in December 2002, and they are currently finishing up an application for fiscal year 2003 funding.

Once again, I will state that Delaware is in an advantageous position due to its small size. DEMA is receiving $3.6 million in fiscal year 2003 for homeland security, which will be used for Delaware's police, fire, EMS, and HAZMAT agencies. The Delaware Police Chief's Council is currently working to provide DEMA with a comprehensive plan on how the funding that it designated for law enforcement should be spent.

This will hopefully ensure that all police agencies in Delaware will receive their fair share of the funding, but you need to know that resources do not go directly to local police departments. They cannot be used to hire new police, they cannot be used to pay overtime expenses that we incur each and every time Secretary Ridge changes the alert level. They can be used to purchase equipment, but not by me. I have to wait for a statewide plan to be developed, and then I have to hope that a fair share of those funds will filter to my department.

I feel it is also important to point out that many police departments serve in jurisdictions that are unique to the area and may place differing demands on that department. For instance, the Dover Air Force Base is located within the city limits of Dover. The Dover Air Force Base is an asset to the State of Delaware and to the City of Dover, but there are increased homeland security demands placed on the Dover Police Department due to its location.

Dover is also home to the Dover Downs International Speedway. The event at the speedway brings in approximately $150,000 additional civilians into Dover two times a year.

Federal assistance should be provided to local law enforcement for training needs, equipment needs and personnel costs. I also agree with the position of the International Association of Chiefs of Police in that it is important to distinguish between the assistance funds that will be provided to State or local law enforcement from programs administered by the Department of Homeland Security and those provided from the existing programs at the Department of Justice.

Both programs provide funds to law enforcement agencies, but they address different, but equally important, areas of need. In other words, there is a concern in the law enforcement community that new assistance programs are being funded at the expense of traditional law enforcement assistance programs, such as the

COPS program, the Local Law Enforcement Block Grant program and the Byrne Grant program. Homeland security programs are not duplicative programs, they are complementary programs. Effective anti-crime programs are effective anti-terrorism programs.

This year, for the second budget cycle in a row, it has been proposed to eliminate the COPS hiring program. COPS is the only initiative in the entire Federal Government that targets its resources directly towards police. There is no middle man. Dover has added several police officers to its authorized strength in the past, and we will be adding four more in July 2003 using COPS funding. This is a tremendous resource to the City of Dover and its citizens.

I also feel that communications between Federal, State and local governments need to improve. There have been many times, since September 11, that I have learned that State and local law enforcement have been put on a higher alert status by watching the news. We were never given a call and never received a written notice of the increased threat level. I know that this is true for many law enforcement agencies in the State of Delaware. I will state, however, that communications seem to be slowly improving in this area.

Communications also need to improve in regards to funding for homeland security. Law enforcement needs to be made aware of new and additional funding without actually having to search for it. Many times the demands of police work and the needs of our jurisdictions do not allow the necessary time required to stay on top of this very important aspect of homeland security.

In closing, I would like to thank everyone for inviting me to this hearing and allowing me to speak. It has been an honor and a privilege. I would be pleased to try to answer any questions at the appropriate time.

Thank you.

Chairman COLLINS. Thank you, Chief.

We will now turn to Chief Plaugher.

TESTIMONY OF EDWARD P. PLAUGHER,[1] FIRE CHIEF AND SEPTEMBER 11 INCIDENT COMMANDER AT THE PENTAGON, ARLINGTON COUNTY FIRE DEPARTMENT, VIRGINIA

Mr. PLAUGHER. Good morning.

Chairman COLLINS. Good morning.

Mr. PLAUGHER. Madam Chairman and Members of the Committee, I am Edward Plaugher, Chief of the Arlington County, Virginia, Fire Department, and begin by thanking you for having me here today.

I have submitted for the record a statement which I will not read, but at this time would like to bring to the Committee's attention several key points.

First, I appear today on behalf of front-line service providers across our Nation. First responders have, and will continue to be, on the front lines for homeland security. Assuring that each citizen is protected, to the highest degree possible, is the responsibility of today's first responders.

[1] The prepared statement of Mr. Plaugher appears in the Appendix on page 50.

Congress, because of this need, has designed, over recent years, a multi-layer, multi-department funding stream. Utilizing this approach has led to total confusion and, in most cases, a total lack of action. We, as a Nation, cannot afford this confusion and, most importantly, we cannot afford this lack of action.

I ask that a streamlined, direct approach be undertaken. The system that I envision would recognize that the effects of terrorism attacks occur locally and that we must maximize our collective efforts to prevent terrorism, reduce risk and design preparations that respond effectively, that the programs are locally focused and are designed to build upon existing resources.

Key to this effort is citizen participation and preparedness. I request that at least 10 percent of all Federal funding be utilized to encourage our citizens to participate in our protection efforts. We need to strengthen our citizen-based preparedness.

In addition, the private sector capability in this Nation is enormous. We must find a way that the private sector resources, and in particular those in the construction industry, are utilized in an effective and efficient manner. They can, and will, and are usually willing to assist the responders.

However, we need to provide a structure that folds the public and private resources into an incident command structure that will enable every community to leverage its resources into an effective homeland security program.

Regional preparedness, however, holds the key. Federal funding needs to leverage its effectiveness by using a regional approach. Local governments must build a baseline of capacity and should not be forced to have redundant basic resources. As an example, each region must assure that adequate hospital surg beds are available and that surg medical support staff are also available. This lends itself to a regional resource-sharing solution.

Federal programs that mandate target goals for preparedness, however, are the key. Just like the real issue is not homeland security, but how to be secure in an open society, preparedness is not about buying protective suits, but about developing systems that are needed to support the first responders.

In summation, I would like to ask that Congress simplify, to the extent possible, make sure that we have a national standard of preparedness, a national strategy, and that the private and citizen sector of our community be folded into the process. Assuring the Nation is ready to respond to homeland security needs must be simple, straightforward and accomplished without delay.

I look forward to your questions at the appropriate time.

Chairman COLLINS. Thank you very much, Chief.

Before turning to Captain Bowers, I want to call on Senator Durbin to see if he has any opening comments that he would like to make.

OPENING STATEMENT OF SENATOR DURBIN

Senator DURBIN. Madam Chairman, thank you for this hearing, and I am sorry I stepped in a few moments late, but I wanted to come. I think this is critically important, and I think we face two challenges:

First, how to respond to the reality of terrorism when we know that the world is more likely to call 911 than their Senator's office if something happens; and, second, how do we do it in a context where we are dealing with the largest Federal deficit in the Nation's history and most State and local governments are facing the largest deficits they have seen in recent memory?

It is an extraordinary challenge. I am glad you are having this hearing, and I think that your goal of more flexibility in transferring these funds is something that will be important to my State and many others.

Thank you.

Chairman COLLINS. Thank you very much, Senator.

Captain Bowers, thank you for being here. You may proceed.

TESTIMONY OF CAPTAIN CHAUNCEY BOWERS,[1] FIREFIGHTER-EMT-PARAMEDIC, PRINCE GEORGE'S COUNTY FIRE DEPARTMENT, MARYLAND, ON BEHALF OF THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS (IAFF)

Mr. BOWERS. Good morning, Chairman Collins and Members of the Committee.

My name is Chauncey Bowers, and I am a firefighter-EMT-paramedic with the rank of Captain in the Prince George's County Fire Emergency Medical Services Department. I am here representing the Nation's 260,000 professional firefighters and EMS personnel who are members of the International Association of Firefighters.

To those of us in the fire service, September 11 changed the world. It is in the memory of the 343 firefighters lost on September 11 that we are committed to ensuring that firefighters have the resources to protect our communities and our Nation.

In the current environment, fire departments are facing the dual pressures of homeland security and reduced resources caused by local budget deficits. This is a recipe for disaster. We need a national commitment to homeland security preparedness. We must work to ensure that every fire department in America has the resources to protect our citizens.

While much of this work needs to focus on the unique challenges posed by weapons of mass destruction, we cannot overlook other dangers. The worst terrorist attacks on our Nation, including the tragedies of September 11 and the Oklahoma City bombing, were carried out with conventional weapons.

The first and foremost need of the fire service is adequate personnel. Both OSHA and the National Fire Protection Association, the consensus standards-making body of the fire service, have issued standards for safe fire ground staffing. Unfortunately, most fire departments do not comply with these safety regulations, often leading to tragic consequences.

Even after September 11, short staffing is common in every part of the country. In Maine, for example, not a single fire department complies with the NFPA standards. Portland and Old Orchard Beach are among the communities considering laying off firefighters. While this staffing crisis must ultimately be addressed at the local level, there is much that the Federal Government can do,

[1] The prepared statement of Mr. Bowers appears in the Appendix on page 53.

and I must take a moment to commend both Chairman Collins and Ranking Member Lieberman for helping to point the way.

Your leadership in working to create a Federal grant program to aid firefighters is deeply appreciated by every firefighter in this Nation. It is on their behalf that I thank you. The SAFER Act, as this grant proposal is known, provides grants to local fire departments to fund the hiring of 75,000 additional firefighters.

Fire departments would apply for 4-year grants that would contribute towards the cost of hiring these new firefighters. Local jurisdictions would then be required to retain the firefighter position for at least one additional year.

The second need of the fire service is equipment. An IAFF study found shortage of personnel protective equipment, respirators, and communications equipment. A FEMA study had similar findings. Approximately, 57,000 firefighters lack personal protective clothing. One-third of firefighters are not equipped with self-contained breathing apparatus and many fire departments do not have enough portable radios to equip more than half of the firefighters on shift.

To address these concerns, the International Association of Firefighters endorses full funding of both the FIRE Act and the First Responder program. The FIRE Act provides grants directly to local fire departments for basic needs. The First Responder program provides grants to States and localities for the purchase of specialized terrorism equipment.

Training is the third major need. Firefighters need training in fire suppression, emergency medical services, rescue, hazardous materials and weapons of mass destruction response. A FEMA study found that 27 percent of fire department personnel involved in providing emergency medical services lacked any formal training in those duties. Incredibly, 73 percent of fire departments failed to meet Federal regulations for hazardous materials response training.

One of the obstacles to training that has arisen over the past year is that many jurisdictions lack the funds to back-fill positions of firefighters assigned to training. Even in places where funds are available, many fire departments do not take advantage of these opportunities because they cannot afford the overtime pay for the firefighter who is filling in for their colleague while at training.

To address the need for training, we urge Congress to fully fund both the FIRE Act and the programs run by the Office for Domestic Preparedness. The FIRE Act can be used for most basic training, including emergency medical services, and the Office for Domestic Preparedness programs provides some of the world's best weapons of mass destruction response training.

Fire departments provide 80 percent of emergency medical services in the United States, and we are the largest provider of prehospital emergency care. Fire-based emergency medical services featuring cross-trained, multi-role firefighters is the most effective delivery system for emergency medical services.

When we talk about the fire service, you are talking about emergency medical services. As a firefighter and paramedic, I can tell you firsthand that virtually all of the needs of the fire department apply to the emergency medical services arena. Fire-based EMS

providers need additional personnel, equipment, and training, and like the fire service, terrorism poses new challenges for EMS.

EMS providers need training in detecting the telltale signs of biological and chemical exposure and identifying the symptoms of specific pathogens or agents while protecting themselves from these hazards. Fire-based EMS providers also need training and equipment to decontaminate and treat large numbers of victims that may result from these incidents.

Finally, on the issue of program structure, the International Association of Firefighters sees no conflict between the FIRE Act and the First Responder program. The FIRE Act, again, funds the basic needs of the fire departments locally. The First Responder program is for terrorism response. It is imperative that both programs are fully funded and remain separate and distinct.

As Congress evaluates these programs, the International Association of Firefighters offers the following comments:

Many of our fire service colleagues feel that FEMA must continue to operate the FIRE Act. We share those concerns. However, if the decision is made to move the program to the Office for Domestic Preparedness, we strongly urge Congress to require ODP to administer the program in the current manner and retain the following three key principles:

First, enhance homeland security by addressing basic fire department needs;

Second, the grants must be provided directly to local fire departments, where they will translate into equipment, training, and personnel;

Finally, continue the peer-review process, utilizing firefighters and determining where this money can best be spent.

We also urge adequate funding for the First Responder program, however, we feel that grants should either be provided directly to local agencies or local communities or the States should be required to send 90 percent of the funding to localities within 30 days.

Further, the definition of a first responder is overly broad. In a community's emergency response plan, the funding to train and equip first responders must be targeted to fire, police, and EMS.

In conclusion, firefighters are the linchpin to an effective homeland security. We will respond when the next alarm rings, but our ranks are thin. The Federal Government must provide the resources to ensure that another September 11 does not happen. Firefighters need sufficient staffing, the right equipment and the proper training to do our job safely and effectively.

Thank you for this opportunity to present the view of the International Association of Firefighters, and I will be happy to take questions at the appropriate time.

Chairman COLLINS. Thank you very much, Captain.

Chief Chitwood, I want to start my questions with you. You mentioned in your testimony that the City of Portland has incurred costs of some $800,000 since September 11 for increased staffing at the airport, and as I understand it, that increased staffing is federally mandated by the requests you are getting from FAA and TSA; is that correct? That this was not an action taken by the city on its own, but rather in response to Federal requests?

Mr. CHITWOOD. Correct, Senator.

Chairman COLLINS. Has the city and your police department received any funding from the Federal Government to help cope with that enormous hit on the city's budget?

Mr. CHITWOOD. With respect to the monies that are spent at the airport, through the Jetport Enterprise Fund and through the mandate of TSA for personnel, we have been reimbursed for those particular monies.

For the flip side of that, for all monies that are spent to fill the shifts that are left open because we are at the Jetport, no.

Chairman COLLINS. And that is your point about the increased overtime that the department is incurring because its officers are at the airport, rather than perhaps controlling the streets of Portland?

Mr. CHITWOOD. That is correct.

Chairman COLLINS. That cost is being borne by the city without any reimbursement from the Federal Government?

Mr. CHITWOOD. That is correct.

Chairman COLLINS. I am interested in the comments that all of you have made about whether the funding that we are providing for homeland security actually makes it down to the local police department, the local fire department, to EMTs because that is our intent. We have appropriated literally billions of dollars for homeland security, but is it making its way down to the local level?

Chief Plaugher.

Mr. PLAUGHER. Absolutely not. As I talk to my colleagues around the Nation, the frustrations just continue to mount. The bureaucracy is just consuming the energy, consuming the monies, and at the end of the stream is very little, if any, monies.

In my community, for the years—and I hope I get the right years because it has taken so long I am actually forgetting what years we are involved with—I think the first set of monies, through some of the State and local assistance programs was in Federal year 1999, and then 2000, 2001, 2002.

We just recently got a block of monies from I think it was 2000, 2001, 2002. By the time it got to us, it was such small monies that we could only use it for one purpose, and that was to buy regulators for our firefighters because our current regulators failed to pass the test and were not effective against chemical and biological agents. So we were forced to then buy regulators for that purpose because of our needs and the subway system in the Washington metropolitan area.

So, again, when it did come to us, it was in such small amount that it only could go for one purpose and one purpose only. And because it was a regulated program, we could only use it to buy equipment. Now, we did have a need, but if, in fact, we did not have a need for that, we would have been forced to have said back to the State that we were unable to use this money because it was very specifically regulated for one purpose and one purpose only.

So there is not flexibility, and the amount that comes out at the end of the stream is very small.

Chairman COLLINS. I think the lack of flexibility is an excellent point because you know best what your needs are, and I think it is one reason we are seeing these unspent balances, also, in the monies that the States have received.

Mr. PLAUGHER. In the Commonwealth of Virginia, we participated, as mandated by the Department of Justice program, we participated in the assessment, a risk assessment and risk hazard. We were not, as we participated in that, we did not particularly agree with the outcome, but had no choice but to accept the State's outcome. As a matter of fact, in the State's list of hazards, in the Commonwealth of Virginia, the Pentagon was at the bottom of the third page, and each page had about 75 to 80 target hazard properties on it. So it was not even rated high on the list of target hazards. And so that would have meant we would have, using that formula, we would have received no Federal funding for an obvious national symbol, national hazard.

So, again, these programs have been very convoluted, they are difficult to follow, they are difficult to work with in the State systems, and so where they are intended for the first responders, it usually is not getting there.

The last study that was done, by a private institute, found that less than 2 cents actually ended up in the first responders' hands, 2 cents on the dollar.

Chairman COLLINS. That is a major disappointment and a major problem and one reason that I wanted to convene this hearing.

Captain Bowers, aside from fire grants which, as you pointed out, was a preexisting program and goes directly to fire departments, are you receiving homeland security money as a result of these billions of dollars that we are appropriating?

Mr. BOWERS. Well, I would have to echo the chief's comments, that process is very slow and cumbersome, and the money is a long time coming in the end. When you opened this hearing, you made some comments about restrictions on use of the money and restructuring to put this in a central location. I think your efforts in that area are 100 percent on target.

Some of the problems that we have experienced is when a grant is applied for, we may identify Item A, but by the time that is approved and we are ready to purchase equipment, there may be a new item, Item B, that is now available, but in order to switch from Item A, which we specified in the application, to Item B, there is an entire bureaucratic process to get that approved. That, again, delays the amount of time it takes us to have the equipment.

Having these programs in a central office will also eliminate the problems that we face now, where sometimes it goes through the State, sometimes it goes directly to a Federal agency, and the guidelines and the management of these grants are different for each and every program.

Chairman COLLINS. Thank you. My time has expired, but I just want to give Captain Horvath a chance to respond to the same question of whether the money is getting down to the local police department in Dover.

Mr. HORVATH. I will quote him when he said, "Absolutely not," because my police department has not seen any of it, and that is the quick answer. We keep hearing of this money, and no one can tell us when it is coming, when we are going to get it.

And then it has to go through DEMA, which for part of the process I think is a good thing because, Delaware being small, again, I keep harping on that, but we are putting together a plan to give

to them on what equipment first responders should have in their cars with them so all police officers in the State will have the same equipment. It will work together. We can go and help another jurisdiction out and actually share equipment if we have to. That part of it is a plus.

But there are other needs that each police department needs, and each police department may have different things in their jurisdiction, as I mentioned. They may have different needs. It would be nice if the money was more flexible and if some of the money could directly come to the police departments themselves and not through a middle man, so to speak.

Chairman COLLINS. And, finally, Chief Chitwood, you mentioned some reimbursement for the airport costs, but obviously we have a major port in Portland. Are you receiving Federal funding directly to the police department to assist with those costs?

Mr. CHITWOOD. No, we are not. In fact, to answer that question, if I could expand on my answer, over the years, starting in 1994, any time we needed money for a policing program, we always had to apply to the State, who received the grants directly from the Federal Government. And any time we made a request, our request was either filled partially or not filled at all.

Subsequently, I think the Federal Government did one of the best things for law enforcement that I have ever seen in my 38 years, and that was allow the local police departments to articulate a particular need directly to the Federal Government, and the following programs that I am talking about were the Universal Hiring Grant, which supplied police departments across the country, with the COPS program, the Officers in Schools program.

You fill out an application, you articulate your need, the Federal Government sends you the money, you hire the officers. There is no bureaucracy, there is no breakdown. We look at other block grants that we can apply directly to the Federal Government to enhance technology in our organization. For the last 7 years, we apply for these grants once a year. After we articulate a need, we get those monies, no middle man. We do not have to deal with the State bureaucracy, directly with the Federal Government.

And I truly believe that when you look at homeland security, if the departments who could articulate the greatest threat risk could apply directly to the Federal Government and receive those monies, whether they are any one of our four organizations or across the country, and like it has been said, each community has a different need. And I think once you articulate that need to the Federal Government, then those monies could be supplanted directly to the department.

For example, in Maine, Portland has a much more need than Bethel would have, but yet, under the formula, everybody would be getting the same amount of money vis-a-vis the State guideline. And I think that having the ability to apply directly, articulate the need, look at the threat-risk assessment, and then those monies go directly to the department, I believe that the needs of the localities could be filled in a very quick and professional way where they could be spent to protect our communities.

Chairman COLLINS. Thank you. Senator Carper.

Senator CARPER. Thanks, Madam Chairman.

I have some specific questions I want to ask a bit later of Chief Horvath, as it relates to the Dover Air Force Base and the relationship that you have with the folks that are providing the security at the base and how that affects your responsibilities and those of your department.

Before I do that, let me ask a general, broader question. A lot of times when we have a hearing like this, it is helpful to me, and I hope to our Committee Members, to hear where you agree, and sometimes we hear different messages from different parts of the country. It will be very helpful to know the major points, as you listened to the testimonies of your colleagues at the desk, where do you agree in terms of what steps we should be taking in the Congress, Legislative and Executive Branches? Where do you see a consensus and major priority points of agreement?

Captain Bowers, we have a beach in Delaware named after you, Bowers Beach. That is the home of the Heartbreak Hotel, a legendary place. [Laughter.]

If you ever come to Delaware, visit your beach.

Mr. BOWERS. I will.

Senator CARPER. Go to the Heartbreak Hotel.

But the major areas that you are agreeing, as to how they relate to an action agenda for us.

Mr. BOWERS. Well, the first has got to be that the money is not making it to the local level. That is foremost. I think we also agree that the process needs to be streamlined, and Chief Chitwood just hit it right on the nail. We need to streamline that process so that the need can be articulated and funded.

And, finally, I think another major area that we all agree is if we can get those things done, then the first responders at the local level will have the equipment, the training, and the personnel that they need to respond to these threats in a coordinated fashion. That is also key, that it be coordinated.

Senator CARPER. Thank you.

Is it Mr. Plaugher?

Mr. PLAUGHER. Plaugher, yes, sir.

Senator CARPER. We will learn that name before this hearing is over.

Mr. PLAUGHER. Thank you, sir. [Laughter.]

I think the captain is absolutely on target. When we go through the State process, what comes out the end was not what was intended, oftentimes. And it needs to be, as the chief at the end of the table was talking about earlier, it needs to be a straight direct to the local governments. That is where the protection is going to occur. That is where the response is going to occur.

The States, however, have needs, and I cannot dismiss that. We work in a Nation that is the United States, and the States have a key role in this process, as I am sure you are very aware. And so I am not trying to dismiss the absolute needs of the various States, and the State resources and the State coordination effort that is absolutely critical in homeland security.

But for the Federal Government, through its programs, to tie the hands of the State officials, when I asked the State coordinators, How come this system is the way it is? They say, We have no option. This is the mandate. This is the program, and if you want the

little bit that comes out at the end, you have got to do X, Y and Z.

And so, again, Senator, there is no flexibility in the program, and the poor State coordinators, they feel very frustrated. As a matter of fact, yesterday, I received a letter from the commonwealth security coordinator, the former lieutenant governor, John Hager. He sent a letter back to the Northern Virginia Regional Planning Commission—it is now called the Northern Virginia Commission—that is trying to undertake a regional effort.

Because of the complexities of the D.C. region, the three States' involvement, we prefer to use a regional effort. And we had requested that our Federal funds come to a regional program for preparedness. We are actually trying to create a system called a MIST, which is a Mobile Incident Support Team, to bolster the communities' resources from the 3-hour to 6-hour, 3-hour to 12-hour response window because most local governments can do 2 to 3 hours. After that, they need additional resources, very specific resources for a catastrophic incident, and so we have requested this MIST, and we wanted to do it regionally.

The bottom line of the letter that came back from the former lieutenant governor was we do not have that latitude. We do not have that flexibility, and so again we feel like we are constrained. You ask us to come up with solutions, we come up with solutions. We think they are straightforward and make good sense for our particular needs, but the program does not allow it. So, again, frustrations prevail.

Senator CARPER. Thank you. Chief Horvath.

Mr. HORVATH. I agree with what both of them have said. I think some of the money from the Federal Government has to be earmarked to come directly to the Agency. I also agree with what the chief just said, some of it has to go to the State. I tried to say that in my statement where the money is going to DEMA, and it is going to be spread out equally among the police departments, and I think that is a good thing the way that is being used because we will all be on the same page when we are responding to these incidents.

I also agree that the money has to be flexible in how it can be spent, but we also have to justify how we spend it. We have to be held accountable. And one of the big things, I think, the money has to get to us quicker. I mean, September 11 was 2001, and my department and his department, we have not received any money, and we are getting ready to come up on September 2003.

Senator CARPER. Two wars will have intervened.

Mr. HORVATH. Excuse me?

Senator CARPER. Two wars will have occurred during the time from those events of September 11. All right. Thank you.

Mr. Chitwood.

Mr. CHITWOOD. I agree. I mean, it is funny. I have not had the opportunity to even speak to these gentlemen, and it is like we each wrote a piece of what we were going to write. So there are commonalities across the board.

I just would emphasize once again that the Federal Government, through the Department of Justice and their programs, have already established, in my opinion, from a law enforcement perspec-

tive, a way to get the monies to the local departments across the country and responsibility for spending those monies in a way that protects each community.

You do not have to rewrite the process. It is here. It is there, and I think that if that would continue, as we face a new world of terrorism, I believe that will work that way. I really do.

Senator CARPER. Thanks.

Madam Chairman, will there be a second round of questions?

Chairman COLLINS. Yes, there will be.

Senator CARPER. I will be back. Thanks very much.

Chairman COLLINS. Senator Lautenberg.

Senator LAUTENBERG. Thank you, Madam Chairman.

You have presented us with several problems as we listened to the testimony. It has been very enlightening, and I thank each one of you for your contribution.

One thing stands out pretty sharply, and tell me if I am misinterpreting what has been said or intimated here, and that is if you are requested, as in the case of your department, Chief Chitwood, to put people at the airport, is that a mandate? Forget about whether or not it is a good idea. I mean, we are assuming it is a good idea. Is that a mandate that you put 12 officers out there to cover the responsibility they want you to cover? And do you pay for it out of your regular budget?

Mr. CHITWOOD. The officers that are assigned to the airport are paid out of two funds. One is what they call Jetport Enterprise Fund, which basically is monies that the airline carriers and other vendors in the airport, that use the airport, put into a pool, and then the other monies, a portion is paid for by the Federal Government, either TSA and/or FAA.

Senator LAUTENBERG. So that does not cost you anything, realistically.

Mr. CHITWOOD. No, sir.

Senator LAUTENBERG. And in every case, Chief Horvath, or our fire department people, if you are asked to put people at the airport or another sensitive place, do you always get compensated for that?

Mr. HORVATH. No, sir. I can speak for the Dover Police Department. We have increased security, obviously, around Dover Air Force Base. It is part of the request, and part of it you hit on. It is a good idea, and I think we have a responsibility to the people we protect to act on our good ideas. That is absolutely a good idea.

The Federal Government, the base does not offer us financial assistance, and quite frankly we have not expected them to. They are a good neighbor, and we try to serve. It is an increased burden on the police department, and it would be nice if there were funds available to provide overtime for that protection, for the perimeter checks, and the other things that we do.

Senator LAUTENBERG. Well, is it fair to say that even discounting that obligation or that cooperation, that your costs have gone up just generally significantly since we have been on the alert, we will call it?

Mr. HORVATH. A lot of times, speaking for myself, if you looked at the budget, you probably could not see it, but what we have done is taken officers from other units and put them out doing se-

curity checks at various times. So now you are taking away services that you normally would offer.

Senator LAUTENBERG. Would render.

Mr. HORVATH. Just to give you an example of an impact we have had, we use our Speed Enforcement Unit to do a lot of the checks while they are working. We do not do speed enforcement in Dover to raise revenues. We do it to enforce compliance to the law.

We have this year, in 2002, seen a decrease in traffic tickets issued and a substantial increase in traffic accidents within the city limits. Now, I think there is some connection there. Maybe it is not all due to the perimeter checks, but I know our guys are doing less enforcement, and it is showing.

Senator LAUTENBERG. There is a cost whether it is just in dollar amounts or reduced coverage that otherwise would be afforded. I called my hometown in New Jersey and spoke to the chief there, whom I know, and they, out of about 100 officers, they only had 2, and I am now talking about first responders because I have introduced a bill to reimburse those communities that lose first responders to the military who are away for more than 6 months because it is very tough in communities, I do not care what State you are in, to simply go to the taxpayers and say, "Hey, you know, we need another $200,000. Your share is $200 a year" or something of that nature.

So I introduced a bill that says if someone is away 6 months, and the community is not able to recover the costs for paying them—now, some communities, and I think, Madam Chairman, this was mentioned here at one meeting, and it surprised me, and I have been around for a couple of wars, and one I fought in myself, but let us not have a guessing game. [Laughter.]

It was not too recent. Anyway, the fact of the matter is that I always thought that in law, when people were Reservists and called up, that there was an automatic requirement that the employer, whomever it was, was required to pay some compensation, and that is not the case at all. Many companies do not do it, and many communities do not do it. And that is a burden, I think, that ought to be borne nationally by the taxpayers of the country because it does not matter whether you come from New Jersey, if you are in Iraq, you are out there protecting everybody, and so it is with all of your States as well.

But I was struck by something that I saw, and that is the differences, and this requires a lot of review. In Baltimore City, Maryland, more than 150 members of the police department have been called up to serve in the military. It is almost 15 percent of the total force. Well, I think that we ought to make sure that they have enough people to take care of their basic requirements, their everyday requirements. A city like Baltimore is a complicated city, a big city.

But, also, Madam Chairman, I noted something else in the distribution here that talks about Homeland Security Grants, and it shows each of the States, and it shows the per-capita contribution that is made. And, of course, I looked to New Jersey, and Chief Horvath said there is some advantage to being small. Well, we are small, but we are crowded and small, and we have almost 8.5 million people now in the State, and we get $1.69, and without picking

on any other States present, there is quite a difference in the size of the distribution. So it is pretty obvious that we have to look at the formula and make sure that we are doing the right thing.

So, Madam Chairman, you are doing the right thing here. We have to make sure that the protection we afford our citizens from enemies abroad is not any greater than the protection we afford our citizens from enemies within our borders or our communities.

We cannot ask the cities and towns across America to give up a part of what they have to do normally to send people overseas. And I want to support the war effort. I mean, there is no doubt about that, but we have to make sure that these communities get compensated for the extra costs they incur.

Thank you very much, to all of the witnesses.

Chairman COLLINS. Thank you, Senator. Senator Durbin.

Senator DURBIN. Thank you very much, Madam Chairman, and thank you for this hearing.

I would like to ask consent that a survey that has been assembled by my staff of Illinois communities and the experience that they have had be made part of the record of this Committee hearing.[1]

Chairman COLLINS. Without objection.

Senator DURBIN. It shows much of what has been said by the witnesses today: Clear need unmet by Federal funds and also some complications, which I would like to get into in just a moment.

It strikes me that if you step back from where we are and assess, as Chief Horvath and others have, 2 years after September 11, that you have to put it in the context, and the context that I see facing you as firefighters, and police and other first responders I alluded to in my opening remarks.

Unless you are an unusual community in America, you are facing a budget crunch. That probably is an annual occurrence for most of you, but made even worse by the recession, which has reduced local revenues and State revenues, and so you are being forced to deal with deficit situations, a hiring freeze, cutbacks in the context of this conversation.

It is also quite likely, from the police side, that you are aware of the fact that the President's new budget eliminates the COPS program. One of the things brought up to me by most of these police departments in Illinois is how valuable that program has been—direct assistance from the Federal Government for hiring the men and women we need on the street.

Not coincidentally, incidently, in the 44 cities recently surveyed by one group, we found that as the Federal investment in law enforcement has gone down, crime rates are going up again, which we certainly do not want to see.

But here you are facing State and local budget deficits, cutbacks and elimination of the Federal COPS program, cutbacks in the Byrne grant program, which a lot of law enforcement agencies have used as part of President Bush's proposed budget.

Now, a new factor, the activation of the Guard and Reserve. And in many of your communities, thank goodness, the local units of government have said we are going to make certain that this fam-

[1] The Illinois community survey appears in the Appendix on page 65.

ily is not going to face an economic hardship. We are going to make up the difference in salary.

So now you have a new expense. The person is no longer there to provide firefighting services in law enforcement, but their salary, at least the difference in salary, is coming out of your budget. Then add on to this, perhaps, hiring freezes that are creating demands for more overtime pay. So you put all of that in context, and here is why I wanted to preface my question.

Now, we are standing back and saying, "We want to prepare you to fight terrorism," and I would imagine if I were in your shoes, the first thing you would say to me honestly is, "I have got to worry about having enough people in the squad cars, on the streets, in the fire departments. Certainly, we need gas masks, we need training, we need to know about bioterrorism, but I am dealing with the basics. Before you offer me a brand new computer, I need to put a roof on my house, and the rain is pouring in."

How do we parse this out? How can we say to you we want to give you add-on funds for new needs and requirements at a time when you are being hollowed out from within by all of the factors that I just mentioned?

Chief Chitwood.

Mr. CHITWOOD. That is a very difficult question to answer, and I will try and tell you what we are doing right now.

As a result of the budget crisis that we are in, we are now eliminating programs. A foundation of what we do in Portland is community policing. And what I have had to do is I have had to—I have five centers—so I had to eliminate an officer in each center and put those officers on the front line. I had to reduce my DARE program. I had to reduce my Officer Friendly program. I took them out of the schools, put them answering 911 calls because that is our priority. People call 911, they expect somebody to arrive.

Like Chief Horvath said with respect to his traffic, I had to reduce my Traffic Unit. I had to reduce my Drug Unit to put those officers on the street. Now, when we have the added manpower issue of having to follow and police the airport, I have the greatest percentage of my force working out at the airport, and I have this big void in what I do on the street. So that is what we are doing.

With respect to this hearing, as I see the increased threats, we are in an orange alert, my expectation would be based on the alerts that soon we could be on a red alert. I hope not, but there is a strong possibility.

Then, that leaves a tremendous hole on the waterfront, the pipeline, the cruise ships, and the oil tankers that go through our community, and I do not have the resources to do it. I just do not have the resources to do it.

Earlier, when I talked about the void that I have with respect to 18 officers down, 9 are vacant positions due to vacancies. I have 4 officers out on stress-related incidents, and when I look at what they made working overtime, they are the highest paid officers because they are working consistently. Three of them are out with heart attacks, and these guys are 41/42 years of age.

Now, I am not a doctor, and I am not saying it is directly related, but the stress factors that are put on us to have to fill these slots has had a toll not only financially, but physically and emotionally.

Senator DURBIN. Could I ask you, if I might, because my time has run out, but if each of the others could just comment very briefly on this question of whether or not you are seeing a hollowing out of your basic core of services, in firefighting and police, at a time when we are discussing add-on funds to fight terrorism and how you are going to cope with it. If you could just give me a brief response, I would appreciate that.

Chief Horvath.

Mr. HORVATH. The Dover Police Department is pretty lucky. We have only lost two sworn police officers to call-up duty by the military. However, we have several officers injured because it is a dangerous job, and they get injured.

I agree with the chief. I have also had to decrease the size of two of my—I have lost a DARE officer to the Patrol Division, and I have lost a community policing officer to the Drug Unit. I refuse to decrease the size of my Drug Unit because that is one of our biggest problems in the city.

The problem with it is, when a police officer leaves, and I have 13 that can retire this calendar year, it takes about a year-and-a-half to get an officer back on the road and trained properly, where he is an effective police officer replacing them. So those are problems that we are looking at in the future.

But as far as the issue of homeland security, lucky I have most of my department there, but we are taking away from normal police duties to cover homeland security issues. A lot of people will call, one of their concerns is they would like to see a police officer drive through their neighborhood every once in a while. Well, that is not happening like it should. That is not happening like they deserve it to happen because we have them out doing security checks and checking other things in the city that I really will not get into for obvious reasons.

But the issue of homeland security is pulling from the workforce of traditional police work, and it is taking it to another area, and it would be nice to be able to supplement that.

Another issue of the funds that is really bothering us is we need training and equipment, and we are not getting it, and those issues need to be taken care of.

Senator DURBIN. Chief Plaugher.

Mr. PLAUGHER. Yes, Senator, you are right on target with your talking about the hollowing out. Every day I have to provide basic services of responding to heart attacks, and the threat of fire. We have requested repeatedly some Federal help to provide firefighters, the SAFER Act, the Fire Grant Act program, and that sort of thing.

There is a critical need in every community for first response resources that has been brought before Congress repeatedly, and we continue to stress that we need those folks capable.

Call-ups of the military have impacted. I have four firefighters, paramedics who are currently serving in the war effort in various capacities. I have to back-fill their absence with additional firefighters, and we are a community that does make up the differences in salaries and benefits to our employees because of our commitment to them and to the work that they do, both in the community and abroad.

However, there is also something else that is occurring that is I think of major importance. The threat of terrorist attack in our Nation is working on our employees. I am currently now suffering the highest level of injuries in my department's history. Yes, we are a community that was attacked on September 11, but it is starting to work at my fabric. It is starting to erode away at my capability to provide services because the stress is enormous, and when I say the stress is enormous, because they are not seeing Federal support for the programs that we are asking for.

They see their chief out doing national efforts to make the resources available, but they are seeing nothing coming out the end of the stream, and so the frustrations just continue to mount, from their perspective, and again I am at the highest injury level ever in the history of my department, and that is an enormous cost to my community. So it is eroding other basic services.

When we provide firefighters and paramedics on an overtime basis, more than likely I am removing resources from a human services program in the county because, in our community, public safety gets the highest priority. And so the spill-down effect is to the people who are most in need.

So I, again, stress to this Committee, let us make this effort work so that our men and women who serve our communities as firefighters, and paramedics, and police officers see the product of the efforts so that, again, these stresses do not have the impact that it does.

Mr. BOWERS. Senator, in response to the personnel part of your question, the SAFER Act is right on target. That will allow the communities to hire people and not bear the full weight of that cost until several years down the line.

In response to the terrorist or weapons of mass destruction portion of your question, some of the things for the Fire Service that come under some of the other programs, equipment and training, those things will also strengthen our ability to respond to the normal or every-day occurrences that we have to deal with. So the SAFER Act will help us to bring more people on board. Strengthening our equipment and training will allow us to be better across the board.

Also in terms of the personnel, you have heard it mentioned here by other colleagues, the stress that is related to the high levels of overtime and trying to make this work without adequate resources is another factor that we encounter. And we are different in the sense that if we require a certain number of people and a location, we have to maintain that. If somebody is off because they are sick, they have been deployed, we still have to put another person there. We simply cannot leave that spot vacant until the next time somebody reports to work.

My final point is, locally, we have approximately eight people that have been deployed, with the worst case scenario of approximately 25 that may be deployed, and some of those people have notified us that they will be deployed for up to 2 years.

Senator DURBIN. Thank you. Thanks, Madam Chairman.

Chairman COLLINS. Senator Pryor.

OPENING STATEMENT OF SENATOR PRYOR

Senator PRYOR. Thank you, Madam Chairman.

I want to thank the witnesses for being here today. I appreciate what all of you do every day. For the 4 years before I came here I was the Attorney General of my State, so I felt very much involved in the law enforcement community back home and in public safety issues across the board.

Let me ask, just generally, of all four of you, one of the things we found on September 11 is that our various law enforcement, first responder organizations could not communicate with each other very well. It was not interoperable. My sense is that the Department of Homeland Security should take a lead in making that happen, but I would like to hear your thoughts on that. Is the Department of Homeland Security doing anything about that, and have we made any improvements in that since September 11?

Mr. BOWERS. Yes, Senator. You are absolutely correct. Communications between agencies is a key factor. Right now we certainly have difficulties in that area. In fact, I am sitting next to the Chief from Arlington County, and if we had to go to the Pentagon today, we do not necessarily have a reliable way of communicating with his agency. We have to institute patchwork measures to try to get that to occur, so that is absolutely a key factor that needs to be addressed, not only in this area but across the country. Fire, police, emergency medical services, and your key responders, have to be able to talk to one another to mitigate these incidents in a quick and efficient manner.

Senator PRYOR. Are you aware of anything the Department of Homeland Security is doing to bring that into being?

Mr. BOWERS. I am aware of some local initiatives that are being worked on to try to address that issue. I am not aware today of any issues coming from the Department of Homeland Security.

Mr. PLAUGHER. It is interesting, Senator, that you asked that question because tomorrow I am supposed to receive a brief from Homeland Security as a member of the Executive Committee of what is called PSWN, which is Public Safety Wireless Network program, that has been undertaken, a joint program by the FBI and Treasury for multiple years to try to address this issue of interoperability. So I would be better able to answer your question tomorrow after Homeland Security tells me what they intend. The word on the street is, is that they are trying to figure out an approach to something that we think is very straightforward, and that is that we need interoperability. We need it now.

Congress, multiple years ago, asked the FCC to dedicate frequencies for public safety needs. That has not happened. We still do not have the frequencies necessary. So even if we had the resources to build a radio system, we do not have the frequencies available because of the problem with the FCC and what Congress has tried to do there.

This is again a very complex issue, but at the end of it, we are still not where we need to be.

Mr. BOWERS. As the Captain was saying, I cannot talk to his firefighters or paramedics in a catastrophic incident.

Senator PRYOR. I would like for you, if you could, to give me a little update after your meeting tomorrow, and kind of tell us now where you sense that we are.

Mr. PLAUGHER. I would be glad to. Combing the halls today are other Executive Committee members, and I am talking about combing the halls of Congress today because they are very concerned about what they are hearing is going to happen from Homeland Security. So we will be back to you, sir.[1]

Senator PRYOR. Great. Thank you.

Mr. HORVATH. Sir, in Delaware, we do have the ability to, with our 800 megahertz system, due to our size again, to talk to each other if we all are told through dispatch to go to the same channel. My understanding is we can also communicate with all the fire departments in the State also.

The concern there is, however—in most of the scenarios that we do, when we do tabletop exercises or real exercises, whether the weapon of mass destruction use, the system will probably be out, and there is no high-band backup to it any more. Most departments have gotten rid of their high-band radios, and if they still had them, we could not talk agency to agency like we could before.

So, the short answer to your question, is yes, we can communicate with each other in certain situations. Sometimes it has to be county to county, whether you are on the repeater or not, but no, there is no backup system, and I am not aware of anything that Homeland Security is doing in Delaware in regards to that issue.

Senator PRYOR. A follow up on that. Are you aware in Delaware whether the Federal Government can access your 800 megahertz system; do you know that?

Mr. HORVATH. I am not aware of whether they can or not. I do not believe so.

Mr. CHITWOOD. Senator, I will break the communication question down into two areas. Technology-wise, as a result of the government, through these grant processes, we have enhanced, I would say, I would give us an A plus in our technological communications between different departments, MED. On September 11 the alleged ringleader of this group of terrorists, Mohamed Atta, and one of his cohorts, Abdul Alomari, went through our airport on their way to this massive destruction that they were involved in. Initially, the communication issue between the local police department and the Federal Government was absolutely horrible, and particularly the FBI. And I have shared that locally and nationally since that date. I believe that as a result of Homeland Security, increased participation by administration in the Federal level, that those types of barriers and those types of communication levels are much better, certainly much better than anything I have seen, but they still have a long way to go, as we look at this new way of policing our country.

Senator PRYOR. Thank you.

Chairman COLLINS. Thank you, Senator Pryor.

I want to follow up on the communication issue that Chief Chitwood just raised. We are now at a state where we are at the

[1] "The Report Card on Funding Mechanisms for Public Safety Radio Communications", August 2001, appears in the Appendix on page 69.

Orange Alert Level. And I would like to ask each of you two questions related to that. First, how did you learn that we had gone to an alert level of orange? And second, does that system for communicating the increased alert status work better now? There were terrible problems in the beginning, which, Chief, you referred to as well. And I would like to just ask all of you those questions, starting with Chief Chitwood.

Mr. CHITWOOD. The last level, the Orange Level, I had heard vis-a-vis TV, radio that we were at Orange, but I never saw anything vis-a-vis teletype. Probably 8 hours later we got a teletype, and I learned it from CNN.

Chairman COLLINS. That is so troubling to me that still seems to be the source, with all due respect to CNN's good reporting, but it just is extraordinary to me.

Chief Horvath.

Mr. HORVATH. I also learned about the alert from watching the news. If we did get a teletype 8 hours later, it was never brought to my desk. I do not think we did. I will say diagonally across the street from my office is the local FBI office in Dover, and communications have improved greatly over the past few months. There is a problem where information cannot be—it is something I did not bring up earlier, but I will bring it up now. I get things that cannot be told to me because it is top secret. And then you hear about it later on the news and you mention it, and they want to know how you know it because it is top secret. If the news can know it, I think the police departments and the fire departments across the country ought to know it.

Chairman COLLINS. Well, that is something we can relate to when we have our classified briefings, and then go back to our offices and find out on the news what we just learned in the highly classified briefing.

Chief, how did you find out?

Mr. PLAUGHER. If my memory is correct, I think I was told by a friend who has a friend who has a wife that works as a clerk in a government office, and the government office was advised that they were going to the Orange Alert. So I went back to my emergency services coordinator and asked him the specific question, "Are we at Orange Alert?" He did not know. He was going to have to go check. Then eventually we heard it on CNN, that we had been raised. As a matter of fact, to this day, there is no system to notify the fire departments of the United States about anything that happens on a national scale. We do not communicate. We do not even have a teletype system to talk to each other, so there is no communication network for us to receive alerts or inside information, or I should say information that we think is critical to our ability to be prepared.

Chairman COLLINS. We clearly have a lot of work to do in that area as well.

Captain, are you aware of how your department found out that we had moved to an alert status of Orange?

Mr. BOWERS. We, too, discovered that by the television networks, so that seems to be a common thread here among all agencies, that the notification and change of the status filters out to us by the network television operations.

Chairman COLLINS. That is just so troubling to me. I remember a State trooper telling me that on September 11 he heard about the attacks on the radio, and radioed in to his headquarters to try to find out whether any entity in Maine had been attacked. And he just—no one knew who to ask even. The communication structure is still very flawed it seems to me.

One final question from me before I go to Senator Carper. All of you have mentioned the need for improved communication, and I think the exchange we just had illustrates that. During the debate on the Homeland Security Act, Senator Carper, Senator Feingold, and I proposed that there be a Federal liaison for first responders established in every State, who worked for the Department of Homeland Security, but would actually be stationed in each of the 50 States. Unfortunately, that provision was dropped from the final version of the bill. Do you think it would be helpful to have a State liaison who worked for the Department of Homeland Security in each of the States so there would be a single contact point within your own States? Would that be helpful to you, Chief?

Mr. CHITWOOD. I think it would. I think that any time you can communicate and give people knowledge, it goes a long way in assisting with whatever assets your particular community needs. I think that is what is needed, especially Homeland Security, being the umbrella of what we are going to do in the future in our country with respect to any type of terrorism type activity, so absolutely. I think it would be a plus.

Chairman COLLINS. Thank you. Chief Horvath.

Mr. HORVATH. I agree. I think it would be extremely helpful. It would be someone we could call when we have questions, someone they can call when they have important information to pass on, and it would be very helpful if I forget to watch the news and I could find out we are on a higher alert status.

Chairman COLLINS. Thank you. Chief Plaugher.

Mr. PLAUGHER. This is awkward for me, because in the Nation's capital area, we do have a coordinator from Homeland Security for the Washington, DC immediate area. However, the only thing in the Commonwealth of Virginia, the Commonwealth of Virginia does not. So it is kind of an awkward situation, and we find that the coordinator that we have is just fabulous and is doing a spectacular job for the national capital area. So if you want to point to an example of how it can work and work really well, here is an excellent example for you.

Chairman COLLINS. It is a great example. Thank you for sharing that. Captain Bowers.

Mr. BOWERS. We are in that national capital area also, but I would also bring up a second part to your question. It is not only good to have that coordinator, I think, in every State, but that coordinator also needs to share particular information about what the threat may be, so that the departments can then plan and act appropriately to be prepared for that threat. So the single point of contact is excellent, but then the information flow needs to be there so that we can take the appropriate actions once we do receive the information.

Chairman COLLINS. Thank you. Senator Carper.

Senator CARPER. Thank you, Madam Chairman.

To my colleague, Senator Pryor, he was asking questions earlier about the ability of various first responders to communicate with one another by radio. When I was governor, we funded an 800 megahertz program that enables us to have communication between firefighters, volunteers, and paid firefighters, between police units, State and local police units, and also with paramedics and other first time responders.

The question that you asked, one of the questions you asked was the ability of the relevant Federal agencies to participate in that. Brian Bushweller, who is sitting to the right of Dover Mayor Jim Hutchinson, was the secretary of public safety during my administration, and he was good enough to come up here to the dais to remind me that the Federal agencies who work full time in Delaware, including the FBI and others, do have access to 800 megahertz. They do have their radios and are able to participate as full partners in that.

I understand when I was out of the room, meeting in the next room with some folks from our chemical industry in Delaware, who are very much involved in raising science education standards in our schools—and I apologize for sort of being in and out, but it is important for me to spend time with them too—but while I was out of the room, I understand that Senator Lautenberg may have asked questions of Chief Horvath with respect to Dover Air Force Base, and the nature of the duties that you have seen. So I am not going to ask about that. I said earlier that I would, but I think those questions have already been asked.

Let me instead ask you if you will—and maybe not just Chief Horvath but others as well—to give us some examples of the introduction to this whole new set of Homeland Security responsibilities that have been delivered to you and expected of you. Just share with us again—some of you have already done this in your testimonies—but just concrete examples of how these new responsibilities have affected your department's budget, do you pay more on overtime? Chief Plaugher was talking about levels of stress, and absenteeism, and medical leave. I would be particularly interested in this. A lot of our first responders are people who serve in the guard and reserves, who have been activated. We have holes in our units. Some cases you are paying, making up the difference between their previous pay and the pay that they receive in the military. How do you do that and at the same time hire and pay for new employees to fill the gaps here? Have you had to purchase new equipment? Some examples of new equipment that you have had to purchase because of these responsibilities. How do you pay for that? And those are just sort of the range of questions I have. You can sort of pick and choose if you want to.

Chief Horvath, you want to take a shot at any of those? And then I would ask others to join in.

Mr. HORVATH. Sure, thank you. First off, I would like to apologize for not knowing whether or not the Federal agencies could speak on our system. We have not had a situation where we have had to do that yet. Sorry about that.

The new responsibilities about Homeland Security that we have done, as I touched on a little bit earlier, it has taken away from the traditional police services that we provide. We have been lucky

not to have to increase the overtime by too much within the past 6 months. Right after September 11, obviously, overtime was very high. And that is we have had to transfer money from other line items in the budget to pay the officers the overtime, so other things that you planned on buying, other services that you offer have suffered because of that. We have tried to reduce our overtime by requiring officers that are regularly scheduled in various units, patrol, community policing, selective enforcement, that type of work, that they are actually out doing Homeland Security issues instead of doing what I mentioned as regular traditional police work. So I think the community is losing out a little bit in that area.

I also mentioned earlier I have reduced the number of officers in the community policing unit and in the DARE unit, to try to work with that issue.

Answering your question about new equipment, we have not received any funds for new equipment, and we have not purchased new equipment other than we now have two bomb dogs that we did not have prior to September 11. We have—the city has accepted the cost of that. There was no money available at the time. We do have two new bomb dogs. I guess I would consider them equipment at this point, but as far as suits or item protective equipment, I think I can honestly say other than training for first responders on what to look for and how to move into a situation as far as protective equipment, we are no better prepared today than we were on September 10.

Senator CARPER. Thank you, sir.

Others, please, any examples that you would like to cite in response to my questions?

Mr. CHITWOOD. From a law enforcement perspective, I have to mirror what the chief said. I mean I could take it in exactly the same way. The shifting of personnel to the airport in particular. We have developed a security plan. Every level of Homeland Security, we have additional responsibilities in our community. For example, right now we are in an area where we are looking at all phone service, gas, electric, water, in the city of Portland. We have to be specific in those substation areas, the work on that, something we normally would not do, but we take those line officers on the street to do these things. We have had several incidents on our port where the Coast Guard, through their vigilance, have notified us of individuals on the waterfront acting suspicious. We had to put officers down there, in particular cruise ships. In the cruise ship season, the boat lines that go into our different islands, delivering people and vehicles. So it has an impact basically on what we do in the normal traditional policing of answering 9–1–1 calls, policing geographical areas and investigating crime. Homeland Security needs has dissipated that particular strength.

With respect to equipment and technology, I hate to be redundant, but I will. With the ability to apply for the Federal grants, as we have right now directly to the Department of Justice in their grant processes, we have been able to enhance our technology and training issues as they impact our department.

Senator CARPER. Thank you. I am not going to ask our other two witnesses to respond to that question. I do have one last question. It is a variation of the first question that I asked. And what I am

going to ask you to do in closing for me, would be to say if we do nothing else here in Washington, Congress and the President, if we do nothing else to enable you to do your jobs better with respect to protecting the homeland; if you do nothing else, do this and do this next. What would that one thing be for each of you? If you do nothing else, do this, and do this next. What would that be?

Mr. HORVATH. I will be glad to begin, Senator. Make the process straightforward and streamlined. It has to happen. We hear about these billions of dollars that are flowing to the first responders, and let me assure you, they are not flowing to the first responders. They are not getting where they are intended. The process needs to be simple, straightforward, and needs to be part of a national strategy to prepare our Nation, our communities, and it needs to be—I mean your own chart talks about the complexities of how to get the funding and that sort of thing. It is creating false expectations within our community. We have a public that thinks now that everything is going to be OK because the government has allocated billions of dollars. As you have heard here this morning, the first responder community has not changed since September 11. If anything, we are stressed out higher. We are facing higher demands. But yet no resources have flowed to us. And so, Senator Carper, please, if you can influence other members, your other colleagues of Congress to make the process not convoluted and straightforward.

Senator CARPER. Thank you.

Mr. BOWERS. Senator, I would echo the same comment, that the process needs to allow the support to get down to the local level faster than it does today. The only other thing that I would add is that personnel are a key ingredient in that process. So any of the efforts that you are working on that would support the hiring of additional personnel are key, because that is going to help us reduce some of the overtime, some of the stress levels that are caused as staffing is reallocated to address Homeland Security issues. I think most departments have some level of funding available to provide basic equipment and other things, but if they have the people, they can make progress.

Senator CARPER. Thank you.

Mr. HORVATH. Senator Carper, I think if you could just do one thing, I think it would be what they are saying, is to get us the funds, make it flexible, and make it so that we can do our job better and still offer our traditional police services. I will not try to say better what they just said. I agree with everything they just said.

Senator CARPER. Thank you.

Mr. CHITWOOD. I agree with my cohorts. Let the Federal Government distribute funds wherever the needs are the greatest, through the grant programs that are already in place, that have worked and will continue to work as long as there is money, and/or create a separate pool of funds for the neediest cities with the highest threat risk.

Senator CARPER. Thank you.

That would seem to again Madam Chairman, that would seem to argue for the legislation that we will be introducing later today, providing the flexibility.

Chairman COLLINS. Yes.

Senator CARPER. And it would also seem to argue for the idea of the proposal that you and Senator Feingold and I worked on establishing one person in each State as a key point of contact. That is interesting. Thank you very much. That is all.

Chairman COLLINS. Thank you, Senator Carper. Senator Pryor.

Senator PRYOR. Thank you. Let's follow up on what we were talking about here just a few moments ago, and I think pretty much it is unanimous that the one thing we need to try to do is make sure this money is getting out to first responders.

Chief Chitwood, I believe it was you that said we have in existence the Department of Justice system that I think most of you all are familiar with about getting equipment, grants, and etc. I know in Arkansas we utilize that very heavily for our first responders.

But let me ask this just generally to everyone. What is the problem? Why is it not getting through? I mean is it red tape? Is it just because we have a new department that is getting started and getting rolling, and it just has not gotten there yet? I mean, what is the problem?

Mr. CHITWOOD. I think it is a combination of factors. When you look at your chart, the Tangled Web of Federal Homeland Security Grant Programs, that kind of says it all.[1]

I also believe that—and it has been mentioned here, especially by the Senators. When we look at the budget crisis, and with all due respect to Senator Carper, when he was Governor, my experience shows that when funds go through the State, there is a bureaucratic nightmare that is created, that those resources do not get to the most neediest or to the people who need it right away.

Obviously, the State—and we have a wonderful Governor in the State of Maine, but he has other priorities, the State Police, Department of Corrections, and sometimes that money gets shifted around to different programs that do not impact on first responders, whether they be fire, police or MED–Q. I think that is why it is important that we as leaders in our particular fields or our communities, can reach out to the point, the source of contact, and that is the Federal Government, and say, "Hey, here is a process. This is what we need, and then you hold us accountable for what we do."

Senator PRYOR. That is how the DOJ system has worked, right, that you apply directly to DOJ?

Mr. CHITWOOD. Basically.

Senator PRYOR. So in other words, you think that the State is an unnecessary step?

Mr. CHITWOOD. No. I think that the State has to be part of the process. I just believe that there may be too much emphasis on the State. I know what I need in Portland. If you send money to the State. Now I have to articulate my need to the State, and maybe I will get it. But if I apply, based on experience and past history, directly to the Federal Government, I articulate the need, I am audited on what I get from them. I can proceed to go forward, and that process, in my 38 years of experience and the last 19 years

[1] The chart entitled "Tangled Web of Federal Homeland Security Grant Programs" appears in the Appendix on page 68.

as a police chief, that really works. It has done more to enhance the quality of professionalism in policing throughout the country, and I believe that is how it works, and I am sure it could work just like with the fire and other first responders.

Senator PRYOR. I would like to hear from the other three. Do you all agree with what he said?

Mr. BOWERS. Yes, I agree, Senator, but I also have a couple other points. The problems that we experience are the restrictions on the use of the funds. The maze of applications that are out there for the various grants that are eligible to apply for, and the fact that there is not one consistent process to request money from the Federal Government.

So those are some of the major factors that we have to deal with, and all of those end up with their own version of bureaucracy or red tape.

Senator PRYOR. All that sounds very fixable to me.

Mr. PLAUGHER. Senator, we have talked about the issue with Brown Nissal earlier today. But right to the point, there are several programs that have worked and worked exceptionally well, the COPS program within law enforcement, the FIRE Act program within the fire community from the U.S. Fire Administration. They are simple. They are straightforward. They go to localities. They have some local matches required to make sure there is a commitment for follow-through. There are also audits and that sort of thing. But yet when it comes to homeland security, protecting our citizens from the threat of terrorists which we know are real, it is not if but when the next attack will occur. We are now in a convoluted process that at the end stream, very little or anything is at the end point where it needs to be, which is on the front lines to the firefighters, the paramedics and the law enforcement members of our community. It seems like somehow we are not learning our own lessons. We have programs that work well. We have COPS programs. We have FIRE Act programs, but yet again, we are all deeply concerned about our safety from threat of homeland security, from the threat of terrorism. Yet we will not even go to the successful programs and emulate them, or copy them for this.

We at the local level, we are absolutely befuddled. We are sitting here trying to figure out what happened. Where did the disconnect go? The only thing we can say is, "It is Washington politics." Wow. That cannot happen here, folks. We are on a new world, new threats. We have got to stop the Washington politics. We have got to get the money where it needs to be, and that is to local communities. Do States have needs? Absolutely. Our States are in the worst fiscal condition that they have been in in many decades. Should we address their emergency management needs? Absolutely.

So I am not saying that a slice of it should not go to the States to bolster their needs, because States are key to the process, but let us make it simple, straightforward and effective. Thank you for the question, sir.

Senator PRYOR. You bet.

Mr. HORVATH. I agree with most things said. I will say that, as I said earlier, I think some of the money needs to come directly to the police department, similar to how the COPS grant works. I will

say in Delaware's defense though, that they have always done a very good job of administering some grant monies out there through the criminal justice counsel. I think, as I mentioned earlier, what they are doing with DEMA, distributing some of the money through DEMA would be good, but I do not think all of it. But through that, all the police departments in Delaware are going to be on the same page with the same protective equipment, which I think is a good idea.

So I am a little mixed. I think some of the money needs to come directly to us. Some of it needs to go to the State and have them deal it out.

Senator PRYOR. Yes. I can see a real common sense role the State can play to provide oversight in the framework. That would be great.

One last question for you. You mentioned Washington politics a moment ago, and I know one of the contentious issues here—I think this was a little bit before my time here. I think most of this discussion happened late last year, about homeland security and unions and labor organizations. I am not trying to put words in people's mouths, but out around the country I think the question really was, are these law enforcement unions and other firefighters' unions, etc., would they be a help or a hindrance when it comes to homeland security? That was, like I said, a fairly contentious issues that the Congress dealt with last year. I would like to hear your thoughts on that. If I could just start with you, because not only are you on the front line, so to speak, but you are also administrators and you deal with these personnel issues all the time.

Mr. BOWERS. I think that they would be a help from the standpoint of unions are basically going to fight for the appropriate resources in a jurisdiction, and they are also going to work to keep management honest. The bottom line is, to respond to any of these conditions that we have talked about today, in the very beginning of that incident, you need the appropriate people with the right equipment, with the training to carry out that mission. What we have today is a situation where in a lot of jurisdictions we do not have the number of people that we need. We lack equipment and we lack training to deal with some of these specific things that we were talking about related to homeland security. So from that perspective, I think that the unions could actually be quite a benefit to helping get this done.

Senator PRYOR. OK.

Mr. PLAUGHER. I think that we have had a new day in our Nation, as I was talking about deep concern about homeland security and homeland preparedness. We have had the best cooperative, collaborative effort between the International Association of Fire Chiefs and the IAFF, the International Association of Fire Fighters ever in the history of the two organizations. It has been a model program that focuses on the fire fighters' safety, the community's safety. We have passed new national standards that again encompassed the needs of community based upon local assessments and local concerns. I think that there is not a barrier there. I think there is a joint effort of deep concern about making sure that adequate resources are within your community, sir.

Mr. HORVATH. I agree with both Captain Bowers and Chief Plaugher, what they have stated, and I really cannot add too much more to it.

Senator PRYOR. OK.

Mr. CHITWOOD. The union issue has not been a concern in the city of Portland. I mean my department has two unions, PBA and SOA—PBA for police officers, SOA for superiors. I know that the TSA has 160 employees in our city. I have had the opportunity to see what they do. They are non-union. They do a great job. They hire the people they want to hire, and I do not see it as a negative or a positive. They are just doing what they do best, and they have an excellent presence. More than I have, but there has been no impact with respect to unionization or not.

Senator PRYOR. Thank you.

Chairman COLLINS. Thank you, Senator.

I want to thank my colleagues for joining me this morning for this very important hearing.

Most of all I want to thank our witnesses. You truly have given us extraordinarily helpful testimony. I also want to take this opportunity to thank you on behalf of this panel for the extraordinary work that you are doing, each and every day in your communities. We are very grateful to you. It is why I wanted to hear first from those who are on the front lines as we seek to tackle this issue. You have given us a number of very practical suggestions, and I am confident that working together we can come up with legislation that will achieve our goal of making sure that the money that we are appropriating does get to you, and helps you in a way that makes our Nation more secure. We want to make sure that our folks who are on the front lines receive the equipment, the training, the staffing, and the planning that they need to be as effective as possible.

So your suggestions were excellent, and we will continue to work with you, and I thank you very much for taking the time to be here today.

Finally, I also want to thank my staff, which has worked very hard in putting together this hearing, and to announce that our next hearing on the issue of homeland security and first responder funding is scheduled to take place on Thursday, May 1. At that time we will hear from Secretary Ridge—you have given us a lot of issues to raise with him—as well as State and local governments, and that will help address the issue of how do we make sure the money flows down to the local level and to local fire, police and emergency medical personnel, who really need it. So we are looking forward to that hearing as well.

The record for this hearing will remain open for 15 days for the submission of additional statements or questions.

Before I adjourn the hearing, I just want to turn to my two colleagues to see if they have any closing remarks?

Senator CARPER. I think, Madam Chairman, you have given a fitting benediction to a most informative and extraordinarily helpful hearing, and to that benediction I would simply just say amen.

Chairman COLLINS. Thank you. This meeting is now adjourned.

[Whereupon, at 11:43 a.m., the Committee adjourned.]

APPENDIX

PREPARED STATEMENT OF SENATOR LIEBERMAN

Madam Chairman, thank you for holding this hearing on the challenges facing the first responders on whom we depend to protect our homeland.

This hearing comes almost 19 months after the September 11, 2001, terrorist attacks awakened our nation to the absolute necessity of fully supporting the men and women who are on the front lines of this struggle. That day demonstrated that when our country is attacked, it is the police, fire fighters, and emergency management technicians who will be the *first* to the scene of a disaster, risking their own lives to save others.

But the attacks and subsequent events have also demonstrated that, in some crucial ways, those heroic first responders are not getting the support they need and deserve from the Federal Government. We now know that many of our first responders have not received the training or equipment they need, that they cannot communicate with one another during emergencies, and that in many places, their ranks are simply not strong enough—in part because many reservists and Guardsmen were called up to help fight the war in Iraq—to do the job we have asked them to do.

This is shameful. It must end. We've made some slight progress in the past few months—some of the resources promised many months ago are finally available. But from sea to shining sea, first responders continue to tell us that we still have not provided nearly enough to make sure that they are well trained, staffed, and equipped to meet the challenges they face.

Right now, too many first responders are being forced to tread water and wait for the Federal lifeline. The city of Los Angeles has identified more than $70 million in overtime expenses it has incurred since the September 11 attacks. The city has already spent nearly $200 million beefing up security at its airport and shipping port, as well as upgrading police, fire, and health departments. Even so, Jack Weiss, an L.A. City councilman, says that the city is as vulnerable now as it was 17 months ago.

New York City's Police Department, faced with a more complex and demanding job than ever, is operating with 4,000 fewer men and women than 2 years ago. And many of the officers and supervisors who would be first to respond to an incident still have not received any special equipment or training to respond to an attack with unconventional weapons.

The story is the same in Massachusetts, where a survey by *The Boston Globe* found that the 10 largest police departments have 424 fewer officers than they did a year ago and will lose at least 50 more by July 1 as a result of State budget cuts in local aid.

In Arkansas, the Governor has stated that there is no way they can do the job of protecting homeland security with current resources, or without more Federal aid than is currently in the pipeline. The biggest single need, he identified, is to upgrade emergency communications for first responders because in a terrorist attack, or even a natural disaster like a tornado or flood, the various jurisdictions that would respond don't have the ability to communicate.

In my own State of Connecticut, New Haven Mayor John DeStefano Jr., President of the National League of Cities, says the city has only been able to outfit about 10 percent of its 300 firefighters with protective equipment for responding to a chemical or biological attack. What are we waiting for?

The International Association of Firefighters, whom we will hear from today, has consistently told us that the nation's fire departments need more troops, better technology, and more training to adequately protect our people. The National Association of Police Organizations tells a similar story—stating that homeland security funding must be increased to alleviate officer layoffs and overtime, and improve

technology to combat terrorism. Remember, terrorism isn't our police officers' only job. They also need to keep fighting domestic crime.

The bottom line, Madam Chairman, is that, with State and local budgets in their biggest crisis since World War II, police and fire departments are being cut back just as the threats they need to meet are growing. That's like turning off the air conditioner for the summer time. Yet the administration has consistently opposed efforts to provide the level of assistance our local first responders need, choosing instead to provide massive new tax cuts to those who need them least. And even the increases in funding that have been proposed are misleading—as they come at the cost of existing law enforcement assistance programs.

We have to do better. I've put forward a plan for $7.5 billion in new funding for our first responders beyond the President's budget for this coming year. That will enable communities across the country to start upgrading communications equipment, improve information sharing, enhance training, expand their ranks, and rise to the challenges we face. Will the Administration put our dollars where the danger is, or will it continue to talk tough without providing the real resources our communities need to do the job?

Madam Chairman, in addition to providing more funds, we also have to ensure that the funding we provide is delivered with a minimum of red tape and delay. There's been a lot of talk these past few months about duct tape; but what we say and do about red tape is just as important to the fight against terrorism. This hearing, and others we will have to look closely at the way these programs work, will help us learn directly from those they are intended to help how we can make them better. The current array of programs is clearly too cumbersome, too confusing, and in many ways inefficient. We need to understand what works and what doesn't. And we need to make sure that we fix what is broken while leaving alone that which is working well.

So I want to thank you for holding this hearing and thank our witnesses for sharing their expertise with us. Our country is facing an unprecedented challenge—and we have to put aside old ways of thinking and provide the resources necessary to meet the challenges that we face. We have to work diligently and improve these funding programs where they need to be improved, to ensure that they meet the objectives that we have set. This hearing is an important step in that direction.

Prepared Statement

Michael Chitwood, Chief of Police, Portland Police Department

"Investing in Homeland Security, Challenges on the Front Line"

April 9, 2003

My name is Michael Chitwood and I am the Chief of Police in Portland, Maine. Senator Collins, from our conversations, I know you understand many of Portland's concerns, and I appreciate the opportunity to help the other members of the committee understand the challenges facing our department in the post-9/11 world.

We employ 164 officers, with 18 unfilled positions at any one time due to vacancies or long term leave. The effect that these unfilled slots have on my department's manpower, however, is miniscule when compared to the effect that the lack of coordination and information sharing by federal agencies has on our policing efforts.

The post September 11th environment calls for a new federal-state-local partnership. The Federal government can not and should not write a blank check to pay for round the clock surveillance of every possible terrorist target. But it should maximize federal resources to coordinate Homeland Security's information and manpower with those of local governments.

Based on our experiences in Portland, Maine, I am certain that improved coordination and cooperation by federal agencies could offset the increased local expenditures that have followed the tragic events of September 11th. In Portland, the policing imperatives of a post-9/11 world have cost taxpayers close to a million dollars in police staffing and overtime. Without a more thoughtful and significant federal partnership, taxpayers will continue to pay more than their fair share and the federal government won't get the most for its federal dollar.

Perhaps the best example of the need for better coordination is the joint federal, state, and local effort to protect the Portland International Jetport. Portland's Jetport is a busy traveling point connecting travelers to most of the "hub" airports on the eastern seaboard. In 2002, over one hundred and twenty thousand flights carried more than one million people through Portland. And as everyone knows, Portland played an unwilling and most unwelcome role to the September 11th terrorists when two of the hijackers used our airport to start their tragic journey.

Prior to September 11th, my department provided the Jetport with three officers from 5:00 AM until 10:00 PM. Since September 11th, the Federal Aviation Administration and the Transportation Security Administration have significantly increased the police presence at the airport and now require that I provide 12 officers around the clock, twenty-four hours a day. This represents approximately 2, 270 eight-hour shifts per year at a cost of $1.2 million. We are willing and eager to provide manpower and resources to protect our community, but some of the requests by the FAA and TSA just don't make sense.

It has cost approximately $800,000 to meet the increased staffing needs at the airport, including the supplemental overtime requested by the FAA and mandated TSA coverage. But the cost doesn't stop there. The extra hours Portland police officers spend at the airport often requires that the department pay them overtime for their regular shifts, which is an additional $75,000.

These additional expenses don't account for the physical, emotional and psychological toll taken on the officers. Excessive overtime takes its toll not only on the officers, but also on their spouses, their children and their communities. Excessive overtime can lead to increased risk for accidents and injuries, chronic fatigue, stress and diminished decision-making ability.

At the same time that I am required to increase my staffing at the Jetport by six hundred percent, the Transportation Security Administration has hired over 160 new employees in Portland and given them excellent training. While TSA monitors the Jetport with 160 employees, I am responsible for policing the Jetport and the entire City of Portland with 164.

If the TSA employees were given additional training, we could work with them to coordinate our efforts to secure the airport, decrease police staffing needs and prevent additional costs. The point is the federal government doesn't need to write more checks and spend more tax dollars, if we work together in a coordinated fashion. Force these agencies to be more proactive in partnering with us at the local level.

Portland is home to a multi-use waterfront that serves as a gateway for cruise ships, oil tankers, fishing vessels, cargo carriers and a pipeline. If these agencies fail to coordinate their efforts, what will happen when my officers are asked to take an increased role in protecting Portland's Port? Or the tank farms? If the Coast Guard and the TSA took steps to coordinate their efforts, we would be able to provide additional protections with our existing manpower and with a minimal cost to both the local and federal government. We should consider:

♦Utilizing TSA resources to supplement airport security and reduce the need for uniformed officers.

♦Enhanced communication between federal, state and local law enforcement agencies to pool information and eliminate duplication of effort.

♦Increasing local participation in determining policing needs and identifying potential terrorist threats.

♦Employing National Guard units to assist with short-term security needs in response to specific threats.

Finally, with regard to new federal resources for homeland security, we must make sure that they actually get to the local level in some coordinated fashion. So far, we have received minimal additional resources to offset our increased expenditures. But, again, writing a check without any increased coordination of information or manpower makes little sense. In your effort to revise the various homeland security programs, I urge you to look at the structure to make sure that you target resources in a flexible fashion to the local level and at the same time coordinate them with other federal demands, such as increased staffing.

Thanks again for the opportunity to testify before the Committee and I look forward to answering any questions you may have.

Statement of Chief Jeffrey Horvath
Before the Senate Committee on Governmental Affairs
"Investing in Homeland Security, Challenges on the Front Line"
April 9, 2003

Madam Chair Collins, Senator Lieberman, members of the Committee, thank you for inviting me to appear before you today.

I commend you for calling this important hearing. Today, the "challenges on the front line" are great. Investments are needed there more than ever before.

I believe that Delaware has one distinct advantage over most other states in that it is small. Due to Delaware's small size the law enforcement community is able to form a very close relationship and we are able to communicate with each other on a regular basis. The Dover Police Department currently hosts monthly meetings for the Delaware Police Chief's Council and each police agency in the State is usually represented at the meetings by either that agencies Chief or by a Chief's representative. I only provide this information to let you know that, while I cannot speak for all of the agencies in the State of Delaware, I know that the concerns that I will express in this statement are shared by many other agencies with in Delaware.

Delaware's Governor, Ruth Ann Minner, is the lead Democratic Governor for Homeland Security and delivered a nationwide weekly radio address on Saturday April 5, 2003. In her address Governor Minner stated: "Here at home, Secretary Ridge, the President's head of the Homeland Security Department, tells us there is risk of another terrorist attack. We don't know when or where the next attack will come. But we do know who will protect us when it does: our police, firefighters, public health and emergency medical personnel. They are our neighbors, our family, our friends, and like our troops, they are ready to risk their lives for us. They are our 'hometown' security." I could not agree with this statement more and I think it indicates how important it is for the Federal Government to work with the State and Local Agencies across this country to achieve our Homeland Security Goals.

Since September 11th, police departments have been asked to do more for their communities than ever before. Walk the beat. Be on guard against terrorists. Secure critical infrastructures. Despite all the good works of the new Department of Homeland Security, the burdens of securing the hometown fall heaviest on local police departments.

There are more than 700,000 police officers and sheriffs in this country, compared with nearly 11,000 FBI agents. Police chiefs and sheriffs are called upon more and more to protect us against the new threats from abroad.

Local budgets are incredibly tight and I can truly state that the Dover Police Department is in a position that we may have to cut certain programs and services to our citizens if the city is unable to find other revenue sources in the future. All of this is occurring while we are be tasked with new Homeland Security demands.

All of this is happening while the FBI has been told to necessarily refocus its resources. Recently, it was reported that the FBI has plans to "mobilize as many as 5,000 agents to guard against terrorist attacks" during hostilities with Iraq. The FBI's criminal surveillance operations "would be temporarily suspended." Local police will be called upon to pick up the slack once the FBI is forced to pull almost half of its agents out of traditional crime-fighting work.

One of the top concerns for law enforcement in Delaware is that we are not receiving funds in a timely fashion. I have met with James E. Turner III, the Director of Delaware Emergency Management Agency (DEMA), and he advised me that DEMA just recently received FY'02 funding in December of 2002 and that they are currently finishing up the application for FY'03 funding.

Once again I will state that Delaware is in an advantageous position due to its small size. DEMA is receiving 3.6 million in FY'03 for Homeland Security, which will be used for Delaware's police, fire, EMS and Hazmat agencies. The Delaware Police Chief's Council is currently working to provide DEMA with a comprehensive plan on how the funding designated for law enforcement should be spent. This will, hopefully, ensure that all police agencies in Delaware will receive their share of the funding.

But you need to know that those resources do not go directly to local police departments. They cannot be used to hire new police. They cannot be used to pay overtime expenses that we incur each and every time Secretary Ridge changes the alert level. They can be used to purchase equipment, but not by me. I have to wait for a state-wide plan to be developed and then I have to hope that a fair share of those funds will filter to my department.

I feel that it is also important to point out many police departments serve in jurisdictions that are unique to the area and may place differing demands on that department. For instance the Dover Air Force Base is located with in the city limits of Dover. The DAFB is an asset to State of Delaware and to the City of Dover but there are increased Homeland Security demands placed on the Dover Police Department due to its location. Dover is also the home of the Dover International Speedway. The events at the speedway bring in approximately 150,000 additional civilians into Dover two times a year.

Federal assistance should be provided to local law enforcement for training needs, equipment needs and personnel costs. I also agree with the position of the International Association of Chiefs of Police (IACP) in that it is important to distinguish between the assistance funds that will be provided to state and local law enforcement from programs administered by the Department of Homeland Security and those provided from the

existing programs at the Department of Justice. Both programs provide funds to law enforcement agencies but they address different, but equally important areas of need. In other words there is a concern, in the law enforcement community, that new assistance programs are being funded at the expense of traditional law enforcement assistance programs such as the COPS program, LLEBG, and the Byrne Grant program. Homeland Security programs are not duplicative programs they are complementary programs. Effective anti-crime programs are effective anti-terrorism programs.

This year, for the second budget cycle in a row, it has been proposed to eliminate the COPS hiring program. COPS is the only initiative in the entire Federal government that targets its resources directly towards police. There is no middleman. Dover has added several police officers to its authorized strength in the past and we will be adding four more in July of 2003 using COPS funding. This is a tremendous resource for the City of Dover and its citizens.

I also feel that communications between Federal, State and Local Governments needs to improve. There have been many times, since September 11th, that I have learned that State and Local law enforcement had been put on a higher alert status by watching the news. We were never given a call and never received a written notice of the increased threat level. I know that this is true for many law enforcement agencies in the State of Delaware. I will state, however, that communications seem to be slowly improving in this area. Communications also need to improve in regards to funding for Homeland Security. Law enforcement needs to be made aware of new and additional funding with out actually having to search for it. Many times the demands of police work and the needs of our jurisdictions do not allow the necessary time required to stay on top of this very important aspect of Homeland Security.

I would like to thank everyone for inviting me to this hearing and allowing me to speak. It has been an honor and a privilege. I would be pleased to try to answer any questions at this time.

Prepared Statement

Chief Edward Plaugher, Arlington County Fire Department

nvesting in Homeland Security, Challenges on the Front Line

April 9, 2003

Good Morning, Madam Chairman and members of the Committee, I am Edward Plaugher, Chief of the Arlington County Fire Department and I would like to begin by thanking you the Governmental Affairs Committee for having me today. Arlington County Fire Department provides emergency services that include fire prevention and suppression, hazardous materials response, local search and rescue and emergency medical services, ront line services, and I appear today on behalf of front line service providers across our nation. First Responders have and will continue to be on the front lines for Homeland Security assuring that each citizen is protected, a responsibility of every American, to the highest degree possible. Making sure that resources are available and that funding does not become a hurtle to First Responders, Congress designed over recent years a multi-layer and multi-department funding stream. Utilizing this approach, each department in good faith attempted to provide the much-needed resources to the ront Line At the front line however, the morass of agencies and programs led to

total confusion and in most cases, a ack of action We as a nation cannot afford the confusion or lack of action that is currently at each end of the funding stream.

I ask that a streamlined direct approach be undertaken. This streamlined system would utilize a straightforward system and be in place as soon as possible so that we can make America safer, stronger, and better. In addition, this system would recognize that the effects of terrorists attacks occur locally and we must maximize our collective efforts to prevent terrorism, reduce risks, and design preparations that respond effectively to attacks that will occur within our borders. Every effort must be made to ensure that the programs are locally focused and are designed to build upon existing resources but meet national standards of readiness. Key to any effort of preparedness is citizen participation and federal resources should require at least ten percent of the funding be utilized to strengthen citizen-based preparedness. Harnessing the willingness of the people of this nation to help one another in times of crisis is a foundation of preparedness that cannot be ignored. In addition, the private sector capability in this nation is enormous and we must find a way that private sector resources and in particular, construction resources are utilized in an effective and efficient manner to assist the response effort. Providing a structure that folds public and private resources into the incident command structure will enable every community to leverage its resources into an effective Homeland Security Program.

Regional preparedness, embraced by some state systems, holds the key and like citizen preparedness should become a funding mandate. Federal funding needs to leverage its effectiveness and by using a regional approach can tackle the major void areas. Local governments, working within the state structure or in some cases, in a multi-state structure, must build a baseline of capability and should not be forced to have redundant basic resources but at the same time leave overarching critical issues without adequate capability. As an example, making sure that a region has adequate hospital urge beds and surge medical support staff lends itself to a regional resource sharing solution. Regional mutual aid support networks can manage all but the worst cases incidents with existing facilities if they are teamed to meet the challenge. Federal programs that mandate and support specific target goals for preparedness is however the key. Just like the real issue is not homeland security but how to be secure in an pen society reparedness is not about buying rotective suits but about developing the systems needed to support the first responders.

In summation, I would like to ask that Congress simplify, to the extent possible the process, assure a national standard of preparedness based on best practices and the national strategy, and that the private and citizen sectors of the community are folded into the process. Assuring the nation is ready to respond to homeland security needs must be simple, straightforward, and accomplished without delay.

INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS®

HAROLD A. SCHAITBERGER
General President

VINCENT J. BOLLON
General Secretary-Treasurer

TESTIMONY BEFORE THE

SENATE GOVERNMENTAL AFFAIRS COMMITTEE

ON

INVESTING IN HOMELAND SECURITY

CHALLENGES ON THE FRONTLINE

APRIL 9, 2003

BY

CAPTAIN CHAUNCEY BOWERS

ON BEHALF OF THE

INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS

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INTRODUCTION

Chairman Collins, good morning. My name is Chauncey Bowers and I am a certified fire fighter and EMT-Paramedic with the rank of Captain in the Prince George's County Fire Department. I am here representing the nation's 260,000 professional frontline fire fighters and emergency medical services (EMS) personnel who are members of the International Association of Fire Fighters (IAFF).

Especially to those of us in the fire service, September 11th changed the world. On that day, every fire fighter lost 343 of our brothers. As an organization, the IAFF vowed never to let such a tragedy happen again and to ensure that fire fighters have the resources that we need to protect our communities and our nation.

It is for this reason that I testify before you on the needs of the frontline first responder.

NEEDS OF THE FRONTLINE FIRST RESPONDER

In the current environment, fire departments are facing the dual pressures of homeland security demands and reduced resources caused by local budget deficits and the economic downturn. At a time when even historic levels of funding would have be inadequate to meet the new homeland security demands, we are being asked to do more with far less. This is a recipe for disaster, unnecessarily endangering the safety of my fellow fire fighters and the communities we are sworn to protect.

To address these concerns we need a national commitment to homeland security preparedness. We must work to ensure that every fire department in America has the resources to adequately protect our citizens. While much of this work toward preparedness needs to focus on the unique challenges posed by weapons of mass destruction (WMD), we cannot overlook the imperative to prepare for all hazards. The most horrific terrorist attacks our nation has ever known—including the tragedies of September 11th and the bombing of the Murrah Building in Oklahoma City—were carried out without sophisticated nuclear, chemical or biological weapons. Our fire departments must be prepared to respond however, whenever, and wherever American lives are in danger.

We need more fire fighters, who are trained and competent in basic firefighting and emergency medical services. We need basic firefighting and protective equipment, as well as advanced terrorism specific WMD detection, protection, and mitigation equipment. We need to provide more training in hazardous materials response and EMS, in addition to training in WMD response and mitigation. And, to ensure that we will respond as efficiently and effectively as possible during a terrorist attack, we need regular exercises that test all facets of a response in a realistic manner. Lastly, when available, fire departments need to have access to as much information as possible on the type of threat so that an informed decision can be made as to the nature of our response and pre-deployment.

Personnel

The first and foremost need of the fire service is adequate personnel. The mission to protect Americans against terrorist acts poses a number of unprecedented challenges for the fire service. We now have to rethink how personnel are deployed. Rather than viewing incidents as isolated events, we must be cognizant that each incident could be one part of a coordinated attack. Each time the alarm rings, we must be prepared for the possibility that it is an act of war.

In the vast majority of our communities, fire departments regularly and consistently respond with 2 or 3 fire fighters per apparatus. National Institute for Occupational Safety and Health (NIOSH) studies of fire fighter fatalities have consistently identified inadequate staffing as a key factor in line-of-duty deaths. Since 1997, NIOSH has investigated every fire fighter line-of-duty death as part of its Fire Fighter Fatality Investigation and Prevention Program. Far too many of these investigations have found that an inadequate number of personnel contributed to the loss of fire fighters. NIOSH has been especially critical of the failure of fire departments to assure that there are adequate numbers of people stationed outside a dangerous environment during an interior fire suppression attack.

The recently issued FEMA study, "*A Needs Assessment of the U.S. Fire Service*," revealed that the vast majority of fire departments cannot respond in a timely manner, and when fire fighters do reach the scene of an emergency, there are not enough personnel to do the job safely and effectively. The report found that up to 75% of our nation's fire departments have too few fire stations to meet response time guidelines. Further, it is common for fire departments that protect communities with a population of less than a million to respond to emergencies with less than 4 fire fighters per apparatus.

The federal government and the fire service industry have formally recognized this level of staffing as inadequate for safe fireground operation. Both OSHA and the National Fire Protection Association (NFPA) have promulgated standards designed to achieve safe staffing levels.

OSHA's 2-in/2-out regulation requires that whenever fire fighters enter a burning structure or other dangerous environment, they must do so in teams of at least two that operate in direct visual or voice contact. Additionally, there must be at least two other fully-equipped and trained fire fighters who remain outside the structure, monitoring those inside, and who are prepared to rescue them, if the need arises.

Unfortunately, most fire departments do not currently have adequate staffing to comply with these safety regulations. The result is that all too often fire fighters are sent into dangerous environments without sufficient personnel standing by to rescue them if they become disoriented, trapped, or injured.

In the face of the mounting evidence of a severe nationwide shortage of fire fighters, NFPA—the consensus, standard making body of the fire service—issued its first standard

on minimum staffing for fire departments in the summer of 2001. NFPA Standard 1710, governing deployment and operations for fire and rescue departments, was the result of years of thoroughly investigating staffing related line-of-duty injuries and deaths, and gathering and analyzing data. Ten years in the making, the standard represents the consensus of the entire fire service industry.

NFPA 1710 established minimum safe staffing levels for the full range of emergencies fire fighters encounter from basic firefighting operations to responding to tactical hazards. If fully implemented, this standard would result in more effective and efficient fire and EMS departments across the United States—and in our business that means lives saved.

Even after September 11th, localities have failed to provide the resources necessary to adequately staff fire departments. Not a week goes by that the IAFF does not receive urgent pleas for help from our locals that are facing fire fighter reductions and station closings. Examples of short staffing are common in every part of the country.

- In Maine, not a single fire department is NFPA 1710-compliant. Portland and Old Orchard Beach are among the communities considering laying off fire fighters.
- In Springfield, Massachusetts, 54 fire fighters have been laid off.
- In Texas, the cities of Dallas and Fort Worth have proposed shutting down companies. And Fort Worth is planning to reduce the number of fire fighters per apparatus from four to three.
- Seattle, Washington has proposed eliminating 31 fire fighters.
- In the Midwest, Dayton, Ohio has closed four engine companies, has refused to fill approximately 50 fire fighter vacancies that occurred through attrition, and plans to reduce the number of fire fighters per apparatus from four to three.
- Statesville, North Carolina has reduced the number of fire fighters per shift while experiencing growth in both population and the size of the jurisdiction. In 1978, Statesville had 19 fire fighters per shift protecting an area of 11.5 square miles. In 2002, Statesville has reduced the number of fire fighters per shift to 13 while the population has increased by 30% and Statesville's size has doubled to 22.6 square miles.
- In Worcester, Massachusetts, the city is honoring the memory of the six fire fighters who died in that horrific warehouse fire three years ago, by entertaining a proposal that would demolish a fire station and potentially lay off a number of fire fighters.

These examples just cited are merely the tip of the iceberg. Below the surface, there is a massive personnel crisis that is the weak link in our homeland defense. Congress would never allow our Army to engage in a war with 2/3 of its divisions understaffed. Incredibly, this is exactly what we are asking our local fire departments to do in this current war on our home soil.

While this staffing crisis must ultimately be addressed at the local level, there is much the federal government can do. And I must take a moment to commend both Chairman Collins and Ranking Member Lieberman for helping to point the way. Your leadership

in working to create a federal grant program in the Department of Homeland Security legislation to provide funds to hire local fire fighters is deeply appreciated by every fire fighter in this nation. On their behalf, I thank you.

This staffing proposal has been introduced in the 108th Congress as S. 544, the Staffing for Adequate Fire and Emergency Response (SAFER) Act. Modeled after the highly successful Universal Hiring Program used to implement the COPS program, the SAFER Act provides grants to local fire departments to fund the hiring of 75,000 additional fire fighters over a seven-year period. SAFER would create a four year program under which fire departments would apply for federal grants that would contributeto the costs associated with hiring new fire fighters, not to exceed $100,000 over four years for each fire fighter hired. Local jurisdictions would then be required to retain the fire fighter position(s) for at least one additional year.

Staffing is currently the missing piece of federal support. In recent years, the federal government has established a number of significant programs that fund fire fighter training and equipment purchases. None of these programs, however, currently provide any federal assistance for the most significant need of the fire service. All the money the federal government plans to spend on training and equipment will do little good unless we have adequate fire fighting personnel to take advantage of it. The SAFER Act creates a comprehensive and more effective federal support network.

Equipment

The second need of the fire service is equipment. Recently, the IAFF, which represents more than 90% of all the professional fire departments in the nation, conducted a survey of our State Associations. Twenty-two states participated in the survey, representing 1364 fire departments.

Among the survey findings were:

- 43% of fire departments are in need of additional personal protective clothing (i.e., coats, gloves, helmets, and boots).
- 50% of fire departments are in need of additional respirators (SCBAs).
- 70% of fire departments do not have adequate maintenance programs for their protective gear.
- 66% of fire departments are in need of better communications equipment.

The FEMA study, "*A Needs Assessment of the U.S. Fire Service*," had similar findings. Among the key findings of the report were:

- Approximately 57,000 fire fighters lack personal protective clothing.
- Approximately 1/3 of the fire fighters per shift are not equipped with respirators and nearly all the SCBA units are at least 10 years old.
- Nearly half of the fire fighters per shift are not equipped with personal alert systems (PASS) devices.
- Overall, fire departments do not have enough portable radios to equip more than half of the fire fighters on shift and the majority of portable radios are not water-

resistant.

- Approximately 75% of fire departments cannot communicate with other response agency partners whether the agencies are at the federal, state, or local level.

And beyond the need for basic equipment, there is a tremendous need for advanced hazmat equipment, in particular hazmat detecting equipment. As the nation's fire departments have become increasingly involved in WMD emergency response, the IAFF has grown concerned that the greatest threat to our safety comes not from sophisticated nuclear devices launched by foreign nations, but from so-called "dirty bombs" that utilize a conventional explosion to release radioactive material. With minimal technical expertise, anyone with access to agricultural fertilizer and low level radioactive medical waste could unleash an atomic nightmare on our soil.

In the event of such a dirty bomb detonation, calls to 9-1-1 will only report an explosion and fire. Fire fighters responding to the scene will be completely unaware of the radiological contamination dispersed miles beyond ground zero. For years we have been told that it is the job of the military, with their specialized training and sophisticated monitoring devices, to respond to such incidents. But the reality is that these military teams, as capable as they are, could be hours away. Meanwhile, the fire fighters are on the scene within minutes. It is vital that all first responders have the monitoring devices and training to use them. When fire fighters are made aware of the radiological dangers, we can take the appropriate precautions to limit our exposure so that we can begin to conduct rescue and decontamination missions.

Interoperable communications equipment is another area of great need. Far too often, emergency response operations are hindered because various responding agencies have little means to communicate and coordinate their efforts. Rather than resulting in enhanced public safety, the convergence of numerous emergency response agencies often results in chaos.

After the 1993 attack on the World Trade Center, evaluations conducted by emergency planning organizations identified lack of communication between police helicopters and the incident commander as a significant impediment to effective response. Tragically, this exact same lack of communication hindered our response on September 11th.

To address these concerns, the IAFF endorses full funding of both the FIRE Act and the First Responder program. The FIRE Act provides grants directly to local fire departments for basic needs, including personal protective gear and equipment. The First Responder program—which builds on the successful work of the Office of Domestic Preparedness—provides grants to states and localities for the purchase of specialized terrorism equipment.

Training

Lack of training continues to plague too many fire departments. Throughout the nation, there are fire fighters who essentially receive on-the-job training.

Fire fighters need training in fire suppression, EMS, rescue, hazmat and WMD response.

While not every fire fighter needs to be fully trained in every discipline, every fire fighter needs exposure to each type of training, and every fire department needs specialists in each field. We are a long way off from that simple goal.

The recent FEMA study, "*A Needs Assessment of the U.S. Fire Service*," found:

- An estimated 27% of fire department personnel who are involved in delivering emergency medical services (EMS) lack any formal training in those duties.
- Approximately 73% of fire departments fail to meet EPA and OSHA regulations for hazardous materials response training for fire fighters.
- An estimated 40% of fire department personnel involved in hazmat response, most of them serving in smaller communities, have not received hazmat training.

One of the obstacles to training that has arisen over the past year is that many jurisdictions lack the funds to backfill positions of those fire fighters who are assigned to training. Even in places where funds are available to hire training instructors, purchase training equipment, or send fire fighters to remote training facilities, many fire departments do not take advantage of these opportunities because they can not afford the overtime pay for the fire fighter who is filling in for their colleague who is being trained.

To address the need for training, we urge Congress to fully fund both the FIRE Act and the programs run by the Office of Domestic Preparedness. The FIRE Act can be used for most basic training, including EMS. And the ODP program provides some of the world's best WMD response training.

The IAFF is a proud partner in the ODP program, and we provide a unique WMD training program that uses a cadre of certified fire service instructors who are also front line fire fighters with hazardous material expertise. Rather than having students come to a central location, we provide this training on-site, and tailor the course to address the unique threats in each local community.

In addition to providing additional resources for these exceptional programs, we urge Congress to ensure that communities are able to utilize funding to backfill the positions of fire fighters who are pulled off the line to attend training.

EMS NEEDS

Fire departments provide as much as 95% of emergency medical services in the United States, and we are the largest provider of pre-hospital emergency care. Based on years of experience, the IAFF has come to the conclusion that fire-based EMS, featuring EMS-trained, multi-role fire fighters, is the most effective and efficient delivery system for emergency medical services. Many departments have heeded this call, as evidenced by the rapidly expanding role fire departments play in pre-hospital medical care. When you talk about the fire service, you are also talking about emergency medical services.

As a fire fighter and paramedic, I can tell you first hand that virtually all the needs of the

fire department I spoke of earlier apply with no less urgency to the EMS arena. Fire-based EMS providers need additional personnel, equipment, and training. As stated previously, FEMA reports that an estimated 27% of fire department personnel who are involved in delivering EMS lack formal training in those duties. This is a troubling statistic and it needs to be remedied quickly.

And just like the rest of the fire service, terrorism poses new challenges for EMS. Fire-based EMS providers need training in detecting telltale signs of biological and chemical exposure and identifying the symptoms of specific pathogens or agents while protecting themselves from these hazards.

COOPERATIVE PROGRAMS: THE F.I.R.E. ACT AND FIRST RESPONDER

As noted above, the IAFF does not see a conflict between the existing programs, including the FIRE Act and the First Responder program. The FIRE Act and First Responder serve different purposes and both have an important role in assisting fire fighters to meet the demands of public safety and homeland security. The FIRE Act funds the basic needs of fire departments, including basic personal protective gear, firefighting equipment, training, and apparatus. The First Responder program is for terrorism response, which is a specialized and advanced mission of the fire service. Thus, it is imperative that both the FIRE Act and the First Responder program are fully funded and remain separate and distinct programs.

As Congress evaluates these programs, the IAFF offers the following recommendations:

The FIRE Act

In the first two years of existence, the FIRE Act has awarded over 7,000 grants totaling $460 million for basic firefighting equipment and training. For this fiscal year, FEMA is currently accepting applications to award $750 million. While the fire service appreciates the assistance provided by the federal government thus far, the need still remains great. In the first two years of the FIRE Act, the grant requests totaled approximately $5 billion.

FEMA has done an extraordinary job of administering the program, and under its leadership the FIRE Act has become a model of efficiency. We are aware that many of our colleagues in the fire service feel very strongly that FEMA must retain operational control of the FIRE Act, and they oppose the Administration's proposal to move the program to ODP. We share many of their concerns, and concur that leaving the program at FEMA may be the best course.

However, if the decision is made to move the program to ODP, we would strongly urge Congress to require ODP to continue operating the program in the same manner as FEMA. There are three key elements to the program that should guide whichever agency administers it.

First, the FIRE Act was never intended as a terrorism-specific program. It enhances homeland security by addressing basic fire department needs. Second, the program provides grants directly to local fire departments to fulfill specific requests. Finally, the decision about which grants to award is made through a peer-review process utilizing fire fighters. Whether the FIRE Act is to be administered by FEMA or ODP, these three basic principles must be retained if the FIRE Act is to continue as a successful program.

First Responder

We also urge adequate funding for the First Responder program. There is tremendous need for a program to provide terrorism-specific training and equipment to local emergency response agencies. Specifically, we fully endorse the program's emphasis on mutual aid response, and inter-jurisdictional, inter-discipline training and exercises.

While we find much to laud in the First Responder program, we also have some concerns about the initiative. Filtering funds through the states and allowing broad state discretion has slowed getting funding to local fire fighters. Far too many states simply have no mechanism to spend this funding quickly.

We urge that the funding either be provided in grants directly to local communities or that the funding contains specific pass-thru language, requiring that at least 90% of the money be sent to the local level within 30 days.

We are also concerned that the definition of first responders is overly broad. Under the Administration's guidelines, veterinarians and utility workers would qualify as first responders. While we concur that there are many groups that must be factored into a community's emergency response plan, we believe that funding to train and equip first responders must be targeted at the recognized first responder community: police, fire and EMS.

Finally, the First Responder program must be a supplement to, not a replacement for, the successful program operated by the Office of Domestic Preparedness. ODP has been working on first responder terrorism preparedness longer than any other federal agency, and has unmatched real world experience. The federal government should tap this expertise, and allow ODP to continue to operate the successful aspects of its current programs.

CONCLUSION

For too long, the fire service has been neglected when it comes to allocating resources to protect our Homeland. Yet, we are the ones who too often make the ultimate sacrifice in defense of our nation. Only recently has the federal government begun to recognize that fire fighters are the lynchpin to an effective and strong homeland security. The fire fighters of the IAFF will be ready when the next alarm rings or when terrorists strike again. But our ranks are thin and reinforcements are needed quickly.

Congress must provide adequate resources to ensure that fire departments have the sufficient staffing, right equipment, and proper training to do the job. Our organization will never forget the sacrifice of 343 members on September 11th. Hopefully their sacrifice and heroism will be the catalyst for the federal government to embrace its responsibility and provide the resources to allow our members to do their job safely and effectively.

Thank you for this time to present the view of the IAFF. I will be available for questions by the committee.

Federal Allocation of FY03 Homeland Security Funds

One Size Formula Doesn't Fit All

State	Equipment	Exercise	Training	Planning
Maine	70%	17%	5%	7%
Texas	70%	17%	5%	7%
Hawaii	70%	17%	5%	7%
Need	???	???	???	???

ODP STATE HOMELAND SECURITY GRANT PROGRAM
FISCAL YEAR 2003 FUNDING ALLOCATIONS

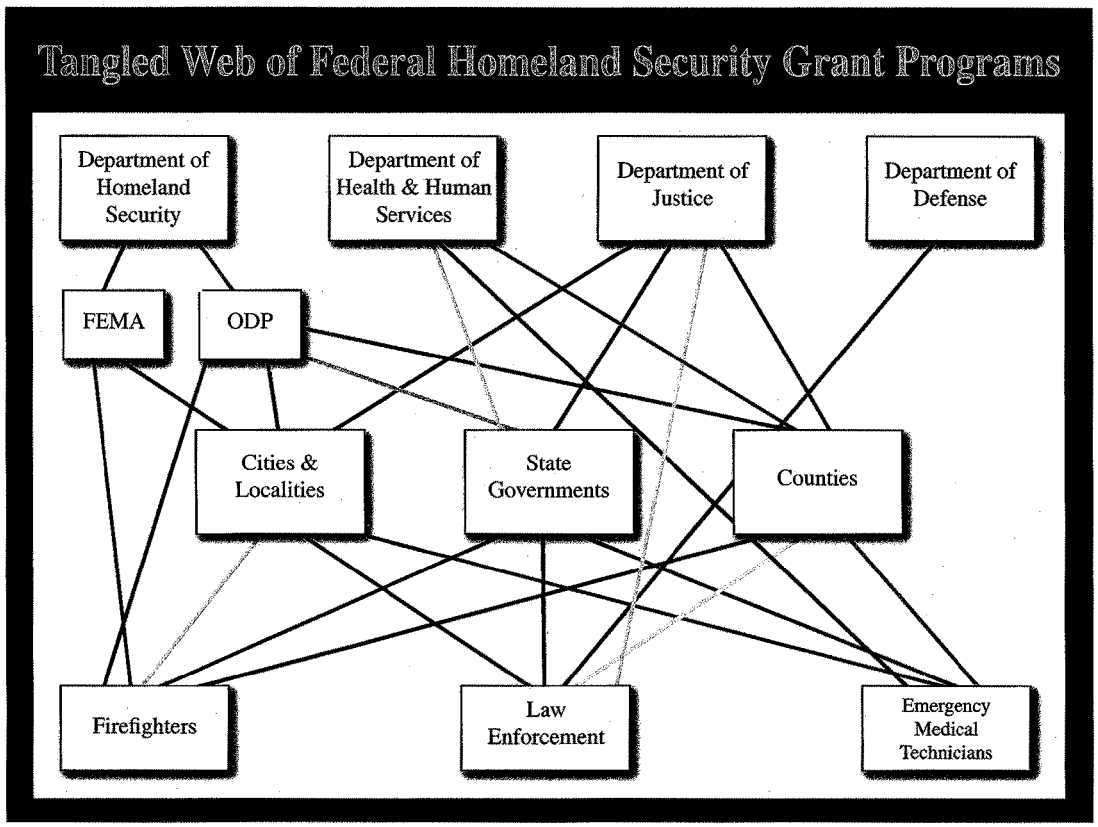
STATE NAME	EQUIPMENT ALLOCATION TOTAL	EXERCISE ALLOCATION TOTAL	TRAINING ALLOCATION TOTAL	PLANNING ALLOCATION TOTAL	TOTAL ALLOCATION
ALABAMA	6,636,000	1,659,000	498,000	664,000	9,457,000
ALASKA	3,505,000	876,000	263,000	351,000	4,995,000
ARIZONA	7,427,000	1,857,000	557,000	743,000	10,584,000
ARKANSAS	5,189,000	1,297,000	389,000	519,000	7,394,000
CALIFORNIA	31,595,000	7,899,000	2,370,000	3,159,000	45,023,000
COLORADO	6,653,000	1,663,000	499,000	665,000	9,480,000
CONNECTICUT	5,800,000	1,450,000	435,000	580,000	8,265,000
DELAWARE	3,638,000	910,000	273,000	364,000	5,185,000
DISTRICT OF COLUMBIA	3,446,000	861,000	258,000	345,000	4,910,000
FLORIDA	16,599,000	4,150,000	1,245,000	1,660,000	23,654,000
GEORGIA	9,956,000	2,489,000	747,000	996,000	14,188,000
HAWAII	3,995,000	999,000	300,000	399,000	5,693,000
IDAHO	4,073,000	1,018,000	305,000	407,000	5,803,000
ILLINOIS	13,248,000	3,312,000	994,000	1,325,000	18,879,000
INDIANA	7,999,000	2,000,000	600,000	800,000	11,399,000
IOWA	5,373,500	1,343,000	403,000	537,000	7,656,500
KANSAS	5,194,000	1,298,000	390,000	519,000	7,401,000
KENTUCKY	6,316,000	1,579,000	474,000	632,000	9,001,000
LOUISIANA	6,633,000	1,658,000	497,000	663,000	9,451,000
MAINE	4,035,000	1,009,000	303,000	404,000	5,751,000
MARYLAND	7,428,000	1,857,000	557,000	743,000	10,585,000
MASSACHUSETTS	8,218,000	2,055,000	616,000	822,000	11,711,000
MICHIGAN	11,170,000	2,793,000	838,000	1,117,000	15,918,000
MINNESOTA	7,071,000	1,768,000	530,000	707,000	10,076,000
MISSISSIPPI	5,321,000	1,330,000	399,000	532,000	7,582,000
MISSOURI	7,603,000	1,901,000	570,000	760,000	10,834,000
MONTANA	3,722,000	930,000	279,000	372,000	5,303,000
NEBRASKA	4,389,500	1,097,000	329,000	439,000	6,254,500
NEVADA	4,752,000	1,188,000	356,000	475,000	6,771,000
NEW HAMPSHIRE	4,019,000	1,005,000	301,000	402,000	5,727,000
NEW JERSEY	9,980,000	2,495,000	749,000	998,000	14,222,000
NEW MEXICO	4,492,000	1,123,000	337,000	449,000	6,401,000
NEW YORK	18,591,000	4,648,000	1,394,000	1,859,000	26,492,000
NORTH CAROLINA	9,760,000	2,440,000	732,000	976,000	13,908,000
NORTH DAKOTA	3,497,000	874,000	262,000	350,000	4,983,000
OHIO	12,287,000	3,072,000	922,000	1,229,000	17,510,000
OKLAHOMA	5,827,000	1,457,000	437,000	583,000	8,304,000
OREGON	5,850,000	1,462,000	439,000	585,000	8,336,000
PENNSYLVANIA	13,032,000	3,258,000	977,000	1,303,000	18,570,000
RHODE ISLAND	3,852,000	963,000	289,000	385,000	5,489,000
SOUTH CAROLINA	6,327,000	1,582,000	475,000	633,000	9,017,000
SOUTH DAKOTA	3,601,000	900,000	270,000	360,000	5,131,000
TENNESSEE	7,704,000	1,926,000	578,000	770,000	10,978,000
TEXAS	20,728,000	5,182,000	1,555,000	2,073,000	29,538,000
UTAH	4,868,000	1,217,000	365,000	487,000	6,937,000
VERMONT	3,483,000	871,000	261,000	348,000	4,963,000
VIRGINIA	8,924,000	2,231,000	669,000	892,000	12,716,000
WASHINGTON	7,926,000	1,981,000	594,000	793,000	11,294,000
WEST VIRGINIA	4,449,000	1,112,000	334,000	445,000	6,340,000
WISCONSIN	7,414,000	1,854,000	556,000	741,000	10,565,000
WYOMING	3,387,000	847,000	254,000	339,000	4,827,000
PUERTO RICO	6,125,000	1,531,000	459,000	612,000	8,727,000
VIRGIN ISLANDS	1,082,000	271,000	81,000	108,000	1,542,000
AMERICAN SAMOA	1,040,000	260,000	78,000	104,000	1,482,000
GUAM	1,120,000	280,000	84,000	112,000	1,596,000
NORTHERN MARIANA ISLANDS	1,050,000	262,000	79,000	105,000	1,496,000
TOTAL	**397,400,000**	**99,350,000**	**29,805,000**	**39,740,000**	**566,295,000**

Illinois Community Homeland Security Needs

CITY	POPULATION	Budget Needs	Comments
Arlington Heights	76,031	$37,000 Federal money, $0 received.	The COPS & LLEBG programs have added 3 officers last year and $50,000 to budgets, need gas masks/ contamination/hazmat equipment, created Citizen Corps Council
Aurora	142,990	Try not to base budget on federal funding.	COPS added 5 police officers last year, war protests have provided a new challenge, created a Community Safety Director, still lack gas masks, have had interoperable communications since 1996
Bloomington-Normal	110,194		COPS added 11 police officers last year
Carbondale	20,681		
Champaign-Urbana:	103,913	$100,000 Federal money, $0 received	5% of police called-up for guard duty, need training funds, war response added $15,000 in overtime during first 2 days alone, provided 10 officers to a regional containment team training time was to be comped by federal funds and haven't been, have no interoperable communications and upgrades are also not likely to be interoperable
Chicago	2,896,016	$174.7 million needed for FY'03. Received $27 million for bioterrorism, received $10.97 million on April 8, 2003	Since 9/11/01--has received $12 M directly for "bioterrorism" (December 2001 - FY02 $$) and another $15.5 M in "bioterrorism" funding in Feb 03. FY03 funding needs total $174.7 M--have received **no** Federal funds; In the FY03 omnibus, there was **$1.2B** appropriated for "first responder" funding. Of this $750 M was for "firefighter grants" and $566 M to the Office of Domestic Preparedness (transferred into DHS from DoJ). Fire Act grant cap of $750,000 per community is "useless" to Chicago and restricted usage that might make it hard to use. ODP funds are still pending allocation at Fed level but since the legislation does not require States/Govs to pass the money forward to cities and villages is an impediment to getting it out to the locals that need it . Chicago supports the Schumer amdt--getting **$4.2 B** for --and out to -- first responders is preferable to the Bush proposed $2 B.

Cicero	85,616	$500,000 for manpower alone, Federal money $0 received	COPS added 10 police officers last year (10% of force) would like to add additional officers, shifts are light, but unable without COPS money, Code Orange response adds 5 officers to patrol, must reduce training exercises, reduced connectivity, need for gas masks and equipment, do not have resources for interoperable communications, have other priorities that need addressing
East St. Louis	31,542	Federal money $0 received	Fire department already understaffed and 2 away on National Guard call-up, lack any hazmat equipment, would have to wait 1 hour before equipment would get to scene, lack gas masks, no interoperable communications
Elgin	94,487	Federal Money $0 received	COPS added 10 police officers this year, must offer retirements to officers if no money is received, stagnation of programs, no interoperable or multi-jurisdictional operations communications, need hazmat equipment, response equipment
Evanston	74,239	$500,000	need to hire additional officers, no interoperable communications and radio communication is usually a problem
Joliet	106,221	Gas mask reimbursement. Federal money $0 received	COPS added 5 police officers this year program enabled crime rate cut by 50%, have lost officers to national guard call-up and transferring officers to other responsibilities, lack gas masks and PPE's, SWAT teams need equipment, no interoperable communications
Moline	43,768	Federal money $0 received	Elimination of the block grant program would limit homeland security equipment purchasing capability, need gas masks and equipment, need interoperable communications with agencies outside the city
Mount Vernon	16,269	$138,000 Federal money $0 received	Have received block grant for past 8 years and bought equipment & increased school security, lack protective equipment and a SWAT vehicle, 6% of officers have been called-up by National Guard duty, force overtime pay, take officers away from drug control the current biggest problem
Naperville	128,358	$1,000,000 Federal money: $0 received	need manpower and equipment for those officers, reassigned officers, paying overtime for to counter reserve call-ups, need better communications within the city, no interoperable communications

Quincy	40,366	$25,000 Federal money $0 received	local law enforcement grant's have provided equipment, all budget money used to pay salaries, no interoperable communications, have other equipment needs before this can be explored
Peoria	112,936	$2,000,000 Federal money $15,000 received	Grants have permitted the department to transition to a high technology, eliminating grants will decrease efficiencies and manpower, 2% of police force has been called-up to Iraq, lack radiological detection equipment, need training & simulations, DARE and community policing programs have been cut or eliminated to respond to homeland security needs
Rockford	150,115	Not available	Code Orange adds tactical team at airport taking, 1% of officers on National Guard duty, need gas masks for officers, have shifted officers to regional SWAT teams, scan channels allow for coordination, do have a incident command vehicle
Springfield	111,454	over $500,000 Federal money $0 received	National Guard call-ups have a major impact, need biological/chemical detection equipment, no interoperable communications, maintain security of state office buildings, COPS added 4 police officers this year, 129 anthrax related contacts were made
Schaumburg	75,386	$300,000 Federal money, $0 received	all funding for homeland security has come through the village, department is in "supply mode" for protective equipment/gas masks, have a new $10mil communications system, not compatible with rest of the state
Waukegan	87,901	City has the resources to meet homeland security costs. Federal money $0 received	Increased police presence at airports and water filtration plants, ID required for all city employees since 9/11/01.


Tangled Web of Federal Homeland Security Grant Programs
Department of Homeland Security
Department of Health & Human Services
Department of Justice
Department of Defense
FEMA
ODP
Cities & Localities
State Governments
Counties
Firefighters
Law Enforcement
Emergency Medical Technicians

PUBLIC SAFETY
PSWN PROGRAM
WIRELESS NETWORK
Saving Lives and Property Through Improved Interoperability

The Report Card on Funding Mechanisms for Public Safety Radio Communications

Final

August 2001

FOREWORD

This report takes a diagnostic look at the progress made since the publication of the *Report on Funding Mechanisms for Public Safety Radio Communications* in December 1997. It examines the previously identified funding shortfalls, assesses progress made against each shortfall, and provides insight into funding mechanisms identified since the publication of the original report. Because the states have been identified as the linchpins for improving interoperability in a national interoperability strategy and the costs for systems of this nature are so high, funding progress is focused at the state and federal levels. Portions of a system life cycle, of course, are the responsibility of local entities involved in using the system, and those responsibilities are pointed out where appropriate. As an aside to the progress diagnosis and report card creation, this report also identifies remaining needs and suggests an agenda for satisfying the unmet financial needs of public safety agencies associated with wireless communication systems. Further, this report should serve as a reference tool for agencies searching for financing ideas. It lists all previously covered mechanisms and newly created mechanisms and provides their funding levels.

For further information regarding the original *Report on Funding Mechanisms for Public Safety Radio Communications* or to obtain a copy of that full report, contact the PSWN Program Office at P.O. Box 3926 Fairfax, VA 22038, (800) 565-PSWN, or www.pswn.gov.

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EXECUTIVE SUMMARY

The challenges of funding any large-scale public sector project are always present. Walking the financial tightrope of balancing constituent desire with agency need and fiscal abilities has not gotten any easier since the publication of the *Report on Funding Mechanisms for Public Safety Radio Communications* in December 1997. Less visible infrastructure projects are often viewed as less necessary by the constituents of a particular governmental agency; therefore if the price tag is large, the value is often questioned not only by the taxpayers but by those with the authority to allocate project funding. The questioning by decision makers involves both the political viability of the expenditure and, more subtly, the lack of leverage such projects give to public sector executives when seeking reelection or appointment to higher office.

In the December 1997 report, two funding shortfalls were identified with regard to public safety radio communications systems. The first was the lack of a dedicated funding source specifically earmarked for public safety radio communications. The second was that the majority of available specialized federal and state money sources catered specifically to law enforcement agencies and were not available to the fire and emergency medical services (EMS) portion of the public safety community.

Although public safety is frequently exploited as a "winning" political theme, all too often it is the frontline crime-fighting, life-protecting expenditures that receive the attention and funding. These expenditures have typically gone toward increasing the number of public safety professionals in a given jurisdiction, instituting a new task force or prosecution program, or constructing physical facilities (e.g., fire stations and prisons). More recently, funding has expanded to include mobile data systems and tools using geographical information system (GIS) technology, based on the view that such technology would provide more efficient deployment, reduced response times, and increased criminal apprehension and fire suppression rates. All of these expenditures, while easily justifiable and often very effective, reduce significantly the funding available for expenditures on mission-critical infrastructures such as radio networks.

Physical facilities, like fire stations, are a clearly visible mission-critical infrastructure. If our Nation's firefighters are to have appropriate response times to fires and medical emergencies, they must have a network of station houses that expands with their jurisdictional responsibilities. This reasoning has inherently meant that an increase in service population and calls for service should result in an increase in the number of firefighters and the number of fire stations within that jurisdiction. Why then is this method of reasoning not applied to the radio infrastructures of the same public safety agencies? Radio communications infrastructures are among the most basic elements necessary to the successful completion of any public safety agency's mission, yet they are consistently overlooked or under prioritized at budget time. Capabilities and system life cycles are stretched, and funding allocations made on an as needed basis, where "needed" is defined as a catastrophic equipment failure or loss of service.

While the funding outlook has improved in some of the grading areas, the unmet needs continue to dominate the landscape. The two major shortcomings identified previously have both seen some improvement, but neither has been eliminated.

KEY FINDINGS FROM PROGRESS ASSESSMENT

Funding Level Findings

The "federal four" are the four major grant mechanisms available to the public safety community via the Federal Government. They include the Byrne Memorial Grant (BYRNE), the Local Law Enforcement Block Grant (LLEBG), the Department of Transportation (DOT) Highway and Community Safety Grant, and the National Telecommunications and Information Administration (NTIA) Grants.

- Federal four funding declined .49 percent between Fiscal Year 1998 (FY98) and FY01 after adjusting for inflation.

Federal Four Funding Adjusted for Inflation (in millions of dollars)

Fiscal Year	Federal Four Total (1997 dollars)
1998	$1,215
2001	$1,209
Percent Change	-.49%

Federal Four Funding Levels FY98—FY01 in Nominal Dollars (in millions)

Fiscal Year	BYRNE	LLEBG	DOT	NTIA	TOTAL
1998	$509	$523	$149.70	$33	$1,215
1999	$552	$523	$150	$18.5	$1,244
2000	$552	$523	$152.8	$15.5	$1,243
2001	$562	$523	$155	$42.5*	$1,283

- Department of Justice (DOJ) asset forfeiture equitable sharing disbursements rose 30.49 percent between FY94 and FY98 after adjusting for inflation. However, it is important to remember that this mechanism is not an appropriation or government expenditure because agencies generate their own forfeiture revenue through seizure and prosecution.

Fiscal Year	DOJ Asset Forfeiture Equitable Sharing Payments (in millions)
1994	$134.65(1993 dollars)
1998	$175.68 (1993 dollars)
Percent Change	30.49%

Other Key Findings

- The National Institute of Justice's (NIJ) Advanced Generation of Interoperability for Law Enforcement (AGILE) Program is limited to a small test bed and $2,500 Regional Planning Committee planning grants for 700 megahertz (MHz) efforts only.

- The Federal Government has made more money available to fire and EMS agencies through specialized mechanisms; however, these mechanisms are not specifically designed for communications needs.

- The number of states that have Enhanced 911 (E-911) fees in place has increased since the last report, which means more revenue is potentially available to public safety for communications needs in those states, once the Federal Communications Commission (FCC) requirements that allowed those fees are met.

- A few states have planned or procured statewide infrastructures with the intention of affording local and regional agencies access to the systems for a nominal fee. These efforts represent incremental successes in establishing dedicated funding mechanisms for public safety radio communications systems, in the sense that these individual states have had to establish (using a variety of methods) a dedicated funding stream to complete their systems. While this model is debatably the preferred approach for both ensuring sufficient infrastructure and facilitating wide-area wireless interoperability, the states that have successfully negotiated the funding obstacles are still in the minority.

- In accordance with the recommendations made by the Interagency Working Group on Funding (IWGF), DOJ specifically requested $80 million in its FY00 budget to begin specific assistance efforts for states focused on building new systems designed to improve wireless interoperability among public safety agencies. This money was cut from the final DOJ budget and was never requested again in subsequent years.

Report Card on Funding Mechanisms

FUNDING SHORTFALL	GRADE ISSUED		
	FEDERAL	STATE	LOCAL
Dedicated Planning Mechanisms	D	B	N/A
Dedicated System Design and Engineering Mechanisms	N/A	C	N/G
Dedicated Procurement and Installation Mechanisms	D	B	N/G
Dedicated Operations and Maintenance Mechanisms	N/A	B	N/G
Dedicated Test Site and Technology Development Mechanisms	D	C	N/A
Specialized Funding Sources for Fire and EMS Agencies	B	D	N/A

Legend: N/A—Not Applicable
N/G—No Grade Issued

Although certain portions of the funding landscape have improved, much more needs to be done to improve and protect this national security infrastructure. The funding recommendations of the IWGF must be resurrected and re-invigorated. The funding called for by this group of federal public safety executives will allow the development of wide-area public safety radio networks, sponsored by states, as well as stimulate continued development of new technologies and piloted solutions to technical issues.

More states should assert themselves as leaders in this national effort to build comprehensive regional public safety radio networks. Once the mission-critical value is realized by the state executives across the Nation, the financial mechanisms to make the needed infrastructure improvements a reality must be identified and dedicated to the complete life cycles of these mission-critical systems.

1. INTRODUCTION

Scarcity, wants, and needs are all basic economic elements that have historically driven decisions in public finance. Although everyone can agree that scarce resources are a reality for all government agencies even in the healthiest of economies, there are frequently disagreements at appropriation time regarding what is a need and what is a want. Those responsible for making these decisions are faced with a multitude of competing interests and projects, all managed by agencies convinced that theirs is the most needed and most important to fund. Unfortunately, the decision makers are forced to make decisions based on their impressions or interpretation of information given to them at budget time. This incomplete understanding can often lead to misdiagnosed funding priorities and unmet needs.

In recent independent surveys of both law enforcement agencies and fire and emergency medical service (EMS) agencies, funding was listed as a critical obstacle to interoperability by 69 percent and 68 percent of responding agencies, respectively.[1] Even more shocking is the fact that 47 percent of respondent agencies in the fire and EMS survey either did not respond or answered "don't know" to the question, "How does your agency plan to fund its next land mobile radio system?"[2]

Funding was found to be a problem by respondents in both surveys, regardless of agency type or size.[3] It seems as if a serious disconnect occurs between the planning effort for a new system and the determination of funding sources for the conceived system. This situation is exacerbated by the fact that although a substantial portion of law enforcement, fire, and EMS agencies had not identified funding sources for their next communications system, 49 percent of all responding agencies still indicated that they were planning on replacing their systems in the 5 years following the surveys.[4]

These findings clearly indicate that many public safety executives feel helpless to control the funding of their communications projects, yet feel they must plan for the replacement of aging, ill-equipped systems anyway. Often their behavior is reflective of the apathetic attitude commonly associated with unmet public safety needs. These executives will continue to plan for new systems and then leave it up to budgetary decision makers to decide the fate of the system. Public opinion will decide who is to blame if the project is not funded, and lives are lost as a result.

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[1] As published in two independent surveys—the National Institute of Justice study *State and Local Law Enforcement Wireless Communications and Interoperability* and the Public Safety Wireless Network (PSWN) Program *Analysis of Fire and EMS Communications Interoperability*. Each study was based on nationwide surveys of public safety wireless communications and the interoperability issues facing the respective public safety communities.

[2] PSWN Program, *Analysis of Fire and EMS Communications Interoperability, April 1999.*

[3] Based on the combined results of two studies—the National Institute of Justice study on *State and Local Law Enforcement Wireless Communications and Interoperability* and the PSWN Program *Analysis of Fire and EMS Communications Interoperability*. Each study was based on nationwide surveys of public safety wireless communications and the interoperability issues facing the respective public safety communities.

[4] *Ibid.*

1.1 Purpose

The purpose of this report is to provide executive-level decision makers with a progress report on the extent to which shortfalls in the funding of public safety radio communications systems have been addressed since the publication of the *Report on Funding Mechanisms for Public Safety Radio Communications* in December 1997. This assessment is intended to serve as a diagnostic report on the extent to which government leaders and budgetary authorities have addressed shortfalls in funding public safety wireless communication systems at all levels of government. Special attention and actual grading is focused on the state and federal levels of government due to the advocacy for states acting as the linchpins for improving wireless communication interoperability among public safety agencies nationwide. This strategy promotes the build-out and maintenance of wide-area (ideally statewide) radio networks; the size and complexity of these systems warrant sizeable fiscal resources that only the state and federal levels of government will be able to provide with any regularity. However, this does not exclude the local level of government from any funding responsibility. Under the wide-area system model, the local and regional entities are allowed access to the system and thus have a clearly defined responsibility during many phases of the process. Many times this responsibility requires commitment of significant fiscal resources to ensure the system in question will meet local and/or regional needs and that the local and/or regional participants fulfill their user-based obligations to all the other user entities on the system.

In all cases, funding should be adequate to ensure both the successful accomplishment of individual agencies' missions of protecting lives and the ability to seamlessly interoperate with other public safety agencies as needed to accomplish this mission collectively.

Despite the Nation's public safety communications infrastructures being valued at more than $18 billion,[5] funding for these critical national infrastructures has traditionally been a low priority. This problem becomes especially evident when funding the entire life cycle of a system. Instead of creating a funding flow designed to fund the needs of the current system based on its realistic useful life, while also ensuring that the next system will have necessary funding when the time comes, funding is provided with much shorter term outlooks. Many times these budgetary allocations focus on maintaining the current system only, without regard to its useful life. With many agencies remaining on legacy systems well beyond their intended life, funding for new systems remains a critical public safety policy issue. This report not only provides an assessment of progress made in the last 3 years, it highlights changes to previously identified funding mechanisms and sheds light on mechanisms developed since the publication of the previous report.

1.2 Mechanism Versus Strategy

In the period following the publication of several funding-related reports, the Public Safety Wireless Network (PSWN) Program has had to point out the difference between a *funding mechanism* and a *funding strategy* to eliminate confusion between the two terms. In this report, a

[5] PSWN Program, *Land Mobile Radio Replacement Cost Study*, June 1998.

mechanism is a source of funds to be used in a communications project (e.g., Local Law Enforcement Block Grant). By contrast, a *strategy* is a method of combining and/or securing one or more funding mechanisms to assure a system will be supported throughout its life cycle (e.g., using the Local Law Enforcement Block Grant funds to pay for certain equipment as a part of the total project). So while state technology grant monies is a *mechanism*, using the same monies in conjunction with those received by a neighboring jurisdiction for a regionally interoperative system would be a *strategy* for system build-out.

1.3 Scope and Shortcomings Identified

The *Report on Funding Mechanisms for Public Safety Radio Communications* identified and detailed government revenue sources and funding mechanisms at various levels of government and also discussed public–private partnerships. It focused on identifying potential mechanisms at the local, state, and federal levels suitable for funding public safety radio communications systems, while also providing some historical background and reporting on past funding levels on the mechanisms. As a result, that report was able to point out funding shortfalls as they related to public safety radio system needs. The report, published in December 1997, covered funding mechanisms and levels, in most cases, up to Fiscal Year 1998 (FY98).

This report examines the progress made by government officials toward eliminating those funding shortfalls during the 3 fiscal years that have passed since the publication of the original report. The result is a report card on funding mechanisms. The report card itself was completed through the methodical separation of the shortfalls into logical categories and the subsequent assignment of responsibility to appropriate level(s) of government for each shortfall based on potential impact and benefit. As a more functional tool, each of the mechanisms covered in the previous report has been researched and its funding level updated. In instances where mechanisms have undergone changes or are no longer in existence, updates are made. New mechanisms found that could potentially be used to fund radio-communications-related equipment are also identified and explained. Attempts have been made in this report to include mechanism and funding level data encompassing FY99 through FY01. In some cases funding level data from FY97 or FY98 are also presented for comparison purposes.

1.4 Organization

This report is composed of five sections, including this introduction. The remaining sections are organized as follows:

- Section 2 presents the methodology used to prepare this report.
- Section 3 presents the report card on funding mechanisms and discusses the methodology used to create the report card.
- Section 4 provides a suggested agenda for addressing the unmet funding needs.

- Section 5 updates previously identified funding mechanisms and presents data on new mechanisms.

2. REPORT METHODOLOGY

The methodology employed to prepare this report began with a review of literature published by the PSWN Program pertaining to funding. The specific publications reviewed included—

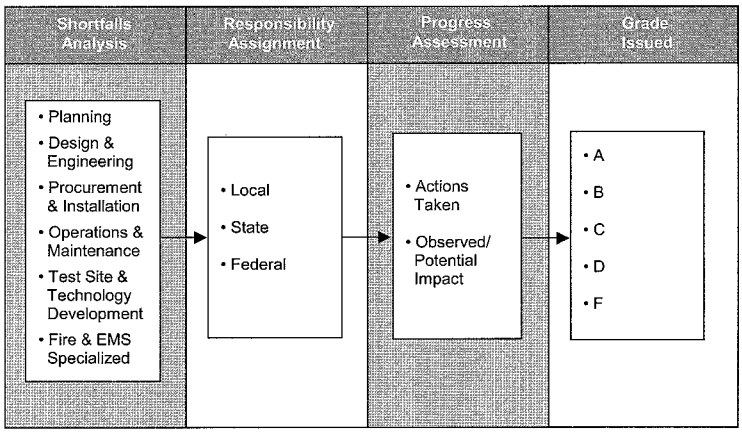
- *Report on Funding Mechanisms for Public Safety Radio Communications*, December 1997
- *Funding of Public Safety Wireless Communications Systems—Report of the Interagency Working Group*, June 1998
- *Report on Funding Strategies for Public Safety Radio Communications*, October 1998.

The literature review was followed by researching the previously covered federal, state, and local revenue sources and funding mechanisms. Special attention was paid to the funding levels of each mechanism during each budget year since the publication of the original report in December 1997. Focus then shifted to the ongoing trends for the previous mechanisms, and new funding developments were explored as they were discovered, including mechanisms not previously in existence.

The data collected during this phase of the research was then used to create the report card portion of the report. A separate methodology was used to create the report card itself, in order to specifically assess and report on progress made in critical funding areas of public safety radio communications systems.

This document refers to a system's lifecycle several times. A lifecycle is defined as the complete process of planning for, designing, funding, procuring, installing, maintaining, and retiring a public safety wireless communications system. For the purposes of this report, the lifecycle has been separated into four phases – planning, design/engineering, procurement/installation, and operations/maintenance – all centered around the need to constantly develop new technology and test innovative solutions. A complete lifecycle diagram is shown as figure 2 on page 13.

Figure 1
Report Card Process



As shown in Figure 1, the first step in creating the report card was to examine each of the previously identified funding shortfalls. Once those shortfalls were pieced into logical components, some analysis of responsibility was conducted. For each of the shortfalls, assignment of responsibility for addressing the shortfall was made to one or more levels of government based on ability to impact the shortfall and benefit gained from that shortfall area. The next step was to examine actions taken in each of the shortfall areas by each of the responsible levels of government. Once this was completed, a judgement was made regarding the actual or potential impact of action(s) taken in each of the shortfall areas. Based on that result, a grade was assigned for each of the responsible levels of government in each of the shortfall areas. The grades are based on the standard scholastic grading system; but rather than being based on percentile criteria, they are based on qualitative achievement or impact level. For a detailed description of the methodology used to create the report card itself, refer to Section 3.3.

3. REPORT CARD ON FUNDING MECHANISMS AND SUMMARY OF PROGRESS MADE

Table 1 summarizes the report card on funding mechanisms. This section describes the progress made, if any, explains the reasoning used to assign the grades shown, and describes the methodology used to arrive at those grades.

Table 1
Report Card on Funding Mechanisms

FUNDING SHORTFALL	GRADE ISSUED		
	FEDERAL	STATE	LOCAL
Dedicated Planning Mechanisms	D	B	N/A
Dedicated System Design and Engineering Mechanisms	N/A	C	N/G
Dedicated Procurement and Installation Mechanisms	D	B	N/G
Dedicated Operations and Maintenance Mechanisms	N/A	B	N/G
Dedicated Test Site and Technology Development Mechanisms	D	C	N/A
Specialized Funding Sources for Fire and EMS Agencies	B	D	N/A

Legend: N/A—Not Applicable
N/G—No Grade Issued

3.1 Grading Criteria

The following grading criteria and qualitative assessment measurements were used when assigning grades to the levels of government responsible for addressing each of the shortfall areas.

A—ACTION TAKEN TO ELIMINATE SHORTFALL

To earn an "A," a shortfall must have been addressed through actions that would likely lead to the eventual elimination of that particular shortfall within that responsibility category. This does not mean that the shortfall was eliminated at the time of this report; however, the actions taken must have been significant and directed at a particular shortfall.

B—ACTION TAKEN RESULTED IN IMPACT ON PROBLEM

Although some well-intentioned action may have taken place, and it may have been enough to have some significant level of impact on the shortfall, it does not necessarily mean that the shortfall would be eliminated as a result. These cases were graded as a "B."

C—ACTION TAKEN BEGINS TO ADDRESS SHORTFALL

A grade of "C" was issued in cases where some action was taken to address a shortfall, however the action was insufficient to result in any significant impact on the shortfall.

D—ACTION TAKEN IS INSUFFICIENT TO HAVE MEANINGFUL IMPACT

In cases where action was taken that was clearly not enough to have any impact on a shortfall, a grade of "D" was issued.

F—NO ACTION TAKEN

3.2 Discussion of the Progress Made and the Grades Issued

Progress must be evaluated in the context of individual shortfall areas and the corresponding responsibility assignment. The level of government assigned responsibility for that shortfall area was evaluated for its attention to the shortfall and the observed or likely results from any actions taken. Based on that evaluation, a grade has been issued. For the grading of state efforts, all states have been considered together as one decision making body.

3.2.1 Dedicated Funding Mechanism for Planning

Federal—The Advanced Generation of Interoperability for Law Enforcement (AGILE) Program within the National Institute of Justice (NIJ) has a component within it to support the planning efforts of regional planning committees focused on 700 megahertz (MHz) spectrum by funding an unspecified number of $2,500 planning grants. While this grant is aimed at supporting and even promoting system planning, the amount is insufficient to allow for any long-term planning or to fund the development of real strategy-based plans. The Department of Transportation State and Community Highway Safety Grants could also be used to plan for a new system, but the funding levels have not increased notably in the last 4 years. The suggested funding recommended by the Interagency Working Group on Funding (IWGF) would have provided for substantial planning support, but it was cut from the FY00 Department of Justice (DOJ) budget and never re-requested. The actions taken by the Federal Government in this funding area have begun to address the need for planning support but are not sufficient to have any meaningful impact on the problem as a whole.

Grade issued: D

State—Many states placed themselves in the "planning stages" of their next radio system when responding to a recent interoperability survey.[6] The increased activity in 9-1-1 related fees authorized by law in a large number of states since the original report is a favorable development for the funding of system planning. Once the states have used the new revenue streams to pay for the required upgrades to their dispatch and emergency call receiving capabilities, they can reallocate the revenues to overall radio system enhancement. The fact that, as recently as a year ago, 24 percent of states responding to an interoperability survey indicated that they were in the planning stages of a new shared radio system indicates that each of these states is financing the planning efforts to some degree. The actions taken in this area by the states have begun to

[6] According to the *PSWN Interoperability Index Survey, 2000*, 12 out of 49 responding states placed themselves in the "planning" category.

address the shortfall but will not necessarily eliminate the shortfall entirely unless more states follow suit.

Grade Issued: B

3.2.2 Dedicated Funding Mechanism for System Design and Engineering

State—Because states are the owners of these new wide-area radio networks, it is incumbent upon them to properly design and engineer them. This, of course, is a substantial challenge in the absence of adequate funding for this portion of the life cycle. Five out of 49 states responding to a recent interoperability survey indicated they were currently in the design phase of their new systems.[7] It is assumed that these efforts are being funded at the state level. In most cases, the states are financing these efforts through the operating budget of their current system or through the proceeds of whatever mechanism they are using for overall system financing in a more comprehensive system effort. Again, the new streams of revenue many states are realizing through the enactment of 9-1-1 related service fees could be reallocated to the design phase of a life cycle, once Federal Communications Commission (FCC) requirements[8], which allowed the fees have been met. While five states is better than none, there are still plenty of states whose system projects have not moved out of the planning phase simply because sufficient money has not been allocated to the project. The action observed thus far is sufficient to begin to address the shortfall but does not seem vigorous enough to have any meaningful impact on the problem nationally.

Grade issued: C

Local—Local public safety entities that have chosen to use a shared system for their communication needs should be actively involved in the design phase of the system to ensure that their needs are met. This involvement may not necessarily include financing a portion of the design itself but should be supported through the normal operating budget of the involved or affected agencies by contributing personnel time, etc. to assist during the design phase.

Grade issued: N/G

3.2.3 Dedicated Funding for Procurement and Installation

Federal—The Federal Government can help state and local entities defray the enormous costs usually associated with this step of the life cycle by awarding grant monies and by timely disbursement of asset forfeiture funds to the sharing law enforcement agencies. In the past 4 years, the amount of money available to agencies for this purpose, via grants, has actually declined when adjusted for inflation. While asset forfeiture disbursements have increased, it is important to remember that these are not actually government appropriations but are equitable

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[7] *PSWN Interoperability Index Survey, 2000.*

[8] *FCC Final Order, Revision of the Commission's Rules To Ensure Compatibility with Enhanced 9-1-1 Emergency Calling Systems; DA 94-102, rel. December 23, 1997.*

distributions of monies seized by the state and local entities in the first place. The only mitigating circumstances are that the newly created fire grant mechanisms do have latitude sufficient to allow for the purchase of some communications equipment should the applying agency be approved. However, the amount of money available is not sufficient to finance any comprehensive communications solution. The actions taken in this area have been insufficient to have any impact on the shortfall.

Grade Issued: D

State—The states that are constructing wide-area public safety radio networks bear the brunt of responsibility for the procurement and installation expenses. After all, it is their system, and they will get the most benefit out of this portion of the life cycle. The funding methods usually employed for this phase include a multiyear budget appropriation from a state's general fund or the issuance of a general obligation or revenue bond sufficient to pay for the system. The amount of activity observed in this area has been directly related to the number of states that have committed to constructing a new system. Twenty out of 49 states responding to a recent interoperability survey said they were either procuring or installing a new, shared system.[9] This result indicates substantial funding commitments from almost half of all states. This is measurable progress by almost any standard. If this trend were to continue, it would have a significant impact on the shortfall.

Grade Issued: B

Local—The funding of procurement and installation by local entities is primarily restricted to the new equipment necessary to function on the new wide-area radio network. Because these new networks are often in completely different frequency ranges than the previous systems, many local agencies must invest in totally new radio complements for their public safety personnel. This procurement can represent a sizeable amount of money for many agencies, but the costs savings inherent in a shared infrastructure system should help offset the new expense, and the new equipment should provide increased user advantages for the long term.

Grade Issued: N/G

3.2.4 Dedicated Funding for Operations and Maintenance

State—Once the system installation is complete, funding emphasis must shift to operations and maintenance needs. These expenses can be very low in the first years following the installation, due to equipment warranties and the overall newness of the system itself. A dedicated mechanism is needed nonetheless because of the somewhat unpredictable nature of these funding requirements. Seven out of 49 states responding to a recent interoperability survey indicated that they were in the "system enhancement" phase of their system life cycle. Only three of these seven indicated that they had a dedicated funding mechanism for their system. We must assume then that the other four states must acquire funding for their needed upgrades as the need

[9] Ibid.

arises. State decision makers must adjust their thinking to accept that the financial needs for a system do not end when the system is installed. The surge in the number of states enacting E-911 fee legislation signals a large amount of new revenue available for system operation and maintenance use. If this newly realized revenue stream is utilized prudently it could have a substantial impact on the shortfall in the area.

Grade Issued: B

Local—Funding in this area is again usually restricted to the equipment related needs of the local agencies using the wide-area network. These agencies too must dedicate funding for equipment replacement, upgrade, or expansion based on good-faith estimates of the new system's useful life span and the agency's growth projections during the same time period.

Grade Issued: N/G

3.2.5 Dedicated Funding for Test Sites and Technology Development

Federal—In the interest of the continued enhancement of national public safety, the Federal Government should be largely responsible for funding new test sites and supporting technology development. These investments should be made with an eye toward nationwide use and benefit. With the exception of a small-scale test bed supported to some extent by NIJ's AGILE Program, this need has gone unmet at the federal level. Again, the IWGF's recommendation for funding included a large test-site support component, which was never funded and never re-requested. Although some valuable lessons may be learned from the current AGILE efforts, they are clearly not enough to have any significant impact on the problem nationwide.

Grade Issued: D

State—In cases in which a totally new system is not going to be built, states must support and fund the testing of regional approaches that could have a wider impact if successful. They should also support the development of new technological approaches in areas of the state that have traditionally presented public safety coverage or interoperability challenges. Pennsylvania is currently testing a new technology that could have widespread application if it is successful. Similarly, California has committed significant financial resources to a multiyear test case while trying to decide which approach is best for their statewide needs, and Idaho is exploring the possibility of sharing microwave infrastructure with adjoining states. These are examples of what should be done at the state level. These efforts have begun to address the shortfall area, but unless a significant number of additional states follow the lead, the shortfall will not be impacted in any meaningful way.

Grade Issued: C

3.2.6 Specialized Funding for Fire and EMS

Federal—The addition of the Federal Emergency Management Agency (FEMA) based Fire Investment and Response Enhancement (FIRE) grant and the Department of the Interior (DOI) rural fire agency grant are both positive steps toward meeting a demonstrated need in this area. Although the funding levels for these programs are not nearly enough to meet demand, the vigorous pace at which agencies are applying for the money should bolster future funding requests at appropriations time. These programs will certainly have an impact on some of the previous funding shortfall, although neither specifically addresses communications equipment.

Grade Issued: B

State—Some states are beginning to establish specialized grant mechanisms specifically for fire agencies. Only a couple of examples have been found during this research. At the present, the actions taken by the states have been insufficient to have any impact on the shortfall.

Grade Issued: D

3.3 Report Card Methodology

To best evaluate the progress made in response to the previously identified shortfalls, a comprehensive review of the shortfalls themselves was conducted. In the first case, *no dedicated funding mechanisms for public safety radio communications*, it does not seem prudent to expect the responsibility to lie wholly with one level of government. The argument could easily be made that most responsibility for this area should lie at the federal level. Because these systems are so large (and expensive) and the Federal Government is making the case for statewide infrastructures comprehensive enough to allow all public safety agencies within the state to use them, the states should bear the brunt of the financial responsibility for them. Another argument could easily have the states assume the responsibility for the construction of a statewide system designed to support all public safety agencies within that state.

Deferring to an earlier document examining funding strategies for public safety radio communications systems,[10] the complete life cycle of a system should be considered in these situations. A system's life cycle has distinct phases, all equally important, yet each affecting funding in different ways. This report card methodology separates the life cycle into four phases (see Figure 2):

- Planning
- Design/Engineering
- Procurement/Installation
- Operations/Maintenance.[11]

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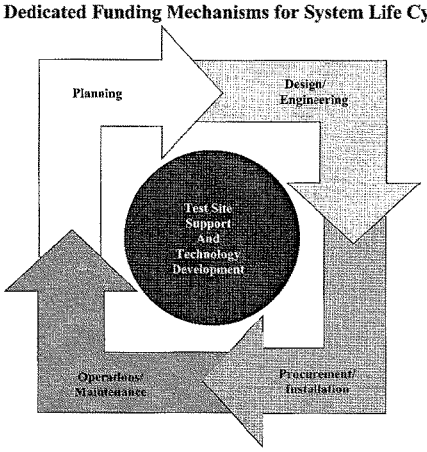
[10] PSWN Program, *Report on Funding Strategies for Public Safety Radio Communications*, October 1998.

[11] This approach differs slightly from the life-cycle separation in the *Report on Funding Strategies for Public Safety Radio Communications*. Planning and Design are considered separate components for funding purposes on the assumption that

Also included in the life-cycle approach is the need to constantly develop new technology and test innovative approaches to interoperability issues through test-site support. This "fifth phase" of the life cycle encompasses all the other four phases and should be ongoing.

Figure 2
Dedicated Funding Mechanisms for System Life Cycles



Therefore, it makes sense to examine each phase of the life cycle to determine at which level of government responsibility should reside for funding that phase. This assignment should be made in accordance with the overall purpose of the phase and the potential benefit to each level of government. The following sections outline each phase of the life cycle and the assignment of funding responsibility for that phase. This approach is a hybrid of the approach outlined in the *Report on Funding Strategies for Public Safety Radio Communications* and the recommendations for funding made by the IWGF as outlined in their summary report[12]

3.3.1 Planning

Planning for a new system and planning the actual systems are two different things. For this report the planning of an actual system is relegated to the design phase of the life cycle. Planning for a new system, however, is a crucial period of time. It is during this phase that partnerships are formed, shared systems conceptualized, and agency agreements formalized. The

planning to acquire a new system and then actually designing the new system are very different pieces of the life cycle, and therefore should be funded differently.

12 *PSWN Program* Report on Funding Strategies for Public Safety Radio Communications, *October 1997 and* Funding of Public Safety Wireless Communications Systems – Report of the Interagency Working Group, *June 1998.*

exploration of sharing resources and thinking about interoperability are a must at this stage of the process. This kind of system planning has been recommended by the FCC through its sub-group, the National Coordination Committee (NCC) for the use of the spectrum in the 700 MHz frequencies currently available for state licensing. The formulation of regional planning committees (RPC) has been strongly encouraged to facilitate shared systems development and resource sharing among the agencies in each FCC region. Refer to Section 5.6.2 for details on planning grants available for RPCs through the NIJ.

Because all planning efforts should maximize potential for partnerships in a large area and promote shared systems development, it makes sense for these efforts to be supported at the state and federal levels. As the federal level has demonstrated through the RPC grant model, funding should not be an obstacle to groups of government agencies coming together to plan for a wide-area approach to system development. Dedicated funding for planning support should be, at a minimum, sufficient to allow for the formulation of statewide or regional coordination committees, completion of strategic planning efforts, and formalization of partnership agreements between involved agencies.

3.3.2 System Design

The responsibility for designing a new communications infrastructure capable of serving all agencies within its effective area should lie with those entities overseeing the construction of the infrastructure. For this reason, most of the responsibility should lie with state agencies. A statewide infrastructure is an effective approach to comprehensive wide-area interoperability, as demonstrated by systems built in Michigan and Pennsylvania. Some responsibility for system design could lie with local agencies if they anticipate migrating to the new system once it has been constructed. It would then behoove that agency to contribute to the design efforts to ensure they will meet the agency's anticipated needs. Dedicated funding for system design should, at a minimum, include funding for needs assessments, cost model development, system engineering, and small-scale test sites if a new technology is to be utilized.

3.3.4 Procurement/Installation

The responsibility for procurement and installation of the system and its components lies with those agencies building and using the system. Under the model of a statewide system, this financial responsibility for infrastructure procurement would lie with the state building the system. Some of the costs could be offset through federal grants or a future revenue stream based on anticipated or agreed upon user fees, but the majority of the funding must come from the state building the system. In the cases of local agencies planning on using a larger area's infrastructure for their communications needs, responsibility for funding the necessary equipment to operate on that system lies with those individual agencies. Dedicated funding for system procurement and installation should, at a minimum, include funding for initial system acquisition and installation, additional equipment for new users, and complete build-out of a phased system design.

3.3.5 Operations/Maintenance

The responsibility for operational and maintenance costs associated with the infrastructure itself lies wholly with the state. Again, some of these costs can be offset through user fees, but the builder of the system has the financial responsibility to dedicate funding to the continued operation and upkeep of the system itself. This funding should also include anticipated equipment replacement or upgrades over the anticipated useful life of the system. Again, in the cases of local agencies using the infrastructure for their communications needs, the responsibility for the maintenance of their individual agencies radio equipment lies wholly with them unless they arrange an alternate use agreement for their equipment.[13] Dedicated funding mechanisms for system operations and maintenance should, at a minimum, include funding for anticipated equipment replacements and system upgrades, emergency reserve funds, and interagency operational training exercises and ongoing interoperability testing.

3.3.6 Test Sites and Technology Development

The support of test sites and development of new technologies is an area that will benefit all of public safety. Responsibility for funding these efforts falls largely on the federal level because these developments stand to benefit the Nation's citizenry as a whole through the increased capabilities of the public safety community. Some support of test sites must occur at the state level as well though, because states will use these sitesto determine the best approach to their wide-area communications needs. Dedicated funding for technology development and test sites should, at a minimum, include funding for seed monies to encourage strategic pilot and proof-of-concept projects and for partnered development of new wireless technologies applicable to public safety use and standards-based equipment.

In the case of the second shortfall, *a lack of specialized funding for fire and EMS agencies*, responsibility clearly falls on the state and federal levels of government. This assignment is based on the premise that most fire and EMS agencies exist at the local or regional level of government and are therefore funded out of those entities' budgets. It is impractical to ask the funding entity to also fund "specialized mechanisms" because any additional funding of the agency at that level would simply constitute a larger operating budget. Therefore, specialized funding for Fire and EMS agencies designed to allow them to address their communications needs must originate from the state and federal levels of government through grant programs and other assistance vehicles.

Table 2 summarizes the recommended funding mechanism responsibilities for the three levels of government, broken out by the type of mechanism.

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[13] Some local agencies lease their equipment from the agency responsible for the system infrastructure that they use. This arrangement allows for centralized equipment procurement, upkeep, and replacement, and reduces the need for the local agency to maintain their own equipment.

Table 2
Funding Mechanism Responsibility

DEDICATED FUNDING MECHANISM	RESPONSIBILITY FOR FUNDING		
	FEDERAL	STATE	LOCAL
Planning	✓	✓	
System Design and Engineering		✓	✓
Procurement and Installation	✓	✓	✓
Operations and Maintenance		✓	✓
Test Sites and Technology Development	✓	✓	
Specialized for Fire and EMS	✓	✓	

4. RECOMMENDED ACTIONS AND SUGGESTED AGENDA FOR IMPROVEMENT

An agenda for action is suggested here as a way to continue progress in providing funding for public safety radio communications systems. The recommendations are directly related to the two main shortfalls previously identified in the *Report on Funding Mechanisms for Public Safety Radio Communications* and the extent to which each of these shortfalls has been addressed by policy makers and budgetary executives.

1. Dedicated funding mechanisms for public safety radio communications must be developed in accordance with the life cycle of a system—

Dedicated mechanisms to fund each phase of the life cycle must be identified and committed. The federal grant program originally recommended by the IWGF could have a substantial impact on both the planning and test site and technology development phases of the life cycle. This program should be resurrected and re-requested by DOJ.

These mechanisms should, of course, be aimed at encouraging states to accept responsibility for the development of wide-area public safety radio networks meeting the following criteria:[14]

- Full interoperability
- Spectrum efficiency
- System coverage
- Inclusion of all levels of government
- System security
- Fiscal responsibility.

It is imperative that more states recognize the critical nature of our Nation's aging and inadequate public safety wireless communication infrastructure and take immediate steps to make its improvement a priority. Dedicated funding mechanisms for every shortfall area must be established or the problem will worsen. Many states would like to provide their residents and public safety professionals with a seamless, statewide radio system but simply cannot afford it. For these cases new sources of revenue, such as E-911 fees or highway user fees, should be explored and employed efficiently, and federal assistance should be sought through the mechanisms described in this report.

2. Increase the types of mechanisms available to fire and EMS agencies for use in communications-related projects—

Although noticeable progress has been made in this area, more action is needed. Some grants have been developed and more are pending legislation. Although these new funds will allow many fire and EMS agencies to begin the process of updating their equipment, they are

[14] Abbreviated from the *Report of the Interagency Working Group on Funding (IWGF) on Public Safety Wireless Communications Systems,* 1998.

not comprehensive or substantial enough to allow for the construction of communications systems. New mechanisms are needed specifically for this purpose.

At a minimum, these new mechanisms should allow for the purchase of radio equipment and system upgrades. More ideally, they should be increased substantially and constructed so that they encourage the fire and EMS agencies to participate in shared system development projects. Just as many law enforcement agencies have been able to combine their collective grant soliciting rights to finance regional mobile data systems, fire and EMS agencies should be allowed and encouraged to seek and use special funding for the development of a wide-area radio network or to buy in to larger regional or statewide infrastructures. The responsibility for creating these funding mechanisms and communications incentives should be shared between the federal and state governments.

5. FUNDING MECHANISM RESEARCH FINDINGS

The mechanisms previously covered in the *Report on Funding Mechanisms for Public Safety Radio Communications* are presented here according to the level of government with which they are associated. Each is included for the purpose of updating its annual funding level since the publication of the last report or to report changes in its applicability as a financing vehicle for public safety radio systems. Mechanisms not in existence at the time of the previous report are covered as "new mechanisms."

5.1 Update on Existing Federal Funding Mechanisms

Federal funding mechanisms are usually used to transfer federal revenues to state and local government entities. These mechanisms advance national interests and national policy goals for the citizenry. They also help meet otherwise unfulfilled needs at the state and local levels.

5.1.1 Federal Budget Appropriations

Federal appropriations continue to be a significant source of potential funding. Although growth in non-defense discretionary spending has slowed in recent years, the Bush administration estimates that this kind of spending will total $373 billion in FY02. Overall, the Congress appropriated more than $4.7 billion in FY01 to enhance assistance to state and local law enforcement agencies through grants and other mechanisms. Specific appropriations to law enforcement programs and public safety agencies will continue to come under some scrutiny but should still show modest growth under the Bush administration.

Earmark Aids New Hampshire Search and Rescue

New Hampshire public safety secured $100,000 in FY01 House Interior Appropriations funding for White Mountain National Forest search and rescue programs to upgrade radio equipment for Tuckerman's Ravine and other National Forest search and rescue efforts. This funding was not part of any grant program or other funding mechanism but was a direct earmark included in a spending bill by a member of Congress representing the affected district.

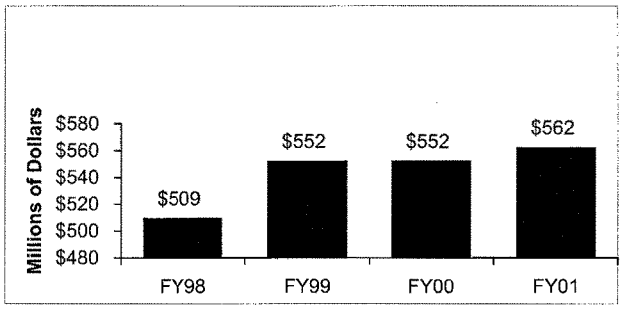
Community Oriented Policing Services Making Officer Redeployment Effective Grant. Overall, funding for the Community Oriented Policing Services (COPS) program has remained static. While the program received as much as $1.4 billion in FY98, spending for FY01 was limited to slightly more than $1 billion. Between FY95 and FY00, the COPS program received more than $7.6 billion to aid law enforcement with community policing. Under COPS Making Officer Redeployment Effective (MORE) 2001, up to $81 million in grant funding is available to U.S. law enforcement agencies for the purchase of information technology systems.[15] However, rather than a 15-percent match as in the past, the program now requires that local jurisdictions provide at least a 25-percent cash match for all grant funds sought for

[15] U.S. Department of Justice, *COPS MORE Fact Sheet,* May 1, 2001.

technology and certain equipment. In addition, it is also important to note that funding for this program has gradually declined, and the FY02 budget proposal by the Bush administration includes a $270 million reduction in grants to the COPS programs.

Edward Byrne Memorial State and Local Law Enforcement Assistance. There have been no major changes to the Byrne discretionary and non-discretionary programs since publication of the original report. In FY98, Byrne programs received $509 million from direct appropriations (i.e., $462.5 million for formula grants and $46.5 million for discretionary grants). In FY01, the Congress provided $562 million in total funding, including $498.9 million in formula grants and $63.39 million in discretionary grants. In FY01, as was the case in FY00, the Byrne discretionary grants program funding is highly earmarked. Of the $63.39 million appropriated specifically for discretionary grants, more than $62 million is set aside to fund 49 specific programs. Figure 3 shows funding levels for the Byrne grant for the past 4 fiscal years.

Figure 3
Byrne Grant Funding Levels



Federal Emergency Management Agency Grants. Although funding for FEMA grants has been relatively constant, the majority of funds have been allocated to risk and capability assessment, planning, mitigation, and preparedness activities rather than public safety radio systems. FEMA grants are administered on the basis of actual emergencies or emergency preparedness and require that the agency in need match 50 percent of the donated funds. FEMA is requesting $135 million in the FY02 Budget for emergency management performance grants. These funds are used by state emergency management agencies to improve and maintain state and local capabilities for addressing all hazards. In FY01, grant assistance awards for this program ranged from $400,000 to $10.7 million, and the average grant award was $2.4 million. The agency estimates it made awards totaling $137 million in each of the last 2 fiscal years, FY00 and FY01. Until FY01, FEMA did not allocate any money specifically to improve the quality of public safety agencies themselves; however, a new mechanism has emerged through

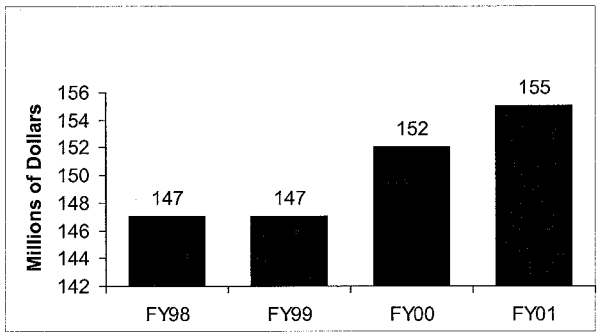
FEMA for FY01 that helps fire agencies. For further information, see Section 5.1.1, FEMA FIRE Grant.

Local Law Enforcement Block Grants. The Congress provided the Local Law Enforcement Block Grants (LLEBG) Program $523 million in FY00 and FY01. In addition, each state receives a minimum award of 0.25 percent of the total amount available for formula distribution under the Block Grants Program. Most recently, direct awards based on formula calculations ranged from a minimum of $10,000 to more than $25 million. Funding has been stable in nominal dollars for this mechanism for 4 consecutive years.

National Telecommunications and Information Administration of the U.S. Department of Commerce Grants. In FY99 and FY00, the National Telecommunications and Information Administration (NTIA) received an average of more than 700 grant applications each year requesting a total of $500 million. NTIA awarded approximately $18.5 million in grant funding in FY99 and $15.5 million in FY00. In FY00, the range of financial assistance awards was $56,625 to $600,000, and the average amount was $409,400. The NTIA estimates that its FY01 grant disbursements will be $42.5 million.

State and Community Highway Safety Grants (administered by the Department of Transportation). Disbursements from this program in FY00 were approximately $150 million, and FY01 disbursements are estimated at $153 million. In FY00, the range of financial assistance was $340,000 to $13 million, and the average amount was $2.2 million. Figure 4 shows the funding levels for this mechanism for the past 4 fiscal years.

Figure 4
State and Community Highway Safety Grant Funding Levels



5.1.2 Federal Asset Forfeiture Funds

The Department of Justice Assets Forfeiture Fund. Following a decade of rapid growth in which the use of asset forfeiture as a significant sanction against criminal conduct was

first embraced on a widespread basis, the level of asset seizures and forfeitures has stabilized in recent years. After peaking at more than $644 million in FY91, DOJ's asset forfeiture fund deposits declined to $445 million in FY97 and $448 million FY98. In FY91, DOJ's equitable sharing payments peaked at $283.3 million but recently have only been as high as $196 million (FY98). Table 3 demonstrates the fluctuation of equitable sharing payments made by DOJ between 1991 and 1998.

Table 3
DOJ Asset Forfeiture Equitable Sharing Payments

Fiscal Year	Payment
1991	$283.3 million
1994	$134.63 million
1998	$196 million

The Department of the Treasury Forfeiture Fund. Forfeiture fund deposits for the Treasury have fluctuated in recent years, after reaching a high of $271.7 million in FY95. The most recent reports released by the Treasury indicate that $248 million was deposited in FY98.

Table 4 lists all applicable federal funding mechanisms and their corresponding web site addresses.

Table 4
Federal Funding Mechanism Internet Resources

Grant Program	Applicable Web Site
Bureau of Justice Assistance	http://www.ojp.usdoj.gov/BJA
Byrne Memorial Grant	http://www.ojp.usdoj.gov/BJA/html/byrnef.htm
Community Oriented Policing Services (COPS) program	http://www.usdoj.gov/cops/
Council on Foundations	http://www.cof.org
Department of Justice Assets Forfeiture Fund	http://www.usdoj.gov/jmd/afp/06fund/indextxt.html
Department of the Treasury Forfeiture Fund	http://www.ncjrs.org/htm/tff.htm
Department of Transportation (DOT) Highway and Community Safety Grant	http://www.dot.gov/ost/m60/grant/
Federal Domestic Assistance Catalog	http://www.gsa.gov/fdac/queryfadac.html
Federal Emergency Management Agency Grants	http://www.usfa.fema.gov/grants/
Local Law Enforcement Block Grant	http://www.ojp.usdoj.gov/BJA/html/llelig.htm
National Criminal Justice Reference Service	http://www.look@ncjrs.aspensys.com
National Institute of Justice's Advance Generation of Interoperability for Law Enforcement Program (AGILE)	http://www.ojp.usdoj.gov/cita/
National Public Safety Telecommunications Council (NPSTC)	http://npstc.du.edu/rpcfunding/rpcfunding.html
National Telecommunications and Information Administration (NTIA) Telecommunications and Information Assistance Program (TIIAP)	http://www.ntia.doc.gov

5.2 Update on Existing State Funding Sources

Similar to the Federal Government, state governments support the development, deployment, and maintenance of public infrastructure projects, such as public safety radio communications, through a variety of funding mechanisms. Recently, several states have overseen the acquisition of statewide public safety radio networks without federal funding assistance, funding these very expensive infrastructures through a variety of means.

5.2.1 Surcharges

911 and E-911 Surcharges. According to the FCC Web site, wireless 911 rules seek to improve the reliability of wireless 911 services and to provide emergency services personnel with location information to enable them to locate and provide assistance to wireless 911 callers much more quickly.[16]

In a series of orders issued since 1996, the FCC has taken action to improve the quality and reliability of 911 emergency services for wireless phone users by adopting rules to govern the availability of basic 911 services and the implementation of E-911 for wireless services. In May 1999, the FCC adopted requirements to improve the ability of cellular phone users to complete wireless 911 calls. The 911 call completion rules are intended to improve the security and safety of analog cellular users, especially in rural and suburban areas. To further these goals, the FCC has required wireless carriers to implement the E-911 service. In turn, a wireless service surcharge was created to generate the revenue needed to meet the FCC requirements.

In 1995, only a handful of states assessed some form of surcharge on wireless customers for 911 services. At that time, the fees ranged from $0.10 to $1.00 per month, per customer. By the 2001 legislative cycle, 42 states had passed laws funding wireless 911 service by charging monthly user fees, otherwise known as E-911 surcharges. Table 5 lists all states with surcharges and their amounts.

Table 5
FY2001 State Surcharges on Wireless 911 Service

State	Surcharge ($)
Alabama	0.70/month
Alaska	0.50–0.75/month local surcharge depending on population
Arizona*	0.20/month
Arkansas*	0.50/month per subscriber
California	Currently Undecided
Colorado*	0.70/month
Connecticut	0.50/month
Delaware	0.50/month local surcharge
Florida	0.50/month
Georgia	1.50/month
Idaho	1.00/month

16 http://www.fcc.gov/e911/factsheet

State	Surcharge ($)
Illinois	1.25/month local surcharge
Indiana*	1.00/month
Iowa	0.50/month
Kansas	0.75/month local surcharge
Kentucky*	Undecided Increase
Louisiana	1.00/month for private; 2.00/month for business
Maine*	0.32/month
Maryland*	Increase from 0.32 to 0.50
Massachusetts	0.75/month
Minnesota*	Increase from 0.30 to 0.50
Missouri	0.50/month pending voter approval
Montana*	0.15/month
Nebraska	0.50/month
New Mexico	0.51/month
New York	Undecided
North Carolina	0.80/month
North Dakota	$1.00/month
Ohio	0.65/month
Oklahoma	0.50/month pending voter approval
Oregon	0.75/month
Pennsylvania	1.00/month local surcharge
Rhode Island*	0.47/month
South Carolina	0.75/month per subscriber
South Dakota	0.75/month local surcharge
Texas*	0.50/month per subscriber
Utah	0.50/month
Virginia*	0.75/month
Washington	0.45/month
West Virginia*	0.75/month per subscriber
Wisconsin	0.25–1.00/month local surcharge depending on population
Wyoming	0.50/month local surcharge

*Denotes states that have designated at least some money specifically for public safety communications equipment.

The current trend for the revenues generated by E-911 surcharges is to use them to pay for 911 system upgrades required in each jurisdiction to meet the FCC requirements. Once the system upgrades are paid for, the states can use the money to maintain and create more interoperable radio systems. Currently, 13 states have specifically designated some monies from this revenue stream for communications interoperability as part of the normal maintenance of their current wireless radio systems. For example, according to the Iowa Emergency Management Division, the State of Iowa has generated more than $1.1 million a quarter to comply with FCC cellular regulations. After the State of Iowa has complied with the FCC regulations, it will be in a position to continue to use the surcharge revenue to meet other public safety wireless communications needs.

5.2.2 State User Fees

Motor-Vehicle Related User Fees. States continue to fund their public safety needs by imposing user fees on motor-vehicle and highway related activities. Such user fees can include license plate registration fees, fees charged for issuing drivers' licenses, highway and bridge tolls, transit taxes, etc. According to Department of Commerce statistics, all 51 states report collecting this type of revenue, and 47 states report using at least a portion of these revenues to fund highway and/or public safety operations. Although this ratio is high, of the nearly $22 billion dollars distributed by states from this revenue source during FY00, roughly $2.3 billion was specifically designated for highway and/or public safety operations in those 47 states. Refer to table 6 for a detailed list of motor vehicle related revenues by state.

Table 6
State Motor Vehicle Fee Revenue

DISPOSITION OF STATE MOTOR-VEHICLE AND MOTOR-CARRIER TAX RECEIPTS				
November 2000				In thousands of dollars
STATE	GROSS RECEIPTS AVAILABLE FOR PUBLIC FOR DISTRIBUTION	NET FUNDS DISTRIBUTED	REVENUE SPECIFICALLY FOR HIGHWAY/ LAW ENFORCEMENT & PUBLIC SAFETY	STATE GENERAL PURPOSES
Alabama	197,852	157,172	14,851	-
Alaska	33,151	31,875	50	29,079
Arizona	248,769	192,081	2,970	-
Arkansas	134,927	117,108	11,966	-
California	5,070,119	4,514,395	823,854	35,298
Colorado	224,342	195,068	16,003	-
Connecticut	272,829	232,344	15,258	4,418
Delaware	85,092	85,092	-	-
Dist. of Col.	54,220	49,558	-	-
Florida	994,190	884,426	138,728	68,147
Georgia	277,228	219,682	-	205,337
Hawaii	89,340	84,030	2,534	2,505
Idaho	114,914	107,154	8,933	-
Illinois	855,529	709,289	29,238	-
Indiana	365,043	272,458	15,356	-
Iowa	353,640	338,307	14,830	-
Kansas	156,715	117,098	20,074	-
Kentucky	588,573	551,718	42,547	464
Louisiana	184,936	149,428	40,552	-
Maine	70,888	56,622	5,278	-
Maryland	838,835	696,963	86,083	311,179
Massachusetts	307,674	261,291	20,315	1,691
Michigan	815,431	753,472	7,532	-
Minnesota	585,967	571,312	39,566	6,542
Mississippi	140,308	133,328	10,082	65
Missouri	266,624	220,867	27,674	1,728
Montana	37,349	33,180	7,260	5,265
Nebraska	89,244	82,152	3,065	17,135
Nevada	136,022	92,067	14,039	-
New Hampshire	94,936	78,223	16,629	8,413
New Jersey	631,506	532,306	96,581	401,867
New Mexico	284,563	220,413	27,765	66,358
New York	770,589	602,401	101,728	312,054
North Carolina	230,738	170,586	23,711	-
North Dakota	53,998	49,948	87	5
Ohio	680,980	577,937	29,760	-
Oklahoma	463,330	425,456	43,266	113,793
Oregon	367,546	293,221	13,555	-
Pennsylvania	838,121	767,526	77,108	-
Rhode Island	59,312	46,214	-	46,214
South Carolina	117,888	63,474	11,082	63,477
South Dakota	56,141	49,191	988	-
Tennessee	244,706	224,956	67,050	-
Texas	3,374,290	3,184,273	120,939	2,074,657
Utah	99,482	81,397	9,351	-
Vermont	91,509	79,039	13,396	-
Virginia	821,435	686,093	59,744	-
Washington	1,184,238	1,100,977	123,183	142,100
West Virginia	227,969	204,484	628	-
Wisconsin	371,215	305,350	14,677	-
Wyoming	49,662	38,692	4,481	-
Total	24,663,896	21,719,594	2,274,147	3,915,391

This table summarizes local governments' receipts from motor-fuel taxes, motor-vehicle fees, special imposts on motor carriers, and tolls. This tableincludes receipts from State imposts that are transferred to local governments for distribution. Local government reporting is on a biennial basis with even-numbered years optional. This table is compiled from reports of state and local governments. Estimated by the United States Department ofTransportation Federal Highway Administration (FHWA). November 2000.

5.2.3 Bonds and Certificates of Participation

Several states have approved bonding authority to upgrade their statewide telecommunication systems. In cases where costs have risen because of inflation or other unforeseen circumstances, state legislatures have generally authorized additional bonding authority. However, because voter approval is required for most bond issues, many times these

proposed financing plans do not materialize as hoped. Issuing certificates of participation (COP) is one method of bond-type financing that does not require voter approval.

Bonds Bring Statewide System to Massachusetts

Massachusetts constructed a statewide 800 MHz system with both voice and data components. This wireless network, which uses trunking technology, was begun in 1994 and is now complete. The network is open to all public safety agencies. Two funding mechanisms were used to finance the project, the State Police General Fund and the Capital Fund, with funds originating from the Secretary of Public Safety who was the primary source for this effort. The Capital Fund used the 1994 Transportation Bill as a vehicle for funding, and the fund was tied to a general obligation bond from that bill.

Some states have also used COPs to purchase equipment. For example, Utah issued Utah Communications Agency Network Communications Equipment Lease Purchase COPs to finance the construction and acquisition of an 800 MHz public safety communications infrastructure system. The certificates are secured by the equipment being financed. The certificates were issued on March 31, 1999, for almost $18 million, with interest rates of 4.55 to 4.85 percent for a period of 15 years.

Phoenix in Progress

Voters in Phoenix, Arizona, approved a $753.9 million bond package for city cultural improvement that includes funds for additional fire and police stations on the outskirts of the city. The bond also will pay for a digital public safety radio system.

5.2.4 State Budget Appropriations

A critical funding mechanism available at the state level is a direct appropriation from the state budget. However, the allocation of funds has varied depending on the constructs of the state's communications and organizational system. For example, the New York state legislature is proposing to alter the Statewide Wireless Network in FY02 from a centralized system funded at $47 million to a smaller system funded at $10 million. The balance of $37 million will be distributed to local governments that provide emergency wireless services within the state.

Exploring a Statewide System in California

California Governor Gray Davis' 2000–2001 budget included $1.8 million for the first year of a 2-year, $3.4 million effort to engineer and design the Public Safety Radio Integrated Systems Management (PRISM) public safety radio system. This project is a precursor to a potential $90 million, 3-year pilot project in the six-county Sacramento area. If the pilot is successful, a multibillion dollar project to construct a statewide, integrated system facilitating interagency communications would follow.

5.2.5 State Grants

To date, grant programs originating solely from states have provided significantly less revenue to public safety agencies via grants than federal programs because of differences in budget size. However, several states do have active grant programs specifically aimed at public safety or general infrastructure improvements. Maryland has several state programs, including the Governor's HotSpot Communities Initiative, initially funded for 5 years at $10.5 million, which has recently been allocated another $3.5 million over the next several years.

In the 2001 legislative session, the California legislature is considering the Supplemental Firefighting Services Fund (SFSF) to offer a $100 million grant package for all fire agencies within the state. This initiative was prompted by the congressional Fire Investment and Response Enhancement Act (see Section 5.1.1 for details), as well as the implementation of a similar state program within California, the Supplemental Law Enforcement Fund (SLEF), for police training and equipment. The bill would give state fire and emergency agencies access to money for training and communications equipment.

The California legislature is also considering legislation that would appropriate $75 million from the state's General Fund for continuing a police technology grant program. The grant would continue to provide county sheriffs, city police chiefs, and certain special districts providing police protection services, with funding for technology-related acquisitions and programs to enhance public safety. Recipients would receive a minimum award of $100,000 under the legislation.

5.2.6 State Targeted Taxes

Many states continue to collect revenue from motor-vehicle-related fees and taxes and from targeted sales taxes to establish special revenue funds. California has retained its half-cent sales tax for public safety purposes, namely, for the sheriff, the district attorney, and the probation department in each county of the state. In FY98–99, this Public Safety Sales Tax generated more than $1.88 billion for local public safety agencies, with 95 percent of this revenue awarded to counties for distribution within their region.

Illinois Fund for Infrastructure, Roads, Schools, and Transit Program
The Illinois Fund for Infrastructure, Roads, Schools, and Transit (FIRST) program is a 5-year, $12 billion program designed by Governor George Ryan to build, repair, and upgrade Illinois' critical infrastructure. The program will provide $25 million for a new statewide police radio communications system to improve public safety. The police radio program is one of Illinois FIRST's "pay-as-you-go" projects funded through increases in the state's liquor taxes, motor vehicle registration and title fees, and several other fees. Overall, these tax and fee increases will net the state approximately $571 million annually for certain public works and public-safety-related infrastructure projects.

5.2.7 Fire Program Funds

Many states have begun or are maintaining targeted funds such as fire program funds. These funds are generally financed through fees on certain insurance premiums. In Virginia, counties and eligible cities can now receive a minimum of $10,000 and towns a minimum of $4,000 in assistance for public safety activities relating to fire and emergency services.

5.3 Existing Local Funding Sources

Local governments use the revenue collected from taxation, bonds, surcharges, and fees to create funding mechanisms for local operations.

5.3.1 Lease-Purchase Financing Bonds and Certificates of Participation

Lease revenue bonds (LRB) and COPs continue to be effective financing tools for local public agencies. For example, in February 1999, the city of Mill Valley, California, issued COPs for a total of $1.15 million, at interest rates ranging from 3.45 to 4.75 percent, that mature in 20 years. However, in recent years the majority of these funds have been allocated for non-public-safety ventures such as schools and water works.

5.3.2 Local General Funds

Funding of public safety communication systems through general funds continues to vary depending on the size of the locality. For example, the Village of Gurnee, Illinois, used more than $70,000 in general funds to maintain radio equipment and information systems. In contrast, the general fund of Arlington County, Virginia, was large enough to permit the county to buy an 800 MHz system using $7.6 million.

5.3.3 Local Capital Improvement Plans

Although some local governments are able to use capital improvement plans for public radio systems, most funding from this kind of vehicle continues to be allocated to projects such as roads, sewers, and public water systems.

5.4 Update on Public and Private Partnerships

Many volunteer fire and EMS companies continue raise funds from the private sector. Occasionally, revenue collection is encouraged by setting up nonprofit foundations. Favorable consideration of these sources is influenced by the benefit private sector input can provide in the form of state-of-the-art equipment, training, and market research indicating the best techniques. Another factor that must be considered when engaging the private sector is the potential need for expertise in preparing the tailored proposals necessary to obtain corporate donations and foundation grants. Foundations, endowments, direct solicitation, fund-raising events, and corporate donations continue to provide assistance for public safety agencies; however, funding in this area has remained stagnant.

Public/Private Partnership Benefits Fairfax County, Virginia

An innovative and multifaceted public–private partnership was created in Fairfax County, Virginia, by a commercial wireless carrier, a local volunteer fire department, and the County of Fairfax. The volunteer fire department leased land to the commercial carrier to construct a radio tower and equipment shelter. In exchange, the volunteer fire department received an income stream from both the land lease and the revenues generated by the commercial wireless carrier, while also leasing out the excess capacity of the tower to other commercial carriers under a revenue sharing agreement. The county not only endorsed the partnership and the zoning and permit process, but received tower and shelter space for public safety radio equipment as well. The historically cash-strapped volunteer fire department has been able to begin planning for much-needed equipment and facility enhancements with the newly realized revenue stream, and the county saved the costs of construction for a tower that otherwise would have had to be built at taxpayers' expense.

5.5 Previous Mechanisms No Longer in Existence or Applicable

Some mechanisms covered in the December 1997 report either no longer exist or are no longer applicable to financing public safety radio communications systems.

5.5.1 Federal Off-Budget Funds

Off-budget funds are congressionally imposed taxes and payments, "withheld" from the federal budget's general revenue fund, used to pay for various services and specific projects. Two entities with portions of their budgets in off-budget funds are the Social Security Administration (SSA) and the United States Postal Service (USPS). SSA, which was removed from the budget in 1985, has two social security trust funds that are off budget: old age and survivors insurance, and disability insurance. USPS's fund was removed from the Federal General Revenue Fund in 1989.

Currently, no off-budget funding vehicles or trust funds exist for law enforcement funding.

5.5.2 Federal Trust Funds

Federal trust funds contain tax and user fee revenue earmarked for specific purposes or programs. In 1996, the Federal Budget supported the following major trust funds: airport and airway, federal employees retirement, federal old-age, survivors and disability insurance, foreign military sales, health insurance, transportation, federal employees health benefits, military retirement, unemployment, and veterans life.

Currently, there is no federal trust fund for law enforcement activities, although a trust fund would be an excellent source of dedicated funding for public safety radio communications.

5.5.3 State Infrastructure Technology Investment Funds

Currently, there are no state infrastructure technology investment funds (ITIF) providing funding for radio systems.

The Wisconsin ITIF was created to augment funding for state agencies (primarily General Purpose Revenue [GPR] funded agencies) that lack sufficient base funding to invest in technology. The long-term goal of the fund was to provide seed capital for development and implementation of innovative projects to redesign and reengineer the operation of state agencies. Funding for the ITIF came from an annual user fee paid by vendors seeking to do business with the state as well as from the GPR. However, because of insufficient revenues, Wisconsin eliminated funding for the ITIF grants program in FY99–01 and has no immediate intention to reinitiate the program.

Maryland, which also has an ITIF, will continue its program, but has limited its funding for law enforcement to information technology upgrades within the Department of Public Safety (but not for radio systems).

5.6 New Funding Mechanisms

In the course of researching changes to previously existing funding mechanisms, new mechanisms appropriate for financing public safety radio communications systems or equipment were identified.

5.6.1 FEMA Firefighter Investment and Response Enhancement Grant

According to the Congressional Fire Service Institute (CFSI) Web site, the FIRE Act for FY01 is unique because "for the first time, [the] Congress has recognized that a need exists to provide major federal support to the 1.2 million first responders in the fire service."[17] Within the act, the fire service grant program was established.

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[17] www.cfsi.org

This grant authorizes $100 million for FY01. As a result of extensive lobbying by the CFSI, the International Association of Fire Chiefs, the International Association of Fire Fighters, and others, $134.5 million of the original appropriated $300 million for FY02 was restored after initially being slated for elimination. The grant itself is classified into six categories (including money for communications equipment) for state, local, volunteer, and tribal, fire, and emergency agencies.

According to the FEMA grant information office, communication technology falls under the firefighting equipment category.[18] Although the grant offers minor information technology assistance for projects, such the upgrading of portables and pager systems, funding for entire radio systems is not included at this time. Also, the fire service grant requires that agencies match up to 30 percent of the funds requested. As a result, many smaller fire departments could be discouraged from applying for funding. However, it is unknown whether FEMA sees communications interoperability as a critical need given the current context of firefighters who have insufficient gear and vehicles.

5.6.2 The National Institute of Justice's Advanced Generation of Interoperability for Law Enforcement Program

The AGILE Program was created in 1998 to pull together all the interoperability projects currently under way at the NIJ. The AGILE Program approach addresses both short-term (interim) interoperability solutions and long-term interoperability implemented through standardization encompassing wireless telecommunications and information technology applications. In FY00, the AGILE Program began a grant program that will award $450,000 for research and development.

The AGILE Program is also distributing modest planning grants (i.e., $2,500) to promote the efforts of regional planning committees convened to plan for the use of the newly allocated 700 MHz public safety spectrum. Funds are distributed through the National Public Safety Telecommunications Council (NPSTC) Support Office, which is hosted by the University of Denver.

5.6.3 Department of Interior Fire Agency Grant

The Congress allocated $10 million in FY01 to the Department of the Interior's fire agencies to distribute throughout their surrounding rural jurisdictions in an effort to enhance the fire protection capability in those areas. The funds will be used for training, equipment, and fire prevention work. Although funding for radio communications gear is minimal, this pilot program is a part of a larger national fire plan to reduce wildfire risks in communities in the wildland urban interface areas. The Congress has left open the option to allocate further funding to rural fire departments in the future.

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[18] Telephone interview conducted March 19, 2001.

5.6.4 Rural EMS Grant (Pending U.S. Congressional Action)

Sen. Tom Daschle (D-SD) sponsored a bill (S 587.IS—Sustaining Access to Vital Emergency Medical Services Act of 2001) that would authorize $50 million in grants each year for 6 years starting in 2002. Unlike other grant programs, this program would require recipient EMS units to match only 5 percent of the amount requested. The bill was prompted by a June 2000 survey by the National Association of State EMS Directors. The study found that the biggest capital need for rural EMS units is for communications equipment. The bill also appropriates money for training and safety equipment.

5.6.5 State Gaming Taxes

As the gaming industry has expanded throughout the United States, the subsequent tax revenues available for state use have steadily increased. In the 11 states with commercial casinos in operation in 1999, casinos contributed more than $2.7 billion in tax revenue to state and local governments. This figure is a $500 million increase from the previous year and can be expected to grow in the coming years. The tax rate for the casino industry ranges from a low of 6.25 percent in Nevada to a high of 35 percent in Illinois. The revenue from these taxes benefits education, public safety, economic development and infrastructure improvements, and other state and local programs.[19] Table 7 provides a synopsis of gaming-related tax revenues received by states.

Table 7
1999 Calendar Year Gaming Tax Revenue

State	Revenue
Colorado	$72.8 million
Illinois	$419 million
Indiana	$425 million
Iowa	$103 million
Louisiana	$253 million*
Mississippi	$302 million
Missouri	$275 million
Nevada	$535 million
New Jersey	$330 million
South Dakota	$ 3.7 million

*The Town of Kenner, Louisiana, has received more than $32 million from the Treasure Chest riverboat casino for town improvements. Revenue benefited the fire and police departments and significantly reduced Kenner's budget deficit.

19 American Gaming Association, *Fact Sheet, Tax Contributions, 1999.*

APPENDIX A—ACRONYMS

AGILE	Advanced Generation of Interoperability for Law Enforcement
CFSI	Congressional Fire Service Institute
COP	Certificate of Participation
COPS MORE	Community Oriented Policing Services Making Officer Redeployment Effective
DOJ	Department of Justice
E-911	Enhanced 911
EMS	Emergency Medical Services
FCC	Federal Communications Commission
FEMA	Federal Emergency Management Agency
FIRE	Fire Investment and Response Enhancement
FIRST	Fund for Infrastructure, Roads, Schools, and Transit
FY	Fiscal Year
GIS	Geographical Information System
GPR	General Purpose Revenue
ITIF	State Infrastructure Technology Investment Fund
IWGF	Interagency Working Group on Funding
LLEB	Local Law Enforcement Block Grants
LRB	Lease Revenue Bond
MHz	Megahertz
NENA	National Emergency Number Association
NPSTC	National Public Safety Telecommunications Council
NTIA	National Telecommunications and Information Administration
PRISM	Public Safety Radio Integrated Systems Management
PSWN	Public Safety Wireless Network Program
SFSF	Supplemental Firefighting Services Fund
SLEF	Supplemental Law Enforcement Fund
SSA	Social Security Administration
USPS	United States Postal Service

Chief Michael J. Chitwood's Responses to Post-Hearing Questions for the Record Submitted by Senator Frank R. Lautenberg

Committee on Governmental Affairs "Investing in Homeland Security, Challenges on the Front Line"

April 9, 2003

Q. I introduced a bill that will establish a grant program administered by the Department of Homeland Security. State and local units of government could apply for grants to cover the unanticipated costs associated with replacing a first responder called to active duty for six months or more.

Reimbursable costs could include the salary and benefits associated with hiring a replacement or the overtime paid to other emergency personnel who "fill in" for the first responder called to active duty. If a jurisdiction does not pay its reservist and uses those savings to hire a temporary replacement, those "costs" would not be reimbursable.

In Cliffside Park, New Jersey, for example, two of the 46-member police department have been called to active duty – one in the Army and one in the Marine Corp – and the town will feel the impact, not to mention the financial burden. In Baltimore City, Maryland more that 150 of the Police Department's officers have been called up to serve in the military reserves or in National Guard units.

Is this the kind of federal legislative effort that would assist you, your mayors and governors in positive ways?

A. Yes, this type of federal program would assist the City of Portland in a positive way. The Portland Police Department is a relatively small police department of approximately 200 employees. Portland is the largest city in Maine and is host to the Portland International Jetport as well as a multi-use waterfront that serves as a gateway for cruise ships, oil tankers, fishing vessels, cargo carriers and a pipeline.

Post-9/11, two of our employees were called to active duty for a little over a year. Both were in "specialty" positions that required training an individual to replace them. In one case, as mentioned in Senator Lautenberg's remarks, the employee's salary was used to hire a temporary replacement and therefore would not qualify for reimbursement under the proposed program. In the second case, however, a patrol officer was assigned to fill the position of the active reservist, the department's court officer. In this instance, the reimbursement of the money expended to fill the open patrol team shifts of the replacement officer would have been of significant assistance to the City. Unfilled positions or "open cars" in a police department's patrol division create a significant risk to both public and officer safety.

There was a tremendous amount of unanticipated and unbudgeted overtime funds spent responding to increased security concerns after September 11, 2001. For example, the extra hours Portland police officers spent at the airport required that the department pay them overtime for their regular shifts, at a cost of an additional $75,000.

The post September 11th environment calls for a new federal-state-local partnership. I have stated before that the Federal government can not and should not have to write a blank check to pay for round the clock surveillance of every possible terrorist target. But the use of Federal resources to assist local government with the burdens of military service, service that is crucial to our homeland security, is a fair and logical use of taxpayer's dollars.

Finally, with regard to new federal resources for homeland security, we must make sure that they actually get to the local level in some coordinated fashion. So far, we have received minimal additional resources to offset our increased expenditures. Based on our experiences in Portland, Maine, I am certain that improved coordination and cooperation by federal agencies could offset the increased local expenditures that have followed the tragic events of September 11th.

Q. As I mentioned during my opening statement, last week I met with the New Jersey Chiefs of Police Association. I was struck by their request that the Senate pay particular attention to the distribution of the radio spectrum waves as a key component of homeland security. As he explained, in Bergen County –one of the northern counties close to New York City, there are dozens of police units that are incapable of communicating with each other by radio.

The reason for this communication failure is at least two-fold: first, many police and fire departments use antiquated communication equipment; and second, public safety organizations have been limited to the poorest quality of available spectrum — 600 MHz.

In your respective jurisdictions, have you experienced this problem?

A. Radio spectrum and communications interoperability are both critical and fundamental tools for effective public safety service. The ability of first-responders to provide a coordinated response to public safety emergencies; such as fires, medical crisis and crimes in progress is a key component of homeland security and public safety. Radio spectrum for public safety communications transmissions is a finite commodity. In many places, limitations on the availability of radio spectrum results in overcrowded channels and increased interference, which negatively effects the ability of first responders to communicate effectively.

The Portland Police Department is very fortunate to operate with an 800 MHz radio system, so this is not a problem in our jurisdiction. There is not much competition in the surrounding area for radio spectrum waves, so we have not experienced problems or interference of this type. Interoperability is a problem at times due to the use of antiquated radio equipment by surrounding law enforcement agencies. Portland's dispatchers have become adept at creating a communication "patch" that allows officers to communicate effectively with other agencies via the radio but it is a cumbersome solution.

Additional, high quality spectrum must be made available to police departments in order to meet the current communication needs and make the optimum use of emerging radio technologies. State of the art radio systems for all law enforcement agencies should be a key

component of homeland security. First responders must be able to communicate effectively and efficiently at all times if they are going to fulfill their mission "to protect and serve."

Q. What connection, if any, do you believe exists between the use, distribution and tracking of firearms to our job to protect the American homeland on the state and local level?

A. If law enforcement agencies are going to be successful in not only fighting terrorism but also in decreasing the incidence of violent crime in our communities, then we must limit the availability of firearms to violent offenders. Apprehension and prosecution of offenders is not enough. We must take a proactive role in stopping the flow of illegal firearms to criminals and potential terrorists. We must build a federal, state and local partnership that allows for the coordinated enforcement of firearm laws, we must expand and improve firearm tracing and we must develop a comprehensive strategy towards firearm violence and illegal firearm trafficking. Law enforcement agencies are the frontline in the fight to get illegal guns off the street. Unfortunately, the ability of local police agencies to locate illegal firearms, which may be outside of the country or state, and to track weapon sales is extremely limited. Information is the key to any successful firearm interdiction effort. A cooperative partnership with the Department of Homeland Security, or another designated federal agency, would allow for:

* Development of a comprehensive firearm strategy and implementation plan involving federal, state and local law enforcement.

* Collection of illegal firearm information in an accessible electronic database to control, analyze and share gun information.

* Analysis of collected data to determine the most appropriate strategies for gun interdiction.

* Creation of partnerships among interested parties to respond effectively to specific threats and/or information about gun shipments.

* Training of local officers in gun interdiction methods.

Illegal trafficking in firearms plays a crucial role in the arming of violent criminals as well as domestic and foreign terrorists. Firearm trafficking in the United States and overseas is a profitable business. The job of interdicting the movement of illegal weapons in the United States is complicated by overlapping law enforcement jurisdictions, lack of clear, comprehensive and consistent gun policies and the difficulty of effective and timely sharing of information. The Department of Homeland Security, the Department of Justice and other federal agencies can play a vital role in providing local communities with advice, information, training and technical assistance in this key area of homeland security.

Committee on Governmental Affairs

"Investing in Homeland Security, Challenges on the Front Line"

April 9, 2003

Responses from Chief Jeffrey Horvath,
Dover Police Department, Dover, Delaware
to Post-Hearing Questions for the Record
Submitted by Senator Frank R. Lautenberg

Dear Senator Lautenberg,

Thank you for your post-hearing questions as I feel that they are very important issues and I am pleased to provide the following answers.

In regards to your first question as to whether the bill you introduced is the kind of federal legislative effort that would assist the police departments, our mayors, and governors in positive ways, I would have to say yes. That type of legislation would definitely be an asset to all agencies that have lost men and women to the call to active duty. The City of Dover has adopted a policy where we make up the difference in our employees' wages when they are called to active duty. This is done so the employee's family does not experience a financial hardship while he or she is serving their Country.
However, the city's policy does not address replacing the employee while they are activated and we are forced to work with a reduced work force.

It appears that the bill you introduced would alleviate this problem. I have also addressed this question with the Delaware Police Chiefs' Council and I am pleased to say that the Council is also in support of your legislation.

In response to the second question, I can honestly say that we are very fortunate in the State of Delaware. Several years ago when now Senator Thomas R. Carper was the Governor of the State of Delaware, he implemented a new 800 MHz radio system. This system allows all of the police departments in Delaware to communicate with each other when critical situations arise. We had several "bugs" in the system when it was first implemented, however, the system now seems to be working very well in my opinion.

The third question addresses whether I believe if there is a connection between the use, distribution, and tracking of firearms to a police officer's job to protect the American homeland on the state and local level. The Bureau of Alcohol, Tobacco, & Firearms describes crime gun tracing as a basis for developing and sharing illegal gun market information and collaborating on

trafficking investigations as a recent enforcement innovation. Crime gun tracing requires close cooperation between ATF and other Federal, State and local law enforcement authorities that recover crime guns and submit trace requests.

Crime gun tracing is done to enable law enforcement officials to reconstruct the history of a firearm associated with a crime. This may lead to the apprehension of suspects, the identification of potential witnesses, and the discovery of others who may be associated with the crime. Tracing the weapon may also lead to the discovery of evidence for other cases and crimes that had not been previously detected.

A second function of crime gun tracing is to identify patterns of illegal gun trafficking, which could certainly be a concern of Homeland Security. Perhaps the most significance that can be derived from crime gun tracing is that it allows law enforcement to distinguish between activity associated with the common criminal and that which is esoteric in nature and may point to possible terrorism activity. Law enforcement may then refer the information to ATF and other Homeland Security officials.

Hopefully these answers to your Post-Hearing questions will be helpful to you and the full Committee. It has been a pleasure and an honor to be a part of this Senate Hearing. If I can be of any further assistance please do not hesitate to contact me.

Sincerely,

Chief Jeffrey Horvath

Responses to Post-Hearing Questions for the Record
from Edward P. Plaugher, Fire Chief, Arlington County Fire Department
to Senator Frank Lautenberg

"Investing in Homeland Security, Challenges on the Front Line"

April 9, 2003

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Reimbursable costs could include the salary and benefits associated with hiring a replacement or the overtime paid to other emergency personnel who "fill in" for the first responder called to active duty. If a jurisdiction does not pay its reservist and uses those savings to hire a temporary replacement, those "costs" would not be reimbursable.

In Cliffside Park, New Jersey, for example, two of the 46-member police department have been called to active duty-one in the Army and one in the Marine Corps-and the town will feel the impact, not to mention the financial burden. In Baltimore City, Maryland, more than 150 of the Police Department's officers have been called up to serve in the military reserves or in National Guard units.

Is this the kind of federal legislative effort that would assist you, your mayors and governors in a positive ways?

A. Yes, this would be a positive support, which would be tremendously advantageous to our community wherein overtime cost resulting from 1st responder staff being called to active duty could be reimbursed.

Q. As I mentioned during my opening statement, last week I met with the New Jersey Chiefs of Police Association. I was struck by their request that the Senate pay particular attention to the distribution of the radio spectrum waves as a key component of homeland security. As explained, in Bergen County, one of the northern counties close to New York City, there are dozens of police units that are incapable of communicating with each other by radio.

The reason for this communication failure is at least two-fold: first, many police and fire departments use antiquated communication equipment; and

second, public safety organizations have been limited to the poorest quality of available spectrum—600MHz.

In your respective jurisdictions, have you experienced this problem?

A. No, the radio spectrum in Arlington County's communications system is a regionally shared 800MHz band and we think it is critical to share a single band so that the region has interoperability.

Q. What connection, if any, do you believe exists between the use, distribution and tracking of firearms to our job to protect the American homeland on the state and local levels?

A. The ability to track the origin, life and disposition of any firearm is valuable to solving crime and crime prevention, however, I believe this is a law enforcement issue and better directed to my law enforcement colleagues on the panel.

POST-HEARING QUESTIONS FOR THE RECORD
SUBMITTED BY SENATOR FRANK R. LAUTENBERG

COMMITTEE ON GOVERNMENTAL AFFAIRS
"INVESTING IN HOMELAND SECURITY,
CHALLENGES ON THE FRONT LINE"

April 9, 2003

Q. I introduced a bill that will establish a grant program administered by the Department of Homeland Security. State and local units of government could apply for grants to cover the unanticipated costs associated with replacing a first responder called to active duty for six months or more.

Reimbursable costs could include the salary and benefits associated with hiring a replacement or the overtime paid to other emergency personnel who "fill in" for the first responder called to active duty. If a jurisdiction does not pay its reservist and uses those savings to hire a temporary replacement, those "costs" would not be reimbursable.

In Cliffside Park, New Jersey, for example, two of the 46-member police department have been called to active duty—one in the Army and one in the Marine Corp—and the town will feel the impact, not the mention the financial burden. In Baltimore City, Maryland more than 150 of the Police Department's officers have been called up to serve in the military reserves or in National Guard units.

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Capt. Chauncey Bowers' Responses to Post-Hearing Questions for the Record Submitted by Senator Frank R. Lautenberg

Committee on Governmental Affairs "Investing in Homeland Security, Challenges on the Front Line"

April 9, 2003

1. Yes, a federal grant program, such as the Senator's, would assist fire departments throughout the nation. First, the program would help jurisdictions protect its citizens by maintaining an adequate number of fire, police, and EMS personnel. Second, it provides a strong incentive for jurisdictions to continue to support its public safety officers who are called up on active duty.

2. Most jurisdictions in the United States experience chronic communications problems. In fact, after the 1993attack on the World Trade Center revealed gaping holes in the communications network of the first responders. Those same communications problems existed on September 11th, contributing to the deaths of 343 FDNY fire fighters. In my county, lack of reliable communications is a constant problem. Examples include our inability to communicate with neighboring jurisdictions and other response agencies. We need a coordinated system that allows multiple agencies to communicate during incident response. This system capability is needed from the start of the incident, not several hours later. Frequencies, equipment, and area-wide coordination are the key components to improving our communications issues.

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