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

HEARING

BEFORE THE

SUBCOMMITTEE ON GOVERNMENT EFFICIENCY, FINANCIAL MANAGEMENT AND INTERGOVERNMENTAL RELATIONS

OF THE

COMMITTEE ON GOVERNMENT REFORM

HOUSE OF REPRESENTATIVES

ONE HUNDRED SEVENTH CONGRESS

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CONTENTS

	Page
Hearing held on August 20, 2002	1
Statement of:	
Dalton, Patricia, Strategy Director, General Accounting Office	112
Gardner, Major General Gregory, Kansas Adjutant General	5
Hainje, Richard, Director, Region VII, Federal Emergency Management Agency	139
Jaax, Jerry, associate vice provost for research compliance, university veterinarian, Kansas State University	50
Knowles, Terry, deputy director, Kansas Bureau of Investigation	61
Lane, James, undersheriff, Ford County Sheriff's Department	73
Maynard, Otto, president, chief executive officer, Wolf Creek Nuclear Operating Corp.	91
McCue, Kerry, director, Ellis County EMS	23
Moser, Michael, MD, MPH, director, Kansas Department of Health and Environment, Division of Health	17
Stafford, Kevin, special agent in charge, Kansas City Field Office, Federal Bureau of Investigation	96
Teagarden, George, livestock commissioner, Kansas Animal Health Department	56
Williams, Raymond, president, chief executive officer, Sumner Regional Medical Center	28
Letters, statements, etc., submitted for the record by:	
Dalton, Patricia, Strategy Director, General Accounting Office, prepared statement of	115
Gardner, Major General Gregory, Kansas Adjutant General, prepared statement of	8
Hainje, Richard, Director, Region VII, Federal Emergency Management Agency, prepared statement of	141
Jaax, Jerry, associate vice provost for research compliance, university veterinarian, Kansas State University, prepared statement of	53
Knowles, Terry, deputy director, Kansas Bureau of Investigation, prepared statement of	63
Lane, James, undersheriff, Ford County Sheriff's Department, prepared statement of	75
Maynard, Otto, president, chief executive officer, Wolf Creek Nuclear Operating Corp., prepared statement of	93
McCue, Kerry, director, Ellis County EMS, prepared statement of	25
Moran, Hon. Jerry, a Representative in Congress from the State of Kansas, prepared statement of	3
Moser, Michael, MD, MPH, director, Kansas Department of Health and Environment, Division of Health, prepared statement of	18
Stafford, Kevin, special agent in charge, Kansas City Field Office, Federal Bureau of Investigation, prepared statement of	98
Teagarden, George, livestock commissioner, Kansas Animal Health Department, prepared statement of	58
Williams, Raymond, president, chief executive officer, Sumner Regional Medical Center, prepared statement of	30

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

TUESDAY, AUGUST 20, 2002

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

The subcommittee met, pursuant to notice, at 10 a.m., in the Dwight D. Eisenhower Presidential Library Auditorium, 200 S.E. Fourth Street, Abilene, KS, Hon. Stephen Horn (chairman of the subcommittee) presiding.

Present: Representatives Horn and Moran.

Staff present: Russell George, staff director/chief counsel; David Bartel, chief of staff; Bonnie Heald, deputy staff director; Chris Barkley, assistant to the subcommittee.

Staff present for Mr. Moran: Kip Peterson and Travis Murphy.

Mr. HORN. A quorum being present, this hearing of the Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations will come to order.

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

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

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

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

Mr. MORAN. Let me begin by thanking Chairman Horn for bringing his subcommittee and this important field hearing to the Eisenhower Presidential Library and Museum in Abilene. It is a fitting tribute that we would discuss issues such as homeland security and defense at this location.

It was President Eisenhower who had the foresight to advocate for an interstate highway system. The Dwight D. Eisenhower System of Interstate and Defense Highways now stretches for more than 46,000 miles and was part of Eisenhower's vision for nationwide defense should the United States face the prospect of atomic war.

Eisenhower faced a threat very similar to the one we face today. The cold war, for which he prepared, was not won by a single decisive battle—it was not conventional or quick. It was a war that required detailed preparation and determination by every aspect of society—from the armed services, from elected officials and from everyday Americans. Just as Americans did not waver from their convictions to stop the spread of communism during the cold war, today, during this War on Terror, we must not waver from our conviction to stop the spread of terrorism.

Today, our enemies, the battlefields and the tactics of this war are much different from those in the past. But, the cause is the same. We fight, as Eisenhower fought, for the cause of freedom and the promise of peace.

We are here today to discuss the preparations we have made and the steps we will take to defend our way of life from those who would do us harm. We have a distinguished group of witnesses with us here today whose experience and insight is invaluable. Thank you for joining us. I look forward to your testimony.

[The prepared statement of Hon. Jerry Moran follows:]

JERRY MORAN
FIRST DISTRICT
KANSAS

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COMMITTEE ON
TRANSPORTATION AND
INFRASTRUCTURE

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August 20, 2002

How Effectively is the Federal Government Assisting State and Local Governments in Preparing for a Biological, Chemical or Nuclear Attack?

Congressman Jerry Moran
Opening Statement

Let me begin by thanking Chairman Horn for bringing his subcommittee and this important field hearing to the Eisenhower Presidential Library and Museum in Abilene. It is a fitting tribute that we would discuss issues such as homeland security and defense at this location.

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communism during the Cold War, today, during this War on Terror, we must not waver from our conviction to stop the spread of terrorism.

Today, our enemies, the battlefields and the tactics of this war are much different from those in the past. But, the cause is the same. We fight, as Eisenhower fought, for the cause of freedom and the promise of peace.

We are here today to discuss the preparations we have made and the steps we will take to defend our way of life from those who would do us harm. We have a distinguished group of witnesses with us here today whose experience and insight is invaluable. Thank you for joining us. I look forward to your testimony.

Mr. HORN. We have read your testimony and it would go in automatically when we call on you and that would be in the report that goes to the Committee on Government Reform and then is part of a major report to the House of Representatives, so all your words that you have written will be taken and now we just need to get a summary of what those words are.

STATEMENT OF MAJOR GENERAL GREGORY GARDNER, KANSAS ADJUTANT GENERAL

Mr. GARDNER. As the Adjutant General of Kansas, I serve in three roles; as commander of the Kansas Army and Air National Guard, Director of Emergency Management and since September 11th the Director of Homeland Security. Our department's two missions are to provide military capability for the Nation and protect life and property in the State. The Constitutional State and Federal roles caused confusion over time with the military. There are basically three primary ways to employ the Guard. State duty under Governor control using State dollars, Title 10 duty under Federal control, using Federal dollars and Title 32 duty under Governor control, using Federal dollars. We have served around the world in Title 10 in the last seceral years in 6 continents and 30 countries. Title 32, under Governor control is how we served at the airports, borders, in counter drugs and security. This is absolutely the best way for us to perform the homeland security mission. It provides advantages that other Title 10 status does not do.

For example, when a family member has a problem, we can swap out the Guradsman. The same with an employer. If an employer calls and says we will out of business if you don't come back, we can swap the Guardsman out. We can train the guardsmen in their home unit and maintain combat readiness and it also is a lower cost way of doing business and finally, we're not restricted by the Posse Comitatus law and are able to do law enforcement. For all these reasons, we believe the Title 32 is the best way to do the homeland security mission.

The role of the National Guard has seen a lot of debate nationally. Some have said why don't you make homeland security a primary or only mission? That would be the worst possible thing Congress could do. To date, beyond the Civil Support Teams and the National Guard counter-drug program, no Federal funds have been focussed on equipping or training National Guard forces for Homeland Security missions to support local responders preparing for biological chemical or nuclear attack. Some level of Federal funding needs to be dedicated specifically for this Federal mission performed in the States.

The Governors employ The Guard usining approximately 250,000 man-days per year State status. Combatant commanders use 2 million man-days per year around the world. Our readiness to do the war fighting mission around the world is what enables us to do the mission at home so we don't want you to give away that war fighting mission. Some say there's too much to do; therefore, the Guard shouldn't be able to do them both. Well, actually, the Guard has done both simultaneously throughout history and since September 11th we have 60,000 guardsmen on duty: 40,000 serving in Title 10; 13,000 serving in Title 32 status and 8,000 in serving State

duty. That meant that at any one time only 13 percent of 450,000 in the Guard was being used. That allows us to rotate the people in peacetime and surge for the major theater of war.

Civil support teams, you have given the Nation 32. We respectfully request you give one to every State and because that's a unique mission that is not maintained by the active duty military. We need your continued support to maintain the attention and dollars. Anytime you have a unique mission, it is unlikely to get the highest priority from the military.

As to Posse Comitatus, that law basically reflects our American belief in the limits on an active duty military in representative democracy. The law prohibits the Army and Air Force from enforcing civil law. It doesn't apply to the National Guard because it is one of the missions prescribed for us in the Constitution; to execute the laws of the Nation. In Posse Comitatus, my comments are please leave it the way it is. The spirit of the law is correct. It's anathema to a freedom-loving America to alter the spirit of this law.

Emergency management. We have been preparing for terrorism for almost a decade. Osama bin Laden was the culprit in a Kansas Emergency Management exercise in 1993. Since then we have been preparing for terrorism without much money. Funds from the Nunn-Luger and the MMRS and HHS have been very helpful in preparing us but that provides only spotty capability in our State and left the rest of the State uncovered.

The DOJ grants. We identified a $20 million equipment requirement. We got $2.3 million in the first 3 years. This year $4.1 million is coming and equipment coverage has expanded. The program is improving but the best thing about that grant is it's 100 percent Federal.

From EPA water treatment facilities, $460,000 for four Kansas plants. That covers 35 percent of the population but leaves the rural part of our State completely uncovered and the rules of that grant language don't allow it in the rural areas.

Federal distribution, dollars that come from grants. Most of them have come directly to cities or directly to locals. As you can see, all of Nunn-Luger and MMRS, HHS, DOJ, 97 percent of the DOJ grant funds went directly to locals. However, Kansas is a rural State. Fifty percent of our State is served by volunteer or part-time emergency managers and first responders and so a regional approach is the most effective way to distribute the dollars in Kansas. What we ask is that you let the Governors distribute the dollars based on our State's strategic plan.

Matching funds. We match every dollar we have from emergency management and State funds to FEMA funds now. We don't have anymore State funds available to match and are unlikely to get more because of the status of the State budget. Without being pejorative, I would like to share a perspective. If terrorism is a response to our Nation's foreign policy, then perhaps terrorism dollars and preparedness should be primarily a Federal responsibility. Bottom line, please give us 100 percent Federal dollars and if you can't, use a broad definition of what soft or in kind matches are so that we can actually do something with it.

First responders include law enforcement, fire and EMS. We would like you to broaden that definition to "emergency" responders, like Public Health, Emergency Management and Public Works.

Bioterrorism. Dr. Moser is going to testify on that. His leadership has been crucial working with us and improving the responsiveness in Kansas for bioterrorism incidents. CDC money was very, very useful in Kansas. We can still use more and one final comment about medical. In the Air Natinal Guard As we have medical squadrons, at least one in every State around the country and they have capability to respond. They are training now in what we call the Emergency Medical Support or EMEDs. It's a module system that allows them to respond locally to help in disaster providing emergency and primary care occurring and resuscitative emergency care. As you grow these modules, you can provide greatly needed hospital capacity in a disaster and what I would like you to do is not listen to me out in the States. Please ask the Surgeon General of the Air Force to come and testify to you about that. Lieutenant General Carlson will tell you that starting in the States so that EMEDs can support locals in our homeland is what he thinks we should do.

Finally, we support the President's proposal on homeland security, and appreciate the House's fast passage of that legislation. We hope the Senate will follow suit. We appreciate the inclusive approach of Governor Ridge and the Office of Homeland Security to date. They have been absolutely tremendous. We feel like our voices are being heard in the States from that office, creating a national strategy, instead of a Federal strategy was a perfect example. Finally in summary, please employ the National Guard and Title 32 status. It is the best way to do homeland security. Keep us in both of our constitutional missions, both the State and Federal mission. Provide 100 percent Federal grants and let the Governors determine what the distribution is. Thank you, sir. Do you have any questions?

Mr. HORN. Thank you. That's a very fine presentation. You have given us some other things to deal with. I'll get the Surgeon General over if he likes it but we'll see.

[The prepared statement of Mr. Gardner follows:]

House Subcommittee on Government Efficiency, Financial Management,
and Intergovernmental Relations Oversight Field Hearing
Eisenhower Library, Abilene, Kansas
August 20, 2001

Major General Gregory B. Gardner
The Adjutant General and
Director of Kansas Emergency Management & Homeland Security

Good morning Mr. Chairman and thank you for the opportunity to testify before your committee.

As the Adjutant General of Kansas, I serve in three roles: commander of the Kansas National Guard, Director of Kansas Emergency Management, and since 9-11, Kansas Governor Bill Graves added Homeland Security to those roles.

This morning I will address overarching and specific issues relating to all three roles and how effectively the U.S. Government is assisting state and local governments in preparing for biological, chemical or nuclear attack.

Stated simply, our department's two missions are to provide military capability for the nation and protect life and property in the state. Kansas Emergency Management is a very small agency with only 22 personnel. So in times of disaster we augment them and our local emergency responders with up to 8000 citizen soldiers and airmen from the Kansas Army and Air National Guard.

A similar story is true in every state across our nation. That is why the National Guard is the right military force to use first in Homeland Security. It is a natural mission for the Guard. It is a mission our founding fathers prescribed for us in the U.S. Constitution. However, our Constitutionally based ability to serve either the state or nation makes us unique among military forces. As a result, few outside the organization understand the most effective way to employ the National Guard, especially for the Homeland Security mission.

As prescribed by the U.S. Constitution, federal statutes, and state laws, here are the three primary ways to employ the National Guard:

- National Guard forces can perform national military service under federal control in USC Title 10 status. Here, federalized National Guard forces are fully incorporated into the active duty Air Force or Army forces "of the United States." For example, in Title 10 status today, there are 400, 35th Infantry Division, Kansas National Guard soldiers in Germany providing security, protecting our active duty Army partners and their families. Next April the 35th Division Headquarters will lead Stabilization Force 13 in Bosnia like the National Guard Divisions from Texas, Virginia, and Pennsylvania before them in Title 10 status. All overseas missions are performed in Title 10 status. This is a federally funded status.
- National Guard forces can also perform national military service under control of the governor under USC Title 32 Section 502[f]. Here the governor makes National Guard forces available to the federal government "in the service of the United States." The Homeland Security mission National Guardsmen performed for eight months at our nation's airports was performed in this Title 32 status. This is also a federally funded status as the National Guard is being used for purposes of a shared federal and state interest.

- Finally, we can perform state military service under governor control [in accordance with state law]. This service is funded solely by the states as it is for purely state purposes [e.g., tornadoes, floods, and other natural disasters].

Missions supporting Homeland Security objectives arguably fall in a gray area of overlapping state and federal interests and objectives. While all terrorist attacks on U.S. soil are local in nature, the federal government's responsibility for assuring domestic security is clear. That being said, American interests are best assured through use of forces under Title 32 as opposed to Title 10. The National Guard is America's forward deployed domestic military force. National Guard units operate in over 3000 population centers, large and small, throughout the United States. With our geographic disbursement and rich history of incorporation into state and local emergency response plans, the National Guard is the first military responder to support civil authorities in times of domestic crisis. The vast majority of Homeland Security missions involving U.S. military forces should therefore be based on use of the National Guard "in the service of the United States"; that is, in Title 32 status. This assures immediate deployment of National Guard personnel under the command and control of the governors who are responsible for disasters in their states but with funding provided by the federal government for whom the service is ultimately rendered.

The National Guard performing Homeland Security in Title 32 is the best choice for many other reasons. Service in Title 32 status is much more flexible, providing many operational, fiscal, legal, and quality of life advantages over Title 10. This means taking care of Guardsmen. Under Title 32, Guardsmen cannot only perform the homeland security mission, but they can continue training on weekends with their normal unit; thus maintaining combat readiness for their overseas missions. Employer and family hardship issues are easily accommodated in Title 32 status, which significantly contributes to the retention of soldiers and airmen once the mission is complete. Time is money. The ability to mobilize and demobilize the soldier in the state is faster and appreciably reduces mission costs. Finally, the fact that National Guardsmen in Title 32 status are not subject to the restrictions of the Posse Comitatus Act make them more useful in the Homeland Security Mission as they can perform law enforcement duties. This point is consistently missed in the public debate.

The decision to federalize Guardsmen under Title 10 and task them to support the Homeland Security mission on our borders sacrificed all these advantages. It is more expensive, less flexible, and reduces combat readiness. It is worse for soldiers, their families, and employers. Finally, it is questionable whether it is legal to even arm the Guardsmen because when serving under title 10 on U.S. soil they are forbidden from performing law enforcement duties.

The only time I can conceive of a need to federalize the National Guard for a Homeland Security mission is if the President felt he had to override a Governor. I can think of no situation today where that need would arise.

Another current issue relative to the National Guard is should Homeland Security be its only mission. The answer is absolutely not. That would be the worst thing Congress could do. It would severely reduce the National Guard ability to accomplish both Constitutional roles i.e., the defense of our states and nation. In every case where the National Guard performs or operates a unique, or nearly unique, mission or major weapons system (i.e., performed/operated almost completely by the Guard), over time they lose federal funding and support because it is not perceived as a priority by the active military or DoD. As long as the National Guard remains the

primary reserve of the Army and Air Force and Congress continues to help fill funding gaps, the Guard will be adequately resourced to do the missions. If the overseas combat mission were removed, the National Guard would very likely atrophy to the point of ineffectiveness. Warfighting skills like leadership, operating equipment. Frankly, heretofore the National Guard has barely been adequately funded to perform the wartime mission. To date, beyond the Civil Support Teams and the National Guard Counter-drug program no federal funds have been focused on equipping or training National Guard forces for Homeland Security missions to support local first responders preparing for biological, chemical or nuclear attack. Some level of federal funding needs to be dedicated specifically for this federal mission performed in the states.

Some claim the National Guard cannot do both the Homeland Security and overseas missions simultaneously. The overseas mission is the more difficult of the two. Therefore if training is concentrated on the harder mission and a little training is focused on the differences or local characteristics of the Homeland Security mission, the National Guard can do both very effectively.

Some claim the National Guard must be dedicated solely to the Homeland Security mission. At the peak since 9-11, approximately 60,000 Guardsmen were serving both in support of civil authority in their states and combatant commanders. That is only 13% of the National Guard, therefore I believe the National Guard can do both missions. Prior to 9-11, combatant commanders called on the Even if we

Governor's were employing approximately X,XXX National Guardsmen in state status. Similarly a peak of 13,0000 performed missions in Title 32 (federally funded, governor controlled, federal duty) and 35,000 Guardsmen were federalized under Title 10 to augment and perform active Army and Air Force missions. The total, or XX,XXX amounts to only 12% of National Guard's 450,000 members. We can and should continue to do both our Constitutional missions.

In November 2001 Kansas was identified as one of 5 additional states to receive a Weapons of Mass Destruction Civil Support Team (CST) comprised of 22 fulltime National Guardsmen trained and equipped to assist local incident commanders with chemical, biological, and radiological threats. There are now 32 CSTs in the nation, and we believe every state should have this critical capability. We are likely to continue to need Congressional support with this mission because it is one of the missions unique the National Guard I mentioned earlier and thus is unlikely to be a priority for the Army or the Air Force.

I mentioned Posse Comitatus earlier and would like to comment on it since there is some talk about changing that law. The Posse Comitatus Act prohibits the Army and Air Force from enforcing civil law within the U.S. reflecting the American belief in the proper limits of a civilian-controlled military in a representative democracy. Again our founders defined a National Guard role in the U.S. Constitution Article I, Section 8, Clause 15, where it calls for National Guard to "execute the laws of the union." While exceptions have been made to the Posse Comitatus law diluting its restrictions, I believe it anathema to a freedom loving nation to change the spirit of that law.

Now I would like to shift to your question as it relates to my emergency management role. Usama bin Laden was the culprit in a Kansas Emergency Management exercise almost a decade ago in 1993. While we have been preparing for terrorism for nearly a decade, until recently it was a very low budget operation. Wichita Kansas was among the 120 Nunn-Luger-Domenici Act cities to receive federal assistance in preparing for a weapons of mass destruction event. That city completed the program training, acquired equipment, and conducted a full-scale

exercise in conjunction with their Metropolitan Medical Response System (MMRS) funded by Health and Human Services (HHS). Kansas City, Kansas is one of the follow-on cities now in the initial stages of the expanded Nunn-Lugar cities preparedness program. This program is great for the designated cities but the program skipped echelons of government (namely state and county) and left most of our state uncovered.

Beginning in 1999, federal programs expanded to include Department of Justice (DOJ) equipment grants and Federal Emergency Management Agency (FEMA) general terrorism preparedness and planning grants.

For the DOJ grants, counties conducted threat assessments, determined local capabilities, and identified equipment needs exceeding $20 million. Combined, these assessments became a Statewide Strategic Plan for Domestic Preparedness used to prioritize the limited DOJ grant funds. DOJ approved the Kansas plan in December 2001 and released $2.3 million for FY 99-01. Since this was clearly short of the total requirement, funds were focused on basic personal protective equipment to decrease the vulnerability of first responders and prioritized based on the risk each county faces. Kansas Highway Patrol, the state administrator of this grant, used existing staff and only $10,000 of $116,000 provided for planning, allowing the remainder to supplement local equipment purchases. This meant over 97% of the grant funds went directly to locals. In Kansas we established a web-based system allowing the 90 qualifying counties to order the equipment online. The web based program also helped with the very detailed accounting required by DOJ.

The DOJ grants came as 100% federal funding with no match requirement. This is very significant. Without being perceived as pejorative, some say international terrorism targeted at U.S. communities is primarily a response to our nation's foreign policies. Thus, funding for terrorism preparedness should primarily be a federal responsibility. The present fiscal situation in most states makes this "no match" requirement even more significant. Therefore, to build capacity it is extremely helpful if states do not have to match federal funds for terrorism.

The original 99-01 DOJ grant language limited equipment acquisition to a specific list of personal protective equipment, detection and monitoring, decontamination and communications equipment. Fortunately, the FY 02 DOJ grant expands the equipment authorized to include bomb mitigation (e.g., robots), high tech listening devices for urban search and rescue and security (e.g., cameras, sniffers, etc.). The FY 02 DOJ grant to Kansas is $4.1 million with the possibility of a supplemental increase on the horizon. This will allow us to expand the acquisition but the need still far outstrips the funds available.

President Bush's FY 03 First Responder Initiative will help further. Amongst the Homeland Security Advisors most feel grant eligibility should expand from "first responders" to "emergency responders". There are responders beyond law enforcement, fire, and emergency medical services who are also in harm's way and need equipment support. These include public health, emergency management, and public works personnel. Why not expand the eligibility to all "emergency responders", or better yet, let Governor's designate the eligibility.

A frequent complaint in government is the federal money never reaches the locals, it all stops at the state. In Kansas, in the past three years we passed 87% of federal (FEMA) and state emergency management funds to locals and most of the rest was used to provide training or services to locals. However, passing everything to locals like the Nunn-Lugar, DOJ, MMRS grants have done is not a panacea. In fact beyond major population centers, this "direct to locals" method is less effective, it built islands of capability and left major gaps elsewhere.

Kansas is predominantly a rural state. Half of our 105 counties are served by part time or volunteer County Emergency Managers. Unless the federal government has an unlimited pot of money, then sending it all direct to locals is not going to provide the most efficient or effective method of creating preparedness or response capacity. Numerous studies in our state show Kansans would be better served using a regional approach. Under this system, a regional emergency management planner would to help multiple counties develop their plans, train people in their roles, exercise those plans, and then actually assist in that rural county operations center when disaster strikes. We need the flexibility to spend the funds where they would be most effective for the state as a whole. For this reason, I urge you not specifically define a percentage that must go to locals but use very broad definitions of support to locals (e.g., one that would include the regional planners just described). Better yet, allow Governors to determine the appropriate split of federal funds spent at various levels to provide the most effective and efficient use of taxpayer dollars in improving preparedness. This is a must if we are to have state systems that are able to integrate with and complement our national system.

Today, all our state emergency management funds are already committed to matching FEMA federal funds. In our present fiscal situation the state of Kansas is very unlikely to be able to match any more federal funds with real money or "hard match." As a minimum please use broad language in defining "soft" or "in kind" match so it will be possible for states to match further federal grant funds. Better yet, based on the philosophic federal responsibility for terrorism and the poor financial condition of the states outlined earlier, we respectfully request you consider making grants 100% federal.

I originally planned to address our state's bioterrorism preparedness until I discovered you have Dr. Michael Moser, our State Director of Health, scheduled to testify. He will do a superb job. Therefore suffice it to say, due to his leadership, The Kansas Department of Health and Environment worked very closely with our department since 1999 and dramatically improved the state's readiness for a bioterrorism event. Grants from the Center for Disease Control (CDC) enabled them to progress in disease surveillance, epidemiology, laboratory capacity, and electronically connecting county public health to the state and CDC. The HHS grants coming now will build much needed capacity. We learned last fall in handling over 800 false anthrax threats that a single lab in the state comes up short of the capacity required. During single anthrax incident at a regional postal facility over 200 samples had to be delivered by an Air National Guard aircraft to the CDC in Atlanta for timely analysis. I am sure Dr Moser can add more to the picture of our bioterrorism preparation and a more thorough analysis of the federal assistance.

The environmental Protection Agency (EPA) provided grants amounting to $460,000 covering 4 water treatment plants in Kansas and approximately 35% of our state population. The grant will enhance physical security, address vulnerability assessment and process safety management. Current program limitations will prevent most of rural Kansas from ever being served by this program. Congressional authorization of the $160 million requested by EPA would help.

FEMA has done an admirable job over the last decade supporting the state and local level mitigation of, preparation for, response to, and recovery from natural disasters. Following FEMA's lead, in recent years Kansas Emergency shifted to an all-hazards approach. It is not a big stretch to include terrorism in that all-hazards approach, In fact in Kansas we including terrorism in our plans prior to 9-11. Now we will take that planning to the next level.

I support President Bush's proposal on the new Department of Homeland Security and applaud the House of Representatives fast action in passing the bill. Now I hope the Senate will follow suit, so we can get on with improving our federal structure for the security of our nation.

However I must say, the inclusive approach of Governor Ridge and the Office Homeland Security are making us feel as if our voices are being heard.

Kansas, like the nation has come a long way in our preparation for Terrorism but we have a lot of work ahead. We appreciate your leadership in the Congress and the President's in the War on Terrorism. Please support flexibility in future federal programs, allow the Governors, who know their states, to determine where best to focus the limited dollars we have to protect the lives and property of our citizens.

Thank you for the opportunity to testify.

Congressional Field Hearing
August 20th, 2002
Abilene Kansas

Major General Gregory B. Gardner
Adjutant General &
Director of Kansas Emergency Management & Homeland Security

National Guard Constitutional Missions

State
- Protect Life & Property
- Peace & Order
- Civil Defense

Federal
- Train for Wartime
- Support Army & Air Force Missions

- Often cause confusion, even among military

Employing the National Guard
3 Types of Duty Status

- State Duty = Governor Control - State $
  - Natural Disasters
- Title 10 = Federal Control - Fed $
  - Overseas Duty
- Title 32 = Governor Control - Fed $
  - Airports, Borders, Counter-drug, Security
  - *Right Status for Homeland Security*

Title 32
Gov Control – Fed $

Advantages
- Flexibility for member, family, employer
  - Helps Retention = lower recruiting & training $
- Combat readiness maintained
  - Continue to train with Guard unit
- Lower costs
  - Mobilization & Demobilization in state
- Unrestricted by Posse Comitatus
  - Can do Law Enforcement & be armed
- *Title 10 = None of these advantages*

Bottom Line: Do Homeland Security in Title 32

Role of National Guard in Homeland Security

Primary Mission or Only Mission? **NO**

- Removing Warfighting Mission
  - Grievous error & worst thing Congress could do
- Guard essential to national military capability
  - Governors = 250,000 days/year
  - Combatant Commanders = 2,000,000 days/year

Warfighting Readiness = Homeland Security Capability

Role of National Guard in Homeland Security

Homeland & Warfight simultaneously? **YES**

- Title 10: 40,000 today
- Title 32: 13,000 peak since 9-11
- State: 8,000 peak
  = 13% of National Guard 460,000
- Rotate to support day-to-day operations
- Surge for Major Theater War

Guard repeatedly proven - doing both missions

Civil Support Teams (CST)

- 32 in nation to support Local Incident Commanders during a WMD event
- Need one CST in every State
- Need continued Congressional Attention & Support
  - Unique missions often get low priority

Posse Comitatus

Reflects American believe in limits on active duty military in representative democracy

- Prohibits Army & Air Force from enforcing civil law
- Not applicable to National Guard in Title 32 status
  - U.S. Constitution provides *"for calling forth the militia to execute the laws of the union"*

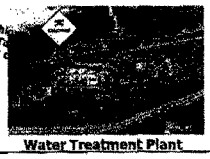
It is Anathema to a freedom-loving nation to alter the spirit of Posse Comitatus

Emergency Management

- Terrorism Prep low budget operation for years
- Nunn-Lugar & MMRS great for cities but
  - Spotty capability - Rest of State uncovered
- DOJ Equipment Grants
  - KS Assessment = $20 M requirement
  - FY99-01 = $2.3M personal protective equip
  - FY 02 = $4.1 M broader list & more coverage
  - GOOD THING it is 100% Fed $

Water Supply

- EPA $460K covers 4 KS plants & 35% population
- Rules won't cover rural areas



Water Treatment Plant

Fed $ Distribution

- Past
  - Nunn-Lugar & MMRS – 100% cities
  - DOJ – 97% to locals
  - FEMA – 87% locals
- KS rural = 50% part-time or volunteer
  - Regional Approach Most Effective

Bottom line
Let Governor distribute $ based on State Strategic Plan

Federal Grant Matching Funds

- Kansas = All Emergency Management state funds already committed to match FEMA $
- Perspective:
  - Terrorism = response to nation's foreign policy
  - Terrorism $ = federal responsibility

Bottom line
- *As minimum allow "soft" or "in kind" match*
  - *Best if 100% federal $ provided*

Emergency Management

- Request Congress support "Emergency" versus "first" responders
  - Emergency responders like Public Health, Emergency Management, Public Works who serve on the front lines along side traditional first responders (comprised of law enforcement, fire and EMS) need your support to provide an effective response

Air National Guard

Emergency Medical Support (EMEDS)

Each state has at least one Air Guard Medical Squadron that could provide medical support to locals in times of disaster if Congress funded the equipment

SPEAPR

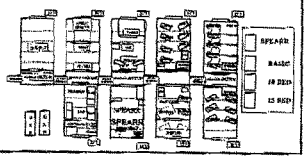
Small Portable Expeditionary Aeromedical Rapid Response

The first module of EMEDS provides

- Rapid Response to increase local medical capacity
- Disaster assessment, Emergency/Primary Care, Resuscitative/Surgical capability, ICU Stabilization

EMEDS Modular Approach

Allows Capacity to Expand to Disaster Needs



Homeland Security Structure

- Support President's Proposal
- Applaud House fast passage
- Hope Senate follows suit
- Appreciate inclusive approach of Gov Ridge & Office of Homeland Security
  - Our Voices are being heard in Washington
  - "National" vs "Federal" Strategy

Summary

- National Guard
  - Employ in Title 32 for Homeland Security
  - Keep us both our Constitutional Missions
- Federal Support
  - Make Grant $ 100% Federal
  - Let Governors Determine Distribution

Mr. HORN. Now, we have to the next fine person. Dr. Michael Moser is director of the Kansas Department of Health and Environment, Division of Health.

STATEMENT OF MICHAEL MOSER, MD, MPH, DIRECTOR, KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT, DIVISION OF HEALTH

Dr. MOSER. Good morning. Congressman Moran, Chairman Horn, members of the audience. I am Dr. Michael Moser and I serve as Director of Health for the Kansas Department of Health and Environment. Thank you for inviting me to testify today. As Director of Division of Health for the Department of Health and Environment, I serve as State health officer for Kansas. In addition, Governor Bill Graves has appointed me to serve as the Executive Director for the Kansas Public Health Preparedness and Response to Bioterrorism Program. I serve as chairman of the Kansas Bioterrorism Coordinating Council and I represent the Department of Health and Environment and the Kansas Commission on Emergency Planning and Response. I believe you have my written testimony.

At this time I would like to highlight the following points. First, Federal financial and technical assistance over the past 3 years have been critical in helping Kansas to improve the preparedness of our public health system to respond to the threat of biological terrorism. Second, public health preparedness for the effective response to terrorism is a long term mission. It will require long term Federal assistance, both financial and technical. Three, dual function capacity development should be a central tenet of our Nation's strategy for public health preparedness. Virtually all modalities that are necessary for effective public health response to bioterrorism can also support more effective public health action to address the leading causes of disease, illness and injury. Development of these modalities for preparedness should be integrated with the overall public health infrastructure. Four, partnership with other organizations is at the center of the preparedness strategy of the Department of Health and Environment. We are working in partnership with local organizations, particularly local public health departments and hospitals, and with State agencies such as the Department of the Adjutant General, the Kansas Bureau of Investigations, the Department of Animal Health and our State's institutions of higher learning. We also want to work in partnership with Federal agencies—with historic partners such as the Department of Health and Human Services, with new partners such as the Federal Bureau of Investigation and with partners to be such as the Department of Homeland Security. At this point I will conclude my prepared testimony. Thank you for your attention. If you have questions for me, I'll do my best to respond.

Mr. HORN. Thank you. That's very precise.

[The prepared statement of Dr. Moser follows:]

Testimony of Michael Moser, M.D., M.P.H., FACPM, Director, Division of Health Kansas Department of Health and Environment

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

Field Hearing, Abilene, Kansas
August 20, 2002

Good morning, Chairman Horn, Congressman Moran, and members of the subcommittee. My name is Dr. Michael Moser. I serve as Director of Health for the Kansas Department of Health and Environment. Thank you for inviting me to testify on the effectiveness of the federal government in assisting state and local governments to prepare for biological, chemical, or nuclear attack.

As Director of the Division of Health for the Department of Health and Environment, I serve as State Health Officer for Kansas. In addition, Governor Graves has appointed me to serve as the Executive Director for the Kansas Public Health Preparedness and Response to Bioterrorism Program. I serve as chairman of the Kansas Bioterrorism Coordinating Council and represent the Department of Health and Environment on the Kansas Commission on Emergency Planning and Response.

The Kansas Department of Health and Environment is responsible for general supervision of the health of the people of Kansas. In fulfillment of this mission, the Department assesses the health status of Kansans on an ongoing basis, investigates the causes of disease, takes action to prevent the spread of contagious diseases, provides public health outreach to increase the public's awareness and appropriate use of public and preventive health services, and administers a number of regulatory programs. To carry out its mission, the Department of Health and Environment works closely with the 99 county health departments that serve all 105 Kansas counties, with state academic institutions, with other state agencies, and with a wide spectrum of partners from the private sector.

The Department views federal agencies as key partners in fulfilling its mission and has a long history of productive collaboration with the federal government to promote the health and well being of the people of Kansas. Federal agencies have been both a critical source of funding for public health programs in Kansas and valuable professional colleagues in our efforts to provide Kansans with the public health programming that rests on a sound scientific base.

The public safety component of public health has been central to the mission and role of the state public agency of Kansas since establishment of the State Board of Health in 1885. A formal program to prepare for and respond to bioterrorism was created within the Department of Health and Environment in 1999, using funds obtained under a cooperative agreement with the

Centers for Disease Control and Prevention and using the existing epidemiology program of the Division of Health as its core. These federal funds were a crucial element that helped us to begin expansion of the state's epidemiologic, laboratory, and communications capacity to respond to bioterrorism during, in retrospect, a critical window of opportunity. The capacity built with these resources demonstrated its value during the anthrax crisis in the fall of 2001.

The Division of Health utilized its enhanced capacities to provide epidemiologic investigation and medical consultation services across the state on a 24/7 basis through that crisis. Public information phone banks were created to address the concerns and fears of the general public; these personnel provided a caring and competent resource for hundreds of Kansans who were living in fear during that period. The Division of Health and Environment Laboratories provided high quality laboratory analysis of hundreds of suspicious powders during the fall of 2001. Even without the funding for bioterrorism that we received from the Centers for Disease Control and Prevention between 1999 and 2001, Kansas would have responded to anthrax. Because of the funding from the Centers for Disease Control and Prevention, we were able to respond more effectively. Fortunately, there was no anthrax attack in Kansas in the fall of 2001. But the public health response was still important. Not only is fear a major component of the terrorist arsenal, but fear is also a cause of human suffering. It is both in the interest of public safety and public health that we be able to respond as effectively to possible bioterrorism as we are to actual bioterrorism.

The anthrax crisis of fall 2001 also provided us with evidence of weaknesses in our public health response system. Our state epidemiologic, laboratory, and public information capacities were stretched during the anthrax crisis. In our after-action reviews, all agreed that we needed more state capacity in these areas to be prepared for an actual attack. Local health department response across the state varied considerably. Everywhere we saw dedication from our public health workforce, but performance did not always match commitment. It was clear that more resources were needed at the local level to improve public health preparedness capacity in Kansas. Unfortunately, at the very time that we saw these needs, the state economy was facing an unprecedented crisis.

With the availability of FFY 2002 supplemental funding from the Centers for Disease Control and Prevention for public health preparedness and response to bioterrorism, the Department of Health and Environment has now been able to respond to these gaps and speed the pace at which the preparedness of the public health system to respond to the threat of bioterrorism is improving. As is the case with all states receiving supplemental FFY 2002 funding from the Centers for Disease Control and Prevention for public health preparedness and response to bioterrorism, the Department of Health and Environment is using these funds in six focus areas: Preparedness Planning and Readiness Assessment, Surveillance and Epidemiology Capacity, Laboratory Capacity-Biologic Agents, Health Alert Network/Communications and Information Technology, Risk Communication and Health Information Dissemination, and Education and Training. As is the case with other participating states, priority attention is given in our activities to achievement of the Critical Benchmarks and building the Critical Capacities outlined in the program guidance.

Because local capacity was identified as a crucial need during the events of fall 2001, priority has been given to allocation of funds to local health departments and for state level activities to increase public health preparedness capacity at the local level. The philosophy of the Department of Health and Environment is that local capacity development should be comprehensive, reaching both large and small population counties. I will not burden the record with a full summary of the Kansas plan to utilize the FFY 2002 supplemental funding for public health preparedness and response to bioterrorism. However, if you have questions about the Kansas program, I will do my best to respond.

A few examples may be useful in illustrating the growth of Kansas public health capacity to respond to terrorism. As of August 12, 2002, 104 of 105 Kansas counties were enrolled in the Kansas Health Alert Network to assure 24 hours a day, seven days a week alerting linkage between local health departments and state/federal public health agencies. We anticipate enrollment of our 105th county shortly. Through the Kansas Health Alert Network, every enrolled county is constantly connected to the national public health system. Complementing this alerting function, 105 of 105 Kansas counties are enrolled in the Kansas Public Health Information Exchange, a secure Internet-based system for rapid reliable communication of detailed public health information and recommendations. As of August 12, 2002, 101 of 105 counties had prepared public health bioterrorism response plans. The remaining four counties are completing their plans with assistance from the Department of Health and Environment. The Kansas Public Health Information Exchange is already being expanded to incorporate hospitals, physicians, and other critical health providers across the state.

As Kansas has built capacity for public health preparedness and response to bioterrorism, we have strived to do so in such a way that this capacity will also serve other public health needs. Last week, an excellent example of the dual function benefit of bioterrorism preparedness unfolded. On August 8, 2002, the Department of Health and Environment was informed by the College of Veterinary Medicine Diagnostic Laboratory at Kansas State University of the first isolation of West Nile virus from a Kansas animal (a horse). Utilizing the Health Alert Network and the Public Health Information Exchange, as well as risk communication and health information dissemination capacity, all developed as integral components of bioterrorism preparedness, this information and appropriate public health recommendations for response were rapidly communicated to all Kansas health departments, to physicians, to veterinarians, and to the general public. The Public Health Information Exchange, in particular, has repeatedly demonstrated its utility to support both bioterrorism preparedness and other public health needs.

An important element of Kansas public health preparedness activity is coordination, at both state and county levels. Under Kansas law, the Adjutant General has overall authority over emergency and disaster planning by state agencies. The Department of Health and Environment has a long history of cooperation with the Department of the Adjutant General and its Division of Emergency Management in preparing for natural disasters and nuclear power plant safety. Starting in 1999, General Gardner and I began efforts to assure that the efforts of our agencies were coordinated in responding the threat of terrorism. During the fall of 2001 and all through 2002, those early efforts have borne fruit as staffs from both agencies have worked as a team to build preparedness capacity. One concrete example of this collaboration was the June 2002

Prairie Plague training exercise cosponsored by the two departments, during which more than 700 Kansans from 102 of 105 Kansas counties tested their communities' preparedness for a smallpox attack. This is the third joint training exercise for bioterrorism carried out by the Department of Health and Environment and the Department of the Adjutant General. In terms of participation, the Prairie Plague exercise was the largest emergency response training exercise in Kansas history.

Perhaps more important than jointly sponsored plans for training has been continuing attention to coordination between the various components of state preparedness and disaster response. Public health activities in this regard must be linked with emergency management, with law enforcement, with other state agencies, with federal agency response, and with the activities of local agencies. The state emergency operations plan is the nexus of this coordination. The state public health response plan for bioterrorism is coordinated with the state emergency operations plan. The state public health response plan for bioterrorism forms a template for local public health plans, and local plans are expected to demonstrate coordination with county emergency management plans. Since the initial receipt of funding by Metropolitan Medical Response Systems (MMRS) in Wichita and Kansas City under the Nunn-Lugar-Domenici legislation, we have worked with the involved local agencies in those jurisdictions. As we build public health preparedness and hospital preparedness through the two federal bioterrorism programs operated by the Department of Health and Environment, we will be working to maintain coordination with the MMRS sites.

Prior to the tragic events of fall 2001, planning for hospital response to emergencies, including bioterrorism, was primarily handled at the local level. With creation of the federal Hospital Bioterrorism Preparedness Program, the Department of Health and Environment was charged with implementation of a state hospital preparedness program. In the past, the Department has worked successfully with the Kansas Hospital Association to build and administer the state's model Critical Access Hospital Program. Building on this model of partnership, we have undertaken the new hospital bioterrorism preparedness program in integral partnership with the Kansas Hospital Association. At this time, the partners are in the midst of a major assessment of bioterrorism preparedness needs among hospitals across the state. This needs assessment will form the basis for development of Regional Hospital Plans. The availability of federal funds has been extremely important in getting this program started. In addition, with the availability of federal funds, we have been able to attract supplemental private sector funding for this effort. I was pleased to see that Mr. Ray Williams is scheduled to provide testimony today. Mr. Williams has been an important participant in this process from the hospital side. After his testimony, if you still have questions about this aspect of Kansas preparedness activity, I will do my best to respond.

The Kansas Department of Health and Environment appreciates the assistance, both financial and technical, which has been provided by federal agencies to assist development of capacity within the state to be prepared for an effective response to bioterrorism. It has allowed us to move faster and farther than if we had been dependent on state resources alone. Our partnership with the Department of Health and Human Services is particularly close and has been built over generations. The progress of linkage to newer federal partners, such as the Federal

Bureau of Investigation, lacks that long history but benefits from a clear commitment on both sides to build connections that will enable us to protect the people of Kansas. We look forward to building the same sort of relationship with the new Department of Homeland Security where our agency missions overlap.

On the basis of our experience to date with bioterrorism preparedness, as well as our experience in building other public health programs for Kansas, I make the following recommendations to the committee for future federal/state activities to build public health and hospital preparedness to bioterrorism:

- Recognize that public health preparedness for bioterrorism is a long-term national need and will require long-term funding. The need for bioterrorism preparedness will not disappear with the defeat of enemies that face us today. The safety and security of our children and grandchildren will depend on long-term preparedness, one component of which is adequate, well-trained public health personnel at the state and local levels. Unstable, year-by-year funding is not conducive to building and maintaining the capacity that our people deserve.

- Dual function capacity development should be the foundation for preparedness. Wherever possible, bioterrorism response capacity should follow lines that permit uses in support of other public health functions. Not only is dual function capacity more cost-efficient, but it is predictably more effective. Our use of preparedness capacity for other issues tests and maintains system performance for bioterrorism.

- One size does not fit all, either in preparedness or clothing. Perhaps more than most, my career path has firmly convinced me that the states differ substantially in important ways that must be taken into account as we build preparedness systems at the state and local level. Federal programs supporting state capacity development should clearly distinguish between the outcomes that are desired and the forms that are adopted to achieve those outcomes. States should be accountable for the outcomes; states should be free to choose the forms that best support those outcomes within the social and political institutions of each state.

- Coordination at the state level must be assured. An effective response to biological terrorism inevitably crosses jurisdictional lines within a state and optimal protection of state residents requires state-level coordination to assure that response resources are efficiently used and fully deployed. Federal programs working directly with cities and counties should require coordination with appropriate state agencies.

Thank you again for this opportunity to provide testimony. If you have questions, I will do my best to respond.

Mr. HORN. We now have Kerry McCue, who is the director of Ellis County Emergency Medical Service. Mr. McCue.

STATEMENT OF KERRY MCCUE, DIRECTOR, ELLIS COUNTY EMS

Mr. MCCUE. Good morning, Mr. Chairman, Congressman Moran and distinguished guests. I would like to thank you for the opportunity to speak with you this morning. I'm currently the Director of Ellis County Emergency Medical Services. Our county is much like the community of Abilene. Ellis County is a rural Kansas county with a population of approximately 27,500. We have major transportation systems, both an interstate highway and railways that transact. Because of these transportation systems, many of our public service agencies have become regional resources.

Existing Federal training and grant programs such as hazardous materials training have greatly benefited many of Ellis County agencies. However, much more is needed to allow these agencies to insure successful management of devastating events involving biological, chemical and nuclear agents. The need is not only monetary. Personal protective equipment and testing equipment is essential. It is not realistic for every community to have testing equipment. However, every community must have available to it testing equipment so that questionable substances can quickly and accurately be tested. When first responders are presented with hazardous situations, they must have the ability to identify the source and contain it, thus reducing the possibility of loss of life.

Traditionally, we have provided our staff with training on how to treat patients that have become suddenly ill or injured. We have also provided the very basics on the treatment of patients affected by biological, chemical and nuclear agents. Traditional training is no longer adequate.

With the events of last year, the changing terrorist threat to our country and communities, we as an EMS provider, along with other public safety providers, must ensure that our personnel have the appropriate equipment and training to function effectively when such devastating events occur. I believe there are several obstacles preventing public service agencies from obtaining such training and equipment. The first obstacle is available manpower. EMS, like many other health care professions, is significantly short of personnel. Recruitment and retention of qualified personnel has become a major source of concern for every administrator nationwide. Second, most first responding agencies in rural areas of the Nation must compete for limited funds available to local governmental bodies for equipment. Such lack of support to purchase necessary equipment has led providers to utilize equipment that is adequate to handle basic day-to-day emergency situations and not for significant terrorist events. Third, our current training programs have to focus more on responders awareness and treatment of victims of terrorist activities. Communication systems must allow responding agencies to communicate with each other.

A tornado in a neighboring community last summer pointed out to the first responders here in Kansas how inadequate our communication systems were. If this would have been a terrorist attack utilizing biochemical or nuclear agents we could have lost citizens,

responding public service personnel, simply because they could not adequately communicate. With the reality of terrorist events, new alliances will have to be formed. Chemical and biological nuclear attacks will create major public health problems, problems that will overwhelm the health care system as we know it. Such alliances can only be developed with cooperative efforts of the Federal, State and local government to insure commitment for adequate funding and infrastructure to exist.

Local agencies struggle with equipment, technological advances and short useful life spans of equipment. Technology advances so quickly that frequently the equipment that agencies purchase is outdated when it is delivered. More significant is the fact that equipment purchased through grant programs outdate or passes by the manufacturer's recommended expiration date with no mechanism to replace it.

And finally, recent implementation of Medicaid fee schedules for ambulances has dramatically affected the funding for many of these problems in the EMS industry. Decreases in patient revenues hamper any organization's ability to compete with outside market forces for qualified personnel, purchasing needed equipment and to provide quality training. So how can the Federal Government help local EMS providers? By providing more grants specifically targeting EMS providers; by providing grants and funding programs that encourage cooperative arrangements between all public service agencies; by providing grants and funding programs that are less restrictive and provide for replacement of equipment; address the negative impact of the Medicare fee schedule on rural ambulance service and increase availability of Federal training programs at local and regional locations.

In conclusion, I would like to thank this committee and the Federal Government for taking the time to address these issues. If there are any questions I would be very happy to answer them. Again, thank you for your time.

Mr. HORN. Thank you very much. We will go through a number of questions after the next presentation.

[The prepared statement of Mr. McCue follows:]

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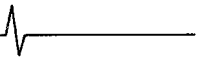
1009 Cody Ave. Hays, Kansas



Date: August 20, 2002

To: The Congressional Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations

From: Kerry G. McCue, Ellis County EMS

Reference: Subcommittee Testimony

Good morning Mr. Chairman and fellow Committee members. I would like to thank you for the opportunity to talk with you this morning.

I am currently the Director of Ellis County Emergency Medical Services (EMS); our county is much like the community of Abilene. Ellis County is a rural Kansas county with a population of approximately 27,500. We have major transport systems, both an interstate highway and railways that transect our 900 square miles. Because of these transportation systems many of our public service agencies have become regional resources.

Existing federal training and grant programs such as hazardous materials training have greatly benefited many of Ellis County's agencies. However, much more is needed to allow these agencies to ensure successful management of devastating events involving biological, chemical and nuclear agents. The need is not only monetary, personal protective equipment and testing equipment is essential. It is not realistic for every community to have expensive testing equipment. However, every community must have the availability to test questionable substances quickly and accurately. As the events of last year unfolded, it became very apparent to many local officials that our current system was overloaded and unable to test or rule out the possibility of unidentified substances being a destructive chemical such as anthrax. When first responders are presented with hazardous situations they must have the ability to identify the source and contain it, thus reducing the possibility of loss of life.

Traditionally, we have provided our staff with training on how to treat patients that have become suddenly ill or injured. We have also provided the very basics on the treatment of patients affected by biological, chemical and nuclear agents. Additionally, many EMS providers have relied on their local fire service personnel to decontaminate, and remove victims from the hazards material situations. Traditional training is no longer adequate.

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With the events of last year and the changing terrorist threat to our country and communities, we as EMS providers along with other public safety providers must ensure that our personnel have the appropriate equipment and training to function effectively when such devastating events occur.

I believe there are several obstacles preventing EMS providers and other public services agencies from obtaining such training and equipment:

- The first obstacle is available manpower; EMS like many other health care professions is significantly short of personnel. Recruitment and retention of qualified personnel has become a major source of concern for every administrator nation wide. Recently, a nearby paramedic licensed ambulance service was forced to surrender its license because it was not able to employee personnel allowing them to maintain the services advance life support status. One of the reasons that public service/health care professions are experiencing the recruitment and retention problem is traditionally lower salaries that can not compete with higher paying private sector jobs.

- Secondly, most first response agencies (EMS, Fire Department and Law Enforcement) in the rural areas of our nation must compete for limited funds available to local governmental bodies for equipment. Such lack of support to purchase necessary equipment has led to providers utilizing equipment that is adequate to handle basic day to day emergency situations and not for significant terrorist events.

- Thirdly, our current training programs have to focus more on responder awareness and treatment of victims from terrorist activities such as biological, chemical and nuclear agents.

- Communications systems must allow responding agencies to communicate with each other. A tornado in a nearby community last summer pointed out to the first responders here in Kansas how inadequate our communications systems were. Because there were no common communications equipment shared by those police, fire and EMS agencies responding to assist the City of Hoisigton, no one could communicate basic information to anyone else. No one knew who was there, how many or what type of resources they had available. There was no way to share victim information to responders, and most importantly no way to share safety information. If this would have been a terrorist attack utilizing biological, chemical and nuclear agents, we could have lost citizens and responding public service personnel simply because they could not adequately communicate.

- With the reality of terrorist events, new alliances will have to be formed. Chemical, biological or nuclear attacks will create major public health problems--problems that will overwhelm the health care system, as we know it. EMS providers and other first responders must have the ability to provide essential services throughout the health care system. Such alliances can only be developed with the cooperative efforts of the federal, state and local governments to ensure commitment for adequate funding and infrastructure to exist.

- Local agencies struggle with equipment technological advances and short useful life span of equipment. Technology advances so quickly, that frequently the equipment an agency purchases is outdated when it is delivered. More significant is the fact equipment purchased through grant programs outdate, or passes by the manufacturers recommended expiration date, with no mechanism to replace it.

- The recent implementation of the *Medicare* fee schedule for ambulance services has dramatically affected the funding for many of these problems in the EMS industry. Decreases in patient revenues hamper any organizations ablilityto compete with outside market forces for qualified personnel, purchase needed equipment and provide quality training.

So, how can the federal government help local EMS providers?

- More grants specifically targeting EMS providers.
- Grants and funding programs that encourage cooperative arrangements between all public serves agencies.
- Grants and funding programs that are less restrictive and provide for replacement of equipment.
- Address the negative impact of the Medicare fee schedule implementation on rural ambulance services.
- Increased availability of federal training programs at local or regional locations.

I would like to thank this committee and the federal government for taking the time to address these issues. If there are any questions I would be very happy to answer them. Again, thank you for your time.

Mr. HORN. The next presentation is Raymond Williams III, the president and chief executive officer of the Sumner Regional Medical Center. Glad to have you with us.

STATEMENT OF RAYMOND WILLIAMS, PRESIDENT, CHIEF EXECUTIVE OFFICER, SUMNER REGIONAL MEDICAL CENTER

Mr. WILLIAMS. Mr. Chairman, Congressman Moran, everybody in the room. I'm pleased to have the opportunity to share my perspective on the emergency issues facing our country's hospitals. I'm especially pleased to be a voice for the rural hospitals across America as we meet the daily challenge of caring for our sick and injured 24 hours a day, 7 days a week, every day of the year.

The terrorist attacks of September 11th and the subsequent anthrax attacks have changed our American view of safety and security and have also changed Sumner Regional's view also of its emergency preparedness response. Over the past 11½ months, the Nation's hospitals have focussed on strengthening our national security and emergency readiness. Hospitals have been upgrading their existing disaster plans as has Sumner Regional. I'm personally involved in that responsibility at Sumner Regional; have learned a great deal about our planning process. I would like to note our effort to replace our current disaster plan with the Hospital Emergency Incident Command System. The American Hospital Association has reported that the hospitals continue to tailor the plans to suit the needs of their communities in the face of new and more ominous threats of terrorism, particularly terrorist use of the chemical, biological or radiological agents.

While a voluntary use of HEICS will be welcome, I think strong consideration should be given by the Federal Government in mandating its use without exception. The point I will stress throughout this testimony is that, given the profound threat terrorism imposes to the citizens of the United States, I believe we need a clear and direct Federal direction with financial support to achieve the posture Americans deserve. I don't believe we have that now.

Another observation from our experience at Sumner Regional is the woeful lack of information and guidance on how a community hospital should be prepared for terrorism. The closest information we could find was what we needed for a hazardous material incident or event and quite frankly, we can't meet those needs.

Additional areas Sumner Regional and perhaps other rural hospitals need to address and find funding for includes but is not limited to such things as portable negative air machines and HEPA filters, large volume water purification equipment and I could go on and on. The initial observation from our experience at Sumner Regional was the readily apparent fact that we didn't have the funds to acquire structural improvement, to pay for equipment purchases, to pay for increased medical supply inventory and for training needed to better posture the staff at Sumner Regional in its new environment.

While we, health care professionals in rural communities, recognize the principal focus of homeland security is on urban areas, I believe there's a value in recognizing that America is small and rural. This may be especially true if urban communities are threatened from terrorism attacks. Rural hospitals may be critical insti-

tutions for emergency preparedness if urban hospitals are incapacitated or overwhelmed with casualties. If rural hospitals are to be expected to care for the mass casualties of a major event for any reason, I believe it is imperative that our institutions be given greater attention with capital funding to prepare for such events.

Focussing our emergency planning to include terrorism, we are finding it more difficult to definitively quantify the planning itself. We were able to gain some insight through an American Hospital Association survey on emergency preparedness and Sumner Regional's involvement with the State sponsored bio-terrorism exercise, "Prairie Plague 2002." These helped to some degree to truly appreciate the limiting factors in our plans; i.e., the need to have a decontamination facility, and we didn't have one. We need better communication with local health departments, law enforcement, EMS, the news organizations. We need an offsite location to treat medical emergencies. We didn't have the supplies or staff necessary for such a treatment site. We didn't have personal protective equipment necessary for such an event. We clearly need to address security needs to protect our staff and provide organization for treatment.

Today, hospitals are not stocked with suitable personal protective equipment to protect clinicians and other health care workers from exposure in the event of biological or chemical attack, particularly one involving an unknown agent. This is true of Sumner Regional and I regret to report to you that we do not have one piece of personal protective equipment. Of equal concern is our need to provide training for the use of PPE once specific equipment requirements are identified and we will have to fit appropriate staff members for such equipment. Both the time for fitting and training will take needed staff time away from patient care and customer services. Hospitals should have a minimal level of decontamination for ambulatory and non-ambulatory patients; the ability to ramp-up quickly for a media event and access to a regional decontamination facility for a larger event. This, too, is true at Sumner Regional and I regret to report to you that we do not have decontamination facilities on the Sumner Regional campus.

While we're working better at the local level, there's a general agreement that duplication of equipment and supplies and training must be controlled. We don't have the money to support every agency conducting and performing their own training, nor do we have the personnel, time or staff to send to numerous training courses or facilities to obtain that basic material.

I believe I have really covered the essence of my testimony and wouldn't want to jeopardize someone else's and I'll conclude my comments but I really appreciate the opportunity to be with you today. Thank you very much.

Mr. HORN. Well, thank you.

[The prepared statement of Mr. Williams follows:]

Testimony at Field Hearing
U.S. House Committee on Government Reform's Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations
August 20, 2002, Abilene, Kansas

August 14, 2002

I am pleased to have the opportunity to share my perspective on the emergency preparedness issues facing our Country's hospitals. I am especially privileged to be a voice for the rural hospitals across America, as we meet the daily challenge of caring for our sick and injured 24 hours a day, seven days a week, every day of the year.

Each of us was horrified with the events that started to unfold on September 11. As the second plane struck the World Trade Tower, I was profoundly struck by the greater challenge hospitals and our dedicated staffs were facing on this infamous day and would surely face in the coming days, weeks and months ahead.

As the Chief Executive Officer for Sumner Regional Medical Center in Wellington, Kansas, I did what many of my colleagues surely did that sad day– I started activation of our emergency disaster plan by convening a meeting of our senior staff at 10:00 a.m. and assessing what threat, if any, we might face and what response we should anticipate to this unknown threat.

As we watched the destruction occur in New York and in Washington D.C., one action was clearly on the forefront of everyone's minds -- we needed to calm ourselves and find a way to focus on taking care of our daily patients – and those unexpected injuries that might be coming. We immediately went to work on keeping the staff and visitors in our 56 bed rural hospital some 35 miles south of Wichita informed on what was occurring in our nation and in our hospital and working through our preparation plans, for who knew what was going to happen. At 11:00 a.m., I met with our department managers and briefed them on what we knew, what our assessment was to date and asked for their advice and recommendations. After a discussion and a clear plan formed for the coming hours ahead, I then asked each manager to brief their staff on this same information, as I knew how critical it was for everyone to know what was going on. Everyone needed information and communication as a means of reassurance. That part of our plan worked. I watched with pride as each nurse, technician, clerk and physician calmly went about their daily duties of taking care of our friends, families and visitors. I knew each one had a whole lot more on their mind than usual. I know I did.

By Noon that day, we were able to hold a staff prayer meeting to reflect and seek greater assurance. That afternoon, we continued with preliminary plans by addressing:

- Lockdown procedures to minimize access to Sumner Regional and facilitate direct patient flow to specific points
- Other security measures such as 24-hour perimeter checks. I was thankful that we had adopted hospital-issued staff photo identification badges in 1998.

- Auxiliary power source. Sumner Regional Medical Center has been using three emergency generators and automatic transfer switches as essential electrical systems (EES) in the event of a disruption in commercial electric service. Our hospital has two generators that were manufactured in late 1970 with the third manufactured in 1958 and relocated from the original St. Luke's Hospital to Sumner Regional in 1971. We are presently finalizing our proposal to replace and upgrade the system this year at an estimated cost of over $150,000. We'll by borrowing that money due to a lack of capital reserves.
- Increased storage capacity for fossil fuels to provide uninterrupted power. As part of our Y2K plan, we refurbished our external 10,000 cubic foot propane fuel tank and delivery system as a redundant power system for systems operated by natural gas from commercial sources.
- Validate the adequacy of our recently increased stockpile of 2,500 gallons of bottled water sufficient.
- Validate the adequacy of our food stores, our medication stock, and our medical supplies.
- Determine the need for 12-hour shifts.

These were important questions, as we were not receiving any information on what to be prepared for, nor had we received any guidance through emergency channels at the local level. By the end of the day, we implemented a minimum staffing plan for emergency management and security through the night based on what we could learn from television news.

By the next morning, Wednesday, September 12th, we received our first notice via the Sumner County Office of Emergency Management from the Kansas Adjutant General. That notice had been issued the previous day. We found out we had taken the correct actions by securing the too many exterior doors designed for a hospital in 1970. That design didn't take into consideration the many challenges of bioterrorism including decontamination. We found out we had taken the correct actions by having our plant operations staff walk the outside grounds at night with flashlights, as the exterior lighting of our 120,000 square facility didn't have sufficient lighting to deter unwelcome visitors seeking refuge from Interstate 35 three miles to our east. We found out we had taken the correct actions by alerting our staff to look for suspicious visitors and packages. The anthrax threat wasn't even envisioned, then. We were advised to check visitors with packages and bags, but we determined that such an action was just too alarming for our rural community.

The terrorist attacks of September 11th and the subsequent anthrax attacks have changed how Americans view safety and security and have changed how Sumner Regional views emergency preparedness. Over the past 11-plus months, the nation's hospitals have focused on strengthening our national security and emergency readiness. Hospitals have been upgrading their existing disaster plans, as has Sumner Regional. I have undertaken this responsibility at Sumner Regional and learned a great deal in the process. I would like to note our effort to replace our current disaster plan concept with the Hospital Emergency Incident Command

System (HEICS). The original Hospital Emergency Incident Command System (HEICS) was written by Orange County Emergency Medical Services in 1991 and the edition of HEICS was produced by the County of San Mateo Emergency Medical Services Agency. A survey of California acute care hospitals in the spring of 1997 revealed no major concerns regarding the currently used HEICS plan. What was discovered was that there needed to be a better understanding regarding the adaptability and flexibility of HEICS to facilities of all sizes and emergencies of all types and Sumner Regional is up to the task to help in that process.

The American Hospital Association has reported that hospitals "continue to tailor their disaster plans to suit the individual needs of their communities in the face of new and more ominous threats of terrorism, particularly terrorist acts involving the use of chemical, biological or radiological agents." While a voluntary use of HEICS would be welcome, I believe strong consideration should be given by the Federal government in mandating its use without exception. The point I will stress throughout this testimony is that given the profound threat terrorism poses to the citizens of the United States, I believe we need clear and direct Federal direction with financial support to achieve the medical readiness posture Americans deserve. I don't believe we have that now.

Another observation from our experiences at Sumner Regional is the woeful lack of information and guidance on how a community hospital should be prepared for terrorism. The closest information we could find was what we needed for a hazardous material incident or event and quite frankly we can't meet those needs.

Additional areas that Sumner Regional and, perhaps, other rural hospitals, need to address and find funding for includes, but are not limited to:

- Portable negative air machines and HEPA filters.
- Large volume water purification equipment.
- Expanded mortuary facilities to manage bodies with high contamination or infectivity potential.
- Designated hospital locations for personnel quarantine.
- Expanded patient isolation facilities, including separate air handling system.
- Expanded storage space for stockpiles of personal protective equipment (PPE), pharmaceuticals and supplies.
- Increases in, and related cost incurred from, negative outcomes from hospital acquired infections.
- Affordability of the increasing number of uninsured in our population. Out of a total population of 2,591,090 in the state of Kansas, 302,610 or 11.7% are uninsured; and of the total uninsured, 58,800 or 19% are the very young, and 38,303 or 13% are the low-income elderly…both cohorts being the most susceptible to biological attack.

The last initial observation from our experiences at Sumner Regional was the readily apparent fact that we didn't have the funds to acquire infrastructure improvements, to pay for equipment purchases, to pay for increased medical supply inventories and for training programs needed to better posture Sumner Regional in this new environment. I will discuss that issue later in this testimony.

While we, health care professionals in rural communities, recognize the principal focus of homeland security is on urban areas; I believe there is value in recognizing that America is small and rural. This may be especially true if urban communities are threatened from terrorist attacks. Rural hospitals may be critical institutions for emergency preparedness, if urban hospital are incapacitated or overwhelmed with causalities. In Kansas, we have a number of rural hospitals within a 30-mile radius of our larger cities, which should be considered for readiness enhancements. Those enhancements should include decontamination capabilities, equipping critical shortage professionals with personnel protective equipment (PPE), training the critically short workforce in the many aspects of preparedness training, and so forth. Without the PPE, hospital personnel and emergency medical technicians (EMT's) cannot respond -- if they are only to become more victims. If healthcare providers become exposed and ill, the problems we face in medical treatment multiply greatly – especially in these times of understaffing and personnel shortages in healthcare facilities. Over 40% of our population live in the non-SMSAs of the state and are served by 107 or 83% of our total community hospitals statewide. If rural hospitals are to be expected to care for the mass casualties of a major event for any reason, I believe it is imperative that our institutions be given greater attention with capital funding to prepare for such events.

While we have been able to re-focus our emergency planning to include terrorism, we are finding it difficult to definitively quantify the planning. We were able to gain some insight through an American Hospital Association survey on emergency preparedness and Sumner Regional's involvement with the state sponsored bio-terrorism exercise, "Prairie Plague 2002". These helped to some degree to truly appreciate the limiting factors in our plans, i.e. we needed to have a decontamination facility and we didn't have one. We needed better communication with local health departments, law enforcement, EMS and news organizations. We needed an off site location to treat medical emergencies. We didn't have the supplies or staff necessary for such a treatment site. We didn't have personal protective equipment necessary for such an event. We clearly needed to address security needs to protect our staff and provide organization for treatment.

Today, hospitals generally are not stocked with suitable PPE to protect clinicians and other health care workers from exposure in the event of a biological or chemical attack, particularly one involving an unknown agent. This is true of Sumner Regional and I regret to report to you that we do not have one piece of PPE. Of equal concern is our need to provide training for the use of PPE, once specific equipment requirements are identified. And, we will have to fit appropriate staff members for such equipment. Both the time for fitting and training will take

needed staff away from patient care and customer services. Hospitals should have a minimal level decontamination facility for ambulatory and non-ambulatory patients for small events; the ability to ramp-up quickly for a medium level event; and access to a regional decontamination facility for a large-scale event. This, too, is true of Sumner Regional and I regret to report to you that we do not have decontamination facilities on the Sumner Regional campus.

I should add that I attended a meeting with leaders from our first responders hosted by the Sumner County Office of Emergency Management two weeks ago. During that meeting, we discussed this very issue noting that a field decontamination facility would be very useful. Unfortunately, the needs for bioterrorism equipment in Sumner County alone are so large that funding through a recent Department of Justice grant will not meet our needs, including the likely need for such a decontamination facility.

Since I mentioned that we are working better at the local level, we all agree that duplication of efforts for equipment, supplies and training must be controlled. We do not have the money to support every agency conducting and performing their own training classes. Nor do we have the personnel, time or staff to send to numerous training courses or facilities that teach the same basic material in each course.

Recently, the Kansas Hospital Association's Board of Directors established the KHA Hospital Emergency Preparedness Committee, which I am privileged to chair. During one of our meetings we spent considerable time discussing training programs for our hospital staffs. We received a report that noted the lack of integrated and standardized training programs for healthcare facilities and employees at all levels (nursing and medical care, facility engineers, safety coordinators, risk managers, infection control specialists, laboratory personnel, etc.) While our Committee has not reached a formal recommendation, I believe that a standard minimum for training should be determined, and should be provided by the government. During this meeting, we were advised that the USPHS Noble Training Facility at Ft. McClellan, Alabama is intended for this purpose, has the space and capability to take on this task. From what we can gather, the federal government has increased funding to the DOJ's Center for Domestic Preparedness (CDP) this year to allow the Center to train up to 10,000 first responders (EMT, fire and law enforcement) in WMD response. The federal government should provide the same support for Noble Training Center to allow the national medical community a designated training facility and place to receive competent medical training. The benefits of this location are (a) medical personnel can integrate, through exercises, with the other first responders in training at the CDP; and (b) all medically-based federal agencies (CDC, USAMRIID) and national organizations (American College of Emergency Physicians, the professional infection control and laboratory groups, American Nurses Association) could all sponsor classes, following federal benchmarks, at Noble to better integrate the training. Otherwise, the cost to provide such training will be prohibitive if each state develops their own materials, while there are no guidelines for "basic education", etc., and staffs to provide such training locally. At a

minimum, the federal government could provide, through Noble Training Center, a "train-the-trainer" program so each hospital and locale could have their own training system.

Please note that the bulk of Federal support for training to this point has been for "pre-hospital" first responders. This training must be integrated with the hospitals; thus the need for monies and programs to be made available for medical specialty training, with the ability to practice integrating care for a seamless transition to the hospital. Before this is done, there must be a "meeting of the minds" of the entire medical community as to the standard minimum training and response considered "acceptable" by hospitals.

It is a clear that funding for emergency preparedness has been a chronic issue for hospitals. Early AHA estimates were that non-metropolitan hospitals would each need approximately $1.5 million to acquire those capabilities. The capital reserves of hospitals are continuing to be depleted by inadequate reimbursement from federal and state programs, as well as commercial insurance. In the case of most rural hospitals, I believe those reserves do not exist. I am sure you have heard from my colleagues at the AHA about the many causes for this. I can assure you that the Health Insurance Portability and Accountability Act (HIPAA), the Emergency Medical Treatment and Active Labor Act (EMTALA), and other requirements on hospitals really do impede our ability to prepare for and ultimately respond to acts of terrorism. Not only are chief executive officers, like myself, challenged to manage the competing needs of such programs, but our managers and staff are frustrated with clearly having to more with less. In fact, the financial posture of hospitals across this land is alarming to me as a health care executive.

I would like to take a moment to comment on the state of the rural hospital in Wellington, Kansas. In 1994, the citizens of Wellington, Kansas voted to tax personal property and add a quarter cent sales tax to finance the consolidation of the two existing hospitals that were loosing money profusely. That consolidation was successful and Sumner Regional Medical Center remains open today. Sumner Regional is a city owned community hospital serving approximately 10,000 people annually. Approximately 15 percent of our county is age 65 or older. In 2001, we had 29,297 outpatient visits; 1,695 admissions in inpatient acute medical and surgical services, skilled nursing services and geriatric behavioral services; and delivered 137 babies. The financial summary is more disturbing as 68.7 percent of our revenue comes from Medicare and Medicaid compounded by $420,708 in charitable care. In the following table, a comparison of revenues and expenses per adjusted patient day reports the impact that insufficient reimbursement from Federal programs on the financial operations of Sumner Regional since the 1994 consolidation.

Operating Revenue and Operating Expense per Adjusted Patient Day (APD)
Sumner Regional Medical Center

Year	1995	1996	1997	1998	1999	2000	2001
Income per APD	508.51	531.79	559.11	576.06	582.55	586.24	618.57
Expense per APD	522.20	522.38	561.64	591.43	625.24	640.52	671.27
Gain/(Loss) per APD	-13.69	9.41	-2.54	-15.37	-42.69	-54.27	-52.69

Like every other Kansas hospital, with the exception of critical access hospitals which break even on Medicare services but still show overall operating losses, Sumner Regional has lost money on Medicare services. The lack of excess revenues (or profit) has steadily eroded our capital reserves to the point of depletion. The absence of capital reserves compromises this rural hospital, and I would think every rural hospital, from preparing for the terrorist threat we are discussing today. As you can see from the Sumner Regional data, hospitals have limited profit margins to use in funding our terrorism preparedness needs.

The American Hospital Association estimates that by March of this year, 80% of hospitals had augmented their disaster plans to expand bioterrorism and chemical capabilities and 60% have expanded capabilities for nuclear/radiological events. I would clarify that augmentation doesn't equal expanded capability or capacity by hospitals. Capability and capacity require resources that are lacking or not in place at all. As I continue to rewrite the HEICS-focused disaster plan for Sumner Regional, I have just re-iterated that Sumner Regional can not accept contaminated patients from either a hazardous materials event or incident, let alone a bioterrorism event, due to the lack of decontaminating facilities. That may result in a good plan and prevent contamination of staff and other patients; but I don't believe it is an acceptable readiness posture for our hospitals. It must be recognized that the key limiting factor in hospitals for improved preparedness is the shortage of funds.

Hospitals have been inadequately funded for the roles they are expected to assume. The public health departments received the bulk of the funding to date, but will not be able to transport patients to medical care or help hospitals provide care for sick patients. Hospitals and health departments are starting to learn how important each other is.

That leads me to comment on collaboration at the local level. Collaboration is a key strategy which rural communities are having to learn in order to survive.

Since 1992, I have had the privilege of working with a collaborative strategy for community-based health care integration in rural communities. This is instrumental in helping rural communities maintain health care services given the critical shortage in finances and in the workforce that have chronically plagued rural Kansas. With a great deal of financial and technical assistance from the Kansas Health Foundation, we have achieved remarkable results in south central Kansas with the creation of the FourRivers Community Health Organization.

The FourRivers Community Health Organization is a developing network of hospitals, physicians, health departments, mental health centers, community agencies, employers and community leaders in rural south central Kansas. Currently, the area encompassed by FourRivers includes Cowley, Harper and Sumner counties. Additional counties are expected to join FourRivers in the future, especially Elk and Chautauqua counties to the east of Cowley County.

As I alluded to earlier, the development of FourRivers is borne out of the reconfiguration and expansion of an existing community-based organization, Sumner Community Health Organization (SCHO), which is a not-for-profit, 501 (c)(3), corporation formed in 1996 and incorporated in 2000. Since its incorporation and as a volunteer, I serve as the President and Chief Executive Officer of FourRivers.

The mission of FourRivers is to build healthier communities in south central Kansas by integrating and coordinating clinical, administrative and economic health care decision-making in a way that optimizes the scope, quality and cost effectiveness of a locally appropriate continuum of health promotion, disease prevention, emergency and clinical health care services and related services. This mission focuses on community and health system needs identified by SCHO and other community health assessment efforts undertaken in Cowley and Harper counties in recent years. Community health priorities include: reducing teen pregnancy rates, reducing adverse health behaviors, improvement of nutrition and exercise among seniors, improving access to remote areas, improving local access through public transportation and improving access by addressing the 9.2% of the population that is uninsured.

The major strategic thrusts of FourRivers are to administer an ongoing, area-wide community health assessment and planning process, develop community health improvement programs that address community health priorities, develop the organizational capacity and management and information systems infrastructure to provide value-added services to members and to develop the managed care administrative and medical management capacity and infrastructure to better coordinate care across the continuum and manage future health care financial risk.

Programs include grant funding from several philanthropic sources as well as state and federal programs. Some of the programs include a Sexual Risk Reduction Grant, a Communities That Care Grant, a women's mammography screening grant and a community health fellow grant. In addition, FourRivers has received a Rural Network Development Grant through the Federal

Office of Rural Health Policy. This grant of nearly $600,000 over a three year period will enable the current development of FourRivers to proceed at a much faster pace in the first year and provide funds for implementation of FourRivers' strategies in years two and three.

While FourRivers had fully intended to include providers of emergency medical services (EMS) and develop EMS collaboration initiatives, the "work in progress" nature of FourRivers' development had not involved the EMS providers until 2001. The Kansas Rural Health Options Program (KRHOP) Planning and Implementation Grants recently awarded to FourRivers has provided s timely opportunity and incentive to bring the EMS providers together as a key provider component of FourRivers and to develop collaboration initiatives among EMS providers, and between EMS providers and other FourRivers members, so that a more comprehensive continuum of care and service providers can be encompassed.

The purpose of these KHROP grants is to assess the training and continuing education needs of EMS and hospital emergency room personnel in Cowley, Harper and Sumner Counties and to develop an action plan to better meet these needs. Subject areas to assess include pre-certification training for EMTs and EMICTs and continuing education in risk management, infection control, quality assurance, bioterrorism, behavioral crisis management and equipment maintenance for EMS and hospital emergency room personnel.

The fragmentation of the EMS system in Kansas has been a subject of discussion among the State's health care leaders for the past decade. The result of this fragmentation and the multiplicity of small EMS providers in rural areas is a diminished capacity to maintain financial viability and to recruit and train needed EMS personnel. As stated in the KRHOP EMS Integration Committee Report released in February 2000, "as EMS training programs have become longer and more expensive and the number of trained personnel in rural areas has dwindled the ability of rural communities to operate viable and effective EMS systems has suffered".

The EMS providers in the FourRivers area are no exception to these issues. Currently, there are two "paid" EMS providers in Cowley County, one in Harper County and seven in Sumner County. In addition, there is one volunteer First Responder unit in Sumner County, five in Cowley County and two in Harper County. While some of the larger EMS providers have more capacity to address these issues than the smaller providers, all of them share a critical common problem: the recruitment, training and retention of qualified EMS personnel. In addition, there are six hospital emergency rooms in the FourRivers area. While the EMS providers and the hospitals cooperate to handle day to day emergencies and patient transfers, there is a lack of joint planning and training initiatives to take full advantage of the resources available.

The project will be successful if consensus is reached and participants are committed to implementing a plan to improve the breadth, depth, quality and accessibility of recruitment, training and continuing education programs for EMS and hospital emergency room personnel in

the FourRivers area. The ultimate goal of implementing such a plan will be to improve the readiness, quality and accessibility of emergency medical services in all FourRivers communities.

One of the strategies to be undertaken by FourRivers is its participation in the development of an epidemiological and bioterrorism surveillance system through its involvement with Kansas Information for Public Health System (KIPHS). I might add that this initiative was being given consideration well before the September 11th attacks. The health care leadership within FourRivers recognizes that for such a system to be effective, it must track "real time" data from all sectors of the patient care system. This is the basis for FourRivers commitment to the early implementation of KIPHS in its region. The reporting system would need to be expanded to 24/7 staffing at the state health departments and the CDC. Data from private physician practices and hospitals should be reported in turn to local health departments and upward on a *daily* basis. Reporting should be more frequently if numbers rise above a "baseline" of wellness.

Our current surveillance system is not so staffed, nor as organized in its data collection, statistical analysis and overall reporting. The physician offices, where "flu-like symptoms" may first present, are presently excluded from this reporting system – and they are the critical link to an effective surveillance system. Without them, we would not have a surveillance system.

FourRivers remains committed to becoming a rural participant in the development of an epidemiological and bioterrorism surveillance system under consideration by the State of Kansas. Including the FourRivers EMS providers in this strategic initiative will be of critical importance. Also, bioterrorism training and education was identified as one of the areas to assess in this KHROP planning grant project.

I'd like to make a final comment concerning recent activities initiated through FourRivers. Several months ago, the Board of Directors discussed what role the CHO could and should play in local emergency preparedness planning improvements. While the Board clearly understood that the Federal and State bioterrorism programs were forthcoming, there was a unanimous agreement by the Board that there is and will continue to be a need for a great deal of interagency communication, information dissemination and planning collaboration at the local level. With this in mind and with the growing awareness that the Federal government is requiring collaboration at all levels in emergency preparedness planning, FourRivers has voluntarily offered to assist the emergency management, the health departments, the fire and EMS services and hospitals in Cowley, Harper and Sumner counties in emergency preparedness planning.

This has been well received and has culminated in an exploratory meeting under the sponsorship of FourRivers on August 9, 2002. As a result of this organizational meeting, a decision was

made to continue the process by hosting another meeting in September 2002 to further define the role of FourRivers in emergency preparedness planning in the region. Opportunities for FourRivers include the involvement of the county commissioners, the development of a three county asset inventory of emergency preparedness equipment, the assessment and potential development of an "interoperable" communications systems.

One of the key issues regarding public safety communications is "interoperability." Interoperability refers to the ability of different public safety entities to communicate with each other, on demand, in real time. Common problems experienced by the public safety community include the failure of equipment in "dead spots," interference, insufficient equipment, outdated equipment and channel congestion. An array of technologies including pagers, cellular phones, mobile data terminals and mobile laptop computers are currently used. However, a recent report suggests that existing local land mobile radio systems are, on average, nearly 10 years old, with state agencies having considerably older infrastructures (See, Public Safety Wireless Network Program Analysis of Fire and EMS Communications Interoperability, April 1999).

Most public safety organizations, including hospitals, have experienced problems with interoperability. There is a critical need for funding to upgrade and modernize public safety communications systems and to address interoperability problems. In addition, public safety communications face a variety of issues related to spectrum. These are serious interoperability problems that arise from the fragmentation of public safety spectrum. The most effective way to better ensure interoperability is to incorporate the fundamental principles of the Incident Command System into each level of emergency preparedness planning. Additional spectrum may be required, as well as improved planning and management of the interoperability spectrum. In case existing systems fail in an emergency, alternative and redundant communications systems (e.g., cell phone, two-way radio, ham radio, unlisted numbers, web-based, video conferencing, and use of human couriers) will be required as back-up. Loudspeakers or bullhorns for communicating with the public outside the facility may also be required for the purposes of crowd control. Finally, translators and translated patient resource documents for non-English speaking patients will also be needed, as well as clear signage plans for directing patients to appropriate locations within the facility.

While the FourRivers emergency preparedness strategy is clearly very preliminary, the spirit of collaboration is extremely encouraging and certainly demonstrates a commitment to local, focused collaboration, which will benefit local, state and federal planning under bioterrorism preparedness.

I appreciate the opportunity to share my observations and thoughts with the Subcommittee. I trust it will be of value as we work to meet the health care needs of our communities and the American public in the fight against terrorism.

Respectfully Submitted,

Raymond Williams, III, CHE
President and Chief Executive Officer
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Mr. HORN. We'll now begin the questioning by your Congressman, who will ask a number of questions.

Mr. MORAN. Mr. Chairman, thank you very much and I appreciate the witnesses testimony. This perhaps is a question to General Gardner and Dr. Moser. Have we given thought in Kansas as to what would be a likely terrorist scenario? Have we narrowed down the events that we ought to be preparing to respond to or is this simply looking at all possibilities for terrorist attack in our State?

Mr. GARDNER. We have been preparing for some years for a multiple of possible events. I don't think there is any one particular one. We have been preparing for foreign animal disease, which would have a great economic impact on the State and Nation—foot and mouth disease, for example. We have also prepared for bioterrorism kinds of incidences, each year exercising with a different highly likely scenario. So I don't think we can pick one. I think you have to prepare for a multiple of them and you have to build plans that allow you to respond to anything that comes.

Dr. MOSER. General Gardner has covered, I think, the critical points. I would simply note that the Centers for Disease Control, several years ago, published a list of the highest priority edition for public health and bioterrorism preparedness. Under our CDC funding we have focused activity on developing capacity for that response. However, I think General Gardner's point on the need to maintain a flexible capacity is absolutely critical. Unlike our day-to-day war with biological organisms, our enemies in the war on terrorism are intelligent enemies and they are likely to be changing their capacities as fast as we are developing our capacity to respond. Therefore, it is essential that we develop capacities that are capable of flexibility and deployment against whatever it is that our enemies throw at us rather than being locked into a limited set of scenarios that an enemy can work around.

Mr. MORAN. I appreciate your answers, but it does seem to me that the magnitude of tasks that you all face in that regard is just—is huge, is tremendous. It's always useful to be able to prioritize to see this is where we're going to focus but in this area, it just seems to me there's a myriad of potentialities that you have to be prepared for and I struggle with that. I mean I think we spent a lot of time in Congress dealing with the issue of security in our airplanes and on airlines and yet, I have no belief that's necessarily where the next attack by a terrorist organization would occur and yet, we cannot take the risk of not being prepared and I do know that we have restricted resources available. Problem is, I think most Kansans probably believe that Kansas is not a likely target for a terrorist attack and I'm often asked the question, you've got to be prepared to take, to reduce our risk but what does that mean? How are we supposed to live our lives and it seems to me that involves, in some way, prioritizing something that is very difficult to prioritize. Is there an ability to put a scale of one to ten kind of where we were before September 11th and where we are now in Kansas in regard to ability to respond?

Mr. GARDNER. I think what many miss is that we have actually been preparing long before September 11th and the progress has just continued. It's accelerated since September 11th and probably

the most important thing that September 11th has done, which is really what Y2K did as well, was it created interest and commitment of effort from more than the few agencies assigned to that responsibility. For example, when we hosted the Prairie Plague Exercise that Dr. Moser referred to, 103 of the 105 counties were represented, and 99.976 percent of the population of Kansas. Prior to that the largest exercise was maybe one-fifth that size, so since September 11th the whole Nation has come on board in the preparedness for terrorism. I don't know if you can put a number figure to it, but it certainly has helped in our preparedness.

Mr. MORAN. Let me put words in Mr. Williams' mouth, if I might. I assume something you can tell us or prepared indicated in your testimony is that with Medicare reimbursement being what it is, your ability to expand your role, to have the financial resources to do even more things, is limited.

Mr. WILLIAMS. Congressman, I couldn't have said that any better. Shall I stop?

Mr. MORAN. Well, it's always nice to be agreed with, but I assume that's a significant issue that we, as Members of Congress—I mean we're focused on terrorism, but there's a broader issue here, and it's true of emergency medical services as well. Since such a large portion of the Kansas population are senior citizens, Medicare has a huge role to play in financing the providing of medical services and the inability of Medicare to pay for the cost of the services that you are expected to provide already just has to create a tremendous burden upon a community hospital in expanding their role.

Mr. WILLIAMS. Indeed, it does. Over the last 10 years we have watched the Medicare reimbursement go lower and lower to the point that today we find most every hospital in Kansas getting paid below its cost, and it's gotten to the point where we have had, if we had any cash reserves set aside to buy equipment, to provide training or what have you, those funds are no longer there. They are all depleted by trying to cover the insufficient reimbursement from Medicare and Medicaid and that's really why the picture that I painted a little bit earlier was so bleak and we need to have some quick solutions to that area because I really don't think that whatever we get in the way of grant dollars that are coming down, and greatly appreciated, that they are going to be sufficient to sustain the effort.

One of the things that I recently found out is, for example, the personal protective equipment. If you needed a Level I suit in the emergency room, that suit's life expectancy is apparently about 5 years, so 5 years from now, if we had one, we would have to buy another one and that continues on and on.

Mr. MORAN. In that regard, Mr. McCue, the training, what happens if someone presents themselves either at Mr. Williams' hospital or with your first responders claiming that they have come in contact with a biological agent or they have smallpox. Do we have a different procedure by which we handle that circumstance if someone shows up in your waiting area or you respond to someone's home and the claim is that they are infectious? What do we do?

Mr. MCCUE. Well, unfortunately, much like Mr. Williams, our staff is not properly protected. We do not have the appropriate personal protective equipment at this point to function in that environment and therefore, those first initial responders are going to be exposed to whatever it is and at that point it will be treated as a hazardous materials situation so we'll call the local fire department, who is the only agency in our community that does have the appropriate protective equipment to handle that and essentially work very closely with them to contain and decontaminate the situation. It becomes problematic then when you transport that patient to the hospital to make sure that they have the appropriate protective issues so that you don't contaminate that whole facility.

Mr. MORAN. Do you have any idea, Mr. Williams, whether your circumstances are different than a larger hospital in Wichita, Topeka or Kansas City? Would they have the additional equipment than a community hospital in other places in Kansas have?

Mr. WILLIAMS. I do have a sense of that. I have had the honor of serving on the Kansas Hospital Association's new Hospital Emergency Preparedness Committee, and we have responsibilities for urban and suburban and certainly rural hospitals, and the committee has been meeting just since the beginning of the year and we're addressing—really asking those same questions. Each of us all feels the same way; that is, that even if we have some capacity, it is not sufficient from the standpoint that you really don't, as Mr. McCue commented, really don't want any patient to contaminate another caregiver or another patient and so that whole area of decontamination is very time consuming, very labor intense and if you had ten casualties, it would take quite awhile to get them decontaminated.

Mr. MORAN. Although the chairman was kind enough not to be sworn in, I also work under the time constraints that you do so, Mr. Chairman, thank you for the opportunity and looking forward to your questions.

Mr. HORN. I think the one where I really feel the most, do you feel the Federal Government and the grants that have been made so far are helpful to that or do we need to do it in a different way and we will have some of this in the witnesses later, but since you are here, what do you feel on this?

Mr. GARDNER. From my perspective, the grants have certainly helped. They have built some islands of responsiveness and capability but haven't covered the whole State and unless you have an unlimited pot of money, if it all goes direct to locals, it will take an unlimited pot of money so we hope that you will extend 100 percent of the money and let the Governors use that regionally based on a plan and strategy for the whole State.

Mr. HORN. Do we have for those of you that have the responders, particularly, either first or later, do we have compacts between counties, between regions? Some have in these particular hearings said maybe we ought to have a little more regionalism. Well, a lot of that was talked about in the 1930's and the 1940's and 1950's but does that make any sense or——

Mr. GARDNER. The emergency management aspect allows us to do that with other States. We have similar statutes in Kansas that allow us to do that.

Dr. MOSER. Under the Centers for Disease Control Public Health Preparedness Program, in cooperation with the association of local health departments for Kansas, we have set aside funds that will encourage the development of inter-local agreements between counties where the counties find it helpful for their preparedness activities to work together in cooperation. Regionalization, as I'm sure Congressman Moran knows and some other members of the audience also know, can be an explosive question for rural areas. Our approach has been—and the Centers for Disease Control has been supportive of this—to encourage this activity and to make some funds available to help support it for public preparedness but not to impose it rather to support inter-local agreements if they come from the bottom up, but not to impose them from the top down.

Mr. HORN. We have had a lot of people say that we need to do something differently and obviously it's the unexpected we have to deal with, and we'll have others that will get to that in terms—let's just take this example. You have a human germ of some sort. It can be of a foreign nature to do that. It can be somebody in our own country that we could have that; people that are not happy about research can cause millions of dollars of damage by destroying some of that research and so we have had a whole series of things here. Now, the question would be, when somebody seems to be in some situation where they are coming into the emergency rooms and hospitals and so forth, do we have the laboratories in terms of community colleges, universities, even high schools and all, what are we going to do to examine what has happened in that individual? It could be in very rural places where you don't have the laboratory facilities that are easily at hand.

Dr. MOSER. First off, I would say that we are constantly in the process of improving. What I tell people is that Kansas will always respond. We are prepared and we will respond. What we're working on is doing a better job of responding. With the assistance of the Centers for Disease Control, we have upgraded the State public health laboratory to full Biosafety Level III capacity. We're now working on increasing the volume capacity under that BSL–3. We are also in discussions with the Centers for Disease Control about establishing additional satellite or surge capacity for that activity in both the north central portion of the State and the south central portion of the State. I would just say those are still under discussion. We believe that this is an important part of our preparedness capacity. Combining with elements of the rest of the State's preparedness capacity—the Highway Patrol, for example—has been particularly helpful. In some cases the Air National Guard has been involved. We have arrangements to rapidly move a specimen from locations further out in the State to our testing facility in Topeka or, if needed, all the way to Atlanta. I believe General Gardner made mention in his written testimony to an instance during the anthrax crisis where we had a large volume of specimens that could best be handled in Atlanta. The Air National Guard flew those to Atlanta where the capacity was greater. I hope that's responsive. If not, tell me.

Mr. HORN. This is very helpful and I happened to grow up on a farm and we need to make sure that the people way down from the urban hospitals, we have to know how to get there and reach them.

Dr. MOSER. Our approach, and I would have to say my personal philosophy, is that if one Kansan is vulnerable, we are all vulnerable. I understand the desire of people in the big cities to be protected. I support that entirely, but not at the expense of the people of rural Kansas. What we are striving for is a comprehensive public health and preparedness capacity where someone who lives in Abilene or Garden City or Mayetta need not feel that, because they live in a rural area or a smaller city, they are less protected. That is certainly our goal.

Mr. HORN. Any other thoughts on that?

Mr. WILLIAMS. Mr. Chairman, if I could go back to your question about the effectiveness of the Federal grants that are currently coming our way or already in place. I think that the spirit of America and spirit of Kansans can readily demonstrate the value of that support from the Federal Government. In Sumner County, in Cowley and Harper, who is two counties adjacent to Sumner County, we're starting to meet in a bilateral forum in which the directors of emergency management, directors of health departments, the hospital administrators, EMS people, the law enforcement, etc., are actively involved in discussion, actively looking for ways to collaborate and to make sure that those precious dollars, when they get down to the local level, are effectively used and I really believe that a lot of that is due to the leadership that we have at the Federal Government and certainly with Governor Graves and Dr. Moser and all of the folks at State level have been very sincere and very clear in their expectations that we all have to work together to rapidly improve our abilities so this is very encouraging. Thank you.

Mr. HORN. Any other thoughts there? Let me pose this one. When we started these hearings in Nashville, Tennessee and we worked with the Vanderbilt University, the medical school and very fine hospital and so forth, and we found out that when you go through an exercise that the civilian helicopters that would bring people in to the hospital get down on the roof and so forth and when you put in the military in Tennessee, and you have a lot of this in Kansas, that the helicopters they had and the frequencies weren't there. You could not talk between the civilian groups and the military groups. What are we doing on that, General?

Mr. GARDNER. That's a big dollar bill.

Mr. HORN. Can we go to a small little Radio Shack maybe and not have to have an $8 million——

Mr. GARDNER. I think two of the most important concepts for Congress are do we have a standard protocol like ASCII was in computers so that they can connect and second, will you please keep the frequencies available so they can be used for emergencies. Those are the two most important concepts for Congress. Interoperative communications are absolutely critical to our ability to respond.

Mr. HORN. Now, that would be for the military and the health groups. Do we have, just as maybe you have had it for years between the sheriff, the police and so forth?

Mr. GARDNER. We have similar problems with those agencies as well. We have a State—this is the post-September 11th, after our inability in Kansas, we did put together a State-wide group to work

on interoperative communications. It's making progress. It's a tough problem.

Mr. HORN. Well, is it just money or is it that we have on the frequency situation that either one part of America has more frequencies than other parts of America? I can remember when I was the university president in southern California that we had exercises with the Sheriff and everybody else and it turned out all the frequencies seemed to be on the East Coast and I don't know if that's changed or what, but we need to look at that at a national level as well as a regional level.

Mr. GARDNER. I'm probably not the best person to answer that question other than to say that I know there are a limited number of frequencies and Congress has some level of control over them whether they are sold or not sold, who they are maintained for the exclusive use of, so between that and the standard way to connect all those communication elements is the answer.

Mr. HORN. Well, is there a different set of frequencies that is coming on in terms of just how you parcel out frequencies?

Mr. GARDNER. I don't think I'm qualified to answer your questions, sir. Sorry.

Mr. HORN. Well, I'm just technically wondering if we ought to find out from the Federal Communications Commission, and I'm glad you mentioned the thought of someone to get the frequencies up for auction and that sounds good that you want to get more money in the Treasury, but it's nonsense when you need communication to get from one place to the other and it's a lot more important than getting a few bucks for the Treasury, so I'm just wondering if your professional groups, health directors and all the rest, are they sort of making resolutions? I remember heading a national organization, you go out there and you have all sorts of things you send to your friendly senators and representatives and so forth. What about the health?

Dr. MOSER. I think that in terms of technical knowledge on this topic, I have to step behind the general. In terms of the criticality of the question, of its importance, there is absolutely no question in our minds. Certainly in our discussions with our colleagues in the hospitals, in my conversations with folks in the emergency management community, with law enforcement, this is a pervasive concern and question. On the other hand, it's been my perception and I think the perception of other people who are working on this that it needs to be solved jointly, State-wide. I'm not smart enough to tell you that it requires a Federal action. Maybe it does. I just don't know that. But it's clear that for us to be prepared to deal with the threat of terrorism and quite honestly, to deal with a number of other threats to the health and well-being of Kansans, interoperable, intercommunications capacity between law enforcement, between first responders of all kinds, between emergency management, between public health, between hospitals, is absolutely vital and I can only reinforce more what the general has said about our perception of the importance of moving forward on that.

Mr. GARDNER. To your question specifically, the Adjutant General Association of the United States, and the National Emergency Management Association of the United States and the National Governor's Association all have a policy that supports the things

that I talked about and address the problem with some more details.

Mr. HORN. Well, the Sheriff's organization, I've learned over the years, have quite a wallop from the Members of Congress. Everybody knows they are a sheriff. Mr. McCue.

Mr. MCCUE. It's a very good question and to take it to the local level from the State level, in my written testimony I provided, I give you a perfect example of how inadequate our systems are. We traditionally at the local level have been concerned about just being able to talk to those people in our own county, if you will, or city so you may have public service agencies on three different frequencies in that jurisdiction. Last summer we had that experience. We had a national disaster, tornado in a small neighboring community. We had several agencies coming into that community that could not talk to each other. We could not know who was there, or what their resources were. We could not transmit victim information; where are they, how many. We could not even relate safety information to other agencies. It's a huge problem at the local level and it needs to be, as General Gardner said, unfortunately, it's a large dollar solution but everybody at the local level needs to be able to talk interactively along with those people at the State level.

Mr. HORN. I just have more one question. That is water. What are we doing looking at the water supply? When I was in Europe with a congressional group, I just happened to be there and at that time four of these idiots were trying to poison the Rome reservoirs. They caught them, but what are we doing to be preventative in our water supplies?

Mr. GARDNER. I know that EPA has provided four grants for Kansas and four major metropolitan areas in water treatment plants to help with security and other related issues. I think we're less concerned about the contamination of major water bodies because it takes so large a quantity to do that. We would probably recognize if somebody backed up five or ten dump truck loads full of chemicals to put it in a reservoir so we're more focused on the water treatment plants and security that actually relates to the hazardous materials that are used for some of that process, like chlorine tanks. A breach could cause massive casualties in the population. There's much about what they could do at that plant than actually affecting the water. It's more difficult to do it at that level. It's easier to do it at the entrance to a water supply to a particular building that holds a lot of people.

Mr. HORN. Dr. Moser.

Dr. MOSER. I introduced myself as head of Division of Health and the Department of Health and Environment. There is a Division of Environment and I know from conversation with the director of that division that they have undertaken activities to encourage and provide technical assistance to public water facilities around the State on improving security. Now, in some cases, because there were only those four grants that General Gardner described, this has led to relatively low tech solutions. But even so, these are improving the security of public water facilities in Kansas. Even if it's putting a fence around a treatment plant where a fence with a lock on it didn't exist before, that's a step in the right direction. Again, we are hopeful of continuing that progress and I'm sure that the

Division of Environment and its director could address this point in more detail for you.

Mr. HORN. OK. Any other questions?

Mr. MORAN. Mr. Chairman, I chair a subcommittee on Veteran's Affairs Health Care and one of the things I learned since September 11th is that the Veteran's Administration has a role to play in providing health care services in times of national emergency. It responded in New York City. We don't have any witness from the VA, but I was interested in knowing if we have—if Kansas has a relationship with its VA Hospitals such that they are a component of response in providing medical services?

Dr. MOSER. Pursuant to the Federal requirements under the CDC public health grant and the Resources Health Services Administration Services [HRSA] Hospital Planning grant, we have included the Veterans hospitals in our discussions. Governor Graves has appointed a representative of the veterans hospitals in Kansas to both of those advisory bodies and that individual is participating in our discussions. I would say the communication is two-way. One, what can we do to help the VA in their preparedness activities to serve veterans. Two, what can they do to help the State of Kansas better serve the needs of the people of Kansas. I think they are certainly part of the process in our overall hospital planning.

Mr. MORAN. Thank you for your answer.

Mr. HORN. I think it's an excellent point to bring in the VA. If there is ever a livewire cabinet member, it is the current Secretary of Veteran's Affairs. He is a mover and I think we ought to make sure that he has regional people as well as the individual at VA Hospitals and all the rest and there's a lot of things that in an emergency, that's going to help, just like our military hospitals, I would hope, about that. I don't know if the Adjutant General has thought about that, but if it becomes a real mess, we'll need every bit that is available and we ought to have the VA in from now on.

Dr. MOSER. I should note that Governor Graves also appointed an individual from the base hospital at Ft. Riley to be part of our hospital and public health advisory committees. We are trying to achieve linkage with the active duty military as well as with the reserves.

Mr. HORN. We stopped to visit Ft. Riley yesterday and I was very impressed with what goes on there. Any other questions?

Mr. MORAN. No, thank you.

Mr. HORN. If not, we will go to the next panel and our next panel is going to be witnesses talking about agricultural bioterrorism. We have Mr. Jaax, we have Mr. Teagarden, we have Mr. Knowles and Mr. Lane. We did the second to last and next will be Federal assistance programs but now we're talking about agricultural bioterrorism. Given the tremendous agricultural efforts of people in Kansas, we want to have those feelings and if you will raise your right hand.

[Witnesses sworn.]

Mr. HORN. When we call on you, your full statement automatically goes into the record. Then we will go down the line and when the fourth one finishes have questions from Mr. Moran and myself. So if we now can start with Mr. Jaax, we're delighted to have you

here. Mr. Jaax is the associate vice president for research compliance, university veterinarian, Kansas State University.

STATEMENT OF JERRY JAAX, ASSOCIATE VICE PROVOST FOR RESEARCH COMPLIANCE, UNIVERSITY VETERINARIAN, KANSAS STATE UNIVERSITY

Mr. JAAX. Thank you, Mr. Chairman, Congressman Moran. I appreciate the opportunity to testify in front of the subcommittee. Prior to coming to KSU, in a previous life I served in various programs for medical defense against chemical and biological agents, and in biological arms control compliance, counter proliferation, and cooperative threat reduction efforts with the Former Soviet Union so I got a first hand look at biological warfare programs both from the medical side and from the proliferation angle. I think it's important to understand that chemical and biological agents are completely different, completely different entities. A chemical attack will usually be a Hazmat event that would enable a response, whereas the biological attack would probably be a prolonged public health event and preparation for one of those events would not necessarily mean that you were prepared for the other.

Mr. HORN. You want to identify what Hazmat means because a lot of people don't know that.

Mr. JAAX. The use of hazardous materials. That would be typical first responders that would respond to an emergency. The biological threat is obviously very complex and technological issues and environmental factors may very well limit their usefulness. When you get into the highly contagious agricultural agents, some of those technological issues may be more easily overcomeable. Certainly we know that in the Former Soviet Union that they had offensive BW programs that went into incredible dimensions, perhaps up to 60 scientists and technicians involved in offensive biological warfare programs there. We also believe there may have been as many as 10,000 of those 60,000 working in agricultural programs and, of course, the great question is where are those people that were associated with the programs and that, of course, forms the nut of the proliferation problem associated with those programs.

I think that here in this country we had a paradigm shift associated with awareness of the public as far as biological weapons are concerned. Even the most casual observer would recognize that biological agents are at least a potential threat to humans, but I don't think that recognition flows so freely to people regarding the vulnerability of the agricultural sector to biological attack. John Wefald, President of Kansas University, is fond of saying the great engine of our national prosperity here in this country is our ability to produce safe, plentiful and inexpensive food and any sort of disruption to that sort of supply would obviously have great impacts upon our economy. Time constraints limit my ability to talk about specific agricultural agents, but I think it's safe to say that foot and mouth disease is the one that I think is gaining the most attention. I would say, however, that the recent outbreak of foot and mouth disease in the United Kingdom cost the United Kingdom 25 billion pounds as far as their economy is concerned. It is also my belief here in this country that a well coordinated and concerted attack by knowledgeable opponents could probably cause that much of a

loss within days of the attack being perpetrated here and obviously you have other kinds of issues associated with diseases that might have potential as well as just those that would affect agricultural agents.

I would like to delineate some of the issues associated with the bioterrorist threat and these are measures that we can have to try to counter them. We need to develop coordinated partnerships between State, Federal and local industry to upgrade our local, regional and national awareness. National and regional agra-threat assessments must be performed and continually refined to ensure proper focus for research programs and development of effective counter measures. We have to enhance our critical research infrastructure, such as biocontainment laboratories and facilities that will allow targeted, applied research into plausible threat pathogens in a safe and controlled environment. These specialized facilities will not only allow us to find ways to counter these types of threats, but would also provide critical surge capacity if an outbreak occurs.

On an agent-by-agent basis, we must develop and deploy effective and reliable rapid diagnostics, and forward surveillance systems, and new treatments and vaccines. Obviously, it's one thing to be prepared to respond, but if you don't have an adequate response or mitigation strategy, then that response becomes meaningless in some ways.

We need to develop and refine mitigation strategies, such as carcass disposal plans that would be targeted for certain geographic areas and potential targets so that we can effectively contain and minimize the impact of any potential outbreak and we need to develop and institute effective education, training, planning and response capabilities for all stakeholders involved to include public health, law enforcement, military, Federal, State and local officials.

The good news is that the effective countermeasures against specific biological threats can reduce risk and they can also serve as deterrents. The bad news is that developing these countermeasures and capabilities requires substantial investment. With adequate facilities and resources, we can build resource programs that will help address those plant and animal threats that are most concerned here in the agricultural heartland. Since most agraterrorist agents are naturally occurring in other parts of the world, these programs will also benefit us that these would help with natural or accidental introductions of that pathogen. We at Kansas State University are striving to build new programs and we are refocusing research efforts to aid existing programs that will try to help us aid against these threats. The inherent capabilities of the Land Grant system and a major research university are especially useful in programs that will would help us to counter these significant agraterrorist challenges. As background information, I am furnishing a copy of the testimony of Dr. Wefald in October 1999 for the Subcommittee on Emerging Threats and Capability where he testified about this very issue and I think that it does underscore the prescient, long-standing commitment of the university to try and find ways to help protect us.

It's my very firm opinion that we have to take a long view of the biological threat. This is not something that's going to go away next

month, next year, or even in the next decade. The Defense Science Board recently stated that, "Biodefense is the single most significant challenge to U.S. sovereignty." I think those are big words and I think they are something we have to take seriously. There are those who would say we should refrain from discussing these threats and our possible vulnerabilities. However, I believe Representative Shays has touched the heart of the matter when he recently said, "Better to be scared by the improbable possibility, than to be unprepared for the catastrophic reality," and I think we can ill-afford to disregard that advice because the fact is, our agricultural infrastructure is certainly vulnerable and I think we need to find ways to protect it. I appreciate the opportunity to testify and thank you.

[The prepared statement of Mr. Jaax follows:]

Testimony of Dr. Jerry Jaax for the House Committee on Government Reform's Subcommittee on Government Efficiency, Financial Management, and Intergovernmental Relations, Abilene KS.

Mr. Chairman

My name is Jerry Jaax and I am the Associate Vice Provost for Research Compliance and the University Veterinarian at Kansas State University. I am pleased to provide testimony for your committee on the potential for terrorist use of weapons of mass destruction, and the Federal Government's role in helping State and local governments prepare for this possibility.

Prior to coming to KSU, I served in various programs for medical defense against chemical and biological agents, and in biological arms control compliance, counter proliferation, and cooperative threat reduction efforts with the Former Soviet Union (FSU). In these capacities, I gained insight into both biodefense and offensive biowarfare programs. Consequently, my testimony will focus on the biologic threat, and its implications for the agricultural sector.

Even though "chem/bio agents" are commonly linked in public perception and jargon, chemical and biological agents are completely different. A chemical attack is toxic and will usually become a point source "Hazmat" event, whereas a biological attack is infectious would probably be a protracted "Public Health" event. Consequently, planning, mitigation, and response strategies for one, will probably not adequately prepare for the other.

The biological threat is exceptionally complex with each of a myriad of possible threat agents posing unique challenges. Technological and environmental factors may well limit the effectiveness and availability of most biological agents, but these limitations are certainly not insurmountable to possible perpetrators. Highly reliable defectors and subsequent discoveries have revealed Soviet offensive BW programs of incredible dimensions and great technical sophistication operating into the 1990's. There may have been up to 60,000 scientists and technicians working in Soviet offensive BW programs – with up to 10,000 of those in programs developing agricultural pathogens as offensive weapons. The political and economic collapse of the Soviet Union certainly crippled this state sponsored effort, but the daunting question remains – Where are those scientists? Where are the biological agents that were products of this massive effort? Desperate financial conditions in the FSU make this proliferation issue particularly problematic.

The World Trade Center attacks followed closely by the anthrax mailings caused a paradigm shift in the awareness and perception of the public. Even the most casual observer now recognizes the potential threat posed by biological agents. However, that recognition rarely translates to appreciation of the vulnerability of the agricultural sector to biological attack. An agricultural BW attack would not be about killing cows or wheat. An attack against agricultural targets or the safety of the food supply would

largely be an economic assault. KSU President Dr. John Wefald has stated that the discretionary spending generated by our ability to produce safe, plentiful, and inexpensive food is the great engine of our national prosperity. However, the very strengths that make our food production industry the envy of the world, also contribute to our vulnerability. A significant decrement of that production ability, compromise of export programs, or a loss of confidence in the safety of the food supply could have dire regional and national economic consequences.

Time constraints necessarily limit discussion of specific agricultural threat agents, and I am confident that other presenters will discuss perhaps the most worrisome agent – Foot and Mouth Disease (FMD). I will point out, however, that for eleven months FMD decimated the United Kingdom with economic losses calculated at 25 billion pounds, and caused severe lingering effects on the food animal industry and the psyche of affected Britons. It is my opinion that a concerted, well-coordinated FMD attack in this country could cause similar losses within the first days of an outbreak. Unfortunately, some of the significant technological hurdles inherent in most human and zoonotic BW agents do not limit the possible effectiveness as weapons of some readily available, highly contagious agricultural pathogens such as FMD.

In the short time allotted, I have tried to delineate some of the issues associated with the bioterrorist threat. Fortunately, there are measures we can take to help counter them.

- We need to develop coordinated partnerships between Federal, State, and local governments, academia, and industry to upgrade our local and regional, and national readiness.
- National and regional agro-threat assessments must be performed and continually refined to ensure proper focus for research programs and development of effective countermeasures.
- We must enhance critical research infrastructure such as biocontainment laboratories and facilities that will allow targeted, applied research into plausible threat pathogens in a safe and controlled environment. These specialized facilities will not only allow us to find ways to counter or mitigate a possible attack, but will also provide critical surge capacity if an outbreak occurs.
- On an agent-by-agent basis, we must develop and deploy effective and reliable rapid diagnostics, forward surveillance systems, and new treatments and vaccines.
- We need to develop and refine mitigation strategies, such as carcass disposal plans, for specific threat agents so that we can effectively contain and minimize the impact of an outbreak.
- We need to develop and institute effective education, training, planning and response capabilities for all stakeholders, to include public health, veterinary, agronomy, law enforcement, military, and federal, state and local officials

The good news is that effective countermeasures against specific biological threats can reduce risk and serve as deterrents. The bad news is that developing these countermeasures and capabilities requires substantial investment. With adequate facilities and resources, we can build research programs that will help address those plant

and animal threats that are of most concern in the agricultural heartland. Since most agroterrorist agents are naturally occurring in other parts of the world, these programs will also benefit us in natural or accidental introductions. We at Kansas State University are striving to build new programs and refocusing research efforts to aid in the struggle against these ominous threats. The inherent capabilities of the Land Grant system and a major research university are especially useful in programs to help counter the significant agroterrorist challenges facing our agricultural infrastructure. As background information, I am providing a copy of the testimony of Dr. Wefald in October of 1999 for the Subcommittee on Emerging Threats and Capabilities, the Senate Armed Services Committee,. I think his testimony underscores KSU's prescient and longstanding commitment to combating intentional threats to our agricultural infrastructure.

We must take the long view of the biological threat. In July of this year, the Defense Science Board stated, "Biodefense is the single most significant challenge to U.S. sovereignty." Mr. Chairman, there are those who would say that we should refrain from discussing these threats and our possible vulnerabilities. I however, believe that Rep. Chris Shays has touched the heart of the matter when he said, "Better to be scared by the improbable possibility, than to be unprepared for the catastrophic reality." I feel that strong leadership and resourcing from the federal level is essential to our "preparation" for bioterrorism, and we would be ill advised to disregard Rep. Shay's advice.

Thank you Mr. Chairman.

Mr. HORN. We now have Mr. Teagarden and he is the livestock commissioner, Kansas Animal Health Department, State of Kansas.

STATEMENT OF GEORGE TEAGARDEN, LIVESTOCK COMMISSIONER, KANSAS ANIMAL HEALTH DEPARTMENT

Mr. TEAGARDEN. Thank you, Chairman Horn. I'm not going to read my testimony, but I just want to stress a few things and try to keep this brief. Dr. Jaax has mentioned a couple of things, and Dr. Moser, that I had in my testimony also. I think to start out with, I'm sure that Congressman Moran has explained to you the importance of agriculture in Kansas. Very, very important to our economy here. Terrorist action or an accidental introduction of a disease like foot and mouth would wreck us, our entire State and our Nation's economy. I think that if the terrorists really want to get into the United States, they don't bomb buildings. They get through our agriculture industry, food production and they have us big time so I think that's something that a lot of people haven't been aware of that potential there and haven't been concerned about. A lot of people don't think that terrorists will come to the heartland, to Kansas, through the Midwest because of the low population, but if want to call it big time emergency damage, that's where they will come.

Mr. HORN. I agree with you and we have put all the testimony given for the report to go to the House of Representatives and it's very clear that you are right on what you're saying.

Mr. TEAGARDEN. I don't think that we can prevent the intentional introduction of a disease agent to our livestock or agricultural industry or for that matter, any other thing in the United States. I think they have pretty well proven that they can do whatever they might want to. Introduction of a disease would be extremely easy, a disease that could really damage us, but I think we can be prepared to respond quickly, to bring that under control and eradicate that disease and I think that's what we have to address is being ready and capable of that response.

The United Kingdom last year, they weren't prepared to respond to that outbreak of foot and mouth and it consumed their country for better than 10 months. Their agricultural industry over there was—I don't know when they will ever recover. It will be many years, but they weren't ready and capable of responding quickly and it overwhelmed them. Dr. Moser and Dr. Jaax both have spoken about research and laboratory capabilities. I think that's very evident today in our systems, in the Federal system and our State systems, that we need more capacity in our laboratories. We need to spread out the Federal laboratories and do some of that work in our local laboratories such as Kansas State University or different laboratories around the country and do a lot of that work. Our Federal laboratories, like I said, just do not have the capacity and the capabilities to do that and research is very, very important. Foot and mouth disease, in my opinion, hasn't been researched much in this century or last century. Our protocols right now to combat foot and mouth disease are the same as they were in 1925. I have a book on my shelf in my office that was printed in 1925 and we do the same thing today. We have—there's got to be some better ways.

There's got to be some vaccine research we might be able to use to help us in that regard. I think the one thing that the Federal Government can do if we have an outbreak of a foreign animal disease is allow us the opportunity to respond. In other words, do not make things complicated as far as getting money and support and help to the individual States. I don't think the Federal Government, with USDA Veterinary Services, has the manpower anymore to combat a disease. It will be up to the States to do their own work, but just keep it simple. We're going to cause a great damage when we have an outbreak of foreign animal disease and we have to be prepared to help our producers and our consumers overcome that problem. Thank you.

Mr. HORN. I have been on various delegations to the European parliamentarians and recently a group of us were in Russia with the DUMA, 40 Members and obviously we got into these issues and they are trade issues and some of them are absolutely phoney, like the poultry bit they are holding up off St. Petersburg and Georgia. Millions of dollars go down the drain on that because people say oh, you know, we can't get that chicken and all because this, this and this is done. Over the last 10 years we've tried to tell the parliamentarians in the European Parliament, can't you get a national academy of science where the people of scientific value have done what the truth is and not the propaganda and so we face that with our trade and the English foot and mouth disease doesn't really help very much when that goes on. It ricochets into the United States. And we need to get this—and they agreed. They said, you know, we have to have a decent academy of sciences, like our own academy does.

[The prepared statement of Mr. Teagarden follows:]

STATE of KANSAS

KANSAS ANIMAL HEALTH DEPARTMENT

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August 20, 2002

Stephen Horn, Chairman
Subcommittee on Government Efficiency,
Financial Management and Intergovernmental Relations
Committee on Government Reform
Congress of the United States

Mr. Chairman and members of the subcommittee,

I am George Teagarden, Livestock Commissioner, Kansas Animal Health Department. By Kansas statute, the livestock commissioner is responsible for the health of the state's livestock population. The primary mission of our department is to control and eradicate contagious and infectious diseases of livestock. Thanks to ongoing state/federal cooperation, we have eradicated brucellosis, tuberculosis and pseudorabies from our livestock populations.

I'm sure that Congressman Moran has informed you of the importance of livestock to our state's economy. Depending on the source, the livestock value of Kansas on an annual basis is $10.6 billion. I do not know how to calculate the related economic value to our state. An intentional (terrorist) or unintentional (accidental) introduction of foot and mouth disease into our nation's livestock population would cause tremendous harm to our economy. An outbreak proportionally similar to the outbreak in the United Kingdom last year would financially wreck our producers, not to mention all related businesses. The domino effect would be devastating and send this country into an economic tailspin that would not be righted for a number of years.

Kansas, as is most other states, is preparing for emergency action against a foreign animal disease outbreak. I do not believe that we can prevent an intentional, terrorist introduction of any livestock disease but we can be prepared to control and eradicate it as quickly as possible. The mission of USDA's Veterinary Services is the same as our animal health department; control and eradication of infectious and contagious disease in livestock. For many years that agency has been the front line defense against outbreaks of foreign animal diseases. Today they have the knowledge and expertise but not the manpower to launch a viable offensive against a large scale outbreak. The Kansas

Animal Health Department and USDA/Veterinary Services work closely together to accomplish our common goals. We have received a lot of help and assistance from regional and headquarters staff but we realize that Kansas must be prepared to act against a foreign animal disease without a lot of federal manpower. We are preparing to attack an outbreak using local resources. Dr. Varner, the Area Veterinarian in Charge for USDA/Veterinary Services in Kansas, and I will share the duties of incident command if our emergency disease plan is activated.

The Kansas Animal Health Department recently received a sizeable grant from the Homeland Defense Fund. We will use these funds to enhance our disease surveillance program and our emergency disease planning. We believe that education and communication are key components of any emergency response plan. A significant amount of the Homeland money will be used on education and training of a volunteer workforce to assist our disease control staff in the control and eradication of any foreign animal disease outbreak. Other portions of that grant will be used to secure emergency equipment, so that we have the ability to declare war on a disease outbreak and hopefully bring it under control before widespread exposure and infection occurs.

Regarding animal disease, the areas that I think need more attention are our research and diagnostic capabilities. Research can lead to more effective control of the highly contagious foot and mouth disease (FMD) as well as other diseases that are present in the world that could devastate our livestock health. It is possible that one vaccine could be produced that will effectively immunize animals against many of the FMD strains. Our laboratory capacity in this country is seriously inadequate. Today, with domestic diseases, we often wait weeks for laboratory conformation of particular diseases. During an outbreak of any new or foreign disease, our ability to positively identify the disease in a timely manner would be impossible in all but a few index cases. Research could lead to a chute side or field test that would identify, beyond reasonable doubt, diseases so that immediate action could be taken. During a massive outbreak of FMD, we would undoubtedly destroy many unaffected animals because we will not be able to afford to wait 12 to 24 hours on conformation from Plum Island.

Increased disease research and laboratory capacity would be effective and efficient uses of federal dollars. The endemic diseases that our producers face each and every day costs millions of dollars of lost production. The introduction of a foreign animal disease would wreck our country.

State and local governments do not have resources to foot the bill on any kind of a terrorist introduced incident. The federal government must be ready to address the situation in a timely, efficient manner. Keep the processes for aid and assistance simple and flexible.

Being proactive and ready to combat agri-terrorism will be much cheaper than trying to catch up following an outbreak. Great Britain provided an excellent example of what can happen when you are not prepared; the disease outran their ability to control and

eradicate. They spent 10 months fighting FMD; their whole economy has been damaged for years to come. Their agricultural economy will have scars for a generation.

I believe that with the proper funding and preparedness, Kansas can be successful in controlling and eradicating any disease that might be introduced into our livestock population. Cooperation by all segments of our governments will be essential if we are to be truly prepared.

Thank you for coming to Kansas and for your attention to this subject matter.

Mr. HORN. Mr. Knowles, we're delighted to have you here. The FBI has done a lot and I'm sure the Kansas Bureau of Investigation will be involved in that.

STATEMENT OF TERRY KNOWLES, DEPUTY DIRECTOR, KANSAS BUREAU OF INVESTIGATION

Mr. KNOWLES. Thank you very much, Mr. Chairman and welcome to the State of Kansas. Truly the KBI, we do follow the leadership of the FBI and we work as a State-wide law enforcement agency. We work in full partnership with a number of the Federal law enforcement agencies and the Joint Terrorism Task Force around the State at Wichita, Topeka and Kansas City.

On page 2 of my statement I detail the status of terrorist-related investigative activity that we as a KBI have been involved in and when I say we, I'm talking really in part for Kansas law enforcement. We have conducted over 300 terrorist related preliminary inquiries and if it requires further investigation, we hand that off to the Joint Terrorism Task Force for their consideration. We have made and participated in over 41 arrests in the State of Kansas for INS, primarily on visa violations. What I would like to address and followup what my good friend and partner, George Teagarden, he talked about the impact of a foreign animal disease and exactly what would law enforcement's role be in first responding and then I'll get to the prevention aspect.

There was an incident that occurred, a false rumor, foot and mouth disease in Holton here in March of this year. Following that incident we did an assessment, what would law enforcement have done had that been a real event. It would have required 12 road blocks, 36 officers per shift, roughly 96 commissioned officers per day for a minimum of 60 days. Now, the livestock commissioner is empowered through the Legislature, by the Governor. He will be in charge of those quarantines. In addition to those 12 road blocks that we would be operating for a minimum of 60 days until it's fully eradicated, we would have to close off 62 roads coming into the State of Kansas and virtually stop all movement of livestock. Now, that is a major undertaking.

Now, we would be ably assisted by the National Guard, but if you look at the resources that would be committed well beyond the daily public safety response of law enforcement, it would virtually bankrupt Kansas law enforcement, our resources and ability to do that. The Kansas Attorney General, Carla Stovall asked the KBI to look at bioterrorism threats to Kansas agriculture and define our responsibilities. Having done that, I'm at the point of saying that if it occurs, we're already losing and our focus has to be on prevention. Now, the KBI, much like a number of law enforcement agencies; specifically the FBI, we are switching to a more intelligence driven, prevention type of operations. To do that, we have created—we are part of what we call the Kansas Law Enforcement Intelligence Network. It's a computer-driven intelligence base available to all 345 law enforcement agencies in the State of Kansas. Now, to have this system—that's where local officers could enter data, access data, make inquiries, say, in Ford County, whether or not some suspicious activity is going on. Is it occurring in other parts of the State here. This system is—we're probably, if I said we

had ten agencies on board of the 345, it will be another 18 months before we have that system fully operational as an intelligence-driven or preventative type system or network for Kansas law enforcement. Not for the KBI but for Kansas law enforcement. We will need Federal assistance to make that happen or we can sit back and let the 18 months kind of grind away as we presently are.

Making the shift to an intelligence-driven investigative operation is a major diversion from the way we have done business in law enforcement over the past 25 or 30 years where we responded after the fact. If we develop sources or intelligence data, it was always directed at the solution of a case or at some narrow objective. Today we're looking at trying—you asked the question in the first panel, what are the threats. They are so broad that we're trying to shift our intelligence capability to meet that demand and figure out where they would strike in the State of Kansas and if the Commissioner is correct and they come at our livestock, which is 8 to 10 billion a year, we will be devastated here, so our focus as a State agency will be on prevention and intelligence-based to prevent those occurrences. I will be very glad to answer and respond to questions later on, Mr. Chairman.

[The prepared statement of Mr. Knowles follows:]

Testimony
Before the House Subcommittee on Government Reform on:
Government Efficiency, Financial Management and
Intergovernmental Relations

Terry L. Knowles, Deputy Director
Kansas Bureau of Investigation

August 20, 2002

Chairman Stephen Horn and members of the Subcommittee:

I am pleased to appear today on behalf of the Kansas Bureau of Investigation (KBI), and provide the Subcommittee with information concerning potential terrorist attacks and threats within our state. The primary focus of my testimony will be on law enforcement's role in bio-terrorism threats to Kansas agriculture, both in prevention and in emergency response in the event of an outbreak of a foreign animal disease in our state.

Helping protect Kansas agriculture is a natural role for our agency, recognizing that one of the reasons the Kansas Legislature created the KBI back in 1939, was to investigate the crime of cattle rustling. The purpose was to create a law enforcement organization with statewide jurisdiction to assist local law enforcement agencies in dealing with mobile and complex criminal activity that was occurring in the post-depression era. The KBI has changed considerably since the early cattle-rustling days of the 1930s. However, our mission remains very much the same --- provide local police and sheriffs' departments with investigative, forensic, and technical assistance. Today's terrorism threat is certainly more complex with more severe and widespread consequences.

The KBI works in a *full partnership* with the FBI on a number of Joint Terrorism Task Forces, located in Topeka, KS; Wichita, KS; and Kansas City, MO. Since 9/11/01, the following represents the KBI's terrorist-related investigative activity:

317 terrorist-related calls received;

168 investigative leads forwarded to the FBI;

59 calls received related to anthrax;

21 immigration interviews; and

41 arrests made by KBI/INS of subjects for visa violations.

Following the concerns last September of spreading biological toxins through crop-dusting aircraft, the KBI interviewed and accounted for each of the pilots and/or owners of these aircraft in our state. Presently, there are 180 airplanes with 130 pilots that provide crop-dusting service in Kansas. A current list of pilots and registered aircraft is maintained by the KBI.

Given the agriculture-based economy of our state, Kansas Attorney General Carla Stovall asked the KBI to work with agriculture officials to determine how law enforcement can best protect both citizens and the economy in the specific arena of agriculture bio-terrorism.

In 1999, Dr. Jon Wefald, President of Kansas State University, presented testimony before the U.S. Senate's Emerging Threats Subcommittee concerning agricultural biological weapons threats to the United States. Dr. Wefald, along with his staff of agriculture experts, outlined several scenarios representing serious threats to our country, both from a public safety point of view, as well as from a devastating economic impact. He detailed various threats to America's food supply, such as ***Karnal bunt***, a pathogen for wheat, and ***foot-and-mouth disease***, a highly contagious and deadly disease for the beef and pork industry.

What are the vulnerabilities of Kansas agriculture, particularly of our livestock industry?

There is general agreement among agriculture experts in Kansas that the **greatest threat** to our state's agriculture economy is foot-and-mouth disease (FMD). This highly contagious viral disease attacks cloven-hoofed domesticated animals (cattle, swine, and sheep), as well as wildlife such as deer and elk. An outbreak of FMD, either by intentional introduction of a virus or by accident, would bring our state's economy to a virtual standstill. Our vulnerabilities to FMD lie in any of the farms, feedlots, processing plants, or livestock markets in Kansas.

According to the USDA's Cattle Report of February 1, 2002, Kansas ranks second in the nation (Texas ranks first) with the number of cattle **(6.6 million)** being raised, and Kansas ranks second in the nation (Nebraska ranks first) for the number of cattle slaughtered **(7.3 million)** for food production.

Additionally, Kansas has:

462 feedlots;
94 domestic elk/deer facilities;
104 meat processing plants; and
57 livestock markets.

Following the severe outbreak of animal diseases in the United Kingdom in 2001, the Kansas Legislature passed a bill (Senate Bill 395) making it a **criminal act** *to expose any animal in this state to foot-and-mouth disease.* This law, copy attached, also forbids the importation of any animal into Kansas which is infected with any contagious or infectious disease.

Further, the new law empowered the Kansas Livestock Commissioner to immediately implement a quarantine to prevent the spread of contagious or infectious disease among domestic animals. All state agencies are required to provide assistance to the Livestock Commissioner in enforcing quarantines and other directives that he may issue.

To illustrate the negative impact of a foreign animal disease, in March of this year, a false rumor of foot-and-mouth disease began at a small livestock market in northeast Kansas. This incident resulted in an immediate drop in the livestock market, estimated to be some $50 million.

An assessment was conducted to determine law enforcement's response had this been a real incident. In order to effectively implement a quarantine, **12** roadblocks would have been instituted requiring the presence of **32** officers per shift for a total of **96** officers per day for a minimum of **60** days. Additionally, it would be necessary to restrict livestock movement throughout the state and prevent livestock carriers from entering or leaving the state. This would have required checkpoints at each of the **62** roads and highways coming into Kansas. Even though the Kansas National Guard would assist law enforcement in handling this quarantine and stopping the movement of livestock, the manpower requirement for state and local law enforcement would have been **overwhelming**. Simply stated, an outbreak of a foreign animal disease would *"bankrupt"* law enforcement resources.

What is law enforcement's role in dealing with bio-terrorism threats to agriculture?

As part of a coordinated response to an intentional biological attack on agriculture in our state, Kansas law enforcement would play any number of roles, including:

(1) assist in providing security for the affected area and enforcing a quarantine;

(2) assist in the conduct of a criminal investigation;

(3) assist in the collection of evidence;

(4) provide assistance as requested by federal law enforcement and regulatory agencies;

(5) provide assistance as requested by state regulatory agencies; and

(6) provide assistance to analytical scientific teams.

The economic consequence of an outbreak of a foreign animal disease such as *foot-and-mouth disease* would be a tremendous loss for our state, as well as the nation. Dr. Jerry Jaax from Kansas State University and Kansas Livestock Commissioner George Teagarden have presented detailed information concerning the economic impact and the overall devastation.

As the KBI moves to a more intelligence-driven operation, our focus in combating terrorism is on prevention rather than response after the fact. Through a strategy of pro-active intelligence analysis and sharing, and the development of new partnerships, the KBI is preparing itself for the detection and prevention of threats to Kansas agriculture.

For example, the KBI is working with Kansas law enforcement agencies to implement a computer-based criminal intelligence system known as **KsLEIN (Kansas Law Enforcement Intelligence Network)**. This network, operated in compliance with 28 CFR Part 23, is an intelligence-sharing network which allows input and inquiry from any Kansas law enforcement agency based on ***reasonable suspicion*** rather than probable cause. Under reasonable suspicion, the officer submitting criminal intelligence information must have enough information from sources, observations, or other investigative efforts *to suspect* that the named individual, organization, group, or business is involved in criminal activity. The subject does not have to be the target of an investigation, nor does the subject have to have been arrested. A record can be created in KsLEIN once the officer believes there is a reasonable suspicion of criminal activity.

With new state laws (K.S.A. 21-4221 and K.S.A. 21-4222) defining *foot-and-mouth disease* as a criminal offense, we are now able to collect, analyze, and share criminal intelligence concerning threats to Kansas agriculture. KsLEIN is an intelligence network that is shared with all law enforcement agencies --- local, county, state, and federal. At present, there are 345 agencies within the state of Kansas participating in KsLEIN. This database is just now being

created, and with our limited staff, it will be another 18 months before it is fully operational. Additional resources are desperately needed to staff and implement an effective intelligence unit for Kansas law enforcement.

CONCLUSION: Considering the devastating impact of a foreign animal disease, in particular foot-and-mouth disease, it is imperative that law enforcement resources be focused on preventing a biological attack on Kansas agriculture, rather than simply responding to an emergency outbreak after the fact.

This preventive strategy must involve:

(1) full implementation of a criminal-intelligence network;

(2) further development of partnerships between law enforcement and various members of the livestock industry, such as county extension agents, veterinarians, livestock producers, feedlot managers, etc; and

(3) training and continuing education enabling law enforcement to keep abreast of the livestock industry.

To implement a preventive criminal-intelligence network, it is imperative that federal funding be obtained to help pay for the cost of additional investigators, analysts, and computer technicians. Additional funds would also be necessary to enhance the computer software for the KsLEIN criminal-intelligence system.

SENATE BILL No. 395

AN ACT concerning plant and animal diseases; relating to state of disaster emergency; unlawful acts and punishment therefor; amending K.S.A. 21-3419 and 21-3426 and K.S.A. 2-101 Supp. 48-924 and repealing the existing sections; also repealing K.S.A. 2-101 Supp. 4-1623.

Be it enacted by the Legislature of the State of Kansas:

New Section 1. (a) Endangering the food supply is knowingly:

(1) Except as provided in subsection (b), bringing into this state any domestic animal which is affected with any contagious or infectious disease or any animal which has been exposed to any contagious or infectious disease;

(2) except as provided in subsection (b), exposing any animal in this state to any contagious or infectious disease;

(3) except as permitted under K.S.A. 2-2112 *et seq.*, and amendments thereto, bringing or releasing into this state any plant pest as defined in K.S.A. 2-2113, and amendments thereto, or exposing any plant to a plant pest; or

(4) except as provided in subsection (b), exposing any raw agricultural commodity, animal feed or processed food to any contaminant or contagious or infectious disease.

(b) The provisions of this section shall not apply to bona fide experiments and actions related thereto carried on by commonly recognized research facilities.

(c) As used in this section: (1) "Animal feed" means an article which is intended for use for food for animals other than humans and which is intended for use as a substantial source of nutrients in the diet of the animal, and is not limited to a mixture intended to be the sole ration of the animal;

(2) "contagious or infectious disease" means any disease which can be spread from one subject to another by direct or indirect contact or by an intermediate agent, including, but not limited to, anthrax, all species of brucellosis, equine infectious anemia, hog cholera, pseudorabies, psoroptic mange, rabies, tuberculosis, vesicular stomatitis, avian influenza, pullorum, fowl typhoid, psittacosis, viscerotropic velogenic Newcastle disease, foot and mouth disease, rinderpest, African swine fever, piroplasmosis, vesicular exanthema, johne's disease, scabies, scrapies, bovine leukosis and bovine spongiform encephalopathy;

(3) "processed food" means any food other than a raw agricultural commodity and includes any raw agricultural commodity that has been subject to processing, such as canning, cooking, freezing, dehydration or milling; and

(4) "raw agricultural commodity" means any food in its raw or natural state, including all fruits that are washed, colored or otherwise treated in their unpeeled natural form prior to marketing.

(d) (1) Endangering the food supply is a class A nonperson misdemeanor.

(2) Endangering the food supply when the contagious or infectious disease is foot-and-mouth disease is a severity level 4, nonperson felony.

(e) The provisions of this section shall be part of and supplemental to the Kansas criminal code.

New Sec. 2. (a) Aggravated endangering the food supply is endangering the food supply, as provided in section 1, and amendments thereto, when done with the: (1) Intent to cause damage to plants or animals or to cause economic harm or social unrest; or

(2) intent to cause illness or injury or death to a human being or beings.

(b) (1) Aggravated endangering the food supply as provided in subsection (a)(1) is a severity level 3, nonperson felony.

(2) Aggravated endangering the food supply as provided in subsection (a)(2) is a severity level 3, person felony.

(c) The provisions of this section shall be part of and supplemental to the Kansas criminal code.

Sec. 3. K.S.A. 21-3419 is hereby amended to read as follows: 21-3419. (a) A criminal threat is any threat to:

(1) Commit violence communicated with intent to terrorize another, or to cause the evacuation of any building, place of assembly or facility of transportation, or in reckless disregard of the risk of causing such terror or evacuation; or

(2) adulterate or contaminate any food, *raw agricultural commodity*, beverage, drug, *animal feed, plant* or public water supply; *or*

(3) expose any animal in this state to any contagious or infectious disease.

(b) A criminal threat is a severity level 9, person felony.

(c) As used in this section, "threat" includes any statement that one has committed any action described by subsection (a)(1) or (2).

Sec. 4. K.S.A. 21-3436 is hereby amended to read as follows: 21-3436. (a) Any of the following felonies shall be deemed an inherently dangerous felony whether or not such felony is so distinct from the homicide alleged to be a violation of subsection (b) of K.S.A. 21-3401 and amendments thereto as not to be an ingredient of the homicide alleged to be a violation of subsection (b) of K.S.A. 21-3401 and amendments thereto:

(1) Kidnapping, as defined in K.S.A. 21-3420 and amendments thereto;

(2) aggravated kidnapping, as defined in K.S.A. 21-3421 and amendments thereto;

(3) robbery, as defined in K.S.A. 21-3426 and amendments thereto;

(4) aggravated robbery, as defined in K.S.A. 21-3427 and amendments thereto;

(5) rape, as defined in K.S.A. 21-3502 and amendments thereto;

(6) aggravated criminal sodomy, as defined in K.S.A. 21-3506 and amendments thereto;

(7) abuse of a child, as defined in K.S.A. 21-3609 and amendments thereto;

(8) felony theft under subsection (a) or (c) of K.S.A. 21-3701 and amendments thereto;

(9) burglary, as defined in K.S.A 21-3715 and amendments thereto;

(10) aggravated burglary, as defined in K.S.A. 21-3716 and amendments thereto;

(11) arson, as defined in K.S.A. 21-3718 and amendments thereto;

(12) aggravated arson, as defined in K.S.A. 21-3719 and amendments thereto;

(13) treason, as defined in K.S.A. 21-3501 and amendments thereto;

(14) any felony offense as provided in K.S.A. 65-4127a, 65-4127b or 65-4159 or K.S.A. ~~1995~~ *2001 Supp.* 65-4160 through 65-4164 and amendments thereto; ~~and~~

(15) any felony offense as provided in K.S.A. 21-4219 and amendments thereto; *and*

(16) endangering the food supply as defined in section 1, and amendments thereto.

(b) Any of the following felonies shall be deemed an inherently dangerous felony only when such felony is so distinct from the homicide alleged to be a violation of subsection (b) of K.S.A. 21-3401 and amendments thereto as to not be an ingredient of the homicide alleged to be a violation of subsection (b) of K.S.A. 21-3401 and amendments thereto:

(1) Murder in the first degree, as defined in subsection (a) of K.S.A. 21-3401 and amendments thereto;

(2) murder in the second degree, as defined in subsection (a) of K.S.A. 21-3402 and amendments thereto;

(3) voluntary manslaughter, as defined in subsection (a) of K.S.A. 21-3403 and amendments thereto;

(4) aggravated assault, as defined in K.S.A. 21-3410 and amendments thereto;

(5) aggravated assault of a law enforcement officer, as defined in K.S.A. 21-3411 and amendments thereto;

(6) aggravated battery, as defined in subsection (a)(1) of K.S.A. 21-3414 and amendments thereto; and

(7) aggravated battery against a law enforcement officer, as defined in K.S.A. 21-3415 and amendments thereto.

(c) This section shall be part of and supplemental to the Kansas criminal code.

Sec. 5. K.S.A. 2001 Supp. 48-924 is hereby amended to read as follows: 48-924. (a) The governor shall be responsible for meeting the dangers to the state and people presented by disasters.

(b) (1) The governor, upon finding that a disaster has occurred or

that occurrence or the threat thereof is imminent, shall issue a proclamation declaring a state of disaster emergency.

(2) In addition to or instead of the proclamation authorized by K.S.A. 47-611, and amendments thereto, the governor, upon a finding or when notified pursuant to K.S.A. 47-611, and amendments thereto, that a quarantine or other regulations are necessary to prevent the spread among domestic animals of any contagious or infectious disease, may issue a proclamation declaring a state of disaster emergency. *In addition to or instead of any actions pursuant to the provisions of K.S.A. 2-2114, and amendments thereto, the governor, upon a finding or when notified pursuant to K.S.A. 2-2112 et seq., and amendments thereto, that a quarantine or other regulations are necessary to prevent the spread among plants, raw agricultural commodities, animal feed or processed food of any contagious or infectious disease, may issue a proclamation declaring a state of disaster emergency.*

(3) The state of disaster emergency so declared shall continue until the governor finds that the threat or danger of disaster has passed, or the disaster has been dealt with to the extent that emergency conditions no longer exist. Upon making such findings the governor shall terminate the state of disaster emergency by proclamation, but except as provided in paragraph (4), no state of disaster emergency may continue for longer than 15 days unless ratified by concurrent resolution of the legislature, with the single exception that upon specific application by the governor to the state finance council and an affirmative vote of a majority of the legislative members thereof, a state of disaster emergency may be extended once for a specified period not to exceed 30 days beyond such 15-day period.

(4) If the state of disaster emergency is proclaimed pursuant to paragraph (2), the governor shall terminate the state of disaster emergency by proclamation within 15 days, unless ratified by concurrent resolution of the legislature, except that when the legislature is not in session and upon specific application by the governor to the state finance council and an affirmative vote of a majority of the legislative members thereof, a state of disaster emergency may be extended for a specified period not to exceed 30 days. The state finance council may authorize additional extensions of the state of disaster emergency by a unanimous vote of the legislative members thereof for specified periods not to exceed 30 days each. Such state of disaster emergency shall be terminated on the 15th day of the next regular legislative session following the initial date of the state of disaster emergency unless ratified by concurrent resolution of the legislature.

(5) At any time, the legislature by concurrent resolution may require the governor to terminate a state of disaster emergency. Upon such action by the legislature, the governor shall issue a proclamation terminating the state of disaster emergency.

(6) Any proclamation declaring or terminating a state of disaster emergency which is issued under this subsection shall indicate the nature of the disaster, the area or areas threatened or affected by the disaster and the conditions which have brought about, or which make possible the termination of, the state of disaster emergency. Each such proclamation shall be disseminated promptly by means calculated to bring its contents to the attention of the general public and, unless the circumstances attendant upon the disaster prevent the same, each such proclamation shall be filed promptly with the division of emergency management, the office of the secretary of state and each city clerk or county clerk, as the case may be, in the area to which such proclamation applies.

(c) In the event of the absence of the governor from the state or the existence of any constitutional disability of the governor, an officer specified in K.S.A. 48-1204 and amendments thereto, in the order of succession provided by that section, may issue a proclamation declaring a state of disaster emergency in the manner provided in and subject to the provisions of subsection (a). During a state of disaster emergency declared pursuant to this subsection, such officer may exercise the powers conferred upon the governor by K.S.A. 48-925, and amendments thereto. If a preceding officer in the order of succession becomes able and available, the authority of the officer exercising such powers shall terminate and such powers shall be conferred upon the preceding officer. Upon the return of the governor to the state or the removal of any constitutional

disability of the governor, the authority of an officer to exercise the powers conferred by this section shall terminate immediately and the governor shall resume the full powers of the office. Any state of disaster emergency and any actions taken by an officer under this subsection shall continue and shall have full force and effect as authorized by law unless modified or terminated by the governor in the manner prescribed by law.

(d) A proclamation declaring a state of disaster emergency shall activate the disaster response and recovery aspects of the state disaster emergency plan and of any local and interjurisdictional disaster plans applicable to the political subdivisions or areas affected by the proclamation. Such proclamation shall be authority for the deployment and use of any forces to which the plan or plans apply and for use or distribution of any supplies, equipment, materials or facilities assembled, stockpiled or arranged to be made available pursuant to this act during a disaster.

(e) The governor, when advised pursuant to K.S.A. 74-2608, and amendments thereto, that conditions indicative of drought exist, shall be authorized to declare by proclamation that a state of drought exists. This declaration of a state of drought can be for specific areas or communities, can be statewide or for specific water sources and shall effect immediate implementation of drought contingency plans contained in state approved conservation plans, including those for state facilities.

Sec. 6. K.S.A. 21-3419 and 21-3436 and K.S.A. 2001 Supp. 47-523 and 48-924 are hereby repealed.

Sec. 7. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the SENATE, and passed that body

_____

SENATE adopted
Conference Committee Report _____

_____
President of the Senate.

_____
Secretary of the Senate.

Passed the HOUSE
as amended _____

HOUSE adopted
Conference Committee Report _____

_____
Speaker of the House.

_____
Chief Clerk of the House.

APPROVED _____

_____
Governor.

Mr. HORN. OK. We now have Undersheriff James L. Lane, Ford County Sheriff's Office.

STATEMENT OF JAMES LANE, UNDERSHERIFF, FORD COUNTY SHERIFF'S DEPARTMENT

Mr. LANE. Chairman Horn, Congressman Moran, I, too, am honored to offer my thanks by testimony regarding the readiness of our community. Historic Dodge City, much like Abilene, is the county seat of Ford County. The Ford County Sheriff's Office has a part with 12 full-time commissioned patrol officers and ten additional commissioned officers. The county is approximately 1,100 square miles with a population of about 35,000 people. Now, I would also like to add at any given time there may be in excess of 300,000 head of live cattle on the ground and I make that statement just to underscore that our community is completely reliant upon the agriculture industry and so I will speak with emphasis on our major concern, which is the biological threat.

I want to say that our local emergency preparedness committee is active in all aspects of terrorism planning and I believe that we are far short of having all the tools that we need. However, our community has developed partnerships with the agriculture industry and we have developed a comprehensive multi-jurisdictional response plan for such an attack and we are confident that it's one of the few plans in the Nation that is derived at the local level. We have completed the Domestic Preparedness Plan or are in the process of equipping local first responders to the greatest extent possible with the $44,000 that we have received in Federal grant moneys. Without these dollars we would be significantly less prepared. We have devoted a great deal of time and effort in trying to identify the consequences of such an attack and our response to it, and I think we have had some success in that. So having a fairly good understanding of the consequences and the underlying costs it could echo, it is critical to focus on prevention. Previously, I mentioned that we had a plan locally for dealing with such an incident and we learned a great deal in that planning process. We learned a great deal about our community, and we really learned a lot about the impact that agriculture has on it. I think we understand what the local response will be. Maybe, with the exception of the FBI and the USDA, we're unclear at how some other Federal agencies will respond to our community. We also have a question if maybe they understand the industry. We now understand the movement of livestock in the State and especially locally and we know that it is paramount to stop the spread of disease. When a quarantine is implemented, it will severely tax local government and it will devastate our private industry locally. We know that the quarantine will lead to many consequences within our community in addition to the ones I just mentioned. We know that there may be some problems that arise with the National Guard in getting them commissioned. There's some questions to that we are trying to get answered as far as can we take National Guardsmen and commission them to do the police function, especially if we have a situation of civil unrest as a result of a quarantine. Last but not least, we understand the economic impact for Kansas and the rest of the United States and probably the world. We have encountered

a few problems in the planning process. We found that there's somewhat of a lack of communication between Federal, State and local levels of government in the emergency preparedness. I think it's getting much better. I think that we have all, or we all understand now, that we're in this together and we have to have that partnership to have any success. I am concerned that local law enforcement may not always know what level of homeland security we're on. There is some confusion in terms of the rules and responsibilities and response of other agencies to any terrorist attack at our level. I think there must be more effort put forth in educating not only Federal agencies but all agencies about the agricultural community. Undoubtedly that's best accomplished by the USDA and I speak for our Sheriff and the emergency manager and other first responders in our community do support the President's proposal consolidation of responding agencies under the Department of Homeland Security. I think that when we can look for a single point for education and funding and training and technical support, including the intelligence and technology, that we can begin to promptly focus on prevention and implement logical response plans.

In summary, understanding that the Federal resources are not unlimited, we would offer the following statements in terms of assistance that we ask for in meeting our communities needs. No. 1 is continued funding for education and training in communities so that planning begins in those communities. For the frontline defense and identification of diseases, Dr. Jaax referred to that in labs so that we understand the disease better. For primary and secondary responders and equipment and in research efforts. We need funding in technology for intelligence gathering and dissemination, as Mr. Knowles referred to, and I think at the local level we have a real need for funding an emergency operations center so that if we do have to respond in such a way that our emergency operation center has the technology to deal with the problem at hand. Equipment funding for equipment for first responders and maybe physical security for the industry, I don't know that needs to be mandated, but we may have better success if there is an opportunity.

No. 2, we need a single source of information so that we understand the roles and responsibilities of responding agencies and second, we have a library of assistance so that communities know what funding is available to them and that may all be best accommodated through homeland security.

No. 3, we need to develop partnerships with private industry. We need to have joint training between local, State, Federal responders and the industry and No. 4, we want to emphasize prevention on every level, including research, education, planning intelligence, rapid and appropriate response. Thank you for your consideration.

Mr. HORN. Thank you.

[The prepared statement of Mr. Lane follows:]

TESTIMONY

For

Committee on Government Reform

Subcommittee on Government Efficiency, Financial Management
and Intergovernmental Relations

Presented by:
James Lane, Undersheriff of Ford County, Kansas

August 20, 2002

In any town in western Kansas, Foot and Mouth disease could be discovered in what is thought to be a healthy pen of feeder cattle. Initially, the ten thousand animals in the yard would become infected. Considerations for exposure were given for an additional one hundred thousand animals at another feed yard within ten miles. Animals are shipped all over the region before anyone realizes they are sick. The yard is quarantined when animals present with blisters in the mouth about four days after receiving several loads of cattle from Texas. Its location, just outside the city limits, stops the city of forty thousand in its tracks. False information is accidentally released to the media almost immediately. The events that follow devastate the community and reach every state in the Country within hours. Upon confirmation of the virus, a full scale quarantine is initiated. The disease spreads like wildfire. This leads to residents being locked out of their homes, schools in the "zone" being closed, the local airport being shut down, public access to the hospital and other medical facilities being stopped, and civil unrest, including an unimaginable rush on grocery stores by the nearly three thousand people left unemployed by the shut down of the local beef processing facility. All lead to innocent deaths, destruction of property, and a distrust of government as a whole.

The disease could be introduced into the feed yard when it receives a load of stocker cattle from Texas. The subsequent investigation might reveal the animals had been infected in Mexico. Most likely, a vile of sputum containing the disease emptied into a feeding trough prior to shipment into the United States. Investigators would tab it an apparent act of bio-terrorism.

We continue to review our way of thinking since 9-11. The impact felt by the world at the sight of the twin towers falling could be dwarfed by a successful attack on the food supply. Without question, every community has looked a little closer at their respective vulnerabilities. Most, like us, have found that we are ill prepared to deal with a terrorist attack on the local level. We now question how we could possibly have the resources to deal with such an attack. Further, very few have changed their way of thinking in that "It can't happen here".

We have learned in looking at our community, that we are completely dependant on the agriculture industry. Additionally we have learned that the United States and a great number of countries rely upon our livestock and grains as a safe and inexpensive food source. If an attack would happen here, and it very well could, what would we do? What Local, State and Federal resources can we draw upon, and what will the response of those agencies be? Will the response be adequate and is there any understanding of the industry by those who will respond?

With some degree of certainty, we know what capabilities we have and don't have locally in terms of finances, equipment and to some degree, training. We have approached planning and response in a multi-jurisdictional effort with members from every facet of the industry. When looking at the State level, we identify a number of additional resources in management, technology and diagnostics. We have had some difficulty in identifying the roles and responsibilities of Federal agencies, but generally understand the role of the F.B.I. and U.S.D.A.

The subject of this testimony deals exclusively with a bio-terrorism attack on the livestock industry ultimately leading to an interruption in the food supply, not only for the United States but other countries as well. There has been considerable speculation about the likelihood of the above described event. Preventing the attack is the basis and planning for it requires a very clear understanding of the movement of livestock and grain products within each community.

There are several areas of concern to first responders and those who will respond from every level of government. In the planning process there must be an understanding that the industry has evolved to the point of being very efficient in terms of production and manufacturing. This in itself leads to a required understanding of the impact the industry has on the community. The terms of this impact include everything from vehicle traffic to industry employees to economic considerations. All of which will become issues.

Beef processing plants typically manufacture about five thousand animals on a daily basis. Generally, the animals come from within one hundred fifty miles of the plant and mostly come from feed yards. The plants usually slaughter sixteen hours per day. Product, which may be shipped seven days a week, from these plants may go to the majority of states in the country in that given week and may reach as many as fifty countries. In many areas throughout the Midwest the plants will be clustered in small cities, generally in the population range of twenty to fifty thousand. There may be as many as three competitors in an area effectively tripling consequences. The plants physical size is best described in terms of acres, not square feet and a simple analogy is that the animals come in one end and just a few days later, they go out the other end.

Nowhere else on earth are animals confined in such large numbers over such small acreage. Feed yards generally range anywhere in size from two or three thousand to nearly one hundred thousand animals. The size of the yard requires a specific number of square feet per animal generally in the range of three hundred. The yard will turn its capacity three times annually and the vehicle traffic associated with maintaining the animals is tremendous. Further, these yards receive animals from all over the United States, Canada and Mexico.

Animals are sold through livestock sale barns across the state. An average sale will move two to five thousand animals on sale day, which generally occurs one day per week. The animals are then moved from the sales to producers or feeders depending on the size of the animal. Conditions including food supply for the animals and local weather conditions may also impact the number of animals sold in a given region. Again, there is substantial traffic in moving animals to and from sales and the impact of this movement easily reaches the region and beyond.

Producers may be anyone who has a child raising a bucket calf for 4-H to someone who has a thousand head of stocker cattle on grass. The farmer/rancher will supplement grain sales primarily with cattle or swine, but may keep other marketable animals. Cow-calf operations and stocker cattle make up the bulk of the producers, who will sell weining

calves for profit and stocker cattle for the gain they have put on while on grass or other pasture. The dairies will sell off calves commonly called "bucket calves" to almost anyone who will buy them.

The cycle of movement is complex. It is by far the biggest concern for dealing with a bio-terrorism attack on the industry. First, the movement is continuous with peak traffic in the spring and fall. Secondly, an animal may be in one state today and easily be transported two or three states away on the following morning. This movement is common place and occurs daily at any given time. Considering that on any given day animals will move from the producers to the sales, the sales back to other producers, producers to the feeders, and from the feeders to the packers, the amount of traffic is immense.

This becomes of primary concern in stopping the spread of disease and the economic impact that follows. Most states have similar plans for containing a foreign animal disease. Those plans include stopping all animal traffic, and in some cases grain products, in and out of the state and implementing quarantine zones around an outbreak. Another part of the plan deals with decontamination of all people, vehicle, and associated traffic coming from an infected area. When one considers that at any given time there are approximately five hundred semi loads of ag related product moving through a single county, it is hard to grasp how the traffic can be effectively managed in a State that is predominantly an agriculture community.

If you consider the attacks on the twin towers, you can put the feasibility of traffic management into perspective. One can draw parallels with some imagination. As the attack unfolded, the NYPD and Port Authority Police had a large number of commissioned police officers at their disposal, probably in the neighborhood of forty thousand officers. The attack was limited to an area of approximately sixteen acres, but it is easily an understatement to say that it taxed the police services of New York to deal with this incident. Granted, a bio-terror attack on an ag product, depending on the agent, will differ greatly in terms of casualties, and the populous in the rural areas is small, but when you apply this thought process to rural America, the majority of livestock is kept in

counties where the total number of police officers may not equal ten. Once again, considering the traffic volume on a day to day basis in an area equal to several million acres, most agencies would be taxed to man one or maybe two roadblocks.

If the roadblock plan is implemented, and it will be in a quarantine situation, police will be severely strained to accomplish the task. When you consider the additional demands placed on police by increased calls for service, civil unrest considerations, quarantine zone security, mandates by the Livestock Commissioner, and other required duties such as the investigation into the incident, it is hard to understand how the community can respond with any success at all.

The amount of assistance needed can only be described in terms of great. There will be a great need for assistance from the National Guard. There are questions raised as to whether or not martial law will be implemented. If not, there must be some provision for commissioning guardsmen for the law enforcement function. Investigative assistance and the ultimate direction of the investigation will fall to the F.B.I. The rural community has limited ability to draw on these resources without some delay from travel.

There is a common belief among many rural Sheriff's that such an incident could not occur in their jurisdiction. Odds are it may not, but most have not considered the far reaching impact of such an event in an adjacent county, State or Country. Without fail, an outbreak in Canada or Mexico will, at least, greatly affect the markets for American agriculture products.

The potential economic impact of an attack can be somewhat realized as a result of a rumored outbreak of Foot and Mouth Disease in northeast Kansas in March of 2002. It is estimated that the rumor cost producers and feeders nearly fifty million dollars in market losses. Most recently, a Canadian man dies of a strain of Mad Cow Disease and fast food stocks plummet on the fear that the disease is now in North America. There is rising concern of the impact of West Nile on the equine population and as the disease spreads

further west, fears may grow further, especially if there is a significant impact on the human population as seen in Louisiana.

As is the case with West Nile, the threat of an attack involving a Zoonosis, will impact the public health system as well as the animal population. When you consider this and look closely at the proximity issue in rural communities, it is not unlikely that a community's health care delivery system will be severely hampered if animals must be quarantined and hospitals, clinics, and public health offices are in that quarantine zone, generally within six miles. Although available, it is unclear how mobile military medical units may assist in this scenario.

The most critical component of the plan is prevention. Education in the identification of animal disease, reporting of suspicious activity and rapid response by law enforcement is required. The producer, the cowboy riding the pens in the feed yard and local veterinarians are the absolute first line of defense in identifying a potential outbreak. Producers are urged to be vigilant in reporting suspicious activity they may observe. Many feeders have implemented a strict bio-security plan emphasizing cleanliness, increased scrutiny of shipping papers and yard security measurers. Local vets play a key role in identifying potential diseases they may observe in their respective fields of specialty. There must be an understanding by law enforcement officials that a cowboy will know what activity is suspicious in a feed yard.

With the report of and subsequent verification of a disease, or even a rumored case, a rapid coordinated response must be initiated. The level of response may be dictated by the level of dependency the community has on the industry. In simplest terms, the response may not require the same level of coordination in a metropolitan area as it will in the counties heavily populated with livestock. The fact should not be overlooked, though, that ag related traffic moves through the metropolitan areas just as it does the rural areas and therefore a significant impact in traffic control will be realized.

Further, a significant portion of planning will be dedicated to consequence management once the disease is confirmed and the quarantine is implemented. Each community must study, in great detail, the cause and effect of a quarantine zone at facilities in each fact of the industry. One can only imagine the impact the quarantine may have. It is critical that a relationship between animal health officials, local law enforcement and emergency planners and the media in disseminating clear accurate and concise information to the public. The information gathered in the early response will be closely scrutinized before the release, if any. Once in place, an animal health and public health officials may want to act as Public Information Officers to support each other in addressing concerns on both sides of the issue. Clear, concise, truthful and accurate information may alleviate a considerable number of consequences.

First, dealing with the immense number of cars, trucks and other vehicles that will be stopped as a part of the roadblock plan will be labor intensive and require a tremendous amount of coordination by Emergency Managers. Trucks carrying live animals that originated in a quarantine zone may be stopped along the road side and quarantined. In an FMD outbreak, the animals on board will require depopulation or monitoring, with provisions for food and water at the site. With inspection by Animal Health officials, other animals may be allowed to move, but may require an escort by law enforcement. For animals quarantined on the spot, land and corrals will be required. It is unlikely that land owners will voluntarily allow for disposal of diseased animals on the property. Drivers of the trucks will require food and lodging. Movement of other vehicles may be permissible, but most roads in rural areas are two lane and traffic congestion will be a problem as well.

Secondly, in the event of an effect on the human population, healthcare delivery may be severely hampered as small communities with outlying feed yards may lead to a quarantine of an entire community. Many facilities are situated easily within the common six mile zone. Coordination for healthcare with adjacent communities may not be feasible and large scale shipments of vaccines, if required, may not be able to effectively enter the community if airports and other avenues of delivery are within the zone. Further, the

closing of schools could lead to panic for parents not immediately allowed to get their children until decontamination is completed.

Third, is a rush on local grocery stores, which will likely occur once the information is released. It is within reason to believe that a level of panic will ensue in a percentage of the population and a good number of people will naturally want to be prepared for an anticipated shortage in food stuffs. One may not understand the enormity of this problem when you consider the rush on gas stations on 9-11. In that case, there was no direct threat on the supply of fuel, but rural communities like some metropolitan areas had long lines and fist fights for gasoline.

Fourth, the mass depopulation of animals in large feed yards will require a tremendous number of square feet and professionals trained in euthanizing large animals. As seen in the U.K. in the recent FMD outbreak, it took a tremendous amount of fuel to burn carcasses and the environmental impact due to the smoke and other by-products was a consideration. Ground water may be as little as eighty feet below the surface in some areas thus creating the likelihood of contamination if the animals were buried.

Fifth, in communities where the processing facilities are located, at least a temporary shut down is expected. It is conceivable in those communities that a large number of people will be unemployed and on the street for at least a period of time. A compounding problem lies in the fact that the majority of those workers may not speak English. All communication through the media must address this concern.
Last, the integrity of the food supply in America is far and above any accepted level elsewhere in the world. There should be some ability, short of an attack that affects the whole Midwest region, to increase production or at least shift it to some extent to other areas, provided there is demand. Depending upon the affected food stuff, be it beef, poultry, pork or small grains, we would expect to see a decrease in consumption of the particular affected product, but meanwhile, see an increase in others. Certainly, there is a better understanding of exactly how supply and demand will change given the circumstances surrounding Mad Cow and FMD in the U.K. and FMD in Taiwan.

In summary, there must be a primary focus on prevention with secondary focus on a comprehensive planning process being initiated to: 1) conduct a local threat assessment, 2) participate as a member with the State response team, 3) integrate with Federal response plan(s), 4) assist in conducting criminal investigations as a partner with Federal Agencies, 5) respond in accordance with consequence management. Planning should include every aspect from education and prevention, to consequence management and identifying local resources to respond to the above mentioned needs. Planning must include an across the board representation of every facet of the agriculture community, the education of each facet in prevention and identification of diseases and education for first and subsequent responders. Funding requirements for the purchase of first response equipment, training and diseased animals must be closely studied as well as costs for depopulation and disposal of diseased animals and other consequence management issues. The response must include knowledge of Local, State and Federal resources and responsibilities. Communication, training and coordination in all senses, must be enhanced within the responding agencies. The considerations given to maintaining a safe and cost effective food source can only truly be addressed in prevention and only be protected further by adequate planning.

Mr. HORN. We'll now go to questions and the gentleman from Kansas can begin the questions.

Mr. MORAN. Mr. Chairman, again, thank you for the opportunity. I learned something—I learn something everyday and I learned something from all you today, but I generally have had the same response when people talk to me about ago-terrorism in Kansas that I don't know how we can prevent it, but we've sure got to be able to respond quickly; that it is an issue of response and Mr. Teagarden highlighted that, but the additional piece of information is prevention that comes through intelligence activities and I can see absolutely the importance of increasing our capability of learning about the potential, the acts of potential terrorists in advance so it is not just response but it's also prevention through intelligence. I have always thought that we didn't have the ability in Kansas to protect every farm, every feedyard and I don't think we do, but we do have the ability to know what people may be attempting to perpetrate and so I appreciate highlighting it helps me explain to my constituents better what the opportunities are and I would tell Chairman Horn that Kansas very much is a livestock-producing State. We're often thought of as the "wheat" but the actual State product is derived, the largest portion comes from livestock. There's no congressional district in the country more so than the first district of Kansas that has cattle on feed so this is a huge issue and the potential for our State's health and the health of its economy is tremendous.

Mr. Jaax, you are a national expert and one thing I want to highlight is that people who are knowledgeable about this topic, you have to be on the top ten list and I want to make sure that you have the sense that national leaders, those involved in the issue of agraterrorism are utilizing your expertise. Is that true?

Mr. JAAX. Thank you for those comments. I think that one of the key elements of this whole discussion is recognizing that agraterrorism is certainly a very significant subset of the overall bioterrorist threat and I think that resources like the ones that I represent at Kansas State and the land grant statutes are very important in trying to help us come up with national plans for how we would respond to various agents. I want to re-emphasize when you're talking about response and how we would protect ourselves and it goes back to a question that you asked, Mr. Chairman, of the first panel, which was what should we be worried about and I think that very thoughtful and accurate risk assessments associated with plausible threats, if we can find ways to counter them, if we have adequate counter measures, then we can strike off those of the more ominous threats until we can reduce the risk associated with an input, but to go back to your question, sir, I think that clearly the national authorities are looking for help because this is such a huge problem, especially on the biological front because it is so complicated and is so regionalized because the threats are different everywhere. I think that they are coming to people like me and certainly to organizations like the one—like Kansas State to try to help to find effective countermeasures and strategies for dealing with this, but the fact is there's only so much—there are only so many resources to go around and the threats are many.

Mr. MORAN. Well, thank you for your efforts. I was interested in your testimony, Mr. Knowles, about the number of investigations related to these kinds of potential acts. One thing that caught my attention is the role that apparently the INS is asking the KBI to play and I'm confused by that because I assume that INS violations are violations of Federal law. What role does the KBI have in responding to an INS request for investigation?

Mr. KNOWLES. We participated in a number of investigations on those visa violations where INS is the lead agency. We will provide the assistance, whether it be in terms of the interviews or the arrest. Obviously the violation would fall for the Federal Government and the U.S. Attorney's Office. We merely support whether it be a investigation or the apprehensions in those investigations. The KBI, through our history, has been an agency that assists other—whether it be Federal or local or county agency, we will assist as they request. Now, we work, as I indicated, on the partnership on the Joint Terrorism Task Force. We are a full partner but the FBI will play a lead role along with the U.S. Attorney's Office so it's not the State violation that we're focussing on. We are simply a partner in the investigation.

Mr. MORAN. Are those investigations, when you talk about visa violations, are they in addition to being visa violations, is there some thought that there's potential terrorist activity associated with the person involved?

Mr. KNOWLES. In some cases and what we do, once we conduct a preliminary inquiry, we'll forward those on to the Joint Terrorism Task Force for further investigation. A lot of our investigations in that respect are a response to calls from the public. We do that preliminary inquiry to see, is it valid, is the information—is it not generic and is it specific enough for some type of either an arrest or a confrontational interview and that's what we pass on to the task force.

Mr. MORAN. You also, Mr. Knowles, indicated or mentioned in your testimony about crop dusting.

Mr. KNOWLES. Yes, sir.

Mr. MORAN. Crop dusting is an integral part of our agricultural economy. Are there things we need to be doing more? Have we struck the right balance in regard to that activity?

Mr. KNOWLES. When the President raised that issue nationally, shortly after September 11th, about the threat of this type of aircraft, we looked inward. We didn't have a data base. We did not know the extent of pilots or aircraft within the State of Kansas. Since then, KBI—we have had a face-to-face interview with all pilots, with all owners and we have a data base. There are 180 such aircraft in the State of Kansas and 130 pilots or owners and it's very cooperative. They wanted to come to us. We were getting all types of calls about suspicious aircraft, low flying aircraft and now we have a good handle on that and I think the first handle talked about the progress from September 11th. We now have—if we have a complaint, we can go right to the source and identify the aircraft and/or the pilot.

Mr. MORAN. Have you also identified the pilot schools, pilot training in Kansas?

Mr. KNOWLES. To some extent. Trying to be proactive with what was going on, whether it was in Florida or Arizona. We certainly did not want it to happen in our State and going back to this idea of prevention and intelligence gathering, we're asking those pilots to, when some suspicious activity—if something is not quite correct, if you have a question about somebody's motive for learning to fly a crop duster, let us know and we'll help you with that, but yes, since that occurred, crop dusting is now on our scope and it's in our data bank.

Mr. MORAN. The Law Enforcement Center at Yoder, has that course work—this may be a question for the Undersheriff as well. As the course work changed in regard to what law enforcement officers are taught, trained?

Mr. KNOWLES. Being under oath, the other director, as you know, he's the former director of the Kansas Law Enforcement Training Center in Yoder here. If I could defer to our director and see if he might have a thought in that direction. Would that be permissible, Mr. Chairman?

Mr. HORN. Certainly.

Mr. KNOWLES. And I would introduce the director of the KBI, Larry Welch, who is the former director of the Kansas Law Enforcement Training Center in Yoder, Kansas.

Mr. WELCH. Thank you very much. I did know that Deputy Director Knowles was going to figure out a way to get me up here. Congressman Moran, the answer to your question is while the basic certification course at the Kansas Law Enforcement Training Center at Yoder has not changed significantly because of the events or the aftermath of September 11th, they have reached out and added courses and training in what we would call in-service training seminars throughout the State of Kansas. But as far as basic training for certification of Kansas law enforcement officers, I must answer the question that they haven't really significantly changed the core curriculum but considerable training has been done by the Academy, by seminars and schools throughout the State and indeed by others.

Mr. MORAN. I appreciate your answer and I also appreciate the efforts of the KBI not only in the area of terrorism but just the full plate that you have in our State to try and combat a number of law enforcement and therefore, problems for our citizens.

Mr. WELCH. Congressman, if I might interrupt and embellish just a bit on the question that you asked of the deputy director regarding why specifically we were so involved in the INS matters, it's actually primarily a matter in that particular situation of manpower on the part of Immigration. They don't have enough agents—this office in Kansas City covers half of Missouri and all the State of Kansas. They were woefully undermanned after September 11th and it started out primarily simply as a matter to provide manpower for them to assist in arrests on visa violations and it kind of extended from there.

Mr. MORAN. I appreciate that answer and I asked the question because the INS struggles greatly in performing its duties, not only in our State, but nationwide and it's an issue that we care lot about in Kansas about their ability to enforce the law and I was interested in how the KBI became engaged with the INS. Let me

ask the undersheriff in Ford County or southwest Kansas, do our cattle feeders do anything different today than they were prior to September 11th that related perhaps to this issue of intelligence?

Mr. LANE. I think so. I think we've seen—at least in our community, I can speak for a number of biosecurity measures put in place. I think that there are some cost prohibitive things that have not been done and also, considering the vast expanse of a typical 50,000 head feedyard over three or 400 acres of land is difficult to put under surveillance so I think that there is a good attempt at implementing biosecurity measures, I think in Mr. Teagarden's recommendation early on, that a lot of them started addressing those issues and we have seen some success in our area. That's emphasizing cleanliness in equipment, scrutinizing shipping papers so that an infected animal may not come in from another State or another country.

Mr. MORAN. Mr. Teagarden—my final question, Mr. Chairman. Mr. Teagarden, would you walk you through the scenario of the belief that if there's foot and mouth disease in feedyards in Kansas, what should happen and who plays what role in that response?

Mr. TEAGARDEN. You want to take a deep seat first? If a feedlot operator or a cowboy out in the feedlot found some unusual disease symptom that they weren't familiar with, they would notify probably their own veterinarian within that feedyard. If that veterinarian thought there was something that looked like a foreign animal disease, they would call our department or USDA and we would send out a trained foreign animal disease diagnostician. All of our veterinarians on our staff and State have been to a special school at Plum Island for foreign animal disease.

Mr. MORAN. Is that vet, is he placed somewhere close to southwest Kansas or somebody that comes from Topeka?

Mr. TEAGARDEN. No. Stationed from Dodge City. From Kingman to Dodge City is about 2½ to 3 hours for one of our vets that would cover Dodge City so we would go out, collect samples, ship them as quick as we could get them to Plum Island. If our vet that was out there thought it was highly likely, we would activate our emergency plan to at least a Level III at that time. In other words, get people together, start the system. We have a media team that would be ready to send out notices to the media about what the situation was, where it was at, so on and so forth. We would go into action. We have been planning for an outbreak of foreign animal disease for roughly 4 years now and we have—it's not a complete plan and never will be, but we've got it down to where we kind of know the first indication, true indication that we have a foreign animal disease, we're going to go into action and we believe in Kansas that the only way to combat an outbreak is to hit it with all we've got. We're going to declare war on a disease, such as foot and mouth, because that's the only way we'll get ahead is hit it hard and hope we can stop it.

Mr. MORAN. You indicated the sample would be sent to Plum Island. Is that the efficient way of doing it?

Mr. TEAGARDEN. That's the only place we can get a true definitive diagnosis at the time and that's why we need more laboratory capabilities.

Mr. MORAN. Mr. Jaax.

Mr. JAAX. I would like to weigh in on that one also. I think that in my testimony I talked about foreign diagnostics and, obviously, the faster you find out that you have a problem, the more confident you can be in your response and those responses can be done in a very straightforward way. The situation with foot and mouth, as I understand it with Plum Island, is that those reagents that are necessary to make that diagnosis really don't require the kind of containment that's available at Plum Island, but it's a situation where they don't want a false/positive made and have the responsibility for that in the field. I think under pre-September 11th circumstances perhaps that was completely understandable, but 36, 48 hours in a foot and mouth outbreak is a lot of time and I don't think that we can afford the luxury of finding out days after diagnosis could be made that we have foot and mouth disease here so I'm very strongly in support of having those forward diagnostics so that we can find out very quickly that we have an outbreak and again, with a very highly contagious virus like foot and mouth disease, it can spread explosively so it's very important to get your arms around it as fast as you can.

Mr. MORAN. Does that capability currently exist in Kansas to do the test?

Mr. JAAX. If we had the reagents we could do it.

Mr. MORAN. Thank you very much, panel.

Mr. HORN. I just have a couple of questions here. Throughout some of your testimony you talked about the West Nile. Can you define that for me, Mr. Jaax?

Mr. JAAX. West Nile virus is a viral disease that originated in sub-Saharan Africa. It is co-anodic, which means it affects both animals and man. I think it's a great example of those crossover diseases that we would be concerned about that would go beyond just human disease or just animal diseases. We have vectors in this part of the country, all across the country and those vectors are, in this case, would be mosquitoes that could transfer and serve as reservoirs for the disease. You know, not each foreign animal disease or each bioterrorism event would have to be an outbreak event. It could be a much more insidious disease, like this one, and there are clearly other diseases out there that would serve as a useful model, but West Nile has become endemic in the United States. It was not found here before, I believe, the last 2½ years.

One of the things that's interesting about West Nile, in my view, is the current lack of meaningful communication between the veterinary public health community and the traditional public health community. This disease was recognized by a veterinarian pathologist in New York sometime before the official diagnosis was made and with a co-anodic agent they may show up in animal populations prior to their manifestation in human populations, so it's important that we build that linkage of our public health infrastructure, which I think is a very positive step associated with the September 11th event as far as our national public health is concerned.

Mr. HORN. How does that get transmitted from Africa to New York City and is it a food?

Mr. JAAX. No. Well, they don't know how West Nile got here and there's all kinds of speculation you could make regarding it. May

very well have come with someone who was inflicted, with some person because what happens with the disease is that a mosquito would bite an infected animal or person and then would then again transmit that to another person or to an animal.

Mr. HORN. Is that what is going on in Louisiana?

Mr. JAAX. Absolutely. Yes, sir.

Mr. HORN. Now, Texas presumably is No. 1 in cattle. Has anything happened as a result of all this?

Mr. JAAX. With West Nile?

Mr. HORN. Yes, or others like that.

Mr. JAAX. Well, there are clearly diseases that would have the same sort of mechanism but those are, luckily, the most severe ones we don't have in this country that would affect cattle. To my knowledge, West Nile is not a serious pathogen in food animals. It is a serious horse pathogen and people who have horses are right to be concerned about that and it is a human pathogen but again, it's not a significantly serious disease unless you are one of the unfortunate people who happens to get it.

Mr. HORN. Or your horses.

Mr. JAAX. Absolutely.

Mr. HORN. I'm curious about Texas now. Everybody says they have the most cattle. Then there's an argument here on who is two and three.

Mr. JAAX. We're right in there somewhere.

Mr. HORN. Well, is Nebraska No. 2 and then Kansas three or is it Kansas two and Nebraska three? It's like the football game. We've got the coverage now.

Mr. JAAX. I would defer to Mr. Teagarden on that.

Mr. HORN. Well, I would like to get that figured out just for the Guinness records.

Mr. MORAN. I'm probably the one who could answer, Mr. Chairman. I'm not under oath.

Mr. HORN. And you will say?

Mr. MORAN. Kansas.

Mr. HORN. I want to just, Larry, before you leave, just if you don't mind, take the oath.

[Witness sworn.]

Mr. HORN. Any other questions? Well, it's a wonderful panel we have had here who have a lot of scientific knowledge and that's a good thought. Thank you very much for coming.

We have one last panel and that is Otto Maynard, President and Chief Executive Officer of the Wolf Creek Nuclear Operating Corp.; Kevin Stafford, Special Agent in charge of the Kansas City Field Office, Federal Bureau of Investigation; Patricia Dalton, Strategic Issues, U.S. Office, and Richard Hainje, Director, Region 7.

Let's start here with Mr. Otto Maynard, president and chief executive officer of the Wolf Creek Nuclear Operating Corp.

Mr. MAYNARD. Good afternoon, Mr. Chairman.

Mr. HORN. When we call on you, your whole written presentation goes in the record at this point and we would like you to summarize it.

STATEMENT OF OTTO MAYNARD, PRESIDENT, CHIEF EXECUTIVE OFFICER, WOLF CREEK NUCLEAR OPERATING CORP.

Mr. MAYNARD. Thank you very much. My name is Otto Maynard, President and Chief Executive Officer of Wolf Creek Nuclear Operating Corp. We operate the Wolf Creek Nuclear Power Station near Burlington in Coffey County for three of our owners, which is KG&E, a Westar Energy Co., Kansas City Power and Light, a Great Plains Energy Co., and Kansas Electric Power Cooperative. I'll start out by pointing out that I am not a government agency. I know that for sure because I pay taxes and fees rather than receiving taxes and fees, but to be successful, I have to interact and coordinate with a number of local, State and Federal agencies.

Prior to September 11, 2001, all the nuclear power plants had professional security forces in place. At Wolf Creek we had at that time, still have a very highly trained, well armed security force. Many of the security officers are ex-military, ex-law enforcement and we exercise them in a number of different scenarios to provide the protection for our plant against any type of attack that might be conceived.

The other thing that we had prior to September 11th was an emergency plan. We are required to have an emergency plan. That plan provides for the overall communication, coordination and response to any type of event or issue affecting Wolf Creek that could have some potential implication on the health and safety of the public. That was all in place prior to September 11th. After September 11th, we further enhanced the security by adding additional security officers, additional patrols and many other things that were put in place to provide heightened awareness and heightened security force. We got excellent cooperation from the local sheriff, Kansas Highway Patrol, Kansas National Guard and since September 11th we have also had excellent cooperation with the U.S. military. A number of exercises, round table discussions, scenarios have been played out so that we very clearly understand what other roles and responsibilities are, what the roles and responsibilities of other agencies and what the response capabilities are and exactly how we would utilize each other's resources in the event there was something in the way of a terrorist attack potentially impacting Wolf Creek.

I would also like to acknowledge that after September 11th we got excellent cooperation from a number of Federal agencies. Of course, the Nuclear Regulatory Commission. You know, Region IV of the U.S. Nuclear Regulatory Commission is the lead Federal agency in issues affecting Wolf Creek and they provided us with excellent communication throughout this last year, provided us information that we needed to be aware of and in making sure that we were doing the things that were prudent in protecting the health and safety of the public. Also had excellent cooperation from a number of other agencies; KBI, the FBI, the FAA, a number of agencies, some of which we had not coordinated or worked with that much before.

One of the reasons I believe it was easy for us to establish some relationships, to get this level of cooperation is because of the emergency plan that we had in place for issues potentially affecting Wolf Creek. That plan provides, as I said before, for coordination

and communication, a common level of threat assessment, so to speak, so that everybody understands nationwide what level of issues that we may be talking about and everybody can understand what the roles and responsibilities are with already established communications so that we knew who to talk to. We have facilities in place at various locations so that the coordination can occur so that each agency can do their own. I want to make it clear that events or issues affecting Wolf Creek, that we do not direct Federal, State or local agencies. Our primary responsibility is taking care of the plant and in taking care of whatever the issue is that may be affecting that and providing high quality time and communication and recommendations to the local, State and Federal agencies so that they can perform their role in also protecting the health and safety of the public.

One last item I want to touch on, the one area that has been some confusion since September 11th gets into the funding. Of course, everyone would like to have increased security, increased availability of a lot of things. These do cost money and at times there were issues about who pays for that such that the National Guard, or whoever, was able to pay their folks and take care of that. I believe it's imperative that the burden of funding and sharing of that cost needs to be equally distributed among us all because the atacks from terrorists are against the American people, all of us and our way of life, not just a different industry or a different city and I believe it's important that the burden of that be shared. If it is not equally shared, then the terrorists have the ability to control our economy by picking on various segments, such that you are no longer able to have free competition. Again, I appreciate the opportunity and glad to answer questions.

Mr. HORN. Thank you.

[The prepared statement of Mr. Maynard follows:]

Testimony of Otto L. Maynard
President and Chief Executive Officer
Wolf Creek Nuclear Operating Corporation

Presented at an Oversight Field Hearing of the
House Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations

Eisenhower Center, Abilene, Kansas

August 20, 2002

Good Morning,

My name is Otto Maynard, and I am the President and Chief Executive Officer for the Wolf Creek Nuclear Operating Corporation. I'm responsible for the operation and maintenance of the Wolf Creek Generating Station near Burlington Kansas. Wolf Creek is a commercial nuclear power plant owned by Kansas Gas and Electric Company (a subsidiary of Westar Energy, Inc.), Kansas City Power & Light Company (a subsidiary of Great Plains Energy Incorporated), and Kansas Electric Power Cooperative, Inc.

As President and CEO of a commercial nuclear power plant, one of my key responsibilities is the protection of the public's health and safety. Therefore, I have been personally involved with the added emphasis being placed on security after September 11, 2001.

It is my pleasure to appear before the committee today to discuss how the federal government has assisted us to date and to provide my insights on some of the issues you have identified for discussion.

The tragic and despicable events of September 11, 2001, raised the level of awareness in all of us as to the need for an integrated national approach for protecting the people and assets of this great nation against terrorist attacks. Fortunately, the nuclear industry already had well trained security forces with contingency plans and procedures in place. The overall cooperation we received from County, State, and Federal agencies was excellent. While there were occasional coordination and communication issues, it was obvious that all parties were trying to do the right thing.

I would like to specifically acknowledge the positive interactions we had with the Coffey County Sheriff, Kansas National Guard, Kansas State Highway Patrol, the Federal Bureau of Investigation, and the Nuclear Regulatory Commission. We had frequent interactions with these agencies, and they worked directly with us to provide an integrated approach to enhancing the already robust security at Wolf Creek Generating Station.

I doubt that most Americans realize that prior to September 11, 2001, all of the commercial nuclear power plants had professional, well trained and well armed security forces in place. These security forces had not only gone through substantial initial training, but had frequent proficiency training and terrorist style attack exercises as well. The design of commercial nuclear power plants is extremely robust and capable of withstanding substantial impacts. Commercial nuclear plants all have sophisticated Emergency Response plans in place capable of providing quality communications and coordination among plant, county, state, and federal agencies in the event of anything affecting the plant. The Nuclear Regulatory Commission is the lead federal agency for any event affecting a nuclear power plant. It has full time Resident Inspectors assigned to each plant. Resident Inspectors provide oversight and enhance overall communications and coordination.

Since September 11, we have enhanced our security even further. A few examples include increased security staffing level, new physical barriers, and increased patrols. We have had outstanding cooperation with the Sheriff, Highway Patrol, National Guard, US Military the Nuclear Regulatory Commission and other agencies to discuss and coordinate our actions in the event of a terrorist threat at Wolf Creek. Region IV of the US Nuclear Regulatory Commission has provided outstanding communications and threat advisories relevant to commercial nuclear power plants.

I would now like to provide more specific responses to some of the issues you identified to be addressed at these hearings.

How can coordination and cooperation among Federal agencies be improved?

It is imperative that the new threat level indicator system being developed in the Department of Homeland Security be consistently applied across all agencies. Confusion and lack of coordination will occur if each agency adopts its own threat level indication system or if each agency is allowed to arbitrarily go to different threat levels. It would be virtually impossible to effectively and efficiently define the roles of the various governmental agencies and private industries without a central control point for determining the national threat level.

It is also important that the agencies develop consistent expectations relative to government and private industry's role in protection against terrorist attacks. An industry such as Nuclear Power Plants should not have significantly different requirements than other high profile industries such as petrochemical plants. Lack of consistency could easily make the nation more vulnerable by focusing too much effort in one area and not enough effort in another. We're only as strong as our weakest link. Congress needs to take responsible and appropriate

actions and not tolerate undue pressures aimed more at personal agendas than enhancing national security.

Immediately following September 11, considerable confusion developed between various governmental agencies relative to funding for increased demands on the National Guard and other agencies. The cost of increased security requirements due to our war on terrorism should be born evenly by all. Terrorist attacks are against the American people and our way of life. Therefore, a funding mechanism needs to be developed to allow for recovery of mandated security enhancements so that terrorists cannot influence the competitive nature of one business over another. This also applies to government agencies that have been given increased responsibilities. Their increased funding should not come from increased fees imposed upon selected private industries. If private business is required to carry the burden of increased costs, terrorists can have a significant impact on the nature of American businesses and competition.

How prepared are State and local emergency management responders to coordinate a response to a biological, chemical or nuclear terrorist attack?

I believe those agencies that have been involved with the emergency plan exercises required of commercial nuclear power plants have a significant advantage over agencies that have not participated in a similar exercise. Commercial nuclear power plants are required to have an extensive plan for the protection of the health and safety of the public in the event of an accident that could result in a radioactive release. These plans involve local, State, and Federal agencies and include provisions for communications, training and coordination among the various agencies as well as the plant staff. The key elements of this plan could be extremely useful for a biological, chemical, or nuclear terrorist attack. I understand that in the past, there have been instances in which portions of a nuclear plant's emergency plan have been activated for other potential industrial disasters. Nuclear plant emergency plans could serve as blueprints for the communications and coordination between agencies responding to terrorist activities involving biological, chemical, or nuclear attacks.

Again, I appreciate the opportunity to provide this testimony and look forward to working with the government agencies in improving national security in the war against terrorism.

Mr. HORN. Now we have Kevin Stafford, special agent in charge of Kansas City Field Office for the Federal Bureau of Investigation.

STATEMENT OF KEVIN STAFFORD, SPECIAL AGENT IN CHARGE, KANSAS CITY FIELD OFFICE, FEDERAL BUREAU OF INVESTIGATION

Mr. STAFFORD. Good afternoon, Chairman Horn, Congressman Moran and guests. It's an honor to appear before you today to discuss the issue that is being undertaken by the FBI and law enforcement community in general in connection with prevention of terrorism and related threats posed by incendiary, biological, chemical or nuclear agents.

By way of background, Kansas City Field Office investigative territory encompasses an area of approximately 650 miles from just east of Jefferson, Missouri to the west border of Kansas and includes approximately 865 law enforcement entities. This entire area is protected by approximately 134 FBI agents and 102 support personnel. With this vast geographic area and significant differences in crime problems, effective law enforcement levels requires leveraging personnel through mutual cooperation and assistance. In this regard, we have started the Heart of America Joint Task Force in September of this past year to address and prevent acts of terrorism. The task force has 18 participating agencies with 34 full-time investigators. While oversight and intelligence is focused in Kansas City, the task force includes investigators physically located in Topeka, Garden City, Wichita as well as Jefferson City and Springfield, Missouri. Additionally, an executive board made up of chief law enforcement executives from the Federal, State, county and municipal agencies has been established and provide a forum for the exchange of intelligence and to provide guidance regarding policy matters and direction of the task force.

To facilitate the exchange of sensitive or classified information, security clearances have been provided to all members of the executive board. The Joint Terrorism Task Force is also supported by the Kansas Domestic Terrorism Working Group and Missouri Terrorism Working Group, which were formed in 1997 for the purpose of sharing timely information regarding terrorism. These groups are comprised of approximately 50 State, county and local law enforcement agencies. With respect to combating terrorism, the Kansas City office, with the cooperation and support of 14 bomb squads, form the Kansas/Missouri Bomb Technician Working Group. Given the expenses associated with equipping individuals in this area, this group is specifically organized to share specialized tools, training and intelligence regarding terrorist groups and devices. I'm proud to note this group is nationally recognized and has provided services to the National Institute of Justice, Office of Science and Technology and the Combating Terrorism Technology Support Office, Technical Support Working Group in testing and evaluating a new incendiary device disrupter system and is presently assisting in the development or robotic disarming technology.

Kansas City Field Office has and continues to conduct periodic training. Since December of the past year, we have provided and participated in 32 training events with respect to preparedness or potential terrorist acts and to unified response from law enforce-

ment. Recently the Kansas City office was selected as one of five sites for a regional computer forensics laboratory which has been named The Heart of America Regional Computer Forensic Laboratory, a partnership to any FBI, Federal, State and municipal law enforcement agencies to provide examination of criminal investigations and prosecutions. By combining the extraordinary talents and resources of law enforcement agencies at all levels, the ability to investigate acts of terrorism will be significantly enhanced.

The Kansas City Field Office has also been selected as one of only 20 sites for the initiation and development of Cyber Crimes Task Force. The establishment of this task force would be a powerful tool in the fight against terrorism, white-collar crime, violent crime, and national infrastructure protection matters. The Kansas City Field Office has an active InfraGuard program where special agents maintain liaison with the owners and operators of the Nations critical infrastructures.

Mr. Chairman, my remarks have been brief and have been meant to merely highlight the counter terrorism initiatives undertaken by the Kansas City Field Office and law enforcement within Kansas and the Western District of Missouri. While the FBI, both nationally and within the Kansas City Field Office, have significantly increased our resources toward protecting our country against further terrorist attacks, the FBI cannot do such alone. As you can see, after the terrible events of September 11th, the law enforcement community has risen to the occasion by providing significant, tangible, real-time cooperation and communication throughout the State of Kansas and the Western District of Missouri. Through these efforts we have established a well-developed and coordinated law enforcement capability to address and prevent acts of terrorism. However, despite our best efforts, it is impossible for a law enforcement agency to guarantee to its legislative oversight that future terrorism will not occur. What we can guarantee is that men and women of the FBI, the Kansas City Field Office, and our law enforcement partners throughout Kansas and Missouri are serious and devoted to the role of protecting our area and our Nation against future hostilities. This concludes my remarks. Thank you, sir.

Mr. HORN. Thank you, and we have had very good relationships with the FBI in both Y2K and computers within the executive branch and now terrorism so thank you for all your doing. We appreciate it.

[The prepared statement of Mr. Stafford follows:]

Statement of

KEVIN L. STAFFORD
SPECIAL AGENT IN CHARGE, KANSAS CITY FIELD OFFICE
FEDERAL BUREAU OF INVESTIGATION

before the

HOUSE COMMITTEE ON GOVERNMENT REFORM
SUBCOMMITTEE ON GOVERNMENT EFFICIENCY,
FINANCIAL MANAGEMENT AND INTERGOVERNMENTAL RELATIONS

August 20, 2002

Good morning Chairman Horn, Members of the Subcommittee, Kansas Representatives and distinguished guests. We appreciate and value the opportunity to appear before you today to discuss the efforts of the Federal Bureau of Investigation (FBI) and, in particular, the efforts of the Kansas City Field Office in conjunction with state and local law enforcement agencies regarding the prevention of terrorism and related threats posed by incendiary, biological, chemical or nuclear agents.

Before proceeding further, we would like to take this opportunity to publicly recognize the efforts and support of all the law enforcement agencies in Kansas and the Western District of Missouri that have provided assistance and personnel in the efforts to combat and prevent terrorism against the United States. These agencies and the public should be proud of the response provided and of the combined and unified approach law enforcement has taken with respect to keeping America safe and secure.

I. Introduction

The events of September 11, 2001, shall never be forgotten. The acts of terrorism against the United States and its citizens were horrific, unjustified and reprehensible. And from this tragedy, this attack on America, comes a new task upon law enforcement to protect the public from a criminal element of those who wish us harm because of our ideologies, values and beliefs.

Shortly after the terrorist attacks on the World Trade Center and the Pentagon, the Attorney General modified the guidelines regarding investigative activity by the FBI by noting that in discharging our functions, the highest priority

is to protect the security of the Nation and the safety of the American people against the depredations of terrorists and foreign aggressors.

Thereafter, Director Mueller addressed the International Association of Chiefs of Police and called for a unified and cooperative front by all of law enforcement to address the threat posed by terrorism by noting that our combined resources and expertise are far beyond the sum of their parts, and that the potential for greater success through mutual cooperation and respect is boundless.

Law enforcement in the State of Kansas and the Western District of Missouri have fully embraced both the Attorney General's and Director Mueller's messages. Through the mutual cooperation and support provided by local, state and federal law enforcement agencies, we have implemented numerous initiatives in the months since the September 11, terrorist attacks on our country to ensure that all is being done to prevent another such incident.

In this regard, we maintain an aggressive program of preparedness, training and coordination for potential attacks. With the assistance of local, state and federal agencies, we have enhanced intelligence sharing, analyses of information and implemented proactive initiatives among and within the law enforcement community, while continuing to manage and support the myriad of other assigned investigative responsibilities. These efforts by law enforcement in the "heartland" of America are the result of a true and genuine cooperative effort on behalf of the Nation's people.

II. The Kansas City Field Office of the FBI

The Kansas City Field Office has investigative responsibilities in an extremely expansive and diverse geographic territory. Indeed, the geography and demographics of the Kansas City Office's territory pose unique challenges in effectively fulfilling the FBI's mission.

The Office's investigative territory encompasses the entire State of Kansas and the Western District of Missouri, an area spanning 650 miles, two time zones and extending from the State capital of Missouri in Jefferson City to the foothills of the Rocky Mountains. This entire territory is protected by approximately 130 Agents and 100 Support personnel. Within this territory there are approximately 865 law enforcement entities, with approximately 500 located in the State of Kansas and 365 in the Western District of Missouri. In order to effectively serve this vast territory, the Kansas City Field Office has a headquarters city office in

Kansas City, Missouri, and eight resident agencies throughout the division. Four of the eight resident agencies are in Kansas and physically located in Garden City, Topeka, Salina and Wichita, and four are in Missouri with locations in St. Joseph, Jefferson City, Joplin and Springfield.

The Kansas City metropolitan area alone contains 114 cities and a population of nearly 1.7 million. As a result, Kansas City is a major federal regional center and houses offices of both Kansas and Missouri state governments and a multitude of local government facilities. Kansas City is the headquarters of major businesses, including Sprint, Black and Veatch, Applebee's, Hallmark Cards, Russell Stovers Candies, H&R Block, Interstate Bakeries, AMC Theaters, American Century Investments, DST Systems, Southern Industries and many others. The Kansas City area is also an agri-business center, with national corporations such as Farmland Industries headquartered in the area. Kansas City is also home to numerous chemical and industrial facilities, including Honeywell Corporation, Bayer Corporation, Aventis Pharmaceuticals, Proctor & Gamble and National Starch and Chemical Company and has sizable research operations, such as the Midwest Research Institute and the Stowers Institute for Medical Research.

As a major transportation hub, the Kansas City metropolitan area has the most freeway miles per capita of any urban area in the nation. Major trucking concerns, including Yellow Corporation, operate out of the Kansas City area. Additionally, Kansas City is the second busiest railroad center in the nation, with major rail yards for Union Pacific, Burlington Northern, and Canadian Pacific located in the region. And, as the Missouri river was the catalyst for the founding of the city, the metropolitan area is also well served by barge transportation, with 11 regulated barge lines transporting goods on the river.

Associated with the most freeway miles per capita of any urban area, is the fact that several of the interstate highways servicing the Kansas City area are considered major distribution arteries for illegal narcotics. Statistics gathered by the El Paso Intelligence Center document that the Kansas City metropolitan area is the destination of approximately 50% of all drugs and money seized on interstates I-70, I-54, I-35, I-29 and I-44, the majority of which can be traced to Mexican drug trafficking organizations. Furthermore, interstates I-70 and I-35 constitute two of the five most active overland routes for drug traffickers in the United States.

In addition to the geographical vastness, Kansas City's territory includes distinctly different regions of the country ranging from urban industrial centers to

Midwest farmlands and agricultural communities to the ranch lands of the Great Plains. The vastness of the territory and the resulting differences in regional culture and crime problems require the Kansas City Field Office, as well as state and local law enforcement, to leverage available resources and personnel through mutual cooperation and assistance.

III. Kansas City Field Office Counterterrorism & WMD Initiatives

The foundation of the Kansas City Field Office's programs in counterterrorism and weapons of mass destruction (WMD), i.e. threats and/or attacks involving biological, chemical and nuclear agents, is premised on the following three principles: 1) communication; 2) coordination; and 3) cooperation. The application of the principles embodied in these building blocks results in a solid partnership between the FBI and all front-line law enforcement agencies throughout Kansas and Missouri. Here in the Midwest, the law enforcement community has traditionally enjoyed and promoted a true spirit of partnership and inclusiveness. Perhaps this is due to the pioneer and agricultural heritage of this part of the country which gave rise to such traditions as barn raisings, cooperative livestock drives and mutual harvesting operations. Regardless of the origins of these characteristics, we and our city, county, state and federal counterparts recognize that an inclusive partnership is the most effective means of countering terrorism and protecting the public.

A. The Heart of America Joint Terrorism Task Force (HOAJTTF)

The process of forming the HOAJTTF reflected the unique and expansive nature of our territory and embraced the ideals of mutual participation. As you are probably aware, the first JTTF in the country was formed in 1980 by the FBI in New York. Since the events of September 11, 2001, every FBI field office that did not already have a JTTF has since formed a JTTF. The FBI has an established JTTF at each of its 56 field offices. The majority of the JTTFs consist of a main investigative entity at the field office with participation from the FBI's Resident Agencies. In some cases the resident agencies host annexed JTTFs. The Kansas City Field Office recognizes that a JTTF model consisting of a single main component and annexed resident agencies would adequately serve our nearly 650 mile wide, two state, and two time zone territory.

Initiation of the HOAJTTF was premised on a series of organizational meetings and personal contacts between myself and the heads of selected federal, state and local law enforcement agencies. Additionally, personal letters were addressed to the heads of law enforcement agencies serving populations of

5,000 or more. The information provided in these presentations included detailed information regarding the overall terrorism threat, the FBI's counterterrorism strategy and the function and structure of the typical JTTF.

The response by the Kansas and Missouri law enforcement community was overwhelming. By December 16, 2001, the HOAJTTF was officially formed, approved and funded by FBI Headquarters, with 14 agencies participating and providing 17 full-time experienced investigators. Participants of the HOAJTTF universally agreed that the task force should have multiple, regionally focused annexed task forces to ensure appropriate investigative coverage and intelligence capabilities throughout Kansas and the Western District of Missouri, with centralized intelligence sharing, coordination and administration of the overall JTTF efforts remaining in Kansas City.

It should be noted that a factor in establishing the annexed task forces were responses received to a comprehensive "Terrorism Threat Assessment" survey disseminated to every law enforcement agency in Kansas and the Western District of Missouri. The survey consisted of 87 questions in the areas of domestic terrorism and international terrorism and requested input to the HOAJTTF in identifying areas of concern and allocation of resources. As a result, we have been able to use the results of the survey to tailor the focus of not only the HOAJTTF, but each annexed task force to address the most pressing issues facing law enforcement in their respective areas. This results in the optimal use of our available resources, and ensures and promotes the involvement of all law enforcement entities in combating terrorism.

Based upon the exceptional support and interest in the HOAJTTF and the pervasive spirit of cooperation among law enforcement in the Midwest, we expanded the HOAJTTF to include an Executive Board composed of agency heads who have full-time investigators assigned to the JTTF or who possess unique knowledge or expertise that would provide substantial benefit to the task force. The Executive Board serves as a forum for the exchange of significant intelligence information and task force initiatives and is responsible for the overall policy and direction of the HOAJTTF. To facilitate the exchange of sensitive and/or classified intelligence in support of law enforcement's efforts to combat terrorism, not only are the front-line investigators being provided appropriate security clearances, but security clearances have and are being provided to members of the Executive Board to ensure that well-reasoned command decisions are made with the input, guidance and expertise of all participants. Kansas City believes that it was the first and one of only a few divisions that has taken these additional steps of establishing an Executive Board to assist, guide

and direct the task force and providing the members with clearances to promote and facilitate the exchange of information to better serve the American public. (See Attachment A for a listing of Executive Board members and participating agencies.)

The above participation and structure of the HOAJTTF has provided a natural conduit in support of the Anti-Terrorism Task Forces (ATTF) hosted by the United States Attorney's Offices. Through the establishment of the Executive Board and the information shared with its members and participants on the HOAJTTF, the ATTF is better able to discuss policies and procedures, in that members have a better and more enhanced understanding of the terrorist potentials and threats to be addressed by investigators. In fact, many of the Executive Board members of the HOAJTTF simultaneously serve as representatives to the ATTF, ensuring a unified and informed approach by both entities.

There are numerous ongoing counterterrorism investigations being conducted by the HOAJTTF. Inasmuch as these are active investigations, I am unable to provide any specific details. However, it should be emphasized that terrorist related cells and threats are present within the "heartland" and are being addressed by the combined efforts of all law enforcement. In addition to the aggressive pursuit of counterterrorism cases, we have initiated several training programs for law enforcement and non-law enforcement entities, as more fully explained in section D. infra.

Both Kansas and Missouri potentially possess attractive targets for terrorists. Examples include major airports, telecommunications service providers, financial institutions, nuclear and coal generated power plants, military installations, etc. With respect to the military installations it should be noted that Fort Leavenworth, located approximately 25 miles northwest of Kansas City, is home to several United States Army activities, including the 35th Infantry Division and the United States Army Command and General Staff College, and Whiteman Air Force Base, located approximately 80 miles southeast of Kansas City, is home to the 509th Bomb Wing and the Nation's B-2 bomber force. Additionally, major natural gas pipelines are located in Kansas and have the ability to transport billions of cubic feet of gas daily throughout the country.

While there is no known current threat against any of the above entities, major businesses, or the vast highway, railway and barge transportation services supporting the Kansas City metropolitan area, constant vigilance, liaison, training and planning is required to safeguard the interests of these entities and ensure

the protection of the public.

B. Kansas and Missouri Terrorism Working Groups

In addition to the HOAJTTF, the Kansas City Field Office has established the Kansas Domestic Terrorism Working Group and the Missouri Terrorism Working Group, which were formed for the purpose of sharing timely information relating to terrorism.

Both groups in Kansas and Missouri are comprised of approximately 50 different agencies from across the states and have included non-traditional entities such as the Missouri Department of Health, representatives from the military, and emergency services first-responder entities. (See Attachments B and C for listings of participating agencies.)

While certain law enforcement sensitive information cannot be disseminated to certain participants, the majority of the information is available relating to counterterrorism which is vital to these emerging and unique relationships.

Even though the working groups meet on a regular basis, relevant terrorism related information is disseminated to members, often on a daily basis, via the capabilities of the FBI's Law Enforcement On Line (LEO) internet communication system.

C. Kansas/Missouri Bomb Technician Working Group

Predicated in part upon the three letter bombs received at the United States Penitentiary in Leavenworth, Kansas in 1997, and an increased awareness of the challenges associated with terrorist bombs and WMD, the Kansas City Field Office and the public safety bomb squads from various state and local law enforcement agencies formed the Kansas/Missouri Bomb Technician Working Group (KMBTWG). This group was specifically organized to share specialized tools, training, and intelligence regarding terrorist devices and groups, and response assets in addressing threats to the public safety.

The group is comprised of 14 nationally accredited public safety bomb squads, which are coordinated by the FBI. The FBI provides leadership to this group by coordinating meetings, training exercises and the exchange of information. As with the Kansas and Missouri Terrorism Working Groups,

intelligence that is often "time sensitive" is shared with members of the KMBTWG via the FBI's LEO internet communication service. (See Attachment D for a listing of participating agencies.)

The KMBTWG is nationally recognized and serves as a model for similar working groups across the country. The KMBTWG has provided services to the National Institute of Justice, Office of Science and Technology and the Combating Terrorism Technology Support Office, Technical Support Working Group in testing and evaluating a new incendiary device disruptor system and is presently assisting in the development of robotic disarming technology.

D. Training Provided in Support of Counterterrorism Efforts

The Kansas City Field Office has and continues to conduct periodic training sessions to ensure HOAJTTF personnel have a strong foundation regarding the FBI's counterterrorism program and casework. The curriculum includes such topics as: objectives and operations of a JTTF; prevention and detection of weapons of mass destruction; critical infrastructure protection; overview of the Attorney General Guidelines for preliminary and full counterterrorism investigations; overview of international and domestic terrorism threats; asset and informant development and operation in support of an intelligence base; command post operations in the event of a critical incident; counterterrorism investigative methodology; and investigative strategies to combat cyber-terrorism.

The above training will be enhanced and supplemented through a continuing program under which we will conduct annual conferences and participate in Department of Justice funded State and Local Anti-terrorism Training programs. In so doing, we will continue to build a cadre of highly trained and experienced JTTF officers throughout our two-state territory, thereby maximizing the leverage of the FBI and law enforcement counterterrorism resources.

In addition to the training specifically designed for our HOAJTTF partners, we provide counterterrorism training to city, county, state, and federal law enforcement agencies and related entities throughout Kansas and Missouri. This training consists of historical and background information regarding terrorism and terrorists, investigative and intelligence information, and table-top planning and response exercises. Training sessions have been provided to the law enforcement communities surrounding the Wichita, Kansas Metropolitan area, Kansas National Academy attendees, the Koch Crime Institute, the Missouri Police Chiefs' Association, the Kansas City Division Citizen's Academy, and the

Attorney General's Anti-Terrorism Task Force meetings in Kansas and Missouri, as well as numerous others.

The Kansas City Field Office's counterterrorism preparedness efforts include regular participation in field and table top exercises to test the response capabilities of agencies who would likely participate in a disaster involving an incendiary, biological, chemical, or nuclear attack. In this regard, the Kansas City Field Office has participated in four such exercises in the past year with various state and local law enforcement agencies.

E. Other HOAJTTF Initiatives

The "heartland" of America is also the "bread basket" of the Nation. Therefore, the Kansas City Field Office with the help and support of the United States Department of Agriculture, and in conjunction with the HOAJTTF, has established close working relationships with the Kansas Bureau of Investigation, Kansas State University, the Ford County Sheriff's Office, and the Kansas Livestock Commissioner to develop and implement a response plan to a terrorist or WMD attack upon livestock and/or crops, such as through the release of diseases or biological agents.

Recognizing the potentially devastating effect such an attack could have on our Country, Senator Pat Roberts, Kansas, has promoted research in this area and the USDA recently provided a $3 million grant for the establishment of a National Agriculture Biosecurity Center at Kansas State University. Researchers from Texas A&M University and Purdue University will combine efforts with the new Biosecurity Center to identify pathogens that may be used, how they may be distributed, methods to detect and identify such, and ways to control and reduce an outbreak should such occur.

F. Weapons of Mass Destruction (WMD) Preparedness

In addition to JTTF activities, the FBI Kansas City Field Office has been and continues to be vigorously involved in WMD preparedness and training that predates the terrorist attacks of September 11, 2001. In order to ensure that the various federal, state and local agencies in Kansas and Missouri are familiar with the assistance that each agency may provide in support of a unified response, as well as establishing an FBI led response and investigative protocols, the Kansas City Field Office has provided presentations or participated in 32 preparedness or

training events since December 2001.

The above presentations have focused on response protocols and the FBI's interagency threat assessment process. To conduct the threat assessment, the FBI obtains detailed information from the on-scene personnel and input from the necessary federal agencies with responsibility in the particular incident. In a biological event, the Department of Health and Human Services (HHS), including Centers for Disease Control and Prevention (CDC), and Food and Drug Administration (FDA), as well as the USDA are the key agencies called upon to assist FBI personnel in assessing the particular threat. Based upon the assessment, a determination is made as to the level of response. The level of response could range from a full federal response, if the threat is deemed credible, to an effort to rule out the presence of any biological pathogens, if the threat is deemed not credible. A similar threat assessment process occurs in the event of a chemical or nuclear threat.

To further support the above threat assessment and enhance the mutual cooperative response by law enforcement agencies and medical and public service providers, the Kansas City Field Office is a member of the steering committee for the Kansas City Metropolitan Medical Response System, or "MMRS." Representatives of all major health care facilities and public health officials in the Kansas City metropolitan area participate in the MMRS, which is provided financial support by the U.S. Department of Health and Human Services. The MMRS's mission is to maximize preparedness and coordination in the health care community to ensure effective responses to major public health incidents, including bio-terrorism and WMD attacks. (See Attachment E for a listing of participating agencies.)

G. WMD Investigations and Operations

In the area of WMD investigations and operations, the Kansas City Field Office remains in constant communication with members of the law enforcement, fire, emergency management, and medical communities. This partnership and liaison was clearly evident in the cooperation displayed shortly after September 11, 2001, when numerous anthrax hoaxes occurred in Kansas and Missouri. In addition to the hoaxes, well-meaning citizens reported hundreds of suspicious packages and other items. Since October 2001, nationwide the FBI has responded to more than 16,000 reports of use or threatened use of anthrax or other hazardous materials and the Kansas City Field Office has had its share. We have provided advice and guidance on more than 900 incidents of suspected anthrax, physically responded to the scene approximately 45 times, and have

several pending investigations related to various WMD threats. Obviously, absent a combined response by all law enforcement, attempts to address these threats could not have been accomplished by any individual agency.

IV. Cyber Terrorism and the Establishment of the Heart of America Regional Computer Forensic Laboratory

As terrorism encompasses threats to nuclear and chemical facilities, we believe it important to briefly discuss the Kansas City FBI's efforts in support of the FBI's National Infrastructure Protection mission. Based upon prior briefings, you are aware that the National Infrastructure Protection Center, or "NIPC," is an interagency center that serves as the focal point for the government's effort to warn of and respond to cyber intrusions, both domestic and international. NIPC programs have been established in each of the FBI's 56 field divisions, including the Kansas City Field Office.

In support of the above, on April 20, 2002, Director Mueller announced that Kansas City was selected as one of five sites for a regional computer forensic laboratory which has been named the Heart of America Regional Computer Forensic Laboratory (HOARCFL). Like the HOAJTTF, the HOARCFL will be a partnership between the FBI and other federal, state, and local law enforcement agencies and governmental entities operating within the State of Kansas and Western District of Missouri. The primary purpose of the HOARCFL will be to provide forensic examinations of digital media, such as computers, in support of investigations and/or prosecutions of federal, state, or local crimes. The widespread use of computers has led to an increasing number of cases in which computer media is seized as evidence. For example, between 1998 and 2001, the number of computer forensic examinations rose nearly 650 percent. The HOARCFL will assist law enforcement in addressing this growing demand. By combining the extraordinary talents and resources of law enforcement agencies at all levels, the ability to investigate criminals and detect and prevent acts of terrorism will become considerably enhanced. (See Attachment F for a list of agencies committing personnel to this endeavor.)

The Kansas City Field Office has also been selected as one of 20 sites for the initiation and development of a Cyber Crimes Task Force. The purpose of the task force will be to address for investigative purposes new technologies emerging within the computer industry and to foster a partnership between the FBI and the industry in support of investigations and prosecutions of federal, state or local crimes. The task force will be comprised of 15 investigators, five of which will consist of FBI agents, five local law enforcement officers, and five

regional law enforcement officers. The Kansas City Field Office is currently working on procurement of computer equipment for the task force. The establishment of the task force will give the FBI and participating state and local agencies a powerful tool in the fight against terrorism, white-collar crime, violent crime, and national infrastructure protection, and will be heavily supported by the HOARCFL noted above.

V. InfraGard Program

A key component of the FBI's infrastructure protection efforts is the InfraGard Program, a community outreach program in which Special Agents maintain liaison with the owners and operators of the Nation's critical infrastructures (transportation, telecommunications, natural gas transmission lines, electrical energy production, transportation networks, emergency management assets, water service and financial institutions). With respect to computer intrusions or other attacks on a member's facility, the program provides a coordinated alert and warning system among its members via secure Internet communications similar to a Neighborhood Watch.

InfraGard chapters engage in various training and coordination activities and share intelligence related to physical security and computer security issue, meeting on at least a quarterly basis. Since September 2000, the Kansas City Field Office has formally introduced the InfraGard Program to representatives from approximately 300 organizations in Kansas and Missouri. There are currently 40 members of the Kansas City Field Office InfraGard chapter, which is presently hosting the Midwest Infrastructure Security Forum in Kansas City. This forum is designed to examine and explore the implications that various aspects of homeland security may have upon business, local communities, institutions and the economy. (See Attachment G for a listing of Executive Board members.)

VI. Kansas City Joint Drug Intelligence Group (JDIG)

During August 2000, the Kansas City Field Office, in conjunction with the Midwest High Intensity Drug Trafficking Area (HIDTA), created the Kansas City JDIG which is comprised of 12 agencies providing active employees . The primary purpose of the JDIG is to collect information from participating law enforcement agencies and then analyze, profile and disseminate drug related information for use by law enforcement in the Kansas City Metropolitan area. The information, which is being collected from approximately 70 different law enforcement agencies, may then be used to maximize joint investigative resources, avoid duplication of investigations and take advantage of drug

intelligence from various law enforcement entities for the purpose of dismantling and disrupting significant drug trafficking operations. (See Attachment H for a listing of participating agencies.)

VII. Conclusion

Mr. Chairman, this statement has provided great detail regarding the counterterrorism efforts undertaken by the Kansas City Field Office with the support of federal, state and local law enforcement. We have done so as a means to underscore the commitment being devoted to preventing, detecting, and prosecuting individuals who would engage in acts of terrorism or support terrorist organizations.

While the FBI, both nationally and within the Kansas City Field Office, has significantly increased our resources toward protecting our Country against further terrorist attacks, the FBI cannot do such alone. As we have mentioned, the cornerstones to effective law enforcement are communication, coordination, and cooperation. As you can see, after the terrible events of September 11, 2001, all of law enforcement in the State of Kansas and the Western District of Missouri has risen to the occasion by providing significant, tangible, real-time cooperation and communication throughout the law enforcement community.

Through meetings with the heads of major agencies and the support provided from across the Kansas City Field Office's territory, we have established a well coordinated law enforcement response as evidenced by the HOAJTTF, and the ATTF sponsored by the United States Attorney's Offices.

Additionally, we have implemented and continue to conduct extensive training programs aimed at enhancing terrorism awareness and the proficiency of federal, state, and local agencies. We have and will continue to promote and foster our extensive and coordinated efforts in the area of WMD.

Hopefully, through the information provided, it has become obvious that the Kansas City Field Office, and all of law enforcement within its territory, is energetic in its support of counterterrorism efforts. This is evidenced by the initiatives and commitments concerning the Cyber Crimes Task Force and the establishment of the HOARCFL to gather and examine evidence from terrorist activities, the enhancement of intelligence gathering through the expansion of the JDIG and promotion of the InfraGard program, and the coordinated response capabilities that are in place through the Kansas City Metropolitan Medical Response System.

However, despite our best efforts, it is impossible for a law enforcement agency to guarantee to its legislative oversight authority that future terrorism or

crime will not occur. What we can guarantee is that the men and women of the FBI, the Kansas City Field Office, and our law enforcement brethren throughout Kansas and Missouri are serious and devoted to fulfilling the role of protecting this area and our Nation against any future hostilities. The outreach efforts and lines of communication that we have in place, and our continuing efforts to improve such, serve to enhance and unify law enforcement's intelligence and response capabilities.

The Nation's confidence in its security has clearly been shaken by the attacks of September 11, 2001. In many ways, the events were a new and sinister Pearl Harbor, exposing the vulnerabilities of a trusting and open nation. It is our intent and conviction that the counterterrorism initiatives being taken and to be taken, in addition to the enhancements to operations by all of law enforcement, will contribute to the sense of security that the American public expects and demands.

Chairman Horn, this concludes my prepared remarks. I would like to express appreciation for this subcommittee's invitation and time in allowing me to provide this statement regarding the issues of terrorism preparedness and intergovernmental relations among the law enforcement communities in this area and I would be happy to respond to any questions you may have at this time.

Mr. HORN. Now we've got Ms. Dalton, who is the strategy director for the General Accounting Office. The General Accounting Office is headed by the Comptroller General of the United States, Dave Walker. He's done a wonderful job and he's got a great crew and we always ask them to come to these hearings because we want them, since they have over 58 reports, and you can get it, just send them a letter and they have been into the terrorist bit for several years and so we want Ms. Dalton. There's always something we missed and that's why I always put you here. You have a broad picture on what should we have done that we didn't do.

STATEMENT OF PATRICIA DALTON, STRATEGY DIRECTOR, GENERAL ACCOUNTING OFFICE

Ms. DALTON. Thank you, Mr. Chairman, Congressman Moran. It is a pleasure to be here in Kansas to discuss these critical issues. The challenges posed by homeland security exceed the capacity and authority of any one level of government. Protecting the Nation against these unique threats calls for truly an integrated approach bringing together the resources of all levels of government and the private sector and we have certainly heard today many aspects of the roles and response of both State and local government. In my testimony today, I would like to focus on challenges facing us of establishing a leadership structure, defining roles, developing performance goals and measures and deploying the appropriate tools to best achieve and sustain national goals.

President Bush has taken a number of important steps to enhance the country's homeland security efforts, including creating the Office of Homeland Security, proposing the Department of Homeland Security and most recently putting forth a national strategy. Both the House and the Senate have worked diligently on these issues and currently are deliberating many current proposals related to homeland security. The proposals to create a statutorily based Department of Homeland Security hold promise to strengthen leadership in this area and specifically call for coordination and collaboration with State and local governments and the private sector. Many aspects of the proposed consolidation of homeland security programs are in line with previous GAO's recommendation and show promise toward reducing fragmentation and improving coordination, both among levels of government and the private sector. For example, the new department would consolidate Federal programs for State and local planning and preparedness from several agencies and place them under a single organizational umbrella. Based on prior work, we believe that the consolidation of some homeland security functions makes sense and will, if properly organized and implemented over time, lead to more efficient, effective and coordinated programs, better intelligence sharing and more robust protection of people, borders and critical infrastructure.

However, implementation of a new department will be an extremely complex task, and in the short term, the magnitude of the challenges that the new department faces will clearly require substantial time and effort, and as the Comptroller General has previously testified, will take additional resources to make it effective in the short term. The proposals also may result in other concerns such as maintaining a proper balance in programs with dual pur-

pose missions, whether they be public health, research activities or food safety.

The recently issued National Strategy for Homeland Security provides additional clarification of roles and responsibilities. It lays out four strategic objectives; preventing terrorist attacks within the United States, reducing vulnerability to terrorism and minimizing damage and recovery from attacks, the strategy provides for strong State and local roles. However, challenges will remain in defining appropriate inter-governmental roles. Achieving national preparedness hinges on creating effective and real partnerships, not with Federal. Decision makers have to balance national interest of prevention and preparedness with unique needs and interests of local communities. A one-size-fits-all Federal approach just simply will not work. Our fieldwork at Federal agencies should be conceived as national, not Federal in nature. And at local governments for this commitment signifies a shift is potentially underway in the definition of roles and responsibilities between Federal, State and local governments. These changes may have far reaching consequences for homeland security and accountability to the public.

The challenges posed by the new threats are prompting officials at all levels of government to rethink long-standing divisions of responsibility for such areas as fire safety, services, infrastructure protection and airport security. In many areas proposals under consideration would impose a stronger Federal presence in the form of new national standards or assistance. For instance, Congress is currently considering mandating new vulnerability assessments and protective measures on local communities for drinking water facilities. Another area which we heard about today, first responders, reflects a dramatic upturn in the magnitude and role of the Federal Government in providing assistance and standards for fire service training, equipment and exercises.

Governments at the local level are also moving to rethink roles and responsibilities to address the unique scale and scope of the contemporary threats from terrorism. In our case studies, five metropolitan areas, we have identified several common forms of regional cooperation and coordination. These include special task force or working groups, improved collaboration among other public health entities, increased planning, mutual aid agreements and communications improvements.

Performance goals and measures are also needed in homeland security programs. As the national strategy and related implementation plans evolve, we would expect clearer performance expectations to emerge. Given the need for a highly integrated approach to the homeland security challenge, national performance goals and measures may best be developed in a collaborative way involving all levels of government and the private sector.

Communication is one example of an area in which standards have not yet been developed, and other first responders have continuously highlighted that standards are needed. That's what we have heard today. The national strategy calls for the proposed Department of Homeland Security to develop such a national communication plan to establish protocols, processes and the standards for technology acquisition.

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

In conclusion, although we have taken a number of important steps, many challenges do remain. Our government partnerships will be critical to meeting those challenges. Thank you, Mr. Chairman.

Mr. HORN. Thank you.

[The prepared statement of Ms. Dalton follows:]

United States General Accounting Office

GAO

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

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HOMELAND SECURITY

Effective Intergovernmental Coordination Is Key to Success

Statement of Patricia A. Dalton,
Director, Strategic Issues

GAO-02-1011T

Mr. Chairman and Members of the Subcommittee:

I appreciate the opportunity to be here to discuss issues critical to successful federal leadership of, assistance to, and partnership with state and local governments to enhance homeland security. As you are aware, the challenges posed by homeland security exceed the capacity and authority of any one level of government. Protecting the nation against these unique threats calls for a truly integrated approach, bringing together the resources of all levels of government. The President's recently released national strategy for homeland security emphasizes security as a shared national responsibility involving close cooperation among all levels of government.[1] In addition, as you know, Mr. Chairman, the House has passed (H.R. 5005), and the Senate will take under consideration, after the August recess, legislation (S. 2452) to create a Department of Homeland Security. Although the bills are different, they share the goal of establishing a statutory Department of Homeland Security.

In my testimony today, I will focus on the challenges facing the federal government in (1) establishing a leadership structure for homeland security, (2) defining the roles of different levels of government, (3) developing performance goals and measures, and (4) deploying appropriate tools to best achieve and sustain national goals. My comments are based on a body of GAO's work on terrorism and emergency preparedness and policy options for the design of federal assistance,[2] our review of many other studies,[3] and the Comptroller General's recent testimonies on the proposed Department of Homeland Security (DHS).[4] In addition, I will draw on GAO's ongoing work for this Subcommittee, including an examination of the diverse ongoing and proposed federal preparedness programs, as well as a series of case studies we are conducting that

[1] *National Strategy for Homeland Security.* The White House. Office of Homeland Security, July 16, 2002. In addition, the Office of Homeland Security has issued a companion publication titled *State and Local Actions for Homeland Security* (Washington, D.C., July 2002), which identifies measures state, and local governments are taking to improve homeland security.

[2] See attached list of related GAO products.

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

[4] *Homeland Security: Critical Design and Implementation Issues.* GAO-02-957T (Washington, D.C.: July 17, 2002) and *Homeland Security: Proposal for Cabinet Agency Has Merit, But Implementation Will Be Pivotal to Success.* GAO-02-886T (Washington, D.C.: June 25, 2002).

examine preparedness issues facing state and local governments. To date, we have conducted interviews of officials in five geographically diverse cities: Baltimore, Maryland; Denver, Colorado; Los Angeles, California; New Orleans, Louisiana; and Seattle, Washington. We have also interviewed state emergency management officials in these states.

In summary:

- The proposed Department of Homeland Security will clearly have a central role in the success of efforts to enhance homeland security. Many aspects of a consolidation of homeland security programs have the potential to reduce fragmentation, improve coordination, and clarify roles and responsibilities. Realistically, however, in the short term, the magnitude of the challenges facing the new department will clearly require substantial time and effort and will take additional resources to make it effective. The recently released national strategy is intended to guide implementation of the complex mission of the proposed department and the efforts of other federal and non-federal entities responsible for homeland security initiatives.

- Appropriate roles and responsibilities within and between the levels of government and with the private sector are evolving and need to be clarified. New threats are prompting a reassessment and shifting of longstanding roles and responsibilities. Until now these shifts have been occurring on a piecemeal and ad hoc basis without benefit of an overarching framework and criteria to guide the process. The administration's national strategy recognizes the challenge posed by a complex structure of overlapping federal, state, and local governments—our country has more than 87,000 jurisdictions. There are also challenges in defining the appropriate roles and responsibilities of the private sector.

- The national strategy's initiatives often do not provide a baseline set of goals and measures upon which to assess and improve preparedness. Therefore, the nation does not yet have a comprehensive set of performance goals and measures upon which to assess and improve prevention efforts, vulnerability reduction, and responsiveness to damage and recovery needs at all levels of government. Given the need for a highly integrated approach to the homeland security challenge, national performance goals and measures for strategy initiatives that involve both federal and non-federal actors may best be developed in a collaborative way involving all levels of government and the private sector. Standards

are one tool the national strategy emphasizes in areas such as training, equipment, and communications.

- A careful choice of the most appropriate assistance tools is critical to achieve and sustain national goals. The choice and design of policy tools, such as grants, regulations, and tax incentives, can enhance the capacity of all levels of government to target areas of highest risk and greatest need, promote shared responsibilities by all parties, and track and assess progress toward achieving national preparedness goals. The national strategy notes that until recently, federal support for domestic preparedness efforts has been relatively small and disorganized, with various departments and agencies providing money in a "tangled web" of grant programs. It notes the shared responsibility of providing homeland security between federal, state, and local governments, and the private sector and recognizes the importance of using appropriate tools of government to improve preparedness.

Background

Homeland security is a complex mission that involves a broad range of functions performed throughout government, including law enforcement, transportation, food safety and public health, information technology, and emergency management, to mention only a few. Federal, state, and local governments have a shared responsibility in preparing for catastrophic terrorist attacks as well as other disasters. The initial responsibility for planning, preparing, and response falls upon local governments and their organizations—such as police, fire departments, emergency medical personnel, and public health agencies—which will almost invariably be the first responders to such an occurrence. For its part, the federal government has principally provided leadership, training, and funding assistance.

The federal government's role in responding to major disasters has historically been defined by the Stafford Act,[5] which makes most federal assistance contingent on a finding that the disaster is so severe as to be beyond the capacity of state and local governments to respond effectively. Once a disaster is declared, the federal government—through the Federal Emergency Management Agency (FEMA)—may reimburse state and local governments for between 75 and 100 percent of eligible costs, including response and recovery activities.

[5]Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. § 121 et seq.) establishes the process for states to request a presidential disaster declaration.

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

As emphasis on terrorism prevention and response grew, however, so did concerns over coordination and fragmentation of federal efforts. More than 40 federal entities have a role in combating and responding to terrorism, and more than 20 in bioterrorism alone. Our past work, conducted prior to the establishment of an Office of Homeland Security and the current proposals to create a new Department of Homeland Security, has shown coordination and fragmentation problems stemming largely from a lack of accountability within the federal government for terrorism-related programs and activities. Further, our work found there was an absence of a central focal point that caused a lack of a cohesive effort and the development of similar and potentially duplicative programs. Also, as the Gilmore Commission report notes, state and local officials have voiced frustration about their attempts to obtain federal funds from different programs administered by different agencies and have argued that the application process is burdensome and inconsistent among federal agencies.

President Bush has taken a number of important steps in the aftermath of the terrorist attacks of September 11th to address the concerns of fragmentation and to enhance the country's homeland security efforts, including creating of the Office of Homeland Security in October 2001, proposing the Department of Homeland Security in June 2002, and issuing a national strategy in July 2002. Both the House and Senate have worked diligently on these issues and are deliberating on a variety of homeland security proposals. The House has passed (H.R. 5005), and the Senate will take under consideration, after the August recess, legislation (S. 2452) to create a Department of Homeland Security. While these proposals would both transfer the functions, responsibilities, personnel, and other assets of existing agencies into the departmental structure, each bill has unique provisions not found in the other. For example, while both bills establish

an office for State and Local Government Coordination and a first responder council to advise the department, the Senate bill also establishes a Chief Homeland Security Liaison Officer appointed by the Secretary and puts federal liaisons in each state to provide coordination between the department and the state and local first responders.

Proposed Department and National Strategy Will Guide Homeland Security

The proposal to create a statutorily based Department of Homeland Security holds promise to better establish the leadership necessary in the homeland security area. It can more effectively capture homeland security as a long-term commitment grounded in the institutional framework of the nation's governmental structure. As we have previously noted, the homeland security area must span the terms of various administrations and individuals. Establishing homeland security leadership by statute will ensure legitimacy, authority, sustainability, and the appropriate accountability to the Congress and the American people.[6]

The proposals call for the creation of a Cabinet department that would be responsible for coordination with other executive branch agencies involved in homeland security, including the Federal Bureau of Investigation and the Central Intelligence Agency. Additionally, the proposals call for coordination with nonfederal entities and direct the new Secretary to reach out to state and local governments and the private sector in order to: ensure adequate and integrated planning, training, and exercises occur, and that first responders have the necessary equipment; attaining interoperability of the federal government's homeland security communications systems with state and local governments' systems; oversee federal grant programs for state and local emergency response providers; and coordinate warnings and information to state and local government entities and the public.

Many aspects of the proposed consolidation of homeland security programs are in line with previous recommendations and show promise towards reducing fragmentation and improving coordination. For example, the new department would consolidate federal programs for state and local planning and preparedness from several agencies and place them under a single organizational umbrella. Based on our prior work, we believe that the consolidation of some homeland

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

security functions makes sense and will, if properly organized and implemented, over time lead to more efficient, effective, and coordinated programs, better intelligence sharing, and a more robust protection of our people, borders, and critical infrastructure.

However, as the Comptroller General has recently testified,[7] implementation of the new department will be an extremely complex task, and in the short term, the magnitude of the challenges that the new department faces will clearly require substantial time and effort, and will take additional resources to make it effective. Further, some aspects of the new department, as proposed, may result in yet other concerns. For example, as we reported on June 25, 2002,[8] the new department could include public health assistance programs that have both basic public health and homeland security functions. These dual-purpose programs have important synergies that should be maintained and could potentially be disrupted by such a change.

The recently issued national strategy for homeland security states it is intended to answer four basic questions: what is "homeland security" and what missions does it entail; what does the nation seek to accomplish, and what are the most important goals of homeland security; what is the federal executive branch doing now to accomplish these goals and what should it do in the future; and what should non-federal governments, the private sector, and citizens do to help secure the homeland. Within the federal executive branch, the key organization for homeland security will be the proposed Department of Homeland Security. The Department of Defense will contribute to homeland security, as well other departments such as the Departments of Justice, Agriculture, and Health and Human Services. The national strategy also makes reference to using tools of government such as grants and regulations to improve national preparedness.

The national strategy defines homeland security as a concerted national effort to 1) prevent terrorist attacks within the United States, 2) reduce America's vulnerability to terrorism, 3) minimize the damage, and 4) recover from attacks that do occur. This definition should help the government more effectively administer, fund, and coordinate activities both inside and outside the proposed new department and ensure all parties are focused on the same goals and

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

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

objectives. The three parts of the definition form the national strategy's three objectives.

The strategy identifies six critical mission areas, and outlines initiatives in each of the six mission areas. It further describes four foundations that cut across these mission areas and all levels of government. These foundations— law; science and technology; information sharing and systems; and international cooperation— are intended to provide a basis for evaluating homeland security investments across the federal government. Table 1 summarizes key intergovernmental roles in each of the six mission areas as presented in the strategy.

Table 1: National Strategy: Six Critical Mission Areas and Key Intergovernmental Roles

Mission Area	Key Intergovernmental Roles
Intelligence and Warning	• Work with state and local law enforcement to leverage critical intelligence information, and provide real-time actionable information in the form of protective actions that should be taken in light of terrorist threats, trends, capabilities, and vulnerabilities. • Provide announcements of threat advisories and alerts to notify law enforcement and state and local government officials of threats through the Homeland Security Advisory System.
Border and Transportation Security	• Implementation of the Aviation and Transportation Security Act of 2001 requires partnerships among federal, state, and local government officials to assess and protect critical transportation infrastructures and reduce vulnerabilities.
Domestic Counterterrorism	• Expand access to information in federal databases such as the FBI National Crime Information Center (NCIC) database. • Expand the Joint Terrorism Task Forces, representing numerous federal agencies and state and local law enforcement, to all 56 FBI field offices.
Protecting Critical Infrastructures and Key Assets	• Work with state and local governments to implement a comprehensive national infrastructure protection plan to ensure protection for critical assets, systems, and functions, and for sharing protection responsibility with state and local government. • Provide state and local agencies one primary federal contact for coordinating protection activities with the federal government (e.g. vulnerability assessments, strategic planning efforts, and exercises).
Defending Against Catastrophic Threats	• In cooperation with state and local governments, develop additional inspection procedures and detection systems throughout the national transportation structure to detect the movement of nuclear materials within the U.S. • Expand and modernize the Centers for Disease Control Epidemic Intelligence Service to better train local and state officials in recognizing biological attacks, and state and local jurisdictions with a population of 500,000 or more will be provided with resources to hire skilled epidemiologists.
Emergency Preparedness and Response	• Working with state and local public safety organizations, build a comprehensive national incident management system to respond to terrorist incidents and natural disasters, and encourage first responder organizations to adopt the already widespread Incident Management System by making it a requirement for federal grants. • Provide grants in support of state and local preparedness efforts in areas such as:

	mutual aid agreements; terrorism-related communications equipment; training and equipping of state and local health care personnel to deal with chemical, biological, radiological, and nuclear terrorism; planning for the receipt and distribution of medicines from the National Pharmaceutical Stockpile; equipping, training, and exercising first responders to meet certification standards. • Proposed grant requirements include: compliance with a national emergency communication plan, progress in achieving communications interoperability with other emergency response bodies, and annual certification of first responder preparedness to handle and decontaminate any hazard. • Consolidate all grant programs that distribute federal funds to state and local first responders. The First Responder Initiative proposes to increase federal funding levels more than tenfold to $3.5 billion in fiscal year 2003.

With regard to the costs of Homeland Security, the national strategy emphasizes government should fund only those homeland security activities that are not supplied, or are inadequately supplied, in the market, and cost sharing between different governmental levels should reflect federalism principles and different tools of government. In terms of the financial contributions made by state and local government to homeland security, the strategy acknowledges that state and local governments are incurring unexpected costs defending or protecting their respective communities. These costs include protecting critical infrastructure, improving technologies for information sharing and communications, and building emergency response capacity. At this time, the National Governors' Association estimates that additional homeland security-related costs, incurred since September 11 and through the end of 2002, will reach approximately $6 billion. Similarly, the U.S. Conference of Mayors has estimated the costs incurred by cities during this time period to be $2.6 billion.

Challenges Remain in Defining Appropriate Intergovernmental Roles

The proposed department will be a key player in the daunting challenge of defining the roles of the various actors within the intergovernmental system responsible for homeland security. In areas ranging from fire protection to drinking water to port security, the new threats are prompting a reassessment and shift of longstanding roles and responsibilities. However, until this time, proposed shifts in roles and responsibilities have been considered on a piecemeal and ad hoc basis without benefit of an overarching framework and criteria to guide this process. The national strategy recognizes that the process is challenging because of the structure of overlapping federal, state, and local governments given that our country has more than 87,000 jurisdictions. The national strategy further notes that the challenge is to develop interconnected and complementary systems that are reinforcing rather than duplicative.

The proposals for a Department of Homeland Security call for the department to reach out to state and local governments and the private sector to coordinate and

integrate planning, communications, information, and recovery efforts addressing homeland security. This is important recognition of the critical role played by nonfederal entities in protecting the nation from terrorist attacks. State and local governments play primary roles in performing functions that will be essential to effectively address our new challenges. Much attention has already been paid to their role as first responders in all disasters, whether caused by terrorist attacks or natural hazards.

The national strategy emphasizes the critical role state and local governments play in homeland security and the need for coordination between all levels of government. The national strategy emphasizes that homeland security is a shared responsibility. Table 1 provides several examples of areas with key intergovernmental roles and coordination. . In addition, the national strategy has several initiatives designed to improve partnerships and coordination. For example, there are initiatives to improve intergovernmental law enforcement coordination and enabling effective partnerships with state and local governments and the private sector in critical infrastructure protection. States are asked to take several legal initiatives, such as coordinating suggested minimum standards for state driver's licenses and reviewing quarantine authorities. Many initiatives are intended to develop or enhance first responder capabilities, such as initiatives to improve the technical capabilities of first responders or enable seamless communication among all responders. In many cases, these initiatives will rely on federal, state, and local cooperation, some standardization, and the sharing of costs.

National and Regional Partnerships

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

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

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

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

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

Additionally, the national strategy suggests initiatives for an expanded state role in several areas. For example, there are no national or agreed upon state standards for driver's license content, format, or acquisition procedures. The strategy states that the federal government should support state-led efforts to develop suggested minimum standards for drivers' licenses. In another example, in order to suppress money laundering, the strategy recommends that states assess the current status of their regulation regarding providers of financial services and work to adopt uniform laws as necessary.

Governments at the local level are also moving to rethink roles and responsibilities to address the unique scale and scope of the contemporary threats from terrorism. Numerous local general-purpose governments and special districts co-exist within metropolitan regions and rural areas alike. Many regions are starting to assess how to restructure relationships among contiguous local entities to take advantage of economies of scale, promote resource sharing, and improve coordination of preparedness and response on a regional basis. In our

case studies of five metropolitan areas, we have identified several common forms of regional cooperation and coordination including special task forces or working groups, improved collaboration among public health entities, increased countywide planning, mutual aid agreements, and communications. These partnerships are at varying stages of development and are continuing to evolve. Table 2 summarizes these initiatives.

Table 2: Case Study Examples of Metropolitan Cooperation and Coordination

- **Task Forces and Working Groups:** To facilitate emergency planning and coordination among cities in a metropolitan area, officials have joined together to create task forces, such as terrorism working groups, advisory committees, and Mayors' caucuses. For example, the Metropolitan Safety, Security, and Anti-terrorism Task Force in New Orleans includes officials from the city and four surrounding parishes.
- **Collaboration with Public Health Entities:** Public health departments, emergency medical services, and hospitals are participating in planning efforts to coordinate use of limited resources such as emergency room capacity, hospital beds, and medical supplies. For example, in Denver, the Front Range Emergency Medical Service and Trauma Advisory Council involves all hospitals and rescue squads in a six-county metropolitan area.
- **Countywide Planning:** In some states, counties serve as the primary coordinating agent and work with cities within their jurisdiction, other counties, and the state to ensure that they develop and update emergency and disaster plans, provide training, conduct assessments and exercises, and have adequate emergency resources. For example, King County, Washington has coordinated development of a Regional Disaster Plan, which includes Seattle and 15 other cities within the county as well as 15 fire districts, 15 hospitals, 21 water and sewer districts, 12 school districts, and the private sector.
- **Mutual Aid Agreements:** Cities and counties have used mutual aid agreements to share emergency resources in their metropolitan areas. These agreements may include fire, police, emergency medical services, and hospitals and may be formal or informal. For example, Los Angeles has mutual aid agreements between police and fire departments in surrounding jurisdictions and a range of private sector entities. The state has a Mutual Aid Regional Advisory Commission that facilitates agreements, and the Standardized Emergency Management System (SEMS) law requires mutual aid agreements for state reimbursement.
- **Communications:** Cities and counties currently use a variety of methods for communicating among first responders, such as command centers, using radio, cell phones, and pagers; amateur radio operators; and community alert systems, and are considering moving towards interoperable radio systems and mobile incident command centers to direct communications. King County, Washington has a countywide 800 MHz system and uses amateur radio operators to provide a redundant emergency communications system.

Although promising greater levels of protection than before, these shifts in roles and responsibilities have been developed on an ad hoc piecemeal basis without the benefit of common criteria. An ad hoc process may not capture the real potential each actor in our system offers. Moreover, a piecemeal redefinition of roles risks the further fragmentation of the responsibility for homeland security within local communities, blurring lines of responsibility and accountability for

results. While federal, state, and local governments all have roles to play, care must be taken to clarify who is responsible for what so that the public knows whom to contact to address their problems and concerns. Current homeland security initiatives provide an opportunity to more systematically identify the unique resources and capacities of each level of government and better match these capabilities to the particular tasks at hand. If implemented in a partnerial fashion, the national strategy can also promote the participation, input, and buy in of state and local partners whose cooperation is essential for success.

Performance Goals and Measures Needed in Homeland Security Programs

The proposed department, in fulfilling its broad mandate, has the challenge of developing a national performance focus. The national strategy is a good start in defining strategic objectives and related mission areas, plus foundations that cut across the mission areas. The national strategy's initiatives to implement the objectives under the related mission and foundation areas extend from building capabilities to achieving specific outcomes.

According to the national strategy, each department and agency is to be held accountable for its performance on homeland security efforts. However, the initiatives often do not provide a baseline set of goals and measures upon which to assess and improve many of its initiatives to prevent attacks, reduce the nation's vulnerability to attacks, or minimize the damage and recovering from attacks that do occur. For example, the initiative of creating "smart borders" requires a clear specification of what is expected of a smart border, including consideration of security and economic aspects of moving people and goods.

Specific performance goals and measures for many initiatives will occur at a later date. The strategy states that each department or agency will create benchmarks and other performance measures to evaluate progress and allocate future resources. Performance measures will be used to evaluate the effectiveness of each homeland security program, allowing agencies to measure their progress, make resource allocation decisions, and adjust priorities. As the national strategy and related implementation plans evolve, we would expect clearer performance expectations to emerge. Given the need for a highly integrated approach to the homeland security challenge, national performance goals and measures may best be developed in a collaborative way involving all levels of government and the private sector.

Assessing the capability of state and local governments to respond to catastrophic terrorist attacks is an important feature of the national strategy and the responsibilities of the proposed new department. The President's

fiscal year 2003 budget proposal acknowledged that our capabilities for responding to a terrorist attack vary widely across the country. The national strategy recognizes the importance of standards and performance measures in areas such as training, equipment, and communications. For example, the national strategy proposes the establishment of national standards for emergency response training and preparedness. These standards would require certain coursework for individuals to receive and maintain certification as first responders and for state and local governments to receive federal grants. Under the strategy, the proposed department would establish a national exercise program designed to educate and evaluate civilian response personnel at all levels of government. It would require individuals and government bodies to complete successfully at least one exercise every year. The department would use these exercises to measure performance and allocate future resources.

Standards are being developed in other areas associated with homeland security, yet formidable challenges remain. For example, national standards that would apply to all ports and all public and private facilities are well under way. In preparing to assess security conditions at 55 U.S. ports, the Coast Guard's contractor has been developing a set of standards since May 2002. These standards cover such things as preventing unauthorized persons from accessing sensitive areas, detecting and intercepting intrusions, and checking backgrounds of those whose jobs require access to port facilities. However, challenges remain in finalizing a complete set of standards for the level of security needed in the nation's ports, resolving issues between key stakeholders that have conflicting or competing interests, and establishing mechanisms for enforcement. Moreover, because security at ports is a concern shared among federal, state, and local governments, as well as among private commercial interests, the issue of who should pay to finance antiterrorism activities may be difficult to resolve.

Communications is an example of an area for which standards have not yet been developed, but various emergency managers and other first responders have continuously highlighted that standards are needed. State and local governments often report that there are deficiencies in their communications capabilities, including the lack of interoperable systems. The national strategy recognizes that it is crucial for response personnel to have and use equipment, systems, and procedures that allow them to communicate. Therefore, the strategy calls for the proposed Department of Homeland Security to develop a national communication plan to establish protocols (who needs to talk to whom), processes, and national standards for technology acquisition. According to the national strategy, this is a priority for fiscal year 2003 funding which ties all federal grant programs that support state and local purchase of terrorism-related communications equipment to this communication plan.

The establishment of specific national goals and measures for homeland security initiatives, including preparedness, will not only go a long way towards assisting state and local entities in determining successes and areas where improvement is needed, but could also be used as goals and performance measures as a basis for assessing the effectiveness of federal programs. The Administration should take advantage of the Government Performance and Results Act (GPRA) and its performance tools of strategic plans, annual performance plans and measures, and accountability reports for homeland security implementation planning. At the department and agency level, until the new department is operational, GPRA can be a useful tool in developing homeland security implementation plans within and across federal agencies. Given the recent and proposed increases in homeland security funding, as well as the need for real and meaningful improvements in preparedness, establishing clear goals and performance measures is critical to ensuring both a successful and fiscally responsible effort.

Appropriate Tools Need to Be Selected for Providing Assistance

The choice and design of the policy tools the federal government uses to engage and involve other levels of government and the private sector in enhancing homeland security will have important consequences for performance and accountability. Governments have a variety of policy tools including grants, regulations, tax incentives, and information-sharing mechanisms to motivate or mandate other levels of government or the private sector to address security concerns. The choice of policy tools will affect sustainability of efforts, accountability and flexibility, and targeting of resources. The design of federal policy will play a vital role in determining success and ensuring that scarce federal dollars are used to achieve critical national goals. The national strategy acknowledges the shared responsibility of providing homeland security between federal, state, and local governments, and the private sector and recognizes the importance of using tools of government such as grants, regulations, and information sharing to improve national preparedness.

Grants

The federal government often uses grants to state and local governments as a means of delivering federal assistance. Categorical grants typically permit funds to be used only for specific, narrowly defined purposes. Block grants typically can be used by state and local governments to support a range of activities aimed at achieving a broad, national purpose and to provide a great deal of discretion to state and local officials. In designing grants, it is important to (1) target the funds to states and localities with the greatest need based on highest risk and lowest capacity to meet these needs from their own resource bases, (2) discourage the replacement of state and local funds with federal funds, commonly referred to as supplantation, with a maintenance-of-effort requirement that recipients maintain their level of previous funding, and (3) strike a balance between accountability and flexibility. At their best, grants can stimulate state and local governments to

enhance their preparedness to address the unique threats posed by terrorism. Ideally, grants should stimulate higher levels of preparedness and avoid simply subsidizing local functions that are traditionally state or local responsibilities. One approach used in other areas is the "seed money" model in which federal grants stimulate initial state and local activity with the intent of transferring responsibility for sustaining support over time to state and local governments.

Recent funding proposals, such as the $3.5 billion block grant for first responders contained in the president's fiscal year 2003 budget, have included some of these provisions. This grant would be used by state and local governments to purchase equipment; train personnel; and exercise, develop, or enhance response plans. Once the details of the grant have been finalized, it will be useful to examine the design to assess how well the grant will target funds, discourage supplantation, and provide the appropriate balance between accountability and flexibility, and whether it provides temporary "seed money" or represents a long-term funding commitment.

Regulations

Other federal policy tools can also be designed and targeted to elicit a prompt, adequate, and sustainable response. In the area of regulatory authority, the federal, state, and local governments share authority for setting standards through regulations in several areas, including infrastructure and programs vital to preparedness (for example, transportation systems, water systems, and public health). In designing regulations, key considerations include how to provide federal protections, guarantees, or benefits while preserving an appropriate balance between federal and state and local authorities and between the public and private sectors. Regulations have recently been enacted in the area of infrastructure. For example, a new federal mandate requires that local drinking water systems in cities above a certain size provide a vulnerability assessment and a plan to remedy vulnerabilities as part of ongoing EPA reviews, while the Transportation and Aviation Security Act grants the Department of Transportation authority to order deployment of local law enforcement personnel in order to provide perimeter access security at the nation's airports.

In designing a regulatory approach, the challenges include determining who will set the standards and who will implement or enforce them. Several models of shared regulatory authority offer a range of approaches that could be used in designing standards for preparedness. Examples of these models range from

preemption through fixed federal standards to state and local adoption of voluntary standards formulated by quasi-official or nongovernmental entities.[9]

Tax Incentives

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

Information Sharing

Since the events of September 11th, a task force of mayors and police chiefs has called for a new protocol governing how local law enforcement agencies can assist federal agencies, particularly the FBI. As the U.S. Conference of Mayors noted, a close working partnership of federal and local law enforcement agencies, which includes the sharing of information, will expand and strengthen the nation's overall ability to prevent and respond to domestic terrorism. The USA Patriot Act provides for greater sharing of information among federal agencies. An expansion of this act has been proposed (S1615; H.R. 3285) that would provide for information sharing among federal, state, and local law enforcement agencies. In addition, the Intergovernmental Law Enforcement Information Sharing Act of 2001 (H.R. 3483), which you sponsored, Mr. Chairman, addresses a number of information-sharing needs. For instance, the proposed legislation provides that the Attorney General expeditiously grant security clearances to Governors who apply for them and to state and local officials who participate in federal counterterrorism working groups or regional task forces.

The national strategy also includes several information-sharing and systems initiatives to facilitate dissemination of information from the federal government to state and local officials. For example, the strategy supports building and sharing law enforcement databases, secure computer networks, secure video teleconferencing capabilities, and more accessible websites. It also states that the

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

federal government will make an effort to remove classified information from some documents to facilitate distribution to more state and local authorities.

Conclusion

The recent publication of the national strategy is an important initial step in defining homeland security, setting forth key strategic objectives, and specifying initiatives to implement them. The proposals for the Department of Homeland Security represent recognition by the administration and the Congress that much still needs to be done to improve and enhance the security of the American people and our country's assets. The proposed department will clearly have a central role in the success of efforts to strengthen homeland security, and has primary responsibility for many of the initiatives in the national homeland security strategy.

Moreover, given the unpredictable characteristics of terrorist threats, it is essential that the strategy be implemented at a national rather than federal level with specific attention given to the important and distinct roles of state and local governments. Accordingly, decision makers will have to balance the federal approach to promoting homeland security with the unique needs, capabilities, and interests of state and local governments. Such an approach offers the best promise for sustaining the level of commitment needed to address the serious threats posed by terrorism.

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

Contacts and Acknowledgments

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Mr. Horn. Our last presenter is Richard Hainje, Regional Director of the Federal Emergency Management Agency. Thank you for coming again. We have had you in Nebraska.

STATEMENT OF RICHARD HAINJE, DIRECTOR, REGION VII, FEDERAL EMERGENCY MANAGEMENT AGENCY

Mr. HAINJE. We didn't have that discussion about Nebraska versus Kansas at that meeting. Thank you, Chairman Horn. Thank you, Congressman Moran, for this opportunity. I'm pleased to be with you here today to discuss the challenges facing emergency managers and first responders in their efforts to be better prepared to respond to acts of terrorism. FEMA is a Federal agency responsible for leading the Nation in preparing for and responding to and recovering from disasters. The Federal Response Plan forms the heart of our management framework and lays out the process by which inner agency groups work together and respond as a cohesive team to all types of disasters. It is successful because it's built upon existing professional disciplines, delivery systems and relationships among the participating agencies. The National Strategy for Homeland Security proposed by President Bush builds on the experience of the Federal Response Plan to develop one all-discipline, all-hazard plan to cover events of national significance and clarify the roles and responsibilities of different levels of government.

FEMA Region VII takes an active role in preparing the response to a terrorism event. It is our responsibility to coordinate Federal, regional and State terrorism planning training and exercise activities. Prior to September 11th, the President tasked the Director of FEMA with creating the Office of National Preparedness. The mission of the Office of National Preparedness is to provide leadership in coordinating and facilitating all Federal efforts to assist all State and local first responders and emergency management organizations with planning, training, equipment and exercises. To further these efforts, the President has requested $3.5 billion in the 2003 budget to support first responder initiatives. These funds would help them plan, train, acquire needed equipment and conduct exercises in preparation for terrorist attacks and other emergencies. In the recent past 2002 supplemental, Congress provided FEMA with $100 million for State and local governments to update and enhance existing emergency operation plans. The funds for the planning initiative will be allocated to the States and other State level entities on the basis of population. These comprehensive plans will form the foundation for the work to be done in 2003 and prepare first responders for terrorist attacks. A unique challenge that a biological or chemical scenario would present for the first responder community emphasizes the need for effective planning. With a covert release of a biological agent, the first responders will be physicians or animal control workers instead of the traditional first responders with whom we have a long term relationship at FEMA.

Across the government we are working to enhance our ability to detect biological attacks, better link to public health and emergency response communities, and train and equip traditional first responders to respond to bioterrorism. The President's proposal to create a Department of Homeland Security would strengthen the

linkages that are critical to our capacity to respond to terrorism. Consequently, the structure of this newly proposed department recognizes that FEMA's mission and core competencies are essential components of homeland security. For this reason, Congress can continue to be assured that the Nation will be prepared for acts of terrorism and will coordinate its efforts with the entire first responder community.

Terrorism creates tremendous challenges. In recent years we have made strives to increase cooperation between the various response communities. At FEMA, the creation of the Office of National Preparedness and our emphasis on training, planning, equipment and exercises will enable us to better focus our efforts and will help our Nation be better prepared for the future. The proposed Department of Homeland Security will integrate these capabilities into a broader whole that will help our Nation respond to the terrorist threat. Thank you, Mr. Chairman, and I would be happy to answer any questions.

Mr. HORN. Thank you.

[The prepared statement of Mr. Hainje follows:]

STATEMENT OF

RICHARD HAINJE

REGIONAL DIRECTOR

REGION VII

FEDERAL EMERGENCY MANAGEMENT AGENCY

BEFORE THE

SUBCOMMITTEE ON GOVERNMENT EFFICIENCY, FINANCIAL MANAGEMENT AND INTERGOVERNMENTAL RELATIONS

COMMITTEE ON GOVERNMENT REFORM

U.S. HOUSE OF REPRESENTATIVES FIELD HEARING

ABILENE, KANSAS

AUGUST 20, 2002

Introduction

Good morning, Mr. Chairman and Members of the Committee. I am Dick Hainje, Regional Director, Region VII of the Federal Emergency Management Agency (FEMA). I am pleased to be with you here today to discuss the challenges facing emergency managers and first responders to be better prepared to respond to acts of terrorism. Having served as a member of the South Dakota state legislature and 24 years as a first responder with the Sioux Falls Fire Rescue Department prior to my appointment with FEMA, I can offer you firsthand experience and a unique perspective of the monumental tasks ahead of us in the emergency management community.

FEMA's Coordination Role

FEMA is the federal agency responsible for leading the nation in preparing for, responding to, and recovering from disasters. Our success depends on our ability to organize and lead a community of local, state, and federal agencies and volunteer organizations. We know whom to bring to the table when a disaster strikes in order to ensure the most effective management of the response. We provide management expertise and financial resources to help state and local governments when they are overwhelmed by disasters.

The Federal Response Plan (FRP) forms the heart of our management framework and lays out the process by which interagency groups work together to respond as a cohesive team to all types of disasters. This team is made up of 26 federal departments and agencies and the American Red Cross. It is organized into interagency functions based on the authorities and expertise of the members and the needs of our counterparts at the state and local level.

Since 1992, and again in response to the terrorist events of September 11, 2001, the FRP has proven to be an effective and efficient framework for managing all phases of disasters and emergencies. The FRP is successful because it builds upon existing professional disciplines, expertise, delivery systems, and relationships among the participating agencies. FEMA has strong ties to the emergency management and fire service communities and we routinely plan, train, exercise, and operate together to remain prepared to respond to all types of disasters. The *National Strategy for Homeland Security* proposes to build on the experience of the FRP to develop one all-discipline, all-hazard plan to cover all events of national significance and clarify the roles and responsibilities of different levels of government.

State and Local Relationship

Much of our success in emergency management can be attributed to our historically strong working relationship with our state and local partners. Through our preparedness programs we provide the financial, technical, planning, training, and exercise support to give state, local, and Tribal governments the capabilities they need to protect public health, safety, and property both before and after disaster strikes. Our programs foster the partnerships that are so critical to creating a strong comprehensive national emergency preparedness system.

Region VII includes the states of Iowa, Kansas, Missouri, and Nebraska representing a population of approximately 13 million people, with the majority residing in urban areas. We have significant disaster activity within the region having administered 25 Presidential Disaster Declarations within the last five years, with many events impacting multiple states. While we are vulnerable to a broad range of natural and technological hazards, our greatest threats are a

result of severe weather and the potential for terrorist attack. Specifically, our severe weather events are primarily tornadoes and floods. The Mississippi River runs the length of the eastern border of the region, along Iowa and Missouri. The Missouri River is the boundary between Nebraska and Iowa. Because of these large waterways and their numerous significant tributaries and associated drainage basins, riverine flooding is the major emergency event Region VII has to anticipate. The four-state region is also situated in the heart of what is called "Tornado Alley." Severe spring and summer storms frequently spawn killer twisters. The most recent example of the devastation caused by tornadoes occurred in Bollinger County, Missouri in April 2002. In addition, severe thunderstorms cause frequent flash flooding throughout the Midwest.

In 2000, two of our states ranked in the top ten of states with the highest damages from flooding. Iowa ranked 4th in the nation with an estimated cost of $313M and Missouri ranked 6th with $272M. Our remaining states, Kansas and Nebraska, ranked in the top thirty. All four states ranked nationally in the top twenty for damages resulting from tornadoes in the same period. Missouri was the 4th highest in the nation and Kansas was 10th.

A key component of Region VII's readiness to respond to any disaster event is our relationship with our state and federal partners. Quarterly we assemble a Regional Interagency Steering Committee, which is comprised of all twelve of the Emergency Support Functions identified in the Federal Response Plan, and all of the state emergency management agencies. This forum discusses disaster specific issues, provides training on policy changes that might affect disaster operations, and conducts tabletop exercises to practice response operations and to identify new issues. This quarterly assembly, along with quarterly meetings held to discuss program issues, facilitates interagency communication, fosters a constructive working relationship, and benefits the citizens who deserve a responsive emergency management agency.

There are five nuclear power plants located in Region VII. The region also includes a portion of the emergency planning zone and the ingestion pathway zone for two power plants located in an adjoining region. To enhance the federal, state, Tribal and local government's emergency preparedness for radiological incidents, the Radiological Emergency Preparedness (REP) program was begun in 1979. The REP program ensures that adequate off-site emergency plans are in place and that these plans can be implemented by the local jurisdictions to protect the health and safety of the public living in the vicinity of commercial nuclear power plants. The plans are reviewed and evaluated annually and evaluated exercises are conducted to ensure that the plans can be implemented. The program submits findings and determinations on the adequacy of the off-site emergency preparedness to the U.S. Nuclear Regulatory Commission. In addition, REP conducts hospital and ambulance drills, reception center drills, emergency worker monitoring and decontamination drills, school drills, and radiological laboratory evaluations.

Region VII is home to nine federally recognized Tribal Nations. We have conducted workshops with the Tribes focused on all-hazards planning and hazardous materials, and are in the beginning stages of planning a Community Emergency Response Team training session. Recently, the region signed a Memorandum of Understanding with the Tribes that will facilitate the sharing of information and resources. We are also working with the Tribes to establish Tribal Emergency Response Commissions.

The management and control of hazardous materials is a major issue in Region VII. The region has nearly 20 percent of the facilities in the nation that use certain flammable and toxic substances and are required to file Risk Management Plans. The region is also home to the top three railroad terminals in the nation and consequently is a leader in the transportation of hazardous materials.

Region VII takes an active role in preparing to respond to a terrorism event. FEMA's responsibility is to coordinate federal, regional, and state terrorism-related planning, training, and exercise activities. This includes supporting the Nunn-Lugar-Domenici program in which seven Region VII communities, including Wichita and Kansas City, Kansas, participate. We are also working with states to build response capability and keep them informed of federal initiatives as well as participating in state sponsored conferences, training, exercises, task forces, and workshops. We are hosting planning meetings on a regular basis and conducting tabletop exercises with key stakeholders at the state and federal level.

Terrorism consequence management is just one component of our overall emergency management effort. For example, after September 11, Governor Ridge and Director Allbaugh agreed that there was a need to quickly assess state capabilities to effectively respond to acts of terrorism. FEMA assembled an interagency team with members from Department of Defense, Department of Education, Department of Health and Human Services, Department of Justice, and the Environmental Protection Agency to visit the states and territories to assess their readiness against 18 criteria and to identify priorities and shortfalls. We examined several categories such as critical infrastructure, personnel, plans, equipment, and supplies communications and related capabilities. The results were provided in a classified report to Governor Ridge right before Thanksgiving.

All of the states in Region VII have implemented proactive and aggressive actions in response to the terrorism threats that have emerged since September 11. Many states have committed substantial amounts of staff and their own financial resources towards preparing for weapons of mass destruction events. All states have designated homeland security directors. Groundwork has been laid or accelerated to develop interstate and intrastate mutual aid agreements. Specialized response teams are being formed, training is being conducted, and equipment is being purchased.

State government has spent millions of dollars directly responding to homeland security needs and the anthrax crisis. While much has been done, we have only begun to scratch the surface of what needs to be done. We have identified many shortfalls in our nation's ability to respond to weapons of mass destruction events. These shortfalls must be addressed. Homeland security initiatives must be sustainable and will require an ongoing commitment of federal, state, and local resources.

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

Meeting The Challenge Ahead--Creating the Office of National Preparedness

On May 8, 2001, the President tasked the Director with creating the Office of National Preparedness (ONP) within FEMA to "coordinate all federal programs dealing with weapons of mass destruction consequence management within the Departments of Defense, Health and Human Services, Justice, and Energy, the Environmental Protection Agency, and other federal agencies." Additionally, the ONP was directed to "work closely with state and local governments to ensure their planning, training, and equipment needs are met."

The mission of the ONP is to provide leadership in coordinating and facilitating all federal efforts to assist state and local first responders (including fire, medical, and law enforcement) and emergency management organizations with planning, training, equipment, and exercises. By focusing on these specific areas, we can build and sustain our nation's capability to respond to any emergency or disaster, including a terrorist incident involving chemical, biological, or nuclear weapons of mass destruction and other natural or manmade hazards.

FEMA has made the following changes to support this expanded mission to support the Office of Homeland Security:

- Realigned preparedness activities from the Response and Recovery Directorate to ONP;
- Realigned all training activities into the U.S. Fire Administration to allow greater coordination between training for emergency managers and training for firefighters;
- Moved the authority for credentialing, training, and deploying Urban Search and Rescue teams from the Response and Recovery Directorate to the U.S. Fire Administration.

ONP Organization

The ONP is organized in FEMA Headquarters under a Director (reporting directly to the FEMA Director) and supported by a Management Services Unit and four divisions to carry out its key functions to coordinate and implement federal programs and activities aimed at building and sustaining the national preparedness capability. The divisions and their functional responsibilities include the following:

- Administration Division--Provide financial and support services, and management of the grant assistance activities for local and state capability building efforts.
- Program Coordination Division--Ensure development of a coordinated national capability involving federal, state, and local governments, to include citizen participation, in the overall efforts to effectively deal with the consequences of terrorist acts and other incidents within the United States.
- Technological Services Division--Improve the capabilities of communities to manage technological hazard emergencies--whether accidental or intentional--and leverage this capability to enhance the capability for dealing with terrorist attacks.
- Assessment and Exercise Division--Provide guidance, exercise, and assess and evaluate progress in meeting national goals for development of a domestic consequence management capability.

We continue to work with all states, territories, and federally recognized Native American Tribes and Alaskan Native Villages to implement our current and other grant programs to assist state, Tribal and local governments in enhancing their capabilities to respond to all types of hazards

and emergencies, such as chemical incidents, incidents involving radiological substances, and natural disasters.

First Responder Initiative

One of the most important lessons learned from the response to September 11 is the value of a strong, effective local response capability. The President has requested $3.5 billion in the 2003 budget to support first responders. These funds would help them plan, train, acquire needed equipment, and conduct exercises in preparation for terrorist attacks and other emergencies. Right now, we are developing a streamlined and accountable procedure that would speed the flow of funds to the first responder community.

Specifically, the funds would be used:

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

In the recently passed 2002 Spring Supplemental, Congress provided FEMA with $100M for state and local governments to update and enhance existing emergency operations plans. The funds for the planning initiative will be allocated to the states and other state-level entities on the basis of population. These comprehensive plans will form the foundation for the work to be done in 2003 to prepare first responders for terrorist attacks. The supplemental also includes $56M to help state and local governments make improvements to their emergency operations centers (EOC). The funding for EOCs will be awarded in two phases. Each state will be allocated a $50,000 Phase 1 grant, to conduct an initial self-assessment of their existing EOC. The remainder of the supplemental EOC funds will be used to fund measures to address the most urgent EOC needs across the nation.

Citizen Corps

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

The initiative brings together local government, law enforcement, educational institutions, the private sector, faith-based groups, and volunteers into a cohesive community resource. Citizen Corps is coordinated nationally by FEMA, which also provides training standards, general information, and materials. We also will identify additional volunteer programs and initiatives that support the goals of the Corps. In the future, Region VII will host a Citizen Corps workshop for state and local Citizen Corps points of contact.

Broader Challenges

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

- Mutual Aid: In conjunction with the First Responder Initiative, we are working to facilitate mutual aid arrangements within and among states so the nationwide local, state, Tribal, federal, and volunteer response network can operate smoothly together in all possible circumstances. This idea is to leverage existing and new assets to the maximum extent possible; this involves resource typing for emergency teams, accreditation of individuals using standardized certifications and qualifications, and equipment and communications interoperability.
- National Exercise Program: This National Exercise Program involves the establishment of annual objectives, a multi-year strategic exercise program, an integrated exercise schedule, and national corrective actions.
- Comprehensive Baseline Assessments. We are working with the Emergency Management Accreditation Program (EMAP) Commission to use their state-approved EMAP Standard assessment process to obtain, over the next two years, comprehensive baseline emergency management capability assessments of all states and territories.

The Approach to Biological and Chemical Terrorism

We recognize that biological and chemical scenarios would present unique challenges to the first responder community. Of these two types of attacks, we are, in many ways, better prepared for a chemical attack because such an incident is comparable to a large-scale hazardous materials incident.

In such an event, the Environmental Protection Agency (EPA) and the Coast Guard are well connected to local hazardous materials responders, state and federal agencies, and the chemical industry. There are systems and plans in place for response to hazardous materials, systems that are routinely used for both small and large-scale events. The EPA is also the primary agency for the Hazardous Materials function of the Federal Response Plan. We are confident that we would be able to engage the relevant players in a chemical attack based on the hazardous materials model.

Bioterrorism, however, presents the greater immediate concern. With a covert release of a biological agent, the 'first responders' will be hospital staff, medical examiners, private physicians, or animal control workers, instead of the traditional first responders such as police, fire, and emergency medical services, with whom we have a long-term relationship. On June 12, 2002, the President signed the Public Health and Bioterrorism Bill into law (H.R. 3448). The legislation includes $1.6 billion in grants to states for hospital preparedness and assessments on the vulnerability of local water systems. Across the government, we are working to enhance our ability to detect biological attacks, better link the public health and emergency response communities, and train and equip traditional first responders to respond to bioterrorism. The President's proposal to create a Department of Homeland Security would strengthen the linkages, detailed below, that are critical to our capacity to respond to bioterrorism.

In exercise and planning scenarios, the worst-case scenarios begin with an undetected event and play out as widespread epidemics, rapidly escalating into a national emergency.

Response would likely begin in the public health and medical community, with initial requests for federal assistance probably coming through health and medical channels to the Centers for Disease Control and Prevention. In June 2002, Region VII participated in the state of Kansas bioterrorism exercise, Prairie Plague 2002, which involved a smallpox outbreak.

The Department of Health of Human Services (HHS) leads the efforts of the health and medical community to plan and prepare for a national response to a public health emergency and is the critical link between the health and medical community and the larger federal response. In particular, FEMA has worked with HHS for several years on the Metropolitan Medical Response Systems, which bring together various local medical response elements that have effectively planned, trained, and prepared to respond to treat victims of mass casualty events, including chemical, radiological, and biological terrorism. Under the program, participating cities plan for the equipment, supplies, training, and transportation requirements for emergencies including possible terrorist attacks.

FEMA also works closely with the Public Health Service of HHS as the primary agency for the Health and Medical Services function of the Federal Response Plan (FRP). We rely on the Public Health Service to bring the right experts to the table when the FRP community meets to discuss biological scenarios. We work closely with the experts in HHS and other health and medical agencies, to learn about the threats, how they spread, and the resources and techniques that will be needed to control them.

By the same token, the medical experts work with us to learn about the FRP and how we can use it to work through the management issues, such as resource deployment and public information strategies. Alone, the FRP is not an adequate solution for the challenge of planning and preparing for a deadly epidemic or act of bioterrorism. It is equally true that, alone, the health and medical community cannot manage an emergency with biological causes. We must work together.

In recent years, federal, state, and local governments and agencies have made progress in bringing the communities closer together. Exercise Top Officials (TOPOFF) 2000 conducted in May 2000 involved two concurrent terrorism scenarios in two metropolitan areas, a chemical attack on the East Coast followed by a biological attack in the Midwest. This was a successful and useful exercise and we continue to work to implement the lessons learned. Currently, FEMA is in the planning stages of TOPOFF 2.

In January 2001, the Federal Bureau of Investigation and FEMA jointly published the U.S. Government Interagency Domestic Terrorism Concept of Operation Plan (CONPLAN) with the Departments of Defense, Health and Human Services, and Energy and the Environmental Protection Agency. These agencies have pledged to continue the planning process to develop specific procedures for different scenarios, including bioterrorism. The FRP and the CONPLAN provide the framework for managing the response to an act of bioterrorism, but we need to continue to practice our response to events of this kind.

The Approach to Nuclear Terrorism

There are 63 commercial nuclear power plant sites in the United States, located in 33 states. These states and their local governments have radiological emergency response plans for the 10

miles surrounding the plants and 36 states have plans for the 50 mile radius surrounding the plants.

The federal response to a nuclear power plant incident is documented in the Federal Radiological Emergency Response Plan (FRERP), which has 17 federal agency signatories. The Nuclear Regulatory Commission (NRC) is the lead federal agency for coordinating the overall response and FEMA is responsible for coordinating non-radiological support.

The FEMA Radiological Emergency Preparedness (REP) program routinely tests and evaluates the off-site plans for each commercial nuclear plant. The 10-mile plans for the 63 sites are tested at biennial exercises (approximately 32 exercises per year), and the 50-mile plans for the 36 states are exercised once every six years (approximately six exercises per year).

The events of September 11 have now horrifically demonstrated that these plans need to be expanded further. When September 11 showed us how a commercial jetliner can be used as a weapon of mass destruction, the NRC and FEMA began to work jointly on the preparation of protocols and procedures for dealing with the consequences of a similar attack on a nuclear power plant--a scenario previously not addressed. While some amendments to the emergency response plans may result from this review, it is important to note that the current plans are a valid approach to any nuclear power plant incident, regardless of the cause: terrorism, human error, technological failure, or a natural hazard.

The Federal Radiological Preparedness Coordinating Committee (FRPCC) has also conducted tabletop exercises of the FRERP in order to determine federal agency resources for responding to a terrorist attack, or multiple attacks, with a radiological component. In addition, the FRPCC is evaluating the nuclear/radiological threat posed by improvised nuclear devices and radiological dispersal devices, and the preparedness of FRPCC member departments and agencies to deal with these threats.

Furthermore, the Federal Response Subcommittee of the FRPCC has developed information on radiological terrorist devices--such as radiological dispersion devices, improvised nuclear devices, and radiological exposure devices--for the use of the Federal Bureau of Investigation as background and public information.

Finally, FEMA's Technological Services Division of the Office of National Preparedness has asked the FEMA regions to provide (1) information on what the region has done to review and modify state and local REP plans for a response to a sudden catastrophic event; (2) recommendations on improving the realism of REP exercises; and (3) recommendations on how to improve/enhance public education within the REP planning zones.

We are also working with our Canadian neighbors through the Agreement between the Government of the United States of America and the Government of Canada on Cooperation in Comprehensive Civil Emergency Planning and Management. In the past, our collaboration under this agreement has focused on natural and technological hazards. The Agreement does, however, include language regarding "deliberate acts" and "undeclared hostilities including armed enemy attack."

Since September 11, both countries are applying the broadest interpretation of those aspects of the Agreement. The United States government and Canada seek to strengthen cross border planning and management against the possibility of future chemical, biological, radiological, nuclear events and/or incendiary attacks targeted on either of our countries or on both of our countries simultaneously. To that end, FEMA participated in a U.S. Department of State-Canada Solicitor General sponsored Senior Level Workshop that was held in Ottawa on 4-5 February 2002. FEMA is also working with Canada's Office of Critical Infrastructure Protection and Emergency Preparedness to help improve existing communications and operational levels for all disaster situations, including terrorism.

Department of Homeland Security

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

In July 2002, President Bush released the *National Strategy for Homeland Security*. A major goal of the new Department of Homeland Security will be to blend the current mix of federal response plans into one, all-hazard federal response plan, known as the Federal Incident Management Plan. This plan will be used to direct the response of the federal government to all major events of national importance, and will allow for a more cohesive federal response. Currently, there are at least five different plans that perform this function, including the Federal Response Plan, the National Contingency Plan, the Interagency Domestic Terrorism Concept of Operations Plan, the Federal Radiological Emergency Response Plan, and a developing bioterrorism response plan.

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

The structure of this newly proposed Department recognizes that FEMA's mission and core competencies are essential components of homeland security. For this reason, Congress can continue to be assured that the nation will be prepared to respond to acts of terrorism, and will coordinate its efforts with the entire first responder community. In fact, FEMA's mission to lead the federal government's emergency response to terrorist attacks and natural disasters will be greatly strengthened by the new Department of Homeland Security. By bringing other federal emergency response assets (such as the Nuclear Emergency Search Teams, Radiological Emergency Response Team, Radiological Assistance Program, National Pharmaceutical Stockpile, the National Disaster Medical System, and the Metropolitan Medical Response

System) together with FEMA's response capabilities, the new Department will allow for better coordination than the current situation in which response assets are separated in several Departments. The new Department will have complete responsibility and accountability for providing the federal government's emergency response and for coordinating its support with other federal entities such as the Department of Defense and the Federal Bureau of Investigation.

Conclusion

It is FEMA's responsibility to ensure that the national emergency management system is adequate to respond to the consequences of catastrophic emergencies and disasters, regardless of the cause, and that all catastrophic events require a strong management system built on expert systems for each of the operational disciplines.

Terrorism presents tremendous challenges. We rely on our partners in the Department of Health and Human Services to coordinate the efforts of the health and medical community to address biological terrorism, as we rely on the Environmental Protection Agency and the Coast Guard to coordinate the efforts of the hazardous materials community to address chemical terrorism, and the Nuclear Regulatory Commission to address nuclear events. And we rely on our partners at the state and local level. Without question, they need support to further strengthen capabilities and their operating capacity.

FEMA must ensure that the national system has the tools to gather information, set priorities, and deploy resources effectively in a biological scenario. In recent years, we have made tremendous strides in our efforts to increase cooperation between the various response communities. And now, we need to do more.

At FEMA, the creation of the Office of National Preparedness and our emphasis on training, planning, equipment, and exercises will enable us to better focus our efforts and will help our nation be better prepared for the future. The President's proposal to create the Department of Homeland Security will integrate these capabilities into a broader whole that will help our nation respond to the terrorist threat.

Thank you, Mr. Chairman. I am happy to answer any questions you have.

Mr. HORN. Ms. Dalton, looking at your testimony, you noted the following: "In addition, as you know, the Intergovernmental Law Enforcement Sharing Act of 2001, (H.R. 3483)," which I had sponsored, the last I knew Mr. Chambliss proposal was going through judiciary and I don't know where any of this is right now. All I do know is that the FBI and local law enforcement need that authority in order to get intelligence sharing and maybe there's some way we can get the FBI or whatever or the Comptroller General to say hey, it's about time to get this rolling, if it isn't rolling. So I'm not sure exactly what they are doing but we need to do it.

Ms. DALTON. Certainly, Mr. Chairman. In the proposals for the new Department of Homeland Security, I believe all of them do provide for an intelligence sharing component. How that finally is structured, obviously the verdict is still out, but I think there's a broad recognition that intelligence sharing is going to be critical to defending our country and our people against terrorist attacks.

Mr. HORN. So that's sitting in the Senate right now.

Ms. DALTON. It currently is. My understanding, it has gone through the Senate Governmental Affairs Committee and scheduled to go to the floor when the Senate returns.

Mr. HORN. Thank you. Gentleman from Kansas.

Mr. MORAN. Mr. Chairman, thank you. Mr. Maynard, have Federal regulations involving the security of nuclear power plants changed since September 11th?

Mr. MAYNARD. Yes. The regulations themselves have not. We have been issued orders that provide increased requirements, defined specific levels of numbers of people, types of things we had to be able to defend against. That document itself is safeguarded so it's difficult to go into the details of that, but we did have—orders came that all nuclear power plants had to make some changes to their plans.

Mr. MORAN. Do you have an obligation to notify law enforcement of some event?

Mr. MAYNARD. Yes, we do. In fact, at any suspicious event, we have communications in place where we do notify local law enforcement and also through the Nuclear Regulatory Commission it will be handled either by the FBI, whichever agency is most appropriate for that type of item. In fact, one of the things talked about earlier is airplanes flying around and if there's any suspicious activity, a call is made and the response is quite rapid.

Mr. MORAN. Is there a no-fly zone over a nuclear power plant?

Mr. MAYNARD. Yes and no. There is no longer a restricted area. For a short time there was a restricted area that was published that did not allow any type, any airplanes within a ten-mile radius. Now there is a notice to airmen out that notifies all pilots to not fly directly over any nuclear power plant or any other industrial structure, including other types of power plants as well and definitely no loitering around or sight-seeing around them.

Mr. MORAN. Mr. Hainje, FEMA, I asked earlier about the VA. Is there any working relationship between FEMA and the Department of Veteran's Affairs in regard to VA responding to emergencies?

Mr. HAINJE. I wouldn't classify myself as an expert on the background with the VA response, but the way the Federal Response

Plan works is in any emergency and prior to any emergency, for planning purposes, we have emergency support functions. One of those is Disaster Medical Services and we work with the public health as the lead on that and certainly they would draw in and they work with their partners in the VA. So basically as a Federal agency response under the Federal Response Plan, Public Health would be the lead on the medical side and then they would draw in other Federal resources to help and assist.

Mr. MORAN. Mr. Stafford, can you help me at all prioritize where we, at least from a law enforcement perspective, ought to be focussing our efforts at terrorist prevention? Congress, as I said earlier, spends a lot of time on airport and airline security. We have talked a bit about nuclear power plants. Mr. Horn asked about the public water supply. Is there—certainly we had a long discussion on the introduction of biological agents into agriculture. Is there any kind of way to prioritize where law enforcement ought to be focussing its efforts?

Mr. STAFFORD. As you alluded to earlier, fortunately Kansas has a high coal electric production capability. We have tremendous telecommunications, transportation, water, financial. So most of what we spend our time on is looking at intelligence that we have collected, analyzing it and disseminating it to the appropriate regulatory agencies, but unfortunately, I can't provide anymore insight than anybody else. The Bureau does not get into providing physical security. Most of the nuclear power facilities—as a matter of fact, theirs is so good at Wolf Creek, I was denied access for about 15 minutes when myself and a SWAT team went out there for a tour. They have an outstanding security force. Unfortunately, that's not necessarily consistent among all other areas like a coal production plant I went to in Garden City. Their security was not quite anywhere near the standards of Mr. Maynard's so there is not the consistency probably there should be among the different types of key assets within——

Mr. MORAN. Have you increased your intelligence capabilities?

Mr. STAFFORD. We have primarily utilized the Joint Task Force on Terrorism. We traditionally only had access to those intelligence basis within our unit. As I indicated, we have 18 different agencies. Some of those agencies have actually brought their computers into our space so we can gain immediate access through their employees and our space. Other agencies, all we have to do is make a phone call and we can gain access into their intelligence systems.

Mr. MORAN. There's been some criticism, suggestion about the inability of the FBI or the failure of the FBI to communicate from region to region. Is that different today than if it was a problem, is it less of a problem?

Mr. STAFFORD. It's definitely less of a problem through the joint leaders of task forces.

Mr. MORAN. Mr. Maynard, to give you the chance, it does seem like perhaps we have highlighted nuclear power generation. Is there anything you would like to point out about others who generate electricity as well, kind of important things we ought to be aware of and not just nuclear that would be a problem?

Mr. MAYNARD. Well, I believe as a Nation we have to be careful that we don't get focused on one industry or one activity and put

all our efforts on that. Nuclear power plants certainly get highlighted as targets, but it's also one of the best defended, most robust-built facilities around. We have other infrastructure items and other industries; petro chemical, pharmaceutical. There's a lot of different other industries that may not have that same level of security and for a Nation to focus totally on one that may already have it and not focus on some of the others, I think, would be a mistake so I think we need to take a big picture look.

Mr. MORAN. Thank you, sir. Thank you all.

Mr. HORN. Ms. Dalton, in your testimony you say that in leadership by statute will ensure among others things that it's held accountable to Congress and the American people but without performance measures such as national standards to ensure that all first responders receive proper training and equipment, how could anyone determine whether the department is doing a good job despite all the PR and so forth, so what is your feeling on that on getting the standards in there?

Ms. DALTON. I think establishing performance standards, performance goals and performance measures is certainly one of the critical next steps that we need to take as a country to ensure that we have established clearly what we want to accomplish, how we want to accomplish it and ultimately determine whether or not we have in fact accomplished it. By forming the Department of Homeland Security, certainly that provides a focal point in leadership and does enhance accountability to that extent, but it's important to take it to the next step which is clearly stated in the National Strategy of establishing performance measures and standards and then as I said, holding ourselves accountable to them. So, that will be the next step, and it's part of an evolving response to the events of September 11th.

Mr. HORN. Mr. Hainje, you fit right in there because you and GAO agree that national standards are necessary if we're going to have a successful national homeland security strategy. I remember Mr. Albaugh, the Director of FEMA, has also stressed the importance of nationwide standards. Is FEMA working on setting these standards and if so, how can we see them?

Mr. HAINJE. I think we are working for the guarantee of minimum capability at each State and some of the issues that will be resolved there will be as we receive plans from the States under the planning grant that are coming up, plans that will be more elaborate as to how they intend to proceed within their States and then try to give guidance as that process goes along. Well, the Office of National Preparedness was given the issue, if you will, of supporting the development of comprehensive response plans that hopefully will help with some standardization. There also has been assignment to FEMA. Ron Miller, the Chief Information Officer of FEMA is being asked to work on standardization and interoperability of communications equipment and that's an issue that keeps coming up and something that I worked with in my former life also, where we tried to make a State-wide compatible interoperable system so Project Safecom is something that numerous agencies at the Federal level are working together on and Ron Miller from FEMA is the lead on that. And then also trying to improve and make even more standard the training that is provided to first re-

sponders and I guess those are some of the areas where we're trying to work a little bit toward standardization.

Mr. HORN. Thank you. I'm now going to thank the people that really put this together and it isn't easy to have long distances and everything else. The staff director, chief counsel of the subcommittee is Mr. Russell George, which will probably be one of his last ones because he's been confirmed to be the Inspector General of the agency; Dave Bartel, is he here? Chief of Staff. There he is. He's the gentleman that looks like he's Secretary of State. For you Kansans, he is a Kansan and he was Nancy Kassebaum's Chief of Staff and the minute she retired, pulled him back out of the Senate and I think we can probably make a few comments about foot and mouth disease in terms of Senate versus the House and we were delighted to have Dave come over and be my Chief of Staff. He's done a great job for Kansas and California. Now, of course, I come from Long Beach, California where it's called Iowa by the Sea and there was a lot of Kansans in there, too, at the turn of the century and then to my left here and your right is Bonnie Heald, the Deputy Staff Director and the gentleman trying to get all microphones going and everything is Chris Barkley, the assistant to the subcommittee. Michael Sazonov is not with us today but he's the staff assistant also for this; and Mr. Moran's staff were very helpful, Kip Peterson and Travis Murphy; and the person that really was very kind to us in terms of this auditorium and the Eisenhower situation is Daniel Holt and his staff and I had a chance to talk with him yesterday for a couple of hours and if there was ever an encyclopedia of modern history in the second world war and the General Eisenhower so we appreciate—Dan, are you out there somewhere? This is a wonderful area and auditorium and I gather the former president, of course, will be here to announce all that and our court reporter is Kathy Bonfiglio. We thank you all for that. Jerry, in particular, we're delighted. I know Members of Congress this time are out usually campaigning. I would hope he doesn't have to campaign very much.

Mr. MORAN. Always, sir.

Mr. HORN. That's right. So thank you very much and we're delighted to be here. We're adjourned.

[Whereupon, at 1:01 p.m., the subcommittee was adjourned.]

[Additional information submitted for the hearing record follows:]

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Dennis Allin, M.D.
Chair

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Governor

MEMORANDUM

DATE: August 20, 2002

TO: Kansas Congressman Jerry Moran; and, Members of the House Government Reform Subcommittee on Government Efficiency

FROM: David Lake, Administrator

RE: Congressional Hearing on Response to Terrorist Threats

Congressman Moran and Committee Members:

Thank You for the opportunity to provide this written testimony in response to your inquiry of the steps being taken by our State in preparing for possible response to terrorist threats. As a brief overview of Emergency Medical Services in Kansas, there are presently 178 licensed ambulance services with 653 dedicated vehicles for the transport of patients. Also, there are 10,000 certified attendants at five different certification levels, First Responder through MICT (paramedic). Attached is a document that describes these numbers in more detail.

As true in most states, the more populous areas of our state are covered by full-time, paid services and technicians at the advanced life support level. A majority of services, however, are staffed by part-time and/or volunteer technicians trained in basic life support techniques with some advanced skill capability.

Two years prior to the tragedy of September 11th we made "required" training on "Weapons of Mass Destruction" available to the EMS Instructors and Training Officers in Kansas. As mentioned, it was required training and not all that "enthusiastically" received. It has, however, taken on a whole

new level of importance after September 11th. We now realize that it can happen in the United States. A major responsibility we now have is to make emergency responders as well as the general public aware of the fact that the heartland of our nation is at no-less risk for potential attack than any other locale.

A task force of Kansas EMS professionals have identified four major areas of concern with regard to emergency medical services in Kansas. These not only apply to anti-terrorist preparation but involve issues that threaten the very survival of professional emergency medical services in the rural areas of our State.

The most critical issue is one of ***recruitment and retention*** of personnel. Increased risk, an increased commitment of time, a decrease in the population (especially the younger population), and a perceived decline in public support (mostly financial) seem to be the primary factors.

Communication is identified as the next most critical area of concern. At the present time, Kansas does not have a statewide communication system. In most areas of the State, the capability of inter-agency radio communication is non-existent. This is a serious short-coming in any situation requiring or involving multi-agency response. Most recently, a considerable amount of publicity has been given to the communication deficit in the September 11th event and that quite possibly a lack of radio communication resulted in further loss of life.

While a terrorist event is very possible, natural and other multiple patient disasters are possibly more probable. Very few years (if any) have passed without a tornado, flood, or major event occurring which required the expertise of EMS, Law Enforcement, Fire, and Emergency Management working cooperatively to mitigate the event.

A communication task force comprised of representatives from all areas of concern is currently working on the development of a statewide plan. It is generally thought that perhaps the basics of a statewide infra-structure is in place. However, bringing all of the needed participants into the program will be costly.

Education and Training and ***Funding*** are the other two areas of concern. The 2002 Legislature passed legislation authorizing the Adjutant General to establish six, regional Emergency Response Teams but did not provide funding to accomplish the task. As mentioned above, several of these teams will most likely be comprised of volunteer or part-time personnel who must make an additional commitment of time for training as well as response in the event of a disaster. We can not expect them to not only donate their time and effort but also pay to receive the training.

With regard to funding, a big frustration to most EMS providers in Kansas as well as nationwide is the fact that federal funding for anti-terrorism preparation is being distributed mostly through Fire Service Administration, Emergency Preparedness, and Administration of Justice. To date, none of the dollars have been specifically identified or made available directly to State Emergency Medical Services. In the event of any emergency with the potential for injury to any segment of the population, Emergency Medical Services will be dispatched as an initial responder and in many cases will be "first on the scene", especially in the rural areas.

There is a sense that perhaps EMS has been overlooked by the Federal Government, not intentionally but perhaps more likely through misunderstanding. In Kansas, the Board of Emergency Medical Services is a free-standing agency controlled by a thirteen-member board appointed by the Governor and legislative leadership. It is not an affiliate of the Department of Health or Department of Transportation or some other large state agency as in many other states. Also, only 26 of the 178 licensed services are affiliated with a Fire Department and 2 affiliate with a law enforcement agency.

In closing, Thanks again for the opportunity to present this written testimony. On behalf of the emergency medical services and providers in Kansas I ask that you please consider appropriate funding earmarked for the education, training, and preparation of Emergency Medical Service personnel and agencies in responding to disaster. Also, please consider the dilemma of radio (wireless) communication and the major role an adequate system will play in better assuring the successful handling of an event requiring multi-agency response and interaction. If you have any questions, please feel free to contact me at your convenience.

Ambulance Service/Attendant Statistics

As of 05/08/02

Service Statistics

The Kansas Board of EMS classifies ambulance service operators under the five following categories:

Fire Department:	26
Law Enforcement:	2
Hospital:	30
City/County:	98
Private:	22
Total Services:	*178*

Out of the 178 ambulance services permitted in Kansas, 15 services do not receive a "public subsidy". Of these 15 services, 9 are *"Type 5"* services which are primarily air ambulance operators. Of the remaining 6 services, 3 are in Wichita, 2 are in Emporia, and 1 is in Kansas City. Only 1 of these 6 services responds to emergency calls.

Attendant Statistics

The Kansas Board of EMS asks each attendant to declare the organization or entity for which the attendant primarily functions. These organizations are broken down into the following six categories:

Type of Service		*Level of Certification*	
Fire Department:	3,581	MICT:	1,689
Law Enforcement:	332	EMT:	5,995
Hospital:	602	EMT-I:	890
City/County:	2,604	EMT-D:	150
Private:	736	EMT-I/D:	472
No Affiliation in the Above Five Categories:	2,331	1st Resp:	989
Total Attendants:	*10,186*		

Attendant Employment Status

The Kansas Board of EMS asks each attendant to declare their employment status with an ambulance service. Employment status is broken down into the following four categories:

Full-time employed with an ambulance service:	2,267
Part-time employed with an ambulance service:	713
Volunteer with an ambulance service:	2,269
No affiliation with an ambulance service:	4,936

Attendant Pay Status

Each attendant is asked to indicate how they are paid when functioning for an ambulance service. The following numbers represent several different methods of pay, and are not meant to be added to obtain a total.

No Pay:	607
Call Time:	957
Per Call:	1,549
Hourly:	2,308
Salary:	577
Salary and Call Time:	35
Hourly and Call Time:	437
Per Call and Call Time:	557

*** An attendant may work for more than one service, and therefore reflect payment in one or more of the above categories.*

*** It is interesting to note that 2,269 attendants indicate that they are volunteers with an ambulance service; however, only 607 indicate they receive no pay.*