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H.R. 3266, FASTER AND SMARTER FUNDING FOR FIRST RESPONDERS ACT OF 2003

HEARING

BEFORE THE

SUBCOMMITTEE ON EMERGENCY PREPAREDNESS AND RESPONSE

OF THE

SELECT COMMITTEE ON HOMELAND SECURITY
HOUSE OF REPRESENTATIVES

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CONTENTS

Page

STATEMENTS

The Honorable John B. Shadegg, a Representative in Congress from the State of Arizona, and Chairman, Subcommittee on Emergency Preparedness and Response 1
The Honorable Bennie Thompson, a Representative in Congress from the State of Mississippi, and Ranking Member, Subcommittee on Emergency Preparedness and Response 2
The Honorable Christopher Cox, a Representative in Congress from the State of California, and Chairman, Select Committee on Homeland Security 4
The Honorable Jim Turner, a Representative in Congress from the State of Texas 6
The Honorable Benjamin L. Cardin, a Representative in Congress from the State of Maryland 14
The Honorable Bob Etheridge, a Representative in Congress from the State of North Carolina 38
The Honorable Barney Frank, a Representative in Congresss from the State Massachusetts 10
The Honorable Jim Gibbons, a Representative in Congress from the State of Nevada 10
The Honorable Bill Pascrell, Jr., a Representative in Congress from the State of New Jersey 12
The Honorable Christopher Shays, a Representative in Congress from the State of Connecticut 11
The Honorable Curt Weldon, a Representative in Congress from the State of Pennsylvania 8

WITNESSES

The Honorable James A. Garner, Mayor of Hempstead, New York, President, The United States Conference of Mayors
Oral Statement 15
Prepared Statement 18
Colonel Randy Larsen (Retired), Founder and CEO, Homeland Security Associates, Former Director of Institute of Homeland Security, Former Chairman of Military Department at the National War College
Oral Statement 19
Prepared Statement 22
Mr. Robert Latham, Director, Mississippi Emergency Management Agency
Oral Statement 24
Prepared Statement 26

APPENDIX

MATERIAL SUBMITTED FOR THE RECORD

Questions and Responses from the Honorable James A. Garner 49
Questions and Responses from Colonel Randy Larsen (Retired) 49
Questions and Responses from Mr. Robert Latham 50

H.R. 3266 FASTER AND SMARTER FUNDING FOR FIRST RESPONDERS ACT OF 2003

Thursday, October 16, 2003

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON EMERGENCY
PREPAREDNESS AND RESPONSE,
SELECT COMMITTEE ON HOMELAND SECURITY,
Washington, D.C.

The subcommittee met, pursuant to call, at 4:05 p.m., in Room 2175, Rayburn House Office Building, Hon. John B. Shadegg [chairman of the subcommittee] presiding.

Present: Representatives Shadegg, Tauzin, Shays, Diaz-Balart, Gibbons, Cox [ex officio], Thompson, Cardin, Norton, Pascrell, Etheridge, Lucas, and Turner [ex officio].

Also Present: Representatives Dunn and Frank.

Mr. SHADEGG. The committee will come to order.

I want to welcome our witnesses. I understand one is still downstairs, but in the interest of proceeding in a timely fashion, I think we should get started and begin with opening statements.

Today our subcommittee will be examining the Faster and Smarter Funding for First Responders Act, which has been introduced by full committee Chairman Cox.

I think there has been a high level of frustration among members on both sides of the aisle about how long it has taken for the large amounts of money which we have appropriated here in Congress for our Nation's homeland security needs and first responders to end up in the hands of those who can put it to its intended use. The States claim they have allocated the money, but many cities claim they have yet to see a penny. Clearly these mixed messages send a message themselves to us in Congress that it is time to look at changing the homeland security grant-making process to hopefully make it smoother, smarter, and more agile in responding to new and different threats that arise.

As we examine changing the homeland security grant process, it is clear that we need to take a look at both regional approaches and at threat-based formulas, two of the major components of H.R. 3266. We can neither afford from a financial perspective nor a public policy perspective to provide new equipment for each and every fire and police department in the country. Communities are going to need to cooperate in their war on terrorism by working together to pool resources and to regionalize plans. Unfortunately, politics has long stood in the way of such cooperation at the local level. As Kwame Kilpatrick, Mayor of Detroit, testified at a Senate Government Affairs hearing, quote: These plans can't be piecemeal, and

that is why I believe so much money is being wasted when it comes to our State, because we want to give money to this plan or that plan instead of forcing the regions around the State of Michigan to get together and deal with this in a comprehensive form.

We also need to look at making sure that we are devoting this homeland security money in a smarter way so it actually gets to the areas facing the largest threat.

I was shocked, as I am sure many of you were, to read in USA Today, in an article from July, in which we learned that an Oak Bluffs, Massachusetts harbor master claimed, quote: Quite honestly, I don't know what we are going to do, but you don't turn down grant money.

That is not a good indication that the system we have in place is working well.

Last week, our full committee received testimony that epitomizes how, under the current grant formula, we are likely sending money to areas where there is little or limited risk of a terrorist attack. Michele Flournoy from CSIS stated: Without a regular, disciplined, and comprehensive threat and vulnerability assessment process that considers both the probability of various attacks and the severity of their consequences, decisionmakers will have little analytic basis for making tough strategy choices about where to place emphasis, where to accept or manage the degree of risk, and how best to allocate resources to improve America's securities.

We need to determine the actual risk involved and figure out how our funding choices will either eliminate that risk or mitigate it to the greatest degree possible. We have to be smarter than our adversaries and capitalize on our intelligence-gathering capability and technological advantages.

I commend Chairman Cox for this forward-thinking section of the bill. We look forward to learning more about the proposal today, and I look forward to input from our excellent panel of witnesses. It seems to me that it is absolutely essential that Congress spend these monies wisely, and that we get them into the hands of the first responders who need those monies, and that we prioritize and allocate them as strategically as humanly possible. And so I think this legislation and this discussion, which will go on regarding this legislation and other pieces of legislation that address the same topic, is critically important for this Congress to act on and act on very quickly. And I am pleased the issue is before the subcommittee.

It is now my pleasure to turn to the gentleman from Mississippi, the Ranking Member of this subcommittee, Mr. Thompson, for his opening statement.

Mr. THOMPSON. Thank you, Mr. Chairman. First, I would like to welcome Mr. Robert Latham, the Director of Emergency Management for the State of Mississippi, for joining us today. And I look forward to his perspective on the preparedness needs of my home State which includes a diverse urban, suburban, rural, and agricultural community.

But, Mr. Chairman, I must express my disagreement with the focus of this hearing. As the majority is well aware, Democrats on the Homeland Security Committee have introduced comprehensive first responder legislation entitled the Preparer Act. This legisla-

tion, introduced on September 24th, and now co-sponsored by 141 Members of Congress including the Ranking Members of the 10 standing committees of the House, addresses issues similar to those in Chairman Cox's bill. Although I understand that next week's full committee hearing on first responder legislation will be broader in scope, it seems to me that the members of both sides of this subcommittee would be better served by a hearing on both legislative proposals.

Having said that, I would like to point out some key differences between the two proposals and explain why the Preparer Act better addresses the needs of our first responder community.

There are three key principles embodied in the Preparer Act that distinguish it from Chairman Cox's legislation. First, the Preparer Act protects all communities. Our legislation recognizes that in the aftermath of September 11th, every community must be better prepared for terrorist attacks. This includes urban, suburban, rural, and agricultural communities.

Under Chairman Cox's proposal, it appears that we will create grant winners and losers. Grant applications will be submitted and grantees will have to depend on the strength of their applications and the untested threat and intelligence analysis capabilities of the Department of Homeland Security in order to receive a grant. To me it sounds too much like buying a lottery ticket and taking a chance.

Further, in 1995, did any of us consider Oklahoma City to be under an extremist terrorist threat? If the Chairman's proposal was in law at that time, I am not sure that Oklahoma City would have received grant funds, but it is certain that the city would have benefitted from enhanced preparedness capability.

Second, the Preparer Act will result in more robust planning and coordination within the States. In previous hearings, we have heard testimony about neighboring communities buying the same equipment, resulting in unnecessary expenditure and duplicative requirements. By conducting bottom-up assessments and coordinating preparedness needs at the local, regional, and state levels, the Preparer Act will distribute funding on a rational cooperative manner.

Under the Chairman's bill, any State or eligible region can apply for grant funds. Our question is DHS's ability to process a seemingly unlimited number of grant applications.

Further, how will be applications be coordinated? How does the Chairman's proposal resolve the problem of overlapping and duplicative capabilities?

Third, the Preparer Act recognizes that our first responder community plays a most critical role in determining our preparedness needs. That is why the legislation creates an independent task force to develop and provide to our communities the tools they need to determine what capabilities they have today, what capabilities they need to be truly prepared, and what resources are required to build these capabilities. I can think of no better advisers on this issue than our police, firefighters, emergency medical services, hospital personnel, and others who face this problem every day.

There are some areas of agreement, Mr. Chairman, between the Preparer Act and the Chairman's proposal, including revisions to

the homeland security advisory system and the preservation of traditional first responder grant programs like the fire grant. We will continue to work with the majority to find other areas of agreement, and hopefully pass a bipartisan bill that will enhance this Nation's preparedness for terrorism. However, our efforts must enhance preparedness throughout this Nation. We cannot shift resources from day to day based on ever-changing threat information. The only way to truly prepare this Nation is to recognize the need to build capabilities in every town, city, county, and State. We owe this to our emergency responders, and we need to move faster in our efforts to do so.

Mr. SHADEGG. I thank the gentleman for his opening statement and now call upon the Chairman of the full committee for his opening statement. Mr. Cox.

Mr. COX. Thank you, Chairman Shadegg. And I assure the Ranking Member that the majority and the minority will work together. It is our aim to achieve bipartisan legislation.

The questions that the gentleman raises are legitimate ones, and I believe that they can all be addressed. I also think that it is a happy occurrence that the legislation introduced separately by the minority and the majority are, for the most part, complementary rather than outright contradicting one another. And I think these pieces will fit together very nicely, at least potentially; but it will require a fair amount of work, and we are starting that process today.

I think that Congress has recognized, and certainly this committee has recognized, the vital role that first responders play from the moment of our horror at the events of September 11th. But in particular, this committee, through our hearings in Washington and our field hearings around the country, has heard the message loudly and clearly that the monies, including over $20 billion that the Congress has appropriated since 9/11 explicitly for first responders, that we intend to benefit firefighters, police, and emergency services personnel, medical workers, paramedics and so on, that that money is not getting to its intended destination, or at least it is not getting there nearly fast enough. The more than 1,000 percent increase in first responder funding since 9/11 evidently is not enough to solve the problem. We have got to be smarter and faster about getting money to first responders.

In the $30 billion appropriation that the President just signed for the Department of Homeland Security, its first appropriation ever, fully 4.2 billion is earmarked for first responders. But it won't do nearly enough good if that money gets stuck in the pipeline, if that money doesn't get to where it is most needed. We have got to work harder to ensure that homeland security grants are distributed quickly to the people who need the most.

Our grant-making process for first responders, however, was built before September 11th. It was built for a world where traditional roles of first responders were more narrowly defined and where they were not focused on counterterrorism.

The National Conference of Mayors, whose president, Mayor James Garner, is here with us today, recognized this problem. In the Conference's report titled "Tracking Homeland Security Funds Sent to the 50 States," the mayors note that 90 percent of cities

have not received funds from the country's largest homeland security program. In addition, over half of the cities either haven't been consulted by their state homeland security agencies or haven't had an opportunity to influence state decisionmaking about how to use and distribute funding.

I look forward to hearing Mayor Garner speak more about the results of this survey. It is abundantly clear already that much of the $20 billion that Congress has appropriated for first responders isn't reaching them.

Federal funds need to be directed to areas where we are most at risk, but today too much of the homeland security grant monies are allocated by political formula, not by authoritative risk assessment that matches threat with vulnerability.

Chairman Shadegg described the surprise of the harbor master in Oak Bluffs, Massachusetts when he received $900,000 in homeland security grants and didn't know what to do with it. A similar story was repeated in Christian County, Kentucky, population 100,000, when they learned they were getting $36,800 for high-tech safety equipment. The local emergency services director didn't want to look a gift horse in the mouth, but said that the high-tech equipment didn't particularly suit the more routine needs of his small rural community. We need a threat-based formula that will eliminate such waste and potential abuse.

H.R. 3266, the Faster and Smarter Funding for First Responders Act, addresses these problems. To expedite delivery of funding, both States and regions could apply for grants. When States receive Federal funds, the bill requires 80 percent of the money to be passed to locals within 45 days. The bill also builds in penalties to States that do not comply with these requirements.

In allowing regions to apply directly for grants, we are taking into account the fact that our country's artificial State boundaries do not necessarily represent logical, sensible homeland security planning areas. Evacuating the National Capital Region, for example, would involve multiple States. A grant under this legislation could be made to a multistate region. As a result, we could avoid problems from money trickling in from the Maryland and Virginia governments because they and only they could apply for funds directly from DHS.

In California where we have 30 million people, the State could apply for monies from regions within California. Los Angeles and Orange Counties, for example, which already have an extensive system of mutual aid agreements among the cities and among the counties, could continue to build their partnership and apply jointly for grants. When recently this committee visited the Puget Sound area, we heard the same plea from first responders there: Focus on regional solutions. Regional cooperation is fundamental to the success of the President's homeland security strategy. We must encourage it by ensuring that funds earmarked for regions do not get bogged down in layers of bureaucracy.

Today more than ever we must maximize the yield for every dollar we invest in homeland security, and so this legislation charges DHS to prioritize threat and vulnerability in distributing grants to the exclusion of political formulas. Since 9/11, we have identified

serious problems with our grant-making process, and with this legislation we move towards solutions.

I look forward to hearing the thoughts of our witnesses on this bill and on the minority bill, and to working with the Ranking Members who have introduced separate legislation with other members of this committee to ensure that we fix the inefficiencies in our grant-making process and our funding of first responders becomes both faster and smarter.

Thank you, Mr. Chairman.

Mr. SHADEGG. The Chair will now call upon Mr. Turner of Texas, the Ranking Member of the full committee, for his opening statement.

Mr. TURNER. Thank you, Mr. Chairman.

I think it is clear to all of us that fighting and winning the war on terror requires a strong and sustained effort both overseas and here at home. Just 24 hours ago, I returned from a visit with our troops on the front lines in Iraq, and I must say that the commitment, dedication, and bravery exhibited by those troops in the face of many threats was an inspiration to me, and it would be to you as well.

Our troops in Iraq and in other places like Afghanistan have been called on to fight on the front lines of this war on terror. The effectiveness of our troops is the result of decades of building capabilities. We buy them the best equipment, we train them extensively, and they spend countless hours planning and working to execute their responsibilities.

We are here today to ensure that those on the front line here at home, America's first responders, are also fully prepared to respond to and to recover from a catastrophic act of terrorism. This is a new mission for first responders. Billions of dollars have been spent since the Cold War on building our Armed Forces. It will take time and focus to build our capabilities for homeland defense.

Just a month or so ago, the Council on Foreign Relations assembled a bipartisan, expert task force led by former United States Senator Warren Rudman. They reported that America's first responders were, and I quote, drastically underfunded and dangerously unprepared.

After 18 months of listening to America's firefighters, police, and emergency workers state and restate their need for better training and better equipment, 23 members of this committee and 142 Members of the full House introduced legislation, H.R. 3158, the Prepare Act, to address the current problems of our first responders. The legislation that we introduced has four major goals.

First, we need to create a task force to identify what our communities need across the country to prevent, prepare for, and respond to terrorist attacks. This must be a bottoms-up process involving local officials and local first responders. Under our current system, we are spending an arbitrary amount of money every year with no defined goals; no benchmarks by which we can measure progress toward protecting our communities both large and small.

Secondly, the Prepare Act seeks to move our entire country forward by reaching a level of—a minimum level of preparedness within a defined period of time. We recognize that areas that face a higher threat of attack and have sustained or substantial

vulnerabilities should and must receive a greater proportion of available funding. But we also recognize that no community in America is as prepared as it should be to meet the threat of global terrorism in the 21st century.

As Ranking Member Thompson mentioned, no one could have foreseen that Oklahoma City would be targeted by a terrorist act, and Oklahoma City is not likely to appear today on anyone's list of high-threat terrorist targets. The Prepare Act recognizes that terrorism by its very nature is unpredictable, and therefore the legislation would seek to increase the preparedness of every community in America.

Third, the Prepare Act requires planning and coordination to ensure that every community in America has access to the emergency response services they need, while at the same time preventing duplication and waste. I commend the Chairman on his vision for regional funding. I think it is an area of agreement between the two of us and the members on both sides of the aisle. Unfortunately, nothing in our current grant program prevents neighboring communities from developing, for example, two HAZMAT units when one will do. We need to ensure that scarce resources are spent wisely by requiring, whenever possible, services to be shared at the regional, State, and even multistate level.

And, finally, the Prepare Act recognizes that difficulties with the grant programs are not the only challenge facing our first responders. Our legislation would address the problems of interoperability of communications equipment, establish training and equipment guidelines so that our first responders know what to purchase, and would take additional steps such as reforming the homeland security advisory system.

Chairman Cox has introduced H.R. 3266, the subject of the hearing today, and I compliment the Chairman for his efforts and look forward to working with him over the coming weeks to develop a bipartisan bill. Both bills have the same ultimate goal, to direct funding to our first responder communities as quickly as possible and to direct resources where they are needed the most. We go about achieving this goal in different ways, which I hope we will be discussing today.

Chairman Cox's bill would base preparedness funding exclusively upon a snapshot of the threat faced by the State or region applying for the grant. While this is an interesting and appealing concept, it also raises some difficult issues.

First, since all of our communities continue to have preparedness needs, how can we attempt to meet their needs while at the same time targeting directed resources to the communities with the threats of the moment?

Second, threat information today may not be specific enough to form the basis for a competitive grant program. I always have admired Mr. Weldon's leadership in the fire grant program. It has provided a basic level of preparedness to defend against the threat of fires in communities all across America. But predicting where those fires will occur would in fact be an impossible task, and we may face the same difficulty in dealing with the threat of terrorist attack. How can we, for example, measure with precision whether

Houston faces a greater threat than Orange County? And won't this change from week to week or from year to year?

The last three times the Department of Homeland Security has raised the threat level, it has been in response to a nonspecific threat. So because we do not know for sure where terrorists intend to attack, doesn't it make sense to build our capabilities nationwide in light of the threats and vulnerabilities we face to protect all of our communities to the best of our ability?

And, finally, how is it possible, with a grant program based entirely on threat, to encourage and reward comprehensive planning and coordination between neighboring communities to maximize the value of taxpayer dollars and avoid duplication?

Mr. Chairman, our enemies in the war on terror plot and plan every day. We could not have foreseen the depths of their depravity in slamming airliners into skyscrapers and killing thousands of civilians. Threats to our Nation do and will continue to change daily. And so in pursuit of our mission to protect the American people, we must ensure that first responders have the capability and the flexibility to protect our communities. What we have proposed in the Prepare Act is that we must move faster and stronger to protect all of America's communities from the threat of terrorist attack. We must pledge that when it comes to protecting the American people, no community will be left behind.

Thank you, Mr. Chairman, for scheduling this hearing today. I look forward to working with you and Chairman Cox to ensure that we accomplish the task that we all agree upon; and that is, we must make America safe and secure from terrorist attack. Thank you, Mr. Chairman.

Mr. SHADEGG. I thank the gentleman for his thoughtful statement.

I would now call upon the Vice Chairman of this subcommittee, the gentleman from Pennsylvania, Mr. Weldon.

Mr. WELDON. Thank you, Mr. Chairman. I will try to make it brief and just congratulate both sides for putting in place legislation that addresses an issue that this country avoided and ignored for the first 225 years of our country's existence, and that is our domestic defenders, our first responders.

Both pieces of legislation have good points and have areas that we can focus on. I am particularly pleased with the Chairman's mark. Both pieces of legislation specifically exempt the assistance to firefighters grant program which was a strongly bipartisan effort. Mr. Pascrell was a major leader on this, as were a number of other members. And this was enacted in the year 2000, before 9/11, to focus on the support for our first responder community, and I would argue it is probably the most successful program ever developed in the history of this Congress. There are no middle people, there is no bureaucracy at the State or country level; 32,000 fire and EMS departments across the country apply directly on-line during a 30-day period in April, and those applications when they come in are evaluated by a board of their peers, not by politicians in Washington, not by bureaucrats in Washington, but by a peer review process of first responders from across America.

And, remember, 85 percent of those 32,000 organized departments are volunteer, and, as a result of that effort and the funding

put forth in a bipartisan way, in the past 3 years we have been able to put $1.1 billion on the streets of almost every American city. And we have over 5,000 grants. The first year we had over 30,000 applications from 20,000 departments. And both pieces of legislation see fit to keep that process in place because it is working, and I commend them.

In the process of putting together what Chairman Cox has said is a key priority, we need to make sure that bureaucracies at the State and Federal level, at the State and county, while coordinating, are not taking away precious dollars that should be going down to the first responders, the group that has to respond to these incidents to make sure that we are not building dynasties in our State capitol buildings or our county courthouses, but rather getting the money down to where the need really is.

The second thing I want to commend about the bills is there a focus on each on the number one issue for our first responder. The number one issue is a totally inoperable communications system domestically. We have none. This is not new after 9/11. Every disaster that I have been on in the past 17 years, communication has been the number one problem. Chief Mars in Oklahoma City identified it in the Murrah Building bombing; Fire Commissioner Safir in New York identified it in 1993; and we have given lip service to that problem up until now. We have to deal with the ability of our first responder groups to talk to each other when an incident occurs. And that doesn't just mean money for equipment. It also means dealing with the issue of frequency spectrum allocation.

Now, we tried to get this committee to deal with the Hero Act, which is a bipartisan bill that commits Congress to make available the 20 megahertz frequency spectrum to public safety needs. But the Energy and Commerce Committee has exerted its influence. Even though Chairman Cox has said he would work with us to do it, they said they would raise an exception and would block the process of this committee in dealing with this.

But the fact that we talk about it in both bills is very important to the first responder. The only area, Mr. Chairman, I think that I want to see us focus on is a new program that is about to come out of the Armed Services mark conference report which I hope will be on the floor next week or the week after. Again, with bipartisan support, there is a brand-new $7.6 billion program over 7 years to fund the hiring of police or firefighters and paramedics in cities across America. The key question for us—and this new program has strong bipartisan support and has passed with no objections in either the House or the Senate and will be a part of the final mark—is how this program will be administered and whether or not it will come under the legislation brought before us by both sides today.

It is a vitally important program, and I would hope that as we develop this legislation we can find a way again to come together for the best interests of our firefighters and our paramedics and our police officers.

So I want to thank both sides. I want to thank my distinguished Chairman for working with us in crafting this bill. I can tell you all the fire service groups are happy that the approach you have taken has been inclusive.

And I want to thank Mr. Turner who has a track record of also working very aggressively on his side with the national fire and EMS groups around the country.

Thank you, and I look forward to working with you as the bill unfolds.

Mr. SHADEGG. The Chair would now call upon the gentleman from Kentucky, based on the order of arrival, Mr. Lucas, for an opening statement.

The Chair would call upon the gentleman from Nevada.

Mr. GIBBONS. Thank you, Mr. Chairman. And I will associate myself with my colleague and friend from Pennsylvania and his remarks, submit my opening statement for the record, and hopefully get to the witnesses soon. Thank you.

Mr. SHADEGG. The Chair would first ask unanimous consent for Ms. Dunn and Mr. Frank to participate in today's subcommittee hearing. Without objection, so ordered.

Then I will call upon the gentleman from Massachusetts, Mr. Frank, for his opening statement.

Mr. FRANK. And thank you for the double courtesy, Mr. Chairman.

I am glad we are here, and I appreciate the Chairman making it clear that we are in fact dealing with both bills, that it is a joint legislative hearing, and I think that is well.

Obviously, we are all chagrined, I think, and cannot deny what Mayor Garner has said on behalf of the Conference of Mayors, mainly that things have not worked as we hoped, that the money hasn't gotten to where it needs to get. And I think there is a genuine willingness to work together on this. We have this continued State-versus-city problem, and I am very much aware of that because at the last hearing of the committee that I was able to attend, the Governor of Massachusetts defended the notion that the money should all continue to go through the States. And I think in the face of the evidence, that becomes much harder to defend. It is important to get the money out there and get it to the communities. And that is the only other point I wanted to stress.

I want to make explicit something which we have all taken for granted. We are talking about money. We have apparently agreement that what we need to do to deal with this threat is to tax people and then take the money that we get in taxes and send it to the local governments. I know there are volunteer fire departments, but they don't cover the whole country. There aren't that many volunteer police departments. That is, we are talking here about the use of Federal tax money. We are talking about money that is collected through the Federal tax system and then sent to local communities. And I say that, because we have I think in this country a disconnect. Everybody hates taxes, and it is always popular with a lot of people to talk about cutting them. Most of the same people who dislike taxes are quite fond of them once they are collected and distributed.

And the attitude here reminds me of what was once explained to me by a politician in Boston in 1978 when I complained about what I thought was an inconsistency. Everybody wants to go to heaven, but nobody wants to die. People want to enjoy the fruits, but they don't want to go through the process.

That doesn't speak for any level of taxation or not, but it does for my people. That is what we talking about, tax dollars. And we have this particular problem, because as we have been trying to increase Federal funding to police and fire and emergency personnel and others—and of course there are other people on city payrolls—if you have explosions, if you have disruption, the public works people have to get involved. The people have to get out there and repair and fix things.

The problem has been that because of national fiscal trends, the basic police and fire and other services have in many cases been subject to a loss of revenue. And it does not make sense on the one hand to see police and fire and other departments eroded in terms of their number of people by general fiscal problems that the States and cities are having, that the States are having and then pushed on the cities, and then say, oh, but look what we are doing on the other end.

There are not in my experience in any local or police or fire department people who deal with the terrorism threat and people who deal with the other parts of it. The police and fire departments are seamless; they all work together. And if you have a police department or a fire department that is reduced in personnel because of a general fiscal crisis and a lack of tax revenues sufficient to support them, you cannot make up for that by a program that talks only about emergencies.

That is particularly the case, because I know in the Chairman's bill, for example, there is a specific prohibition against using these Federal funds to replace the local funds. And, frankly, if the local funds are being cut and you get new Federal funds, I wouldn't want to be the one to charge you with enforcing that. I don't know how you would possibly do it. But it does, I think, undermine the general principle.

There are, if we are to live the kind of lives we want to live in this country, absolutely essential needs that the private sector will not meet because it is not supposed to meet them. The private sector has its job to do, which is to generate wealth in the private sector. It is not charged with police and fire and public safety in general. We can only do those if we come together and have sufficient revenues through the tax system and provide them. And I think this is a reminder of them.

And, yes, we have now before us two bills, both of which seem to me to say we need to send more tax money for the Federal level to the local people to do this essential job. I am all in favor of that, but I think it has to be set in context.

Thank you, Mr. Chairman.

Mr. SHADEGG. Mrs. Dunn would be next. Apparently she has had to leave us momentarily, so I would call on the gentleman from North Carolina, Mr. Etheridge.

Mr. ETHERIDGE. Mr. Chairman, I will forego my statement and insert it in the record.

Mr. SHADEGG. Thank you very much.

The Chair would then call on the gentleman from Connecticut, Mr. Shays.

Mr. SHAYS. Thank you. I appreciate, Mr. Chairman, you holding this hearing. In my capacity in the Government Reform Committee

as chairman of the National Security Subcommittee, we have had a number of hearings on the whole concept of standards and how we allocate resources to our first responders. In response to the foreign affairs organization that hired Senator Rudman to look at how we were allocating resources, we put in the bill that said in 9 months we want standards. We want standards to know how we allocate resources. And we tried and we made it bipartisan with other members of the committee.

I think it is absolutely essential that we not give out money before we know why we are giving out money and why they need it. And I hope in the process—I know Mr. Turner has introduced a bill that includes much more than we did—we include some of the requirements, we include getting the standards and doing it quick. And we have been doing this for a year. This is nothing new. I mean, we have been trying to determine what standards we should set up. So it is not like we are starting from Ground Zero.

I hope our legislation will be looked at as well and incorporated in, obviously, a much more comprehensive piece. We need standards. We need it now. Otherwise, we are giving out money to people who don't need it and we are not giving money to people who do need it.

Mr. SHADEGG. I thank the gentleman for his opening statement.

The Chair would next call on the gentleman from New Jersey, Mr. Pascrell.

Mr. PASCRELL. Thank you, Mr. Chairman.

Mr. Chairman, I want to go back to something that the gentleman from Pennsylvania started to talk about, because I think it is important here. When we put the Fire Act together—and we were very careful to wait until we reviewed every line, myself and Curt, Mr. Weldon, Mr. Andrews, Mr. Hoyer—we made sure that folks understood that that legislation and the legislation that we would put forth was in response to the basic needs of fire departments throughout the United States of America. The bill was put together 2 years before 9/11, as Mr. Weldon pointed out. The four of us struggled to get folks on the bill. And when we finally moved forward on it, when firefighters came to this great city, knocked on doors, we wound up with 285 signatures on the legislation. It was totally bipartisan, the entire political spectrum. No party had privy to have virtue.

And I think it is important to understand that there were defined basic needs in the community, and that the firefighters and the emergency workers in this country had always been the forgotten part of the public safety equation, and they would no longer be. This comprehensive bill was in response to that, it has been a tremendous success, And the peer review has worked. There are many who doubted that it would.

I trust the greatest consultants in the world, and they are the firefighters and EMTs. I don't know of any consultants that we hired—do you, Curt? And we listened to them throughout this Nation to discern what were their basic needs. And now we are going to take the second step, not in this legislation, in terms of personnel.

So we have come a long way, and there are many—there has been a tremendous amount of distribution of need, response to

need. But we made very, very certain that the money would go directly to the communities. No one, no one would be able to take anything off the top. I don't know any other way to say it, Mr. Chairman, and it has been successful for small communities and towns out in the middle of Montana. And I thought things were bad in the suburbs and the cities, and we found towns that didn't have a fire truck, or if they had one, had to push it to the fire. A very sad statement to make. Again, our first responders and our first-to-leave tragic situations.

I think that both of these, each of these pieces of legislation can be melded together. I don't see why not. There are two or three things in each of them that I think stands out. The Cox legislation particularly makes it very clear that this would not impact on five major grant programs that we have voted upon, mainly—you know, not only fire grants, but the COPS program. You know, here we are talking about getting ready for emergencies, and we are standing by watching the COPS program disintegrate in front of our eyes, a successful program that has led to the decrease in crime throughout the United States of America since 1992, 1993.

I think it is important that we preserve those programs and that we not meld what we are talking about today with what already exists, the Fire Act.

Having said that, I think that we need to work on how this would be distributed and on what standards they would be distributed. And as Mr. Shays has mentioned, I think it is important, and I think the gentleman from Massachusetts has made it clear that this is our responsibility in oversight, much more than the States. The Federal Government has to respond. We are primarily entrusted with the responsibility of responding to emergency situations, and we will help the communities out in that regard.

I think that we must work out a compromise, particularly in the area of who are the winners and losers, or whether we will respond more effectively to those communities who are at greater risk. I think that is something that needs to be worked out so that we don't go to the other extreme of a universal plan that will provide dollars for emergency response where there is no need. I think we need to be very, very careful along those lines.

Forty-five percent of our firefighters lack standard portable radios. Now, is that with regard to terrorism? Absolutely not. That situation existed before 9/11. They now have the bands to communicate. Now, what are we doing here? It is 2 years-plus since 9/11, and our firefighters do not have the ability to communicate, and we will string this out for months and months and months in order to respond on the terrorist issue. It doesn't make sense. Over 10,000 fire engines in this country are over 30 years of age. And if you think I was kidding when I said some of them had to be pushed to the fire, I wasn't kidding.

This is serious. But these are basic needs. These are basic needs beyond what we find ourselves in. And the world has changed in the last 2 years. We are expecting them to do even more with the little they have, and that is why the work of this committee is so critical, Mr. Chairman.

I really appreciate the fact that you have brought these up. We are ready to act, we are ready to move, and I don't think we should

hesitate too long, as long as we know, as long as we have objectives, as long as we have standards, as long as we can work out where we will send this money, whether it be direct or through some other entity.

And I think the task force which Mr. Turner has suggested to oversight—I mean, that really will guarantee the first responders input so that they are not left on the sidelines; the task force, I think as you call it, I think that is important.

I see no contradiction in these two pieces of legislation, and I look forward, Mr. Chairman, to their melding together and getting something done. Thank you.

Mr. SHADEGG. I thank the gentleman.

I would now call on the gentleman from Maryland, Mr. Cardin, for his opening statement.

Mr. CARDIN. Thank you, Mr. Chairman.

Let me just point out that we are very fortunate in this country to have the career, volunteer firemen, our police, our first responders. That certainly became evident to all of us after 9/11. We have a network in place of first responders, and they have carried on very well for our communities. 9/11 really tested their capacity to carry on their traditional roles as well as take on a new responsibility for homeland security.

It has become clear to me—and I think this hearing is very important for us to try to bring some consensus among all of us as to what the Federal role should be in funding and helping our first responders. It became clear to me that we first have to provide adequate resources.

Now, I have met with my local government officials on several, many occasions since 9/11, and one thing that is clear to me is that we need to do a better job. I agree with my colleagues that it is a Federal responsibility on homeland security. Every time we change the threat level on the coding system, it costs our local governments money. It is more overtime. It is more the use of our equipment. And there is a cost associated with that, and yet that cost is borne locally, not through the use of Federal resources. I think we need to take a look at that.

I agree with my colleagues that I think the two bills that are before us offer a lot of similarity, and I hope that we will be able to work out the differences here. I do think our funding formula needs to be sensitive to risk. I agree with Chairman Cox in that regard. Communities have different risk levels, and that needs to be sensitive in the funding formulas that we use. However, I would hope that we would have predictable funding to our local governments. I don't think we should just do it on competitive grants. I think it has to be a predictable funding source that takes into consideration the risk levels of the different communities around the Nation.

And then I do think we need to work out this problem between our State and local governments. I have met many times with my State government and with my local governments, and I have heard every complaint about it is a long time getting the money through, et cetera, et cetera. And then I meet with the State and they go through the process with me.

And I must tell you, in Maryland, our Governor is not opposed to the money going directly to the local governments if that will

provide additional resources and help to our local governments. And so I think that we should be able to figure out a way that we can accomplish this in a way that we get the money as quickly as possible to the people who need it, to the units that need it, without the competition factor and worrying about who controls the money. We need to do a better job in all that.

And I think this hearing provides the framework for us to come together as a committee. There has clearly been an interest in this Congress among Democrats and Republicans to support our first responders and to do it in the most effective way. We are willing to use the resources that are necessary, and I hope that this hearing will help us achieve those goals.

Thank you, Mr. Chairman.

Mr. SHADEGG. I thank the gentleman.

Before we move to our panel of witnesses, I want to recognize a group of students we have here. I think we have some 40 students from Drexel University along with their professor, Roy Kim. So welcome. We appreciate your being here. We think it is an interesting hearing for you to be able to attend.

Let me begin by introducing two members of our panel, and I am going to ask the Ranking Member if you would introduce the third. Our first witness is the Honorable James Garner, Mayor of the Village of Hempstead, New York, and the current president of the U.S. conference of Mayors.

Our second witness is Colonel Randall Larsen, CEO of Homeland Security Associates, and former Director of the Institute of Homeland Security. Thank you for being here.

Mr. THOMPSON. Well, I am happy to introduce Robert Latham, who is our Mississippi Emergency Management Agency Director. And on a scale of 1 to 50, in my book he is number one. Glad to have you.

Mr. SHADEGG. We appreciate all of your being here. Your statements will be inserted in the record in their complete version, and we would appreciate it if you would summarize your testimony and try to squeeze it into the 5 minutes that the clock will allow you. But we are not going to be real firm with that gavel. We want to hear what you have to say. It is our job to learn from you here today. So thank you for being here.

Mr. SHADEGG. And, Mayor Garner, would you like to begin?

STATEMENT OF THE HONORABLE JAMES A. GARNER, MAYOR OF HEMPSTEAD, NEW YORK PRESIDENT, THE UNITED STATES CONFERENCE OF MAYORS

Mr. GARNER. Thank you, Mr. Chairman. Good evening. My name is James A. Garner, and I am the Mayor of Hempstead, New York, and the 61st president of the United States Conference of Mayors.

I want to thank Chairman Shadegg, Ranking Member Thompson, and the members of the subcommittee for this opportunity to testify on H.R. 3266, Faster and Smarter Funding for First Responders Act.

One month after September 11th, the Conference of Mayors sponsored an emergency summit with more than 200 mayors, police chiefs, fire chiefs, and emergency managers at which we developed a national action plan. One of the key recommendations was

for a first responders block grant containing direct funding to help prevent and respond to any attack on our cities. But cities have not sat back and waited for Federal assistance before working to secure our homeland. Our national surveys have shown that cities spent billions of dollars after 9/11 on equipment, training, and overtime, numbers which increased during the war and periods of high alert.

We also strengthened our regional partnerships and mutual aid agreements, which is currently the case in Nassau County where I live.

Mayors appreciate that Congress and the administration are now providing significant funding intended to help first responders. However, as we stated, when the program was first proposed, we believed that monies intended for local first responders should not be provided through the States. We were concerned that the funding would not reach first responders in a timely fashion, or be provided in a manner that promotes prevention as well as response.

Unfortunately, we are finding this to be the case. On October the 17th, the Conference of Mayors released a new survey tracking homeland security funds sent to the 50 States. The analysis surveyed 168 cities of all sizes, with at least one city in every State. We found that over half of the cities have either not been consulted or have had no opportunity to influence State decisionmaking about how to use and distribute fundings. The survey also found that 80 to 90 percent of cities had not received funds from the country's largest Federal homeland Security program, the State block grant.

I would ask that this survey be inserted into the record. Mr. Chairman, I have a survey here it is entitled "168 Cities Out of 50 States," September 2003.

Mr. SHADEGG. Without objection, so ordered.

[The information follows:]

A Copy of the Report entitled "The United states Conference of Mayors Homeland Security Monitoring Center FIRST MAYORS' REPORT TO THE NATION: Tracking Federal Homeland Security Funds Sent to the 50 State Governments A 168 City/50-State Survey" September 2003. Is maintained in the Committee files.

Mr. GARNER. We note that while the law requires that States suballocate 80 percent of the funding to local government, once that funding is sent to counties or regional governments—which is often the case—the deadlines end and there is no further time requirement on getting funds to cities.

We also hear that some States may be planning to purchase equipment they think local government needs and send it to them without input.

We appreciate that Chairman Cox shared our concern that funding be provided to communities at risk, and that it not be stalled at the State level. One of the recommendations that emerged from our homeland security task force was that if States failed to meet deadlines, the Department of Homeland Security should be required to develop an appeal system to get funds directly to cities. We are pleased that the Department of Homeland Security has taken administrative steps to make sure that deadlines are met. We are very pleased that such a provision is contained in H.R. 3266 and urge that the requirement be made Federal law.

We also appreciate the support in the bill for existing law and for the partnership programs such as COPS, local law enforcement block grants, and fire grants. We also ask that continued support be provided for the high-threat urban security grant program that has been successful in moving funds to cities and fostering regional cooperation. While H.R. 3266 does not contain direct funding for cities, as we continue to call for, we recognize the efforts to move the funding more locally by allowing regions to apply for assistance.

As this subcommittee moves forward with this proposal, we would like to raise several issues:

First, it is not clear to us how a region would be defined and to what extent individual cities would have a say in this process. We would be very concerned if regional authorities would have the ability to apply for funding on behalf of cities without their consent or engagement in the process.

Second, we are not clear on what the requirements would be for the Department of Homeland Security to approve regional applications, or instead continue to send funding through the States.

Third, we recommend that an increased focus be placed on terrorism prevention. To do this, there simply must be funding provided for overtime assistance at times of high alert or special local concerns and for training.

There is no equivalent for more officers on the street engaging with the community to provide local intelligence and to prevent attacks.

I also want to comment on H.R. 3158, the Preparer Act, introduced by Representative Turner and other members of Congress. We appreciate that this bill works to develop standards based on threats and vulnerability assessments, foster statewide planning with local input, and provide for personal reimbursement during elevated threat levels. However, we remain concerned about the lack of direct funding and lack of pass-through guarantees.

We are also concerned that the planning process contained in the bill at both Federal and State levels could further delay funding from reaching first responders.

To conclude, Mr. Chairman, let me make two points.

Mayors believe that without some kind of predictable direct funding, rather than year-by-year decisions made at the State level, it will be difficult to budget for long-term homeland security activities at the local level. After all, equipment must be maintained, training must be continually enhanced, and vulnerable infrastructure and public events must be secured, especially during heightened alerts.

We also request work with the Department of Homeland Security to closely monitor how first responder funding is currently following through to the States. We would urge that the Department of Homeland Security and the States be required to provide very detailed information as to exactly which local governments have received pass-through fundings and for what.

I want to thank the subcommittee for this opportunity to testify on behalf of the U.S. conference of Mayors, and we look forward to working with you as together we strengthen our Nation's homeland defense. Again, I want to thank you, Mr. Chairman.

Mr. SHADEGG. I thank for your testimony.

[The statement of Mr. Garner follows:]

PREPARED STATEMENT OF JAMES A. GARNER, MAYOR OF HEMPSTEAD, NEW YORK, PRESIDENT, THE UNITED STATES CONFERENCE OF MAYERS

Good afternoon. My name is James A. Gamer. I am the Mayor of Hempstead, New York and the 6151 President of the U.S. Conference of Mayors.

I want to thank Chairman Shadegg, Ranking Member Thompson and the members of the Subcommittee for this opportunity to testify on HR 3266, the "Faster and Smarter Funding for First Responders Act."

One month after September 11, the Conference of Mayors sponsored an Emergency Summit with more than 200 mayors, police chiefs, fire chiefs and emergency managers at which we developed a National Action Plan.

One of the key recommendations was for a first responder block grant containing direct funding to help prevent and respond to any attacks on our cities.

But cities have not sat back and waited for federal assistance before working to secure our homeland.

Our national surveys have shown that cities spent billions of dollars after 9–11 on equipment, training and overtime, numbers which increased during the war and periods of high alert.

We also strengthened our regional partnerships and mutual aid agreements, which is certainly the case in Nassau County where I live. .

Mayors appreciate that Congress and the Administration are now providing significant funding intended to help first responders.

However; as we stated when the program was first proposed, we believe that money intended for local first responders should not be provided through the states.

We were concerned that the funding would not reach first responders in a timely fashion, or be provided in a manner that promotes prevention as well as response.

Unfortunately, we are finding this to be the case.

On October 17, the Conference of Mayors released a new survey tracking homeland security funds sent to the 50 states. The analysis surveyed 168 cities of all sizes, with at least one city in every state.

We found that over half of the cities have either not been consulted or have had no opportunity to influence state decision-making about how to use and distribute funding.

The survey also found that 80 to 90 percent of cities had not received funds from the country's largest federal homeland security program—the state block grant.

I would ask that this survey be made a part of the record.

We note that while the law requires that states sub-allocate 80 percent of the funding to local governments, once that funding is sent to county or regional governments—which is often the case—the deadlines end and there is no further time requirements on getting funds to cities.

We are also hearing that some states may be planning to purchase equipment they think local governments need, and send it to them without input.

We appreciate that Chairman Cox shares our concern that funding be provided to communities at risk and that it not be stalled at the state level.

One of the recommendations that emerged from our Homeland Security Task Force was that if states fail to meet deadlines, the Department of Homeland Security should be required to develop an appeals system to get funds directly to cities. Weare very pleased that such a provision is contained in HR 3266, and urge that the requirement be made mandatory.

We also appreciate the support in the bill for existing law enforcement partnership programs such as COPS, Local Law Enforcement Block Grants, and Fire Grants.

We would also ask that continued support be provided for the high-threat urban security grant program that has been successful in moving funding to cities and fostering regional cooperation.

While HR 3266 does not contain direct funding for cities—as we continue to call for—we recognize the effort to move the funding more locally by allowing regions to apply for assistance.

As this Subcommittee moves forward with this proposal, we would like to raise several issues.

First, it is not clear to us how a region would be defined, and to what extent individual cities would have a say in this process. We would be very concerned if regional authorities would have the ability to apply for funding on behalf of cities without their consent or engagement in the process.

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Third, we recommend that an increased focus be placed on terrorism prevention. To do this, there simply must be funding provided for overtime assistance at times of higher alerts, for specific local concerns, and for training.

There is no equivalent for more officers on the streets engaging with the community to provide local intelligence and prevent attacks.

I also want to comment on HR 3158, the PREP ARE Act, introduced by Representative Turner and other Members of Congress.

We appreciate that this bill works to develop standards based on threat and vulnerability assessments, foster state-wide planning with local input, and provide for personnel reimbursement during elevated threat levels.

However, we remain concerned about that lack of direct funding and lack of pass-through guarantees.

Weare also concerned that the planning processes contained in the bill at both the federal and state levels could further delay funding from reaching first responders.

To conclude, let me make two points.

Mayors believe that without some kind of predictable, direct funding—rather than year-by-year decisions made at the state level—it will be difficult to budget for long-term homeland security activities at the local level.

After all, equipment must be maintained, training must be continually enhanced, and vulnerable infrastructure and public events must be secured—especially during heightened alerts.

We also request that Congress work with the Department of Homeland Security to closely monitor how first responder funding is currently flowing through the states.

We would urge that DHS and the states be required to provide very detailed information as to exactly which local governments have received pass-through funding, and for what.

I want to thank the Subcommittee for this opportunity to testify on behalf of the U.S. Conference of Mayors, and we look forward to working with you as together, we strengthen our nation's homeland defense.

Mr. SHADEGG. Colonel Larsen.

STATEMENT OF COLONEL RANDY LARSEN , USAF (RETIRED), FOUNDER AND CEO, HOMELAND SECURITY ASSOCIATES

Colonel LARSEN. Mr. Chairman, Mr. Thompson, Mr. Turner, and Chairman Cox, thank you for this. I was asked here today to comment specifically on H.R. 3266, and so my remarks will be limited to that.

The framework I used for analysis of this bill is one that I frequently use when asked by Congress, administration, or members of the press or the general public about any sort of homeland security legislation program or even commercial products. I ask three questions, and I suggest you use the same standard here: Will this make my family more secure? Can America afford it? And, what will it do to my civil liberties?

Well, I looked at this legislation from various perspectives also, as someone who has spent the last 10 years studying homeland security, as a taxpayer, as the CEO of a corporation, and as a father. I am pleased to report from all perspectives I give H.R. 3266 a positive response to those three questions. Certainly it is not a panacea to this complex challenge, but it is a step in the right direction.

But I do have some points I would like to make.

First of all, the legislation calls for grants based on threats determined by the Secretary of Homeland Security rather than on population size, or what I call politics as usual. I have worked with Representative Shays on this issue long before 9/11. It is the right thing to do, but certainly difficult. As has already been noted here,

we were designed as a free and open society, and to use terminology I used as an Air Force pilot, America is, unfortunately, a target-rich environment.

The Under Secretary for Information Analysis and Infrastructure Protection in DHS will require your support. And this will require courage on your part, because when he has to make tough decisions about facilities that are not in your particular district, you will need to support those decisions.

All Americans, whether you are a Member of Congress, the administration, Governors, State legislators, county executives, mayors, and citizens, we must learn to think nationally and regionally, not just parochially, about defending our homeland.

I used to sit in this room in uniform. You know, it was far easier when securing America meant buying another nuclear-powered aircraft carrier; because, Mr. Chairman, that nuclear-powered aircraft carrier protected Cave Creek, Arizona as much as it did Boston, Massachusetts. But when we buy equipment for Cave Creek, Arizona, it does nothing for the citizens of Boston or New York or Washington. It is a more difficult challenge.

Second, that is why we have to establish priorities. We just cannot afford to do everyone. I am sure we will get Boston and Cave Creek, I understand.

Second, the legislation addresses the issue of prioritization.

Colonel LARSEN. Since November of 2001, I have repeatedly stated to Congress and the administration that the greatest threat to the American homeland is not nuclear weapons or biological weapons or chemical weapons or large conventional explosives or cyber weapons. The greatest threat, in my opinion, is uncontrolled spending. We cannot afford to provide every first responder with every piece of equipment or every training program on their wish list. I was asked—I am a member of the Council of Foreign Relations—and I was asked to be on that most recent study. I disagreed with their methodology that they approached with it, which is why I did not participate. I liked Hart-Rudman 5 study that was sponsored by the Council on Foreign Relations, but not the most recent one.

America cannot afford a chemical detector in every government building or piece of critical infrastructure. We cannot afford to guard every facility in this country the same way we do this Nation's Capitol. We must establish priority. And I agree with the priorities that were listed in 3266, significant loss of life, risk of large scale denial of human means of subsistence and risk of massive disruption of one or more sectors of our economy. I have spent a lot of time in the last 2-1/2 years working on those last two, when we did exercises such as Dark Winter where Senator Nunn played the President, and other participants included: Jim Woolsey, Bill Sessions former FBI director, Governor Frank Keating of Oklahoma. We looked at a small pox attack and what it would do, and you know what the greatest damage was, it was the disruption of our economy. We did one—I have been doing the last 2 years working with Jim Moseley, the Deputy Secretary of Agriculture, and Claude Allen, the Deputy Secretary of HHS, about attacks on our food supply. One thing this committee and subcommittee needs to be careful about is not preparing for the last war.

I used to be chairman of the military department at the National War College, and that was one of my concerns, we were preparing our students to fight Desert Storm again. All I have heard today for first responders is EMT, fire and police. They are all important. But I tell you, if you look at where al Qaeda will attack our economy and our food supply, there is a lot of first responders out there that I haven't heard mentioned today that are very important, and those traditional first responders doing nontraditional roles.

I do a lot of executive seminars for the Sheriff's Association of Washington State, the Sheriff's Association of Illinois, new things that sheriffs and police chiefs would have to do that are not part of traditional police work, and in some cases firefighter work. But the most difficult one though that I think that you owe to Secretary Ridge is defining what significant loss of life means. Now a lot of these young folks back here behind us don't remember this. I know everyone on the panel up there does. Back during the Vietnam War, I was a 19-year-old kid in Vietnam, and I used to read Stars and Stripes and my mom read at home "the casualties this week in the central highlands were light." You know, that had a different perspective for the families who were connected to those light casualties.

What is it? Significant loss of casualties. What does that mean to Secretary Ridge and what does that mean to governors? In 2001, we had 3,000 Americans die from terrorism. We would probably all say that was significant. In 2001, we had 5,000 Americans die of food poisoning. Did we have any hearings up here? We had 35,000 die in automobile accidents. We had 90,000 die from improper medical procedures. In the summer of 2001, just before 9/11, a study was released that said if all drivers and passengers of automobiles wore NASCAR style helmets we could reduce fatalities in the United States by 40 percent.

So I am sitting here right now and telling this panel how you could save 15,000 lives next year. Is that not a significant number? But I don't think that we are going to pass that legislation. But what I am telling you is what does it mean? It is a great term. Those are the right priorities, but I think we need to have a discussion on what significant loss of life means.

Now I don't know how many have been down to Oklahoma City to the memorial. You know you walk into a small room and they have the table sitting there where right across the street they had the water board meeting and the water commissioner of Oklahoma started the meeting right on time at 9 o'clock. And at 9:02 you hear the horrible explosion and people screaming and then that room goes completely dark and there are 168 photographs that come up on the wall. Now I tell you in Oklahoma City, that is significant. But is it 168? Is it 3,000? Is it five? We lost five to inhalation anthrax and spent $5 billion on biodefense. It is a discussion you need to have and it is something you owe Secretary Ridge.

Third, and something I really like in this bill is it prohibits supplantation. I know, Mr. Frank, you made a comment that you didn't particularly like that. But I tell you from the homeland security perspective and as a taxpayer, I applaud you for putting this in there. As a realist and an observer of how the system works, I guarantee you you need more than one sentence and one bill to fix

this problem. If you would like a real eye opener about how serious supplantation is, I recommend you talk to Dr. Ellen Gursky from the ANSER Institute for Homeland Security. Dr. Gursky recently finished a study funded by the Century Foundation that examines the issue. The report will be released later this month.

You will find it shocking to see how good intentions, good ideas and significant sums of money that come from this Congress get distorted, disrupted and diverted to the State level. Supplantation is an issue that deserves its own bill and something that must be corrected if we are going to see improvement in homeland security. The flexibility that H.R. 3266 gives to the Secretary of Homeland Security is very important, and I applaud your insight and flexibility.

And one last thing here. Regional funding, I think it is the most important part of this bill. We cannot provide all the equipment and training needed for every fire house, police department and emergency room that is on their current wish list. But if a major attack occurs in Washington, D.C., local leaders and first responders must be prepared to accept major assistance from surrounding communities and States. And to do this effectively, we must conduct regional exercises and training. And I think the only way that will happen is with Federal funds. We cannot be exchanging business cards on the first day of a crisis. And unfortunately that is what would happen in many regions today. Thank you for the time.

Mr. SHADEGG. Thank you for your testimony.

[The statement of Colonel Randall Larsen follows:]

PREPARED STATEMENT OF COLONEL RANDALL J. LARSEN,

Mr. Chairman, distinguished members, thank you for allowing me the opportunity to provide my comments on H.R. 3266, *Faster and Smarter Funding for First Responders.*

I am frequently asked by Members of Congress, the Administration, members of the press, and the general public to assess homeland security legislation, programs and commercial products. I always begin by asking three questions:

Will this make my family more secure?

Can America afford it?

What will it do to my civil liberties?

From the various perspectives of someone who has spent the past ten years studying the field of homeland security, as a taxpayer, as a corporate CEO, and as a father, I am pleased to report that H.R. 3266 receives a positive response to all three questions. While not a panacea to this incredibly complex and difficult challenge, this bill is a step in the right direction.

First of all, this legislation calls for grants based on threats as determined by the Secretary of Homeland Security, rather than on population size or "politics as usual." This is an issue that Representative Shays has advocated for several years. It is clearly the right thing to do, but will be a Herculean challenge. America was designed to be an open and free society. From a terrorist's perspective, this makes our homeland a target rich environment. The Under Secretary for Information Analysis and Infrastructure Protection will require your support, particularly when tough decisions are made. Not every facility in every congressional district will make the list.

All Americans—Members of Congress, the Administration, Governors, State Legislators, Mayors, County Executives, and citizens--must learn to think nationally not just parochially about defending our homeland. It was far easier when securing America meant buying another aircraft carrier. An aircraft carrier protected the people of Cave Creek Arizona as much as it did the citizens of New York City. The same will not be true for all homeland security equipment and training programs provided to local governments.

Second, it addresses the issue of prioritization. Since November 2001, I have repeatedly stated to Congress and the Administration that the greatest threat to the American homeland is not nuclear weapons, biological weapons, chemical weapons,

large conventional explosives or cyber weapons. The greatest threat we will face in the years ahead is uncontrolled spending. America cannot afford to provide every first responder with every piece of equipment or every training program on their wish lists. America cannot afford a chemical detector in every government building or piece of critical infrastructure. America cannot guard every key facility in the manner that the nation's capitol is currently protected. We must establish priorities and they must be based upon the three factors listed in this legislation: risk of *significant loss of life,* risk of large-scale denial of the means of human subsistence, and risk of massive disruption to one or more sectors of our economy.

The most difficult task will be to define *significant loss of life.* During the Vietnam War, the government would report, "the casualties this week in the central highlands were light," but we all knew that the families of those deceased soldiers had a different perspective on the term "light".

America lost nearly 3,000 innocent civilians to terrorism in 2001. On the other hand, America lost 5,000 citizens that year to food poisoning, 35,000 in automobile accidents and more than 90,000 to improper medical procedures. In the summer of 2001, a study reported that if all drivers and passengers of automobiles wore NASCAR quality helmets, fatalities would be reduced by up to 40 percent. In other words, if this Congress passed legislation requiring every occupant of every automobile in America to wear helmets, we could save more than 15,000 lives next year. Are 15,000 lives not significant? Why hasn't Congress passed such legislation? How will the Secretary of Homeland Security define *significant loss of life*? You should provide him guidance.

Third, this bill prohibits supplantation. From a homeland security and taxpayer perspective, I applaud this section of the bill. As a realist and an observer of how the system works, I guarantee you need more than one sentence in one bill to fix this problem. For a real eye opener on the seriousness of supplantation, I recommend you talk to Dr. Elin Gursky from the ANSER Institute for Homeland Security. Dr Gursky recently finished a study, funded by the Century Foundation, that examines this issue. The report will be released later this month. You will find it shocking to see how good ideas, intentions, and significant sums of money that come from this Congress get distorted, disrupted and diverted at the state level. Supplantation is an issue that deserves its own bill. It is something that must be corrected before we can see significant improvement in homeland security.

Fourth, and somewhat related to issue three, is the bill's requirement to push down "not less than 80 percent" of grant funds to local governments and first responders. This has been a problem I hear about frequently in my visits to those on the front lines of homeland security, such as police officers, fire fighters, and emergency medical personnel. In particular, I have heard this complaint from the public health community in California. I recognize that there is a significant budget crisis in that state, but money that is designated for front line troops should not be disproportionately skimmed by state agencies. H.R. 3266 provides penalties for failure to pass these funds down to local governments and first responders, but I wonder if there is sufficient manpower at the Department of Homeland Security to adequately monitor these grants.

Fifth, the flexibility provided to the Secretary of Homeland Security to transfer all or part of funds to a different project once a grant has been made fits the title of *Faster and Smarter Funding.* I applaud your insight and wisdom in providing such flexibility to the Secretary.Homeland security is a rapidly evolving field. I have taught graduate courses in Homeland Security since 1999, and find that I must make major revisions to my syllabus each semester. Flexibility is critical to success in homeland security, whether in the classroom or on the front lines.

Finally, and in some respects most important, is funding for regional programs. America cannot afford to provide every fire house, every police department and every hospital emergency room with every piece of equipment and every training program on their wish lists. We must learn to leverage regional capability. If a major attack occurs in Washington DC, local leaders and first responders must be prepared to accept major assistance from surrounding communities and states. To do this effectively, we must conduct regional planning, exercises and training. Providing Federal funds for such activities is the best way, and perhaps the only way, to ensure that these regional players will not be exchanging business cards on the first day of crisis. Federal funding for multi-jurisdictional planning, exercises and training is critically important to making America more secure at price we can afford.

I appreciate the opportunity to comment on H.R. 3266 and look forward to your questions.

Mr. SHADEGG. I want to express my appreciation for your mentioning Cave Creek Arizona, which is in my district. And in fact, you make a good point about how an aircraft carrier protects both Cave Creek and the rest of the Nation, but these allocation of resources—.

Mr. FRANK. If the Chairman would yield, I hope in Cave Creek you are not going to be taking those Federal funds and saving on your local stuff.

Mr. SHADEGG. They don't believe in supplantation in Arizona but I have heard it happens in other States. I also want to mention, you made a reference to examining our food supply, and my subcommittee indeed has a tentative hearing scheduled on the threat to our food supply, because I think you point out there are lots of vulnerabilities, and that is one of great concern. Let me turn now to Mr. Robert Latham.

STATEMENT OF ROBERT LATHAM, JR, DIRECTOR, MISSISSIPPI EMERGENCY MANAGEMENT AGENCY

Mr. LATHAM. Mr. Chairman, Ranking Member Thompson, Chairman Cox, I sincerely appreciate the opportunity to testify before you today and personally thank you on behalf of the citizens of Mississippi for what you are doing to help secure our homeland. The homeland security effort has required unprecedented cooperation between disciplines and jurisdictions and the building of coalitions and partnerships at every level of government. There will never again be a routine call for our first responders. Everyday they put their lives on the line. Hundreds paid the ultimate sacrifice on September 11, 2001. Thanks to the efforts of Congress, States and communities have received millions of dollars to ensure that our emergency responders have the resources that they need. I would like to provide you with some issues highlighting some of the obstacles the States and local governments are dealing with as we build this capability together.

First the creation of the Department of Homeland Security enabled the Federal Government to consolidate many agencies forcing the elimination of turf battles that have existed for decades. There are similar challenges at the State and local level, but we are committed to building the relationships that are critical in developing the multi-disciplined, multi-jurisdictional capabilities we need.

Second, the outcome of our efforts will depend upon our ability to build comprehensive and integrated plans at the State and local level, plans that are based on vulnerabilities, matched with local, regional and State capabilities. Every community does not need a level A HAZMAT capability, but every community must have a basic response capability. In Mississippi, we have taken that approach and are seeing steady, consistent progress. To continue this type of success, States must have the lead role where management of these initiatives to ensure plan uniformity and integration.

Third, our ability to share intelligence information must continue to be improved. Every member of the law enforcement community must have the ability to share real-time information. Fusing this information at the appropriate level, analyzing the information and using the most current technology for timely distribution of this information with a cop on the street is vital to this effort. Most of

all, we should not forget the role of the average citizen. As a Nation we can only be secure when every community in every county in every State is secure.

Last but most importantly, we must sustain this planning and capability for the long term. As States, we recognize our role and responsibility and are moving rapidly to develop and sustain this capability. Securing critical infrastructure and developing a comprehensive response strategy is crucial. It takes States working with counties and cities to build this strategy.

I urge you to continue to provide the resources to the States so that we can work with the communities to sustain this effort. However, there are some issues that continue to affect the State and local ability to develop and sustain this effort. First I think it is important to recognize that "one size does not fit all." States should be allowed the flexibility within DHS guidelines to utilize the funds to meet those needs. Things such as; allowing the State administrative agency, designated by the governor, flexibility within DHS guidelines; and allowing the State administrative agency to approve local changes to equipment requests as long as they fall within the State strategy and meet ODP guidelines.

The evolvement of technology, change in vulnerability assessments and improved capability justifies the need for this flexibility. Minimize paperwork or on-line requirements for the State administrative agency. Once the application is approved, showing the 80 percent pass-through or grant distribution plan in our formula, ODP should accept, approve and fund the application. In Mississippi, we met the required pass-through deadlines and actually exceeded the amount that was required to be passed through to local governments.

Second, coordinate all homeland security grant programs through the Federal Government to allow a coordinated implementation by the States, counties and the cities. Bioterrorism grants, fire grants and others intended to improve the response capability need to be concurred with by the State homeland security advisor to ensure that all initiatives are supportive of the national and State homeland security strategy and are not repetitive. There is only one strategy and all initiatives to support this strategy.

Third, continue providing planning funds that will enable the States to enhance existing, proven, comprehensive, all-hazards emergency management plans. So far, planning funds have been dedicated to updating vulnerability and capability assessments, the State homeland security strategy and response plans for the new threat.

Fourth, track support of first, second and other responders by comparing improvements in capability as evidenced in annual reports already required by ODP. Don't require additional and redundant reports.

Fifth, remember that development of a capability is only the beginning. Sustainment of that capability will be the challenge. We need assurances of the Federal will to fund these initiatives for the long-term. We need consistent and predictable funding for equipment replacement and upgrades in training.

In closing, I would like to address some issues that can make homeland security programs more effective. Refine the alert level

warning system by targeting the warnings where possible to a specific infrastructure sector or region of the country. Enhance current proven warning systems such as NAWAS and the Emergency Alert System to provide timely warning and information to State and local governments as well as the general public. Preserve pre–911 grant programs such as the Emergency Management Performance Grant, Fire Grants, COPS grants. These grants provide the funds necessary to sustain valuable programs that have proven themselves in our States and our communities. Grants such as EMPG are providing the cornerstone for our State and local all-hazards capability.

State and local emergency managers are playing vital roles in homeland security efforts to include vulnerability and capability assessments, development of State and local strategies and grant management. Loss of this grant will undermine an all-hazards approach to preparedness, response, recovery and mitigation. Those are already in place. Our communities will continue to be ravished by floods, tornadoes hurricanes and earthquakes.

An act of terrorism is another risk and threat that has consequences that we must plan for and be prepared to manage. Emergency management is the only nondiscipline specific, nonjurisdictional specific element that can and has pulled the various programs and disciplines together in times of crisis. Homeland security should not come at the expense of these other programs. We should build on what is already in place. Each and every day, our communities become more secure and our emergency responders are better prepared. Achieving our goal to make our homeland secure will take time. This is a team effort with a national will to succeed. States are committed to being a team player.

Give us the resources we need to meet the challenge. Don't tie our hands. Give us the flexibility. Hold us accountable, but help us do the job we need to do. Ladies and gentlemen, I appreciate this opportunity and submit my testimony for the record.

[The statement of Robert Latham follows:]

PREPARED STATEMENT OF ROBERT R. LATHAM, JR.

"Investing in and Building a National Capability—A State and Local Perspective"

Chairman Cox, Ranking Member Thompson and Distinguished Committee Members:

I sincerely appreciate the opportunity to testify before you today and personally thank you on behalf of the citizens of Mississippi. In providing for you a state perspective, I hope I am able to aid you in your efforts to better prepare our nation, make our communities safer and provide our citizens with the security that they expect and deserve. The homeland security effort has required unprecedented cooperation between disciplines and jurisdictions and the building of coalitions and partnerships at every level of government.The result has been the recognition of the vast capabilities we have when we work together, resulting in shared responsibilities and resources. This team building, like never before, has opened the doors of opportunity to help us achieve our goals.

Today, our firefighters, law enforcement officers, emergency medical personnel and emergency management personnel now recognize that there is NO such thing as a "routine call". Each and every day they put their lives on the line to make our communities safer. The sacrifice they make became evident on September 11,2001 when thousands of innocent civilians lost their lives and hundreds of first responders paid the ultimate sacrifice for their fellow man—just doing their job.

Since that horrendous act, thanks to the efforts of Congress, states and communities have received millions of dollars to ensure that they have the resources necessary to meet this new threat. On that note, I would like to provide you with some

issues that states and local governments are dealing with to build this capability we all seek to attain.

First, the reorganization of the federal government and creation of the Department of Homeland Security, under the leadership of a Cabinet Secretary, enabled the federal government to consolidate many agencies. This alone has served to minimize and, in some cases, eliminate the "turf battles" that have existed at the federal level. While there are challenges at the state and local level, we are committed to building relationships that are multi-disciplined and multi-jurisdictional. In Mississippi, working under a Governor's Executive Order to standardize incident management, we are bringing down barriers that have existed for decades.

Second, the outcome of our efforts will depend upon the state's ability to build comprehensive and integrated plans at the state and local level. These plans must be based on vulnerabilities, matched with maximizing capabilities, and exercised and tested to determine shortfalls. Plans should address local, regional and state capabilities, utilizing and maximizing mutual aid built on a tiered response plan recognizing that not every community needs a Level A Hazmat capability, but EVERY community needs some basic response capability. In Mississippi, we have taken that approach and are building this tiered response plan that increases in capability at every level. Funds from the Department of Homeland Security are enabling us to build and enhance this capability. As a result, 81 of our 82 counties and 178 of our 312 municipalities are members of a Statewide Mutual Aid Compact. Development of this comprehensive strategy supports the national strategy for homeland security and can only be achieved through continued state responsibility for management of this program to ensure plan uniformity and integration.

Third, just as we are building a team approach to preparedness, our ability to share intelligence information must be based on team building and mutual respect and trust between the various emergency responders and law enforcement entities. Every member of the law enforcement community from the federal, state and local level must have the ability to share real-time information and receive critical threat information as it relates to their jurisdiction. Fusing this information at the appropriate level, analyzing the information, and providing an assessment to state and local law enforcement is critical to our success in this effort. Availability of the most current technology to every level of law enforcement is vital to the timely sharing of this information. However, in this process we must not forget what could be the most important element of this process—the average citizen. Recognition and reporting of unusual activities in our neighborhoods and communities may very well be the one factor that prevents future attacks. Public education and awareness to their role is a major component of our efforts to secure our homeland, beginning in every neighborhood.

Last but not least, we must ensure that we can sustain this planning and capability for the long term. Development of this capability is largely dependent upon our ability to build relationships. It's happening every day in the communities and states across this nation. As states we recognize our role and responsibility and are moving rapidly to ensure we take the steps necessary to develop and sustain this capability. As a nation, we can only be secure when every community in every county in every state is secure. While we recognize that we must prioritize securing our critical infrastructure and developing a comprehensive response strategy to include local, regional and state capability, we must not forget that every community in our nation must be a part of this effort. I urge you to continue to provide the resources to the states as we work with all of our communities to ensure the security of our homeland.

Next, I would like to focus on the specific issues that adversely affect the state and local ability to development and sustain a comprehensive homeland security strategy.

First I think it is important to recognize that "one size does not fit all". States should be allowed the flexibility, within DHS guidelines, to utilize the funds to meet those needs.Such things as: .

- Allow the State Administrative Agency (SAA) to sub-allocate funds based on guidelines without requiring step by step involvement of Office for Domestic Preparedness (ODP), i.e. equipment requests. Under the current process, states are required to submit to ODP a sub-allocation plan. Once the state receives ODP approval jurisdictions are then required to submit an equipment list and submit to the state for approval. Once the state completes the review process, each jurisdiction's list is submitted to ODP for approval. Once the state has received approval for the equipment list, the jurisdiction is notified and then signs a sub-grant application and returns it to the state. Once this has been done the jurisdiction is allowed to purchase the equipment. This burdensome process results in an increased work load for ODP, the state and local governments and

an unnecessary delay in our first responders receiving the equipment they need to do the job we ask them to do.

• Allow SAA to approve local changes to equipment requests. The evolvement of technology, changing vulnerability assessments and improved capabilities justify the need for this flexibility and supports our cities and counties in this fluid environment.

• Minimize paperwork or on-line requirements for the SAA. Once the application is approved, showing the 80 percent pass-through or grant distribution plan and/or formula, the federal government should, accept, approve and fund the application-don't keep asking for more information! In Mississippi, we not only have met the pass through deadlines, we exceeded the amount that was required to be passed through.

Second, coordinate all Homeland Security Grant Programs throughout the federal government to allow a coordinated implementation by the States, counties and cities. One example, the Bioterrorism Grants provided from the Department of Health and Human Services to states and Fire Grants to local fire departments need to be concurred with by the States to ensure that all initiatives are supportive and not repetitive There is only one strategy and all initiatives should support this statewide strategy. Yet, the all-hazards approach must be maintained along with traditional all-hazards capacity building programs.

Third, continue providing planning funds that will enable the states to enhance existing, comprehensive, all-hazards emergency management plans. Up to this point, planning funds have been dedicated to updating vulnerability and capability assessments, the state homeland security strategy, and response plans to the new threat environment. Continuation of planning funds will allow states to take the planning to the next level—the local level.

Fourth, track support of first, second and other emergency responders by comparing improvements in capability as evidenced in annual reports already requiring by ODP. Don't require additional reports. This places an enormous burden on state and local governments already operating with limited resources.

Fifth, remember that development of a capability is only the beginning—sustainment of that capability will be the challenge. States need to have assurances of the federal will to fund these initiatives for the long term. With limited shelf-life of equipment, improvements in technology and training upgrades states will need consistent and predictable funding.

In closing, I would like to address some issues that I think warrant comment as together we find ways to make the homeland security programs user-friendly and effective.

Refine the Threat Alert level system by targeting the warnings to a specific infrastructure sector or region of the country. Changing the system at this point will only further confuse the public. Enhance current warning systems that are proven such as NAWAS and EAS to provide timely warning and protective measures to state, local governments and the general public.

Preserve pre-9/11 Grant Programs such as the Emergency Management Performance Grant (EMPG). These grants provide the funds necessary to sustain valuable programs that have taken years to develop and have proven invaluable time and time again. Grants such as EMPG provide the cornerstone for our state and local all-hazards capability. Currently state and local emergency managers are playing a vital role in homeland security. Loss of this grant will undermine an all-hazards approach to preparedness, response, recovery and mitigation. Our communities will continue to be ravaged by floods, tornadoes, hurricanes and earthquakes. Mississippi currently has 10 open disasters for which we are managing recovery programs. Homeland Security is just another threat that has consequences that must plan for and be prepared to manage. Emergency Management is the only—non-discipline specific, non-jurisdictional specific element that can pull the various programs together. Homeland Security should not come at the expense of these other programs. We should build on what is already in place.

Each and every day our communities become more secure and our first responders better prepared. Achieving our goal to make our homeland secure will take time. This is a team effort. States are committed to being a team player. Give us the resources we need to meet the challenge. Don't tie our hands. Give us the flexibility. Hold us accountable, but help us do our job better.

I appreciate this opportunity and will be glad to answer any questions you may have.

Mr. SHADEGG. I want to thank each of you for your very thoughtful statements. I want to advise the members of the committee that the clock is accurately counting down time, but the wire between

here and the light out there is not connected very well, and so half the time it does not reflect what the clock reflects. So I did not count off any of these gentleman. I thought their statements were useful, although all of them went slightly over, but we will accept that. I will try to make the clock connect as best as possible with the light out there so you know where you are on our time. You already had a first responder deal with the thermostat. Warm enough in here for there to be a fire somewhere nearby, but we haven't got a first responder to try to fix our clock. At least no one is here cleaning our clock.

In any event, to begin with questioning, and I will try to keep the wire connected so we can see how much time is left and it is not now—I have a green light—let me focus first on one aspect of H.R. 3266. As you know, H.R. 3266 preserves all of the existing grant programs; an important first step. It also preserves the ability of States to apply for homeland security grants. But significantly, it opens up this concept of allowing regions to apply. Mayor Garner, I know you addressed that issue and expressed some concern and I think thoughtfully outlined three different concerns you would have with the issue of allowing regions to apply. But given that we have communities not unlike the District of Columbia here where we have the District, we have Maryland nearby and Virginia nearby, there are clearly regions that cross State borders.

We have States across the country where major cities sit literally on a State boundary. So if we could, I would like to begin by asking each of you to respond as to that aspect of the bill, if you believe it would be appropriate for regions to be allowed to apply; if you think there should be conditions allowing regions to apply, or if you think it is not appropriate for Congress to take that step and the legislation as H.R. 3266 applies. So I will throw it open to any of you.

Mr. GARNER. Mr. Chairman, let me just say, the question I guess again about—have the regional cooperation to control the money, Let me say no. Clearly the States have funding needs relative to homeland security and should have some Federal money for those needs as we have always supported. And clearly, there should be some moneys available to encourage regional cooperation for funding going to counties as well, as we have always supported. However, to assume that cities and counties will not work together is simply wrong thinking. More to the point, our surveys show that money sent to the States is not reaching the cities.

And we need to act now to help prevent acts of terrorism not simply prepare to respond after an attack. And prevention is primarily a police activity and we are responsible for most of the police in the Nation. Let me also say, Mr. Chairman, one of the things that mayors across this Nation have consistently have said, be that they are Democrat or Republicans, fact that the money should come directly to first responders, which is the mayors across this Nation. They also say we are stretched to the limit, Mr. Chairman, with respect to our budget. As one of the Congressman indicated in one of his remarks, that we need predictable income in order to fix this budgetary problem. In terms of inoperability, we work—before that lexicon came about, we worked with each other,

communities. We have always done that in our States. But again, it comes down to a chicken or the egg.

Mr. SHADEGG. You don't oppose the inclusion of regions in the legislation?

Mr. GARNER. Again, I will always say, Mr. Chairman, that I think the money basically should come directly to first responders and that is the mayor. It seems though, Mr. Chairman, that money goes to State House by way of Federal Express, but it comes to us by way of horse and buggy.

Colonel LARSEN. As I said, I felt the regional approach was very important. How are you going to define that. Are you going to use 10 FEMA regions and or are you going to just start creating them across the country in certain higher threat areas? I think that will be an issue that needs to be decided. It is very important—I did an exercise here about 18 months ago where we set off a dirty bomb in front of the Smithsonian and there was real challenges about Virginia and Maryland. Are you going to leave—people leave the city and bring radiological contaminated cars and vehicles to your States or whatever? The only way we can be prepared for that are the exercises that this sort of thing will fund because I don't think Virginia, Maryland and the District has the money themselves to do those sort of regional events. Maybe you do it through the FEMA districts. But I think the most important word is cross-jurisdictional. That is the problem we have in homeland security.

Mr. LATHAM. I am the Vice Chair of the Central United States Earthquake Consortium, and we have been doing regional planning for years. We have done regional planning with other States to work on evacuations. In Mississippi, we have developed homeland security regions. We developed mutual aid that requires not only the counties, but cities to be part of this mutual aid compact because in an event, regardless of the cause, it will require resources from multiple jurisdictions and multiple disciplines.

So, we have to build not only at the local level and even regionally up to the State, but we have to think outside the box, as well, and be prepared. I wouldn't want to do that at the expense of the other programs that we are also trying to mimic.

Mr. SHADEGG. I do have a question about, Mayor Garner about how quickly money gets there and your question about Federal Express and Pony Express. But unfortunately—and that goes to the 45-day distribution requirement we put in the distribution of the moneys that we just put out, and whether or not that is working or not working. Regrettably I am out of time and I will turn to the ranking member, Mr. Thompson.

Mr. THOMPSON. Thank you, Mr. Chairman. Taking part of your comment about the regions, you know there are 25,000 cities in America. And an average one is about 8,000 in population. One of the challenges we have is how do you make the whole notion of homeland security a real issue and instill confidence in the citizens of those communities that everybody is important. I represent a rural district. I don't have a Boston, Massachusetts or a Newark, New Jersey, but I do have communities of great importance. So how do you see the planning process for making sure that American citizens feel secure in their communities regardless of population as it relates to this legislation?

Colonel LARSEN. I am not sure post 9/11 we are ever going to be able to make every citizen feel secure in this country. I think that is a new reality we have to understand. We are not going to go back to that sense of security we had before. We can't afford to protect everything. But I think perhaps those FEMA regions might be a place to start where there was that regional approach. And so that would take—if you look at the FEMA region that covers your district, I am sure there are some larger municipalities in there that would even provide first responder capabilities to your district in the event of an attack.

That is what is different about this than the Cold War. If the Soviets hit us, it was going to be every city. We couldn't depend on Philadelphia helping out, but now we can depend on our neighbors.

Mr. THOMPSON. My point here is to try to address the need for planning, and if you do it in a coordinated fashion, you can still provide some degree of comfort and security to the people who don't live in large metropolitan areas. But those of us who represent rural areas have a fundamental problem with the realization of likely terrorist threats. You know, we don't have a Statue of Liberty or the Liberty Bell in RFD Mississippi, but we have some of the finest folk in the world that live there.

And we have to create some degree of comfort among those citizens, too. So I don't want this committee, in its planning, to overlook that. I think that is real important. And the planning for whatever happens is real important, but you have to make those departments and other people understand that.

Colonel LARSEN. You don't have a Pentagon or Statue of Liberty there, but you have rail cars filled with chlorine and other highly toxic substances going through your district that would be a likely target. That is why the regional response capability that is planned for and practiced is important. That is what is difficult when we say where are these critical facilities. Do you know how many rail cars are moving around with chlorine gas right now and other chemicals? There are a lot of them. It is not those fixed facilities. They go through your district, I agree with you.

Mr. LATHAM. I would like to elaborate on that a little bit, Mr. Thompson. The regional planning is important and I say we have done it in Mississippi. We have developed regions and we are doing regional planning. And even if you expand that beyond the State into multiple States, the State has to be involved to make sure it supports both States or multiple State strategies so we are all on the same sheet of music. And I would like to emphasize once again that post 9/11 in October of 2001, the State Emergency Operations Center in Jackson, Mississippi received over 700 calls and reports of suspicious white powder. Now most of these calls came from rural Mississippi. And every one had to be treated as an actual threat, and these firefighters and these first responders had no idea how to do that.

So building the capability at the lowest level is important. Granted, it may be to the point of recognizing, doing the planning that you are talking about, doing the training and the exercising to the lowest level of government is important, if nothing more, to recognize that maybe this is beyond our capability, back off so that we can pull in regional teams to be able to manage the scene much

better. But any rate, regardless of the size of the region, however you define the region, I think the States have to be involved in that process.

Mr. GARNER. Let me say, Mr. Chairman, we are concerned that regions get put together without our input, but getting to the region might be a better way than the States. We want to make sure that we are at the table in that process in terms of when you, perhaps, look at the region versus State. So that is basically—that is basically how I would say it.

Mr. SHADEGG. The Chair would now call on the chairman of the full committee to question.

Mr. COX. Thank you, Mr. Shadegg. I think your testimony has been outstanding and very helpful and the member questions have been very helpful as well, and member comments.

Mayor Garner, if I may start with you, you have made the point just now and in your formal testimony that cities should not find themselves the subject of a grant application by a region that somebody else puts together. I think that is a reasonable point. It is not presently reflected in the legislation, so I want to ask you if we explicitly require that all jurisdictions that are included within a region be consenting partners to the application. Would that address that concern?

Mr. GARNER. I am not so sure, Congressman, but let me just say that cities, as I understand it, don't control the threat level of the system that set the threat level. We also don't manage the borders or control the entry of terrorists into our Nation, but we do control the local police and there is simply no substitute for local police guarding critical infrastructures or protecting public events and gathering intelligence, especially when the national threat level is increased. What we are asking for is perhaps is a partnership at the end of the day. Most of the funding for personal activities, as you know, will still come from the local government more or less.

Mr. COX. But just to be clear on the point, does it address your concern if we were to require in the legislation that when regions apply for grants through the Department of Homeland Security, the jurisdictions included within that region must be consenting partners in the application?

Mr. GARNER. Yes, sir.

Mr. COX. I want to be clear on that point. The reason that we are driven to this regional approach is that we have, first of all, heard it over and over again from the first responders across the country in our hearings.

Second, because as Mr. Thompson points out, with tens of thousands of cities in the country and an average population per city of 8,000 people roughly, the Department's view is that they would be overwhelmed with applications if they have to take an application from every one. Beyond that, if we were to make grants on that basis, we would miss the opportunity that mutual aid agreements have been providing for us and that is that you don't need—you can share a lot of this equipment; you don't need to replicate it in every single small town. And so we want to drive this mutual aid agreement process and reward it because it has been so successful.

Finally, with respect to how these regions get formed, I am a little bit chary about saying let us take the old FEMA regions, because what we are trying to do here is encourage innovation, and we are trying to grant flexibility to meet different homeland security challenges. We have done these two top-off exercises recently, and it is just a very different situation depending on the nature of the attack.

If what you are trying to plan for is evacuation based on a dirty bomb, then weather patterns to a significant extent are going to dictate what that sensible region is for planning purposes. If, on the other hand, you are looking at an attack on the food supply in Iowa, then you are going to be concerned perhaps with the pattern and rates of disease spread in crops.

So what we are suggesting in this legislation is that the Department of Homeland Security be empowered to evaluate applications from regions that can be pure ad hockery based on the threat that they perceive and the way that they want to meet it. So that, Mayor Garner, your city may be part of one region for one purpose and another reason for another purpose.

What we are most anxious to do here is solve the problem and spend the money as wisely as possible. And with that in mind, I want to ask a question about mutual aid agreements. You mentioned it, Mr. Latham, in your testimony. Some States have them, some States don't. It seems to be something of a trend. What can we do to encourage more of this?

Mr. LATHAM. I am not sure if you are aware of it, but the National Emergency Management Association has what is called EMAC, Emergency Management Assistance Compact. And what I think now, all but maybe a couple States are signed on. Mississippi took that program and it is a very proven program in natural disasters, we have actually implemented a system similar to that in Mississippi called the Statewide Mutual Aid Compact that was in place pre-9/11. At the time of 9/11, we had only 18 of our 82 counties and about 25 of 312 cities that were members. But since 9/11, using a comprehensive strategy in Mississippi, we have used that to encourage signing on to this compact.

So now we have 81 of our 82 counties with the 82nd one in the process and 178 of our 312 cities members of that compact because we recognize, that regardless of the event or the cause, local resources, at whatever level, will be exhausted totally, and we have to bring in resources from another city, from another county, maybe, even using EMAC and maybe from another State. We have been able to use our homeland security funds and increase mutual aid compact in Mississippi.

Mr. COX. My red light has just gone on, and I want to get a question under the wire which is to you, Colonel Larsen. You have challenged us to think about what significant loss of life means, so I accept your challenge in needing to think about it, but we need your help while you are here. You laid out the problem very nicely, and tell us how you might answer it if you were forced to do so?

Colonel LARSEN. I was afraid you were going to ask that. I have been thinking about homeland security for 10 years and writing about it. But since I put those words to paper last night, I had a hard time getting that off my mind because I think it is very crit-

ical to your point of prioritization. And late last night, sitting there thinking about standing in that museum in Oklahoma City, it is hard to imagine how 168 wouldn't be significant. But from a national perspective, you know, you almost have to take the perspective of General Eisenhower when he was talking to the 101 Airborne early on the morning of 6 June.

He knows these guys are going to jump in there and they are going to lose a bunch of them. There are going to be some losses, but we are not going to stop the invasion because people are going to die. Likewise, we can't spend ourselves into bankruptcy trying to prevent or respond to every event and every car bomber. I would be happy to help you think about that, but I will take the question for the record because I would like to spend some time sitting and thinking about it and getting back to you. I think it is critical to the success of your legislation.

Mr. COX. Thank you very much, Mr. Chairman.

Mr. PASCRELL. I have to respond to that. The danger in—I think there is a major danger in what you just said. I don't think we are talking about the numbers, God forbid, of fatalities. I don't think that is what determines terrorism or the level of terrorism. I think what determines it are the circumstances. I mean if there was a, God forbid—let us talk and put it on the table—if we don't do it, who is going to do it, an explosion by a terrorist and we determine that in a restaurant in Cheyenne, Wyoming, it would seem we would have to respond, and the FBI would have to respond and a lot of other agencies would respond.

So I am not particularly—I am not thinking about it in terms of numbers. I am thinking about it in terms of the circumstances. And if there were indeed as has happened in other countries where you stopped commerce, you may not have a great loss of life, but you still wouldn't have to respond to that particular situation. So I don't think we should get into the numbers situation. I think it will be determined by the circumstances. What you are saying really is pretty dangerous.

Mr. SHADEGG. I appreciate the gentleman's creativity in trying to state a point of order. I don't think it states his point of order. However you are only stepping on your ranking members' time so we will now call on the ranking member of the full committee, Mr. Turner, for questions.

Mr. TURNER. Thank you, Mr. Chairman. As our witnesses have heard, we are trying to deal with a very difficult issue, which is how do you pass out Federal money to the States and the local governments for homeland security? There is a full range of choices, and when you look at the two pieces of legislation before this committee, the one introduced by Mr. Cox and the other introduced by the members on the Democratic side, you see many similarities in what we are trying to do. But there is one stark difference in the two approaches, and that is under Mr. Cox's bill, the funding for homeland security would be based on a determination of the threat by the Department of Homeland Security.

Under the Democratic version, we suggest that there should be a process, a bottoms-up process, whereby we would take the information on general threats and vulnerabilities in our communities and develop what we call in our bill the essential capabilities that

each community should have. Those capabilities would vary from community to community based upon the actual, on the ground differences in those communities.

If, for example, you live in a community that has a lot of rail traffic coming through with a lot of chemical tank cars, or you live on an interstate highway with a lot of chemical tankers, then you might have a different threat and vulnerability or different vulnerability than perhaps a community without those kind of transportation systems. If you lived in a city that is located below a major dam, which, if blown up by terrorists could flood your community, you may have a different vulnerability. But it seems to me that what we need your help on—and I might direct this to you, Mr. Latham, because you are the director of emergency management for the State of Mississippi, and you happen to be from one of those States that did not get any money under the one grant program that the Congress has put into law that is based supposedly on threat—the high threat urban grant program.

That program has provided funds to about 19 different States and 30 different areas of the country. Now that program, the high threat urban area grant program, is designed and probably was a response to the fact that our large cities said that they weren't getting their fair share of homeland security money and they didn't like the formula approach that we have in—some of our grant programs, so they wanted their share and Congress passed this high threat urban grant money. But even though we have written the Department of Homeland Security on numerous occasions asking them for the criteria on which they disburse that money, we have yet to get an answer.

Now that is one choice. The other choice is to develop a list, as we suggest in our alternative, of the essential capabilities that communities across America should have to respond to terrorist attacks, an approach that would assess not only the threats, but the vulnerabilities that you may encounter in the respective locales.

And it seems to me, Mr. Latham, most of the time when you are working in Mississippi trying to prepare for the problem of terrorist attack and response, that you are looking at vulnerabilities, but you don't have the information necessary to tell you whether it is a threat today or whether that same threat will be there tomorrow.

Now under Mr. Cox's legislation, when you apply for a grant, you would be required to give a description of the source of the threat to which the proposed grant relates, including the type of attack for which the applicant is preparing for and seeking the grant funding. Which of the two approaches makes the most sense in terms of your background, your experience, in trying to prepare to deal with the security of the State of Mississippi?

Mr. LATHAM. Mr. Turner, there are several issues. You mentioned vulnerability and capabilities being bottom up. Every municipality, every town, every village, every county in the State of Mississippi is part of that process we are doing right now. They are submitting their capabilities to us based on what they did have, not what they have based on the money we have given them to purchase this new equipment. We will submit that to the Department of Homeland Security by the deadline, which is the end of December. That will be the basis for the strategy for the next 3 years.

But I think the question is what is the threat? Tomorrow the threat may be different. New information will reveal that this is a fluid environment. How do we build a capability if we don't build it in every community. I will give you a good example. During Operation Liberty Shield, when we received information from the Department of Homeland Security about what potential targets around the Nation, there were none for Mississippi. We have a nuclear power plant. We have two major ports on our gulf coast. We actually—we have several pipelines that come together where 75 percent of the jet fuel for the northeast comes together. The facility was guarded by one security individual that was on contract.

So the message is, there is a threat in every community. If we don't build this capability from the bottom up for every community, then how do you sell our public, how do you convince the public that they need to be a part of this. If they do these capability assessments and vulnerability assessments and then don't provide them the funds to do what we are asking them to do, then how do you make them a partner in what we are trying to do. This has to transcend jurisdictional boundaries and discipline boundaries. Granted, that in the higher populated areas, the threat is bigger, but that does not mean that there is not a threat in every community of this Nation and our capability must be built on that assumption.

Mr. TURNER. You can determine your vulnerabilities because you can see them. But if you had to base your grant funding solely on the threat, number one, you don't always have the information, number 2, it may change from time to time?

Mr. LATHAM. The threat information changes. So what is the threat? I think this is—what we know today may not be there tomorrow and we may have more information tomorrow. And we know this. There are hundreds, if not thousands, of sleeper cells in this country somewhere living in neighborhoods that are part of the community waiting for an opportunity to utilize soft targets or targets of opportunity. So we have to prepare for that. When we had the 700-plus anthrax threats, most of them came from rural areas. We still had to respond to them as if they were real. None were, but we have to respond to them.

Mr. SHADEGG. Time of the gentleman has expired. The Chair would now call on the gentleman from Pennsylvania, the vice-chairman of the committee, Mr. Weldon.

Mr. WELDON. Thank you Mr. Chairman, I want to make some comments, first of all, on threats. We have to be careful in deciding this issue and make sure that it is not just based on population. Before getting involved in politics, I was a teacher and a fire chief of my hometown as a volunteer. The town had less than 5,000 population. Yet the year that I was assistant chief, we had the largest incident in America with the collision of two tankers, the chemical carrying tanker, Edgar M. Queeney and the Quintos. Killed 29 people and burned out of control for 3 days.

That entire incident was handled by an all-volunteer force. No paid firefighters. So what I would say to you—and we get this problem inside the Beltway that we have all the answers here. The fire service has been handling the risk of this country for longer than the country has been a country. And we are talking only the

military can handle a chemical incident. That is BS. How many soldiers have been in a chemical plant when it is totally involved in fire and you have got butane or propane? I can tell you a ton of fire departments that have been. And they have been handling that with their own equipment and do a great job. The fire service nationwide, they understand what their threats are and they understand locally what their needs are. Instead of trying to come in and tell them how to redo what they have been doing for 200 years, we ought to ask them what their problems are.

And that is why we created the program, assistance to firefighter grants so they could identify based on what their needs are, where the money should go without the interference. And I got to put a shot at the States here. The States talk a good game. I can count on a number of fingers on my hand the number of States who put significant dollars in to the fire and EMS community.

In fact, there are many States who don't even take in and put a 2 percent surcharge on the foreign fire insurance for that State and give it back. Every State should have that. We ought to make it a requirement that if the States are going to determine how the money is going to be spent, then the States ought to put some dollars on the table, too, because it is not fair for them to come in and say we are going to tell you what your threats are and where the money should go. The States ought to be required to put some dollars on the table along with the Federal Government.

I want to talk about the issue of regions. We have to make sure when we develop regions, that we don't discriminate to the point where we discourage people from volunteering. I am not against paid firefighters. They do a fantastic job and we have to fully support them, but we also have to support our volunteers. And they protect—if we ever try to replace them, it would bankrupt America. We have to make sure we give them the support to volunteer to serve their communities and not make road blocks.

I want to make another point. We have to put a provision in this bill, I am convinced, dealing with the issue of technology transfer. We spend $400 billion a year on the military. We have developed all kinds of great capability and technology. Yet we don't transfer that technology to the first responder. Examples: We lost five or six firefighters in Boston when a warehouse was fully involved in fire. Two firefighters were in fighting the fire. Their air packs ran out. They collapsed. Four other firefighters went in to rescue them. All six were killed. Yet the military has developed technology that you can put on a suit that gives you the GPS location of where that soldier is all the time they are on the battlefield.

And they have developed both horizontal and vertical GPS. The military has also developed transmitter technology that you can place an undergarment on a soldier that gives you the vital signs of the soldier, the heart rate the pulse and the condition. Why in the world don't we have that for every first responder. If we had that kind of technology the two firefighters that were down in Boston, we would have known exactly where they are and we could have gotten them out of the building saving them and four other firefighters.

So in this case it is not a case of new money, it is a case of telling the military that they got to do a better job in transferring tech-

nology they developed out to the first responder so it can be put into place quickly. There is a ton of technology along that line that we have not made the case and we have not forced the military. Military has paid for it once to get that technology out to the first responder community.

And we need to make sure in this bill that we make a statement I think to that effect. In terms of mutual aid, most of the municipalities already do that. I think California has the best mutual aid program because in California, the State buys fire apparatus. They preposition it around the State and they tell the fire stations we will give you this fire truck, but you have to sign an agreement. When there is a major incident, you are going to provide that vehicle as a support for that incident and you have to take it there.

No other State does that that I am aware of, except for California. We ought to use that model where the States take their own money, preposition equipment so that when a disaster occurs that local department—and there are 32,000 departments in the country have signed an agreement that they will take that equipment to the scene because it has been funded not just with their own local money from chicken dinners and tag days, but it has also been funded by the State and Federal Government. The use of these ideas I would hope as we move this bill forward that we could incorporate that I think will help the first responder. But keeping in mind, the ultimate solution for the risks that we have are not going to come out of the Beltway. They are going to come out of the mouths of the people who have been doing this job, either paid or volunteer.

Mr. SHADEGG. I thank the gentleman for his comments and I would call upon the gentleman, Mr. Etheridge.

Mr. ETHERIDGE. Thank you, Mr. Chairman. Let me thank the gentleman from Pennsylvania and associate myself with his comments. That way, I won't have to repeat them, because the truth is, let me just share with you as relates to North Carolina. Many of our fire and some of our rescue are on tax districts. So that means that they can enter into mutual aid. They have resources that are inadequate, because if you live in an area where you have a lot of resources, if you are in a rural area and have a low tax base, the problem still is there.

Colonel Larsen, let me come back to something you said earlier. You just touched on the food threat. Several months ago, we had an exercise in North Carolina dealing with this whole. And I trust that as we develop this legislation we take a hard look at it, because if you have a large—today in this country as we produce many food products, in our case a lot of pork and poultry, it moves across this country. And we put a scenario in that within a matter of days, it may be just people we are talking about, but at the end of the day we would have to shut down every slaughtering plant, all the operations.

What this would amount to is bring into a dead standstill the economic structures, our ability to export goods and services and for the people in this country, lose faith in our food supply, whether that were put in by terrorists or whether it just might be an accidental disease placed in a number of animals that would create a

problem, specifically hoof in mouth disease. I think this is something we need to think about as we are moving.

Gets me back to the point we made earlier. We are going to have to have a lot of help in the rural areas as well as the urban areas, because it may not be something we are thinking about, but I guarantee some other people are thinking about it.

Mr. Mayor, let me come back to a point that was made before this committee and you made it earlier as it relates to regional funding, and we look at it differently in North Carolina because we have a lot of it in terms of regional partnerships. But you mentioned that and others have said so that this is a Federal responsibility, and a lot of cases federally driven that the Federal Government ought to share the bulk of the responsibility. What is the position of the U.S. Conference of Mayors on the responsibility of the Federal Government to pay for terrorist prevention and response? I assume they have a position?

Mr. GARNER. Let me say Congressman, we have supported legislation in the Senate that would allocate funding on a variety of important factors such as population, population density, location of critical infrastructure, threat vulnerability and proximity to borders.

Mr. ETHERIDGE. That being said then, I assume there is a position that it ought to be Federal, State and local mix, or is it total Federal?

Mr. GARNER. Again, Congressman—.

Mr. ETHERIDGE. Let me tell you the reason I ask that question because currently, whether it be a rural fire department or rescue squad, they are doing a lot of this stuff anyway. They can't determine—and I think Congressman Weldon touched on it, they are not going to determine whether it is terrorists, whether it is natural or otherwise, these folks are going to respond. They are going to respond to it. They have done it for a long period of time. And we get called up here sometimes as if you are going to put it in a compartment and that is all it is going to be. We have to be careful as we legislate that we don't send stuff down with the intent of helping that winds up categorizing and narrowing the focus that this money can only be used for this issue. It gets to the point that someone raised earlier that we aren't going to allow them to supplant money.

I think Congressman Frank said earlier, if you have laid off a fireman and you have laid off a police officer because local resources are short and you get new money, is that person only going to be responsible for one specific area? I don't think so, and I don't think they think that way. And that is where I am trying to head with my question.

Let me move on, if I may. This question is for you again Colonel Larsen. In your testimony, you state that we must establish priorities for first responders' funding and base it on risk and significant loss of life, et cetera, et cetera. In keeping with that statement with the point I just laid out as it relates to agro terrorism, whether it be induced by terrorists or man-made, it works out to be the same economic issue. Local governments, small and large, have to have a continual stream of money if they are going to meet these needs,

especially today as it relates to all the changes that come in the mobility of population.

Talk to me a little bit, because this is a whole different scenario than you laid out in your testimony, but it creates the same kind of impact because what terrorism is about is fear. You wind up with the same result.

Colonel LARSEN. When we did Crimson Sky, where Senator Pat Roberts played the President of the United States, we had to end up killing 50 million animals in this country to get foot and mouth disease under control. That is a national problem that could have enormous economic consequences. That is the sort of threats—I am not worried about a single truck bomb in a State. It is a tragedy for that community. This is an economic tragedy for the Nation. North Carolina sends 20,000 hogs a day to the Midwest every day, 20,000. So it is not just a North Carolina problem if you have FMD.

Mr. ETHERIDGE. It is an American problem.

Colonel LARSEN. That is the type of threats that this money should focus on, that level of threat. Not a single truck bomb, that is a tragedy. I am talking about a national threat.

Mr. ETHERIDGE. Mr. Chairman, at risk of getting your dander up, these folks are already doing a lot of work, the private folks. All of these people are working together with the States. What they really need is a national coordinated effort to help.

Colonel LARSEN. Absolutely.

Mr. SHADEGG. My dander doesn't get up easily. I want to let you get your questions in. Although both the ranking member and I noted that when you said your time was almost up it was in fact well up. We both agreed to let you go.

Mr. GARNER. Mr. Chairman.

Mr. SHADEGG. Yes, sir.

Mr. GARNER. May I be excused? I have got to try to catch a 6:30 shuttle back.

Mr. SHADEGG. Well, we appreciate very much your being here. We would request the other two witnesses stay. We do have two members left to question. Thank you, we appreciate it. You are excused.

Mr. GARNER. Thank you, Mr. Chairman. Thank you.

Mr. SHADEGG. The gentleman from Connecticut, Mr. Shays, to question.

Mr. SHAYS. Thank you. And, Mr. Chairman, I would like to submit for the record an article, an NTI global security news wire, just read a paragraph talking about standards. It talks about a gentleman from GAO, Randall Yim, complains that efforts to establish homeland security standards aren't comprehensive and the focus on training equipment for first responders isn't enough to prepare them adequately for energies. Captain Michael Grossman of the Los Angeles County Sheriff's Department, who heads his county's Emergency Operations Bureau, warns that people from different parts of the government have difficulty understanding one another. He recalls that during the 1992 Los Angeles riots triggered by the beating of motorist Rodney King, the local police responded to a domestic dispute call and were accompanied by Marines for backup. As one of the police officers approached the house, he yelled, cover me, meaning watch my back. To the Marines "cover me" meant lay

down fire, so they fired more than 200 bullets down the house. Fortunately, no one was hit.

Global Security Newswire

From *Fridav, October 10, 2003 issue.*

GAO Pushes to Embed Homeland Security "Standards" Into U.S. Policy-Making

By Siobhan Gorman
National Journal

WASHINGTON—Randall Yim probably doesn't fit anyone's picture of a homeland-security evangelist. Calmly sitting cross-legged at a conference table in his office in the General Accounting Office's drab headquarters, Yim is the antithesis of fire and brimstone. His tone is low-key, almost professorial. And his attire is standard-issue Washington professional—a dark suit and tie. But as the GAD's managing director for national preparedness, he is heading up the agency's new effort to think big and long-term about homeland security. And he is relentlessly traveling the country and walking the halls of Congress to try to prod the rest of America into doing the same.

Yim, a native of California and an environmental lawyer by training, came to the nation's capital in 1998 to assume an only-in-Washington title: principal deputy assistant secretary of the Army for installations, logistics, and environment. Within three months, he became deputy undersecretary of Defense for installations. He went on win earn the Defense Department's Medal for Distinguished Public Service in January 2001. Working with the GAD while still at the Defense Department, Yim caught the eye of GAD Comptroller General David Walker. Impressed by Yim's intellect, Walker wooed him to the GAD. Yim reported for duty in August 2001 and began to tackle defense and environmental projects. Two weeks later, terrorists slammed American Airlines Flight 77 into the Pentagon.

That day, a crusader was born. "I'm making the classic lawyer mistake," Yim confessed to *National Journal.* "I had friends and colleagues killed in the Pentagon attack. Because of that personal connection, I feel a sense of urgency to go forward." As "homeland security" emerged as a top federal priority, Walker asked Yim to lead an informal task force to give the GAD a handle on the issue. Next, Yim became the first national-preparedness director within the agency's homeland-security team.

Placing a newcomer in such a high-level role was unusual for the GAD, but the move was part of Walker's effort to infuse new blood into the staid government watchdog agency. "Randall is very bright. He's very creative," Walker says. Colleagues describe the self-effacing Yim as "an intellectual," "a visionary," and "a consensus builder."

What keeps Yim awake at night is his worry that the nation's approach to homeland security is unsustainable. Policy makers at all levels, he frets, think of homeland security as merely a "bolt-on" program. He disdainfully compares their attitude to that of the auto industry when it decided not to fundamentally rethink car designs in the 1970s after Ford Pintos started to explode when they were rear-ended. Automakers instead chose to simply bolt on bigger bumpers. Yim's PowerPoint presentation to local officials even features a slide of a Pinto. His alternative: embedding homeland-security principles into all elements of public policy—from energy regulations to building codes. His challenge: persuading the governmental powers that-be, especially those in Congress, to make it happen.

While the GAO is careful to maintain its standing as an objective outside evaluator of government endeavors, Yim's work takes the agency into a new role—that of ideas broker and pitchman. Policy advocacy is "unusual for GAO," Yim acknowledges. The GAO's advocacy role on homeland security—coming on the heels of the agency's lawsuit against Vice President Cheney to try to force him to divulge details of the meetings that led to the administration's energy policy—suggests that Walker intends to make the government's chief accountability agency a more potent force.

Although the bulk of the GAO's work consists of responding to congressional requests, Walker wants 10 percent of his agency's efforts to be on major initiatives of its own. Walker described them as dealing with "more-strategic, complex, cross-cutting, and longer-range issues."

Walker is determined to sell Congress on the GAO's conclusions about long-range solutions to what it sees as significant problems. Walker says that his "client"—Congress—is understandably preoccupied with short-term, localized issues because of lawmakers' focus on winning re-election. But, he adds, the tendency of Congress and the executive branch to think small makes devoting some of the GAO's energy to thinking big all the more important.

The old reliable GAO seems well suited to thinking about the massive problem of homeland security in the post-9/ll world. It also seems suited to delivering harsh

messages about what the nation must do to try to protect itself. In Yim's view, at least, there's a crying need for the government to adopt a take-your-medicine-and-eat-your-vegetables approach. As Yim patiently outlined the GAO's master plan for homeland security—flow charts and all—during two hour-long sessions in his office, he took a page from the environmental chapter of his life. In the 1970s, environmentalists began establishing standards aimed at ensuring that the government and companies were good stewards of Earth's resources. Similar standards, he says, are needed for homeland security. For example, Yim would like to see a standard for ensuring that financial markets have the technology in place to withstand a variety of terrorist attacks.

Currently, the Department of Homeland Security, Congress, and the private sector are haphazardly trying to establish standards for various aspects of homeland security. But Yim worries that unless these efforts become more unified and standardized, dangerous gaps are inevitable.

Thinking Big

Randall Yim isn't content to just tinker. "One of the concerns I have about homeland security," he said, "is, we have to begin addressing the core issues." He quickly ticks off several: Who is in charge? What should be done, and who should be doing it? Who should pay for these changes, and how? How do you hold people accountable? How do you track progress?

As homeland-security strategies proliferate at all levels of government, Yim is dismayed to see that they are rarely connected to cost considerations - or to one another. He wants to bring the high-flying talk of strategies down to ground level, where planners could focus on such issues as how much it costs states, localities, and private businesses when the federal government raises the national terrorism threat level to, say, Code Orange - where it was for nearly nine weeks this year.

After getting a better sense of costs, the planners' next step would be to assess what homeland-security precautions are being taken and whether they are actually making the nation safer. Right now, Yim said, federal money is flowing out, and there's no way to know whether it's doing any good. Just last week, President Bush signed the $31 billion Homeland Security appropriations bill, which he declared "a major step forward" in efforts "to make our nation more secure." But no one yet knows how much added security the $31 billion will really buy.

Some $4 billion of the total will go toward resolving the myriad complaints of so-called first responders. Billions of dollars are being spent on first responders, not because the Department of Homeland Security has determined that the country's greatest needs include ensuring that firefighters nationwide have hazmat suits, but rather because public officials were eager to heed the demands of the heroes of September 11. Plus, lawmakers all have large numbers of firefighters and police officers in their districts.

Among the difficult post-9/11 questions is whether spending money on first responders is the best way to enhance local security. If beefing up first-responder squads is a wise way to spend federal homeland-security funds, are hazmat suits needed more than upgraded walkie-talkies? And are they needed more than computer access to a terrorist watch list?

To begin intelligently answering these questions and weighing one demand against another, Yim said, the GAO should establish standards that detail what government and the private sector must do in order to assure a minimum level of security. There could, for example, be a standard for ensuring that a ship's cargo is not tampered with en route from Singapore to New York City.

Yim is not alone in seeing the creation of homeland-security standards as crucial. John Cohen, a cop-turned-homeland-security consultant, has helped states and localities, including Massachusetts and Detroit, draw up homeland-security strategies. How important is standardization? "It's critical," Cohen said. "You have got to get everybody talking the same language."

Several commissions have recommended the adoption of homeland-security standards. Most recently, the Council on Foreign Relations, in a project with former Sen. Warren Rudman, R–N.H., advocated national standards for first responders as the council lamented what it saw as their general lack of preparedness. The Gilmore Commission, headed by former Virginia Gov. James Gilmore, also strongly advocated standards in its December 2002 report.

Scattershot Standards

No longer the exclusive territory of bean-counters, the wonkish topic of homeland-security standards has come into vogue on Capitol Hill in recent weeks. Lawmakers are targeting their standardization efforts at emergency workers. Meanwhile, various tentacles of the Homeland Security Department are grappling with the creation of an assortment of standards. Private industry may be the furthest along.

Several members of Congress, relative newcomers to the standards debate, have quickly found religion. "We are told Moses traveled in the desert for 40 years because he didn't have a plan," Rep. Carolyn Maloney, D–N.Y., said at an October 2 press conference announcing legislation to establish national standards for first responders. "What we're trying to do with this bill is to get a plan, get standards, so that we know where we are and where we are going."

In late September, Rep. Jim Turner of Texas, who is the ranking Democrat on the House Select Committee on Homeland Security, started the standards stampede by introducing the PREPARE Act. Turner's bill, which has attracted a host of Democratic co-sponsors, would require the Department of Homeland Security to establish a task force to recommend first-responder equipment and training standards. Then, the secretary would be required to submit a plan for getting states and localities to adopt the voluntary standards. (Federal funds would be tied to compliance.) Turner's initiative was followed by the introduction of a similar bill sponsored by Rep. Christopher Shays, R-Conn., the chairman of a Government Reform Committee subcommittee, and Maloney, the head of the House Democrats' Homeland Security Task Force.

And on October 9, California Republican Christopher Cox, who chairs the House Select Committee on Homeland Security, unveiled part of a comprehensive homeland-security bill that includes a range of proposals—from aligning funding for state and local responders with a given locale's vulnerability, to bolstering the Homeland Security Department's intelligence arm. Cox said in an interview that first-responder standards are "something that will be covered in our legislation," adding that he will work with Turner, Shays, and Maloney. Cox said he plans to mark up his bill before the end of the month.

At the Department of Homeland Security, Alfonso Martinez-Fonts, chief liaison to the private sector, and Frank Libutti, undersecretary for information analysis and infrastructure protection, have been reaching out to private-sector groups to discuss new safety standards for the financial and telecommunications sectors, among others. Other officials at the department are working on physical-security standards for chemical plants and cargo containers. Still others are forging ahead on standards for emergency-response equipment.

In the private sector, ASIS International, a trade group for the security industry, has been developing standards since June 2001. Earlier this year, it published guidelines to help companies perform a terrorism risk assessment, said Don Walker, who co-chairs ASIS's guidelines commission and is chairman of Securitas Security Services USA. "There's bits and pieces of work being developed by lots of organizations," he said. ASIS will soon release guidelines for how private industry should respond to announced changes in the national threat level. The trade group is also working on guidelines for hiring and training private security guards. And Walker says his commission has listed 30 priority areas in which it wants to develop homeland-security guidelines.

Still, Yim complains that the efforts to establish homeland-security standards aren't comprehensive. And the focus on training and equipment for first responders isn't even enough to prepare them adequately for emergencies. Capt. Michael Grossman of the Los Angeles County Sheriff's Department, who heads his county's emergency operations bureau, warns that people from different parts of the government have difficulty understanding one another. He recalled that during the 1992 Los Angeles riots triggered by the beating of motorist Rodney King, the local police responded to a domestic-dispute call and were accompanied by marines for backup. As one of the police officers approached the house, he yelled, "Cover me," meaning "Watch my back." To the marines, "Cover me" meant "Lay down fire," so they fired more than 200 bullets toward the house. Fortunately, no one was hit.

ISO: In Search of a Plan

Creating standards, Yim insists, is the best way to figure out who's responsible for each aspect of homeland security. Again, he looks to the environmental realm for a positive example: the International Organization for Standardization. It's known as ISO, which was derived from the Greek isos, meaning "equal." The group's American corollary is the American National Standards Institute. Yim and his colleagues want to translate what ISO has done for international environmental policy and apply it to U.S. homeland security.

Launched in 1947, ISO aimed to blend private and public demands for cost control and quality control, so that a company would not be put at a competitive disadvantage for producing a high-quality product. The organization has since established more than 13,700 voluntary standards in business and environmental management that apply to everything from the size of a screw thread to proper procedures for recycling aluminum cans. ISO has two series of standards: ISO 9000 rules deal with

general management specifications; ISO 14000 rules specify what a company must do to minimize environmental damage. By defining how things are to be done, these standards clarify both who's in charge and what they should be doing.

Yim sees promise for homeland security in following the lead of the environmental-standards efforts, which began with rules for toxic-waste cleanup and expanded to include such details as how much radiation a computer screen is allowed to emit. ISO 14000 was among the reforms inspired in the late 1970s by the Love Canal pollution disaster. And as ISO 14000 evolved, it became recognized essentially as common law, so that a company hit with a lawsuit can be held responsible, in court, for failing to meet those standards. For business, Yim said, the selling point was "increased reliability, decreased liability." That is, companies can feel assured that if they are meeting the standard, they won't be held accountable for not doing more.

In the realm of homeland security, Yim sees endless opportunities for crafting standards. To name a few: container security; protocols for assessing a city's vulnerabilities; power-grid protection; building codes; evacuation capacity for main thoroughfares; airline screening procedures; and, of course, emergency-response teams. There could also be standards for a hospital's capacity to triage patients or for a communications system's ability to operate despite a power outage. (During the Northeast's massive blackout this August, the 911 emergency communications systems failed in Detroit and New York City.)

Yim argues that, over time, homeland-security standards would transform the way the government and industry protect the nation. "It's a strategic approach that links theory to action and, I think, would significantly advance where we need to go as a country in homeland security," he says. "And it would give us a measure of whether we're making progress in being better prepared." Establishing standards would help ensure that there are no weak links in the "homeland-security supply-and-demand chain," he added. That should make the nation get more for its homeland-security dollar.

Standards would also provide a basis for gathering uniform data on what is or isn't effective, and for performing cost-benefit analyses. Plus, involving the business sector at the outset would ensure that these standards "are not blind to costs," Yim said.

Industry standards that the government sees as voluntary could end up being mandated by insurers offering terrorism coverage. And, Yim said, citizens would probably be willing to pay more for a government service—their local 911 system, for example—if they had the assurance that the system met a national standard of quality.

Developing homeland-security standards wouldn't be quick or cheap, Yim admitted, but he argues that it's time for homeland-security policy to become less panic-driven. He foresees government and industry working together to craft each individual standard, and he thinks that the GAO should form the teams to design each one.

Since the GAO is the investigative arm of Congress, Congress is its top client, of course. For Yim and his team, the key to success will be whether they can sell the Hill on their homeland-security vision. Although currently fixated on first responders, lawmakers such as Shays and Maloney are open to the idea of standards for other homeland-security arenas as well.Maloney said she's particularly open to standards involving cargo, power grids, water, and nuclear plants.

In fact, perhaps a homeland-security bill already in circulation will turn out to be just the vehicle Yim and his team need. With that in mind, they have been quietly buttonholing lawmakers in both parties. Yim's hope is to incorporate a broad notion of homeland-security standards into legislation before Congress adjourns for the year. His immediate window of opportunity will soon close, he fears: Thinking big homeland-security thoughts is unlikely to top many lawmakers' agendas in an election year.

I don't know if we have that kind of extreme, but what I haven't heard today, Colonel Larsen, is the issue of standards. I want you to first respond to the report done by Senator Rudman. They talk about potentially $999 billion needed, and then when we question them they said, heck, it could be a lot less. But just speak to the issue.

Colonel LARSEN. Well, I told you, I was asked to be on that panel and I just—the methodology bothered me. Well, two things bothered me. If you look at the commissioners on there, not one of them

were from the State and local communities, no experience except Senator Rudman, who 25 years ago had been a State Attorney General. I mean, you know, I have got great respect for Judge Webster and all the other folks on there, but they weren't State and local people. Their methodology was to go to all these different organizations, the firefighters, the EMS, and, what is your wish list? What was their wish list? I mean, if I use that to—.

Mr. SHAYS. Okay. So you question how they figured out the dollars. Do you question their basic analysis that we needed to set standards?

Colonel LARSEN. No. The standards, that is a different question. I question the money figure for their methodology when they say how much do you need. Okay. The standards, I think that is a critical thing.

Mr. SHAYS. You could question it in another way. Since they didn't set standards, they would have no way of knowing what was needed. So on both accounts.

Colonel LARSEN. A very good point. If you go to the Center for Domestic Preparedness in Anniston, Alabama, they have a room this size and they have all this equipment laying out there that first responders can buy. And the director took me around and said, well, here, they are selling this to some of the first responders. He said the bad news is it protects them against chemical vapors but not liquids. I said, so why are you letting them sell it like that for? And he said, because the Federal Government doesn't set standards. But if you go down to Home Depot and buy an electrical cord, there are standards.

Mr. SHAYS. I hear you. But what I am trying to, in my 3 and half minutes—.

Colonel LARSEN. Sorry.

Mr. SHAYS. I used up some of it improperly, too. But talk to me about what we do to get standards, how long you think it will take, et cetera.

Colonel LARSEN. Length is going to be very frustrating to all of us, because I think you should do it right instead of wasting money. Perhaps we need something like that Underwriters Laboratory. Maybe a quasi-government something over here. To me, as a taxpayer, I wish the Department of Homeland Security can do it. I am not sure that system is going to work. But we need some sort of independent organization.

Mr. SHAYS. First off, they are required to set standards.

Colonel LARSEN. They have been slow.

Mr. SHAYS. Okay.

Colonel LARSEN. As a taxpayer, I would prefer that they do it. I mean, I would like to get them, I just want to make sure we get them right.

Mr. SHAYS. By December, they have to tell us capacity, correct? We are getting all the local communities and States, they are going to come back and they are going to tell us capacity. Capacity tells us what they can do. What we want in standards is to know what they should do and to know who should do it, and who has the threat that has to need—for the need to be able to respond to it. So, for instance, I would argue that New York City probably needs more resources and Greenwich, Connecticut right near it than Ox-

ford, Connecticut a little further away, though Oxford has an airport. And so talk to me a little bit more about standards.

Mr. Latham, do you want to jump in?

Mr. LATHAM. I will talk about standards in terminology, standards in incident planning, and those kind of things, because the article you mention I think addressed that. And in Mississippi what we have done by Governor's executive order is standardized incident management, requiring every first responder to operate under a standard system, the National Interagency Incident Management System, so that you have common terminology, unified commands so that everybody plays a part in the decisionmaking and then you have one incident—.

Mr. SHAYS. That speaks to uniformity. But let me ask you this. Don't you believe that some communities in Mississippi are more likely to have to face a threat than others? Some may have a chemical plant near, some may be on a throughway, some may just be totally out of the way. Are you treating them all the same? Are you doing it on a per capita basis?

Mr. LATHAM. What we are doing is training everybody to the same standard. And I don't believe that the standards should vary, regardless of the level, because—I mean, you don't really know where the next incident will be, and we have to train everybody to the same standards. As far as equipment standards, I agree, that is a little bit more difficult. But there needs to be a standard in that equipment, and I think it should be in the Department of Homeland Security and the science and technology department. Whether they have the capacity to do that or not, I am not sure.

Colonel LARSEN. Maybe your initial standard would be that you need to get the capability there within X number of hours. And over time we can move that from 10 to 5 to 4, but—and we just can't have it in every community; but if the key was we can get the class A suit to a site within 5 hours. And so if we had that as a standard, then we could work toward that goal.

Mr. SHAYS. That helps me to discuss one part of the standard. What I am trying to wrestle with is how do we as a government decide who in Mississippi gets it and who doesn't. And that seems, to me, you set certain standards. You say there is a certain threat level here, we need certain capacity. I mean, for instance, the fire department in the community could tell us that they can put out three fires at one time, but the standard may say you don't need to. Or you need to be able to put four fires out. That is the standard. Then if their capacity doesn't match the standard, we know it is out of sync. Or it could be the reverse. They could be able to put out three fires, and we say you only need to put out two. That is kind of what I am wondering about.

Colonel LARSEN. EPA says there is 123 chemical storage facilities that if attacked with truck bombs could threaten the lives of a million people. I think those 123 sites are clearly defined threats that should have the best response capability, if you want a specific example. But you can't protect every railcar, but there are some big threat areas.

Mr. SHAYS. Thank you.

Mr. LATHAM. Mr. Chairman, I would like to comment, too, because there are a lot of standards out there, not the least of which

are some that have been developed jointly between NEMA and FEMA and the EMAP program, which is an accreditation program that takes assessments and capabilities with State and local governments of what is already in place, that we need to incorporate those in these standards to make sure that we are not duplicating something that is actually already there.

Mr. COX. The gentleman's time has expired. The gentleman from New Jersey, Mr. Pascrell.

Mr. PASCRELL. Thank you, Mr. Chairman.

There seems to be confusion on the local level about applying for these funds in the first place. And what I would suggest, Mr. Chairman, when we finally put together our final bill, that we do what FEMA does in terms of the Fire Act. They have gone all over the country and in certain regions and educated firefighters on how to apply. Of course, there is something to grant application, obviously. And this is so important, and I know firefighters tell me all the time, thank you for doing this and, you know, we have cleaned up our act on our application. We know primarily now why we didn't get a positive response. Do you think that—if that is the case, do you think, very quickly, these two bills improve or could improve or would improve upon that situation?

Mr. LATHAM. Let me address your first comment because we did that in Mississippi. We had town meetings, we had regional meetings. We had every town, village, city, and county represented. We took the majority of the paperwork burden away from them, and their application is only one or two pages. That includes an equipment list. We are holding them to what the priorities are; that is, having a personal protective equipment for their first responders, having a detection equipment where it is needed and having some decontamination. After that, you know, then it becomes a little bit more complex. We go to the regions and develop a much higher level of capability.

But we did that, and actually I have not had any calls from any mayor, any supervisor, and I am not sure that the Congressman has, because if he had, I would have heard about it. But no complaints about the process. It is a little burdensome once we get into the actual award because of the paperwork that has to go up to ODP and back down. ODP should not have to approve every city, town, village's equipment list.

Mr. PASCRELL. What about point B? Do you think these two bills address any confusion that might exist? Because somehow the money is not getting through to many of these communities. You listen to the mayors.

Mr. LATHAM. And I can't address—I can tell you in Mississippi it is. And maybe the process is broken somewhere else, but it is working in Mississippi.

Mr. PASCRELL. The Homeland Security money we are talking about?

Mr. LATHAM. Yes, sir.

Mr. PASCRELL. Okay.

Mr. LATHAM. And we obligated the money on both the 2003 and 2003 supplement within the 45 days, actually, within 30 days.

Mr. PASCRELL. Was part of that money overtime, for instance?

Mr. LATHAM. Just equipment money.

Mr. PASCRELL. Well.

Mr. LATHAM. And we didn't—.

Mr. PASCRELL. Well, it is a very different situation depending upon the region.

Mr. LATHAM. Well, now when we had Operation Liberty Shield and then provided some of that infrastructure protection, overtime and stuff, when the applications came in we processed them and moved them on up to ODP. So we haven't had any complaints on any of the process.

Mr. PASCRELL. Thank you. The second point is a point that Curt Weldon made, Mr. Chairman, before when you stepped down for a moment. Technology transfer. We just had a very, very well attended meeting yesterday afternoon on helping—with the military particularly—the Mayo Clinic on brain injury research. A million Americans are affected every year, and there is a lot of our soldiers have been affected, obviously, unfortunately, and wounded in Iraq. The research that is being done by the military is being carried over into the civilian, and it really is working. It would seem to me—I don't know how we would do it, but we need some agency—well, we already have agencies. We have enough agencies. Somebody has to have the responsibility of coordinating this technology transfer down to the civilian, and particularly, particularly in Homeland Security. I think we are missing out, the military. We invest a tremendous amount of money in that budget. And you can't tell me that that would not be helping us in many ways, and I think we need to explore those ways. And I think that is what Curt was talking about. And I would recommend it, I really would. I think it is important that we utilize it so that the ripple effect is felt far beyond the military as we have done in medicine.

Thank you, Mr. Chairman.

Mr. COX. I want to thank all of our members and especially our panel of witnesses, including Mayor Garner, who has left already to catch his flight. You have done a splendid job of educating us today. We appreciate it, we look forward to continuing to work with you. You are now excused, and this hearing is adjourned. Thank you.

[Whereupon, at 6:15 p.m., the subcommittee was adjourned.]

APPENDIX

MATERIAL SUBMITTED FOR THE RECORD

QUESTIONS FOR THE HONORABLE JAMES A. GARNER FROM THE HONORABLE BENNIE G. THOMPSON

Question: 1. A Council on Foreign Relations Task Force found recently that there are no agreed upon standards for emergency preparedness and no way to measure how prepared a locality is or should be. Do you feel that it is important that there be some way to measure preparedness levels and preparedness needs? Do you feel that it is important for us to set a comprehensive goal for ourselves, by which we can measure progress? **No Response has been recieved.**

Question: 2. When states and regions assess their emergency response needs, are they normally based on threats (that is, what terrorists want to do to me), vulnerabilities (that is, what targets are in the vicinity and how secure are they), or a combination of the two? Shouldn't a Federal grant program take into account the total risk, both threat and vulnerability? **No Response has been recieved.**

Question: 3. Legislation introduced by Chairman Cox proposes to have grants reviewed by the Information Analysis and Infrastructure Protection Directorate of the Department. However, past testimony before the Select Committee has raised doubts about the ability of this Directorate to develop comprehensive threat assessments and otherwise carry out its mission. I am aware of no capability that it has to review grant applications. Do you believe that the Information Analysis and Infrastructure Protection Directorate should be put in charge of determining the distribution of grants to our nation's first responders? **No Response has been recieved.**

Question: 4. H.R. 3266 would formalize a structure for allocating grants according to the assessed threat of terrorist attack. A program like this is already in place, namely the High Threat Urban Area grant program. There have been two rounds of funding through the High Threat Urban Area grants. The first round distributed grant funds to seven urban areas; the second round sent grant funds to 30 areas in 19 states and the Capitol region, including additional funds to the first seven. Do you anticipate that H.R. 3266 would similarly send the totality of first responder grant funding to only a few parts of the country? **No Response has been recieved.**

Question: 5. Would it be useful for first responder agencies to know how much funding is needed to help prepare for terrorist attack over the next five years, as provided in the PREPARE Act? Do we need a national goal to work towards? **No Response has been recieved.**

Question: 6. Who should determine the needs of our first responders—analysts in the Information Analysis and Infrastructure Protection Directorate of the Department, or the First Responders themselves? **No Response has been recieved.**

QUESTIONS FOR COLONEL RANDY LARSEN FROM THE HONORABLE JIM TURNER

1. A Council on Foreign Relations Task Force found recently that there are no agreed upon standards for emergency preparedness and no way to measure how prepared a locality is or should be. Do you feel that it is important that there be some way to measure preparedness levels and preparedness needs? Do you feel that it is important for us to set a comprehensive goal for ourselves, by which we can measure progress? **No Response has been recieved.**

2. To your knowledge, did anyone foresee that the Murrah Federal Building in Oklahoma City would be the target of a devastating 1995 terrorist attack? Do you believe that Oklahoma City, today, would rank very high on a list of likely terrorist targets? Given that it is very difficult to predict where terrorists will strike next with any level of specificity, would you agree that it is better to increase our level of preparedness against terrorist attacks across the board? **No Response has been recieved.**

3. Legislation introduced by Chairman Cox proposes to have grants reviewed by the Information Analysis and Infrastructure Protection Directorate of the Department. However, past testimony before the Select Committee has raised doubts about the ability of this Directorate to develop comprehensive threat assessments and other-

wise carry out its mission. I am aware of no capability that it has to review grant applications. Do you believe that the Information Analysis and Infrastructure Protection Directorate should be put in charge of determining the distribution of grants to our nation's first responders? **No Response has been recieved.**

4. Would it be useful for first responder agencies to know how much funding is needed to help prepare for terrorist attack over the next five years, as provided in the PREPARE Act? Do we need a national goal to work towards? **No Response has been recieved.**

5. Who should determine the needs of our first responders—analysts in the Information Analysis and Infrastructure Protection Directorate of the Department, or the First Responders themselves? **No Response has been recieved.**

QUESTIONS AND RESPONSES FOR MR. ROBERT LATHAM FROM THE HONORABLE BENNIE THOMPSON

Question: **1. In your testimony, you requested that the States be provided flexibility within DHS guidelines to utilize terrorism preparedness funds, including increased authority for the States to approve changes to local equipment requests. The PREP ARE Act (H.R 3158) would require States to develop a five year plan to meet their needs for essential terrorism preparedness capabilities, and to implement that plan based on the priorities of the State and local governments. Would such a system meet your requirements for flexibility, and what other measures would you suggest to ensure that States and localities have the flexibility to meet their preparedness needs? .**

Answer: I would urge Congress not to impose additional requirements such as a 5-year plan upon the States. Currently each state is completing their Strategic Plan that wi11 guide priorities for the next 3 years. If Congress desires a more long-range plan then expand the current requirement for a strategic plan from 3 years to 5 years. In either case I agree that long-range plans are critical to keep us focused. However, each and every year our priorities change based on the threat environment and our capabilities improve. The flexibility I referred to was based on this fact. A three or five year plan can provide a road map but flexibility must be allowed for states to make adjustments in that period of time.

Question: **2. In response to questions from the Subcommittee, you described in detail the planning process that the State of Mississippi utilized to quantifY and prioritize homeland security needs throughout the State. In your experience, has this been an effective process to ensure that preparedness needs are met throughout the State, and are you aware of any other States who have adopted your coordination model. In addition, how long did this coordination process take, and would you recommend that such a process be required for any State requesting homeland security funds from the Federal government?**

Answer: For our State, I believed that without local buy-in the whole . initiative was doomed to failure. I can say that this process worked for our State. Whether or not it will work for other states I can't say. As I stated during my testimony, "one size does not fit all". Every community and every state is different. As far as the length of time the process took, we began meeting with the various parties long before we received any funding to get everyone focused on the strategy. This gave us a head start. Once funding was received I met with the parties again to discuss the formula we would use for distribution of funds and the application process. After that the only challenges were keeping the applicants focused on the state strategy and priorities and the administrative burden placed on the state to manage such a large number of sub-grants.

Question: **3. H.R. 3266 allows first responder grant funds to be spent on the purchase or upgrading of equipment; exercises to strengthen emergency response; training in the use of equipment; and training to prevent terrorist attack Conversely, the PREP ARE Act allows first responders to spend grant funds as necessary to provide the essential capabilities their jurisdiction needs. Isn't it possible that H.R. 3266 would allow first responders to use funds year after year without meeting an of their preparedness needs?**

Answer: It is certainly possible that H.R. 3266, even with its broad intent, might not meet all of the preparedness needs.' That is why I firmly believe that FLEXIBILITY is the key to meeting the initial and subsequent needs of our first ' responders. This is a fluid environment with a changing threat. If states and local jurisdictions are not allowed the flexibility to meet the changing threat, it's quite possible

that our capabilities will not increase at the same rate that the risks and vulnerabilities increase.

Question: **4. In addition to providing first responder grant funds, should the Department of Homeland Security be giving states and local communities guidance in what equipment and training to buy? Isn't this guidance and planning necessary for equipment interoperability?**
Answer: I believe that through the authorized equipment list provided with the ODP Grant package that we have the guidance we need. The equipment lists are and should be generic because our first responders use different types of self-contained ' breathing apparatuses as well as other types of equipment. Specifying certain types of equipment would limit accessibility, drive the price up, and require departments to buy equipment they are not necessarily familiar with or care for. Interoperability is certainly an issue but I think it really only applies to communications. In this case many of the problems are not equipment interoperability but personnel interoperability—turf wars. Technology is now available to fix the communications equipment interoperability problem and we should focus on this as a fix and not rebuild our communication system.

Question: **5. The grant process in H.R. 3266 is open to states, interstate regions, and'intrastate regions. This would potentially require the Under Secretary of Information Analysis and Infrastructure Protection to sort through hundreds of applications on a regular basis, making detailed threat comparisons for each. Does it make sense to streamline the funding process to set a number of applicants, each of which builds in regional planning to its own process?**
Answer: I think the bigger issue here is making sure whatever process is selected, that each state remains the primary point of contact and coordinator. If the current role of the state is altered it will undermine everything we have accomplished so far. In Mississippi we are doing planning on a regional basis and our response is based on a regional concept. If we look beyond our state borders, there should be some agency, such as FEMA Regions, as the coordinator to assist with multi-state planning.

Question: **6. There have been two rounds of funding through the High Threat Urban Area grants. The first round distributed grant funds to seven urban areas; the second round sent grant funds to 30 areas in 19 states and the Capitol region, including repeat funds to the first seven. Do you anticipate that H.R. 3266 would similarly send the totality of first responder grant funding to a few parts of the country?**
Answer: As I stated in my testimony, I believe that if we are to build a comprehensive strategic plan to secure the homeland, it must involve every Citizen, in every community, in every county, in every state. Having said that, I also believe that there must be continued funding of this initiative in every state, possibly at a reduced level. I also believe, for obvious reasons that based on threat analysis and vulnerability future funding must target the higher populated areas. I am totally opposed to sending all first responder grant funds to a few areas of the country.

Question: **7. Terrorist threat depends on what a terrorist intends to attack. Terrorists intend to attack the United States where the defenses and countermeasures are weakest. Terrorists will presumably know what areas have been deemed worthy of receiving grant funds. So, areas that DHS determines to be "low threat" will automatically become higher threat. So doesn't it make sense to ensure that all communities have some baseline level of preparedness?**
Answer: I totally agree. My response to the previous question. reinforces my opinion in this matter. As I stated during my testimony "not every community needs a hazmat capability, but every community needs a basic capability". I also agree that if we focus on the obvious high-threat targets we leave ourselves vulnerable in other places making sma1Jer communities that are low-risk, very attractive to our enemies.

Question: **8. Under H.R. 3266, grant applications would be rated according to the threat faced by a specific grantee—a state, a group of states, or as small an entity as a single city. Are the current intelligence and our ability to assess the terrorist threat faced by a specific city or county good enough to allow numerical comparisons among different grant applicants?**
Answer: Again I think we have to be very careful in the analysis of our information. As good as our intelligence is, it is not perfect. Numerical comparisons obvi-

ously unintentiona1Jy create targets of opportunity for our enemies. This supports my theory behind building a national capability in every community.

Question: **9. H.R. 3266 requires grant applicants to provide, as a part of the application, a "description of the source of the threat to which the proposed grant relates, including the type of attack for which the applicant is preparing for in seeking the grant funding." Do states and regions typica1Jy have access to the intelligence necessary to know the exact source of a terrorist threat that may affect them? Aren't a Jot of first responder grants used to improve general emergency readiness rather than to improve defenses against a specific type attack?**
Answer: The flow of intelligence information is getting better but it's not perfect. The current challenge is the distribution of information below state level. The intelligence information enables us to better prepare, but as stated in an earlier response, flexibility in use of funds would enable states to adjust our preparedness plans and capability as intelligence information changes. Yes, most of the first responder grants are used to improve genera] emergency readiness because our first responders have been under funded for so long. We have to develop and enhance our response capability first and then focus on deterrence.

Question: **10. Since 9/11, the federal government has spent four to five billion dollars each year on first responder grants. I am unaware of any justification for why this is the right amount-certainly the amount isn't based on an assessment of threat, of vulnerability, or of first responder needs. Would you support legislation that tied the first responder budget to some assessment of what is needed by the nation's first responders?**
Answer: I believe that the funding should be driven by some sort of assessment of the capability based on the threat and risks. The National Emergency Management Association's Emergency Management Accreditation Program (EMAP) provides a very valuable tool to evaluate each state's capability. Expansion of this program to the local level using the NEMA Capability Assessment for Readiness (CAR) . could provide the yardstick needed to drive future funding. I also believe that we must continue to build an "all-hazards" capability and resist the temptation to focus solely on one risk.

Question: **11. Under H.R. 3266, there is no way for a region to know whether it will be receiving first responder funds. How would first responder agencies plan their equipment purchases, training, exercises, and other components of emergency readiness without having a sense of what funds would be coming?**
Answer: As I have stated before, the fear at the state and local level for our first responders is what is the "Congressional will" at it relates to a long-term commitment to this initiative. We are currently taking it a year at a time not knowing what funding will be available in out-years. We enter each funding cycle as if it may be the last. Accomplishing the goals outlined in our 3 or 5 year plan is totally dependent upon funding.

Question: **12. States and loca] jurisdictions have prepared detailed analyses and assessments to meet ODP requirements. Have these assessments been valuable to local and state planning efforts, and if so, shouldn't ODP be involved in grant funding based on those assessments?**
Answer: Yes, these assessments have been a valuable tool to our state, regional, and local planning. ODP involvement would be beneficial as long as another level of bureaucracy does not further delay the current process.

QUESTIONS AND RESPONSES FOR MR. ROBERT LATHAM FROM THE HONORABLE JIM TURNER

Question: **1. A Council on Foreign Relations Task Force found recently that there are no agreed upon standards for emergency preparedness and no way to. measure how prepared a locality is or should be. Do you feel that it is important that there be some way to measure preparedness levels and preparedness needs? Do you feel that it is important for us to set a Comprehensive goal for ourselves, by which we can measure progress?**
Answer: Yes I do feel that is important that there be some way to measure preparedness levels and preparedness. As I stated in a previous question the National Emergency Management Agency's (NEMA) Emergency Management. Accreditation Program (EMAP) could be enhanced to provide such a tool for measuring the preparedness 1evels and preparedness needs. Use of a tool such as the NEMA Capability Assessment for Readiness (CAR) as a requirement at the local level could pro-

vide valuable information to determine a local and state's preparedness level. Again we must focus on an "all hazards" plan.

Question: **2. When states and regions assess their emergency response needs, are they normally based on threats (that is, what terrorists want to do to me), vulnerabilities (that is, what targets are in the vicinity and how secure are they), or a combination of the two? Shouldn't a Federal grant program take into account the total risk, by which we can measure progress?**
Answer: Actually we use a combination of threat, vulnerability, and capability to determine our needs. I'm not sure that I understand what you mean by "total risk" but whatever we do should be based on an assessment of the threat and vulnerabilities compared to a jurisdiction's capability.

Question: **3. Legislation introduced by Chairman Cox proposes to have grants reviewed by Information Analysis and Infrastructure Protection Directorate of the Department. However, past testimony before the Select Committee has raised doubts about the ability of this Directorate to develop comprehensive threat assessments and otherwise carry out its mission. I am aware of no capability that it has to review grant applications. Do you believe that the Information Analysis and Infrastructure Protection Directorate should be put in charge of determining the distribution of grants to our nation's first responders?**
Answer: I do not believe I am in a position to determine what the capability of the IA/IP Directorate may be. Even though I believe that the IA/IP Directorate should have a role I do not believe they should be put in charge of determining the distribution of grants to our first responders.

Question: **4. H.R 3266 would formalize a structure for allocating grants according to the assessed threat of terrorist attack. A program like this is already in place, namely the High Threat Urban Area grant program. There have been two rounds of funding through the High Threat Urban Area grants. The first round distributed grant funds to seven urban areas; the second round sent grant funds to 30 areas in 19 states and the Capitol region, including additional funds to the first seven. Do you anticipate that H.R. 3266 would similarly send the totality of first responder grant funding to only a few parts of the country?**
Answer: I would be opposed to any initiative that targets only certain parts of the country. If we expect to build a comprehensive strategy to secure the homeland, each and every community of the nation must be a strategic part of this national effort.

Question: **5. H.R. 3266 places responsibility for grant management and interaction with grantees under the Office of State and Local Coordination. Are you concerned that we will lose the expertise built over the past several years at the Office of Domestic Preparedness and FEMA?**
Answer: Because we have had so many natural disasters in Mississippi in the last 4 years, I have been and continue to be concerned about the future of FEMA and the capability we have built nationwide under their leadership. I believe we have to be very cautious in our efforts not to undermine the effectiveness of that Agency. As the consolidation of grants continues to unfold; I would caution Congress not to eliminate those programs that have been so effective such as the Emergency Management Performance Grant (EMPG) managed by FEMA, upon every state has built their emergency management capability.

Question: **6. Would it be useful for first responder agencies to know how much funding is needed to help prepare for terrorist attack over the next five years, as provided in the PREPARE Act? Do we need a national goal to work towards?**
Answer: Yes, states and local governments need to know what the future holds if we are going to sustain the capability that has been build so far.

Question: **7. Who should determine the needs of our first responders—analysts in the Information Analysis and Infrastructure Protection Directorate of the Department, or the First Responders themselves?**
Answer: I believe that first responders should decide what they need based on what the IA/IP Directorate tells us the threat is.

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