

**COMBATING TERRORISM: PROPOSED TRANSFER
OF THE DOMESTIC PREPAREDNESS PROGRAM**

HEARING

BEFORE THE

SUBCOMMITTEE ON NATIONAL SECURITY,
VETERANS AFFAIRS, AND INTERNATIONAL
RELATIONS

OF THE

COMMITTEE ON
GOVERNMENT REFORM

HOUSE OF REPRESENTATIVES

ONE HUNDRED SIXTH CONGRESS

FIRST SESSION

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COMBATING TERRORISM: PROPOSED TRANSFER OF THE DOMESTIC PREPAREDNESS PROGRAM

WEDNESDAY, MAY 26, 1999

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON NATIONAL SECURITY, VETERANS
AFFAIRS, AND INTERNATIONAL RELATIONS,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC.

The subcommittee met, pursuant to notice, at 10 a.m., in room 2154, Rayburn House Office Building, Hon. Christopher Shays (chairman of the subcommittee) presiding.

Present: Representatives Shays, Mica and Tierney.

Staff present: Lawrence J. Halloran, staff director and counsel; Michele Lang, professional staff member; Jonathan Wharton, clerk; David Rapallo, minority counsel; and Jean Gosa, minority staff assistant.

Mr. SHAYS. I would like to call this hearing to order.

Preparing to meet the threat of a terrorist attack here at home, local, public safety and health care officials today face a confusing array of Federal programs and agencies offering expertise, training and equipment. In 1995, the President designated the Federal Emergency Management Agency [FEMA], as the lead Federal agency for consequence management, the measures needed to protect life, restore essential services and provide emergency relief after a terrorism event involving conventional, biological or chemical weapons of mass destruction. At the same time, the Federal Bureau of Investigation [FBI], part of the Department of Justice [DOJ], was directed to lead crisis management, the measures needed to prevent or punish acts of terrorism.

In 1996, Congress directed the Department of Defense [DOD], to provide consequence management training and equipment to cities through what is now known as the Domestic Preparedness Program while also authorizing FEMA and DOJ to enhance the response capabilities of local police and fire departments. So the proposed transfer of the Domestic Preparedness Program from the Department of Defense to the Department of Justice offers the promise of one-stop shopping for State and local first responders, but raises key questions that should be addressed before an act of terrorism puts that promise to the test.

The central question, does the consolidation of domestic preparedness programs in DOJ ignore the clear, necessary distinction between crisis management and consequence management re-

flected in the President's original lead agency designations? Will FEMA be able to assert a primary role in consequence management once the bulk of Federal training and equipment funds are coming from Justice? How will DOJ resolve inevitable conflicts between the law enforcement imperative to maintain the integrity of a crime scene and the equally compelling need to mitigate consequences by evacuating and decontaminating the same area when they are responsible for both?

These are not abstract policy questions. When, not if, terrorists strike within our borders again, Federal support will be indispensable to an effective local response. Unless that Federal effort is properly structured and targeted, local planning may be inadequate, local preparations may be hazard, and critical assets may be misallocated. More than 40 national departments and agencies have responsibilities in the fight against domestic terrorism. Unless their roles are thoughtfully sorted out now, uncoordinated Federal assistance could, like the Keystone Cops of silent films, only serve to confuse and confound local response operations.

Our witnesses today represent the key departments and agencies involved in the proposed consolidation and transfer of domestic preparedness activities, DOJ, DOD, and FEMA. We appreciate their testimony today and look forward to their continued cooperation in the subcommittee's oversight of Federal anti- and counterterrorism programs.

When we talk about the number of departments within the Department of Justice, you have the Federal Bureau of Investigation, Immigration and Naturalization Service, U.S. Marshals Service, Drug Enforcement Agency, Office of Justice Programs.

Then you have the Federal Emergency Management Agency.

Then you have the Department of Defense: Joint Chiefs of Staff; U.S. Army; U.S. Navy; U.S. Marine Corps, particularly their chemical-biological incident response forces; U.S. Air Force; U.S. Special Operations Command; U.S. Central Command, Defense Intelligence Agency; Advanced Research Projects Agency; Defense Information Systems Agency; Defense Special Weapons Agency; Director of Military Support.

Department of State: U.S. Information Agency under State starting October 1999.

Department of Health and Human Services: Public Health Service; Center for Disease Control and Prevention.

Department of Energy: U.S. Nuclear Regulatory Commission; Environmental Protection Agency.

Department of Transportation: Federal Aviation Administration; U.S. Coast Guard.

Department of Treasury: U.S. Customs Service; Bureau of Alcohol, Tobacco and Firearms; U.S. Secret Service.

Central Intelligence Agency, National Security Agency, National Security Council.

Department of Commerce.

Department of Veterans Affairs.

U.S. Postal Service, White House Communications Agency, U.S. Capitol Police, Office of the Vice President, U.S. Supreme Court Marshals Office, State and local entities with terrorism-related programs and activities, Governors' offices, National Guard, State po-

lice, State fire, State Departments of Environmental Protection, State Department of Emergency Management, State public health departments, city-county fire departments, emergency medical services, hazardous materials teams, urban search and rescue, city and county police departments, sheriffs' offices, hospitals, emergency room physicians. It is a long list.

[The prepared statement of Hon. Christopher Shays follows:]

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Statement of Rep. Christopher Shays
May 26, 1999

Preparing to meet the threat of a terrorist attack here at home, local public safety and health care officials today face a confusing array of federal programs and agencies offering expertise, training and equipment.

In 1995, the president designated the Federal Emergency Management Agency (FEMA) as the lead federal agency for consequence management, the measures needed to protect life, restore essential services and provide emergency relief, after a terrorism event involving conventional, biological or chemical weapons of mass destruction. At the same time, the Federal Bureau of Investigation (FBI), part of the Department of Justice (DoJ), was directed to lead crisis management, the measures needed to prevent or punish acts of terrorism.

In 1996, Congress directed the Department of Defense (DoD) to provide consequence management training and equipment to cities through what is now known as the Domestic Preparedness Program, while also authorizing FEMA and DoJ to enhance the response capabilities of local police and fire departments.

So the proposed transfer of the Domestic Preparedness Program from the Department of Defense to the Department of Justice offers the promise of "one stop shopping" for state and local first responders, but raises key questions that should be addressed before an act of terrorism puts that promise to the test.

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The central question: Does the consolidation of domestic preparedness programs in DoJ ignore the clear, necessary distinction between crisis management and consequence management reflected in the president's original lead agency designations? Will FEMA be able to assert a primary role in consequence management once the bulk of federal training and equipment funds are coming from Justice? How will DoJ resolve inevitable conflicts between the law enforcement imperative to maintain the integrity of a crime scene, and the equally compelling need to mitigate consequences by evacuating and decontaminating the same area, when they are responsible for both?

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Our witnesses today represent the key departments and agencies involved in the proposed consolidation and transfer of domestic preparedness activities: DoJ, DoD and FEMA. We appreciate their testimony today, and look forward to their continued cooperation in the Subcommittee's oversight of federal anti- and counter-terrorism programs.

Mr. SHAYS. At this time I would call our witnesses, the Honorable Charles L. Cragin, Acting Assistant Secretary for Reserve Affairs, Department of Defense; Mr. Andy Mitchell, Deputy Director, Office for State and Local Domestic Preparedness Support, Office of Justice Programs, Department of Justice; Mrs. Barbara Y. Martinez, Deputy Director, National Domestic Preparedness Office, Federal Emergency Management Agency; Ms. Catherine Light, Director, Office of National Security Affairs, Federal Emergency Management Agency. In place of Mr. Lacy Smith, we have Bruce P. Baughman, who is the Director of Operations and Plans, Federal Emergency Management Agency.

What I'm going to do, as you know we swear in all of our witnesses. If there is anyone that is going to accompany you, Mr. Cragin, Mr. Mitchell, Mrs. Martinez, or Ms. Light, if you think you would call on to actually say something, I would ask them to stand, and we will swear them in as well in case they would be called upon to speak.

If you would rise, and if there is anyone that you would suggest that might, if you would raise your right hands, please.

[Witnesses sworn.]

Mr. SHAYS. Note for the record all five have responded in the affirmative, and it's very nice to have all of you here. Mr. Cragin, it's nice to have you here, and I would ask you to open up this hearing. Thank you.

STATEMENT OF CHARLES L. CRAGIN, ACTING ASSISTANT SECRETARY FOR RESERVE AFFAIRS, DEPARTMENT OF DEFENSE

Mr. CRAGIN. Thank you very much, Mr. Chairman. I appreciate the opportunity to speak with you today about this very, very important issue.

Let me briefly summarize the history and status of the DOD Domestic Preparedness Program as well as our plans for transitioning leadership responsibility for the program to the Department of Justice.

The Domestic Preparedness Program, as you observed, was established to implement the provisions of the Defense Against Weapons of Mass Destruction Act of 1996. DOD was designated as the interagency lead to carry out a program to provide civilian personnel in Federal, State and local agencies with the training and expert advice regarding responses to a use or threatened use of a weapon of mass destruction.

In 1997, DOD began providing training and expert assistance for the Nation's 120 largest cities. A listing of those cities and the status of their training is included as an attachment to my statement for the record. To date 58 cities have participated in the training, and more than 15,700 first responder trainers have been trained.

My Federal interagency counterparts participated in the initial development of the training approach for this program, and they continue to participate in the program's execution today. The training approach for this program involves initial visits to selected cities to plan and customize the training; a week of "train the trainer" training for local first responder, HAZMAT, firefighter and law enforcement and emergency medical service personnel; tabletop and functional hands-on exercises using chemical and biological sce-

narios to further reinforce this training; and a training equipment package which is loaned to each city for their subsequent training use.

Although I have oversight responsibility for this program, the U.S. Army's Soldier and Biological Chemical Command and the Director of Military Support serve as DOD's principal agents for executing this training program. The program is accomplished largely through contracts with certified professional instructors and subject matter experts in the areas of nuclear, radiological, chemical and biological medicine; public health; law enforcement; and emergency response.

The enabling legislation for this program requires DOD to plan and coordinate an annual Federal, State and local exercise to improve the integration of Federal, State and local response assets during a WMD response. The fiscal year 1999 exercise will be held in New York City in September and involves a biological scenario.

Other components of the Domestic Preparedness Program provide direct support and assistance to the first responder community. These include the Improved Response Program and the Expert Assistance Program.

The law requires that the Department annually use the lessons learned from program execution to revise or update the program to ensure the training is effective, that it is technically up-to-date and is responsive to user requirements. While the Improved Response Program helps to prevent technical obsolescence, responder feedback from the execution of training and exercises associated with this program has profoundly influenced the training focus.

Without exception, the No. 1 request of first responders has been to identify a single Federal agency to lead the training and equipping of first responders. As you observed in your opening statement and in their words, they seek the ease, convenience and predictability of one-stop shopping at the Federal level.

Last summer, in an effort to respond to President Clinton's direction to work more collaboratively and aggressively to combat terrorism, Deputy Secretary of Defense Hamre, Attorney General Reno, FEMA Director Witt, FBI Deputy Director Bryant and Director Clarke from the NSC met to discuss the feasibility of accomplishing that objective. The result was an agreement in principal that the Department of Justice would assume lead Federal agency responsibility for the WMD Domestic Preparedness Program.

Since that time the Department of Defense and Department of Justice have been formulating and negotiating the terms of an interagency agreement to transfer lead responsibility for the WMD Domestic Preparedness Program from DOD to DOJ beginning in October of the year 2000. Although our negotiations are not yet concluded, we are moving toward finalizing that agreement. DOD will retain responsibility for the city training and equipping program until the end of fiscal year 2000, at which time DOJ will honor the commitment to train the remainder of the originally designated 120 cities. Beginning in fiscal year 2000, DOJ will coordinate with DOD during city training planning visits and will provide training equipment grants to cities trained by DOD in fiscal year 2000.

The transition will occur in stages to accommodate existing budgets and program plans. Checks and balances are built into the staged approach to the transition. DOJ will coordinate with DOD throughout fiscal year 2000 and will participate in joint planning as articulated in the finalized Memorandum of Understanding which we hope to complete in early summer.

DOD's focus beginning in fiscal year 2001 will be to continue to enhance the readiness of its WMD response units as well as installation responders. DOJ will focus on the domestic preparedness of State and local responders. As a result both Departments will contribute funding to benefit from the lessons learned from the Improved Response Program beginning in fiscal year 2001. Joint planning will be conducted through a multiagency task force to coordinate improvements needed not only for State and local response, but also for DOD's military WMD response elements.

Beginning in fiscal year 2001, the Department of Justice will assume full responsibility for managing and funding the first responder hotline, the helpline, and the Internet Web site. DOD will continue to fund and maintain the data base of WMD-related chemical-biological information and the equipment testing program as these program elements are integral to satisfying the DOD mission. DOJ will coordinate with DOD in joint planning efforts so that the State and local responder communities will continue to benefit from these Expert Assistance Programs.

DOD will also continue to maintain at least one domestic terrorism rapid response team capable of aiding Federal, State, and local officials in the detection, neutralization, containment, dismantlement and disposal of WMD chem-bio materials as was required by the Nunn-Lugar-Domenici law. In fiscal year 1999 a chemical-biological rapid response team as well as 10 rapid assessment and initial detection teams were established to meet that requirement. In fiscal year 2000, DOD has requested the funding to support the establishment of an additional five RAID teams.

The Department of Defense will continue to support the Department of Justice both during the transition and following its completion. The continued partnership for WMD preparation among local, State and Federal authorities is mandatory for our success. The recently enacted fiscal year 1999 Emergency Supplemental Appropriation Act has made that point very clear. Title III of the act acknowledges the new leadership role of the Department of Justice in combating terrorism and the need to actively engage the 54 States and territories in the development of a national WMD preparedness strategy.

The act requires that a fully coordinated final NDPO, that is the National Domestic Preparedness Office, blueprint outlining the specific roles and involvement of all Federal, State and local NDPO participants be submitted to Congress within the next few weeks. The NDPO must develop a plan for consulting with the States and developing and implementing a national strategy for domestic preparedness that builds on the existing all-hazard emergency management capabilities.

Among other things, Mr. Chairman, the act requires the Attorney General to request that each State Governor designate a lead State agency or other entity to develop a comprehensive State-level

domestic preparedness plan. Each State plan is to be based on a State-level needs assessment that identifies local and State first responder needs and provides an assessment of the resources currently available at the local, State and Federal level. My colleague Mr. Mitchell will discuss in more detail the needs assessment process.

Since President Clinton issued PDD-62 a year ago to enhance our Nation's capability to combat domestic terrorism, there has been a concerted interagency cooperative effort to coordinate and streamline our programs in a way that is fairly consistent with this most recent round of congressional direction.

We know what we need to do. We have made a good beginning, but we have a very long way to go. The NDPO is getting started, and the Attorney General has the full support of the Department of Defense in her leadership role. We are faced with a multiyear effort, which requires cooperation, patience and a long-term commitment. I thank you, sir, for your continued support and interest in this vitally important area.

Mr. SHAYS. Thank you, Mr. Cragin.

[The prepared statement of Mr. Cragin follows:]

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STATEMENT OF

HONORABLE CHARLES L. CRAGIN
ACTING ASSISTANT SECRETARY OF DEFENSE
(RESERVE AFFAIRS)

BEFORE THE HOUSE SUBCOMMITTEE ON
NATIONAL SECURITY, VETERANS AFFAIRS,
AND INTERNATIONAL RELATIONS

COMBATING TERRORISM:
PROPOSED TRANSFER OF THE
DOMESTIC PREPAREDNESS PROGRAM

MAY 26, 1999

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Good morning, Mr. Chairman and distinguished members of the Subcommittee. It is indeed a pleasure to be here today to discuss the Weapons of Mass Destruction (WMD) Domestic Preparedness Program (DPP) and the Department of Defense's plans for transferring leadership responsibility for it to the Department of Justice. I am confident this program, whether managed within the Department of Defense or the Department of Justice, will improve our nation's ability to respond to an incident involving the use of a weapons of mass destruction on U.S. soil.

Federal Response Plan

Before I begin, I'd like to take a minute to discuss the Federal Response Plan and the Department of Defense's role in supporting it. The Federal Response Plan (FRP), published by the Federal Emergency Management Agency, is the federal government's manual for coordinating and employing its emergency management response assets to help support state and local responders in managing the consequences of natural and manmade disasters.

The effects of a truly devastating WMD incident likely will overwhelm even the most well-trained and equipped local and state emergency management assets. When that occurs, the affected state governor(s) will then request federal assistance from the President. This usually results in a Presidential declaration of the incident as a national disaster, which will serve as a triggering mechanism for marshalling needed federal support and assistance to state and local authorities.

Under the FRP, the Attorney General of the U.S. (for terrorist incidents) and the Director of the Federal Emergency Management Agency (FEMA) coordinate the specific federal response assets needed to support a national disaster. The Attorney General, via the FBI, will coordinate federal assets to prevent and deter use of a WMD on United States soil and to apprehend and prosecute terrorists who have perpetrated a WMD attack within the United States. FEMA will coordinate federal assets needed to support local responders in mitigating the consequences of a WMD attack. Federal agencies and the American Red Cross provide support in 12 different emergency response areas—as requested by the lead agencies designated in the FRP. The FRP has been used for over seven years to help coordinate federal support for natural and man-made disasters. It has only recently been updated to include guidance for coordination of federal assets in response to terrorist attacks.

It is important to note that the Department of Defense plays an active, but subordinate supporting role in virtually all disaster response aspects of the FRP, except for coordinating federal public works assistance. It is that subordinate role that influenced the Deputy Secretary of Defense to initiate efforts to transfer lead responsibility for the WMD Domestic Preparedness Program to the federal agency responsible for WMD terrorist matters: the Department of Justice.

Origins, Objectives and Development of the WMD Domestic Preparedness Program

The Defense Against Weapons of Mass Destruction (WMD) Act of 1996 (Public Law 104-201—"the Act"), sponsored by Senators Nunn, Lugar and Domenici (NLD), mandated that

the United States enhance its capability to respond to domestic terrorist incidents involving nuclear, biological, chemical and radiological weapons.

The legislation specifically designated DoD as the interagency lead to carry out a program to provide civilian personnel from federal, state and local agencies with training and expert advice regarding emergency responses to a use or threatened use of WMD or related materials. Specifically, the provisions of the Act required DoD to:

- Support FEMA in developing an inventory of federal rapid response assets and physical equipment.
- Provide advice to procuring officials about equipment capable of detecting and interdicting the movement of WMD and related materials.
- Develop a train-the-trainer program for federal, state and local emergency response personnel.
- Develop and execute a five-year interagency WMD exercise and preparedness testing program.
- Establish a national telephonic "hotline" and "helpline" to provide chemical and biological data and expertise.
- Develop a database of chemical and biological materials.
- Develop and maintain at least one domestic terrorism rapid response team capable of aiding federal, state and local government officials with incident response.

The WMD Domestic Preparedness Program (DPP) was established to implement the provisions of the Act. DoD worked with its interagency counterparts on the Senior Interagency Counter-terrorism Group (SICG) to establish the program, as required by law. After much discussion and consultation with experts, the SICG agreed on a DoD-led interagency approach for implementing the train-the-trainer program. It was agreed that training priority would be given to the largest population centers of the U.S. This translated into a program plan to provide initial training and preparedness assistance for domestic WMD response for the 120 largest (according to census data) cities in the U.S. (See attached listing of the 120 cities).

The U.S. Army Soldier and Biological Chemical Command and the Army's Director of Military Support have been the principal agents within the Department for executing the program. My office assumed DoD program oversight and direction for this program in October 1998. Since its inception, DoD's WMD DPP has been funded as follows:

(millions)			
<u>FY97</u>	<u>FY98</u>	<u>FY99</u>	<u>FY00</u> (requested)
\$35.9	\$43.2	\$49.9	\$31.4

The WMD Domestic Preparedness Program Today

The WMD DPP consists of five program elements.

The 120-City "Train the Trainer Program." This program offers medical and non-medical courses aimed at educating experienced city trainers so that they can train other law enforcement officers, firefighters, hazardous materials (HAZMAT) technicians, emergency medical services (EMS) personnel and emergency managers in general subjects such as awareness and incident command. The training also addresses more specialized courses in specific operational areas such as HAZMAT, emergency medical, and hospital provider. Both DoD and DoE support this training with subject matter experts in chemical/biological and nuclear instruction, respectively.

As of May 21, 1999, DoD has trained 58 cities and over 15,700 trainers.

The city training program is composed of two phases of training which focus on the "nuclear, biological, chemical (NBC) delta:"—only those aspects of response which are *different* from how each responder would react in a non-NBC event.

- Phase 1 starts with an initial regional kickoff meeting with each city, followed by several planning meetings that culminate in a week of training, which includes a tabletop exercise and distribution of customized training aids. During phase 1, DoD also provides direct training in basic awareness and a workshop for senior officials, such as mayors and their cabinets.
- Phase 2 includes the training of first responders by the city's trained trainers. The city uses the training aids, DoD-loaned equipment (acquired specifically to meet each city's WMD preparedness training needs), and lessons learned from their initial week of training, to then train its first responder community. This phase also includes planning and executing the chemical functional exercise and biological tabletop exercise once the city responders have been trained.

In addition to conducting exercises during phase 1 and phase 2 of the city training program, the Act requires federal, state and local (F-S-L) responders to plan and execute an annual exercise during each of five successive fiscal years beginning with fiscal year 1997. The annual F-S-L exercise and the Improved Response Program (IRP) comprise the second and third elements of the DPP.

The annual federal, state and local (FSL) exercise is designed to improve the nation's overall response to a WMD incident by focusing on the interaction of federal, state and local agencies. The annual FSL exercise involves the actual deployment of representatives from federal and state agencies to the local "incident" site and integrated into appropriate regional and other operations centers. Federal and state agencies also place liaison officers in the local incident command center and thus create a unified command center where requests for assistance from the local responders are processed and then forwarded through the applicable channels to provide the needed assistance.

In FY 97, the annual FSL Exercise was held in Denver, CO in conjunction with the real world Summit of the Eight Conference (June 97). The exercise scenario centered on a simulated chemical terrorist attack. The FY 98 exercise was held in Philadelphia, PA from September 15-17, 1998. The exercise scenario again was a simulated chemical terrorist attack. This exercise

included participation of state and federal assets in the regularly scheduled Domestic Preparedness Program Chemical Functional Exercise for the city of Philadelphia. The FY99 exercise will be held in September 1999 in New York City. The exercise scenario this year will involve a simulated biological attack.

The Improved Response Program (IRP) is designed to provide solutions and technical answers to high priority responder needs. Needs are identified by first responders during DPP city training, exercises, and workshops. These needs are referred to the IRP program, where potential solutions are explored through scientific research, expert workshop/tabletop exercises, and operational exercises. Results from these efforts are then distributed through the city training program, the Helpline, and through first responder organizations.

The IRP effort focuses on finding practical solutions to threats in two key WMD focus areas: chemical weapons and biological weapons. A group to address each area has been formed, each comprised of subject matter experts from across the country as well as representatives from state and federal response agencies. The cities of Baltimore, MD (CWIRP) and New York City (BWIRP) have volunteered to host operational exercises, serve as host cities for the groups, and provide numerous first responders to participate in the tabletops and workshops as well.

Expert Assistance Program. This fourth element of the DPP provides support to first responders in the form of expert advice and assistance. An equipment testing program, which validates commercially available WMD protection and detection equipment claims, has provided invaluable "expert assistance" to the first responder community about the true capabilities of commercially available equipment. Findings from the IRP and equipment testing are integrated into the DP training and exercise curriculum and, most importantly, are available to first responders for their use. Once validated, test results are made available to all first responders via the DP web site, through the DPP city training curriculum, and at DPP workshops and exercises.

A national Helpline is supported by the DPP to provide assistance with routine, non-emergency requests for chemical and biological information, including advice on personal protective equipment, decontamination, and sources of equipment. A national Hotline is staffed 24 hours a day by chem-bio experts in an Emergency Operations Center. Calls to the Hotline are coordinated consistent with Federal Response Plan notification procedures.

An internet web site is also part of the Expert Assistance program. It provides information about the DPP program, and the chemical-biological database, equipment testing, and a repository of information about chemical and biological weapons and agents. The database also contains information on detectors, protection and decontamination equipment that is useful to both military and civilian responders.

Chemical Biological Rapid Response Team (CB-RRT), the fifth component of the DPP program, is a military unit comprised of military personnel and equipment capable of rapid domestic WMD chemical-biological response. The CB-RRT is composed of specially trained personnel who will support the lead federal agency. CB-RRT can detect, neutralize, contain, dismantle and dispose of WMD containing chemical, biological, or related hazardous materials.

Transferring the WMD Domestic Preparedness Program

The DPP has not been a static effort. Since its inception, participant input and interagency evaluation have shaped the entire program. Indeed, the Act specifically requires that the program be revised on an annual basis to include adjustments based on lessons learned from exercises, coordination efforts, and/or equipment deficiencies.

Thus, when key representatives from the Department of Justice, the Federal Bureau of Investigation, the Federal Emergency Management Agency, the National Security Council and the Department of Defense met in September 1998, to discuss how these agencies could best work together to combat domestic terrorism, it was agreed in principle that DoJ should assume leadership for implementing the nation's Domestic Preparedness Program.

This agreement would have the added benefit of placing responsibility for federally supported WMD training and equipping in one location, as part of the "one-stop shopping" approach consistently requested by first responders. After this meeting, Dr. John Hamre, the Deputy Secretary of Defense, wrote to the Attorney General affirming DoD's support to DoJ during the transfer of this program. My office has worked in concert with the Office of Justice Programs and the National Domestic Preparedness Office since that time to develop a formal memorandum of understanding that will transfer responsibility for most facets of DoD's Domestic Preparedness Program to DoJ.

The transition will be accomplished in stages to accommodate existing budgets and program plans. DoD will remain the lead federal agency for the Domestic Preparedness Program through the end of FY 2000. Also, a recommendation will be made for the President to designate the Department of Justice as the Lead Federal Agency to assume responsibility for the Domestic Preparedness Program no later than October 1, 2000.

Our negotiations are in the final stages, and the joint DoJ-DoD plan for transitioning responsibility for this program has gone extremely well. We expect the Memorandum of Understanding guiding this transfer to be finalized this summer.

Transition Plans

DoD will retain responsibility for the city training and equipping program until end of fiscal year 2000, at which time DoJ will honor the commitment to train the remainder of the designated 120 cities. During the fiscal year 2000 transition period, DoJ will coordinate with DoD in the city training-planning phases and will begin to provide grant funding for training equipment. The transition will occur in stages to accommodate existing budgets and program plans.

DoD's focus beginning in fiscal year 2001 will be to continue to enhance the readiness of its WMD response units and to prepare installation personnel for potential WMD attacks. DoJ will continue to focus DPP training efforts on local and state responders. As a result, both agencies will contribute funding to benefit from the lessons learned from Train-the-Trainer.

Program and the Improved Response Program beginning in fiscal year 2001. Joint planning will be conducted through the Multi-Agency Task Force to coordinate both the improvements of state and local response capabilities and DoD's efforts to enhance its response elements.

Beginning in fiscal year 2001, DoJ will assume funding and programmatic responsibility for the Hotline, Helpline and Internet web site, but DoD will retain funding and programmatic responsibility for the chemical-biological database and the equipment testing program, as these program elements are integral to satisfying independent DoD needs. DoJ and DoD will engage in joint planning efforts so that the state and local responder communities will continue to benefit from the expert assistance functions. DoD will enhance its domestic chem/bio response capabilities through the CB-RRT and Rapid Assessment and Initial Detection (RAID) teams by continuing to train, exercise and maintain these teams.

Checks and balances are built into the staged approach to the transition. DoJ will coordinate with DoD throughout fiscal year 2000 and participate in joint planning as articulated in the finalized Memorandum of Understanding.

Interagency Cooperation and Planning

One year ago, Presidential Decision Directive 62, also known as the Combating Terrorism Directive, highlighted the growing threat of unconventional attacks against the United States. It detailed a new and more systematic method of fighting terrorism here at home, and it brought a program management approach to our national counter-terrorism efforts.

This Directive also established, within the National Security Council, the Office of the National Coordinator for Security, Infrastructure Protection and Counter-Terrorism, to oversee these efforts.

Secretary Cohen, Deputy Secretary Hamre, Attorney General Reno, FEMA Director Witt, and Director Clark at the NSC have been thoroughly engaged and are giving the challenges associated with this process their direct and continuing attention.

With the interagency coordination process having now been formalized under the auspices of the NSC, multiple Sub-Groups have been formed to implement the guidance provided under PDD 62.

I believe the interagency cooperation facilitated by this new management structure has fostered an extremely positive climate for transferring responsibility of the DPP to DoJ. It has clearly demonstrated that we can make real, tangible progress toward building a coherent national program.

DoD's Continuing Role in Supporting First Responders

As has been discussed, DoD has a well-established pattern of federal assistance to state and local authorities in times of disaster and has leveraged that capability in developing the WMD DPP program.

When it comes to WMD response, the members of the National Guard and Reserve are ideally suited for this mission. As Deputy Secretary Hamre noted in his testimony before the Senate Armed Services Committee in March 1999, the National Guard and Reserve forces are "forward deployed all over America." They live and work in more than four thousand communities nationwide. They are familiar with emergency response plans and procedures. And, they often have close links with the fire, police, and emergency medical personnel who will be first on the scene. As a result, the Guard and Reserve comprise a highly effective source of trained and ready manpower and expertise.

As you know, the Act required the Secretary of Defense to "...develop and maintain at least one domestic terrorism rapid response team composed of members of the Armed forces and employees of the Department of Defense who are capable of aiding Federal, State, and local officials in the detection, neutralization, containment, dismantlement, and disposal of weapons of mass destruction containing chemical, biological or related materials."

Consequently, in addition to establishing the aforementioned Chem-Bio Rapid Response Team, last year President Clinton also announced plans to establish ten rapid assessment and initial detection (RAID) teams in each of the ten federal FEMA regions. These RAID teams, comprised of full-time National Guard personnel, are designed to be assets of the Governors as they perform three vital tasks. First, they will deploy rapidly to assess suspected radiological, biological or chemical events—in support of the local incident commander. Second, they will advise civilian first responders regarding appropriate actions. And third, they will facilitate requests for assistance. These ten teams will be fully mission-capable by January 2000.

Funding to support five additional RAID teams have been requested in DoD's FY 00 budget request. Congress must approve additional full-time National Guard positions for these teams. The current SASC mark-up includes authorization to support a total of 27 RAID teams, 17 more than the 10 currently authorized, and 12 more than requested. The HASC has remained silent on this issue, so the number of authorized RAID teams for FY 00 awaits conference action. Stationing of these additional elements is currently being analyzed.

Each of the Reserve components is being called upon to play an expanded role in WMD response. In FY99 and FY00, we will train and equip 43 NBC Reconnaissance elements and 127 Decontamination elements in the Army Reserve, Air Force Reserve, Army National Guard and Air National Guard, enabling them to more effectively respond to a WMD attack.

Although we can never be fully prepared to respond to all types of events in all locations, we have begun to lay the foundation for an integrated, across-the-board response—one that makes sense and one that is truly responsive to the needs of first responders. The continued partnership for WMD preparation among local, state and federal authorities will be essential to our success.

Thank you, once again, for the opportunity to speak to you today, and for your continuing support.

The 120 Cities Identified for DPP Training*

Akron, Ohio	Grand Rapids, Mich.	Oklahoma City, Okla.
Albuquerque, NM	Greensboro, NC	Omaha, Neb.
Amarillo, Texas	Hialeah, Fla.	Orlando, Fla.
Anaheim, Calif.	Honolulu, Hawaii	Philadelphia, Pa.
Anchorage, Alaska	Houston, Texas	Phoenix, Ariz.
Arlington, Texas	Huntington Beach, Calif.	Pittsburgh, Pa.
Arlington, Va.	Huntsville, AL	Portland, Ore.
Atlanta, Ga.	Indianapolis, Ind.	Providence, R.I.
Aurora, Colo.	Irving, Texas	Raleigh, NC
Austin, Texas	Jackson, Miss.	Richmond, Va.
Bakersfield, Calif.	Jacksonville, Fla	Riverside, Calif.
Baltimore, Md.	Jersey City, NJ	Rochester, NY
Baton Rouge, La.	Kansas City, Kan.	Sacramento, Calif.
Birmingham, Ala.	Kansas City, Mo.	Salt Lake City, Utah
Boston, Mass.	Knoxville, KY	San Antonio, Texas
Buffalo, NY	Las Vegas, Nev.	San Bernardino, Calif.
Charlotte, NC	Lexington-Fayette, Ky.	San Diego, Calif.
Chattanooga, Tenn.	Lincoln, Neb.	San Francisco, Calif.
Chesapeake, Va.	Little Rock, Ark.	San Jose, Calif.
Chicago, Ill	Long Beach, Calif.	Santa Ana, Calif.
Cincinnati, Ohio	Los Angeles, Calif.	Seattle, Wash.
Cleveland, Ohio	Louisville, Ky.	Shreveport, La.
Colorado Springs, Colo.	Lubbock, Texas	Spokane, Wash.
Columbus, Ga.	Madison, Wis.	Springfield, Mass.
Columbus, Ohio	Memphis, Tenn.	St. Louis, Mo.
Corpus Christi, Texas	Mesa, Ariz.	St. Paul, Minn.
Dallas, Texas	Metairie, La.	St. Petersburg, Fla.
Dayton, Ohio	Miami, Fla.	Stockton, Calif.
Denver, Colo.	Milwaukee, Wis.	Syracuse, NY
Des Moines, Iowa	Minneapolis, Minn.	Tacoma, Wash.
Detroit, Mich.	Mobile, Ala.	Tampa, Fla.
El Paso, Texas	Modesto, Calif.	Toledo, Ohio
Fort Wayne, Ind.	Montgomery, Ala.	Tucson, Ariz.
Fort Worth, Texas	Nashville, Tenn.	Tulsa, Okla.
Freemont, Calif.	New Orleans, La.	Virginia Beach, Va.
Fresno, Calif.	New York, NY	Warren, Mich.
Ft. Lauderdale, Fla.	Newark, NJ	Washington, DC
Garland, Texas	Newport News, VA	Wichita, Kan.
Glendale, Ariz.	Norfolk, Va.	Worcester, Mass.
Glendale, Calif.	Oakland, Calif.	Yonkers, NY

*Bold-type cities have received DPP training

Mr. SHAYS. I want to correct the record. Mr. Mitchell, you are next. Mrs. Martinez, you are not from FEMA, you are from the Department of Justice.

Mrs. MARTINEZ. Yes, I am.

Mr. SHAYS. Thank you for your restraint.

Mrs. MARTINEZ. We have a great partnership.

Mr. SHAYS. Anyway, great to have you from the Department of Justice. I was wondering who would represent the Department of Justice here. OK. You are on, Mr. Mitchell.

STATEMENT OF ANDY MITCHELL, DEPUTY DIRECTOR, OFFICE FOR STATE AND LOCAL DOMESTIC PREPAREDNESS SUPPORT, OFFICE OF JUSTICE PROGRAMS, DEPARTMENT OF JUSTICE

Mr. MITCHELL. Thank you. Thank you, Mr. Chairman, Congressman Tierney. On behalf of Attorney General Janet Reno, Assistant Attorney General Laurie Robinson, I am pleased to be here today to discuss OJP's programs to enhance the capabilities of State and local first responders to deal with domestic terrorism involving weapons of mass destruction.

Mr. SHAYS. Mr. Mitchell, let me just have you suspend for 1 second to recognize that Mr. Tierney is here. I apologize. I would ask unanimous consent that all members of the subcommittee be permitted to place any opening statement in the record and that the record remain open for 3 days for that purpose. Without objection, so ordered. I ask further unanimous consent that all Members be permitted to include their written statement, too, in the record, and without objection, so ordered. Thank you. I am sorry, Mr. Mitchell.

Mr. MITCHELL. No problem. Thank you. In 1998, the Attorney General delegated authority for key facets of DOJ's Domestic Preparedness Program to the Assistant Attorney General for the Office of Justice Programs, who in turn proposed the creation of the Office for State and Local Domestic Preparedness Support to develop and administer critically needed financial and technical support to the Nation's first responders.

Building on experience developed through 30 years of providing public safety and law enforcement support for training and technical assistance to State and local governments, OJP is focusing on five interrelated areas. First, we are conducting a national needs assessment to better help allocate resources and direct our design of training and exercise programs to meet the needs of the first responders as they define those needs.

Second, our office is providing financial assistance to enable State and local jurisdictions to buy much needed equipment. This fiscal year OJP will award \$85.5 million to over 200 cities and the 50 States. We just finalized our agreements with appropriation staff yesterday, and we will have information for the committee on how those funds will be distributed early next week.

Third, OJP offers a broad spectrum of training to ensure that State and local emergency response personnel, fire, law enforcement, HAZMAT, EMS, and public officials have the knowledge, skills and abilities to respond safely and effectively to a terrorist incident.

Fourth, OJP will support local-level tabletop and functional exercises for State and local agencies to help identify strengths and weaknesses within their current response plans.

And fifth, we offer a wide range of technical assistance to help transfer knowledge and assist State and local agencies to make critical decisions the domestic preparedness issue requires.

In delivering training and equipment to emergency personnel, OJP will closely coordinate and cooperate with the Department of Justice's National and Domestic Preparedness Office [NDPO], as Mr. Cragin has already discussed, which was proposed to coordinate Federal domestic preparedness initiatives and to serve as a single point of contact for first responders for information on Federal preparedness programs. In working with the NDPO, OJP participates in an intergovernmental coordination process that helps all Federal agencies to better focus and coordinate program policy across the Federal Government.

In formulating our plans, OJP in concert with NDPO has made every effort to coordinate existing and planned domestic preparedness programs with those sponsored by other Federal agencies. This coordinated approach helps ensure that our programs are integrated with those efforts and that program funding is maximized to deliver the best training in the most effective manner.

In particular, the intergovernmental coordination has been very significant and effective as the Departments of Defense and Justice are planning to transfer the Nunn-Lugar Domestic Preparedness Program. The Department of Justice is committed to completing the training in the 120 jurisdictions originally identified by DOD. Our two departments are working extremely well with excellent coordination between the agencies, particularly from the staff of the Reserve Affairs Office headed by Mr. Cragin.

I am confident that the program transition will result in a much more robust and comprehensive Federal training program for the Nation's first responders, enabling OJP to integrate our existing training and other domestic preparedness assets with the Domestic Preparedness Program implementation.

The integration will also address legitimate concerns regarding the two programs having different target groups with different mechanisms. As Charlie said, the memorandum of agreement is undergoing final review, and we should hope to have that finalized by this summer.

The training equipment component of Nunn-Lugar is a critical element. OJP will provide grants for this purpose for the 20 cities beginning the training in fiscal year 2000 under DOD's leadership and in subsequent years. This will eliminate confusion and the difficulties inherent with the current equipment loan program. This is another area where OJP's grantmaking authorities and capabilities can enhance the program implementation.

A major element of our program in OJP is the National Domestic Preparedness Consortium. Funding for all five members was provided for the first time in fiscal year 1999 to develop and implement specialized training for first responders. Each of the consortium members, Louisiana State University, Texas A&M University, the New Mexico Institute of Mining and Technology, the Department of Energy's Nevada test site and OJP's Center for Domestic

Preparedness at Fort McClellan, AL, has unique capabilities and expertise that will contribute to more diverse, well-rounded training opportunities for the Nation's first response community and will add significantly to the training opportunities for these responders.

Throughout the development of OJP's programs and under the umbrella of the NDPO and our Federal partners, we have made every effort to keep in close touch with those that we are here to serve, the Nation's first responders. We will work closely with, for example, the National Emergency Management Association, the National Association of Fire Chiefs, and the National Sheriffs Association and other key stakeholder groups. With their help and constant feedback, we will continue to develop and improve our programs so that we can enhance the Nation's ability to deal with events that we all hope will never occur. Thank you, and I will be happy to answer any questions that you may have.

Mr. SHAYS. Thank you, Mr. Mitchell.

[The prepared statement of Mr. Mitchell follows:]



U.S. Department of Justice

Office of Justice Programs

Washington, D.C. 20531

Statement of

Andy Mitchell
Deputy Director
Office for State and Local Domestic Preparedness Support
Office of Justice Programs
United States Department of Justice

Before the
Subcommittee on National Security,
Veterans Affairs and International Relations
Committee on Government Reform
U.S. House of Representatives

On Domestic Preparedness Efforts

May 26, 1999
Washington, D.C

Mr. Chairman and Members of the Subcommittee. My name is Andy Mitchell and I am the Deputy Director of the Office for State and Local Domestic Preparedness Support (OSLDPS), Office of Justice Programs (OJP). On behalf of the Attorney General Reno and Assistant Attorney General Laurie Robinson, I am pleased to be with you today to discuss our programs that are dedicated to enhancing the capabilities of state and local first responders to deal with the threat of domestic terrorism involving weapons of mass destruction (WMD).

Overview

The catastrophic potential from terrorist use of Weapons of Mass Destruction (WMD) is great and the threat is real. The Oklahoma City and World Trade Center Bombings, as well as the Tokyo subway attacks, are vivid reminders that we are all at risk in a changing world. Since the beginning of this year, the Federal Bureau of Investigation has logged approximately one WMD threat a day. The federal government has responded with a number of initiatives, reflecting the sense of the Administration and Congress that America's civilian population is at risk and that communities must have adequately trained and equipped first responders.

The Assistant Attorney General for the Office of Justice Programs is responsible for the administration of a key facet of the Justice Department's domestic preparedness programs, under a delegation of authority signed by the Attorney General on April 30, 1998. The Department of Justice Office of Justice Programs has proposed creating the Office for State and Local Domestic Preparedness Support (OSLDPS) to deliver financial and technical support to first responder communities across the nation.

Under this initiative, OJP/OSLDPS is pursuing five interrelated areas:

First, OJP/OSLDPS is conducting needs assessments on a national, state, and local level to help

allocate resources and design training and exercise programs for individual jurisdictions. Second, OJP/OSLDPS is providing financial assistance to enable state and local jurisdictions to buy much-needed equipment. Third, OJP/OSLDPS will offer a broad spectrum of training to ensure that state and local emergency response personnel and public officials have the knowledge, skills, and abilities to enable them to respond well if terrorist incidents occur. Fourth, OJP/OSLDPS will offer tabletop and functional exercises to provide an opportunity to identify strengths and weaknesses within state and local emergency response plans and to practice response drills with key equipment before an actual event. And, fifth, OJP/OSLDPS will offer technical assistance to help in sharing the information to make the critical decisions domestic preparedness requires.

OJP's legislative authority for this mission is found in three laws: the "Antiterrorism and Effective Death Penalty Act of 1996," and the "Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Acts of 1998 and 1999."

The standards by which OSLDPS assists state and local jurisdictions in accessing and acquiring training and equipment for emergency responder personnel will be coordinated by the Department of Justice's National Domestic Preparedness Office (NDPO), which has been proposed as an office to coordinate federal domestic preparedness initiatives and to serve as a single point of contact for first responders for information on federal preparedness programs.

When fully operational, NDPO will act as the single federal office for coordinating federal initiatives on domestic preparedness into a cohesive and logical program that enhances the capabilities of first responders. As part of this mission, OSLDPS will operate under the umbrella of NDPO to assist state and local jurisdiction with the delivery of appropriate training,

equipment, and exercises consistent with the standards coordinated by NDPO.

In carrying out this function, OSLDPS is integrating new training initiatives into existing DOJ programs. At the beginning of Fiscal Year 2001, we are planning for OSLDPS to assume responsibility for the Nunn-Lugar-Domenici Domestic Preparedness Program, which is currently administered by the Department of Defense. I will discuss this initiative in a moment.

Assessments

Assessments are an effective tool for prioritizing and allocating resources to develop programmatic solutions (training, equipment, and exercises) that lessen a jurisdiction's vulnerability to possible terrorist WMD incidents. Assessments ensure that measures taken to reduce vulnerabilities are justifiable and that resources are appropriately targeted to address identified needs. OSLDPS views assessments as the cornerstone of its state and local domestic preparedness efforts. In fact, each application for OSLDPS grant assistance is built around a self-administered assessment process.

OSLDPS is engaged in a number of different assessment activities. The current "macro-level" needs assessment funded by OSLDPS is intended to provide a nationwide survey of the current WMD response environment. OSLDPS will build on the findings of that study through a program of city-county-state-level needs assessments, which are intended to help individual jurisdictions pinpoint vulnerabilities and develop an objective basis for future delivery of WMD terrorism assistance. The resulting findings will serve not only as a road map for program planning, but as a benchmark for measuring program effectiveness.

The Justice Department's Fiscal Year 1999 appropriation provided \$1 million to conduct a national needs assessment of state and local agencies' equipment capability, readiness, and

training needs for chemical, biological, radiological, nuclear, and conventional explosive responses. The assessment planning is being coordinated with NDPO, so that NDPO can consider these findings as part of its coordination mission, across all federal first responder assistance programs.

The WMD assessment is being conducted in two phases. The first phase, already completed, collected and reviewed existing WMD assessments to establish a knowledge baseline and identify gaps. During the second phase, a new WMD needs assessment will be produced from this baseline. The assessment will report on equipment, training, exercises, technical assistance, and research and development. More communities--on a wider demographic and geographic scale--will be surveyed. The results will be reviewed through focus groups, technical experts, and FBI field office WMD coordinators. Implementation guidance for the overall domestic preparedness program will be created from the final comprehensive WMD needs assessment.

OSLDPS is initiating a program of local and state assessments to identify and evaluate risks and capabilities, and, in turn, develop a catalogue of needs. These assessments will provide detailed analysis intended to assist with planning and will be provided to NDPO as part of its role in coordinating federal domestic preparedness assistance programs. Assessment teams will visit jurisdictions and assist local planners, responders, and policymakers with identifying potential problems and evaluating the communities' response area strengths and weaknesses. The resulting findings will enable local planners and policymakers to guide local resources and programs in the most efficient way possible, while also affording federal support to be more effectively targeted to address specific needs. We intend to formally communicate the

assessment results to the city.

Equipment Grants

The Department of Justice equipment program was inaugurated in Fiscal Year 1998 with the appropriation of \$12 million for the State and Local Domestic Preparedness Equipment Support Program to enhance first responder equipment capabilities in WMD emergencies. To receive a grant, jurisdictions were asked to provide a description of their terrorist vulnerability and risk assessments, identifying what factors and characteristics of their areas made them vulnerable. Jurisdictions then related the correlation between their equipment needs and their assessment of the risk.

Applicant needs for personal protective equipment, chemical/biological detection, decontamination, and communications equipment were examined using a tiered process that ranged from a basic defensive equipment level to more technologically advanced levels. Applicants move to the next tier only after the basic equipment requirements for the previous tier are filled.

The 120 largest jurisdictions in the United States were eligible to apply for the FY 1998 equipment grant program. Competitive grant awards were made to 41 of these jurisdictions to purchase equipment in four categories – personal protection, decontamination, detection, and communication.

In FY 1999, OSLDPS has two levels of grant equipment programs that aim to cover more of the country, enhancing programs in cities that have already received Nunn-Lugar-Domenici Training and Equipment, reaching out to the counties and states, and providing funds for cities and states not currently receiving grants from other programs. OJP's application kit will include

an authorized equipment list identifying types of equipment that can be procured under this program. This list was derived from the Standardized Equipment List (SEL) developed by the DoD and the FBI.

This year, the Equipment Support Program will expand beyond the 120 OJP training jurisdictions. The program is now called the County and Municipal Agency Domestic Preparedness Equipment Support Program. Fifty-nine cities have already undergone training as part of the Domestic Preparedness Program (Nunn-Lugar-Domenici).

A state program of the OSLDPS equipment grant will provide a mechanism to address concerns expressed that federal resources need to be targeted to smaller jurisdictions. The states are able to distribute the grants funds, at their own discretion, to enhance the capabilities of smaller jurisdictions on a suburban and rural scale. There is also no overlap between the grantees of the two OSLDPS programs to ensure maximum coverage with the funds available.

The Justice Department's Fiscal Year 1999 appropriation has also allotted funding to increase municipal fire and emergency service departments' equipment and training program. This grant program will provide funds for equipment for selected municipal fire and emergency medical departments.

Training

Responder training, like any other learning experience, must be incremental, with progressive steps in the learning process. Training currently being offered to address readiness for WMD terrorism is far from comprehensive. OSLDPS programs are designed to bridge gaps in other programs and offer new enhanced, specialized training. These courses are delivered through a variety of mechanisms.

When applying for equipment, jurisdictions provide OJP with information on the number of HAZMAT teams they possess on a state and local level, as well as the number of tactical units, emergency medical services, law enforcement agencies, and fire service agencies that are within the jurisdiction. They also provide information on the number of cities and counties and other areas that may utilize the equipment. Jurisdictions also detail and assess their terrorist incident training and exercise needs and describe the level of training required by their fire, HAZMAT, emergency medical, and law enforcement personnel.

This information allows OSLDPS to determine the WMD training that is available and being utilized by jurisdictions across the country. The assessment is also part of a larger effort to identify gaps in WMD training currently available to local first responders, as well as identify training resource gaps for each jurisdiction. The information will assist the development of new training materials and courses to fill the gaps.

The Department of Defense and the Department of Justice are working on a Memorandum of Understanding for the proposed transition of the Nunn-Lugar-Domenici program, which should be completed by mid-June 1999. During FY 2000, the program transition will begin and will be completed by the beginning of FY 2001. The two departments are working well together, with excellent cooperation from DoD, which should make the transition seamless, with no impact on the cities involved with the training. The Department of Justice is committed to completing the training in the 120 jurisdictions originally identified by DoD. I am confident that the program transition will result in a much more robust and comprehensive federal training program for first responders, enabling OJP to integrate our training and other domestic preparedness assets with the Domestic Preparedness Program

implementation. The integration will also address legitimate concerns regarding DOJ's and DoD's two programs having different target groups with different delivery mechanisms.

A prime goal of the transition is to provide the Phase I training to as many of the 120 cities as possible by the end of FY 2000. Under the terms of the MOU, DoD will complete all phases of the Nunn-Lugar-Domenici program for 68 jurisdictions, and will complete Phase I city training for an additional 37 cities by the end of FY 2000. OJP will initiate its administration of the program with the remaining 15 cities as the first jurisdictions to participate in FY 2001. The completion of the Phase II exercise component for cities 69-120 will be accomplished by OJP, beginning on a small scale in FY 2000, with a major commitment in FY 2001.

DoD's Domestic Preparedness Program training is essentially entry-level WMD training for first responders, providing concepts and raising hazard awareness. OSLDPS programs will provide the next tier in that process, offering learning opportunities to further enhance first responders' understanding and refine actual skills, including tactical and strategic responses to WMD terrorist incidents. An effort is underway to evaluate and, per stakeholder requests, certify effective training courses. As part of that process, the establishment of training hierarchies will assure first responders that they are progressing toward greater levels of proficiency.

Jurisdictions receiving equipment grants for their fire and emergency medical services departments are receiving training in handling explosive, incendiary, chemical, and biological incidents through OSLDPS. This builds on the effort begun in 1997 that targeted the nation's 120 largest jurisdictions. OSLDPS utilizes the assessment information from the grant applications to create a training and exercise program for each jurisdiction, providing the maximum amount of skill development and minimizing knowledge gaps for the responders. The

program is composed of a train-the-trainer course and direct-delivery course on incident management and tactical decision-making. OSLDPS also offers a self-study terrorism awareness course for first responders and its train-the-trainer course is available to state fire academy instructors for their classes.

The Office for State and Local Domestic Preparedness will also provide jurisdictions technical training in handling equipment purchased with federal grants. This training is available upon the jurisdiction's request either through on-site visits, long-distance learning, or by hosting responders at training facilities around the country.

The National Domestic Preparedness Consortium (NDPC) is a key element of the federal domestic preparedness initiative. NDPC is providing the nation's first responders with specialized training specifically designed for responding to WMD incidents of domestic terrorism, filling existing training gaps, and enhancing training currently provided by FEMA, DoD, and other federal agencies. The specialized NDPC training will be delivered in three ways: on location at the Consortium facilities, through regional or traveling courses, and via distance learning technology. In FY 1999, the Consortium will identify training needs, develop training courses, and deliver courses to first responders in four major areas: awareness, responder operations, technician responses, and WMD incident management.

The Consortium incorporates the several organizations that have received funding under the OJP's domestic preparedness initiative into a single, coordinated, and integrated training program. Each of the five NDPC members has capabilities that make their individualized sites uniquely qualified to provide specialized WMD training.

- The National Energetic Materials Research and Testing Center at the New Mexico

Institute of Mining and Technology provides live explosive training and field exercises.

- The National Center for Bio-Medical Research and Training at Louisiana State University provides expertise and training in biological agents and in law enforcement.
- The National Emergency and Response and Rescue Training Center at Texas A&M University provides the ability to conduct field exercises and expertise and facilities for training on urban search and rescue techniques, with emphasis on the fire, HAZMAT, and EMS disciplines.
- The U.S. Department of Energy's National Exercise, Test, and Training Center at the Nevada Test Site provides the ability to conduct large scale field exercises using a wide range of live agent simulants and explosives.
- The Office of Justice Program's Center for Domestic Preparedness at Fort McClellan, Alabama provides the ability to conduct training in a live chemical agent environment and to conduct field exercises. The Center was opened by OJP/OSLDPS on June 1, 1998 to train state and local emergency responders in both basic and advanced methods of responding to, and managing, incidents of domestic terrorism. Even now in its initial stages of operation, the Center has already trained nearly 1000 first responders in basic awareness, incident command, and incident management.

OSLDPS is developing an enhanced Senior Officials Course tailored for each recipient jurisdiction. The course builds on the existing Senior Official courses and is part of the transition from the Nunn-Lugar-Domenici program. This new program dovetails with the new assessment process and will ultimately serve as a vehicle for delivering the assessment findings to city leaders. The course teaches baseline awareness, then walks participants through the findings of

the jurisdictional assessment. Through this process, decision-makers fully understand the community's state of preparedness and the necessary steps to ameliorate shortfalls. OSLDPS will initiate the program with a special version intended for the first 25 cities that received the Nunn-Lugar-Domenici Domestic Preparedness Program train-the-trainer courses.

Each of the 12 courses being developed will undergo a thorough review and critique. Comments from the review boards will then be incorporated into the courses and, following a final expert review, the courses will be certified by OSLDPS through the NDPO process.

Our State and Local Technical Assistance and Needs Assessment Program will provide funding to give state and local agencies technical assistance. Assistance will range from calibrating and handling equipment to expert advice and information on a variety of WMD threats through phone hotlines and the Internet. Technical assistance is a constant throughout the preparedness spectrum and is available to all responders on a continual basis.

Exercises

Exercises are critical to developing and refining first responder abilities to deal with WMD incidents. Exercises provide an opportunity for responders to move from theoretical learning to the practical application of training. Tabletop exercises allow responders to integrate response elements and begin to grasp the interplay of various disciplines. Drills or functional exercises provide a hands-on opportunity to utilize key equipment and run through the motions of a response in a low-stress environment. Enhanced functional exercises offered through the Consortium also provide the chance to practice responses in a hazardous environment. Issues central to the exercise include the development of confidence in local abilities to identify and manage the consequences of a terrorist attack during the early stages of the event, as well as the

integration of local, state, and federal resources in a larger scale response, which might involve the use of pre-deployed assets or one that occurs over a longer period of time.

Congress has directed the Office of Justice Programs to conduct two types of exercises. A major "Topoff" exercise will be carried out at the national level in Fiscal Year 2000, which will involve senior federal officials and response assets responsible for consequence management of terrorist attacks. This exercise will be a "no notice" event, intended to stress the federal system's ability to effectively carry out its responsibilities. Topoff will be planned and executed in partnership with FEMA and focus on consequences management. OJP and FEMA, in cooperation with the NDPO, hosted a Topoff planning conference, inviting 110 state and local officials on May 19-20, 1999.

On the state and local level, OSLDPS intends to support local exercise initiatives with funding and technical assistance. The objective is to support non-Nunn-Lugar-Domenici jurisdictions that have received OSLDPS training and support, and responders will also be eligible to attend exercise-based training courses. These are small-scale exercises, not large, national-level exercises involving major federal assets.

Summary

In August 1998, the first State and Local Domestic Preparedness Stakeholders Forum was convened with participation from over 200 local, state and federal responders. The two-day conference offered a needs development process designed to provide an assessment of state and local WMD terrorism response requirements and to recommend appropriate federal support. This gathering of the nation's first responder community was, in essence, an expert focus group. Responders identified shortfalls or needs from the context of practical experience and offered

recommended courses of action. The concerns and recommendations for action that emerged from that forum have provided invaluable guidance to planners in the development of the OSLDPS programs and to other federal government agencies. We intend to continue this process by maintaining an active feedback process, engaging with the responder community through efforts such as the National Domestic Preparedness Consortium and the NDPO's Stakeholder Advisory Group, which is proposed as a key element of NDPO's process for coordinating federal programs with state and local needs.

The evolving federal program for WMD terrorism preparedness is built on an interlocking foundation of assessment, training, equipment, and exercises. Each part is integral to a logically defined process, every element contributing to the whole. The OSLDPS program, as it gathers momentum and prepares to integrate the existing Nunn-Lugar-Domenici Domestic Preparedness Program activities, will provide targeted support, including technical assistance, to more than 300 cities, counties, and states across the nation. Through its awareness programs, thousands of police and fire personnel will be trained through direct deliver and train-the-trainer programs. This broadened reach will dramatically improve the level of sophistication and the functional readiness of the fire, law enforcement, and medical first responder communities nationwide.

As the early efforts have matured, the needs of the first responder communities have become increasingly better understood by those responsible for providing support at the national level. Through the improved coordination of federal domestic preparedness programs that will be provided by the NDPO, OSLDPS will continue to provide assistance to state and local jurisdictions as a part of DOJ's overall effort to enhance the nation's capabilities to respond to

events we hope will never occur.

Mr. Chairman, that concludes my statement and I will be pleased to answer any questions you may have. Thank you.

Mr. SHAYS. We will hear from Mrs. Martinez now.

**STATEMENT OF BARBARA Y. MARTINEZ, DEPUTY DIRECTOR,
NATIONAL DOMESTIC PREPAREDNESS OFFICE, DEPARTMENT
OF JUSTICE**

MRS. MARTINEZ. Good morning, Mr. Chairman, and thank you for this opportunity to speak before distinguished Members of Congress and my colleagues regarding the proposed role of the National Domestic Preparedness Office in combating terrorism within the United States. My intent is to highlight the importance of achieving coordination across the Federal Government of the various individual agency efforts that currently provide valuable assistance to State and local communities in preparing them to face the challenge that terrorism presents.

As you have noted, over 40 Federal agencies would have a role in the response to a true terrorist attack involving weapons of mass destruction. So, too, are many of these agencies in a logical position to provide various forms of expert assistance to prepare their State and local counterparts whose job it is to save lives and protect the security of our communities if such an event occurs.

The mission of the National Domestic Preparedness Office, as recommended to the Attorney General by State and local authorities, will be to serve as the central coordinating body for Federal programs that can help emergency responders prepare for such events.

As you know, in the past few years Congress and the President have taken significant steps to increase our national security and to promote interagency cooperation. Most recently, cooperative efforts against terrorism have been expanded to include State and local agencies as well as professional and private sector associations. For example, in the preparation of the administration's 5-year interagency counterterrorism and technology crime plan, the Attorney General sought the input of over 200 local and State representatives of response disciplines that would be most likely involved in the response to a terrorist event. Collectively, fire services and HAZMAT personnel, law enforcement and public safety personnel, emergency medical and public health professionals, emergency management, local and State government officials as well as various professional associations and organizations recommended to the Attorney General and others on ways to improve Federal assistance for State and local communities. These recommendations have been incorporated into the administration's 5-year plan.

The most critical issue identified by stakeholders was the need for a central Federal point of coordination. Due to the size and complexity of both the problem of terrorism and the Federal Government itself, it was no surprise that the many different avenues through which aid may be required by State and local officials and the resulting inconsistency in those programs was simply deemed to be overwhelming. In essence, the Federal Government, though well intended, was not operating in an optimal manner, nor was it effectively serving its constituents with regard to domestic preparedness programs and issues.

State and local response officials made a strong recommendation in the presence of the Attorney General and the presence of the Director of FEMA and the Secretary of Defense for the coordination and integration of all the Federal programs that rate State and local agencies for terrorism preparedness. In heeding that recommendation, the Attorney General further conferred with the National Security Council, FEMA, HHS, DOD and others, and with their support proposed the National Domestic Preparedness Office. If approved, the office will provide a productive forum for the coordination of the vital efforts of the Office of Justice Program's Office for State and Local Preparedness Support, FEMA, Department of Defense, National Guard, EPA, the environmental agency, the Department of Energy, the Department of Health and Human Services, FBI, and the many other Federal agencies with related assistance programs.

Stakeholders also cited the need for formal representation of State and local authorities along with the Federal agencies in the form of an advisory board to guide the development and delivery of more effective Federal programs. Federal agencies agreed that State and local participation is critical to the whole process of domestic preparedness. Therefore, in addition to the advisory board, it is anticipated that when fully staffed, the NDPO will be staffed approximately one-third by State and local experts from various disciplines. These positions will be filled through establishment of interagency reimbursable agreements or contract hires.

Overall the NDPO will serve as a clearinghouse to provide information to local and State officials who must determine the preparedness strategy for their community. The stakeholders easily identified six broad issue areas in need of coordination assistance: planning, training, exercise, equipment research and development, information sharing, and public health and medical services. If I could, I would like to highlight just a few of these, the efforts the NDPO could engage in.

In the area of training, the NDPO would establish a mechanism to ensure that Federal training programs comply with minimal national standards, such as those of the National Fire Protection Association, Occupational Safety and Health Administration. The NDPO could also develop a national strategy to make sustained training opportunities and assistance available to all communities and States nationwide. The NDPO would maintain an after-action tracking data base for the repository and review of all lessons learned during exercises and actual events that might assist other communities.

In connection with information sharing, the NDPO can implement a mechanism to facilitate access by personnel outside law enforcement to information that would be critical for preparedness and consequence management.

In the area of equipment research and development, the NDPO, with direct input by emergency responders, has already established a standardized equipment list which has been incorporated into the grant application kits used by the Office of Justice Programs. The NDPO again would serve as a clearinghouse for product information provided by private vendors and testing data provided by approved testing facilities, including those of Department of Defense,

to promote a synergy and avoid costly duplication in the area of Federal research and development.

Finally, in the area of health and medical services, the NDPO, under the guidance of the Public Health Service of the Department of Health and Human Services, would coordinate the efforts to support the metropolitan medical response systems, pharmaceutical stockpiling systems, the establishment of a nationwide surveillance system, and over other efforts to improve the identification of infectious diseases and the overall integration of the public health and mental health care community into the WMD response plans.

Mr. Chairman, I thank you for the opportunity to speak to you today and in the future as the NDPO continues to mature into the one-stop shopping for domestic preparedness as proposed by the Attorney General of the United States. She has recently said that the actions of the first people on the scene can really make a difference between life and death, and the key is to work together in a partnership among Federal, State, and local communities to prepare a coordinated response that saves lives and provides for the safety of all involved. I will answer any questions that you may have.

Mr. SHAYS. Thank you very much, Mrs. Martinez.
[The prepared statement of Mrs. Martinez follows:]

STATEMENT BY

MRS. BARBARA Y. MARTINEZ

DEPUTY DIRECTOR
NATIONAL DOMESTIC PREPAREDNESS OFFICE

**BEFORE THE
UNITED STATES HOUSE OF REPRESENTATIVES
SUBCOMMITTEE ON**

**NATIONAL SECURITY,
VETERANS AFFAIRS,
AND
INTERNATIONAL RELATIONS**

ON

**"COMBATING TERRORISM:
PROPOSED TRANSFER
OF THE
DOMESTIC PREPAREDNESS PROGRAM"**

MAY 26, 1999

Good morning, Mr. Chairman and thank you for this opportunity to speak before distinguished members of Congress and my colleagues regarding the proposed role of the National Domestic Preparedness Office in combating terrorism within the United States.

My intent is to highlight the importance of achieving coordination across the federal government of the various individual agency efforts that provide valuable assistance to states and local communities in preparing them to face the challenge that terrorism presents. As over 40 federal agencies would have a role in the response to a true terrorist attack involving weapons of mass destruction, so too are many of these agencies in a logical position to provide various forms of expert assistance to their state and local counterparts -- the men and women of this country on the front line, whose job it is to save lives and protect the security of our communities if such an event occurs. The mission of the National Domestic Preparedness Office, as recommended to the Attorney General by State and local authorities, will be to serve as the central coordinating body for federal programs that can help emergency responders prepare for such incidents.

As you know, in the past few years, the President of the United States and Congress have taken significant steps to increase our national security and to promote interagency cooperation. Most recently, cooperative efforts against terrorism have been extended to include state and local agencies as well as professional and private sector associations.

For example, in the preparation of the Five-Year Interagency Counterterrorism and Technology Crime Plan for the Administration, the Attorney General of the United States directed the Department of Justice, Office of Justice Programs, to host a meeting of individuals who represent the various emergency response disciplines that would most likely be involved in the response to a terrorist event. More than 200 stakeholders representing local and State disciplines, including the fire services and HAZMAT personnel; law enforcement and public safety personnel; emergency medical and public health professionals; emergency management and government officials; and various professional associations and organizations all attended the two-day session.

Collectively, they made recommendations to the Attorney General; James Lee Witt, Director of FEMA; Dr. Hamre, the Deputy Secretary of Defense, and other Federal officials on ways to improve assistance for state and local communities. These recommendations have been incorporated in the Administration's Five-Year Plan mentioned above.

The most critical issue identified by stakeholders was the need for a central federal point of coordination. Due to the size and complexity of both the problem of terrorism and of the federal government itself, it was no surprise that the many different avenues through which aid may be acquired, by state and local officials, and the resulting inconsistency of those programs was deemed to be simply overwhelming. In essence, the federal government, though well intentioned, was not operating in an optimal manner nor was it effectively serving its constituents with regard to domestic preparedness programs and issues.

State and local emergency response officials made a strong recommendation to the Attorney General for the coordination and integration of all federal assistance programs that

reach state and local agencies for terrorism preparedness. In heeding that recommendation and seeking to increase the efficiency and effectiveness of federal support programs that provide grants for equipment, training, exercises, and information sharing, the Attorney General proposed the establishment of the NDPO.

In proposing the establishment of the NDPO, the Attorney General consulted the National Security Council, Federal Emergency Management Agency, Department of Health and Human Services, and other relevant agencies regarding the creation of a single coordination point within the federal government to better meet the needs of the Nation.

The NDPO if approved will provide a forum for coordination of all federal programs that offer terrorism preparedness assistance for State and local officials. The NDPO coordination function will include the vital efforts of the Office of Justice Program's Office for State and Local Domestic Preparedness Support, the Federal Emergency Management Agency (FEMA), the Environmental Protection Agency (EPA), the Department of Health and Human Services (DHHS), the Department of Defense (DoD) the National Guard, and the Federal Bureau of Investigation (FBI).

It is intended that the NDPO will serve as a much needed clearinghouse to provide information to local and state officials who must determine the preparedness strategy for their community. In keeping with Stakeholders' requests, the NDPO will also provide a forum for the establishment of agreed-upon standards to guide the execution of federal programs.

Federal participants that have currently serve in a full-time capacity at the NDPO include the Federal Emergency Management Agency, the Department of Defense, the National Guard Bureau, the Department of Energy, the Department of Health and Human Services, the Environmental Protection Agency, the Office of Justice Programs, and the Federal Bureau of Investigation. We have received commitments from other agencies including the U.S. Coast Guard, the Department of Veterans Affairs, Nuclear Regulatory Commission, and the Office for Victims of Crime to provide personnel in the future.

Stakeholders also cited the need for formal representation of state and local officials with the federal agencies in the form of an advisory board to guide the development and delivery of more effective federal programs. Federal agencies agree that their participation is critical to the whole process of domestic preparedness. Therefore, in addition to the Advisory Board, it is anticipated that when fully staffed, approximately one-third of the NDPO will be comprised of State and Local experts from various disciplines. These positions will be filled through the establishment of interagency reimbursable agreements or through contract hires.

Stakeholders easily identified six broad issue areas in need of coordination and assistance. These areas are: Planning; Training; Exercise; Equipment Research and Development; Information Sharing; and Public Health and Medical Services. I would like to highlight just a few of the ongoing efforts of the NDPO in each of these areas.

In the area of Planning, the NDPO would facilitate the distribution of the United States Government Interagency Domestic Terrorism Concept of Operations Plan and other Planning guidance for State and Local communities. The benefit of such guidance is to explain to state

and local planners the logistics of how federal assets may be included in their local emergency response plans.

In the area of Training, the NDPO would continue the DoD initiative to establish and maintain a compendium of existing federal training courses available to emergency responders; it would also utilize existing National Fire Protection Association and Occupational Safety and Health Administration minimum national standards. Further, the NDPO would also establish a mechanism to ensure federal training programs comply with these national standards for quality assurance; finally, it would develop a national strategy to make sustained training opportunities and assistance available to all communities and States. For example, the Office of Justice Programs Office for State and Local Domestic Preparedness Support will incorporate into the training programs that it supports standards that have been coordinated through the NDPO process.

In connection with the Information Sharing program area, the NDPO can implement a mechanism to facilitate access by personnel outside law enforcement to information that may be important for preparedness and consequence management. Internet web-sites, both public and secure have been proposed for the sharing of public safety information. Links to several existing web-sites may also be built.

In the Exercise program area, the NDPO will formally adapt a military software application for civilian use to track the lessons learned during exercises and actual events. The NDPO will provide this tool to participating communities and will maintain an After-Action Tracking database for the repository and review of all lessons that might assist other communities.

In the Equipment/Research and Development program area, the NDPO has established a Standardized Equipment List which has been incorporated into the grant application kits used by the Office of Justice Programs. The NDPO would, again, serve as a clearinghouse for product information provided by private vendors and testing data provided by approved testing facilities to promote synergy and avoid costly duplication in the area of federal research and development.

In the Health and Medical program area, the NDPO, under the guidance of the Public Health Service of the Department of Health and Human Services would coordinate efforts to support Metropolitan Medical Response Systems, pharmaceutical stockpiling, the establishment of a nationwide surveillance system to improve the identification of infectious diseases and the integration of the public and mental health care community into WMD response plans.

Thus far, the NDPO has sponsored two conferences attended by representatives from Federal, State and local agencies to promote interaction. Each time, the Attorney General was presented with an overview by several communities of their cooperative efforts, which illustrated of growing cooperation between all levels of government to address the preparedness needs of this Nation to deal with a major terrorist event, including those that involve WMD.

I thank you for the opportunity to speak to you today, and in the future, as the NDPO continues to mature into the "one-stop shopping" for domestic preparedness as proposed by the

Attorney General of the United States. As she has recently said, "the actions of the first people on the scene can really make the difference between life and death. The key is to work together in a partnership among federal, state and local communities to prepare a coordinated response that saves lives and provides for the safety for all involved". I stand ready to respond to any questions you may have.

Mr. SHAYS. Ms. Light.

STATEMENT OF CATHERINE LIGHT, DIRECTOR, OFFICE OF NATIONAL SECURITY AFFAIRS, FEDERAL EMERGENCY MANAGEMENT AGENCY, ACCOMPANIED BY BRUCE BAUGHMAN, DIRECTOR OF OPERATIONS AND PLANS, RESPONSE AND RECOVERY, FEDERAL EMERGENCY MANAGEMENT AGENCY

Ms. LIGHT. Good morning, Mr. Chairman, and good morning, Mr. Tierney. On behalf of Director James Lee Witt, thank you for the opportunity to discuss the status of terrorism-related Domestic Preparedness Program activities. I have provided a written statement and will now summarize key points from that statement. First I will give a brief overview of FEMA's roles and responsibilities with respect to domestic terrorism and then discuss our position on the proposed transfer of the Nunn-Lugar-Domenici Domestic Preparedness Program from the Department of Defense to the Department of Justice.

FEMA is the Federal Government's lead agency for consequence management preparedness and response to domestic incidents involving weapons of mass destruction. FEMA uses the Federal Response Plan [FRP], as the vehicle to coordinate the Federal consequence management activities. Over the years, the FRP has been used in numerous Presidentially declared disasters and emergencies. The plan brings together 27 departments and agencies to organize Federal disaster response and recovery efforts in support of State and local requirements. Most importantly, the FRP provides a known and flexible framework under which local, State and Federal officials can orchestrate their response and make the most effective use of available resources.

In implementing its domestic preparedness activities, FEMA strives to ensure four key points: First, that State and local first responders and emergency management personnel are the focus of the Federal programs; second, that the needs of the balance of the Nation, not just the largest cities and the metropolitan areas, are addressed; third, that initial training is reinforced and sustained with refresher information and updated instruction; and finally, that existing plans, systems and capabilities are used as the foundation for addressing the unique requirements of responding to terrorist incidents involving weapons of mass destruction.

FEMA Director Witt has been working closely with the Attorney General to better coordinate interagency efforts for domestic preparedness including support for the National Domestic Preparedness Office. In addition to supporting the NDPO, FEMA will continue its lead agency responsibilities for consequence management.

With respect to planning, FEMA applies experience gained in responding to natural disasters to the development of plans and procedures for terrorism response. In 1997, we published the Terrorism Incident Annex to the Federal Response Plan, and we continue to work with the interagency community to refine our response. In addition, FEMA grant assistance is being used to enhance State and local planning resources and capabilities.

In the area of training, FEMA has developed and delivered a number of terrorism-related courses utilizing existing networks and facilities. In particular, we rely on the National Emergency Train-

ing Center, which includes the Emergency Management Institute and the National Fire Academy as well as State fire and emergency management training systems to deliver terrorism-related training to States and local responders. Additionally, the Emergency Management Institute developed a Senior Officials Workshop for DOD's Nunn-Lugar-Domenici program, and the National Fire Academy worked very closely with the Department of Justice to provide a curriculum for DOJ's metropolitan fire and emergency services training.

Regarding exercises, we are working very closely with the NDPO, FBI, other departments and agencies in the States to ensure the development of a comprehensive exercise program that meets State and local needs.

As for equipment, we assisted in the development of the standardized equipment list that has been referenced earlier today.

With respect to the proposed transfer of the Nunn-Lugar-Domenici Domestic Preparedness Program, FEMA strongly supports the transfer from DOD to DOJ. FEMA has worked very closely with DOD and the interagency community to help institutionalize the process, and we will continue to work very closely with the Department of Justice as the program is transferred to them.

FEMA is committed to work with the Federal interagency community in coordinating our activities and programs as part of the overall Federal effort, and we are committed to doing everything that we can to better prepare the States and local jurisdictions for dealing with this immense challenge.

Once again, thank you for the opportunity to address this subcommittee.

[The prepared statement of Ms. Light follows:]

**STATEMENT OF
CATHERINE H. LIGHT
DIRECTOR
OFFICE OF NATIONAL SECURITY AFFAIRS
FEDERAL EMERGENCY MANAGEMENT AGENCY
BEFORE THE
SUBCOMMITTEE ON NATIONAL SECURITY,
VETERANS AFFAIRS, AND INTERNATIONAL RELATIONS
COMMITTEE ON GOVERNMENT REFORM
U.S. HOUSE OF REPRESENTATIVES
MAY 26, 1999**

Introduction

I am Catherine H. Light, the Director of the Office of National Security Affairs in the Federal Emergency Management Agency (FEMA). On behalf of FEMA Director James Lee Witt, I thank you for the opportunity to discuss the status of terrorism-related domestic preparedness program activities involving DOD, DOJ and FEMA and other agencies. First, I will provide a brief overview of FEMA's roles, responsibilities and program activities in domestic preparedness and response. After that I will describe the FEMA position on the proposed transfer of the Nunn-Lugar-Domenici Domestic Preparedness Program activities.

FEMA Roles

The basis for FEMA's domestic preparedness and response activities derives from two Presidential Decision Directives. Under PDD-39 and reinforced under PDD-62, FEMA is responsible for consequence management preparedness and response to domestic terrorist incidents involving WMD. Consequence management includes response activities to protect public health and safety, restore essential government services, and provide emergency relief to governments, businesses, and individuals affected by a terrorist incident. Consequence management also involves preparedness measures specifically tailored to terrorism requirements and includes planning, training and exercise activities to help develop a viable response capability.

FEMA uses the Federal Response Plan (FRP) as the vehicle to coordinate Federal consequence management preparedness and response activities. The FRP, first published in 1992 and recently updated, has been used in the past several years to respond to numerous disasters and emergencies declared by the President, including the Oklahoma City bombing in 1995, as well as hurricanes, tornadoes, floods and earthquakes. The Plan brings together twenty-six Federal departments and agencies and the American Red Cross to organize Federal disaster response and recovery efforts and coordinate them with an affected State. Most importantly, it provides a known and flexible framework under which local, State and Federal officials can orchestrate their response to a disaster or emergency and make the most effective use of all available resources. FEMA also has developed a special annex to the Plan to address the unique requirements involved in responding to a terrorist incident.

In implementing its domestic terrorism preparedness activities, FEMA is emphasizing the following key considerations, to include ensuring that:

- State and local first responders and emergency management personnel are the focus of Federal programs.
- Needs of the balance of the nation, particularly local jurisdictions beyond the largest cities and metro areas, are addressed with plans, training, exercises and equipment.

- Initial training is reinforced and sustained with refresher information and updated instruction.
- Existing plans, capabilities and systems are utilized as the foundation for addressing the unique requirements of WMD.

Interagency Activities

FEMA Director Witt has been working closely with the Attorney General to better coordinate the interagency efforts for domestic preparedness. The Attorney General has noted on several occasions that the Federal Government must be a full partner in the effort to train and equip first responders and other emergency personnel to do the job right. We fully support that notion. To this end, FEMA supported the establishment of the National Domestic Preparedness Office (NDPO) in the FBI to coordinate overall Federal activities with the States and their first responder and emergency management counterparts to address common problems and concerns and develop coordinated solutions. It is especially encouraging to note that our State and local partners will be represented in the NDPO, along with FEMA and key Federal agencies.

With the creation of NDPO, FEMA will continue its lead agency responsibilities for consequence management. Additionally, we will have significant supporting responsibilities in the areas of planning, training, exercises and equipment to further assist the State and local response communities. We will continue to maintain our traditional links to the States for implementing FEMA programs and activities as we work closely with the FBI WMD Coordinators and other field elements to help ensure their activities are fully coordinated with FEMA Regional Offices and the States.

Planning

The responsibility for developing plans and implementing response falls heavily on the States and the local governments. FEMA is applying its experience gained in responding to natural disasters to guide the development of terrorism consequence management preparedness plans and procedures at the local, State and Federal levels. In 1997, we published the FRP Terrorism Incident Annex describing policies and structures of the Federal government for coordinating crisis management and consequence management activities. A fundamental goal of the planning effort is to assist in the development of State and local plans for dealing with WMD contingencies. FEMA grant assistance is being used to enhance planning resources and capabilities at the State and local levels of government. The planning effort is being coordinated with the FBI utilizing existing plans and associated planning structures whenever possible to help ensure that crisis and consequence management plans are in place across the nation.

Training

FEMA has developed and delivered a number of terrorism-related courses for State and local emergency management personnel and first responders. FEMA is utilizing existing

programs, networks and facilities to help support training delivery. In particular, we are using the National Emergency Training Center, which includes the National Fire Academy and the Emergency Management Institute, as well as State fire and emergency management training systems to deliver terrorism-related training to State and local responders. FEMA continues to emphasize the "train-the-trainer" approach to leverage existing capabilities with performance objectives to accomplish training goals.

The National Fire Academy (NFA) has developed courses for first responders in the fire community and others areas. Working with the Department of Justice, NFA developed and has fielded several courses in the Emergency Response to Terrorism (ERT) curriculum. The first offering, a Self-Study course, provides general awareness information for responding to terrorist incidents and has been distributed to some 35,000 fire/rescue departments; 16,000 law enforcement agencies; and over 3,000 local and State emergency managers in the United States.

The Self-Study course is available on the FEMA internet site and will soon be available through the FBI Law Enforcement Online (LEO) intranet site. Other courses in the curriculum deal with Basic Concepts; Incident Management; and Tactical Considerations for Emergency Medical Services (EMS), Company Officers, and HAZMAT Response. Approximately one thousand ERT instructors representing every State and major metropolitan area in the nation will have been trained under this program by July of this year. The NFA is utilizing the Training Resources and Data Exchange (TRADE) program to reach all 50 States and all major metropolitan fire and rescue departments with training materials and course offerings. To date, over 46,000 fire and emergency response personnel have received ERT training.

In addition, FEMA is using the Emergency Management Institute (EMI) to develop and deliver courses such as the Integrated Emergency Management Course on Terrorism that uses a terrorist attack scenario. This 4½-day team-building program includes classroom instruction and a tabletop exercise specifically tailored for emergency response leaders from a particular community or jurisdiction. EMI also has developed and delivered a number of other terrorism-related courses such as incident command, mass fatalities, and emergency response to criminal and terrorist incidents. EMI is utilizing the State Emergency Management Training Officers (STOs) network to distribute materials and instruction to the emergency management community in all 50 States and six territories.

Exercises

FEMA is working closely with the NDPO, the FBI and the States to ensure the development of a comprehensive exercise program that meets the needs of the first responder communities and other response elements. The FBI, in coordination with FEMA, DOD, DOE, HHS, and EPA, and other departments and agencies, will ensure the implementation of a comprehensive terrorism exercise program. State and local involvement in the planning, scheduling, and conduct of coordinated exercises will be a key component of the exercise effort.

Equipment

The NDPO has assumed the lead for developing a list of standardized equipment for the first responder community. FEMA, along with other Federal agencies and first responder communities, is helping to develop the required Standard Equipment List (SEL) to support acquisition of comparable equipment by DOJ for the first responder community. This equipment will conform to appropriate and applicable laws, regulations, and standards, such as those issued by the National Institute for Occupational Safety and Health and the National Fire Protection Association.

FEMA has developed and implemented the Rapid Response Information System (RRIS), which contains an inventory of Federal assets that could be made available to assist State and local response efforts, and a database on chemical and biological agents and protective measures. The inventory is being made available to Federal, State and local officials to assist them in assessing and obtaining the necessary equipment and resources for responding to terrorist incidents involving the use of nuclear, chemical or biological weapons.

Domestic Preparedness Program Transfer

FEMA supports the proposed transfer of the Nunn-Lugar-Domenici Domestic Preparedness Program from DOD to DOJ. FEMA has been working closely with DOD and other agencies to help institutionalize the city visit, training, and exercise process, that has now reached over 50 cities. As part of the city training effort, the Emergency Management Institute developed a Senior Officials Workshop focusing on terrorism consequence management for mayors and their cabinet officials. Just as we have done with DOD, FEMA will continue to emphasize with DOJ the State's vital role as an integral partner in coordinating Federal consequence management preparedness and response activities.

Conclusion

Terrorism preparedness requires planning, training and exercising on a regular basis, and appropriate equipment, to ensure maximum readiness to respond to an actual incident. In responding to a terrorism incident, local responders will be the first to arrive at an incident site and may be forced to manage operations at the scene on their own for hours.

From our consequence management perspective, we recognize the extreme importance of viable State and local response plans and capabilities as critical to this effort.

FEMA is committed to work with the Federal interagency community in coordinating our activities and programs as part of the overall Federal efforts. And we are committed to doing everything we can to better prepare the States and local jurisdictions for dealing with this immense challenge.

Mr. SHAYS. Thank you all very much. First, let me say this will be the first of a number of hearings. The advantage that this committee has is that we are an investigative committee. We are not a committee that promulgates legislation. We advocate legislation and then encourage other committees to do it, but we really look at how programs are working.

The advantage that this committee has is that we aren't limited by one department or agency. We have total jurisdiction in the Government Reform Committee of terrorism and anything related to it, whether it be in the Department of Defense, Department of Justice, FEMA or anywhere else. We think that we need to take advantage of that.

Second, this is really our first hearing, so I am going to go through questions that have been written out because we really want them on the record. I am interested in asking some other questions as well, but I am going to go through to put these on the record. Some of them are in your statement, but I want them in response to the questions that I ask.

The other thing that I want to say is that we really are putting you all in the same table. I am not trying to pit one against the other, but I am going to ask questions that will hopefully force us to just come to grips with why decisions are made and so on.

So, one, I appreciate the fact that you all wanted to be at the same table, but I think what you all are doing is one of the most important things. It is one reason why I chose to chair this committee. One of my greatest concerns is not an errant missile that comes to the United States. It is a suitcase or a bomb in a truck left in Times Square, the absolute rejoicing that some nations would have if this great country were wounded in some way.

I also say that while your faces may not be public, I believe they will during the course of the next years because I do think there will be a terrorist attack; hopefully not one of great magnitude, but I think there will be. The odds are there will be, in my judgment. There are three weapons of choice, whether they be chemical, biological or, in fact, even nuclear. So you all are on a very important mission.

These questions are going to be first addressed to all of you. I think, Mr. Cragin, this came from your statement. You said,

The Attorney General announced last October a plan to transfer the Nunn-Lugar-Domenici Domestic Preparedness Program from the Department of Defense to the Department of Justice. DOJ and DOD are finalizing the Memorandum of Understanding on the transfer of the Domestic Preparedness Program. This MOU will set forth how the transfer will be implemented.

I would like to just know a little bit more about that ultimately, but first I would like to ask, Mr. Cragin, why was the decision made to transfer the Domestic Preparedness Program? What was the motivation to do that?

Mr. CRAGIN. Initially, Mr. Chairman, the Nunn-Lugar-Domenici legislation itself authorized the President, beginning on October 1, 1999, or thereafter, to designate an agency other than the Department of Defense as the lead agency for conducting the Domestic Preparedness Program. So we have the existence of the legislation.

Second, we had been involved, and have been historically, as a supporting agency in the Federal inventory supporting FEMA and

supporting the Department of Justice. As I mentioned in my opening remarks, there was a great deal of confusion, as Mrs. Martinez mentioned in hers, within the first responder community. They were coming to the Department of Defense for certain aspects; they were coming to the Department of Justice for others. We also had as part of this constellation of events that was occurring—in fact, just a year ago, May 22 of last year, President Clinton issued Presidential Directive 62, which really directed the Federal agencies to have a much more programmatic and collaborative approach to coordination of WMD responses. So you had all of this happening.

Dr. Hamre looked at the mission of the Department of Defense as a mission to provide support, but recognized that we really didn't on a daily basis have direct contact with the first responder community, and that the Department of Justice did have that sort of daily contact through all of the FBI agents in, I think, the 56 field offices out there.

Frankly, it was a very collaborative discussion, as I mentioned in my statement, between Dr. Hamre and Ms. Reno and Director Witt and Mr. Richard Clarke, who, as you know, is designated as the national Director for the critical infrastructure and domestic terrorism at the NSC, and Mr. Bryant from the FBI. A conclusion was reached following those discussions that it was in the best interests of America and in the best interests of providing the support to first responders that we transfer this program to the Department of Justice.

Mr. SHAYS. Would anyone else like to add to that response?

Mr. MITCHELL. Mr. Chairman, I think at the time, as Charlie indicated, there were a number of Federal programs, DOD and the one in DOJ predominantly, that had similar targets, but different lists of groups that were eligible in different cities. One of the things that I think the transfer will accomplish is to eliminate any redundancy or confusion as to who is eligible for what and provide a much more comprehensive Federal training program to make a wider range of training and equipment and other assistance available in a much more integrated fashion. So I think that the transfer in addition to the legal and policy aspects of it, just organizationally, it seemed to make sense, and I believe that the first responder community has responded well to the proposal. We have not heard any concerns or anxieties from our end that they are concerned about that.

Mr. SHAYS. Would anyone else want to make a comment? The second question is the decision that you did respond to, why DOJ and not FEMA? I would tell you that in some ways it seems that FEMA has more contact with local communities in terms of I would think that they would be more likely to want to be the one that would provide the training and the preparedness for the consequence management. So it was surprising to me that DOJ grabbed it instead of FEMA. So my question is why DOJ and not FEMA?

Mr. CRAGIN. I think one of the reasons, Mr. Chairman, was because we had two programs that were going down tandem tracks. We had the Equipment Grant Program that was being administered by the Department of Justice and, in fact, has been significantly plussed up in the last year or so. And we had the Domestic

Preparedness Training Program that was over at the Department of Defense. So there was almost—

Mr. SHAYS. I know why it left DOD. I do know that, but I don't know why you chose to go DOJ instead.

Mr. CRAGIN. Because they were doing the equipment grants. Say, for example, FEMA ended up doing the training. You still have Justice doing the equipping, so you don't have a one-stop shop.

Mr. SHAYS. I understand.

Why would not the equipment go to FEMA? It seems to me that that would have been the logical place to put it.

Mr. CRAGIN. That was the wisdom of Congress, Mr. Shays, that the equipment grants programs were in the Department of Justice.

Mr. SHAYS. But it is also the wisdom of Congress that the other part was at DOD.

Mr. CRAGIN. But it was the wisdom of Congress that after October 1, 1999, that portion could, in fact, be transferred to the other agency.

Mr. SHAYS. Right, but the question is why didn't we transfer both to FEMA? That is what I am trying to get at. It seems to me that DOJ is basically going to be focused on really the issue of crisis management to prevent a crime and then to punish the criminal. FEMA seems logically to me to be the one that works with local communities, tries to prepare them for the consequence management, and it would seem to me that they should be the ones dealing with the equipment and management and training, et cetera. That is what I am trying to sort out. There may not be a perfect answer, but I would at least like to know.

Mr. MITCHELL. In the instance of the agency administering the training and equipment and other support programs, it is the Office of Justice Programs which is the principal grantmaking agency. It is an operational agency, as the FBI would be, in the crisis management responsibilities. So the mission of OJP is solely to provide a wide variety of training and technical and financial support to State and local governments on a wide range of public safety issues. This is one of many public safety areas in which OJP has an aggressive and very comprehensive relationship with Governors, mayors, elected officials, public safety officials throughout the United States.

Mr. SHAYS. Feel free to jump in.

Mr. TIERNEY. Excuse us going back and forth. We have some of the same curiosity. Doesn't FEMA have the same kind of relationships? FEMA might know that.

Mr. SHAYS. Ms. Light, if you would move the microphone down a little lower.

Ms. LIGHT. Is that better?

Yes, FEMA is responsible for consequence management, and FEMA does have an excellent relationship with the emergency management and the fire community because we deal with them very regularly. Just as we deal with those communities, however, the Department of Justice deals very regularly with the law enforcement community, which is also a very essential component, as does the Department of Health and Human Services deal with the health officials that are part of the response also.

Regardless of the department or agency who has lead responsibility, the program is one in which all of the departments and agencies need to continue to work very closely together to make sure that we are meeting the needs of the first responders across the spectrum; emergency management, fire, law enforcement, health and medical personnel. We have been very much a part of that program both at the national level and in delivering it out in the communities, and we will continue to be very much a part of that program as the program is transferred to the Department of Justice. It will do nothing really to diminish our role with respect to consequence management in the aftermath of a disaster. We will still have that lead responsibility, and we will still utilize the Federal response framework for responding to disasters.

Mr. SHAYS. But what makes the question for me, though, is the contact you would have by the equipment and the training is now going to be handled by someone else. You won't have that kind of contact. It seems to me that it would have been logical to develop that relationship because the training for the consequence management is going to be done by someone else, but you are the one that is ultimately going to have to deal with the consequences.

Ms. LIGHT. We will deal with the consequences, but we are very much involved in the delivery of that training. We assisted in the development of that training. In fact, we developed a particular course that met the needs of the local responders, and we will continue to be a part of the delivery of that training even as the program is transferred to the Department of Justice. Every city visit, every training program, every exercise that is associated with that we are a part of and will continue to be a part of.

Mr. SHAYS. That is helpful.

Mr. TIERNEY. What is DOJ going to do?

Ms. LIGHT. Pardon me?

Mr. TIERNEY. What is the Department of Justice going to do with respect to training?

Ms. LIGHT. The training program, Department of Justice, Department of Defense, the Federal Emergency Management Agency, EPA, HHS, and Department of Energy are all integral parts of that training program. When we go out to the cities and deliver that program, all of us are there as a united entity.

Mr. TIERNEY. Under the direction of DOJ?

Ms. LIGHT. Yes, that would be the case. Now, under the direction of DOD, but then under the direction of DOD, yes.

Mr. SHAYS. If the transfer is going to move to DOJ, which it is, why not place everything in the Office of Justice Programs, which already has established State and local relations for administering law enforcement grants and programs?

Mr. MITCHELL. Mr. Chairman, the vast majority, the assistance-related programs of the Domestic Preparedness Program, the city visit training, the equipment component, training equipment component, the Improved Response Program that deals with enhancing the training for State and local first response benefits will be transferred to the Office of Justice Programs.

Mr. SHAYS. OK. When is this transfer going to begin to take place, and when will it be completed?

Mr. MITCHELL. The initial transition planning and integration will begin this summer as we go out, our staff, the companies, the DOD program personnel, to the initial regional kickoffs for the jurisdictions that will begin the training process, the 20 cities that will begin the process in fiscal year 2000, and then we will increasingly participate. The program is complex, and there is a fairly long time line associated from the first initial contact with the city through the completion of the field exercise and the bio tabletop at the end of this process. So our MOU is quite specific as to the DOJ-DOD coordination on those jurisdictions where there will be a residual activity remaining after the transfer occurs on October 1, 2000.

Mr. SHAYS. What will happen to the existing DOD contracts?

Mr. CRAGIN. The existing DOD contracts will either reach their conclusion as far as the fiscal year applicability is concerned, or they will be transferred to the Department of Justice. That is an issue that we look at on a regular basis because of the fiscal year program. We are going to be budgeting some last-quarter dollars in the preceding fiscal year to get over to the first quarter of the transition year so that there is absolutely no hiatus in the program evolution. From the city's perspective, Mr. Chairman, this will be completely transparent to them.

Mr. SHAYS. OK. Thank you.

Mr. Cragin, I think this is also from your statement. You said the Domestic Preparedness Program currently consists of five program elements: One, the city, training the trainer programs. The second one was the annual Federal, State and local—FSL—exercise. I think the third one is the Improved Response Program [IRP]; four, expert assistance; and five, chemical and biological response. What parts of the program will DOD retain, and what parts of the program will DOJ receive of these?

Mr. CRAGIN. As I indicated in my opening statement, we are essentially going to retain the chemical and biological rapid response team. As you know, the legislation required that the Department of Defense establish at least one of those teams. We have established that in fiscal year 1999.

Mr. SHAYS. That is within the marine—

Mr. CRAGIN. That is an amalgam of expertise within the Department of Defense. That includes and can utilize, for example, the tech escort units, Chemical and Biological Incident Response Task Force from the Marine Corps. But we have also established, and not up and running yet, and I believe this committee is going to have a hearing to discuss the topic on June 23, what we call rapid assessment and initial detection teams, which will be fielded through the United States to assist State and local authorities in assessing an event in determining exactly what they are dealing with and providing support. So we are going to retain those things. We are also going to retain part of the expert assistance aspects because we have mission requirements for those activities within the Department of Defense.

Mr. SHAYS. As it relates to the trainer program, what part will DOJ assume, and what part will DOD continue?

Mr. CRAGIN. DOJ will assume the entire aspect of that program. That is essentially the guts, so to speak, of the Domestic Prepared-

ness Program where they go out, as we have to date, with 58 cities and about 15,700 first responders, and we train them as trainers so that you get the leveraged capacity of them going forward to train additional personnel.

Mr. SHAYS. When will the FSL Exercise Improvement Response Program be transferred to Justice?

Mr. CRAGIN. That will not be transferred, Mr. Chairman, because by the law the Department of Defense is only required to conduct that for a 5-year period. So 2001 will be the last year of that program, and we have agreed to maintain that as a Department of Defense-led activity. But I echo Ms. Light's comments to you. This is an interagency process. Everybody is collaborative in working this process, and they all participate in the exercise planning as well.

Mr. SHAYS. I think that is clear. I think it is important for us to begin to appreciate all of the parts to it, which leads me to ask after 2001, won't the program continue? Won't Congress authorize it up to 2001?

Mr. CRAGIN. I am going to let Mr. Mitchell respond to the question of the program, but I want to emphasize the Federal, State and local annual exercise aspect expires at the end of 5 years. The rest of the program continues.

Mr. SHAYS. Let me just say, you are going to be having an exercise this year in New York City?

Mr. CRAGIN. Yes, sir.

Mr. SHAYS. That will involve how much; over what period of time will that exercise take place? I am sure that you are planning for it now, but is that a 1-day event? Is it a 5-day event?

Mr. CRAGIN. I am not sure about the specific days. It will be more than a day, I can tell you that.

Mr. SHAYS. Actually, I can get into that issue later, that is a little off subject. I will try to make a point to be there if I can.

Mr. CRAGIN. We would be happy to provide your staff with all of the necessary information.

Mr. SHAYS. Thank you.

Mr. Mitchell.

Mr. MITCHELL. Mr. Chairman, we fully intend to take the program as exists and through the interagency process that we are engaging in now to determine what would be the next phase of the Nunn-Lugar-Domenici Domestic Preparedness Training Program, recognizing that 120 municipalities, while a large part population-wise of the country, there are areas of the country, 12 States, where there has been no program activity at all.

So we are going to look at the requirements and also look at some of the ways that we can improve the delivery of that, hopefully over the next few years, to have a more objective means of targeting not only the Domestic Preparedness Program training, but equipment and others on something other than population, which gets to the needs assessment and the other activities that are under way now, which hopefully will give us a broader range of criteria and something more substantive to base targeting of training equipment on other than population, certainly to address the support in those 12 States where there has been no Nunn-Lugar-Domenici or OJP involvement.

Mr. SHAYS. When you do this training exercise, you invite community leaders from other areas to witness and participate? There has got to be an answer yes, because I see a nodding of the head in the audience.

Mr. CRAGIN. I don't want to say that I anticipated the question, but I happen to be reading an after-action report on a domestic preparedness training session that was done out in Oakland, CA. It was 1 of the 120 cities. This is the student demographics that they report. Students were selected by the local jurisdiction and represented several key responder disciplines, major disciplines, firefighters, law enforcement, emergency medical service and hospital care providers. Other students included representatives from the Federal Aviation Agency; Federal Bureau of Investigation; U.S. Air Force; U.S. Army Reserve; and the U.S. Department of Energy; California Army National Guard; California Office of Emergency Services and the California EMS Authority; Alameda County Fire; Contra Costa County Health; OES and sheriff, cities of Alameda, Berkeley, Hayward, Livermore, Pleasanton, Newark, Presidio of Monterrey, Richmond, Salinas, San Francisco, San Leandro, San Rafael and Emeryville; city of Oakland Public Works and Office of Emergency Services; American Medical Response; Bay Area Rapid Transit; Lawrence Livermore National Lab; Oakland Coliseum; Port of Oakland; and Stanford University.

Mr. SHAYS. So the answer is yes?

Mr. CRAGIN. The answer is yes.

Mr. SHAYS. DOD has said, Mr. Cragin, that it will retain control of the chemical-biological rapid response team. But my question is to Mrs. Martinez. Does FBI have or plan to have any WMD rapid response teams of its own?

Mrs. MARTINEZ. In the way of rapid response teams, I would say we are offering training to the technician level HAZMAT in each of our offices—excuse me, in 10 of our offices. Operations level has been met in the remaining 41. I would offer that this largely has to do with the event of collecting evidence in a contaminated crime scene as opposed to moving in to do that job that would otherwise be done by State and local HAZMAT professionals. We feel there will be a teaming and concerted training effort for sustainment of certification between the local offices and the local fire and HAZMAT teams, not to replace, though, the other teams.

Mr. SHAYS. Thank you very much.

Let me just ask a question here of counsel.

Thank you.

Mr. Tierney.

Mr. TIERNEY. Thank you.

Mr. Mitchell, the testimony indicated that under the current program there are 120 cities designated to receive training and equipment loans. Prior to the announcement of the proposed transfer, GAO criticized the Department of Defense for delivering the Domestic Preparedness Program to cities rather than larger metropolitan areas that GAO said would have greatly increased the coverage. Does the DOJ plan to change that geographic methodology for determining which places receive training and equipment?

Mr. MITCHELL. Congressman, we certainly concur that there is limited utility in focusing on a single hub city where under existing

mutual aid agreements and other protocols there is going to be a joint response. I will—in DOD's defense, they have, as based on Mr. Cragin's reason—they have made incremental changes over time as required by law to broaden that net. We certainly intend to maintain that broad base so that—working with the local jurisdiction to identify and involve in training all relevant first response units within the surrounding jurisdictions.

Mr. TIERNEY. Yes?

Mr. MITCHELL. Yes.

Mr. TIERNEY. Thank you.

How many of the original 120 cities under the Domestic Preparedness Program will not be trained prior to the date of transfer?

Mr. CRAGIN. Well, we have done 58. I think that we are looking at 69 that will be fairly well along in the transfer. As Mr. Mitchell said, Congressman Tierney, this is a lengthy process that goes on over a year by the time you get to the local exercise aspects of it. We have a very precise transition plan with three stages that is articulated in our Memorandum of Understanding, which, as we indicated, we expect will be finalized in summer.

Mr. TIERNEY. You anticipate that all of those that aren't, at the time of transfer it can be guaranteed that they eventually will be trained?

Mr. CRAGIN. That is correct.

Mr. MITCHELL. Under the current MOU, there are really two phases. Phase one is all of the preliminary meetings up through and including the delivery of the training and the fielding of the chemical tabletop. And then there is a subsequent period of time where they conduct their training and the other exercise is planned, which is phase two. Under the current agreement, DOD by the end of fiscal year 2000 would have provided complete training, complete phase one and phase two to 68 jurisdictions, and they will have completed a phase one training to an additional 37, which will bring a total of 105 jurisdictions that have actually received the training. The remaining 37 will be exercised—the phase two exercise will be part of the transition for responsibilities to OJP. But there will only be 15 of 120 cities as of the date of the transfer that have not begun the process.

Mr. TIERNEY. They will still get it?

Mr. MITCHELL. That is true. They will be the first group of cities that will be targeted to receive the program in fiscal year 2001.

Mr. TIERNEY. One significant change of the program appears to be that the Department of Justice will offer equipment grants to cities that it trains after the transfer; is that right?

Mr. MITCHELL. That is right.

Mr. TIERNEY. What about those cities that got loans prior to the transfer? Are they going to do anything with that, change the nature of that relationship?

Mr. CRAGIN. I think this is another perfect example of why we needed this all in one shop, Congressman Tierney. Under the legislation that we were administering at the Department of Defense, there really was no equipment grant program authorized. So essentially what the Department did is it provided a modest amount of equipment that could be utilized for training purposes, and it was, to use the term of art, on loan. I would suggest it was on loan in

perpetuity, and I think that the GAO made some comment about that in their evaluation.

But we are talking about equipment grants for an inventory of equipment that the first responders can utilize operationally rather than just having a training set. I think the Department of Justice moved forward with this. They are going to be looking at each of these entities having the ability to compete and submit requests for equipment grants regardless of whether they receive the equipment loan for training purposes from the Department of Defense.

Mr. TIERNEY. So the loans really were just a startup kit, so to speak.

Mr. CRAGIN. Yes, sir.

Mr. TIERNEY. Nobody is going to call that note? Nobody is anticipating calling it, but if they then think they have to upgrade, they can apply for grants along with everybody else. Is there any pecking order as to who is going to be—liable to be first in line for those new grants?

Mr. CRAGIN. Let me just say that I don't anticipate that anybody is going to call the note. I expect that this equipment will over the passage of time be degraded, and they will be looking for additional equipment grants from my colleague Mr. Mitchell.

Mr. TIERNEY. But there is no priority list?

Mr. MITCHELL. For fiscal year 1999 that we just recently completed this agreement, there will be grants made to the 157 this year, fiscal year 1999, to the 157 largest cities and counties. That is consistent with the language in the conference report that accompanied our fiscal year 1999 appropriations bill. Plus we will make additional grants to the balance of the Nunn-Lugar cities, which, if my memory serves, is 55 cities in addition this year, total of 212. So they will all receive operational equipment grants this year.

The training equipment—really if they are doing training, the training is ripped. It gets used. It is OK to train in a level A suit that is ripped if it is for training. It is not OK to use operational equipment to train, because if you take it off the HAZMAT truck, or you remove it from service to train in, then when that response unit is called, their equipment is not going to be there, nor can they use equipment that has been damaged through training.

There are two distinct purposes for the equipment that we will be providing them currently. DOD's equipment is for training support. We think that is appropriate. Additionally there will be operational equipment grants also to build both their training capabilities and their operational response capabilities.

Mr. TIERNEY. Thank you.

I think that you have already indicated this, but let me put it in the record anyway. How will the implementation of the five elements of the Domestic Preparedness Program that Mr. Cragin discussed be divided between OJP and NDPO exactly?

Mr. MITCHELL. I will start with what we are doing in OJP. OJP will be responsible for all the facets of the city visit program, the training program, which is the city training itself, the development and conduct of the exercises that support that, and all of the contractual activities and support that allow us to provide that training.

The Improved Response Program, which is the testing and the validation of programs and activities and equipment that allows us to upgrade the training and inform the first responder community of information that we glean from this to help them be better prepared, we will—OJP and DOD—will jointly support that because they have their own requirements that they need to do that. We will augment and participate in that for the benefit of State and local first responders. The Expert Assistance Program, the technicians, the people that will answer the phone, under the current process that will be a responsibility that will be transferred to the NDPO.

Mrs. MARTINEZ. Technically that will be the helpline, a hotline, and a Web site. As we are the information clearinghouse, if you will, they will take on the execution of the city visit and training program along with the equipment aspects, and we will maintain the helpline, hotline and Internet Web site.

Mr. TIERNEY. Helpline, hotline, Internet site. They are all basically the same, three different ways to contact?

Mrs. MARTINEZ. No, sir. The helpline is basically manned 9 a.m. to 6 p.m. Eastern Standard Time with voice mail after that and on weekends and holidays. It is intended for nonemergency calls, general calls about preparedness and help. The hotline is an emergency call line. That is staffed 24 by 7 by the national response—

Mr. TIERNEY. And the Web site is informational bells and whistles?

Mrs. MARTINEZ. Yes, sir.

Mr. TIERNEY. If I am a local fire department and I want to call for any of these, is there one number that I call, or do I have to call individually down the line to the appropriate aspect here in order to get my questions answered?

Mrs. MARTINEZ. Well, the vision here is that you will have one telephone number for nonemergency activities.

Mr. TIERNEY. That is somewhere down the line?

Mrs. MARTINEZ. We hope soon, yes. As the NDPO would be approved, we think that would be the very first step.

Mr. TIERNEY. And in emergency situations?

Mrs. MARTINEZ. They would use existing protocols as well as the hotline, which is the National Response Center that most of them already use in addition to 911.

Mr. SHAYS. Thank you.

Also, to set the record straight, this is really the first hearing. We had Mr. Clarke in earlier and with respect to this committee before I chaired it, it had a number of hearings before.

Mr. CRAGIN. I was here.

Mr. SHAYS. Mr. Cragin, exactly. I need to make sure that the record reflected that you were here when Speaker Hastert who was not then the Speaker, chaired this committee.

I would like to now ask Ms. Light as well as Mr. Baughman, if I could, to respond to this question. Would you describe the types of relationships that FEMA has established with State and local officials and the structure from which you carry out these relationships? I am trying to think of the operational process that takes place. So I want to know the relations that FEMA has established

with State and local officials and the structure from which you carry out these relationships.

Ms. LIGHT. FEMA on a regular basis has a relationship with the State emergency management basically through the State directors. We deal with them on a very regular basis for preparedness types of initiatives. In a natural disaster situation, just as there is a Federal coordinating officer that would be designated for a Federal disaster declaration or emergency, there is a State coordinating officer, and our relationship through the State would be the Federal coordinating officer with the State coordinating officer to make sure that the requirements by the State are, in fact, coordinated and responded to at the Federal level.

Mr. SHAYS. Could I have a little more detail? In other words, you also work directly with the local governments as well, don't you? You have the fire chiefs, you have the Governor's office. I would like a little more detail to this answer.

Ms. LIGHT. We do work with those, but we work principally through the States. In fact, we have 10 regional offices, as you probably know, and we have regional representatives who are specifically designated to work with State directors in each of the States to ensure State coverage. They work directly through the States with the locals. So the States work more directly with the local personnel than we do. And in a disaster, in a response kind of situation where there is actually a disaster, the requirements for the locality come up through the State, and then they are coordinated at the Federal level.

Mr. SHAYS. Mr. Baughman, I would really like your contribution. Why don't we get another chair up there, I am sorry.

Mr. BAUGHMAN. When local fire departments respond, they set up an incident command post. If, in fact, they need additional resources, the request goes to the local emergency operations center. If they need outside resources, they either go through mutual aid or back up to the State emergency operations center. In such States as California, they have a statewide mutual aid agreement, and they can bring in resources throughout the State. If, in fact, Federal resources are needed, we plug in with the State emergency operations center. By that time they have already identified what kinds of resources are needed down at the local level, such as in Oklahoma City. When we send a team down, we plug in with the local incident commander down at the incident scene, and we use our resources just like other mutual aid assess on the scene.

Mr. SHAYS. Wouldn't it be wise to develop relationships now with some of our local governments and county governments?

Mr. BAUGHMAN. Actually we do this. We have two organizations that we deal with, primarily the National Emergency Management Association, which is State level, and at the local level it is now the International Emergency Management Association, and we deal with county and local officials in addition to dealing with NACO and all of the other traditional organizations at IAFC and IAFF.

Mr. SHAYS. I have three more questions that I would like to focus in on, and then basically I will just ask you all, if Mr. Tierney has some more, to just make any last comment that you want to make.

I would like to know what authority will the National Domestic Preparedness Office have to restrict other agencies from initiating and implementing their own training and equipment program?

Mrs. MARTINEZ. That is certainly not the intent, nor would it satisfy us in any way. There will be no authority, nor will we seek such authority as to limit other agencies from developing programs. Our interests, rather, would be that those programs would be developed in association or accordance—compliance with, if you will—minimum standards that we would all agree to ahead of time.

Mr. SHAYS. My question was not advocating that you have that authority, but it was to get that response. Thank you.

I would also like to ask the Department of Justice how they are going to reconcile, which I alluded to in my statement, the obvious conflicts with crisis management including the followup on criminal investigations and consequence management. I really think of the DOJ as being the organization that prevents crimes and then wants to establish who committed them, but I think of FEMA as just coming right in there, and we have people who need help, and we are going to help them right now and the investigation be damned kind of thing. How do you reconcile since you all now will be making that decision?

Mrs. MARTINEZ. Largely this is a partnership. As a few of us at the table did respond to Oklahoma City, we recognize right away the priority of saving lives. Consequence management sometimes does require a front seat to what later may put someone in jail, which is our collective ultimate responsibility at Justice. We are working very closely with FEMA, and you will see the interagency plans that we have put together, the Concept of Operations Plan and the Federal Response Terrorism Incident Annex—will show that there has been a collaboration of partnership in recognition of the need to simultaneously address crisis and consequence management, in many cases consequence management comes first.

Mr. SHAYS. Thank you.

My last question. Give me the mechanism that is going to be established between the NDPO and OJP and other agencies. What kind of mechanism are you actually establishing, a formal mechanism? In other words, I know that you want to agree with each other, and you are going to cooperate. I don't mean that facetiously, that is fairly clear. It is essential to have that happen. But is there any formal mechanism that will facilitate that?

Mrs. MARTINEZ. At the present time we have a detailee from the Office of Justice Programs, Office for State and Local Domestic Preparedness Support that is co-located at the NDPO and would have access to all of the programs and issues that they would be interested in weighing in on. In addition to that, we have individual program area meetings. For instance, there are committees formed on the interagency on the issue of, for instance, the development of a national strategy for training, the development of national standards for training, the issue of equipment, R&D and so forth, as I mentioned earlier in my statement.

Mr. SHAYS. I actually thought of one question that I did want to ask.

Did you want to respond, Mr. Mitchell?

Mr. MITCHELL. Just to followup on Barbara's. We do have staff actually physically located in NDPO, but we also have other program staff that are a program specific to participate in the actual working groups on training and exercises and equipment. Plus I personally sit and represent our office on the Federal Leadership Advisory Group, which is kind of the umbrella Federal agency group. So we have multiple opportunities and multiple avenues where our programs can be integrated and reviewed. Everyone has a better perspective across the Federal agency of just what everybody is doing so that we can maximize the effect at the local level with the limited resources that we do have.

Mr. SHAYS. Thank you, Mr. Mitchell, for responding to that. The last question I wanted to ask is what is the involvement that you all have with the national coordinator for terrorism and infrastructure security? Mr. Clarke in the White House, how does he interface with all of this?

Mr. CRAGIN. I think that we all have quite a bit of involvement with the National Security Council Director, Mr. Chairman, in that under the PDD-62 directive, a management structure within the interagency was formed which is chaired by Mr. Clarke. And then there are subgroups dealing, for example, with assistance to State and local authorities. I happen to represent the Department of Defense at the NSC subgroup on assistance to State and local authorities. Many of my colleagues at the table are there at those meetings as well.

In response, as an adjunct to one of your earlier questions, it is that group of interagency officials that work the issues of duplication and coordination of programs rather than the NDPO. The NDPO is really the conduit between the Federal Government and all of the programs that it brings to bear in this arena and the local and State officials.

Mr. SHAYS. Thank you all very much. I would make a request that you consider allowing our staff periodically to just observe some of these meetings. I would also like to attend a few as an observer, not as a participant.

I don't know, Mr. Tierney, if you have anything you want to say?

Mr. TIERNEY. I just want to thank the witnesses for testifying.

Finally, I want to thank you, Mr. Chairman, for putting this together and your staff for doing an excellent job.

Mr. SHAYS. Thank you very much. There may have been a question that we should have asked. I am happy to have you ask that question and answer it for yourself if you would like to. Is there any comment that any of you would like to make?

Mr. BAUGHMAN, I always have the sense that the person who listens the most has the best contribution. Do you have any closing comment that you would like to make?

Mr. BAUGHMAN. No, I don't.

Mr. SHAYS. Will you tell me later?

Mr. CRAGIN, any other comment?

Mr. CRAGIN. Mr. Chairman, I was a trial lawyer for 20 years. I always tried that gambit, is there any other question that I should have asked you that I have not? I was never able to win that one.

Mr. SHAYS. Actually, it was a friendly question though.

Mr. Mitchell.

Mr. MITCHELL. No, Mr. Chairman. We do thank you for the opportunity to present to you what we think is the beginning steps, and I think this is really the beginning steps, in what is hopefully going to be a coordinated Federal effort that focuses principally and foremost on meeting the needs of State and local first responders. Thank you very much for the opportunity to be here.

Mr. SHAYS. Thank you.

Mrs. Martinez.

Mrs. MARTINEZ. I would just like to thank you and welcome the interface of your staff with NDPO, in the future.

Mr. SHAYS. Thank you. We would like that very much.

Mr. Baughman.

Mr. BAUGHMAN. I don't have anything.

Ms. LIGHT. No questions. Thank you.

Mr. SHAYS. Thank you very much. I appreciate you being here, and I appreciate your patience.

[Whereupon, at 11:29 a.m., the subcommittee was adjourned.]

[Additional information submitted for the hearing record follows:]

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NEWS RELEASE

For Immediate Release
 May 19, 1999

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**Congressman Christopher Shays to Convene May 26 Hearing on Combating Terrorism:
 Proposed Transfer of the Domestic Preparedness Program to Department of Justice**

(Washington, DC) -- Congressman Christopher Shays (R-CT), Chairman of the Subcommittee on National Security, Veterans Affairs, and International Relations will convene an oversight hearing May 26 to examine coordination of federal efforts to combat terrorism, particularly the proposed transfer of the Domestic Preparedness Program to the Department of Justice (DoJ). The hearing was announced today by Congressman Dan Burton (R-IN), Chairman of the Committee on Government Reform.

"The effective implementation of this program is paramount, if the heartland of America is going to be adequately prepared for a chemical or biological attack," Chairman Shays stressed. "As the federal government attempts to streamline its effort to train state and local first-responders on handling incidents involving weapons of mass destruction, Congress needs to be certain that the most appropriate department or agency is leading that effort," Shays added. Next Wednesday's hearing will examine the issue.

Over the last few years, two presidential directives set out the administration's strategy to combat terrorism. The Federal Emergency Management Agency (FEMA) was given lead responsibility for consequence management of domestic terrorist incidents. DoJ, through the Federal Bureau of Investigation (FBI), was designated lead agency for crisis management. The Department of Defense (DoD) was to provide support to other federal agencies.

The Domestic Preparedness Program is the result of the Defense Against Weapons of Mass Destruction Act of 1996 which mandated implementation of "a program to provide civilian

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personnel of federal, state and local agencies with training and expert advice regarding emergency responses" to a use or threatened use of such weapons or related materials. DoD was designated the lead federal agency and the Secretary of the Army was subsequently named the executive agent. In carrying out the Program, DoD was instructed by Congress to coordinate activities with other federal agencies.

The May 26 hearing will convene at 10:00 a.m., Room 2154, Rayburn HOB. Witnesses will be representatives from FEMA, DoJ, and DoD.

Shays said the Subcommittee will want to know how the transfer of the Domestic Preparedness Program to DoJ next year will affect training and equipping of local first-responders to handle incidents involving weapons of mass destruction. The President is expected to designate the Attorney General as lead official to assume responsibility for the Domestic Preparedness Program no later than October 1, 2000.

According to Shays, among other hearing issues are: the rationale for DoJ to assume the lead role for consequence management training when FEMA is the lead federal agency for consequence management and the budget impact on agencies as responsibilities are shifted.

"It appears the Justice Department is assuming the lead role for both crisis management and consequence management. We need to ensure the inherent conflict between saving lives and securing a crime scene is adequately addressed," said Shays.

The Subcommittee on National Security, Veterans Affairs, and International Relations has oversight of those departments and agencies of government responsible for national security, veterans affairs, and international relations, including all efforts to combat terrorism as well as intelligence gathering activities.

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