

**THE NATIONAL INCIDENT MANAGEMENT SYSTEM:  
ENHANCING RESPONSE TO TERRORIST ATTACKS**

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**HEARING**

BEFORE THE

**SUBCOMMITTEE ON EMERGENCY  
PREPAREDNESS AND RESPONSE**

OF THE

**SELECT COMMITTEE ON HOMELAND  
SECURITY**

**HOUSE OF REPRESENTATIVES**

**ONE HUNDRED EIGHTH CONGRESS**

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# THE NATIONAL INCIDENT MANAGEMENT SYSTEM: ENHANCING RESPONSE TO TERRORIST ATTACKS

Wednesday, September 29, 2004

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

The subcommittee met, pursuant to call, at 10:20 a.m., in Room 210, Cannon House Office Building, Hon. John B. Shadegg [chairman of the subcommittee] presiding.

Present: Representatives Shadegg, Granger, Thompson, Lowey, Christensen and Etheridge.

Mr. SHADEGG. The committee will come to order. First, let me apologize. I was tied up with a vote in another committee. I regret my delay in getting here. I express my sincere apology for the Members and the witnesses who were waiting and my regret that that occurred.

I would begin by asking unanimous consent that opening statements be limited to subcommittee and full committee Chairman and Ranking Members. Without objection, so ordered.

On March 1, 2004, the Department of Homeland Security Secretary Tom Ridge, acting on Homeland Security Presidential Directive 5, announced the approval of the National Incident Management System, or NIMS. This is a particularly important announcement for our Nation's homeland security as NIMS is the Nation's first standardized management system unifying the actions of all levels of governments during a large-scale emergency response.

The creation and implementation of NIMS also comports with the recommendation of the 9/11 Commission. Specifically the Commission recommended making homeland security funding contingent upon the adoption of an Incident Command System to strengthen teamwork in a crisis, including a regional approach.

What does all of this talk about NIMS and incident command mean for America's homeland security? It means that for the first time at all levels of government, be it Federal, State or local, they will be reading from the same playbook and speaking the same language when they respond to an emergency, ranging from a flood or a fire to a terrorist attack. NIMS is designed to provide a controlled, organized and unified command structure, and to respond efficiently and effectively to all major events across the country.

The National Incident Management System has many distinct advantages. As mentioned earlier, it ensures the coordination of all levels of government across city, State and county lines during an emergency. It also provides a basis for standardized communications and a more efficient and effective way to relay information, both essential components for the safe and effective management of a disaster scene or terrorist attack.

Incident management teams have been operating successfully since the 1970s in the management of forest fires. More recently we have seen the success of NIMS in managing the breakout of the avian flu, influenza, in the spring of 2002, and the exotic Newcastle disease in 2003, and the search and recovery efforts during the space shuttle Columbia disaster. In all of these instances we saw how successful communication, coordination and cooperation can save lives.

NIMS also assures the same level of preparedness for all agencies of all levels of government across the country. It provides for the same training, certification, and planning exercises to ensure standardized responses consistent with mutually agreed-upon doctrine.

A key to responding successfully to an incident is simply keeping calm and letting logic and the best practices prevail. Educating the public furthers this goal by helping to prevent confusion and chaos. This allows the trained professionals, whether fire, police, or health officials or National Guard, to do their job in a safe and effective manner.

To help us better understand the intricacies and the importance of the National Incident Management System, we will be hearing from both Federal and county officials. We are particularly interested in what they have to say about what the respective Federal agencies are doing to implement and coordinate and maintain NIMS.

We will also assess the rate of integration of the NIMS International Emergency Response Protocol and if the deadlines for Federal grant monies are appropriate and realistic.

Finally, we will evaluate how effective NIMS will be in enhancing the response of the fire services, law enforcement agencies and health disaster relief workers.

Mr. SHADEGG. At this time I would like to recognize the Ranking Member Mr. Thompson for his opening statement

Mr. THOMPSON. Thank you, Mr. Chairman. I join the Chairman in welcoming our witnesses to this hearing, and I look forward to hearing the testimony on the National Incident Management System, which has significant implications for our first responder community. However I would like to take this opportunity to talk about the priorities of the Select Committee on Homeland Security also.

This week at least a half dozen House committees will debate and mark up the Republican leadership's legislation to implement the recommendations of the 9/11 Commission, but the Select Committee on Homeland Security will not be one of those committees. According to the press reports, Chairman Cox's staff has stated that we cannot mark up the 9/11 legislation because we are too busy focusing all our attention on completing the report regarding the future of the Select Committee on Homeland Security. And al-

though we are too busy to weigh in and mark up what may be the most important intelligence and homeland security reform legislation this year, we do appear to have the time to hold a hearing on a National Incident Management System.

Let me suggest that we are not too busy to exercise our jurisdiction of certain authority of this committee and mark up the 9/11 Commission legislation. By taking this action, we will demonstrate through our work rather than through the report of the House that our committee should be permanent. Therefore, I hope the Chairman of the full committee will reconsider his decision and that he will schedule a markup before the week's end.

Now, with respect to the National Incident Management System, or NIMS, there are some aspects of this program that should be carefully examined. As a former volunteer firefighter, I understand the importance of a clear command-and-control structure and the benefits that such a certain structure provides during incident response. But I think the witnesses will agree with me when I say that the Incident Command System and unified command existed long before anybody ever contemplated the Department of Homeland Security. These systems have always been bottom-up organizational structures focused on addressing the unique needs of different types of disasters and emergencies by first maintaining the flexibility to modify the response strategies, and, second, simplifying the integration of additional State and Federal resources if required.

However, the current version of NIMS is heavily focused on the top-down response structure, almost to the point that we may find that we lose ability and flexibility to effectively respond. In addition, the fiscal 2005 budget request for NIMS is solely devoted to increasing the preparedness of Federal response forces rather than State and local responders. Increasing the preparedness of Federal response organizations does not increase the preparedness of individual communities who would be the first on the scene following a terrorist attack.

According to the September 8 letter from Secretary Ridge to the Governors, in the fiscal 2006 year, the administration will require State and local governments to adopt NIMS in order to be eligible for Federal preparedness grant assistance. It is not clear to the States and localities which grant funds will be impacted by this requirement, nor is it clear what these governments will need to certify that they have to adopt NIMS. I would ask our DHS witness to provide some more details on this matter.

This same letter also outlines the Secretary's requirements for the States in fiscal year 2005. Among other tasks, DHS expects the States to incorporate NIMS into the emergency operation plan, coordinate and provide technical assistance to local entities regarding NIMS, and institutionalize the use of the Incident Command System. I am concerned that DHS is not providing additional grant funds to achieve these goals, and they are an unfunded mandate. For example, I am not aware of any additional funding for State and local governments to train personnel in NIMS, nor am I aware of any funding to revise and publish new emergency operation plans that are consistent with NIMS.

It appears that DHS expects the States to leverage these general ODP grant funds for the purpose and choose between implementing them and other equally pressing needs like specialized equipment, training, terrorism exercise, and enhanced security at critical infrastructure sites.

This concern applies in particular to the law enforcement community, which does not traditionally run its response operating using the Incident Command System. How does DHS expect the States to train and certify the thousands of law enforcement personnel who will soon be required to adopt NIMS? I hope that the witnesses can provide us with a perspective on these questions, and I look forward to their testimony. Thank you.

Mr. SHADEGG. The Chair would note that neither the Chairman of the full committee nor the Ranking Member of the full committee, Mr. Cox or Mr. Turner, are here at the moment, so they will not be able to make their opening statements. If they join us soon, we will offer them that opportunity.

At this point I would like to introduce our panel of witnesses. Mr. Gil Jamieson is the Director of NIMS Integration Center for the Department of Homeland Security. Mr. Michael Freeman is the fire chief of Los Angeles County Fire Department. Mr. Steve Lenkart is the Director of Legislative Affairs for the National Association of Government Employees, International Brotherhood of Police Officers. Dr. Joseph Barbera is an associate professor of engineering, management and clinical associate professor of emergency medicine at George Washington University.

I would like to thank all the witnesses for being here. We sincerely appreciate your testimony, which we have in written form. Your full testimony will appear in the record. I would invite you at this point in your opening statement to summarize it as best you would like and make any particular points or highlight any particular points that you have made in your written testimony.

With that, Mr. Jamieson, would you like to begin? Please press the button on your mike and get a light to come on, and we will be able to hear you.

**STATEMENT OF GIL JAMIESON, ACTING DIRECTOR, NIMS INTEGRATION CENTER, U.S. DEPARTMENT OF HOMELAND SECURITY**

Mr. JAMIESON. Good morning, Chairman Shadegg and members of the committee. My name is Gil Jamieson. I am the Acting Director of the NIMS Integration Center in the Department of Homeland Security. It is my pleasure to be here today to update you on our efforts to implement the National Incident Management System.

We all recognize that every day there are emergencies in the United States that require action by our emergency responders. Whether those responders come from different departments of the same jurisdiction or from outside State and Federal agencies, they need to be able to work together effectively.

In the Homeland Security Presidential Directive 5, the President directed the Homeland Security Secretary to develop and administer a National Incident Management System. On March 1, 2004, after close collaboration with Federal, State and local representa-



tives, Secretary Ridge issued the NIMS to provide a consistent nationwide approach for Federal, State, tribal and local governments to work together and to provide the framework to prepare for, prevent, respond to and recover from domestic incidents regardless of cause, size or complexity.

At the core of the National Incident Management System is the Incident Command System, or ICS. The NIMS establishes ICS as the standardized organizational structure for the management of all incidents. ICS is interdisciplinary and organizationally flexible to meet the needs of incidents of any size or level of complexity. When DHS released the NIMS, Secretary Ridge and the Under Secretary for Emergency Preparedness and Response specifically highlighted compliance with ICS as being possible in the short term. They recognized that in some cities and areas of urban and wildland interface, first responders have worked together using ICS for years.

ICS is at its core a management system designed to integrate resources, both personnel and equipment, to effectively attack a common problem. The system is not exclusive to one discipline or set of circumstances, and its hallmark is that it is flexible to accommodate all disciplines in all circumstances.

The recommendations of the 9/11 Commission highlight the importance of ICS. The Commission recommended national adoption of ICS to enhance command, control and communication capabilities. Earlier this month Secretary Ridge issued guidance to address the phased implementation of NIMS at the Federal, State and local levels. In a letter to the Governor, Secretary Ridge highlighted the important features of NIMS implementations that should receive special emphasis in fiscal year 2005, including institutionalization of ICS.

Many of the NIMS requirements are specific to local jurisdictions, and in order for NIMS to be implemented successfully across the Nation, it is critical that States provide support and leadership to tribal and local entities. To the maximum extent possible, States, territories, tribes and local entities are encouraged to achieve full NIMS implementation and institutionalization across the entire response spectrum during fiscal year 2005. By fiscal year 2007, Federal preparedness assistance will be conditioned by full compliance with the NIMS.

By December 31 of 2004, all Federal departments and agencies with a primary or supporting role under the national response plan must submit a NIMS implementation plan to the Secretary and the President's homeland security advisor. The implementation plans must reflect how the agency will accomplish full NIMS implementation by September 30 of fiscal year 2005, including modifications of their emergency operations plans.

As I explained earlier, the ICS is at the core of NIMS, and one of the first steps to becoming compliant with NIMS requires State and local governments to institutionalize the use of NIMS as taught by the Department of Homeland Security. ICS, as taught by the Department, means that whatever ICS training a jurisdiction receives, it must be consistent with concepts, principles and characteristics of ICS training offered by the various DHS training entities. It does not mean that ICS training needs to be taught by a

DHS employee or at a DHS facility, although there are certainly a number of options that are currently available to facilitate this training available through the Department.

We recognize that there are a variety of training programs that provide ICS training. The NIMS Integration Center will be working with Federal, State, local and private training providers to ensure that their ICS course offerings are consistent with the NIMS.

The NIMS required the establishment of an integration center to provide strategic direction for and oversight of the NIMS, including the continuous refinement of the system and its components over the long term. Secretary Ridge established the Integration Center on May 8 of 2004. The Center Director reports to Secretary Ridge, to the Under Secretary of Emergency Preparedness and Response Michael Brown. Current Integration Center activities include coordinating, training, and providing guidance and tools to Federal, State, local and tribal entities on understanding and implementing and complying with the NIMS, and establishing an Integration Center advisory committee to continue the collaborative partnership that has characterized the development of the NIMS to date.

The Department recognizes that the overwhelming majority of emergency incidents are handled successfully on a daily basis by a single jurisdiction at the local level. It is, however, critically important that all jurisdictions comply with NIMS because the challenges we face as a Nation are far greater than the capabilities of any one community or State. They are not, however, greater than the sum of all of us working together through mutual aid.

There will be instances in which successful domestic incident management operations depend on the involvement of emergency responders from multiple jurisdictions as well as personnel and equipment from other States and the Federal Government. These instances require effective and efficient coordination across the broad spectrum of organizations and activities. The success of the operation will depend on our ability to mobilize and effectively utilize a host of outside resources. They must come together in an organizational framework that is understood by everyone, utilize a common approach to planning as specified through the ICS process of incident access planning, and order and receive resources in conformance with a standard approach to resources typing and mutual aid. It will only be possible if we unite, plan, implement, exercise and respond using a common National Incident Management System.

Mr. Chairman, this concludes my remarks. I would be pleased to answer any questions, and I look forward to continuing to work with the committee as we implement NIMS across the Nation.

Mr. SHADEGG. Thank you very much for your testimony.

[The statement of Mr. Jamieson follows:]

PREPARED STATEMENT OF GIL JAMIESON

#### **Introduction**

Good morning, Chairman Shadegg and members of the Committee. My name is Gil Jamieson and I am the Acting Director of the National Incident Management System (NIMS) Integration Center in the Federal Emergency Management Agency (FEMA), within the Department of Homeland Security (DHS). It is my pleasure to be here with you today to update you on our efforts to implement the NIMS.

## Background

Everyday there are emergencies in the United States that require action by emergency responders. Whether those responders come from different parts of the same jurisdiction or from State and Federal agencies, they need to be able to work together effectively. They need to be able to communicate with each other, and they need to be able to depend on each other. In Homeland Security Presidential Directive (HSPD)–5, *Management of Domestic Incidents*, the President directed the Secretary of Homeland Security to develop and administer a NIMS to accomplish the purpose of establishing standard incident management processes, protocols, and procedures that will allow responders to work together more effectively.

On March 1, 2004, after close collaboration with federal, state, local, and private sector representatives, Secretary Ridge issued the NIMS which provides a consistent nationwide framework for Federal, state, tribal, and local governments to work together to prepare for, prevent, respond to, and recover from domestic incidents, regardless of cause, size, or complexity. The NIMS provides all of the Nation's first-responders and authorities with the same foundation for incident management for terrorist attacks, natural disasters, and other emergencies. The NIMS utilizes the Incident Command System (ICS) as a standard incident management organization for the management of all major incidents.

One of the hallmarks of the NIMS is the balance it strikes between flexibility and standardization, reflected in its mechanisms for on-going support and maintenance of the system. The NIMS provides a consistent, *flexible*, and adjustable national framework within which government and private entities at all levels can work together to manage domestic incidents, regardless of their cause, size, location, or complexity. This *flexibility* applies across all phases of incident management: prevention, preparedness, response, recovery, and mitigation.

The NIMS also provides a set of *standardized* organizational structures—such as the ICS, multi-agency coordination systems, and public information systems—as well as requirements for processes, procedures, and systems to improve interoperability among jurisdictions and disciplines in various areas.

The major components of the NIMS are:

- Command and Management
- Preparedness
- Resource Management
- Communications and Information Management
- Supporting Technologies
- Ongoing Management and Maintenance

I would like to briefly highlight the most important aspects of each component of the NIMS.

### Command and Management

There are three command structures in the NIMS: the Incident Command System (ICS), Multiagency Coordination Systems, and Public Information Systems. I will discuss ICS in greater detail shortly. Multiagency Coordination Systems provide the architecture to support and coordinate the resources that are needed to support the on-site incident commander and include Emergency Operations Centers (EOCs), procedures, facilities, and communications. Public Information is coordinated in a Joint Information Center (JIC), which provides the structure and protocols for communicating consistent, timely, and accurate information to the public during a crisis or emergency situation.

### Preparedness

The NIMS addresses the specific measures and capabilities that jurisdictions should develop and incorporate into their overall system to enhance their operational preparedness. Preparedness is implemented through a continuous cycle of Planning, Training, Equipping, Exercising, Evaluating, and Corrective Action and Mitigation. NIMS Preparedness also addresses mutual aid, personnel qualifications and certification protocols, and guidelines for publications management.

NIMS Preparedness and the implementation of HSPD–8 *National Preparedness* are closely linked. While the NIMS provides the core concepts and principles of preparedness, HSPD–8 implementation, through the National Preparedness Goal, will define the capacities and capabilities that must be met at the State and local levels. HSPD–8 implementation will also help assess the resources needed to support State and local jurisdictions in achieving the Preparedness Goal.

### Resource Management

Resource management involves coordinating and overseeing the tools, processes, and systems that provide incident managers with timely and appropriate resources during an incident. NIMS resource management provides a uniform method to identify, acquire, allocate, and track resources and is enabled by the standardized classi-

fication of resources, known as resource typing. It uses a credentialing system tied to uniform training and certification standards to ensure that resources can be successfully integrated into response operations, and assigns responsibility for resource management to EOCs and/or other multiagency coordination systems.

#### **Communications and Information Management**

Effective communications and information management during an incident are dependant upon a common operating picture, accessible across jurisdictions and functional agencies, and common communications and data standards, to assure accessibility and interoperability. A common operating picture allows incident managers at all levels to make effective, consistent decisions expeditiously and ensures consistency at all levels of incident management. Common communications and data standards are fundamental to an effective NIMS. Much work is already underway in this area, and the NIMS Integration Center will collaborate with other offices working to address these issues, including the SAFECOM program, the Office of Interoperability and Compatibility (OIC), and the Disaster Management program.

For example, the Disaster Management program, an interagency initiative led by FEMA since 2001, is a critical government-wide initiative that directly improves the ability of our nation's first responders to communicate and share information at all levels of government.

Disaster Management provides three critical functions to first responders and citizens. The first is one-stop access through the disasterhelp.gov portal for all Federal disaster management-related information, services, and planning and response tools making it easier to find disaster assistance information. The second important function is the development and promotion of standards to share emergency response information across disparate third party software packages and between organizations, regardless of the source or type of information. The third capability provided through this initiative is an interoperable disaster management tool to assist first responders in preparing for and responding to a disaster. This tool promotes information sharing among the public safety community and among local, State, and Federal governments in order to better coordinate response to an incident and ultimately save lives and property. There are currently over 800 user groups in 49 states using this tool and it has been used to respond to over 50 real-world incidents, including the recent Hurricane Ivan, Hurricane Isabel in September 2003, and the California wildfires. There are also over 36,000 registered users of the Dhelp portal who look to the portal not only to get the latest updates on incidents across the nation, but also for authoritative sources of disaster preparation, mitigation, and recovery information."

#### **Supporting Technologies**

The ongoing development of science and technology is integral to the improvement and refinement of the NIMS. The NIMS provides mechanisms to integrate the incident management science and technology needs into the national research and development (R&D) agenda.

#### **Incident Command System (ICS) and the 9/11 Commission Recommendations**

At the core of the NIMS is the Incident Command System (ICS). The NIMS establishes ICS as the standardized incident organizational structure for the management of all incidents. ICS integrates a combination of facilities, equipment, personnel, procedures, and communications operating within a common organizational structure. ICS is interdisciplinary and organizationally flexible to meet the needs of incidents of any size or level of complexity. ICS can be used at all levels of the government and can be exported to the private sector. To enhance coordination of effort, during incidents involving multiple jurisdictions or agencies, the principle of unified command is incorporated into the NIMS ICS organizational structure. Unified command not only coordinates the efforts of multiple jurisdictions and agencies, but also provides for and assures joint decisions on objectives, strategies, plans, priorities, and public communications.

When the Department of Homeland Security released the NIMS on March 1, 2004, Secretary Ridge and the Under Secretary for Emergency Preparedness and Response specifically highlighted compliance with the ICS as being possible in the short term. They recognized that in some cities, the fire and police departments have worked together using ICS for years. HSPD-5, requires State and local adoption of NIMS as condition for receiving federal preparedness funding, to the extent permitted by law. ICS is at its core, a management system designed to integrate resources to effectively attack a common problem. This system is not exclusive to one discipline or set of circumstances; its hallmark is its flexibility to accommodate all circumstances.

The recommendations of the National Commission on Terrorist Attacks Upon the United States (the “9/11 Commission”) highlight the importance of the ICS. The Commission’s recent report recommends national adoption of the ICS to enhance command, control, and communications capabilities. All federal, state, and local jurisdictions will be required to adopt ICS in order to be compliant with the NIMS.

Our success in implementing the NIMS will ensure, for the first time, all of the nation’s emergency responders will use a common language, and a common set of procedures when working individually and together to keep America safe. The NIMS ensures that they will have the same preparation, the same goals and expectations, and most importantly, they will be speaking the same language.

#### **NIMS Implementation**

Earlier this month, Secretary Ridge issued guidance to address the phased implementation of the NIMS at the Federal, State, and local levels. In a September 8, 2004 letter to the Governors, Secretary Ridge highlighted the important features of NIMS implementation that should receive special emphasis in FY 2005. Many of the NIMS requirements are specific to local jurisdictions, and in order for NIMS to be implemented successfully across the nation, it is critical that States provide support and leadership to tribal and local entities. The Department is looking to the Governors to coordinate with the State agencies, tribal governments, and local jurisdictions to develop a strategy to ensure statewide NIMS implementation.

At the State and Territory level, efforts to implement the NIMS in FY 2005 must include the following:

- Incorporating NIMS into existing training programs and exercises
- Ensuring that Federal preparedness funding (including the DHS Homeland Security Grant Program and Urban Area Security Initiative (UASI)) support NIMS implementation at the State and local levels (in accordance with the eligibility and allowable uses of the grants)
- Incorporating NIMS into Emergency Operations Plans (EOP)
- Promotion of intrastate mutual aid agreements
- Coordinating and providing technical assistance to local entities regarding NIMS
- Institutionalizing the use of the ICS

At the State, territorial, tribal, and local levels, jurisdictions should support NIMS implementation in FY 2005 by:

- **Completing the NIMS Awareness Course: “National Incident Management System (NIMS), An Introduction” IS 700**

This independent study course, developed by the Emergency Management Institute (EMI), explains the purpose, principles, key components and benefits of NIMS. The course is available on-line on the EMI web page at: <http://training.fema.gov/EMITWeb/IS/is700.asp>.

- **Formally recognizing the NIMS and adopting the NIMS principles and policies**

States, territories, tribes, and local entities should establish legislation, executive orders, resolutions, ordinances, or other formal action to adopt the NIMS. The NIMS Integration Center (NIC) is developing sample language and templates to assist jurisdictions in formally adopting the NIMS through legislative and/or executive/administrative means.

- **Establishing a NIMS baseline by determining which NIMS requirements have already been met**

We recognize that State, territorial, tribal, and local entities have already implemented many of the concepts and protocols identified in the NIMS. The NIC is developing the NIMS Capability Assessment Support Tool (NIMCAST), a web-based self-assessment system that States, territories, tribes, and local governments can use to evaluate their incident response and management capabilities. This useful tool identifies the requirements established within the NIMS and can assist jurisdictions in determining the extent to which they are already compliant, as well as identifying the NIMS requirements that they are not being met. The NIC began a formal pilot test of the NIMCAST with a limited number of States earlier this month. Upon completion of the pilot and any necessary refinements to the system, the NIC will provide all potential future users with voluntary access to the system.

- **Establishing a timeframe and developing a strategy for full NIMS implementation**

States should work with the tribal and local governments to develop a strategy for statewide compliance with the NIMS.

- **Institutionalizing the use of the Incident Command System (ICS)**

If State, territorial, tribal, and federal grant recipients are not already using ICS, they must institutionalize the use of ICS (consistent with the concepts and principles taught by DHS) across the entire response system.

To the maximum extent possible, States, territories, tribes, and local entities are encouraged to achieve full NIMS implementation and institutionalization across the entire response system during FY 2005. Applicants will be required to certify as part of their FY 2006 grant applications that they have met the FY 2005 NIMS requirements. To the extent that full implementation is not possible during FY 2005, Federal preparedness assistance will be leveraged to complete NIMS implementation by FY 2006. By FY 2007, receipt of Federal preparedness assistance will be conditioned upon full compliance with the NIMS.

#### **NIMS Implementation at the Federal Level**

The Secretary also recently issued guidance to address the implementation of NIMS at the Federal level. The NIC is working with Federal departments and agencies to ensure they develop a plan to adopt NIMS and that all FY 2005 Federal preparedness assistance program documents address State and local NIMS implementation. By December 31, 2004, all Federal Departments and Agencies with a primary or supporting role under the National Response Plan (NRP) must submit a NIMS Implementation Plan to DHS. The implementation plans must reflect full NIMS implementation within the Department or Agency by September 30, 2005. The NIMS Integration Center is developing a template to assist in the development of the NIMS implementation plans. In accordance with the guidance that was issued to the Federal Departments and Agencies, the Secretary also issued a memorandum to the DHS Directorates and offices outlining the steps that DHS must take internally to implement the NIMS. The DHS Headquarters Operational Integration Staff (I-STAFF) will lead the overall development of the DHS NIMS Implementation Plan, in cooperation with the DHS Directorates and offices.

For those Federal departments and agencies that do not have a role under the NRP, the Secretary issued a separate letter, asking those agencies to review the NIMS and assess the impact that it may have on their programs and operations.

#### **Training and other Tools to Support NIMS Implementation**

The Emergency Management Institute has developed a NIMS Awareness training course. This independent study course explains the purpose, key components, and benefits of the NIMS, and as noted above, is available on the FEMA training website. In addition, the paper-based version of this NIMS awareness training was recently completed. The paper-based version will allow for large groups to be trained together during a conference or meeting.

As I explained earlier, the ICS is at the core of the NIMS and one of the first steps for becoming compliant with the NIMS is for States and local governments to institutionalize the use of ICS (as taught by DHS) across the entire response system. "ICS as taught by DHS" means that whatever ICS training a jurisdiction receives must be consistent with the concepts, principles, and characteristics of the ICS training offered by the various DHS training entities. It doesn't mean the ICS training needs to be taught by a DHS employee or at a DHS facility, although those are certainly available training options.

ICS training developed by FEMA is already available in the states. This training includes: ICS-100, Introduction to ICS; ICS-200, Basic ICS; ICS-300, Intermediate ICS; and ICS-400, Advanced ICS. The state emergency management training offices can coordinate these training programs for interested participants. FEMA's Emergency Management Institute (EMI) and the National Fire Academy (NFA) also offer ICS Train-the-Trainer classes at their facilities in Emmitsburg, Maryland. At the local level, agencies may contact their fire departments for information and training on ICS.

We recognize a variety of other training programs are available which provide ICS training; the courses mentioned are just a start. The NIC will be working with Federal and State training providers to ensure their ICS course offerings are consistent with the NIMS.

During FY 2005, the NIC will continue to provide guidance and technical assistance to Federal Departments and Agencies, as well as State, territorial, tribal, and local governments on the FY 2005-2006 NIMS implementation requirements. This guidance will include a suite of "How-To Implement NIMS" manuals, addressing key components of NIMS, such as mutual aid, credentialing, ICS, and resource management.

#### **NIMS Integration Center (NIC)**

The NIMS required the establishment of the NIC to provide strategic direction for, and oversight of the NIMS, including continuous refinement of the system and

its components over the long term. Secretary Ridge established the NIC on May 8, 2004. The NIC reports to Secretary Ridge through the Under Secretary for Emergency Preparedness and Response (EP&R), Michael Brown. The NIC is physically located within FEMA headquarters in Washington, DC.

The NIC's organization and structure includes the Office of the NIC Director and proposes five functional branches. The branches include: Standards and Resources Branch; Training and Exercises Branch; the System Evaluation and Compliance Branch, the Publications Management Branch and the Technology/Research & Development Branch. Initial NIC staff is comprised of detailees from DHS directorates and offices, including the Emergency Preparedness and Response (EP&R) Directorate, the Office of State and Local Government Coordination and Preparedness (OSLGCP), and the Science and Technology (S&T) Directorate. NIC staffing will expand to include interagency detailees and state and local government representatives.

The responsibilities of the NIC include: facilitating the development of a national system of guidelines, protocols and standards for NIMS implementation; defining national-level training standards and assessment criteria for the various components of the NIMS; and developing compliance requirements and timelines for federal, state, local and tribal entities implementing the NIMS.

Currently, the NIC is focusing its efforts on several activities in support of the NIMS and the overall mission of the Department of Homeland Security. NIC activities include:

- Receiving and brokering initial feedback and questions on the NIMS;
- Facilitating the development and delivery of NIMS awareness training, education, and publications;
- Coordinating training and providing initial guidance and tools to Federal, State, local, and tribal entities on understanding, implementing, and complying with the NIMS;
- Identifying existing capabilities, initiatives, and resources that support the NIMS and the NIC;
- Identifying the process by which revisions to the NIMS are recommended, approved, and posted;
- Further defining the organizational structure, collaborative processes, outreach mechanisms, and support requirements of the full NIC;
- Establishing a NIC Advisory Committee within the existing Homeland Security Advisory Council structure to continue the collaborative partnerships that have characterized the development of the NIMS to date and to ensure all users and stakeholders are given the opportunity to participate in revisions and updates to the NIMS and participate in NIMS guidance and directives.
- Coordinating activities with other affected DHS elements or offices as they relate to applicable statutes, Homeland Security Presidential Directives (HSPDs) or other relevant authorities.

The NIC will continue to evolve and work to accomplish its specific tasks, as outlined in the NIMS, and ensure that all efforts are collaborative and inclusive.

I would like to take some time to provide you with a brief overview of each of the NIC branches and their responsibilities. The NIC has accomplished a significant amount in just a few short months and our activities will continue to expand as we bring on additional staff and as States and local jurisdictions work to implement the NIMS.

The **Standards and Resources Branch** is focusing on the development of a national system of guidelines, protocols and standards for the implementation of the NIMS system. The Standards and Resources Branch will promote the compatibility between national-level standards for the NIMS and those developed by other public, private, and/or professional groups. The Standards and Resources branch will also begin to facilitate the development and publication of national standards, guidelines, and protocols for the qualification and certification of emergency responder and incident management personnel, as appropriate.

One of the key responsibilities under this branch includes facilitation of the development and issuance of national standards for the typing of resources. Other important activities within this branch will include the identification of performance standards, the identification of an automated resource management system, and a national credentialing system. Current initiatives within this branch include:

- Developing a matrix to describe all existing and on-going NIMS related standards efforts, identifying areas where additional standards work is needed, and developing a prioritized approach to addressing gaps in standards, in partnership with the DHS Science and Technology Directorate and existing Standards Development Organizations;

- Enhancing mutual aid efforts nationwide by typing resources, promoting inter— and intra-state mutual aid agreements;
- Identifying a suitable national automated resource management system for phased deployment and use by Federal, Tribal, State, and Local responders, starting with the Federal departments and Agencies in FY2005;
- Establishing discipline specific working groups to analyze existing qualification and credentialing initiatives, and develop discipline specific standards for a nationwide first responder credentialing system.
- Developing phased requirements for all jurisdictions to achieve NIMS compliance.

The NIC, through the Standards and Resources Branch, will incorporate and expand upon the work that FEMA, through its National Mutual Aid and Resource Management Initiative, has already accomplished in this area. This effort and the accomplishments of this working group directly support the NIMS and the NIC, particularly in the areas of mutual aid and resource management.

A national protocol for typing critical response resources has already been developed. 120 resources, including equipment, teams and personnel, have been typed and the definitions will be released by the end of this month.

The *Training and Exercises Branch* is facilitating the definition of NIMS training requirements and national-level training standards, and NIMS-related course curricula. It will facilitate the development of national standards, guidelines and protocols for incident management training and exercises, including consideration of existing exercise and training programs at all jurisdictional levels. This branch will develop a national program for NIMS education and awareness, to include specific instruction on the purpose and content of the NIMS document and the NIMS in general. The online NIMS awareness training that I described earlier is the first of many training modules.

The Training and Exercises Branch will consult and take into consideration existing exercise and training programs at all jurisdictional levels in the development of national standards, guidelines, and protocols for incident management training and exercises. The branch will develop criteria for training curricula and classes, using the Planning Scenarios being developed by the Homeland Security Council as a basis, develop complete exercise programs, and methodologies for incident management, assist with performance validation, assists with remediation, and assist with internal process review. Current initiatives include:

- Developing NIMS awareness training;
- Identifying existing training that supports NIMS and determining what additional training is needed to support NIMS implementation; and
- Developing criteria for NIMS training curricula and classes in coordination with existing training entities.

The **System Evaluation and Compliance Branch** will oversee the development of assessment criteria for the various components of the NIMS. It will oversee compliance requirements and compliance timelines for federal, state, local and tribal entities. It also will maintain a repository and clearinghouse for reports and lessons learned from actual incidents, training and exercises. Current initiatives include developing the NIMS Capability Assessment Support Tool (NIMCAST), the web-based self-assessment tool I mentioned earlier, that will assist jurisdictions in evaluating their incident response and management capabilities against NIMS requirements.

The **Publications Management Branch** would develop and publish materials and standardized templates to support the implementation and continuous refinement of the NIMS, as well as review in coordination with appropriate entities, discipline-specific publication management requirements submitted by professional organizations and associations.

Finally, the proposed **Technology/R&D Branch**, in coordination with the Under Secretary for Science and Technology in DHS, would focus on the integration of the incident management science and technology needs of the various entities (departments, agencies, private and non-governmental organizations) and the national R&D agenda.

The NIMS Integration Center has created a web page, [www.fema.gov/nims](http://www.fema.gov/nims), to provide information about the NIMS, including NIMS-related guidelines, tools and resources. The NIC has also set up a mailbox at [NIMS-Integration-Center@dhs.gov](mailto:NIMS-Integration-Center@dhs.gov) so that the incident response community can “Ask the NIC” questions about NIMS implementation. The NIC will continue to post up-to-date information on the progress and current activities of its branches on the NIC web page.



### **Leveraging Existing Initiatives**

The NIC was not designed to do all of the work necessary to facilitate NIMS implementation. Just as the NIMS was developed by incorporating existing best practices into a comprehensive, national approach to domestic incident management, the NIC must leverage existing efforts and initiatives to support NIMS implementation.

The area of NIMS-related standards provides a great example to illustrate my point. There are so many facets to NIMS-related standards, including equipment standards, communications standards, information management standards, credentialing standards, and training standards, to name just a few. Just as numerous as the areas requiring standards, are offices and organizations both within and outside of DHS working to develop these standards. The NIC cannot, and should not, be in the business of developing standards in any of these areas. Instead, like a true integration center, our job is to connect the dots between all of these efforts, identify gaps where no one is addressing a particular issue, serve as a proponent of that issue, and coordinate with the appropriate office or standard development organization to develop the standard.

Coordination both within and outside the department is key to the NIC's mission and the successful implementation of the NIMS across the nation. The NIC will continue to leverage existing initiatives and efforts that relate to NIMS implementation, including the implementation of HSPD-8 *National Preparedness*, the National Response Plan (NRP), existing credentialing efforts at the State and discipline levels, and the work of other DHS Directorates, like S&T, EP&R, and OSLGCP. Because the NIC staff includes detailees from other DHS offices, and will eventually include liaisons from other Federal, State, and local organizations, the NIC is uniquely positioned to leverage existing capabilities and efforts. In addition, the establishment of the NIC Advisory Committee through the existing Homeland Security Advisory Council structure will further enhance our collaborative partnerships.

### **Conclusion**

The Department recognizes that the overwhelming majority of emergency incidents are handled on a daily basis by a single jurisdiction at the local level. However, it is critically important that all jurisdictions comply with the NIMS because the challenges we face as a nation are far greater than the capabilities of any one community or State; they are not, however, greater than the sum of all of us working together through mutual support. There will be instances in which successful domestic incident management operations depend on the involvement of emergency responders from multiple jurisdictions, as well as personnel and equipment from other States and the Federal government. These instances require effective and efficient coordination across the broad spectrum of organizations and activities. The success of the operation will depend on our ability to mobilize and effectively utilize a host of outside resources. They must come together in an organizational framework that is understood by everyone and they must utilize a common plan of attack, as specified through the ICS process of incident action planning. This will only be possible if we unite, plan, exercise, and respond using a common National Incident Management System.

I look forward to continuing to work with the Committee as the Department implements the NIMS across the entire nation.

Mr. SHADEGG. Mr. Michael Freeman.

### **STATEMENT OF P. MICHAEL FREEMAN, CHIEF, LOS ANGELES COUNTY FIRE DEPARTMENT, CALIFORNIA**

Chief Freeman. Good morning, Mr. Chairman, members of the committee. I am Michael Freeman, Fire Chief, Los Angeles County, California, Fire Department. I serve also as Chair of the Terrorism and Homeland Security Committee of the International Association of Fire Chiefs and appear on the Association's behalf today.

I am pleased to advise that the IAFC does indeed endorse the National Incident Management System as an efficient and effective way to bring resources together to respond to large-scale incidents. I would look to commend the staff at the Department of Homeland Security, who have worked diligently on this task, and who have created a fine product. I would also like to commend my colleagues in the Fire Service who participated in the efforts.

This document is a strong document and a strong plan, because actual practitioners were intimately involved in drafting it. One aspect of NIMS that we fully endorse is the Incident Command System. Much of Fire Service has been using ICS for decades, and, in fact, just last Fall ICS was indispensable in managing the California Fire Siege. This was one of the most devastating wildland fire disasters in California history. In the face of 14 wind-driven, fast-moving, simultaneous fires, ICS allowed for the expansion of roles and the effective use of resources as the complexity of the fire siege grew. Local, State and Federal agencies used incident command teams and ICS to manage these complex fire incidents. Overall, ICS enabled us to manage in excess of 14,000 firefighters and thousands of firefighting resources during the siege.

ICS clearly works on a large scale, in wild fires, major flood, earthquakes and even terrorist attacks. But also important is that ICS works on small day-to-day incidents as well. It is, therefore, important that law enforcement, fire, both paid and volunteer, health care workers, and, of course, Federal agencies do embrace the Incident Command System. It does work.

Mr. Chairman, as much as we approve of NIMS and are working to incorporate it into the Fire Service response, I would like to touch on five areas of concern that we have about its implementation. First of all, we believe that fiscal year 2006 is really too soon to tie the receipt of Federal terrorism response grant funding to NIMS implementation. There are over 518 measurable requirements, and implementing all of them within the next year or so will be a Herculean if not unreasonable task. Also there are two major areas, those of credentialing and resource typing, where much more work is needed before NIMS can be fully implemented.

We saw the need for credentialing of emergency responders in the aftermath of the World Trade Center. There scores of personnel with vastly different levels of training showed up and went to work. The incident commander had no way to know or to check on their level of training, their qualifications or their credentials. A truly a safe and systematic approach requires nationwide training standards and credentialing, and this will take time.

NIMS also requires mutual aid resource typing. This is important because each State and even different entities define resources differently. For example, in Indiana if a fire chief calls for a tanker, a large truck filled with water will arrive. In California if I request a tanker, it will be an airplane filled with fire-retardant agents. We understand that DHS is resource typing in its project today, and we encourage that effort and its prompt conclusion with input from State and local practitioners. We suggest also that fire resource typing draw from what is taught at the National Fire Academy.

Our second major concern about NIMS is its stress on mutual aid without truly addressing local costs. We suggest that the Federal Government do more to formalize mutual aid with attention given to local costs, especially in regions that do not qualify for the Urban Area Security Initiative grants. Funding of mutual aid agreements really should be a part of NIMS.

And in this vein I would like to commend Chairman Cox for his work on H.R. 3266, the Faster and Smarter Funding for First Re-

sponders Act, which will allow regions to apply for homeland security grant funds.

Our third concern about NIMS is training. Literally hundreds of thousands of responders must be trained in NIMS, and that training should be performance-based and not reliant simply upon time spent in the classroom. We encourage the Department of Homeland Security to work with the practitioners from all facets of the first responder community to create training programs for each discipline. We also need to have local and regional exercises that emergency responders can have the opportunity through which to practice what they have learned in the most realistic circumstances as possible.

Our fourth concern is about private sector response. Clearly the private sector is a key element in the response to any sort of local emergency. Much more needs to be done in the outreach to the private sector, which really has not heard much about NIMS to date.

And our final concern is with the communications interoperability. The International Association of Fire Chiefs has been advocating for interoperable communications for years. It is truly the linchpin of command and control. The IAFC supports the efforts that the Department of Homeland Security has undertaken with SAFECOM, which is a practitioner-driven program that is working.

Also, please bear in mind that large-scale solutions will likely have large price tags. The IFC urges that the Federal Government offer monetary relief to State and local entities to whom upgrading communications equipment may be a hardship.

In conclusion, Mr. Chairman, Members, I would like to thank you again for holding this hearing. I would like to commend the colleagues with me on this panel for their hard work on the National Incident Management System. I would particularly like to thank Mr. Gil Jamieson and the Department of Homeland Security, and extend to him the IAFC's continued support as the NIMS Integration Center proceeds with integration and the maintenance phase. Truly much progress has been made. More work lies ahead, but America is already better prepared as a result of these efforts. Thank you very much.

Mr. SHADEGG. Thank you very much for your testimony. I would note that by tradition I should have introduced you as Chief Freeman. My apologies for that.

[The statement of Chief Freeman follows:]

PREPARED STATEMENT OF CHIEF P. MICHAEL FREEMAN

Mr. Chairman and members of the committee, I am Michael Freeman, Chief of the Los Angeles County (CA) Fire Department. I appear today on behalf of the International Association of Fire Chiefs (IAFC), in my role as chair of the IAFC's Terrorism and Homeland Security Committee. I am also a member of the Emergency Response Senior Advisory Committee to the Homeland Security Advisory Council, which is part of the U.S. Department of Homeland Security (DHS).

The IAFC represents the leaders and managers of America's fire and emergency service. America's fire and emergency service reaches every community across the nation, protecting urban, suburban, and rural neighborhoods. Nearly 1.1 million men and women serve in more than 30,000 career, volunteer, and combination fire departments across the United States. The fire service is the only entity that is locally situated, staffed, and equipped to respond to all types of emergencies. Members of the fire service respond to natural disasters such as earthquakes, tornadoes, and floods as well as to man-made catastrophes, both accidental and deliberate,

such as hazardous materials incidents and acts of terrorism. As such, America's fire service is an all-risk, all-hazard response entity.

**The IAFC Endorses the National Incident Management System**

Mr. Chairman, in your invitation you asked witnesses to address the National Incident Management System, commonly known as NIMS. The IAFC—and particularly my colleague, Chief John Buckman of the German Township (IN) Fire Department—have been involved in creating the NIMS from the start. We endorse the NIMS as an efficient and effective way to bring resources together to respond to large-scale incidents. I would like to commend the staff at DHS who have worked diligently on this task, and who have created a fine product. I would also like to commend my colleagues in the fire service who participated in this effort. The main reason this document is strong is that *actual practitioners* were intimately involved in drafting it.

One aspect of the NIMS that we fully embrace is the Incident Command System (ICS). The fire service has been using ICS for decades. In fact, Mr. Chairman, the state of California was the first to create and adopt an ICS system. It grew out of the devastating 1970 fire season where California fire services were severely criticized for failing to provide leadership in the areas of cooperation, command and control, communications, and training.

ICS was indispensable in managing the California Fire Siege of 2003, when we had to fight fourteen fires—all major incidents—simultaneously. This was one of the most devastating wildland fire disasters in Southern California history—and in state history. ICS allowed for the expansion of roles and resources as the complexity of the siege grew. Local, state, and federal agencies used incident command teams that managed complex fire incidents. Some served as area command teams to supervise the multiple fires on behalf of agency administrators.

During the Fire Siege, ICS helped commanders manage incident complexity and resource depth. There were numerous large fires burning concurrently, exceeding the span of control guidelines and involving multiple jurisdictions. That meant overlapping responsibilities and different agency policies. The fires were burning in both towns and wilderness areas simultaneously. ICS allowed us to split larger incidents in half, sometimes along jurisdictional boundaries. ICS also allowed us to draw on the closest existing resources that were trained and ready—with an overall count on our peak day of 14,000 firefighters, including 263 crews, 1,659 engines, 81 helicopters, 178 bulldozers and 2,207 overhead workers.<sup>1</sup>

I have seen ICS work on a large-scale incident in California, and I am confident that ICS is the best way to handle a potential large-scale event such as a terrorist attack. It is important to note that ICS also works on small day-to-day incidents, as well. I encourage all parties involved in the NIMS—law enforcement officers, health care workers and, of course, federal agencies—to embrace this system.

**IAFC Concerns about Implementation**

Mr. Chairman, as much as we approve of the NIMS and are working to incorporate it into fire service response, we have a number of concerns about its implementation. Specifically, we are concerned about: (1) the imposed time limit for implementation, (2) the lack of funding for mutual aid systems, (3) the types of training being offered, (4) private sector response, and (5) requirements for communications interoperability.

First, we believe that the start of Fiscal Year 2006 is too soon to begin to tie the receipt of federal terrorism response grant funding to NIMS implementation. We do believe that a financial incentive is important, and we believe that it is wholly appropriate for DHS to use federal grant funds as leverage. Our concern is with the timing. The NIMS has 518 measurable requirements. It is unclear to us whether DHS will require implementation of all 518, or whether a percentage will be required, or whether there will be a “top ten.” Implementing all 518 requirements within the next year will be a Herculean—and perhaps unreasonable—task.

At least two areas exist where we need more guidance from DHS. They are credentialing and resource-typing. We saw the need for credentialing of emergency responders in the aftermath of the World Trade Center attacks, when scores of personnel who had not been dispatched arrived on-scene as volunteers. The incident commander had no way to check their credentials to see how they were trained and to what levels, and if their training was current. We understand that the U.S. Fire Administration (USFA), with the help of practitioners, has completed a significant amount of work on credentialing; however, no final product has been disseminated.

<sup>1</sup>The term “overhead workers” includes personnel who are assigned to supervisory positions such as incident commanders, command staff, general staff, directors, supervisors, and unit leaders (FIREScope Field Operations Guide ICS 420-1).

We encourage the USFA to take whatever steps may be necessary to implement the program.

The NIMS also requires mutual aid resource-typing. This is important because each state defines its resources differently. For example, if a chief in Indiana calls for a tanker, a big truck filled with water will arrive. However, if a chief in California calls for a tanker, he or she will get an airplane filled with fire-retardant agents. In Indiana, a rescue company performs extrications; in Maryland, a rescue company is an ambulance squad. We understand that DHS's resource-typing project is in its final stages. We encourage DHS to work toward its prompt completion, with input from state and local practitioners.

Our second major concern about the NIMS is that it does not fund mutual aid systems before an event occurs.<sup>2</sup> As the mutual aid coordinator for a five-county area in Southern California, I cannot state strongly enough how important mutual aid systems are. They allow regions to share manpower and equipment during a large-scale response. Mutual aid systems also provide measurably improved command and control communications across agencies and jurisdictions. These agreements are not tacit, and they are not simply signed contracts. They are actual systems that are given careful consideration by all involved parties. It is not enough for one jurisdiction to say to another, "we will help you." The jurisdictions must decide exactly what form that help will take, so that nothing is left to last-minute decisions or chance. We have that in Southern California, and it was indispensable in managing the 2003 Fire Siege.

The federal government does recognize the need for mutual aid agreements but it must do more to formalize that aid, especially in regions that do not qualify for Urban Area Security Initiative (UASI) grants. Yes, local communities are first on the scene. But the capabilities grow through ICS. DHS should help fund mutual aid agreements as part of the NIMS. I would like to commend Chairman Cox for his work on H.R. 3266, the Faster and Smarter Funding for First Responders Act, which would allow regions to apply for homeland security grant funds.

Our third concern about NIMS is the training that is—and is not—available. Aside from a few online courses that teach NIMS awareness, DHS has not yet formalized a training program. I must stress that all participants must be trained in the NIMS. That training must be performance-based and not reliant simply on time spent in a classroom. We encourage DHS to work *with practitioners* from all facets of the first responder community to create training programs for each discipline. DHS should partner more with local practitioners to draft these training programs. DHS should also utilize the expertise of local practitioners to teach these courses. Practitioners should teach these courses through the training systems and facilities that already exist at the state level and in various response communities. Reinventing the wheel is only going to take more time, and result in a potentially less effective product. We also need to have exercises—perhaps modeled from the highly successful TOPOFF exercises that DHS holds regularly—so that emergency responders have the opportunity to practice what they have learned in the most realistic situations possible.

Our fourth concern is private sector response. The NIMS requires first responders to reach out to the private sector, but does not define what shape that outreach should take. My colleague Chief Buckman told me that he reached out recently to his local utility companies to get them involved, and they had never even heard of the NIMS. DHS should rectify this situation as soon as possible. The private sector controls much of the infrastructure that could trigger a large-scale incident—think natural gas, electricity, and nuclear power. First responders must be able to work with them to craft response plans.

Our final concern is with communications interoperability. The IAFC has been advocating for interoperable communications for years. It is the lynchpin of command and control. That is why the IAFC supports the efforts that DHS has undertaken with SAFECOM, which is a practitioner-driven program that is working. The IAFC encourages DHS to use a practitioner-driven approach to enhancing communications interoperability through the NIMS.

Many local departments have found interim solutions. We in Los Angeles County have a cache of radios for large-scale incidents. Anyone who arrives on-scene goes through a staging area. We first try to reprogram each person's radio to our frequency level. If that is not possible, we lend them one of ours.

<sup>2</sup>The federal government does fund mutual aid systems after certain events, such as after a national declaration of disaster. Another example is the Fire Management Assistance Grant program (FMAG) administered by the Federal Emergency Management Agency (FEMA). FMAG provides a 75% reimbursement to local entities that respond to a wildland fire when lives are threatened and evacuation is required.

Of course, the issue still needs to be addressed comprehensively. Keeping practitioners involved will help make sure that solutions are agreed-upon and workable. Also, please bear in mind that large-scale solutions will have large price tags. The IAFC urges DHS to offer some monetary relief to state and local entities for whom upgrading communications equipment may be a hardship.

**Conclusion**

In conclusion, Mr. Chairman, I would like to thank you again for holding this hearing. I would like to commend my colleagues who sit on this panel with me for their hard work on the NIMS. I would particularly like to thank Gil Jamieson, and to extend the IAFC's hand as the NIMS Integration Center proceeds with the implementation and maintenance phase.

I will be happy to answer any of your questions.

Mr. SHADEGG. Mr. Steve Lenkart.

**STATEMENT OF STEVE LENKART, NATIONAL DIRECTOR OF LEGISLATIVE AFFAIRS, INTERNATIONAL BROTHERHOOD OF POLICE OFFICERS**

Mr. LENKART. Good morning, Mr. Chairman and Ranking Member Thompson and members of the subcommittee. My name is Steve Lenkart. I am the National Director of Legislative Affairs for the International Brotherhood of Police Officers. I am also a former police officer from the Chicago area where I had the pleasure of serving as a fire fighter and emergency medical technician, all three providing me within an in-depth understanding of each component and their individual needs and responsibilities. In particular today I speak on behalf of law enforcement, a very visible and crucial element vital to the success of any Incident Command System and to the support of infrastructures that surround it. Unfortunately, law enforcement is sometimes overlooked or underestimated within these systems often because of the unique function that they perform within the community is not fully understood by others.

Today I would like to share with you three concerns of the law enforcement community about the integration, implementation of the National Incident Management System in an effort to prevent unintended consequences during the initiation period of NIMS for the benefit of all entities involved. They are in brief, one, that law enforcement agencies traditionally have not used large systems of incident command; two, that the role of law enforcement at critical incidents has expanded in recent years; and three, that police agencies widely lack many of the resources that other first responders may have available to them.

Continuing with my first point. Federal, State, local law enforcement agencies have not historically participated in large-scale systems of command or management among themselves, and have even less commonly coordinated such efforts with other government agencies because of the different responsibilities that they are charged with at the scene of an incident. However, with the increased probability of acts of terror occurring domestically, we have entered into a new era that has forever changed our perceptions of prevention, preparedness and response to critical incidents.

Unrest in the world around us has created a need for more comprehensive systems of coordination that must be flexible enough to provide for the proper guidance to deal with the control and resolution of a criminal element; whereas before the involvement of a criminal element was less likely and, as a result, large command

systems were reserved primarily for use by fire, EMS, environmental and health care providers.

My second point is now understanding that law enforcement at all levels must play a more prominent role in incident command systems, it is vital that the members of the Federal, State, local law enforcement communities participate as major players in the development of policy and procedure under NIMS. This is to ensure that traditional boundaries that have kept them separate from other public safety entities in the past are minimized or defeated. In addition, incorporated into the incident command systems must be the flexibility and leverage for an agency to take a lead role at one point and then be able to adjust its involvement to a secondary role spontaneously without disrupting the command system in progress.

If you consider recent instances of mass acts of violence and terrorism around the globe that were carefully planned and executed by their assailants, throughout an ordeal of this kind the responsibilities of each agency involved may change, requiring the command structure to adjust. This kind of ground-level flexibility can only be achieved with the full integration of all entities to ensure smooth transition of commands which are crucial to the success of a mission and the safety of the rescuers and victims.

My third and last point is realizing that law enforcement is generally not fluent with the practices of large-scale incident command systems, and because there are less controls in place that govern the standards and practices for law enforcement and that of other first responders, special considerations will have to be given to many State and local police departments before they will be able to achieve parity with other entities in terms of equipment, training and policy adoption. I will cite a couple of examples.

Although police officers respond to the same incidents as their counterparts in the Fire Service, they are seldom equipped as well as firefighters with protective clothing, breathing apparatus, safety devices and so on, leaving them to fend for themselves with nothing more than a coarsely made polyester uniform. Training for police officers is more difficult than it is for their counterparts because of the individual schedules and a lack of manpower to cover street assignments while officers are taken out of service for drills or classes. Legal issues also arise when a police officer responds to another jurisdiction or State and acts as an enforcer of foreign laws.

Departmental policies will have to be rewritten and in some cases created entirely to adjust for compliance with new Federal and State standards. Many of these issues have already been addressed for years by non-law-enforcement entities, leaving police behind the curve.

Considering the many areas that law enforcement agencies will have to adjust, and considering the extra time and funding it will take to get the police departments up to speed with others under NIMS, the Federal Preparedness Grant System should be expected to spend money on these deficiencies, perhaps disproportionately, and allow extra time to incorporate the principles of NIMS and ICS into their procedures.

It serves no purpose to allow police officers in a system where they will be handicapped by a lower level of equipment and training, backed up by deficient policies and lack of funding. The police will carry a larger burden than others initially, and they will carry this burden on already stressed local budgets unless grants are issued in advance to help them acclimate to the new Federal and State standards.

In conclusion, NIMS is a beneficial system that can play an important role in the training, educating, equipping and assisting of those responding to critical incidents, especially acts of terrorism. But as I said on my opening remarks, law enforcement has unique responsibilities that extend far beyond the tertiary roles of directing traffic and crowd control. I would like to see our Nation's police officers better equipped and protected with the knowledge that can save lives, the lives of citizens, the lives of other first responders so that they can perform their jobs, and the lives of police officers themselves. The NIMS system can provide this opportunity; however, there is no doubt that this will take time, resources, patience and a modernized thought process by all those involved to fully integrate law enforcement into the system.

Mr. Chairman and Ranking Member Thompson, members of subcommittee, I appreciate your consideration of our Nation's police officers under NIMS, and I look forward to working with you to ensure that our officers get the resources that they desperately need, and I thank you for the opportunity to speak before you today.

Mr. SHADEGG. I thank you very much for your testimony.

[The statement of Mr. Lenkart follows:]

#### PREPARED STATEMENT OF STEVE LENKART

Good Morning, Mr. Chairman and Members of the Subcommittee.

My name is Steve Lenkart; I'm the National Director of Legislative Affairs for the International Brotherhood of Police Officers. I'm a former police officer from the Chicago, Illinois area where I also had the pleasure of serving as a firefighter and emergency medical technician, covering a 14-year period of service in law enforcement and other emergency services. During those years, I had the rare but very fulfilling opportunity to work in all three capacities with my experiences ranging from the front line to supervisory and management positions, providing me with an in-depth understanding of each component, and their individual needs and responsibilities.

It is from these experiences, and also from my more recent years representing our nation's first responders here in Washington, that I speak before you today. In particular I speak on behalf of law enforcement, a very visible and crucial element vital to the success of any incident command system and to the supportive infrastructures that surround it. Unfortunately, law enforcement is sometimes overlooked or underestimated within these systems often because the unique function that they perform within a community is not fully understood by others.

Today, I would like to share with you three concerns of the law enforcement community about the integration and implementation of the National Incident Management System (NIMS) in an effort to prevent unintended consequences during the initiation period of NIMS for the benefit of all entities involved. They are, in brief, (I.) that law enforcement agencies traditionally have not used large systems of incident commands, (II.) that the role of law enforcement at critical incidents has expanded in recent years, and (III.) that police agencies widely lack many of the resources that other first responders may have available to them.

#### I. TRADITIONAL USE OF COMMAND SYSTEMS

Continuing on my first point: federal, state and local law enforcement agencies have not historically participated in large scale systems of command or management among themselves, and have even less commonly coordinated such efforts with other kinds government agencies because of the different responsibilities they are charged



with at the scene of an incident. However, with the increased probability of acts of terror occurring domestically, we have entered into a new era that has forever changed our perceptions of prevention, preparedness and response to critical incidents. Unrest in the world around us has created the need for more comprehensive systems of coordination that must be flexible enough to provide for the proper guidance to deal with the control and resolution of a criminal element; whereas before, the involvement of a criminal element was less likely and as a result, large command systems, such as one designed under NIMS, were reserved primarily for use by fire, EMS, environmental and healthcare providers.

## II. LAW ENFORCEMENT'S "NEW" ROLE

My second point is: now understanding that law enforcement at all levels must play a more prominent role in incident command systems, it is vital that members of the federal, state and local law enforcement communities must participate as major players in the development of policy and procedure under NIMS. This is to ensure that the traditional boundaries that have kept them separate from other public safety entities are minimized or defeated.

In addition, incorporated into the incident command system must be the flexibility and leverage for an agency to take the lead role at one point and then be able to adjust its involvement to a secondary role spontaneously without disrupting the command system in progress.

If you consider the recent instances of mass acts of violence and terrorism around the globe that were carefully planned and executed by its assailants, throughout an ordeal of this kind the responsibilities of each agency involved may change requiring the command structure to adjust, such as the police yielding command to the medical services to care for the wounded and then regaining command once the injured have been cared for. This kind of ground-level flexibility can only be achieved with the full integration of all entities to ensure smooth transitions of command which are crucial to the success of the mission, and the safety of the rescuers and victims.

## III. THE LACK OF RESOURCES FOR POLICE AGENCIES

My third and last point is realizing that law enforcement generally is not fluent with the practices of large scale incident command systems, and because there are less controls in place that govern the standards and practices for law enforcement than that of other first responders, special consideration will have to be given to many state and local police departments before they will be able to achieve parity with the other entities within NIMS in terms of equipment, training, and policy adoption.

For example, although police officers respond to the same incidents as their counterparts in the fire service, they are seldom equipped as well as firefighters with protective clothing, breathing apparatus, safety devices and so on, leaving them to fend for themselves often with nothing more than coarsely-made polyester uniforms. Training for police officers is more difficult than it is for their counterparts because of their individual schedules and a lack of manpower to cover street assignments while officers are taken out of service for drills or classes. Legal issues also arise when a police officer responds to another jurisdiction or state and acts as an enforcer of foreign laws. Departmental policies will have to be rewritten, and in some cases created, to adjust for compliance with new federal and state standards. Many of these issues have already been addressed for years by non-law enforcement entities leaving police behind the curve.

Considering the many areas that law enforcement agencies will have to adjust, and considering the extra time and funding it will take to get police departments up to speed with others under NIMS, the federal preparedness grant system should expect to spend money on these deficiencies, perhaps disproportionately to other entities, and allow extra time to incorporate the principles of NIMS and ICS into their procedures. It serves no purpose to involve police officers in a system where they will be handicapped by a lower level of training and equipment, backed up by deficient policies and a lack of funding. The police will carry a larger burden than others initially, and they will carry this burden on already stressed local budgets unless grants are issued in advance to help them acclimate to new federal and state standards.

## IN CONCLUSION

In conclusion, NIMS is a beneficial system that can play an important role in training, educating, equipping and assisting those responding to critical incidents, especially acts of terrorism. But as I said in my opening remarks, law enforcement

has unique responsibilities that extend far beyond the tertiary roles of directing traffic and crowd control. I would like to see our nation's police officers better equipped and protected with the knowledge that can help save lives; the lives of our citizens, the lives of other first responders so that they can perform their duties, and the lives of police officers, themselves. The NIMS system can provide this opportunity, however there is no doubt that this will take time, resources, patience and a modernized thought process by all of those involved to fully integrate law enforcement into the system.

Mr. Chairman and Members of the Subcommittee, I appreciate your consideration of our nation's police officers under the NIMS, and I look forward to working with you to ensure that our officers get the resources that they desperately need, and I thank you for the opportunity to speak before you today.

Mr. SHADEGG. Dr. Joseph Barbera.

**STATEMENT OF JOSEPH BARBERA, CODIRECTOR, INSTITUTE FOR CRISIS, DISASTER, AND RISK MANAGEMENT, GEORGE WASHINGTON UNIVERSITY**

Dr. BARBERA. Thank you, Mr. Chairman, Mr. Thompson and members of the subcommittee. I am Joseph Barbera. I am a residency-trained, board-certified emergency physician who has been involved in emergency response at the local, national, and international levels since 1986.

While my primary employment is as a professor at George Washington University, I have had the opportunity to become extensively involved not just in response, but in the development of emergency systems that include a component of medical response.

Particularly I would like to say I have experienced firsthand some of the difficulties of biological terrorism response. I was the emergency physician on duty at George Washington University Hospital the day of the infamous B'nai B'rith bioterrorism hoax in 1997 that essentially shut down much of Washington, D.C., and its notoriety is thought to have spawned many of the bioterrorism hoaxes that occurred across the United States.

I was a medical controller in the TOPOFF bioterrorism exercise in Denver in 2000, an observer in the TOPOFF2 bioterrorism exercise in the Chicago area of Illinois last year, and I was very heavily involved in the anthrax event in 2001 in the national capital area.

From all of that I can say that we need a very complex, capable management structure in the health and medical arena in order to manage those types of events. In fact, I think the central failure in this region in the anthrax event of 2001 was the absence of effective incident management systems at our local, State and at the Federal health levels. So I think the adoption of the National Incident Management System is critical. I think if properly managed, it will address this important gap for medical and public health preparedness.

We really need a functional, flexible incident management system that is consistent across all response disciplines. And that actually also leads me to some of the concerns of the current writing of our National Incident Management System and particularly how incident command is presented.

Since mass causality medical response in the United States is performed primarily by private medical assets, we must be sure that NIMS will effectively address this public-private divide which has come up consistently as a problem in other mass casualty incidents in the past. We must be sure that financial regulatory man-

agement systems are in place for health care to maximally surge immediately upon demand. In this context, medical providers are clearly first responders and so must be fully integrated into the first responder community. This will only occur when NIMS has established common management systems across all disciplines.

I applaud the Department of Homeland Security in its expeditious manner that they developed and disseminated the National Incident Management System. I have concerns, however, that in the development process and in their understandable push to develop it and put it out, that it was not as open to the professional input of the health and medical community as much as many of us would have preferred. It was particularly unclear if we had full consideration of issues that could be presented by the acute care medical and hospital professionals.

The NIMS incident command model, as presented in NIMS, still retains much of the wildland fire base description. That is not all wrong. It is just that it makes it very, very difficult for medical professionals reading NIMS to understand the language concepts and, most importantly, the inherent value of using incident command. I learned this from professionals, particularly in the urban search and rescue system from the early 1990s to the current day, in my response for both urban official rescue task forces and for the FEMA incident support team.

I know that what is most important is the process in incident command and not the boxes and who belongs in what boxes. Yet when you read incident command, that is not inherently obvious, or intuitively obvious or clearly obvious for the novice who is picking this up for the first time, is a health or medical practitioner or leader, and needs to go from not understanding at all to being able to practice it when the time comes.

All of these issues, I think, are very solvable with appropriate attention to further development of the guidelines and subsequent training. I think the challenge is to provide guidance such that medical and health professionals can use the flexibility inherent in incident management doctrine to adapt truly useful systems, without straying from the central tenets that make incident management effective across disciplines.

I think it is important, when we hear that ICS as taught by the Department of Homeland Security is going to be the requirement, that we have had a full hearing for the health and medical professionals, and that ICS as taught by the Department of Homeland Security will be a system that can accommodate health and medical concerns. I am absolutely certain that this can occur, but we have to pay careful attention to how we do it so it does indeed occur.

I would like to conclude with one very positive remark. In our many concerns about medical search capability and capability in mass casualties in the United States, it is important to emphasize in most parts of the United States, in almost every community of any significant size, we have very capable medical and health professionals. I do not have the concern that, faced with one or two very sick or very injured patients, that medical professionals can step up and take care of them as appropriately as possible. My concern is that we provide to them a management system and the sup-

port systems that come with the good management systems so that when they are faced with hundreds or thousands of potentially dying patients, they can still perform to the best possible ability there is, and that they can do it as safely as possible for them, for their current patients in health care facilities and for their communities.

So I think this concludes my prepared remarks. I applaud the Department of Homeland Security for their moving forward with the system that has made many in the health and medical community recognize that we need a single consistent framework for emergency response, and I look forward to my colleagues and I being able to participate further in the development of incident management as it can be understood by our community. Thank you.

[The statement of Dr. Barbera follows:]

PREPARED STATEMENT OF DR. JOSEPH A. BARBERA

Mr. Chairman and Members of the Subcommittee, I am Joseph A. Barbera, a residency trained, board certified emergency physician who has been involved with emergency response at the local, national, and international levels since 1986. I am currently Co-Director of the Institute for Crisis, Disaster, and Risk Management at the George Washington University, where I teach masters and doctoral emergency management courses, and I provide research and consultation services to hospitals, EMS, public health, emergency management and other emergency response entities.

I have been asked to speak to you today about the subject of NIMS and its importance/application for health and medical response to large-scale incidents in the United States, particularly as it relates to terrorist mass casualty events. I would like to state that I have no remunerative relationship representing hospitals, hospital associations, or commercial products in this regard.

I would like to begin by congratulating and thanking you for focusing on this vitally important subject.

From the biography that I submitted to the subcommittee, you can see that I have extensive experience in emergency response, and in the development and implementation of response systems that are integrated across disciplines at the local, state, and federal levels. In the course of my professional pursuits, I have become very familiar with the use of incident management.

Of particular note, I have been part of the Office of U.S. Foreign Disaster Assistance/AID International Search & Rescue Team since 1988, and was the lead medical consultant in the development of both that team and the medical component of the FEMA National Urban Search & Rescue System. I was a member of New York City's Task Force at its inception, and have been a member of the Fairfax County (Virginia) Urban Search & Rescue Task Force since I moved to the D.C. area in 1993. I am also a member of the FEMA Urban Search & Rescue Incident Support Team, and in that capacity responded to the Oklahoma City Bombing in 1995 and the Pentagon and World Trade Center attacks of 9-11-2001. I have been involved with the National Disaster Medical System for many years, participating in advisory and development activities, large-scale exercises, and response. I have also been extensively involved in medical planning for the National Capital Area and specifically for Washington (D.C.) and Arlington County (Virginia). In many of these activities, I have had the privilege to learn incident management from true incident management professionals, and in the process have developed a strong belief that it can be very effective in managing public health and medical emergencies.

I have experienced firsthand the difficulties of biological terrorism response. I was the emergency physician on duty at George Washington University Hospital the day of the infamous B'nai B'rith bioterrorism hoax in 1997. I was a medical controller for the TOPOFF bioterrorism exercise in Denver in 2000 and an observer for DHHS for the TOPOFF2 bioterrorism exercise in the Chicago area. I was heavily involved in the 2001 anthrax dissemination incident here in the National Capitol Region. In my role as chair of the emergency preparedness committee for DC Hospital Association, I established and moderated a daily conference call that became the basis for information exchange between hospitals, acute care providers, and the multiple public health authorities in the National Capitol Region. Unfortunately, the anthrax incident demonstrated that the capabilities to effectively manage a large-scale, com-

plex, and rapidly moving health event were lacking, especially compared with the management success at an equally complex Pentagon response a month earlier. The central feature in the failures of the 2001 anthrax incident in the National Capital Area, in my professional opinion, was the absence of effective incident management systems at the local, state and federal levels.

The adoption of the National Incident Management System, NIMS, if properly managed, will address this important gap in medical and public health preparedness. A functional, flexible, incident management system that is consistent across all response disciplines is critical for effective performance of medical assets such as hospitals and medical providers, for coordinating medicine and public health, and for integrating both acute care medicine and public health into the larger emergency response community.

The medical care necessary for a mass casualty event must be recognized as a public safety function, and therefore as a governmental responsibility that is equal in importance to fire suppression, emergency medical services, public works, and law enforcement. As we face the specter of mass casualties from future incendiary, explosive, chemical, biological, and other unusual attacks, it is abundantly clear that the private medical systems must be fully prepared to fill this critical public safety function in saving lives, reducing suffering, and providing a *visible* competency for their communities. Demonstrating adequate medical response will assist authorities in maintaining the public trust and in reducing the intended psychological "terror" impact of terrorism. Since mass casualty medical response is performed primarily by private medical assets, we must be sure that NIMS will effectively address the public-private divide, that health care facilities are treated as critical infrastructure in every community, and that financial, regulatory, and management systems are in place for healthcare to maximally surge immediately upon demand. In this context, medical providers are clearly first responders, and so must be fully integrated into the first responder community. This will occur only when NIMS has established common management systems across all disciplines.

The decision to establish a National Incident Management System must be applauded. The development process used in creating the NIMS document, however, was not as open to professional input as many of us would have preferred. It is particularly unclear whether the NIMS development process provided a full hearing for the concerns and issues of acute care medical and hospital professionals. While I am sure that public health representation, provided by DHHS, was included in the development of NIMS, one cannot assume that public health professionals represent all the concerns of acute care medicine and hospitals.

The NIMS incident command model, as described in NIMS Chapter II and Appendix A, is very much based upon the description of ICS for wildland fire incidents. A careful read finds evidence that changes were made to address law enforcement and security/intelligence concerns, but no indication that medical issues were similarly addressed. This is not a power issue, but rather a concern that the incident management model presented in NIMS must be maximally useful for all emergency response disciplines. This is particularly important because the model will be used for future training and for developing operational systems in communities across the United States.

For many medical professionals reading NIMS, the language, concepts, and inherent value are not intuitively obvious or clearly presented. It is not easily understood, for example, how acute care medicine will provide critical input into the management function of a large-scale incident response. It is also not clear how one may establish a Plans/Information Section that, for a biological incident with very complex incident information needs, may be as complex as the Operations Section with branches, divisions, groups, and task forces. The rather vague presentation of how unified management functions in a complex incident is also concerning, since this is a critical issue for public health and acute care medical professionals. These are serious concerns that must be addressed.

All of these issues are very solvable with appropriate attention to further development of guidelines and subsequent training. The challenge is to provide guidance such that medical and public health professionals can use the flexibility inherent in incident management doctrine to adapt truly useful systems, without straying from the central tenets that make incident management effective across disciplines. Carefully developed educational and training programs for the medical and public health communities must become a priority in the NIMS implementation process. Further delineation of the processes of incident management should also be undertaken, with a multi-disciplinary body that includes medical professionals experienced in incident management.

I would like to conclude with one very positive remark, which emphasizes the importance of what we are discussing today: In the United States, we are fortunate

to have a very competent level of medical care in almost every community of any significant size. I am not concerned as to whether medical, nursing, and other healthcare professionals in the U.S. will be able to provide appropriate care when faced with a very ill or injured patient. We have a very strong medical foundation upon which to expand our mass casualty preparedness. My concern is this: to the best of our ability, can we provide these dedicated professionals with a management and support system they need, so that when faced with hundreds or thousands of casualties, they can continue to provide the best possible care, and do it safely? Assuring that the incident management process and procedures of NIMS are further developed so that they are easily understood, fully implemented and trained upon, and ready for use when called upon by health professionals, hospitals, and other healthcare resources will significantly address this concern.

Mr. Chairman, that concludes my prepared remarks. Again, I appreciate the opportunity to express my views on this critically important subject. I would be pleased to answer any questions you or members of the Subcommittee may have.

Mr. SHADEGG. I would like to thank all the witnesses for their thoughtful testimony.

Let me begin the questioning with you, Mr. Jamieson. I want to pick up on a point made by Dr. Barbera and, quite frankly, points made by each of our other panelists by kind of beginning with Dr. Barbera referred to the fact that in reviewing NIMS documents, some of the terminology, some of the structure is not completely understandable within the medical provision. NIMS was developed within the Forest Fire Service, as I understand it. You also heard, I think, thoughtful testimony by Mr. Lenkart about how these concepts are somewhat foreign to police officers, and I want to get into some detail on those earlier points, but it seems to me it is important to begin with the basics.

I guess I would ask you for my colleagues in Congress, because I have asked a couple of them in the last few days what do they know about NIMS, and I get blank stares, and also for the American public, can you just synopsise in plain English like I might have to do at a town hall meeting what NIMS is in a way that would be understandable to a doctor or a police officer that has never embraced these concepts, or, more importantly, to an average American?

Mr. JAMIESON. Mr. Chairman, I will do my best. I appreciate the comments of my colleagues.

NIMS, as the doctor pointed out, is not a group of organizational boxes. It is far more than that. It is a series of processes that outline how we order resources, how we operate through a common operations section. It is a bottom-up approach from an incident commander establishing a very modest organization, scales out to provide for State and Federal support. It is fundamentally a system supported by a series of forms and processes that takes on the resources that are necessary to manage an incident. I guess in my simplest plain English terms, that is my attempt.

Mr. SHADEGG. And effectively implemented, it is a coordination of all the first responders to best manage a particular attack, a terrorism attack or some other type of incident.

Mr. JAMIESON. Yes, sir, that is exactly right.

Mr. SHADEGG. My time is limited, but I want to give you an opportunity to specifically respond to the three concerns that the others have raised. First, I think Chief Freeman said clearly that 2006 looks difficult, and I want to ask him a question about that, but I want you to respond to the issue of 2006.

I think Mr. Lenkart made a very valid point that police officers, for one, do not have the training time that other agencies do to a certain degree, and in some ways this is not suited to them, and he asked for special help including financial assistance to get the police departments ready for that.

And last, I think, Dr. Barbera's point about these concepts being foreign to doctors who think about the care of a patient now trying to be embracing a whole new concept of taking care of mass casualties.

I would like you to briefly respond to those if you could.

Mr. JAMIESON. Sure. Maybe the training piece first.

I would be happy to provide to the committee the full list of training that is currently available.

Mr. JAMIESON. There is some 26 courses that are available now either through Web-based training or through distance training, classroom training. We also have them prepared to go out and train the trainer at the State and local level. Several of those courses at ICS are customized to address the specific disciplines that we will be using, so there is a course on health and medical workers. There is a course on ICS for law enforcement. There is a course on ICS for public works.

We are not teaching a different brand of ICS with those courses, but what we are doing is using scenarios that are applicable to law enforcement and Fire Service and what have you. So I think we are well positioned now through courses that are available through the Department to support some of this.

The other point on training that I would raise, Mr. Chairman, for you and other members of the committee, quite frankly, is that the Department has NIMS awareness training that is available now; that we can log in on the Website, you can look at it, taking maybe 45 minutes or something to get through it. And it is a good awareness training. We have already had 10,000 folks who have signed up and took that training. So I think in terms of getting this process started, that is a good way to start to get that general awareness on what NIMS training is. But after we have that in place are a variety of courses for EMS technicians, for law enforcement that bring home ICS from their disciplines.

Mr. SHADEGG. I am going to have to cut you off. Hopefully we will get a second round. Before I finish my first round, in case we do not get a second round, Chief, I would like to ask you a question and give you a chance to respond to it.

The point you made about the 2006 deadline strikes well with me because I think it is a tremendous amount, a vast amount to try to accomplish in the time we have. At the same time it seems to me it is like many other issues that present themselves to the Homeland Security Committee. You are damned if you do and damned if you don't. That is, do we set a unrealistic deadline because the American people deserve to be protected as quickly as possible, or do we not set that deadline and take the criticism of not setting the deadline? I am not sure where the balance strikes. I would like you to talk to that point.

In my own mind, perhaps the best thing to do is to leave the deadline there until the last minute to encourage everybody to do as much as they can, and then, out of reality, to extend it, but only

extend it after you realize it cannot be achieved. I would be happy to hear your response.

Chief FREEMAN. Mr. Chairman, I appreciate that. Again, the training aspect of it is key, and much of the on-line training that is proposed and is available is similar to trying to teach someone to ride a bicycle on line. There has to be the hands-on practicum associated with that. The system works; there is no doubt about that.

What I would suggest is that with a deadline, and I think we all feel the urgency, and we also sincerely applaud the Department of Homeland Security for moving as quickly as they have, perhaps using the phase-in years 2005, 2006, maybe using a little more of the carrot and less of the stick from the standpoint of trying to incentivize the training with some grant money, or something of that nature, to move localities forward. It is certainly doable. But that would be my suggestion to move us toward that deadline because there is a lot of work to be done.

Mr. SHADEGG. I thank you all for your testimony.

The Chair would call on the Ranking Member Mr. Thompson for your questions.

Mr. JAMIESON. Mr. Chairman, if I may, just to address the issue of the deadline. I think that, just for the record, we are using fiscal year 2005, there is a 2-year time frame for the deadline, fiscal year 2005 and fiscal year 2006. These negotiations of effecting the grant do not kick in until 2007. And part of what we are doing there on the funding issue, if I may, is not only is the Department of Homeland Security turning its funding to implement NIMS, but as part of the Federal department and agency compliance, all Federal preparedness grant funding that is going out through any department and agencies. We are working with them now to change their grant guidance to reflect the fact that NIMS needs to be a component of what they do under that grant funding. So we are leveraging Federal funding across the board.

Mr. SHADEGG. Thank you.

Mr. Thompson.

Mr. THOMPSON. Thank you, Mr. Chairman.

We have talked about the 2005 and 2006 periods during the testimony today, and as the reference to the term "certify," and I want to make sure we are all on the same page as to what we are talking about when we say certify for different departments.

Chief, if you would, tell me what do you—when they say certify that you are NIMS-compliant, what does that mean in your mind, or has anybody talked to you about what does that mean?

Chief FREEMAN. I have had an opportunity to review a document in another role that I have, where I have seen the letter to the Governors, and, as I understand it, in that context, which is narrow right now, is that the various agencies need to gradually adopt certain elements of NIMS and the ICS and moving forward from that point. As a fire chief, as a practitioner, I haven't heard specifically what that means as yet.

Mr. THOMPSON. So, do I detect from that a little urging on your part to the Department that they need to be a little more forthcoming with that information if the targets are to be met?



Chief Freeman. Well, I believe—I believe that what is the plan of action is to roll this out through the States, and then have the States roll it out to the local governmental entities. And perhaps it would be good, as these rollouts are occurring, if we could ask the Department to share it with local governmental officials as well as the Governor and the State, simultaneously where possible. I think it would help with the information flow.

Mr. THOMPSON. One of the issues associated with this command and control situation is how do police departments fit in the mix, because that is a division of labor that is really different for policemen in this situation. I heard your testimony about your concern.

What would you say to DHS if the mandatory requirements came down like they are, that you would like to see them take into consideration?

Mr. LENKART. Well, sir, my guess is—law enforcement, having their unique responsibilities that they have, we have been at the same incidents for years as other first responders. We work well alongside each other, but we don't—typically haven't worked well with each other.

In order to do that, you are reversing years and years and years of traditional thinking. You have to teach a couple of old dogs new tricks and build some policies that are—actually integrate them and force them to be there, not just be present. My asking of DHS to show to show a little bit more patience with that type of thinking—it does take a little bit more time to do that and try to get people to do this—and not hold up grant monies if they come across a little bit of reluctance or hesitance on the part of law enforcement to get on board. It is going to take a bit more time than some other folks.

Mr. THOMPSON. Dr. Barbera, one thing that struck me about your testimony is the reference to the private sector involvement and incident command situations. Are we presently providing, in your opinion, the private sector enough training or involvement, or have we focused it primarily on State and local government? And, if not, how do we bring the private sector into this process?

Dr. BARBERA. Well, thank you very much. That is a very good question. There has been a—quite a bit of training available to the private sector, medical providers, hospitals, health practitioners. Much of it has been at the level of tactical response, how do you do things, how do you do decontamination, how do you physically manage mass casualties.

There hasn't been a lot of training at the level of management of systems for mass casualties. And particularly, I am not sure we have well defined for national understanding how you integrate the concerned issues and opinions of acute care medicine when you have a rapidly moving mass casualty event where what command does for a decision has a lot to do with what you need to do medically and how you can do it with the time frame, et cetera. And I don't think it is just with private medicine. I think there—we had issues with this after 9/11 in New York City with construction, deconstruction experts and in other situations, too.

So I think that there—the processes are there. They are just not very well defined. And I think this is an area, again, that the

NIMS Integration Center could take a close look at and be very helpful.

We need to define the model better so that the training can follow, and we really have to remember that in order for training to be effective at the operational level, we first have to have the systems in place so once you train, you can turn around and operate the systems.

And I think we still need further guidance on management systems that integrate hospitals with public health, acute care medicine, and the rest of them are emergency response.

Mr. THOMPSON. Thank you. The time of the gentleman has expired.

The Chair would call on the gentlelady from New York Mrs. Lowey for questioning.

Mrs. LOWEY. Thank you, Mr. Chairman.

If I seem impatient, it is 3 years after 9/11, and I have been hearing for a long time we have get to get the systems in place, and the right hand still doesn't know the left hand—what the left hand is doing. And we get a briefing the other day from the head of counterintelligence of the CIA, and he doesn't know what is going on at TSA. So please forgive me if I sound impatient. And I have several questions.

But in the time remaining, perhaps I should ask Mr. Jamieson, we have heard over and over again for the last 3 years, I heard it from my police, my firefighters, all those who went to the World Trade Center, that interoperability is key. In fact, Chief Freeman referenced it today.

You know, if interoperability communications is a priority or a requirement of NIMS, and if it is not a requirement, I would like to know why not—my Federal responders need so much. They need so much more. They are doing it on their own. We are trying to fight for reimbursement. I introduced a bill that looks like it is probably going nowhere, even though we all worked very hard on the reauthorization of the homeland security bill. But it doesn't seem to be even going to be marked up here in this committee.

If you agree, Mr. Jamieson, that interoperability is important, then why aren't we doing something about it? Are we going to be debating this a year from now, 3 years from now? And perhaps I will put in the same question, because it is related.

My firefighters take all of this very seriously. They have HAZMAT equipment, which I got them. They are working to prepare for a possible incident. Yet we read in the New York Times that 120,000 hours of intelligence audiotape hasn't even been analyzed by the FBI. I would just think the whole Department of Homeland Security would revolt and say, how are we going to prepare? How are we going to get the information down to our firefighters, police, when we still have 12,000 hours of audiotapes that haven't been translated? And we hear over and over again that something is going to happen 12 to 15 days before the election.

Perhaps you can calm me with some confidence that you are all talking to each other, that you get as upset as I do, that you are the person to whom you report, reports to the next person and says, what do we tell our firefighters?

And let's just focus on New York for a minute, if we may. What are we supposed to be telling our firefighters, policemen, first responders when we don't even know the up-to-date information?

But maybe start with interoperability.

Mr. JAMIESON. Thank you, Congresswoman.

I appreciate your question. And let me answer straight away that interoperability is very much at the key and the heart of the National Incident Management System. It is one of the major components of the system.

I think it is fair to say that there is no silver bullet solution to the problem of communication interoperability. I think my colleagues here would support that notion, but there are some efforts under way with the Department to address the issue.

Mrs. LOWEY. Could I just ask you—

Mr. JAMIESON. Yes.

Mrs. LOWEY. —when you said there is no silver bullet, is it because it is still too expensive, or because after 3 years you still don't have the specific requirements, the information, to be able to implement it?

Mr. JAMIESON. Well, it is very much of a combination of factors. Some of it is technological. Some of it is establishing baseline requirements. But a lot has been done in terms of figuring out what the root of the problem is and what the solution should be.

Mrs. LOWEY. Are we still going to be talking about this 3 years from now? How many years do you think it will take to institute interoperability between our firefighters, police, Congressmen, et cetera, et cetera?

Mr. JAMIESON. Hopefully, Congresswoman, we will not be talking about it to the degree we are now. I would respectfully submit part of the problem with communication interoperability can, quite frankly, be solved very easily, I believe the Chief would support this, through having a communication plan in place. It is not essential that all of us talk to one another or that all of us talk to the incident commander. And I think that defining and shaping the problem a little bit better than we have is critical.

And I think that part of what we are trying to do under the National Incident Management System is to establish that communication planning so that interoperability will occur better.

Mrs. LOWEY. Can you give me an idea of the time frame?

Mr. JAMIESON. Communication planning is something that is occurring right now.

Mrs. LOWEY. But how long will it take? I heard about a year and a half, 2 years ago that they were going out with an RFP to establishing standards. It still hasn't happened yet.

Mr. JAMIESON. Well, you are speaking, I believe, of the SAFECOM initiative in terms of what they are doing there. They are going through a traditional requirements-gathering process. There are pilot testing programs. There is the rapid communication initiative where we are specifically going into 10 large communities, specifically L.A., to specifically look at best practices, what they are doing there to establish an immediate communication capability.

Mrs. LOWEY. Would you comment on GAO's comments on SAFECOM?

Mr. JAMIESON. Congresswoman, I am not familiar with GAO's comments.

Mrs. LOWEY. They just said it was ineffective. But this is an example of the right hand not knowing the left hand. If you are working on communications, then maybe someone three offices down was working on the SAFECOM program, but shouldn't there be a means for everybody to communicate? GAO said SAFECOM was ineffective.

Mr. JAMIESON. I think so, the Department has just recently stood up a new Office of Interoperability and Compatibility, where I think they are considering a variety of these initiatives within the Department as well.

Mrs. LOWEY. I don't know if my chiefs or those who are on the front line would like to comment, but you are the ones that have to deal with this and face the bureaucracy 3 years after 9/11. That still doesn't seem to be making progress.

Yes, sir.

Dr. BARBERA. I would just like to point out, Congresswoman, that I think if we have effective incident command implemented across the country, that is a large part of the interoperability. It is far more than having a radio where you can talk to someone else. If you—if you can adjust and use management structure to overcome radio problems, but, more importantly, to overcome differences in how you normally operate and pair people together.

I can give you one very quick example is that 9/11 at the Pentagon, when mutual aid fire EMS resources were arriving through Arlington County, their radios didn't talk to each other. But I know that one of the things that Chief Schwartz did was assign one of his firefighters, EMS personnel, to each of those units. So they had interoperability that was far more than just radios. It was how we operated. It is standard operating procedures. It is where we reported all of those things.

So that is an important part, I think, of communications interoperability that we shouldn't—that we shouldn't miss when we focus just on the technology component of it.

Mrs. LOWEY. Let me just say, because I have about 30 seconds left, if I sound impatient, I am. And I know how hard you are working. But I think we have real problems in this country. And as a New Yorker who understands, as a mother, a grandmother of seven, that supposedly, according to all the warning systems, we are the target, I don't have another 3 years to wait for NIMS or some other acronym to get their act together. My police and my firefighters are right there, and they are working hard, and they are not getting what they need.

So let me thank you for your hard work, but we really have to do something, in my judgment, about better coordination, letting all the departments talk to each other. And I know Secretary Ridge is working hard, but it is just not happening. And I wish you would send that message up, that if you are going to implement on the local level, they need to do something about those 120,000 hours of audiotape that still hasn't been translated. This is—it is really an embarrassment. But perhaps I should close with this.

Mr. SHADEGG. I thank the gentlelady for her questions. Just as a comment I would say her impatience on the topic of interoper-

ability and on the topic of coordination and on just in the general sense of pushing the Department and all of those with these responsibilities to move as quickly as possible serves the Nation well, and I appreciate that.

Mrs. LOWEY. Thank you, Mr. Chairman.

Mr. SHADEGG. The Chair would call upon the gentlelady from the Virgin Islands Mrs. Christensen for her questions.

Mrs. CHRISTENSEN. Thank you, Mr. Chairman.

I apologize for having to step out to another committee meeting, but I am back, and I hope I am not going to repeat any of the questions.

I want to welcome our panelists. I want to particularly welcome Dr. Barbera, who is from my alma mater, GW, and also went to Notre Dame, and I went to St. Mary's.

I want to ask my first question to Mr. Jamieson. How long have you been in your position at the Department?

Mr. JAMIESON. I was appointed by Secretary Ridge in August of this year.

Mrs. CHRISTENSEN. August of this year. Okay. Well, you know, this is a very important issue, because I understand that the failure of the incident command system was cited at TOPOFF and other major exercises as a major deficiency in our exercises and preparedness. And as a Member who is from a hurricane-prone area, who has worked with FEMA for many, many years, I have a sense, you know, that FEMA expertise, at least maybe until August, has not been fully utilized and incorporated as it should be into our preparedness and response at Homeland Security.

And having gone to Seattle after TOPOFF and talked to other people around the country, there was also reportedly too much Federal interference in the response, instead of letting local leadership who knew the territory lead.

And I note that in the 2005 budget, most of the funding, if not all of it, is going to the Federal agencies rather than to local responders. Yet there being—they are being required to come into full compliance with an IMS system. So the way the funding is being perpetuated, aren't we perpetuating a mistake that we learned from TOPOFF, too?

Mr. JAMIESON. Congresswoman, respectfully, I don't think so. There has been some \$8.5 billion that has been put out by the Department to State and local governments to basically support the planning, training, equipping and exercising of our first responders, and that will continue in fiscal year 2005, and it is at really—that is the fuel that the Department is putting forward in terms of providing the resources that are needed for State and local governments to comply with NIMS.

But as I mentioned, prior to your coming in, there is also a requirement for other Federal departments and agencies to also support this initiative. So any stream of grant funding that is going out through the Department of Health and Human Services or anyone else that is going to building capability or preparedness measures at State and local level, all of that grant funding needs to be leveraged towards the implementation of NIMS as well.

Mrs. CHRISTENSEN. Just all through these last couple of years, particularly the year that the committee has been in existence,

what we heard mostly from first responders and local jurisdictions that they have not had enough funding to meet even the basic needs for equipment and training. So to put the burden on them again, to get up to speed on this National Incident Management System, just seems to be defeating the purpose.

Okay. Let me turn to Dr. Barbera, and I really appreciate your testimony. I had a chance to look through it briefly when I was over at the other meeting. The attention that you are bringing to the importance of health care, the health care community being part of the first responder system, EMS may be, but physicians, nurses are not necessarily seen. That is one of the things that we learned as we visited with communities around the country and their exercises—and the importance of including the private sector as well as the public health sector, something that is been brought to my attention many, many times.

You were a part of TOPOFF in Chicago. Could you just—I don't know if you have said this already, but could you tell us some of the major lessons that were learned in that Chicago exercise?

Dr. BARBERA. Well, I think that one of the lessons that was learned was that many were surprised by the number of hospitals that participated and the level with which they participated. Those of us in the medical community weren't surprised at all. I can tell you from both 9/11 here and in the District of Columbia, the national capital area, and from the anthrax event that followed, when there were sick or injured people and we needed to do something, hospitals and medical providers step up. And I don't just mean physicians, I mean physicians across the board, and they step up in a very unselfish manner. And I think the level of play in Chicago by hospitals, and northern Illinois because it was well beyond Chicago, was reflective of that same attitude.

So I think that—well, what I observed and I learned is that we need to have clear management systems in place. We have to have ways for hospitals and health care providers to understand how they will participate in a major mass casualty event. And that goes beyond just pure management. It also goes to the regulatory aspects and everything else.

If, for instance, you are going to take care of many more people than you usually do, in order to plan right, you have to know that in a public health emergency, for instance, you are allowed to take care of more critically ill patients than what regulations allow you to do every day. Otherwise you can't plan to that.

So we have to know what a public health emergency might mean to release hospitals from some of their burdensome regulations. We have to know that they will get paid so that they can go away from all of the attention they have to do to get paid on a regular basis and can use that man- or womanpower to take care of patients as opposed to collect data.

It is those kinds of things, I think, that I saw also in TOPOFF, too.

I think that Health and Human Services had developed a Secretary's emergency response team structure that I think was very helpful, and I think that they and DHS and the rest of the Federal Government moved further along in defining how they will define

the expectations at a State and local level. I think it will be very, very beneficial across the country.

So, one of my concerns is that we make sure that the ICS, as presented in NIMS, is very understandable to all of these different communities. But what some of the concerns that Mr. Thompson expressed earlier, that others have expressed, about ICS, I know from working in it, from working with professionals, many of them from Chief Freeman's fire department and others in California, that it works, and it is not burdensome, and it is very, very valuable, and it takes care of many of the issues we currently face in terms of how you manage a response.

But I am not sure that the way the average person reads what we have now can pick a lot of those things up, and that is where I would encourage us to be able to move forward with our health, medical, fire, police and other communities working with DHS, maybe in a working group-type fashion, to rapidly be sure we have got that language and concepts understood.

It is far better if we could pick up something, say, oh, yes, this makes a lot of sense and is useful to me, rather than for that to say, oh, yes, I have to read this three times and just use it because someone says we won't get grants later. I think that is critical.

I am fully behind incident command. I prefer to use incident management, because it really is much more of that than pure command. But I think if it is properly understood, it will not be so onerous for people to pick up and adopt.

Mrs. CHRISTENSEN. Thank you, Mr. Chairman.

Mr. SHADEGG. I thank the gentlelady for her questions, and I would advise her that the Chair is going to afford a second round if you have the interest or time.

Let me begin a second round, just because we have such expertise on this panel, and we have the time to do it.

I would like to begin by following up on some questioning that Mrs. Lowey pursued on the issue of interoperability. It occurs to me that to make all radio systems within the first responder community interoperable is a very worthy goal, but technically and financially a very, very challenging goal. It will take us some time. You have departments and agencies that I think had just, prior to 9/11, or even after 9/11, with the commitment of resources, bought systems that were not, in fact, interoperable.

At the same time, it seems to me when you first think about incident management, Doctor—and I think you are right, that is a better term—one could at first blush say, well, without interoperability how could you have incident management between and amongst different agencies? But at the same time it seems to me that your testimony, Mr. Jamieson, suggested—and you used a term which I would like you to define, a communication plan—that, combined with other testimony, particularly Dr. Barbera's testimony, that, in fact, a communication plan can, in fact, overcome the lack of interoperability I think educates me and I think would educate the public.

I guess I would like you to describe a communications plan somewhat as the doctor did with regard to the incident at the Pentagon, and explain how NIMS can help us get beyond the fact that we

cannot overnight get interoperability amongst all communications equipment.

Mr. JAMIESON. Sir, I would be happy to. Mr. Chairman, I would be happy to try to do that.

A communication plan in its simplest form is just a delineation of who needs to talk to who at the incident command post, who within your organization—who within the operation section needs to talk to who. There is technology out there now where people who are on different frequencies, who are using different equipment, can use “bridging technology” to facilitate this on a technological basis, but it is a little awkward. It is not viewed as the ideal solution. And my notion of communication planning, I believe what Chief Schwartz at the Pentagon proved out, is that we just need to decide who is going to talk to—who is going to talk to who in terms of responding to the incident.

But the other point that I think is key, and that is that we are beginning to associate NIMS with ICS and ICS with boxes and organizations, and I think that is wrong, and that is a trend that we should not let develop.

In order to make this work, ICS is a series of forms in terms of how to order resources. It is establishing a common operational period. It is establishing an incident action plan where we are deciding where law enforcement, Fire Service, Public Works, the medical community are going to go within a specific period of performance. And so once that is the basis of our operations, and objectives are established in that operational period, then the communication plan kicks in in terms of who needs to make that happen.

Mr. SHADEGG. Dr. Barbera, I am sorry—

Mr. JAMIESON. Yes, sir.

Mr. SHADEGG. Dr. Barbera, just to expand on the point you made, as I understand it, it can be as simple as the designation of a liaison to an agency that doesn't have the interoperable equipment where you communicate to that liaison, and it is then repeated amongst that agency on its radio system so that you have essentially two links of communication, one with those with whom you do have interoperability and some other mechanism to communicate to those that you don't. And that, I think, can be a part of incident management; is that correct?

Dr. BARBERA. Absolutely. I look at incident management as a tool for managers to be able to solve problems, and you would like to solve those problems at the lowest possible level. If they can't be, then they are moved up the chain.

Interoperability of communications is one of many problems that we know is recurrent. So within incident management, process and training, as I have learned and watched it practiced, that is a key issue to be addressed up front as the incident begins to be recognized and evolved. And you adjust to it as you move forward. But I am quite sure that some days some community might be given quite a bit of money and can have everyone talk to anybody at any time, and we will have an incident and will demonstrate definitively that is still not communications.

Mr. SHADEGG. Right.

Dr. BARBERA. So communications really has to be the tool to allow information, data, to become information, and information to



flow where it needs to be. And if we know where that is, then this communication component follows.

Mr. SHADEGG. I would like to conclude with a question to Mr. Lenkart and Dr. Barbera, and also, Chief Freeman, to you. I would like each of you to comment on it. Rather than asking Mr. Jamieson to give his view, let me ask you to give your view.

Each of you expressed a concern about your ability to, in the future, impact the NIMS guidelines that have already been developed. I believe Dr. Barbera said to a certain degree there wasn't enough input from the medical community. I believe Mr. Lenkart pointed out this is a new concept for police and needs to be adapted to police in a unique way. Chief Freeman, as a Westerner who spent some time in Los Angeles County, I appreciate your efforts, and I think it is important that you be allowed—you are probably the most sophisticated at it because it was in a way developed in a fire context.

I would like to ask each of you to comment on whether or not you feel the Department is, in fact, open to input from you as the process goes forward to implementing NIMS and refining the guidelines so that it is, in fact, workable. Anyone. You can begin, if you like.

Mr. LENKART. I will start, Mr. Chairman. I haven't worked a lot with NIMS or much within the Department of Homeland Security in this regard very much. And a lot of—very few law enforcement people have, including those of us who are engaged in public policy here in D.C. It is just not—it is not traditionally something that we have gotten involved in. Trying to get someone to come to Capitol Hill and even work on these subissues is very difficult also because they haven't quite bought into the system yet.

What I would like to see is certainly more involvement from the law enforcement side of it. Law enforcement is certainly partly to blame for the lack of people coming forward to handle these types of issues or integrate these kinds of issues in international policing as well.

DHS may also be partially to blame as well for not reaching out far enough to encourage law enforcement to come on board. But as far as Washington goes, I am here, and I am ready to help, and we will do what we can to move it forward.

Mr. SHADEGG. From what I am convinced, you need to buy in, and to some degree you already have. Its management when you have done search and rescue—perhaps not in more traditional law enforcement functions—but when you do urban search and rescue, you look for somebody—or even manhunt circumstances, it seems to me, you have similar issues.

Dr. Barbera.

Dr. BARBERA. I think all of us have been involved with the system in the Federal Government developing programs in the past. We understand the crunch that the Department of Homeland Security has been under to take on both NIMS and the national response plan and to work through with very tight deadlines.

I do think that now that it is out, now that they have been able to get more public comment, that it would be comforting to see a process that allows more open input from across the country. I think there is a good model for this in the past was the develop-

ment of the urban search and rescue system that FEMA undertook in 1989, 1990, and it involved practitioners, specialists in each of the disciplines of urban search and rescue and balanced it geographically and by discipline. It was a process that allowed open information to be brought in, concerns to be expressed. It was moved very rapidly forward. It went from start to end of the work group from July to January, and they published the system.

It would be nice to see something like that, to have a go-around to be sure that all of the different groups that are critically important in adopting NIMS and operating together have a chance to resolve their issues in that sort of open format.

Mr. SHADEGG. I appreciate that.

Chief Freeman.

Chief FREEMAN. Yes, sir. Thank you.

I believe that the Department of Homeland Security has tried to be open; however, it is kind of like passing a message to someone catching the subway, which I appreciate. While this has taken a long time, it also has been quite rapid in many respects, and I applaud that.

I do think that it would be helpful, and I think within the Fire Service—while law enforcement—and Mr. Lenkart is providing some very insightful information. There are many in the Fire Service who also have similar concerns. Many think that ICS is just a wetland force-type of incident system. In fact, we have used it to plan incidents, to prepare for incidents that never occur. There is just a lot of very important applicable elements in that.

But I think if it is possible for the Department to pause for a short period of time and to try to identify and bring in representatives from the various disciplines to maybe have a 2 or 3-day symposium to talk about—let them break off, get their concerns, bring them together, and to try to refine the implementation plan, because I think it is important that we hear from other people.

While I am very confident that the ICS system and NIMS in general will work, is that I am somewhat discredited within my own group because of the fact that a lot of fire departments are not adept at using incident command like we have had to be.

So I think it is important to take a little bit of time, if possible. I am not suggesting changing any deadlines at this point, but just to consciously bring together the various associations and representatives from the disciplines to come in, including the private sector, so that maybe there is a chance to hear at this stage of the game how we can make it better and implement it sooner.

Mr. SHADEGG. Thank you.

For a second round, Mr. Thompson.

Mr. THOMPSON. Thank you. A little interoperability problem.

Well, let me thank all of you for your testimony this morning. A couple of issues that concern a district like mine, my district is primarily rural. Most of the people involved in any kind of situation would be volunteers. Good people, but they don't possess the training models that paid departments have. And I guess this is to the—Mr. Jamieson. How are we proposing to implement this system with rural volunteer departments?

Mr. JAMIESON. Congressman, I think the first thing that needs to be said is we probably don't want the Feds trying to figure that

one out. You know, there has got to be a great reliance here in terms of relying on those mechanisms and the orchestration on the part of the State to define where their areas of risk are and how they are going to do this.

One of your questions in your opening comments was this issue of certification. The Federal Government is just not going to be able to get down there and—in your district at that local level and say, you know, your district is compliant with NIMS. We are going to have to go to some mechanism which basically says the State as the recipient of grant is going to have to conclude back to us that, taken as a whole, this State complies with NIMS.

So that we are placing a premium on the States to develop the infrastructure and the processes to ensure that they are reaching down to every corner and level of the State. Our job will be to provide the training to the States, distance learning capabilities, workshops and the funding to the States so that they can do that. But I would hate to think that myself or others sitting here in Washington would be prescribing how that might be accomplished.

Mr. THOMPSON. Well, it is nice for our government to finally admit that they don't quite know everything. And I say you are correct in that respect.

But the issue is many of those fine men and women will respond to a situation, and, unless they are properly trained, could potentially cause themselves significant harm. And that is what we all would want to avoid, if at all possible.

Have you pretty much put that burden on the States to do just that, what you said?

Mr. JAMIESON. Well, yes, sir. I mean, you know, the States are the recipients of all of the Homeland Security grant funding that is going out there. It is their job to create a strategic plan that takes into consideration the needs of local governments or regional governments that are supported through a mutual aid compact.

Mr. THOMPSON. Well, excuse me. Let me, if I could—my question is if I came to you and I said that the Bolton Volunteer Fire Department, which covers my home area—are you requiring the State to provide the Bolton Volunteer Fire Department with certain training for its volunteers? If so, are you going to look and approve or certify that training as what is required?

Mr. JAMIESON. Sir, your question leads to the issue of credentialing and whether or not as we begin to credential emergency first responders, what training should they receive, and who is certifying the training. Quite frankly, we haven't worked all of that out quite yet. I don't think the Federal Government will be in the position of making that certification. We are going to have to draw on the discipline specifics in terms of what the Fire Service is doing, what they are doing at the State level, to train and accredit and satisfy their individuals now. And we are going to have to think heavily on what is going on there as opposed to creating some new system at the Federal level to comply with NIMS.

Mr. THOMPSON. Well, then, Chief, do you have any comments on that?

Chief FREEMAN. Actually, our experience in California is that through the State, through the State Fire Marshal, their training, their certification, there is a level of credentialing already in place.

I spent 25 years in the Fire Service in Texas. I know that there is a State commission on standards for firefighters and so forth. I would assume—I am not familiar with where Texas is now, but I would assume that an agency like that would be involved in this process.

Every State is going to be probably different, but I think that is the model, as I understand it, and I think Mr. Jamieson has made that clear, that it comes from the Federal Government to the State, and then within the State there needs to be a system in place to deliver the training and to do whatever certification and credentialing is appropriate.

Mr. THOMPSON. Well, Mr. Jamieson, if I will—so, I would approve the State's plan; am I correct?

Mr. JAMIESON. We would—in these early years, sir, we would be asking as part of the grant that the State would be certifying to us that they have met the requirements under NIMS. And if they make that certification, we would provide the grant funding.

There is no—there is no specific plan at the State or local level at this particular point that they are required to prepare in order to comply with NIMS. There is a planning requirement for the other Federal departments and agencies, and, yes, we would be approving that. But at the State level, as opposed to standing up yet another planning requirement, we are trying to—we are trying to concert all of those planning efforts under the planning effort that the Department has now.

Mr. THOMPSON. So they what; as the Chairman just said, they self-certify?

Mr. JAMIESON. Yes, sir.

Mr. THOMPSON. To what standard?

Mr. JAMIESON. Well, the standards issue is a good question. I mean, part of the challenge that we confront with implementing NIMS is developing some of those standards. You know, as the Chief said, there are some 513 different requirements in the NIMS document, and part of it is just kind of a checklist. Did you do it; did you not do it. When you get into the credentialing issue, which by no means we have walked through at this particular point, there are going to have to be standards in place by which we credential our first responders. And in some instances in the Fire Service, we have a baseline standard, NFPA 1600. In the medical community, it is extremely vexing with the standards and privileging issues that are out there.

So I don't mean to use your time—but let me just say that the Secretary has made it perfectly clear to me that on the subject of doctrine and where we go next and implementation and credentialing, my number one priority is ensuring that we are getting the centers of gravity from all of these different disciplines in a room and shutting a door and telling us how we need to figure it out.

We are clearly—I was over with Governor Romney, who chairs the Homeland Security Advisory Council, just last week, saying, you tell us what work groups you want, who should populate those working groups, because the Secretary has made it as clear as a bell to me that we need to continue this collaboration, and we need to make sure that we are not doing anything wrongheaded here in

Washington, but we are listening to our first responders in terms of what they want us to do.

So we are not going to—going to sit back and arbitrarily develop some standards apart from our partners out there, and the mechanism is in place to do it. Is it done? No, sir, not at this particular part, but it is clearly part of our planning process for involving them in every step of the way.

Mr. THOMPSON. Thank you.

Mr. SHADEGG. Mrs. Christensen.

Mrs. CHRISTENSEN. Thank you, Mr. Chairman. There we go. Thank you, Mr. Chairman.

Mr. SHADEGG. Maybe if we get our own hearing room someday, we will be able to operate the buttons instead of having to go room to room like transients.

Mrs. CHRISTENSEN. Thank you.

I think this hearing has been very helpful and even in the interaction between the panelists. I did have some concern about that collaboration that you, Mr. Jamieson, mentioned in your testimony, the issue that—developed an issue in ICS. But the discussion, I think, has gone to where it needs to be refined by bringing everyone together, and I think that is helpful as well as making sure that we incorporate health and all of its aspects more fully into the process.

But I am still a bit concerned about the training and the local agencies being certified by the end of 2005. And I wanted to ask the chief, Chief Freeman, Mr. Lenkart and Dr. Barbera, because our understanding is that you are to use your current funding, homeland security or otherwise, to become certified, and I wanted to know if you felt that that was adequate funding, or does it come down as an unfunded mandate to you to prepare for that certification?

Chief Freeman. Well, thank you. Specifically for our department, we have been using the Incident Command System, and I believe we would probably measure up very quickly. So it is not quite the same issue for us.

But—again, if I might just speak on behalf of the Fire Service at large in our country, much of which is volunteer, there is a wide variety of readiness levels within the Fire Service. The training component, which is really more than just a classroom, depends on the level an individual would participate at the ICS level. It requires some hands on, it requires some practical and training experience, and I don't believe that there is money across the board to do that.

I know that training in general has been an issue, because firefighters also have to go to training, rather than necessarily training in place, as has been pointed out for law enforcement as well. And there has been very limited funding for over time to cover the training costs, very little funding for personnel-related costs. There is certainly money for the class, things of that nature. But that is an issue that I think does need some more attention.

Mr. LENKART. Congresswoman, my comments concur with Chief Freeman's entirely. Law enforcement is far away, I think, from the certification, from completing a certification process, even more so

than the Fire Service, because we haven't used these types of systems before.

The Chief is absolutely correct when he says that even since September 11, we have made certain adjustments to how we respond and equip ourself, but we have a long ways to go with our equipment, procedures. There have been heavy issues with overtime. There is overextended local economies that are putting extra burdens on local governments.

We have a long way to go before law enforcement will be ready even to talk about certification, and there is going to be—there is definitely a need for some money to be put up front, forward funding, to even get us to a position where you can start preparing for certification.

Dr. BARBERA. I concur with those remarks. I would just like to spotlight one thing that Chief Freeman sort of brushed over. There are various levels of training, and the two we have talked most about is awareness and operational levels.

In order to be operationally trained, you have to be trained on a system that you then have. And that is a big problem with much of the training that has gone on in the last 7 to 8 years under Lugar, Domenici and others. We trained people to do decontamination on systems that they don't own. We don't train them how to develop, implement and maintain that system. So it is actually a very expensive awareness training, not only operational training.

I think make sure as we move forward with a national ICS that we have training that allows people responsible for systems to develop and implement and maintain very usable, flexible management systems. I think that then makes the training more realistic. It makes it much longer-lived. It is more likely to do, as Chief Freeman said—to use it on a regular basis, because you understand the value of it.

But unless we address that type of training also, we are going to be in a problem. And I will just point out, you know, as I do to my students, that DOD never trains its soldiers on guns they don't have or tanks they are not going to be having shortly, and yet we don't pay attention to that concept on the civilian side. So whenever we are looking at someone who says, I am going to do training for you, we need to have them define the systems they are going to train you to and figure out whether or not we already have that system, and if not, does the training help you plan, implement and maintain it. And those are some of the issues we would like to bring forward with our DHS colleagues and make sure are addressed.

Mrs. CHRISTENSEN. Thank you.

Mr. SHADEGG. I thank the gentlelady.

I would concur with her remarks that the testimony has been very helpful and the interchange between panelists, I think, has been an education for them. I would like to thank all the witnesses for their testimony.

The hearing record will remain open for 10 days. We may have additional questions for you as witnesses that are submitted in writing by Members who couldn't be here today, and your cooperation in responding to those would be greatly appreciated.

[The information follows:]

## SUBMITTED FOR THE RECORD

## QUESTIONS FOR GIL JAMEISON, FROM THE HON. BENNIE G. THOMPSON

1. For fiscal year 2005, you requested \$7 million in new budget authority for development and implementation of the NIMS. Your budget documents show that the funds will be used to ensure readiness of federal response teams and their integration into state and local training programs. Notably, the principal uses for these funds are directed towards federal response entities, rather than state and local governments.

- **Isn't it true that in most cases, that vast majority of response activities are undertaken by local and state governments, rather than the federal government? If so, why is the fiscal year 2005 program focused on providing NIMS training and education to federal agencies, rather than state and local agencies?**

- **What is your anticipated fiscal year 2005 budget for state and local training and education on the NIMS system? How many state and local personnel will receive NIMS training in fiscal year 2005?**

2. The fiscal year 2005 House Appropriations Committee Report on Homeland Security appropriations directed you to review the benefits of establishing regional centers to assist in the deployment of NIMS training, education, and publications, and to provide a report on your findings no later than November 1, 2004.

- **What is the status of this report, and can you tell the Committee what geographic regions or institutions are under consideration for the establishment of such a training center?**

- **Will the report be completed by the November 1, 2004, deadline, and once it is completed, will you provide a copy of this report to this Subcommittee?**

3. Your September 8, 2004, letter to the Governors regarding NIMS implementation identified the minimum NIMS compliance requirements that states and localities must adopt during fiscal year 2005, and also noted that full compliance with the NIMS is not required for States to receive fiscal year 2005 grant funds. However, during fiscal year 2005, DHS expects the states to: (1) incorporate NIMS into their emergency operations plans; (2) coordinate and provide technical assistance to local entities regarding NIMS; and (3) institutionalize the use of the Incident Command System.

- **Do you have a cost estimate for NIMS implementation at the state and local level? Won't State and local governments need additional funding to train personnel on the NIMS, and funding to revise and publish new emergency operations plans that are consistent with NIMS?**

- **Will DHS provide new or some additional grant funds to state and local governments to help them achieve these goals in fiscal year 2005, or is this an unfunded mandate? Do you expect the states to "leverage" general ODP grant funds for this purpose, and choose between implementing NIMS and other, equally pressing needs like specialized equipment, training, terrorism exercises, and enhanced security at critical infrastructure sites?**

4. In fiscal year 2006, grant applicants will be required to "certify" that they have met the fiscal year 2005 NIMS implementation requirements in order to receive federal preparedness grant funding.

- **When, how, and in what manner will the DHS measure and certify NIMS compliance? As noted, for fiscal years 2005 and 2006, DHS will allow "self certification," but state and local governments are concerned about when and how this process will change, and how it may impact future state and local funding.**

5. During the initial development of NIMS, DHS was severely criticized for not working closely with state and local governments, first responders, and first responder associations to develop a system that would be useful to and accepted by the entirety of the first responder community. I am concerned that DHS is following a similar path in the implementation and adoption phase of NIMS.

- **Does DHS intend to publish a NIMS implementation plan to be utilized by state and local governments? If not, why not?**

- **Will DHS convene state and local working groups, representing all first responder disciplines, in order to either: (a) ensure the successful implementation of NIMS by state and local governments; or (b) develop a NIMS implementation plan, as noted above?**

6. With the implementation of NIMS, the Department has undertaken a nationwide effort to “re-train” and “re-certify” hundreds of thousands of emergency response personnel.

- **How will DHS assure the compatibility of all grantee training and credentialing programs, including NIMS training, to assure we have an accurate and updated picture of our first responders’ training and readiness levels?**
- **Does DHS intend to develop a national integrated management and tracking system for training, assessment, and readiness? Does DHS have any plans to track NIMS compliance and training, as well as other important training programs in a consolidated database, similar to the training databases used by our armed forces? If not, how will we measure progress in implementing NIMS?**

7. The Incident Command System and unified command existed long before anyone ever contemplated creating the Department of Homeland Security, and these systems have always been “bottoms-up” organizational structures, focused on addressing the unique needs of an incident site by maintaining the flexibility to modify response strategies and facilitating the integration of state and federal resources, if required.

- **Is the NIMS so heavily focused on the top-down response structure—i.e., command and control—that we might lose the ability and flexibility to effectively respond to disaster and emergencies?**
- **In addition, because the NIMS is concentrated on increasing the preparedness of response forces, particularly federal response forces, as is noted in the fiscal year 2005 budget request, aren’t we focusing on the preparedness of federal response organizations rather than building the preparedness of individual communities?**

QUESTIONS FOR DR. JOSEPH BARBERA, CHIEF P. MICHAEL FREEMAN, AND STEVE LENKART FROM THE HON. BENNIE G. THOMPSON

8. Based on the DHS requirements for NIMS implementation in fiscal year 2005 and beyond:

- **In your opinion, what does “NIMS implementation” mean? Does it mean that all state and local personnel should receive NIMS training? Or does it mean that all standard operating procedures must be revised and re-published to reflect the NIMS doctrine?**
- **How many personnel could be trained on NIMS on an annual basis?**
- **How do you anticipate that practitioners in the law enforcement, public health, or fire communities will be trained on the NIMS? Would you anticipate any major changes to the course content at police or fire academies, or do you believe that all NIMS training should be provided by the federal government?**
- **Do you have any cost estimates for NIMS implementation at the state and local level?**

9. In fiscal year 2006, grant applicants will be required to “certify” that they have met the fiscal year 2005 NIMS implementation requirements in order to receive federal preparedness grant funding.

- **Have you or anyone in your professions been provided with any guidance on how to “certify” that you are NIMS compliant? Are you aware of any DHS plans to involve state and local officials in the development of this certification process?**
- **(for Dr. Barbera) What do you think “certification” means to the public health and hospital community? Has the Department of Health and Human Services, which provides the vast majority of preparedness grants to these communities, provided any guidance on certification?**

10. The Incident Command System and unified command existed long before anyone ever contemplated creating the Department of Homeland Security, and these systems have always been “bottoms-up” organizational structures, focused on addressing the unique needs of an incident site by maintaining the flexibility to modify response strategies and facilitating the integration of state and federal resources, if required.

- **Is the NIMS so heavily focused on the top-down response structure—i.e., command and control—that we might lose the ability and flexibility to effectively respond to disaster and emergencies?**
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**preparedness of federal response organizations rather than building the preparedness of individual communities?**

Mr. SHADEGG. With that, the committee stands adjourned.  
[Whereupon, at 12 p.m., the subcommittee was adjourned.]

