

**FIRST RESPONDERS; HOW STATES, LOCALITIES  
AND THE FEDERAL GOVERNMENT ARE WORK-  
ING TOGETHER TO MAKE AMERICA SAFER**

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**HEARING**  
BEFORE THE  
**SELECT COMMITTEE ON  
HOMELAND SECURITY**  
**HOUSE OF REPRESENTATIVES**  
ONE HUNDRED EIGHTH CONGRESS  
FIRST SESSION

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JULY 17, 2003  
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**FIRST RESPONDERS; HOW STATES, LOCALITIES AND THE FEDERAL GOVERNMENT ARE WORKING TOGETHER TO MAKE AMERICA SAFER**

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**Thursday, July 17, 2003**

HOUSE OF REPRESENTATIVES,  
SELECT COMMITTEE ON HOMELAND SECURITY,  
*Washington, D.C.*

The committee met, pursuant to call, at 1:02 p.m., in Room 2318, Rayburn House Office Building, Hon. Christopher Cox [chairman of the committee] presiding.

Present: Representatives Cox, Dunn, Smith, Weldon, Camp, Diaz-Balart, Linder, Shadegg, Souder, Sweeney, Turner, Thompson, Sanchez, Markey, Frank, Slaughter, DeFazio, Lowey, Norton, McCarthy, Jackson Lee, Pascrell, Christensen, Etheridge, Lucas of Kentucky and Langevin.

Chairman COX. [Presiding.] Good afternoon. A quorum being present the Select Committee on Homeland Security will come to order. The committee is meeting today to hear testimony on how states, localities and the federal government are working together to make America safer.

I would like to welcome the members in attendance this afternoon, advise members that we expect votes to come up on the floor as soon as 15 minutes from now. The first vote would likely be a 15-minute vote, so it is my hope that we can go through very brief opening statements and immediately to the testimony of our first witness, Governor Mitt Romney from the Commonwealth of Massachusetts.

I would like to thank both distinguished panels of witnesses for appearing today. None of us will ever forget the images seared into our memories of those who gave their lives to rescue an estimated 15,000 men and women from the World Trade Center towers, or those who responded so quickly at the Pentagon on September 11.

The events on that tragic day reminded all of us of the indispensable role of firefighters, police officers and emergency medical service personnel, a role that they fulfill every day.

It forced all of us to rethink the way in which the federal government works with state and local communities to detect and prevent, but also to prepare to respond effectively to acts of terrorism.

Since that tragic day in September, Congress has increased the funding for the estimated 2 million first responders by over \$20 billion—1,400 percent increase since September 11.

Unfortunately, however, this massive infusion of funding is not reaching our first responder community effectively. It is not getting there fast enough, and sometimes the money is not getting there at all.

We are here today to find out how we can do better. Just last month, the committee visited California for hearings on port security at the ports of Los Angeles and Long Beach, and to meet with the first responder community in Los Angeles and Orange Counties.

One of our witnesses there is also a witness here today, Assistant Sheriff Jaramillo, who was eloquent in discussing the broken pipeline funneling money from Washington to the states, and in offering suggestions on how to better coordinate federal grant programs.

There was also some good news. We have heard encouraging testimony from the sheriff of Los Angeles County, Lee Baca, and the sheriff of Orange County, Mike Carona, about interjurisdictional information sharing between Orange and Los Angeles Counties, among them some 25 million people, and about the joint Orange/Los Angeles County Homeland Security Advisory Council, which meets regularly and brings federal, state and local government officials together with private sector representatives to develop a homeland security strategy for the region.

They have, on their own initiative, made real progress, which we want to recognize and reward. Regional cooperation in funding decisions should be a top priority.

Washington must also encourage the states to quickly and efficiently release federal grant moneys to the localities that are most at risk. Washington must do its part to fix the broken pipeline, which carries federal money to the states to enhance their state-wide efforts.

We, in Congress, must also do a better job of providing states and localities the information they need to allocate resources efficiently to those areas facing the greatest risk of attack.

But perhaps the most important point is that these funds can no longer be distributed based on political formulas. In this and so many other areas of the homeland security mission, we need better intelligence to understand the terrorist threat.

And we must get this information to the first responders, who require it to enhance our security. We must have better intelligence, and we must find ways to share it more broadly if we are to bound the terrorist threat, if we are to limit our vulnerabilities, and if we are to develop cost-effective solutions.

Nearly two years after the attacks of September 11, grants are still being distributed to states using political formulas, formulas, in fact, that take no account of whether the recipient is, based on our best intelligence, at risk.

Presently, the Office for Domestic Preparedness within the Department of Homeland Security distributes a baseline amount of 0.75 percent of the total amount appropriated to the grant program to every state, regardless of location, population, geographic size, number of critical assets or terrorist targets. This baseline amount is then followed by a distribution based merely on population. The formula has resulted in an astonishing distortion in funding for first responders.

California, a state with seven times the population of Wyoming, receives just under \$5 per person in first responder grants, while Wyoming receives over \$35 per person. Even on a population formula alone, therefore, the system isn't working.

Wyoming's largest city, Cheyenne, has a population of 53,000, while California has 140 cities with populations equal to or above that number. A distribution system based on population alone creates such distortions. We need to apply some common sense and bring threat assessment into the equation.

Congress has offered ODP virtually no guidance on the structure of first responder grants. The Homeland Security Act simply does not address this. We have provided no guidance on the methods of distribution or guidelines to recipients, unallowable uses of the funds. As a result, Congress is appropriating and the department is allocating billions of dollars to states with very little input from Congress on how these decisions should be made.

This is not to say that Wyoming may not face the greatest risks of terrorism. We simply aren't using that kind of analysis in making these decisions. In fact, every state of the union faces plenty of risk and has many vulnerabilities. But the great disparity and the distribution of funds must be addressed on an objective basis so that states—all states and all people within the United States—are best prepared to face potential terrorist threats. We need to prioritize based on real risk of attack, real threats.

Today the committee looks forward to hearing suggestions on how the grant formulas can be changed to integrate risk-based analysis into the formula, so that states facing the highest risk, localities facing the highest risk, and regions, whether they be within states or among states facing the highest risk, receive priority assistance from the federal government. We also look forward to hearing your thoughts on ways to simplify the process for states and localities to seek and receive funds for their first responders and how these funds have been utilized.

At present, we have in many cases a 12-step formula for obtaining first responder grants. Legislation that we are considering here today would change that to a two-step formula and vastly speed up the process, simplify it, make it more understandable and comprehensible for people around the country.

Lastly, we would like to hear your suggestions on how the Department of Homeland Security can further support states, local governments and first responders in the full range of their responsibilities.

CHAIRMAN: I would like to welcome the Members in attendance this afternoon and thank both distinguished panels of witnesses for appearing today.

None of us has forgotten the images of those first responders who gave their lives to rescue an estimated 15,000 men and women from the World Trade Center Towers or those who responded so quickly at the Pentagon on September 11, 2001.

The events on that tragic day reminded all of us of the indispensable role our firefighters, police officers, and emergency medical service personnel fulfill every day. It forced all of us to rethink the way in which the federal government works with state and local

communities to detect and prevent, but also to prepare to respond effectively, to acts of terrorism.

Since that tragic day in September, Congress has increased the funding for the estimated 2 million first responders by over \$20 billion, a 1,400 percent increase in anti-terrorism aid to states and localities. Unfortunately, however, this massive infusion of funding is not reaching our first responder community fast enough, and sometimes not at all. We are here today to find out how we can do better.

Just last month, the Committee visited California for a field hearing on Port Security in the Ports of Los Angeles and Long Beach, and to meet with the first responder community in neighboring Orange County. One of our witnesses here today, Assistant Sheriff Jaramillo, was eloquent in discussing the broken pipeline funneling money from Washington to the States and in offering suggestions on how to better coordinate Federal grants programs.

There was also some good news. We heard encouraging testimony from Los Angeles County Sheriff Lee Baca and Orange County Sheriff Mike Carona about inter-jurisdictional information sharing between Orange and Los Angeles Counties and about the joint Orange-LA County Homeland Security Advisory Council. The Council meets regularly and brings federal, state, and local government officials together with private sector representatives to develop a homeland security strategy for the region. They have—on their own initiative—made real progress, which we want to recognize and reward. Regional cooperation is a top priority.

Washington must also encourage the states to quickly and efficiently release Federal grant money to the localities that are most at risk. Washington must do its part to fix the broken pipeline which carries federal money to the states to enhance their statewide efforts. We in Congress must also do a better job of providing states and localities the information they need to allocate those resources efficiently to those areas facing the greatest risk of attack.

But perhaps the most important point is that these funds can no longer be distributed based on political formulas. In this and so many other areas of the homeland security mission, we need better intelligence to understand the terrorist threat and we must get this information to the first responders who require it to enhance our security. We must have better intelligence and we must find ways to share it more broadly if we are to bound the terrorist threat, if we are to limit our vulnerabilities, and if we are to develop cost-effective solutions.

Nearly two years after the attacks of September 11, grants are still being distributed to states using political formulas. Formulas, in fact, that take no account of whether the recipient is, based on our best intelligence, at risk. Presently, the Office for Domestic Preparedness within DHS distributes a baseline amount of .75 percent of the total amount appropriated to the grant program to every state—regardless of location, population, geographic size, number of critical assets and terrorist targets. This baseline amount is then followed by a population-based distribution.

The formula has resulted in an astonishing distortion in funding for first responders. California, a state with 70 times the population of Wyoming—receives just under \$5 per person in first re-



sponder grants while Wyoming receives over \$35 per person. Wyoming's largest city—Cheyenne—has a population of 53,000, while California has 140 cities with populations equal to or above that number. A distribution system based on population alone creates such distortions. We need to apply some common sense and bring threat assessment into the calculation.

Congress has offered ODP virtually no guidance on the structure of first responder grants, the methods of distribution, or guidelines to recipients on allowable use of these funds. As a result, Congress is appropriating and the Department is allocating billions of dollars to states with very little input from Congress on how these decisions should be made.

This is not to say that Wyoming faces no risk of terrorism?every state in the Union faces some risk and plenty of vulnerabilities. But the great disparity in the distribution of funds must be fixed so that states are better supported to face these risks. We need to prioritize based on real risk of attack?real threats.

Today, the Committee looks forward to hearing suggestions on how the grant formula can be changed to integrate risk-based analysis into the formula so that states facing the highest risk receive priority assistance from the federal government. We also look forward to hearing your thoughts on ways to simplify the process for states and localities to seek and receive funds for their first responders, and how these funds have been utilized. Lastly, we would like to hear your suggestions on how the Department of Homeland Security can further support States, local governments, and first responders.

I would recognize next, for purposes of an opening statement, my distinguished colleague from Texas. The gentleman is the ranking member on the committee, Mr. Turner.

Mr. TURNER. Thank you, Mr. Chairman and welcome, Governor.

We are glad that you are with us today. I had the opportunity to visit just a few minutes ago with your co-chair, Governor Minner of Delaware. I had good visit with her, and both of you seem to be doing outstanding work on behalf of the governors. It is a pleasure for us to have the opportunity to hear from you today.

As we convene this hearing today, Mr. Chairman, we all know that it is likely that somewhere a terrorist group is developing plans to use chemical, biological, radiological or other weapons of mass destruction to attack our nation.

At the same time, federal, state and local emergency preparedness officials across the nation are working to prevent and prepare for such attacks.

Congress created the Department of Homeland Security to comprehensively address the need to prevent, prepare for, respond to and recover from the threat of terrorism. And as I have suggested in the past in meetings of this committee, a principal mission of the Department of Homeland Security is to ensure that all levels of government, across the nation, have the capability to work together efficiently and effectively, using a national approach to domestic incident management.

We are gathered here today to make sure that these words become a reality, and that the Department of Homeland Security is creating a genuine partnership among the state, federal and local

officials who are committed to making America safer. It is our duty to make sure that the might of federal government is being put into action to prepare America, to prevent, respond to, and recover from attacks.

On June 29, the Council of Foreign Relations's Independent Task Force on Emergency Responders released a report entitled, "Emergency Responders: Drastically Underfunded, Dangerously Unprepared." The report stated that nearly two years after September 11, the United States is drastically underfunding State and local emergency responders, and remains dangerously unprepared to handle a catastrophic attack on American soil.

The work of this expert, bipartisan task force makes clear it that we must move faster and stronger to prepare our communities in order to protect our nation. We rightly made a commitment to provide the very best training and equipment to our troops in Afghanistan and Iraq. Now we must make the same level of commitment to the men and women who will be the first to respond in the case of a terrorist attack here at home.

Both the task force report and my ongoing discussions with emergency responders around the country have demonstrated to me that the time for comprehensive change in our preparedness programs is now. I plan, with the help of the members on the Democratic side—and I hope to work jointly with the chairman—to address both the critical deficiencies identified in the report, and the Department of Homeland Security's partnership with state and local governments by introducing legislation to deal with these issues.

This first responder legislation, in my judgment, should deal with four critical issues.

First, we must define preparedness. The legislation should require the Department of Homeland Security to provide clear guidance to communities on necessary skills and resources required to prevent, prepare for and respond to terrorist attacks.

Communities will apply this guidance to their individual threats and vulnerabilities, in order to determine their specific needs and necessary funding.

Second, we must build, State and local capabilities.

Our legislation should direct the Department of Homeland Security to create a single terrorism preparedness grant program and a one-stop shop to cut bureaucratic red tape in order to address communities' lack of essential equipment and training capabilities.

Traditional programs, such as COPS and the Fire Grant Program, should be preserved, but the new combined grant program should be flexible enough to address the legitimate needs that we are hearing about every day from our first responders.

The third area that our legislation must address is the issue of interoperable communications. The legislation should direct the Department of Homeland Security to make recommendations on spectrum needs, provide funds for an interim interoperable communications capability in major metropolitan areas, and work with industry and first responders to set standards for equipment and communications systems.

And lastly, our legislation should revise the early warning system.

The legislation should direct the Department of Homeland Security to reform the homeland security advisory system to identify threats by region and by critical infrastructure sector.

The department also should ensure continuous, actionable information sharing with state and local officials. Security clearance for state and local personnel should be funded and expedited as appropriate.

The task force report that I referred to earlier and the continued call for systemic to the funding system changes from state and local emergency responders are a wake-up call to our nation. They show that America's security needs are great, that they are not being met and that we must act now.

America's enemies are united in their desire to harm America, and we must be united in moving faster and deploying stronger forces to win the war on terror.

I look forward to hearing the excellent testimony that will be offered to this committee today, and I want to thank in advance all those who have come to share their ideas with this committee, to help us move faster and stronger in support of our first responder community.

Thank you, Mr. Chairman.

Chairman COX. Thank the gentleman.

The Chair next recognizes for the purpose of an opening statement the Gentlelady from the State of Washington, the vice chairman of the full committee, Ms. Dunn.

Ms. DUNN. Thank you very much, Mr. Chairman.

Thank you and thank you, Governor Romney, and to our entire panel for being here with us today.

It is so important to us in our effort to figure out what is working well and what needs improvement, to hear from you who are there on the front lines and from all representatives at all levels of the network that is charged with keeping our constituents safe.

We will only be successful in preventing attacks and preparing for disasters if everybody is engaged in the effort, including federal, state and local government, as well as the private sector.

First responders are absolutely essential to securing our homeland. They are on the ground, often risking their own lives to help keep the rest of us safe.

Most of the time they are working for a local government who can't afford the costs of prevention, preparedness and response any more than can the governors of the states, or the federal government. These organizations must be provided the resources necessary to carry out training exercises, to hire personnel and to buy the equipment that they need.

I have heard recently growing criticism and growing concern among local law enforcement and first responder groups about the channels through which federal dollars must pass before reaching them. Some complain that instead of flowing through the governors' offices, the funding should be directed to local jurisdictions.

I look forward to hearing our witnesses talk about whether current funding strategies are working. Our job as an oversight committee is to help make sure that committed federal dollars—and we know there are many—are being delivered and spent efficiently

and are getting to those who are on the ground and who need this money to carry out their own responsibilities.

I recently had the opportunity to witness the first responder organizations in my own district, in Washington state, exercising their emergency preparedness skills during the TOPOFF 2 exercise that was held in Seattle. The lessons learned from this exercise will prove to be invaluable to the Department of Homeland Security and to all of us on this committee.

It is without a doubt that exercises such as this one improve our capabilities and develop a network of the stakeholders who are involved in disaster response and crisis management.

I was pleased to see top federal and state officials, mayors, city managers, hospitals, law enforcement units, fire departments, the Red Cross and local businesses all working together during TOPOFF 2. Their ability to, in effect, practice the response to a potential terrorist-caused disaster enabled them coordinate who would act as the lead agency and how and who would make the critical decisions. This communication network is a critical base on which the public will rely for timely response in an emergency situation.

I cannot underscore enough to you our belief in the importance of first responders to the broad goal of keeping our constituents safe. We must keep our focus on steps that will allocate funds in an efficient, but a sensible way, and make sure the dollars get to the ground.

I look forward to the hearing.

Thank you, Mr. Chairman.

Chairman COX. I thank the gentlelady.

Who next seeks recognition for purposes of an opening statement?

Mr. Thompson?

Mr. THOMPSON. Thank you, Mr. Chairman.

I am pleased that we have assembled this witness panel today to discuss the critical issue of the federal, state and local partnership for terrorism preparedness.

In previous hearings, officials from the Department of Homeland Security have stated that they are working to ensure that all levels of government across the nation have a capability to work efficiently and effectively together using a national approach to terrorism preparedness.

As I have stated before, the job of this committee is to provide an oversight function for the department, and thereby assist local units of government in three key phases of hazard, mitigation, prevention, response and recovery.

To that end, I continue to encourage the department to listen closely to the needs, successes and frustrations of our first line of homeland defense, the first responders.

DHS must create more open and frequent lines of communication. The men and women who prepare our communities for disasters and then help our communities to rapidly recover are absolutely critical.

I have met frequently with these men and women in my district, and I have told them that the work we do here in Washington

must match the needs of the people at the local level. It is my belief that these needs are not being met.

Put simply, DHS is not preparing local communities to prepare for and respond to terrorist attacks. For example, DHS has not worked with state and local governments to determine when communities are prepared for terrorist attacks. We don't know what equipment, planning, training and personnel and how much funding are needed to secure communities.

The first responder grant program is broken. Current grants can't target the greatest needs, take too long to reach first responders, pit agencies against each other in applying for funds and are overly bureaucratic. Our response personnel can't talk to each other. DHS is not assessing the interoperability communications problems.

Finally, specific threat information is not readily available to states and localities. DHS is not providing first responders with timely intelligence and threat information. We must move faster, and we must be stronger in our efforts to protect and defend the United States of America.

I hope the testimony we hear today will assist us, Mr. Chairman, in developing a road map for doing so.

Lastly, representing primarily a rural area, I don't want us to miss rural America in this discussion. We have to include rural America.

I yield back.

Chairman COX. I thank the gentleman. Obviously, there is now a vote on the floor. There will be 15 minutes in the first vote. And so, we will proceed either with opening statements or the testimony of our first witness. Members are reminded that under the rules of the committee, a member who waives his opening or her opening statement have three minutes added to their opportunity for questioning the witness.

Who seeks recognition on this side for purposes of an opening statement?

Seeks recognition of the gentlelady from California.

Ms. SANCHEZ. Thank you, Mr. Chairman.

Mr. Chairman, I have a written opening statement. I would like to submit it for the record. And just to save a little time here, I would just like to go over some six points just for our panelists in case, when you are talking to us, you might be able to hit in particular on these six that I would like to try to get some information on what we can do to make this system better.

The first would be the whole issue of allocating resources from the federal government on a risk basis, as the chairman indicated. I think it is the most important reason that we are here, and we would like to hear your ideas.

The second would be how to make the pipeline shorter. And I know that we have the governor here from Massachusetts. But, at least in my state, people are telling me that when you send it to the state, it doesn't necessary get to the local level. So for the locals here, I would like to hear what ideas you have with respect to shortening that pipeline to getting it down.

The third thing would be to preserve the cops and the fire programs that we have and not be cannibalizing from those and say-

ing that it is homeland security money now. So I would like to hear if that is happening to any of you out there.

The fourth, it is my belief, in having met with all of my first responders up and down the state now in California, and there is quite a bit, all from the very smallest agency to our great sheriffs in L.A. and in Orange County, that maybe our grants aren't hitting the right items. In other words, we don't have grants for overtime or personnel costs. And, in the city of Anaheim, protecting Disneyland and all our other great assets there. It is about money, money spent to pay our first responders when we go on orange alert.

I also would like to hear, and I haven't taken the look all the way down, on the hospitals because I think they are a piece of the first responder equation that some of us tend to forget. So if any of you have any ideas on how we might be able to help there.

And lastly, and some of the members have mentioned it, I think the chairman mentioned it in his opening remarks, the whole issue of standards. For example, some of my local law enforcement said that the standards for masks and these types of equipment are really military standards. And are they necessarily the standards that we need for equipment that would be used on a first responder basis within our own city?

So if you have any ideas on that, I would appreciate it.

And I will yield back to Mr. Chairman.

PREPARED STATEMENT OF THE HONABLE LORETTA SANCHEZ, A  
REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Thank you, Mr. Chairman. I would first like to welcome our distinguished guests and thank each of you for coming here today to talk about this well-publicized and enduring issue facing local communities throughout the country. Since September 11 our local first responders have taken exemplary measures to make sure that, in the face of a new national security reality, they are ready to respond to another terrorist event. However, despite these efforts, recent high-profile reports, such as the one that was completed by one of our distinguished witnesses here today, have determined that our first responders remain "drastically underfunded" and "dangerously unprepared."

As Members of Congress, many of us have met with our local responders, and we know how dire the situation is. We have heard what they are telling us, we understand their need for federal funds, and we fought in a number of venues— during the tax cut, through the appropriations process, etc.—to bring more money home to our local police, fire fighters, emergency personnel, and hospital administrators. However, here we are, almost two years later, and for most of these individuals and agencies the situation remains unimproved. Our locals don't have clear guidelines on what it means to be "prepared," they are not receiving the information they need to be aware of impending threats, and many of them still haven't seen ANY of the billions of dollars in new funding that the Administration has constantly promised to help with their new national security mission. This cannot go on.

We need to start doing more than just talking. We need to develop a threat-based plan that will provide adequate money to our first responders without overspending, that will provide the means to ENSURE that this money promptly gets to the entities that need it, and that will provide first responders the guidance on how to best use this money. And we need to be doing this as quickly as possible.

It has been almost two years since September 11. I don't think that anyone in the homeland security business doubts that a terrorist group somewhere has been using that time to plan another attack on our country. Ideally, we would be able to foresee and prevent such an attack. However, if we are not so lucky, we need to make sure that our first responders are ready. We need to make sure that America's own ill preparedness doesn't end up hurting us more than the terrorists could themselves.

Chairman COX. Thank you, gentlelady.

The gentlelady from New York is recognized for purpose of an opening statement.

Mrs. LOWEY. Thank you, Mr. Chairman.

Chairman COX. Oh, I am sorry. I have gone in the wrong order here. I apologize.

I wanted to recognize one or both of the gentlemen from Massachusetts, for purposes of recognizing and introducing our first witness. But if you want to also make an opening statement, I will recognize now for that purpose.

The gentleman from Massachusetts.

Mr. MARKEY. Thank you. And I will just take a minute.

And it will also be a welcome to the governor as well. We are very grateful to you, Governor, for coming down here today to provide your insights to the Homeland Security Committee on these very important issues.

The governor was the chairman and the CEO of the very successful Olympics in Salt Lake City. Obviously, there he had the great responsibility of providing against a successful terrorist attack upon their very high profile international event, and he did a very good job in ensuring that we had a very successful Olympics.

Up in Massachusetts, obviously, there are many issues that provide examples, illustrations, of the problems that we have nationally. Logan Airport is the place where both planes were hijacked that flew into the World Trade Center.

The LNG facilities in Boston Harbor are the only urban-sited LNG facilities in the United States. They provide special security problems. And next year we are going to have the Democratic National Convention in Boston, and the governor's working very hard on that issue.

Never before has a Republican worked so hard and providing so much safety for so many Democrats, and the governor is doing a good job in ensuring that we are going to have a great convention next year.

And we welcome you, Governor. And we thank you for your?

Mr. FRANK. Mr. Chairman?

Chairman COX. The gentleman from Massachusetts, Mr. Frank.

Mr. FRANK. I fully agree with everything my colleague said, except one slight amendment. The governor gets a lot of practice in providing protection for a lot of Democrats every day that he provides security at the State House, as we know.

I am very pleased that the governor is going to come here and share his broad experience with us. I just want to stress the central point. We are here talking about how essential it is that government, federal, state and local government, have access to enough resources to protect us.

We have in this society debates about what is appropriate for the private sector or the public sector, and there is a role for the private sector here. But it is overwhelmingly a public sector responsibility, and it is, I hope, important for people to remember there is a temptation to kind of demonize government, there is an argument that says less government is always better.

And we should be very clear, this is a public function we are talking about, to be discharged only by government. And let us also be very explicit. State, local and federal government can only do

their jobs if taxes are at a level sufficient to produce revenues for them to do this.

There is sometimes a disconnect in this society in which taxes are always bad, and the things that taxes pay for are always good. I am a great believer in volunteerism, and I know there are volunteer fire departments some places.

But the people I am aware of, the cops and the firefighters and the EMTs and the others, on the whole, I don't expect them to be volunteers. I don't think we can expect people to risk their lives on a regular basis and acquire a great degree of expertise on a regular basis as volunteers.

So I just would remind everybody we are talking here about government.

And the notion that you can continually shrink government and denounce government and demonize government and talk about public employees as somehow people who don't produce as much, and do this job well, don't work together.

So I am very glad to be here as we on a bipartisan basis celebrate the importance of government.

Chairman COX. I thank the gentleman. There are seven minutes remaining in the vote. Does any member wish to be recognized for purposes of an opening statement?

The gentlelady from New York.

Mrs. LOWEY. Yes, I will take a couple of minutes, because it is my distinct pleasure to thank Fire Commissioner Ray Kiernan for joining us today. Mr. Kiernan is the fire commissioner of the New Rochelle Fire Department, a member of the Westchester Career Fire Chiefs, the Northeast Regional Fire Consortium, and Commissioner Kiernan visits us from my district in Westchester County, New York, and I am delighted to have him here.

Ray has given over 30 years of his life to protecting our local community, and we are grateful for his service. He is on the front lines of emergency preparedness and response, and can speak firsthand to the challenges he has faced throughout the years and since the attacks on September 11.

We are here today to discuss additional efforts we can take to win the race between those plotting to harm this country and those working to prevent it.

It is critical that we as a committee and as a Congress make smart, calculated decisions on how funds are allocated, based on input from our first responders and state and local officials.

We must address issues of operability, communication and coordination, and we must address them now. I agree with the Council on Foreign Relations that we obviously can't spend every last dime of the GDP on response and preparedness. Nor would this be fruitful.

However, two things are clear: First responders are underfunded, and a better process must be put in place to coordinate and disseminate these funds. The federal, state and local governments cannot operate in a bubble. And every first responder unit cannot work independently of one another.

We will hear Commissioner Kiernan describe an exceptional example of how one community came together and made a strategic decision to coordinate preparedness efforts and maximize available



funding. Commissioner Kiernan and his colleagues in Westchester County are doing everything they can to keep our communities safe. But they, like many others, need additional support.

I am pleased that I was able to secure funding for this preparedness program through the appropriations process. While this funding will be helpful, however, we all know that this piecemeal approach is the wrong way to get things done. We must coordinate better. We must make responsible decisions. And we must listen to our local heroes.

Thank you, Mr. Chairman.

Welcome, Governor and welcome to all of our other witnesses. Thank you.

Chairman COX. I thank the gentlelady.

PREPARED STATEMENT OF THE HONORABLE SHEILA JACKSON-LEE, A  
REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

We are here today to strengthen the partnership between federal, state, and local homeland security officials. Our main goal should be getting funds and equipment to our local communities. Our local communities and first responders need to prepare for terrorist attacks now. To prepare they need federal funds now. Hundreds of millions of dollars have been authorized and appropriated for homeland security, but far too many of our first responders tell us they are not getting the funds they need. We must expedite the funding process and get resources to our local communities immediately.

The amendment I proposed would have helped local communities prepare for terrorist attacks immediately. The amendment directed a percentage of funds directly from the Department of Homeland Security to city and county agencies to eliminate unnecessary paperwork and delay. For many homeland security grant programs, local communities must submit a lengthy grant application to the Department of Homeland Security. If the grant is approved the funds are allocated to the States, not to the locality that applied for the funds.

Presently, there are twelve steps that a local agency must go through in order to receive grant funds. That is far too much delay; The Members of the Select Committee on Homeland Security must collaborate with our federal, state, and local agencies to expedite the process so that needed funds can be received, equipment can be purchased, and training programs can be conducted.

As I have said many times before, America is still not safe. Our communities remain vulnerable to terrorists, our police departments, fire departments, hazardous materials teams, and emergency medical technicians remain insufficiently funded, trained, and equipped. Our hearing today to discuss strategies for strengthening the partnership between federal, state, and local agencies is an important step. But we must follow through with action. The safety of every American citizen depends on it.

The Chair announces that the hearing will remain open during this vote, but we will postpone further statements or the introduction of our witness until the conclusion of the current round of votes on the floor of the House. I anticipate that will put us back in this hearing room immediately after the last vote, at approximately 2:15.

I thank the witnesses and the members for their patience.

[Recess.]

Chairman COX. I would like to welcome our members back from the floor.

Again, I would like to thank our distinguished witnesses for your indulgence.

Governor Romney, I understand that you have committed to be with us for two hours, and that you have a hard deadline that you have to meet at 3:00, and we appreciate that.

I believe that we are finished with opening statements, but I will ask if those members that are here whether any member wishes to make an opening statement.

Mr. Etheridge?

Mr. ETHERIDGE. I will be brief, Mr. Chairman, recognizing the governor's time.

Thank you.

And let me thank you and the ranking member for giving those of us on Homeland Security Committee the first opportunity to hear from state and local officials.

And Governor, we are glad to have you here.

As has been stated already, former Senator Rudman and the Council on Foreign Relations have provided Congress with an important evaluation of the state of our nation's first responder community with a report, "Emergency Responders: Dramatically Underfunded, Dangerously Unprepared."

I think it documents many things we have to do, should do and must do to help our first responders across the nation, and I have heard that firsthand from my people in North Carolina.

And as we all know, law enforcement officials and firefighters will be the first people on the scene of any domestic terrorist incident. And Congress must make sure that they have the training and the equipment they need to properly evaluate the situation, to best protect the public and themselves.

I welcome the opportunity to hear from the governor, and representatives of Los Angeles and Orange County Sheriff's Department and others who are here today.

They obviously have a lot of experience in terrorist prevention activities.

However, I think it is absolutely critical that the Select Committee on Homeland Security hear from testimony from emergency responders from small states and rural areas. We need to hear from police officers, emergency medical technicians, emergency room doctors, public works officials. Those are the people on the front line every single day of the year.

And they play a critical role in our nation's defense and response network, and I would say, Mr. Chairman, why that is so critical: When the response code goes up it doesn't say just to New York or to Boston or somewhere else, you would be on alert. It says to every state, every volunteer fire department, every police department, you have to go up on alert.

So they don't where it is going to happen. And the results of that I acknowledge that there are those who need to have more, but we can't ignore the thousands upon thousands of volunteers across this country, who have to meet the same standard every time that code goes up.

So Governor, we look forward to hearing from you.

You should have some information that we could use, and I look forward to it.

And thank you, Mr. Chairman, and I yield back.

PREPARED STATEMENT OF THE HONORABLE BOB ETHERIDGE, A  
REPRESENTATIVE IN CONGRESS FROM THE STATE OF NORTH CAROLINA

Thank you, Chairman Cox and Ranking Member Turner, for giving members of the Homeland Security Committee the first opportunity to hear from state officials and local first responders on their needs and concerns.

Former Senator Rudman and the Council on Foreign Relations have provided Congress with an important evaluation of the state of our nation's first responder community with their report "Emergency Responders: Drastically Underfunded, Dangerously Unprepared." The report documents many of the concerns I have heard from the first responders in North Carolina.

As we all know, law enforcement officials and firefighters will be the first people on the scene of any domestic terrorist incident. Congress must make sure that they have the training and equipment they need to properly evaluate the situation to best protect the public and themselves.

I welcome the opportunity to hear from Governor Romeny and representatives of the Los Angeles and Orange County Sheriff's Departments. They obviously have a lot of experience in terrorism prevention activities.

However, I think it is absolutely critical that the Select Committee on Homeland Security hear testimony from emergency responders from small states and rural areas. We need to hear from police officers, emergency medical technicians, emergency room doctors and public works officials. These people are on the front lines every day, and they play crucial roles in our nation's defense and response networks.

I call on the Congress and this Administration to make the training and equipping of our nation's first responders a top priority. It is the responsibility of the Administration and Congress to make sure that they have the information, training and resources necessary to protect the men, women and children of America, as well as themselves.

Chairman COX. I thank the gentleman for his statement.

PREPARED STATEMENT OF THE HONORABLE LINCOLN DIAZ-BALART, A  
REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Mr. Chairman I believe this hearing gets to the heart of the matter. If local, state, and federal officials aren't working as an effective team, we place ourselves at a grave disadvantage in preventing another terrorist attack, and particularly will endanger many more Americans if one were to occur.

The Bush Administration and the Congress have made emergency preparedness and response a top priority since the attacks on September 11, 2001. This commitment is clearly evidenced in the House version of the Homeland Security Appropriations bill.

In the House passed Homeland Security Appropriations bill for fiscal year 2004, we have funded the Office of Domestic Preparedness' basic formula grant program at \$1.9 billion.

The House has also approved \$500 million each for the state and local law enforcement terrorism prevention grant program and the high-threat, high-density urban areas grant program. We further provide \$750 million for Firefighter Grants and \$200 million for Infrastructure Grants. However, our responsibility does not end with the appropriations process. We must also ensure that the funds are getting into the hands of our local first responders, but we must also make certain that this is done in a way that the process ensures strategic thinking and coordination.

Thank you Governor Romney particularly for your written statement. I agree that our states must be prepared with comprehensive response plans and that the plans must be based in a sound analysis of the potential terrorist threat.

We've seen in Florida that the only way to respond to such a disaster as a hurricane, federal, state, and local officials have to be working as one with clear roles and clear communication.

Unfortunately, a terrorist attack often gives no warning compared to most natural disasters. It will test our officials and response mechanisms to a greater degree. But we have fine men and women that understand the magnitude of their efforts.

Thank you again, and I look forward to your testimony.

PREPARED STATEMENT OF THE HONORABLE JAMES R. LANGEVIN, A  
REPRESENTATIVE IN CONGRESS FROM THE STATE OF RHODE ISLAND

Thank you, Mr. Chairman. We have an exceptional group of witnesses with us today, and I am very much looking forward to hearing their testimony.

I am particularly interested to hear from Jamie Metzl about the work of the Council on Foreign Relations on first responder issues and the conclusions and recommendations of the Council' recent report. We all know that more needs to be done to ensure our communities are prepared for an emergency, but putting those needs into concrete terms has been a continuing challenge. Mr. Metzl and his colleagues have provided an excellent tool for us to use in rising to that challenge, and I hope Congress and the Department of Homeland Security will take advantage of their research and use it as a blueprint for continued progress.

It has become clear that one of the critical "missing links" on the path to preparedness is a set of national standards and guiding principles that can be used at the federal, state and local levels to measure progress and determine shortfalls. I hope our witnesses will spend some time discussing the issue of preparedness standards and how they might help sharpen the focus of emergency responders on the most critical capabilities and provide direction to Congress in determining where our limited federal resources will be most effective.

Finally, and at the risk of sounding like a broken record, I am interested to hear about one of my top priorities—the intelligence aspect of DHS. It is my strong conviction that the regular dissemination of reliable and specific threat information from DHS to state and local agencies and emergency responders is critical to achieve a satisfactory level of preparedness. I hope Governor Romney and our first responder witnesses will speak to the frequency and quality of intelligence that they have been receiving from the Department. If, as I suspect, the information you are receiving has not been sufficient, I would like to know what additional information you need, how often and in what form, in order to ensure the safety of those who rely on you.

Again, I thank our witnesses for being with us today, and I appreciate the Chairman giving me this time.

And we next will hear from the Honorable Mitt Romney, governor of the Commonwealth of Massachusetts, who comes to us as former president and CEO of the first post-9/11 Olympics.

You have a unique understanding of the challenges we face in preparing against potential terrorist acts for that reason alone. But you come, also, to us as governor of a coastal border state, a high-tech state, a popular state with a diverse industrial base that was one of the staging areas for the 9/11 hijackers. And you come to us as co-chairman of the National Governors Association, homeland security efforts.

And so, Governor Romney, you are uniquely qualified to address the issues that are before us today, and we welcome you and thank you for being here with us.

We have your prepared testimony, and we thank you for that. It is in the record. And so you are free to summarize your remarks as you see fit.

**STATEMENT OF THE HONORABLE MITT ROMNEY, GOVERNOR,  
COMMONWEALTH OF MASSACHUSETTS**

Governor ROMNEY. Thank you, Mr. Chairman, also Congressman Turner and the congressman from Massachusetts, who are I believe are returning. Thank you for welcoming me here today.

I do come representing the National Governors. And along with Governor Ruth Ann Minner of Delaware, we worked together to help chair a homeland security committee at the National Governors Association.

Mr. Chairman, you mentioned my experience with the Olympics. I had in that respect a real learning experience associated with homeland security. And in that setting, where there was a limited time frame and limited geography, I saw how homeland security efforts can be planned and implemented in such a way to really create a very effective, comprehensive homeland security plan.

As I become governor I recognize we have much greater challenges. We are dealing with issues on a much greater scale. But I acknowledge that, if you will, the metaphor, Are you going from drinking from a drinking fountain to drinking from a fire hydrant, as you look at the scale of issues that we have.

I salute the effort that is being done by the Department of Homeland Security, by the governors, by the first responders, by all who come together in the area of homeland security. But we are facing enormous challenges with very little time. And we are working very quickly, and I think good progress is being made.

There were, however, some principles from the Olympic experience where I think the homeland security effort was in many respects ideal, that I think can help us as we look at what we are doing on the homeland security front nationwide.

First, I believe we were successful in part because we had a comprehensive, holistic homeland security plan for the assets and people we were protecting.

In the Atlanta games, we learned that if you ask each of the communities to come up with their own plans, that the communities cobble together their individual plans, but in many respects these plans aren't comprehensive. They are gaps between them. Oftentimes, the communications systems are lacking. There is not a centralized command and control system.

And in Atlanta we learned that the system did not work by asking all of the municipalities to create their own plans and somehow stapling it together and thinking that was a holistic plan.

Following Atlanta, a decision was made to create a far more comprehensive effort. And by funneling the funds through one source, and that was the Utah Olympic Public Safety Command, we were able, in the state of Utah preparing for the games, to have the local, state and federal agencies all work together in one entity that created a plan for the safety of the community being protected.

That plan was holistic, comprehensive, and it allowed us to have equipment that worked across the venues to have personnel that could move across the venues, a single training system.

That kind of holistic approach to planning is essential, I believe, in homeland security. I would say that the decision to have states be the source of the funding is a critical element in having the ability to create a holistic plan.

I have noted that in the most recent appropriation that has been made by the federal government to the states, directing that 80 percent of the funds reach local municipalities, that virtually every single state that has received these funds has now within 45 days distributed the money to the localities.

This is a big change from the past, but the pipeline is now open and functioning well. This is on the basis of a National Governors Association survey that we have carried out.

Secondly, I would note that it is essential to have guidelines as to what it is we are trying to accomplish. If you ask the cities and towns and the states how much money they need for homeland security, but don't tell them what you expect them to do, what kind of event they are trying to prepare for, how they are supposed to protect a particular asset, then the sky's the limit as to what they will come back with.

In the case of the Olympics, we said precisely what we were trying to accomplish at each venue, the level of security required, and then developed a plan to achieve it.

Number three, we had to make sure that the money at the Olympics was going to the place where the risk was greatest, and so we assessed all of the things we were doing at the Olympics, the degree of risk associated with each of them, and we allocated our resources according to those risks, and made sure that the dollars were going where the threat was greatest.

I recognize that the Department of Homeland Security has adopted that very principle in carrying out the homeland high-threat assessment and developing procedures by which funds are going to the areas of greatest risk.

Fourth, I would say that, Mr. Chairman, you mentioned the word of prevention and intelligence. I think one of the areas that is a potential gap in our own state's homeland security effort is in thinking about the gathering of information, taking information and turning it into intelligence, through analytical work, and deciding who it is that is responsible for that intelligence function.

Is that a local function? Is it something our state police should be doing? Is this something that is the sole responsibility of the FBI? But we need to have a very clear set of guidelines as to who it is that is doing the intelligence work, how that is being funded, how it is being supported, what kind of communication we have across the intelligence world, to gather and process this information.

And I believe that there is much more that we as a state, and I am sure we as a nation, should do to assure a more effective program, not just in responding to homeland security crises, but in preventing them, and assuring that our intelligence is superb.

I would say that particular aspect of the Olympic experience was the most unique in my regard. We had a very large number of intelligence teams evaluating threats prior to the games and during the games. That is primarily why the games were safe, not just defensive, not just the magnetometers, but the fact that we had intelligence work going on extensively prior to and during the event itself.

I appreciate the chance to meet with you.

There were many questions that were asked by the various members as they made their introductory comments. I would be happy to respond to those anytime you would like to provide.

Thank you, Mr. Chairman, and also Mr. Turner.

[The statement of Governor Romney follows:]

PREPARED STATEMENT OF THE HONORABLE MITT ROMNEY, GOVERNOR,  
COMMONWEALTH OF MASSACHUSETTS

Mr. Chairman: I appreciate this opportunity to testify before the House Select Committee on Homeland Security and thank you and Ranking Member Turner for seeking the input of Governors in your oversight of this most crucial issue.

I would also like to express my gratitude to Secretary Tom Ridge of the Department of Homeland Security, who has worked tirelessly to assist my colleagues and myself in meeting the challenges of governing in the aftermath of the September 11 attacks. It is miraculous to see the homeland security apparatus that has sprung up under Secretary Ridge's leadership in the short time since he answered President Bush's call to service. As a former Governor, he is keenly aware of the difficulties we face balancing fiscal pressures with our overriding commitment to the public

safety. As a former Congressman, he understands the responsibility this body has to demand results for the taxpayer's money. This combination makes Secretary Ridge the right man for a very difficult job. We are all grateful for his vision and leadership and salute the Secretary, and the dedicated men and women who serve in the Department, for their success in preventing subsequent terrorist incidents.

With everything that has happened since September 11, it is sometimes easy to forget that we are still in the early stages of defining the homeland security mission. Much remains to be done in both the public and private sectors. Therefore, it is appropriate that Congress assess the lessons learned to date, ensure that there is consensus at every level of government on both the degree of progress made and the most critical next steps, and establish a framework for future actions and funding. I commend you and the members of this Committee for the commitment you have made to this task.

Similarly, I want to express my appreciation for the steps that Congress and the Bush Administration have taken, just since my visit earlier this year to testify on this subject before the Senate Committee on Governmental Affairs, to make our citizens safer and our nation stronger.

In Massachusetts, and throughout the nation, we have overseen the distribution of nearly \$10 billion in federal homeland security-related funds for federal fiscal year 2003. Your decision to funnel the vast majority of that money through state government has helped to ensure that we avoid duplication, maximize efficiency, prevent gaps in first responder coverage and address the most significant threats and vulnerabilities that we face statewide. As you know, each state, even each Congressional district, has unique needs and capabilities that would make direct appropriations to cities and towns an extremely cumbersome process. Moreover, Governors believe that attempting to do so would be detrimental to our ongoing, coordinated efforts to secure the homeland.

In return for the trust you have placed in us to distribute federal funds appropriately, Governors have taken great pains to ensure that the requirements placed on states by Congress have been met. While the 45-day window for passing the most recent round of federal funding through to local authorities has not expired for all states, all evidence indicates that those for whom it has expired have exceeded the minimum 80 percent pass-through and done so within the time allotted. This while facing logistical hurdles ranging from procurement restrictions to establishing a means for the electronic submission of grant proposals.

In spite of these challenges, states have been remarkably innovative in their grant-making efforts, with an eye towards creating the most coordinated, interoperable homeland security network possible. Several, including Massachusetts, have brought together the various branches of the public safety community, as well as neighboring municipalities, for the first time in memory to gather a truly comprehensive picture of homeland security needs and to address them in a holistic, coordinated fashion. And the cooperation has not stopped at the border. In my region, the Northeast Regional Homeland Security Agreement will unify planning and sharing of resources across 10 states, while strengthening the information sharing process and creating an inventory of resources and assets available to be shared across borders. There are similar examples throughout the country.

Recently, Governor Ruth Ann Minner of Delaware and I were asked by the National Governors Association to serve as "co-lead Governors" on Homeland Security issues. In this role, we will work with our nation's Governors to develop recommendations and consensus positions on a number of the key issues under discussion in this arena. Our goal is to provide a single point of contact for the Congress. As a first step, we have conducted a survey of our fellow Governors to determine their priorities. Three issues stood out as overwhelmingly important to Governors, and they will serve as the centerpiece of my testimony today. These are:

- Investing resources based on comprehensive and integrated state-wide plans
- Maximizing the investment in intelligence gathering and analysis
- Working with the Department of Homeland Security to develop guidelines for states to follow in the prevention of and response to terrorist attacks

**First, we believe it is critical that homeland security funding and resources be applied against comprehensive and integrated state-wide plans.** Frankly, this is the only way that our nation's citizens can be assured that we are getting the maximum impact from the billions of dollars we are investing annually in Homeland Security. You have all heard the anecdotes that are beginning to circulate—of communities side-by-side that purchase incompatible radio equipment and cannot when responding to multi-jurisdictional emergencies. Or of the rural community that I understand requested homeland security funds for a new fire truck, despite the fact that they had neither roads on which to operate it nor a building in which to house it. Unfortunately, if we who are responsible for over-

seeing the expenditure of homeland security funding are not careful, those stories will become legend. The reality is that almost every state and community in this country is in fiscal crisis this year yet, like the federal government, we are all choosing to provide the necessary funding and resources for homeland security. But, recognizing how tight dollars are, I believe you will find that all Governors and municipal officials are eager to ensure that we get at least a dollar's return in additional security for every dollar we spend. And the most critical step to maximizing our resources is developing integrated statewide plans and channeling virtually all homeland security funding through these plans.

The National Strategy for Homeland Security, signed by President Bush on July 16, 2002 articulates a comprehensive vision for the common defense of the nation. The nation's Governors are very supportive of the strategy because they recognize that to effectively combat terrorism in this country requires a fully collaborative partnership between federal, state and local governments. However, for these plans to truly be effective, they must not simply be a compilation of individual plans as a package. We need to bring all jurisdictions together to develop an integrated plan for public safety—one that maximizes the resources on hand and provides a detailed framework for training, operations and equipment.

As most of you know, I was the CEO of the 2002 Salt Lake Olympic Games, which has been described by many as a model for an integrated, comprehensive public safety plan. Although there are aspects of that planning process that would be hard to duplicate in all fifty states, it nevertheless it provides a strong example of the difference between a coordinated plan and an integrated plan.

Interestingly, the decision for Salt Lake to pursue a fully integrated federal, state, local and private sector security plan for the Games was a result of the security planning process for the Atlanta Olympics. The Atlanta planning process followed what was until then a traditional format. Each of the affected jurisdictions—federal, state and local—developed individual plans for the activities within their jurisdiction—law enforcement, fire, and emergency response. Then those plans were meshed into a single whole. Unfortunately, when the plans were pulled together, they didn't mesh well. Several areas had more resources than needed, others were significantly under-funded. Some areas were deemed the responsibility of more than one entity, while other areas were deemed to be no one's responsibility and had been completely left out. Although there was a security plan, in reality it was a hodge-podge of individual plans and there were clearly holes.

The federal government stepped in to assist in filling these holes and to help merge the plans and operations of the individual jurisdictions. But, the lessons learned from this experience were relayed in detail to the Salt Lake team and we decided to try something new. Federal, state and local governments, together with the private sector Olympic Committee, all agreed to come together and jointly develop one plan and use the planning process to work out jurisdictional issues, assess resources available, and agree on a plan that would use the minimum in additional resources to achieve the maximum in security.

And that's what we did. Over a period of several years, an integrated plan was developed that identified all the activities to be done and determined the resources necessary to carry out those activities. In many cases it was the federal government that provided guidance on the standards we were to use—much as we look to the Department of Homeland Security today to provide guidance to states on best practices and standards for securing critical infrastructure.

Then, perhaps most uniquely, the participants identified all the resources each had to put towards carrying out the missions. Federal, state, and local government all participated in this, as did the private sector. Air and ground resources were pooled, communications resources were pooled, IT and dispatch resources were pooled, and manpower was pooled. And when we had thus maximized the use of our existing resources, we were able to clearly articulate to the federal government where we were short in resources and exactly what we needed those resources to do. Moreover, those resource shortfalls were part of an integrated security plan that the federal government—specifically the Secret Service, FBI and FEMA—had helped to develop.

During the months that the Olympic Security Plan was operational, this integrated planning effort led to an integrated and well-coordinated training program. It also led to more efficient procurement of resources since we were able to use bulk purchasing to the maximum extent possible. And, as you could predict, it then led to a well-integrated operational effort during the Games. Federal, state and local public safety operations merged seamlessly and cooperated closely with the private operations that we were running at SLOC. Not only was this approach operationally superior, but in the world of public safety and counter-terrorism where the enemy



can exploit any gap, the tight-knit coordination and integration among all security and public safety operations was essential.

In my role as Governor of Massachusetts, I have sought to apply the lessons learned during the Olympic Games to the implementation of our statewide homeland security program. We have begun the process of developing an integrated plan by starting with a “bottoms up” assessment of our state of preparedness and an inventory of our resources. My Secretary of Public Safety, Ed Flynn, has led this effort and it has been conducted across federal, state, and local governments and the private sector. While the assessment has identified a number of positive actions taken to date, it has also identified a number of deficiencies, which must be addressed across our Commonwealth.

Massachusetts established a model process for awarding federal homeland security dollars. We were the first state to apply for this money, the first to receive it, and the first to deliver it to municipalities. We combined the FFY03 and FFY03 Supplemental funding into one grant process. This allowed us to award \$21.5 million nearly a month before the 45-day deadline. And we established a competitive grant process, encouraging communities to work across jurisdictions and across disciplines to put together comprehensive plans for homeland security.

Rather than award money based solely on population or location, Massachusetts evaluated applicants on four criteria:

1. Degree of Threat
  - Population
  - Critical infrastructure
2. Degree of Readiness
  - Emergency management plan
  - Training
3. Degree of Cooperation
  - Mutual aid agreement(s)
  - Training across jurisdictions
4. Reasonableness of Request
  - Grant request must complement existing equipment
  - Equipment must not be duplicative

Every proposal was evaluated and scored by three readers. Massachusetts called on grant readers from throughout the region with various areas of expertise to score the proposals and, at our request, a federal Department of Homeland Security representative participated in the review process, answering technical questions.

One of the most encouraging ramifications of this experience in Massachusetts has been the way in which a statewide process that required coordination and communication of its disparate public safety community has brought this community together. With the “carrot” of federal homeland security dollars, states can make this type of interagency, multi-jurisdictional cooperation the rule, rather than the exception.

I share this experience to show you how seriously my fellow Governors and I take the charge you have given us to spend homeland security funds in the most efficacious way possible. Each of my colleagues recognizes that working with local governments and the federal government in the development of a comprehensive statewide plan is a matter of the utmost importance to the people of their state. And it is through those plans that we can ensure that homeland security funding is spent only for activities that will have the maximum impact, resulting in the highest level of public safety.

For that reason, I, along with the other Governors, believe that Homeland Security funding should flow to the states and should be distributed then in accordance with the state-wide plans. It is only by flowing funding through the funnel of the state that we can ensure that funds are spent effectively and efficiently. Programs and funding that bypass the states could easily be spent outside the state-wide plan and lead to gaps in coverage, incompatible equipment including communications systems, and wasteful duplication. The National Strategy calls for states to develop a plan that sets priorities based on assessment and vulnerability analysis. Therefore it is only logical that funds should be distributed in accordance with those priorities.

Second, we need to maximize our nation’s investment in information and intelligence sharing. One of the primary ways that state and local governments can work to prevent future acts of terrorism is to ensure the effective flow of information among federal, state and local law enforcement. In the months that preceded the attacks of 9/11, agencies were unable to draw a larger pattern out of disparate bits of information contained in separate databases about the activities of terrorists involved in the attack. We will never know whether better data sharing would have helped thwart the attacks. But we do know that terrorists often use traditional crimes such as drug trafficking, money laundering, bank robbery and illegal weap-

ons trafficking to offset the costs and further support their political/terrorist objectives.

In fact, the first indication that a terrorist cell is operating within the United States may be behavior discovered during an investigation by state or local police, following the report of suspicious circumstances or some type of criminal event. Whether the focus is on stopping drug trafficking or preventing an act of terrorism, rapidly collecting and disseminating solid information about the people who commit crimes and where they commit them is key.

Yet most police, public health entities, parole officers and courts are operating with 20-year old technology. Even though high-speed digital technology is currently available, many police officers still wait long periods to receive basic information about a vehicle or person they stop. Days or weeks may pass before criminal warrants find their way into state databases, leaving dangerous criminals on the street and police without this information. Judges might sentence offenders with outdated information regarding their criminal history records. Investigators in one jurisdiction may be unaware that information regarding an individual under investigation exists in a neighboring jurisdiction.

This must change if we are to be successful in preventing future acts of terrorism.

Another challenge we face in information sharing is ensuring that there is an appropriate exchange of information between the federal government and the state and local officials who may be able to use that information. We recognize that there is information critical to the nation's security that must be guarded at the highest levels. Yet, as mentioned above, it is often state and local officials and responders who can facilitate the apprehension of potential terrorists if they have the necessary information.

Additionally, state and local officials need information if they are to match their response to an increased threat level appropriately to the increased risk. For example, if our nation moves to Threat Level Orange in response to increased risks, then state and local officials need to know if that increased risk is contained to only one region of the country or one type of critical infrastructure. With that information, they can develop an appropriate response. Without it, they have no choice but to take actions that assume that the highest level of threat may be aimed at their region and at the various types of critical infrastructure in their state. The point here is that every community cannot be equally vulnerable at the same time to terrorism. If information is available, the sharing of that information will ensure that money and resources are not wasted in a region of the country that does not have an increased threat.

One way to address the intelligence-sharing dilemma is for security clearances to be standardized and reciprocal between agencies and levels of government—perhaps within the Department of Homeland Security. There is also a need to process federal security clearances more expeditiously. Some states have waited over a year for vital security clearances for their law enforcement agents. The bottom line is that a more effective liaison must be established between the FBI, CIA, DHS and other national security agencies if we are to maximize our nation's investment in intelligence.

**The third challenge is to work with the Department of Homeland Security and other relevant federal agencies to establish minimum guidelines and standards for state homeland security practices.** In its recent report on the state of emergency responder preparedness, the Council on Foreign Relations suggested that Congress, “require the Department of Homeland Security (DHS) and the Department of Health and Human Services (HHS) to work with state and local agencies and officials as well as emergency responder professional associations to establish clearly defined standards and guidelines for emergency preparedness. These standards must be sufficiently flexible to allow local officials to set priorities based on their needs, provided that they reach nationally determined preparedness levels within a fixed time period.”

I strongly support this recommendation. In the wake of September 11, states have each taken and are continuing to take the interim steps necessary to ensure that our citizens are protected. In many cases, these actions may not be the most cost efficient, such as temporary use of the National Guard to secure airports while a permanent security force is hired and trained. Yet, the priority of each Governor has been to take the immediate actions necessary to ensure the safety of our citizens.

Even as we take these short-term steps, each of the states, through the comprehensive state-wide planning process, is developing a blueprint for homeland security. Among the many areas to be addressed in those plans are:

- A focus on prevention: what actions and investments can we take to ensure that critical information is shared, analyzed and acted upon in a timely manner? What are the appropriate steps for securing our nation's critical infrastructure including

the 362 ports nationwide, approximately 168,000 public drinking water systems, 600,000 miles of sanitary sewers, and 200,000 miles of storm sewers? Likewise, how can we protect our food supply from the threat of terrorist attack and build the capacity to trace potential food borne illness outbreaks, food contamination and infectious animal diseases?

- Incident management: Clarification of roles, ensuring that training throughout the state is uniform and coordinated, developing necessary reciprocal agreements both within the state and with surrounding states, ensuring the interoperability of equipment, and ensuring the capacity for disease surveillance and detection exists throughout the state.

- Response: Identification of the training and equipment needed by first responders, plans for escalating response beyond the local jurisdiction to surrounding jurisdictions, state-wide and then beyond the state borders, and identification of medical supplies and personnel and facilities necessary to treat victims of a public health emergency.

These are questions that are best answered in coordination with federal officials who have decades of experience in countering and, for the most part, preventing terrorism. Governors believe that the Department of Homeland Security should take the lead in sharing this expertise with state and local officials charged daily with the protection of potential terrorist targets. Moreover, the Department should encourage states to share their own unique homeland security experiences and, with the assistance of federal experts, make information on how to duplicate anti-terror "successes" available to all state and local officials.

The Department should also increase its role in serving as a clearinghouse for technology and products related to homeland security. Currently, each state's homeland security advisor is inundated with vendors' products addressing the diverse issues of security. In the tight timeframe within which federal dollars must be turned around by the states, evaluating the competing claims of these vendors can be extremely difficult. And the technical and or scientific expertise needed to separate the truly innovative and effective products from the snake oil is often lacking. A "Consumer Reports"-like department that can test products, interview purchasers/users and disseminate that information would be tremendously helpful.

I am encouraged to see that language necessary to meet these goals was included in Senator Collins' first responder legislation, and has been spoken of positively by the leadership of this committee. Similarly, I applaud the efforts in both the House and Senate to streamline and simplify the myriad grants available to state and local governments for homeland security-related purposes. Establishing "one-stop shopping" for these funds is another means by which the federal government can consolidate and make available valuable information to states.

In conclusion, Mr. Chairman, we can best ensure that we are able to invest wisely in homeland security in this nation if funding is distributed through the states based on a comprehensive and integrated state-wide plan, if information sharing and intelligence sharing between federal, state and local governments is maximized, and if state and local officials have access to the most up-to-date information available in the field. Mr. Chairman, the nation's Governors understand the difficult task and the challenges ahead in protecting the homeland, and stand ready to work in partnership with the President and Congress to meet these challenges.

Chairman COX. I want to thank you very much for your testimony. I am going to ask two questions. I am going to put them together, so one you can tell me first whether it is accurate or not, and then provide some analysis.

A recent article in USA Today pointed out instances in which local agencies received such a large influx of money that they weren't sure how to spend it. One of the examples they cited was the Massachusetts Steamship Authority, which runs the ferries in and out of Martha's Vineyard. One of the Vineyard harbors was awarded \$900,000, to upgrade port security last week.

The Oak Bluffs harbor master, Todd Alexander, told the Vineyard Gazette newspaper, and this was recounted in USA Today, "Quite honestly, I don't know what we are going to do, but you don't turn down grant money."

Now, this is probably an example in the extreme of grant that is not based on threat assessment. But are you familiar with this example? And is it anomalous, or is there more to this story?

Second, I really do want to delve into the conclusion of your testimony, which focused on your experience at the Olympics with intelligence analysis and your suggestion that we solve the problem of how we coordinate the roles of everyone from FBI, CIA and the other 15 intelligence agencies here in Washington to the state police in Massachusetts, the local police and so on. You posed very good questions about whose job and whose role that should be.

I wonder if you could give us your best answers to those questions? How would you suggest, as we write legislation designed to sort this out, that we go about it?

Governor Romney. Let me begin with your question about Oak Bluffs. I had guessed that that might attract the attention of at least one of the members of this committee, and was likewise chagrined to hear of a substantial grant being given to a community and the community didn't know how it was going to spend it, but was happy to receive it.

This is in fact a prime example of what happens when the federal government makes appropriations directly to communities rather than having the appropriations and the grant money go through a state, which can evaluate the grant requests of various communities. This was a grant that was made by GSA. It was made to the port authority on the island of Martha's Vineyard. The funds went to Oak Bluffs. And this was not part of our state-wide plan.

Let me contrast that with the funds that have come from the federal appropriation. Those funds which we were to distribute within 45 days and actually distributed the money 10 days before that 35 days were up, were appropriated, I believe, in a way that was correct.

We began by contacting all of the communities in the state, some 351, and said we will be happy to respond to grant requests that come from you. However, we will respond based upon the risk assessment that we make of your community and the particular assets and areas that may need protection. And number two, we will look at your request and favor those requests which are submitted on a regional basis.

So if you are the community of Everett or the city of Boston or the community of Belmont, we will pay much more attention to your request if it is combined with other communities around you. So if you are asking, for instance, for a mobile command center, if you are just a single town or city, you are not likely to get that funding. But if you combine with five or six other communities around you and work together on a regional basis, we will make that appropriation.

We received 117 grant requests. We approved 34 of them. These requests were read by individuals from three different states. We wanted to draw on homeland security expertise beyond our borders. So we read those different requests and then sent those monies out, ranking all of the requests based upon whether they were a regional request and also what the degree of threat was.

I contrast that again with a process where the federal government is trying to send out money, and, in the case of my state, the 351 different communities, without understanding our state-wide plan, without understanding the needs of our respective communities.

We have even had a circumstance where one entity made an application to the federal government for funding, received an approval, and the same entity had another division which made an appropriation request to the state for a different piece of equipment. And within the same entity, these pieces of equipment were noncompatible. They didn't know that they were each making these requests. And the federal government, TSA, had approved one; we were about to approve the other.

And I just think it is critical to make sure that funding goes through a single source. And whether it is a single office in the federal government, and I would prefer a single office at the state level, to assure that the money going out is going out according to threat assessments and need and a regional plan and a comprehensive, holistic plan having been developed. So that is part one with regard to Oak Bluffs.

Secondly, with regards to intelligence, I am very much of the view that this becomes the critical element of our protection, which is not just the police officer standing at the base of the bridge, and we know that can be a deterrent, but also the extensive intelligence work to assess what threats are coming into our country, where people might be located, what actions are being carried, and letting people know that we are watching them.

In that regard, I believe the responsibility of the local police department is to gather information, to gather data, to gather information, to report crimes. I believe the state police departments should then take that information and compare it, look for trends, look for information that suggests perhaps a criminal activity that might have a foreign source, or a broader organized criminal activity, which may have associated with it a terrorist route.

But that information is taken by the state police and given to federal authorities, namely the FBI. And the FBI carries out the intelligence work to assess the degree of risk and perhaps begin a process of monitoring or surveillance associated with a particular type of criminal activity.

These different stages could be defined in a different way. But what I do know is that right now we have cities, the state and the federal government all working in the area of intelligence, but without a clear understanding of who is doing what.

One of the most frequent questions I am asked by local law enforcement is what are we supposed to be doing with regards to homeland security? What are we supposed to be gathering? If I receive information about someone who I think is at risk, what am I supposed to do with that? Who do I give it to? Is it the state police? Is it the FBI?

Then they wonder if they gave it to the FBI, what was ever done with it. Did someone follow up? Was there any processing of that information?

This kind of intelligence effort, I believe, needs to be thoroughly defined. And we as a state, and I am sure our local communities

will march to the direction we receive, to make sure that we are carrying out a complete intelligence effort and that we are leaving no gaps.

But I am afraid right now that a lot of information is being gathered, but it isn't being analyzed and turned into true intelligence. And those kind of gaps could result in the, if you will, very serious consequences if we don't thoroughly evaluate them.

Chairman COX. Thank you very much for those responses.

The gentleman from Texas.

Mr. TURNER. Governor, thank you again for your presence and your testimony today.

The issue you just raised is one that we have certainly heard about before. I think it is very important that we get the information out to local law enforcement officials, so that when they do have information, they do know where it is supposed to go. It is my understanding that the Department of Homeland Security is the place to and from which that information is supposed to flow, and where it should be is integrated, analyzed and utilized.

So, currently, I believe that when local law enforcement is passing on some information, they are probably giving it to the FBI, which is fine, too.

But I also think the Department of Homeland Security has the responsibility to carry out the function that you describe as missing today.

The other issue I am interested in hearing your comments on, from the perspective of the governors, is what kind of information flow on intelligence do you see flowing from the federal level down to the states and local government?

If you respond to that, I have a follow-up on that too I want to ask you about.

Governor Romney. Well, I appreciate the information we do receive.

We have a joint terrorism task force, a task force that meets under the direction of the U.S. attorney in Boston, and we receive, I believe, timely, effective information of potential threats.

On the basis of that information which is, by the way, far more detailed than just code orange or code yellow?we receive pretty specific information?we make assessments of what actions we should take to protect critical infrastructure, or to protect individuals.

And so the code orange is a helpful indication of the level of threat, but we go beyond that code information to actually have direct communication with the Department of Homeland Security, or the FBI, or other federal sources.

And on the basis of that further information, we decide what specific action we should take, and in some cases, for instance at the beginning of the Iraq war, the threats were of such significance that we took very extensive precautions.

However, the more recent code orange assessment was far more generic, and we took less aggressive action. And that is something which we assess on a basis of having direct communications with Washington.

So I would tell you we receive a good deal of information. I hope we do a good job in getting out to our localities. We have a system in our state called our Saturn System, where we communicate to

the respective first responders the information we think will help them in being able to respond or prevent attack on any critical asset or group of individuals.

Mr. TURNER. I notice in your written testimony that you suggest we should modify the current system we have on levels of alert, that it should be more specific, aimed at regions, and aimed at critical infrastructure as appropriate.

I certainly agree with you on that.

I think some refinement is necessary. Many of the states and localities have complained to us that if their response is the same every time we move up a notch, it costs them hundreds of thousands of dollars that may not be need to spent in their particular locale or in a particular category of critical infrastructure.

Every time you apply for federal money, if I understand the process, you are required to submit a state plan. When you prepared your state plan, or when your other counterparts prepared their state plan, what kind of intelligence information did you have at that time upon which to base your state plan?

Governor Romney. Well, first of all, I think the term "state plan" is reminiscent of the Atlanta Olympics.

And I can't speak for all states—I believe our state is doing an excellent job, but in many respects our state plan consists of some broad principles which we apply at the state level, but it is also a collection of what is being done on a local level. It is taken together and put a notebook and said, here, here is all of our local plans collected, now it is a state plan, as opposed to a thoroughly prepared, comprehensive, directed, holistic plan being created on a statewide basis.

And that is something which we are attempting to do, but has not been completed yet to my satisfaction, not to the level that I saw at the Olympics, and I think we have more effort in that regard.

With regards to the intelligence input, I would say that I think more than knowing a specific threat that we are to respond to for our state plan, it would be helpful to know what, if you will, guidelines or template might be suggested to us as to the level of capability, the level of homeland security resources to be applied to our various assets.

And by that I mean one would look at a state and say, What is the degree of risk in a particular state? And given that risk, let us look at different types of assets, from a nuclear power plant to a drinking water source to a bridge to a tunnel to a major facility of another kind. And the Department of Homeland Security could provide us guidelines as to the level of protection that might be appropriate for one of those assets, given a certain level of risk, meaning green, yellow, orange, red and so forth.

That kind of template would allow us to determine exactly what the level of resources might be for our entire state.

Today, we make that assessment ourselves. Today, we decide if we have a tunnel, what we think we should do to protect that tunnel. My guess is that Delaware does something different, New York does something different, California does something else.

What is the appropriate level? What is the level which is being done in other states? What is the best practice?

And the communication of best practices which would allow us to set, if you will, state by state templates, guidelines, I think would be helpful for us to be able to create truly holistic, comprehensive statewide plans.

That is something which the Department of Homeland Security is racing to do. That is something which we are doing on a state basis as well as we can. And it is something which if we don't make enough progress, why I think the National Governors Association should undertake on its own, but I think the Department of Homeland Security is going to lead the way.

Mr. TURNER. Governor, I really appreciate the clarity of your answers, because it points to a problem about which the chairman and I have been very concerned. I think you are absolutely right: The comprehensive, holistic plan that you require has to be based on some intelligence information that you do not have at present.

We are purporting to pass out money today based on state plans that I think in many ways we must all acknowledge are inadequate to the task of making critical decisions.

Before you can have a comprehensive plan—you are absolutely right—we have got to have the Department of Homeland Security set out standards and best practices from which you can then move to develop a plan using those best practices.

Therefore, you have pointed out two very critical areas, and I really appreciate your testimony.

Chairman COX. Mr. Weldon.

Mr. WELDON. Thank you, Mr. Chairman.

Thank you, Governor, for being here.

Governor, I have read through your statement and can tell you I agree with many of the assessments you provided, and especially be concerned about the fact that our governors do not yet have the same classified status that members of Congress have, which I think that is a shortcoming which needs to be corrected.

I would say that I do have some problems with your heavy focus on the state level.

As you know, the bulk of the first responder community in this country in fire service is not paid and is not a part of government. The bulk of the 32,000 fire departments in this country are volunteer. It is nice to tell them they should do something, it is nice to tell them they have bought incompatible radio equipment. But by and large, the bulk of those departments bought it with money they raised from chicken dinners and from tag days.

And it is nice now for the federal government to come in and say, or the state government, Well, you should have done this, when the states weren't providing, in most cases, a dime of money over the past 200 years.

I know. I was a volunteer fire chief and represent all the firefighters of this country. And having been a mayor and a county commissioner, I get upset that states sometimes think they have all the answers when the history of this country for 200 years, the 32,000 departments have handled every disaster we have had, from that large warehouse fire in your state, where six firefighters were killed, to hazmat incidents, hurricanes, floods.

And in my opinion, our problem has been we have been listening too much to the bureaucrats at the top, and not enough to the first



responder on the bottom, who have been out there where the rubber meets the road.

When our first training programs were set up to provide training for homeland security and terrorism before 9/11, the fire service wasn't even brought in. We hired consultants at the government level, paid bureaucrats in Washington who are supposedly going to tell these firefighters how to do what they have been for 200 years. It was a slap in their face.

And what I think, and what I know, is that the program that we established in Congress who, for the first time, give dollars on a competitive basis to the fire and EMS departments in the country has been the most successful program we have operated.

In your testimony you single out a community that you understand bought a fire truck without roads. I am not aware of that. I wish you would tell me that. Because the GAO has done an investigation of our grants program. It is the most successful program we have in Washington. In fact, your state, many of your departments have paid 10 percent or 30 percent of the match to get those funds.

The concern that local departments have—and I have been in every state, I have been in your state many times meeting with your fire leaders—is that states siphon off money for bureaucracy. They take money the federal government provides and they build fiefdoms, they build consultants.

And I know. I was a county commissioner. They develop people who can tell others how to do the job. But when that alarm sounds, when that incident occurs, don't look for those bureaucrats, because that first apparatus driver had better have the equipment to respond.

And when you talk about communication systems, and you talk about communities side by side purchasing incompatible radio equipment, that was a problem in the past, because those local fire departments had to raise the money on their own to buy that equipment.

What I don't see here, and what is the number one issue for the emergency responders, is for the government to take on the communications industry and set aside the frequency spectrum allocation to allow for a standardized communication system. They want to go to high band frequency. They want to go to a standardized system. But because the networks will not give up the frequency spectrum that they were supposed to give up within two years, the fire service and the emergency responders and law enforcement community can't get access to that frequency spectrum. That is not an issue they can control. That is an issue that this Congress and the federal government needs to respond to—recommendations made by the Pitswack advisory committee in 1995.

Now the strength of the emotion in my response is aimed at you personally. It is aimed at frustration of being here 17 years, leading the effort for our firefighters, and now all of a sudden having groups like the Council on Foreign Relations coming in and saying what we have been saying for 17 years. I mean, where was Senator Rudman when he was here? Where was his effort to support the first responders? This wasn't a new need after 9/11. This was something that should have been addressed decades ago.

So my only concern is that the focus does not just have to be at the state level. I agree with statewide planning. California has an excellent model. But they buy the fire apparatus, not the local fire department. And they bring them in when they need them for disasters.

I agree with that coordination. But I also think we have to be sensitive to the people who are paying the bill. And in most cases in America, those bills are still being paid by local volunteers, who raise the money through chicken dinners and tag days.

Thank you.

Governor Romney. Let me make just a comment with regards to a couple of points that you made, many of which I agree with.

I would note that in the case of the grants that are being made to our state, of federal funds, that these grants are going to out communities based upon regional plans, and those plans are being proposed by fire departments, police departments, EMS departments, that combine together to look for specific resources that will help them on a regional basis.

And I will use as an example the fact that we have an LNG tanker and LNG plant that comes into the Boston Harbor on a weekly basis. The fire equipment necessary to contain a fire of LNG is not the kind of equipment that any one fire department would propose to acquire. The community came together and said, We as a group of communities want to purchase a particular type of equipment. It is aquatic-based equipment. And that is something we feel is appropriate to support and provide money for.

And so that is an example of the local fire departments coming together and requesting equipment that allows them to deal with the threat that no one of them alone would find as an appropriate appropriation or allocation.

I note as well that with regards to the state share, that Congress, I think, wisely in the most recent appropriation, has said that 80 percent of the funds should go directly to the localities and the locality needs. And 20 percent would stay at the state level.

In our case, we have made the full distribution within actually 35 days for the localities. And we have not kept the full 20 percent, even though we have a substantial state police effort that could just end National Guard effort that could justify maintaining some of those funds.

We have distributed a larger amount than the 80 percent required by Congress. I think Congress continues to have the right, and I would suggest the appropriate direction in suggesting which portion of the funds go to local first responders.

Chairman COX. I thank the gentleman.

Governor Romney, I understand that you have a hard 3:00 deadline. We also have members who want to ask questions. And we also have our own hard 3:45 deadline, because of the joint session of Congress. What I would like to do is take one more question from the minority side, and then let you go, if you would be willing to stay for that even though we are past the appointed time.

Who seeks recognition?

The gentleman from Massachusetts?

Mr. MARKEY. I will yield to the other gentleman from Massachusetts.

Chairman COX. The gentleman from Massachusetts, Mr. Frank, is recognized.

Mr. MARKEY. —if you don't mind and it would just be to make the point, before I yield, that although it is not immediately obvious from the hinterlands, people like Curt Weldon and I have always been in silent agreement on these issues and pride working together over the years to provide funding.

But we do wind up in communities like Everett, where the LNG facility is actually located in my district where the mayor has had to lay off 20 of the 105 firemen in that community, even though it does present maybe the greatest terrorist target.

Let me yield to the other—

Mr. FRANK. Actually, I think, Governor, in another part of the state in which I represent, there is a proposal now pending for another LNG plant, as you know, in Fall River. And obviously, people there are concerned, probably because of this resource remained, and we hope to be able to work with you.

I have one specific question and one more general one. You mentioned an entity in Massachusetts which had applied for two different pieces of equipment, one through the federal government and one through the state, and it applied for inconsistent equipment. What entity was that?

Governor Romney. That was Massport.

Mr. FRANK. They had applied and had—were in the process of trying to get two inconsistent pieces of equipment?

Governor Romney. My understanding is that the harbor portion of Massport had requested equipment and received a grant from TSA, and that the airport side of Massport applied to the state—

Mr. FRANK. Governor, since all of us were about to fly into that place, I am probably sorry I asked you.

Governor Romney. We are still very safe, thank you.

And that actually the—

Mr. FRANK. It wouldn't help to go by boat.

Governor Romney. The state system required the chief executive of Massport to sign the grant request. And in signing that grant request, he identified the fact that they were coming from—that two areas were asking for equipment to happened to not be compatible.

Mr. FRANK. The more general question: You had this responsibility to take all these applications and parcel them out, and I am partly concerned about the adequacy of research, and particularly since, as my colleagues pointed out, on the one hand because of other issues we are seeing first responders laid off—police, fire, emergency drivers.

And obviously, there aren't two separate entities out there, one group that deals with homeland security and two, the regulars. That is the same group. And there is a tradeoff there.

My question is as you got this list of projects, what percentage of the worthy projects are you able to fund? I mean answer the question, the adequacy of resources. Did you find yourself in the position of having to say no to projects which you thought had merit, even though, obviously, you funded the ones you thought were best?

But how many projects that were well thought out and met a real need did we have to turn down because there was scarcity of resources?

Governor Romney. We did not come away thinking that we had left major holes, and that many of the grant requests were worthy, but we just didn't have enough money to fund them. We thought that a number of the grant requests were not appropriate, because they were municipally based, rather than regionally based, and encouraged the communities to go back and prepare a more regionally based plan.

I would tell you, however, that there is clear indication that there is more need than dollars. And you are not going to hear any governor say anything different, nor will you have any mayor or selectman say anything different than that.

We were dismayed that not all of our communities put in grant requests. There were regions of the state. In the time frame during which we were directed to distribute funds, 45 days, some communities couldn't get a grant in quickly enough.

And so your community, the city of Fall River, for instance, made no application for funding. New Bedford did put in a substantial request, and we provided funding to New Bedford and many other portions of your district, but Fall River didn't.

We recognize that, gosh, this is a major hole, so we put some money aside, and said, We are going to send this to Fall River, even though they didn't have a request in, but it is suggested—

Mr. FRANK. I appreciate it. I didn't mean to be parochial. That is for the Appropriations—

[Laughter.]

But I thank you for acknowledging that there is this problem, there is more need than dollars.

Governor Romney. Yes, there is more need than dollars.

And let me draw that back to the original point that I made about needing to have a sense of where we are trying to go, and a national and state-wide plan. And I say we have had many requests for hazmat teams and for mobile command centers. Well, how many hazmat teams does a state need? We have a population of 6.5 million people. Should we have 1 per 100,000? One per million? One per 50,000? Every community will ask for hazmat dollars, even our smallest communities. But I am not sure what the standard is we are trying to get to.

Are we looking for hazmat capability at level A, B or C on a national basis? We can make great grants to provide hazmat equipment. But I don't know what the level we are trying to reach might be.

Likewise with regard to protecting our LNG tankers.

What is the level of protection we need? I know that with regards to nuclear plants that over the years the Nuclear Regulatory Commission has said this is the outline of what effective security is for a nuclear plant.

That level of guidance may well be appropriate for key assets, key to critical assets. Medical response key assets. Gatherings of large individuals.

What is the standard we are shooting for? Once we know what the standard is, we will know how much money we need?

Mr. FRANK. I will just close up. On the medical, I just said this before. We got problems in the emergency rooms on Friday night from people hitting each other over the head and running each other over, much less somebody being a terrorist. So, there is clearly a greater need.

I would just say I appreciate your acknowledging that there is more need than dollars. I just think that the next time people think that what we need are fewer government dollars, they ought to understand that that would widen the gap between need and dollars.

Thank you, Mr. Chairman.

Chairman COX. Thank you, Governor Romney, for your excellent help to this committee and to our work and for your excellent support for our national effort in homeland security.

I hope you have a secure flight.

Governor Romney. Thank you, Mr. Chairman.

Chairman COX. We now welcome our next panel. And as the members of the next panel are being seated, I will briefly introduce them.

Jamie Metzl is the senior fellow and coordinator for Homeland Security Programs at the Council on Foreign Relations.

Captain Michael Grossman, commander of the Emergency Operations Bureau, Los Angeles County Sheriff's Department, is also the head of the multiagency Terrorism Early Warning Group.

Chief George Jaramillo is here from the Orange County Sheriff's Department. And I am especially grateful because, of course, I hail from Orange County myself, for your appearance here today.

Ray Kiernan is the Fire Commissioner and Chief of the New Rochelle Fire Department, a member of the Westchester Career Fire Chiefs and Northeast Fire Consortium. He has been described as a fireman's fire chief.

And we are very happy to have all four of you. We appreciate your outstanding prepared testimony, which we have already included as part of the record. And we invite you each to summarize your testimony.

We will begin with you, Mr. Metzl. Thank you.

**STATEMENT OF MR. JAMIE METZL, SENIOR FELLOW AND COORDINATOR FOR HOMELAND SECURITY PROGRAMS, COUNCIL ON FOREIGN RELATIONS;**

Mr. METZL. Mr. Chairman, Congressman Turner, members of the committee, particularly my congresswomen from my home town of Kansas City, Karen McCarthy, thank you very much for inviting me to testify before you today. It is an honor for me to be here.

I serve as project director for what Congressman Weldon described as the Johnny-Come-Lately Council on Foreign Relations when we arrived here. And as you all, I believe, know, we issued a report two weeks ago entitled Emergency Responders: Drastically Underfunded, Dangerously Unprepared.

Our task force is chaired by Senator Rudman. And members of our task force include many prominent Republicans and Democrats, including George Schultz, William Webster, former chairman of the Joint Chiefs of Staff, former chief of staff of the Army, three Nobel Laureates and others.

The task force met with emergency responders around the country and with emergency responder professional associations and others. And based on our extensive contacts and the totality of our investigation, we came to one very simple conclusion. Almost two years after September 11, America is not sufficiently prepared for another terrorist attack.

This is not to say that we are not at all prepared. It is not to say that we are not in some ways better prepared than we were on September 11. But the gap is too large to be acceptable. As Senator Rudman has said, the question is not if the next attack will place, but rather when it will take place.

There are many elements of emergency preparedness and many elements of the overall homeland security picture. And we focused on only one, which was emergency responders.

What we found shocked us. And our report, as I believe all of you have, outlines gives some examples of what is missing. That fire departments across the country have only enough radios to equip on average half the firefighters on a shift. There is not adequate breathing apparatus. The public health system in the United States is in a terrible, dangerous state of disarray.

In sum, we found that emergency responders across the country don't have the equipment and the training they need to respond safely and effectively to a terrorist attack.

So we worked with these emergency responders and professional associations to try to quantify what was missing. And we were very clear that what we were looking for wasn't a wish list.

We carefully reviewed the data that we collected, and we believe we were very, very conservative in our estimates. But based on our calculations, we believe that America will fall roughly \$98.4 billion short of meeting critical emergency responder needs over the next five years if current funding levels are maintained.

Getting to this level would require as much as tripling overall expenditures. And if one believes that this is a federal responsibility, it would require quintupling federal expenditures.

While these critical needs must be addressed immediately, our task force is the first to admit, and we did so in our report, there our figures for meeting them are preliminary, and that the United States must develop a more sophisticated requirements generation process, as Governor Romney and others have mentioned.

Unless we both get the necessary resources to America's frontline responders and create a policy framework for spending these funds most efficiently, the American taxpayer will not receive the best return on our investment in homeland security, and, more importantly, we will not be as safe as we must become.

If we allocate the funds without getting the policy issues right, or if we get the policy issues right without allocating the funds, we will not be prepared. America must do both.

The centerpiece of this policy framework, as has been discussed, must be national preparedness standards. We need to define what preparedness is, so we can know where we are and build a road map for getting from where we are to where we need to be. Otherwise, we are going to be throwing money at the problem and our response capabilities will be uneven.

We need a requirements generation process, similar to what the military has, where we identify the threats, we determine the capabilities necessary for responding to those threats, and then we generate requirements for reaching those capability levels.

If we don't have that, money is going to be wasted, and at the end five years we will have spent a lot of money. We will have some extra capabilities out there, but it will be dangerously uneven.

As you, Mr. Chairman, and others have mentioned, we need to change the formula grant process. Right now, we are distributing money in a very inefficient way.

And even if the federal government fixes the federal formula, we need to make sure that the states fix their formula. It makes no sense that if there is a federal formula based on threat and risk, which we don't have yet, but I imagine that at some point we will, but then states are evenly distributing funds based on the old system, we are not going to be as safe as we need to be: We are going to be diluting funds to the point of being wasted.

Another issue is that we need to encourage and incentivize long-term thinking among cities and states. If cities and states receive funds and don't have confidence that additional funds will consistently be coming, there is an incentive to spend on short-term needs, rather than doing what needs to be required, what needs to be done, which may include adding staff, it may include maintenance, it may include long-term training. And we need to incentivize that type of long-term thinking.

This committee has spent a lot of time discussing the congressional oversight issue, and I imagine that you would all agree with the recommendation in our report that the congressional oversight process needs to be streamlined, and we believe, as, Mr. Chairman, I know you do, that this committee would be transformed into a standing committee with a formal, leading role in the authorization of emergency responder expenditures.

And I would agree with your proposal that this committee should have legislative jurisdiction over the Department of Homeland Security, and oversight jurisdiction over federal homeland security activities.

Finally, federal and state grants systems are duplicative and need to be streamlined. As Congressman Turner and Senator Collins and others have mentioned, we need to have a system for one-stop shopping.

It makes no sense that states often have to submit as many as five separate homeland security plans covering the same ground. We need to make this process easier, not harder, so we can have the kind of coordination that Governor Romney has mentioned.

America's local emergency responders will always be the first to confront a terrorist incident, and will play the central role in managing its immediate consequences. Their efforts in the first minutes and hours following an attack will be critical to saving lives, reestablishing order and preventing mass panic.

America wouldn't think of sending our military to fight a war overseas without proper equipment and training, but that is what we do every day with our emergency responders across the country, who are the front lines of our war on terror.

One of the many lessons we learned from?

Chairman COX. Mr. Metzl, I just need to ask you to summarize.

Mr. METZL. Last sentence. Last long, run-on sentence. One of the lessons we learned from September 11 is that our emergency responders will rush to the scene of a terrorist incident, even if they don't have the tools to respond effectively. We cannot afford for them and for us to have that be the case. We need to get them the equipment and the training they need; otherwise, we will all be in danger.

Thank you very much, Mr. Chairman.

[The statement of Mr. Metzl follows:]

#### PREPARED STATEMENT OF MR. JAMIE F. METZL

Mr. Chairman and Members of the Committee, Thank you for inviting me to testify before you today. It is an honor for me to be here.

I serve as Project Director of the Council on Foreign Relations Independent task Force on Emergency Responders, where I work with our Chairman, Senator Warren Rudman and Senior Advisor Richard Clarke. The non-partisan task force has brought together leading Americans from diverse political and professional backgrounds to examine whether or not America is sufficiently prepared for another terrorist attack. Our members include former Secretary of State George Shultz, former CIA and FBI Director William Webster, the former Chairman of the Joint Chiefs of Staff, the former Chief of Staff of the Army, three Nobel laureates, and other senior experts of a similar stature.

The Task Force met with local emergency responders across the country, worked closely with emergency responder professional associations, and partnered on spending-related issues with two of the national leading budgetary analysis organizations, the Center for Strategic and Budgetary Assessment and the Concord Coalition. Based on these extensive contacts and the totality of our investigation, we came to one very simple conclusion: almost two years after 9/11, America is not sufficiently prepared for another terrorist attack.

This is not to say that we are not better prepared to address some aspects of the terrorist threat or that the government has done nothing since 9/11. In our report entitled *Emergency Responders: Drastically Underfunded, Dangerously Unprepared* which we released on June 30, the Task Force credited the Bush administration, Congress, governors, and mayors with taking important steps since the September 11 attacks to respond to the risk of catastrophic terrorism. It is to say, however, that we are not as prepared as we must be given the magnitude of the threat we face and the tremendous repercussions of another attack. As Senator Rudman has said, the question is not if the next attack will take place, but rather when it will take place.

Somewhere in the world, perhaps even here in America, terrorists are now likely planning attacks on the United States. At the same time, America's diplomats, military officers, intelligence agents, policemen, firefighters, and others are working frantically to prevent and prepare for such an attack. These two groups of people are in a race with each other that our side cannot afford to lose.

An effective homeland security strategy must therefore play both offense and defense. We must attack terrorists wherever they are, cut off their financing, and destroy their networks. We must also address global causes of instability that provide fertile soil for the recruitment of terrorists. At home, we must protect our critical infrastructure, keep our airways, ports, and highways safe, and make sure that our local policemen, firefighters, health workers and others have the equipment and the training they need to prevent and respond to terrorist attacks. Although there are many aspects of homeland security that need to be reviewed, our examination focused on the preparedness of emergency responders. What we found shocked us.

We found that on average, fire departments across the country have only enough radios to equip half the firefighters on a shift, and breathing apparatuses for only one third. We found that a mere ten percent of fire departments in the United States have the personnel and equipment to respond to a building collapse. We found that police departments in cities across the country do not have the protective gear to safely secure a site following an attack with weapons of mass destruction. We found that public health labs in most states still lack basic equipment and expertise to adequately respond to a chemical or biological attack, and that 75 percent of state laboratories report being overwhelmed by too many testing requests. In



sum, we found that emergency responders across the country don't have the equipment and the training they need to respond safely and effectively to a terrorist attack.

In order to quantify this preparedness gap, we worked with each emergency responder community—fire, police, emergency medical, public health, emergency management, and others—and asked them to determine and cost out the minimum essential capabilities they required to be prepared for a terrorist attack. We were very clear that we were not asking for a wish list, and we carefully reviewed the data we collected from these sources. We were extremely conservative in our estimates.

The high funding estimate provided to us by the fire community, for example, was roughly \$85 billion over five years. The number that we ended up using for our calculation, however, was \$37 billion. The high estimate for establishing interoperable communications was \$18 billion over five years, but we used the much lower number of \$6.8 billion based on the more economical funding model of the Capital Wireless Integration Network project in the greater DC area. Most significantly, because police organizations were unable to provide us with any reliable estimates of their need, we decided not to include a police figure rather than include a number we would not be able to support. Finally, we assumed that every dollar allocated for emergency responders would be used to address terrorism preparedness needs, not for more generic purposes.

Based on our calculations, we found that America will fall roughly \$98.4 billion short of meeting critical emergency responder needs over the next five years if current federal, state, and local funding levels are maintained. According to our estimates, combined federal, state, and local expenditures would need to be as much as tripled over the next five years to address this unmet need. As you know, states across the country are in their worst financial situation in decades, and there are many who argue that terrorism is a national security threat which, according to the constitution, is primarily a responsibility of the federal government. Covering the \$98.4 billion funding shortfall using federal funds alone, therefore, would require a five-fold increase from the current level of \$5.4 billion per year to an annual federal expenditure of \$25.1 billion.

Among other things, these additional funds are badly needed to enhance federal and local urban search and rescue capabilities; to foster interoperable communications systems for emergency responders across the country; to enhance public health preparedness by strengthening laboratories and disease tracking capabilities, and training public health professionals for biological, chemical, and radiological events; to provide basic protective gear and WMD remediation equipment to firefighters; to support an extensive series of national exercises that would allow responders to improve on response techniques; to enhance emergency agricultural and veterinary capabilities for response to a potential national food supply attack; and to help develop surge capacity in the nation's hospitals to help them better prepare for a WMD attack.

While these critical needs must be addressed immediately, our Task Force is the first to admit that our figures for meeting them are preliminary and that the United States must develop a more sophisticated requirements-generation process. Unless we both get the necessary resources to America's front-line emergency responders and create a policy framework for spending these funds most efficiently, the American taxpayer will not receive the best return on our investments in homeland security and, more importantly, we will not be as safe as we must become. If we allocate the funds without getting the policy issues right, or if we get the policy issues right without allocating the funds, we will not be prepared. America must do both.

The centerpiece of this policy framework must be national preparedness standards. America needs national standards that define what emergency preparedness means. Every city of a given size should have a minimum set of capabilities—they should be able to respond to a biological event of a certain size, decontaminate a certain number of people, etc. But because America has not defined what preparedness is, we have no way of knowing systematically how prepared we are or what we need to do to get from where we are now to where we need to be. Standards should not become the basis for federal micromanaging of state and local governments, but they must establish minimum essential capabilities that every jurisdiction of a certain size should either have or have access to. Within these parameters, state and local governments should be allowed flexibility for determining priorities and allocating resources so long as national standards are met over a fixed period of time.

National standards can then provide the basis for a requirements process similar to that employed by the United States military. Threats must be identified, capabilities for addressing threats determined, and requirements generated for establishing or otherwise gaining access to necessary capabilities. Effective coordination and

planning between and among all levels of government and emergency responders on the ground must then transform new capabilities into a national preparedness system.

A second element in getting the policy framework right is fixing the system for allocating scarce emergency responder funds. It makes no sense to distribute funds based primarily on a divide the spoils formula. As Secretary Ridge and others have correctly asserted, we need to think less about politics and more about our vulnerabilities and the hierarchy of threats facing us when making decisions about distributing funds. This must be the case on both the federal and on the state level. Otherwise, our funds will be diluted to the point of being wasted. America must smartly allocate our limited resources to address our greatest vulnerabilities.

In addition, the erratic nature of federal funding has created perverse incentives for short-term thinking among cities and states, and this process must be fixed. State and local governments can't make long-term decisions to address their needs without confidence that increased federal funding will be sustained. Multi-year funding is extremely difficult in our political system, even for military appropriations, but we must work to create confidence among states and localities that funding levels will be maintained over time in order to establish proper incentives for systematic, long-term planning.

You are the experts on the issue of Congressional oversight, and I am therefore hesitant to make recommendations regarding how Congress might be organized. Nevertheless, the Task Force found that an estimated 88 committees and subcommittees of the House and Senate have a hand in the unwieldy homeland security authorization and appropriations process. For this reason, the Task Force has recommended that the authorization and appropriations processes must be focused and streamlined both to ensure necessary oversight and to better guarantee that funds will be appropriated and distributed with necessary speed. The Task Force believes that Congress should have a lead committee, or an effective joint committee, to shape overall policy in order to prevent the fragmentation of oversight and the distortion of appropriations. As I'm sure you know, the Task Force has recommended that the House of Representatives transform this committee into a standing committee and give it a formal, leading role in the authorization of all emergency responder expenditures.

Finally, the federal and state grants systems are duplicative and unnecessarily complicated and serve to slow the funding process for no real benefit. The current inflexible structure of homeland security funding, along with shifting federal requirements and increased amounts of paperwork, place unnecessary burdens on state and local governments. For example, some states have been required to submit as many as five homeland security plans in order to qualify for federal assistance. While a balance should be maintained between the need for the rapid allocation of emergency preparedness funds and the maintenance of appropriate oversight to ensure that such funds are well spent, the present danger is too great to allow for business as usual. As part of an overall response to this larger structural problem, we believe that Congress should require DHS to work with other federal agencies to streamline homeland security grant programs in a way that reduces unnecessary duplication and establishes coordinated "one-stop shopping" for state and local authorities seeking grant funds.

America's local emergency responders will always be the first to confront a terrorist incident and will play the central role in managing its immediate consequences. Their efforts in the first minutes and hours following an attack will be critical to saving lives, reestablishing order, and preventing mass panic. America would not think of sending our military to fight a war overseas without proper equipment and training. It is therefore unconscionable that we are not providing those same necessities to the local emergency responders who are also on the front lines of the war on terror.

One of the many things we learned from the 9/11 attacks is that our local emergency responders will rush to the scene of a terrorist incident, even if they do not have everything they will need once they get there. In New York, this led to inexcusable deaths. The United States has both a responsibility and a critical need to provide our emergency responders with the equipment, training, and other necessary resources to do their jobs safely and effectively. Otherwise, we will all be in unnecessary danger. America must do better.

Thank you very much. I look forward to answering any questions you may have.

Chairman COX. Thank you. Mr. Chief Jaramillo.

**STATEMENT OF MR. GEORGE JARAMILLO, ASSISTANT SHERIFF, ORANGE COUNTY, CALIFORNIA SHERIFF'S DEPARTMENT**

Mr. JARAMILLO. Thank you, Mr. Chairman. On behalf of Sheriff Mike Carona and the men and women of the Orange County Sheriff's Department, as well as the people from your district, we appreciate the opportunity to be heard on this.

We have submitted, as you know, a more extensive written testimony, but I want to give you a brief overview of a few things that are paramountly important within that testimony.

Orange County is the second-most populous county in California. It has got 3 million residents, and 38 million yearly visitors. If it were a stand-alone economy, it would be the 31st largest economy in the world.

Unfortunately, it is a major target, also. It has Disneyland, John Wayne Airport, Anaheim Stadium and San Onofre nuclear generating station. We've got a great partnership with Los Angeles County.

We work very well with Sheriff Lee Baca and the men and women of his department. In fact, California's divided into mutual aid response regions.

Orange County and LA County combine to form Region 1, which is the largest response region in America. Region 1 has 122 cities, exceeds 50,000 emergency responders, and has a 13 million resident population.

These two counties alone represent 40 percent of California's first responders, and 36 percent of California's total population. Together, both counties have, with multidisciplines in mind, (law, fire and health,) jointly participated in several full-scale training scenarios and tabletop exercises, as well as developed compatible plans for regional emergency response.

This training establishes relationships, tests equipment, communications and command and control capabilities. Beyond this, we have established our terrorism early warning groups.

Both in L.A. and Orange County, these countywide multidisciplinary units established before 9/11 bring together law enforcement, fire, health, special districts, public utilities and private sector businesses to share and disseminate information and intelligence.

We coordinate daily with Los Angeles and other counties. These TEWGs, as we call them, monitor trends and potentials to prevent and mitigate any potential terrorist threat to Orange and L.A. counties, all of Region 1.

The TEWG manage a list of sites critical to the county's infrastructure, and maintains response plans based on the threat assessment and current trends.

Additionally, private sector terrorism response groups, and Region 1 homeland security advisory councils, bring together business and industry leaders from Orange and L.A. counties on a regular basis, to advise both sheriffs, to network and, most importantly, to identify what resources they could share if something happens and the government isn't there to provide.

That is the good news. Here is what is needed. First, we need to get dollars from the federal government, we need to get them

fast. As an example, Orange County has been supposedly awarded nearly \$12 million in grant funding. To date, we have seen about \$875,000 of those dollars.

Second, our war on terror is labor intensive. We have to understand that.

It requires additional personnel. Grant monies should be more flexible and reflect our needs and provide us the ability to pay for those all-too important personnel costs associated with our terrorism early warning groups and our joint terrorism task force.

In fact, as we assign personnel to take care of homeland security issues, we have to backfill personnel in our original missions. This creates the cost of taking care of the homeland security problem, as well as the additional, generally time-and-a-half, costs of taking care of our original police mission.

Number three, grant funds should be focused on the local agency, whichever that is, whether it is state, county, or more local, city, on the local agency primarily charged with the responsibility for fighting terrorism.

This entity, not necessarily state, not necessarily county, perhaps even at a city level, should be primarily responsible for a cohesive plan, producing a cohesive plan, that will work in that region or that area.

It makes sense then that it is within this entity that the funds should be trickled down.

Last, there must be more work done to ensure interagency intelligence sharing.

While establishing a joint task force staffed with federal and local law enforcement officers is a great concept, information sharing only works if the local officers are given access to information which they can bring back to the agencies they represent.

Mr. Chairman, we stand committed, as you in Congress do, to fight terrorism.

We now must ensure that all our people stand ready to do so.

Thank you.

[The statement of Mr. Jaramillo follows:]

#### PREPARED STATEMENT OF MR. GEORGE JARAMILLO

Chairman Cox, members of the committee, thank you for the opportunity to testify before you today on behalf of the Orange County Sheriff's Department, and our Sheriff, Mike Carona. This is the second opportunity within a short timeframe that our agency has been invited to testify before the Select Committee, and I would like to acknowledge extra gratitude for the hard work and due diligence of Chairman Cox and all of the Committee members.

It was the request of Chairman Cox that my remarks today focus on the inter-jurisdictional intelligence sharing efforts and working relationship that has been put in place between Orange County and our neighbors to the north, Los Angeles County.

First, I would like to provide you with some background on Orange County, which is the second most populous county in California with 3 million residents and over 38 million visitors annually. Orange County is the 31st largest economy in the world. The County includes 34 incorporated cities, 42 miles of coastline, 3 harbors, numerous internationally known tourist attractions, technical/manufacturing locations, shopping malls including the third largest shopping mall in the nation, John Wayne Airport, various venues hosting national and international entertainment and sporting events, and large convention centers. Over 16,500 private and commercial yachts valued over \$2 billion are moored within the three harbors of Orange County.

The Orange County Sheriff's Department has taken a primary role in preparedness for acts of terrorism within our communities. With over 9,000 emergency responders in Orange County from law, fire, and health disciplines, the response capabilities of these dedicated men and women are, in my opinion, unsurpassed. Over 160 participants from local agencies respond to the County Emergency Operations Center when activated for the San Onofre Nuclear Generating Station annual graded exercise. Several tabletop and full-scale exercises are conducted each year to prepare our emergency responders for natural disasters and acts of terrorism. Utilizing Unified Command and Standardized Emergency Management principals, the County of Orange is on the leading edge in disaster preparedness and mitigation. This concept is also used in the fight against terrorism. Several terrorism specific exercises have been conducted and more are planned, to combat terrorism and its threat.

Prior to September 11, 2001 the Orange County Sheriff's Department saw the need to establish a county wide multidisciplinary unit to enhance communication and interoperability efforts within the 114 local government entities of Orange County. The Terrorism Early Warning Group (TEWG) was formed to bring law enforcement, fire, health, special districts, public utilities, and private sector businesses together to share and disseminate information and intelligence. This TEWG monitors trends and potentials to prevent and mitigate any possible terrorist threat to the Orange County Operational Area. Open source data and information received by Terrorism Liaison Officers from local agencies is collected, verified, and disseminated to local, State, and Federal agencies. The TEWG interlinks with their TEWG counterparts in Los Angeles County and other adjacent counties to provide a synthetic analysis of local intelligence in the quest to deter terrorists. The TEWG has developed relationships with literally hundreds of these agencies including private businesses throughout the nation. This communication link is vital during crisis management of an actual event and during ongoing public awareness and prevention efforts. TEWG maintains liaison officers within the FBI through our Joint Terrorism Task Force and the State through the California Anti Terrorism Information Center where all information is shared.

The TEWG manages a list of sites critical to the county infrastructure and maintains response plans based on the threat assessment and current terrorist trends. With over 85 percent of Orange County's infrastructure owned by private business, the Private Sector Terrorism Response Group plays an essential role in the fight against terrorism. Business leaders and security personnel meet on a bimonthly basis to discuss current trends and potentials. These companies, many in the Fortune 500, are potential targets or have assets available during consequence management in a terrorist attack.

This year the TEWG received 77 terrorism related incidents in Orange County. Of these, 50 advisories have been disseminated to agencies both inside and outside of Orange County. The TEWG has provided presentations to hotel and hospital security directors, created dispatch advisory cards, and liaisons with the Homeland Security Advisory Council.

The Orange County Operational Area is utilizing standardized 800 mhzradio communication equipment for interoperability between agencies. Every agency in the Operational Area has access to this system. Additionally, the Orange County Sheriff's Department and Los Angeles County Sheriff's Office are working to provide interoperability in communications for deputies working in bordering cities with these two counties.

The Orange County Operational Area has established training and equipment committees to research and recommend standardized Personal Protective Equipment for emergency responders. These items were also compared with Los Angeles County Sheriff's Office for compatibility as these two counties are in the same Mutual Aid response region.

An Emergency Responder Preparations Plan was developed by emergency responders from all public safety agencies to address equipment, training, planning, and exercise needs for the Operational Area. We have been able to utilize funds received through both fiscal year 2002 Office for Domestic Preparedness Grants and fiscal year 2003 Homeland Security Grants to assist us in meeting the goals set out in this plan.

California is divided into Mutual Aid Response Regions. Region One includes Orange and Los Angeles County. Our two counties, particularly law, fire, and health agencies, have participated in several full scale training scenarios and tabletop exercises to establish a rapport and test equipment, training and communication compatibility. The Sheriff's agencies share a particular bond with Emergency Management. The Mutual Aid Response Plans and methods of operation are similar where

deputies responding across county lines are familiar with general training and tactics.

The Terrorism Early Warning Groups in Orange and Los Angeles Counties are nearly identical in concept and design. These units converse on a daily basis sharing information and intelligence. Members of these teams regularly attend training seminars, exercises, and conventions together. As a result of the efforts of the effectiveness of the Terrorism Early Warning Group, agencies from California, Washington, Nevada, New York, Oklahoma, and Nebraska have formed TEWG's. The information sharing and dissemination at a local level continues to grow. Monthly conference calls have been established with several southland agencies where information is shared regarding terrorism issues.

Orange and Los Angeles County's have developed a Homeland Security Advisory Council. These key leaders within the business community from Orange and Los Angeles County meet on a bimonthly basis. The goal is to provide direct interaction among senior executives from industry and the community with law enforcement and public safety services in support of Homeland Security, civil protection, and critical infrastructure protection. This creates a bridge for the business community to have a direct contact with subject matter experts for counsel and advice in support of planning, training, and activation.

The Orange County Sheriff's Department is the local agency charged with the protection of our county's harbors and interacts diligently with local lifeguards, State Fish and Game, United States Coast Guard, and Seal Beach Naval Weapons Station staff towards this goal. The high visibility approach by the Harbor Patrol has hardened the protection against acts of terrorism within our harbors and along the coastline of Orange County.

With the close proximity to the Long Beach and Los Angeles Harbors, the Orange County Sheriff's Harbor Patrol trains closely with and works alongside Los Angeles County, State and Federal agencies assigned to protect their ports.

The challenge before all of us in local law enforcement is a daunting one. The heightened level of vigilance and preparedness has created a need to prioritize and reorganize, and to focus and redeploy tremendous amount of personnel and resources towards the important task of Homeland Security.

I can tell you that we have been, and continue to do everything within our means to make Orange County as safe as possible from the threat of terrorism. Additionally, we are doing everything in our power to ensure that should something occur with our county, we are prepared to quickly respond and deal with that crisis. We stand ready to assist our neighboring jurisdictions, including Los Angeles County, should the need arise.

Orange County has been awarded nearly \$12 million in grant funding, although as of today we have only received \$875,000 of these funds. This grant funding has been for equipment, planning, training and exercises for the 9,000 first responders, 35 law, fire and health agencies representing this large county. Los Angeles County has been awarded over \$35 million with an additional \$45 million to the City of Los Angeles. Taken together, both counties comprise over 40 percent of California's emergency responders, and over 36 percent of California's population.

Some recommendations that I would make to the Select Committee, relative to grant funding, are as follows. First, I would re-examine the process that is being used to fund these grants, and move federal dollars out to the states, and to the local government level charged with combating terrorism. I cannot emphasize enough how the lengthy process is creating difficulties for those of us who are First Responders to purchase equipment, and to give optimal training and exercises to our personnel.

Equally as important, the grant process should be altered to factor in threat assessment, and should be based more on local needs. There should also be more flexibility on how local agencies spend grant dollars. Each jurisdiction is unique, and the grant process should recognize that fact.

Another suggestion that I would make, relative to grant funding, is to allow for some grant monies to be used towards personnel costs. In order to plan and provide training and conduct exercises, and to conduct local intelligence gathering and work with federal agencies on an operational basis, it requires additional personnel. Currently, grant funding may not be used to fund additional personnel—and I believe that decision should be re-evaluated.

Grant funds should also be focused on the local jurisdiction that is charged with the primary responsibility for fighting terrorism. For example, if a county, under grant-distribution guidelines, is required to disburse funds to dozens of smaller cities, it becomes a significant challenge for the county to retain enough funds for major expenditures that benefit the entire Operational Area.

Finally, I would like to suggest that while we have come a long way, more work must be done to ensure the sharing of intelligence data between federal and local agencies. While establishing joint task forces is a great concept, information sharing only works if those representing local agencies are given access to information, which they can bring back to their agencies.

In closing, I would like to once again take a moment to thank the Congress, and specifically the members of the Homeland Security Committee for their diligent and tireless work as we all do everything in our power to ensure that the United States is as safe as possible from all enemies, foreign and domestic.

Chairman COX. Thank you very much.

Chief Grossman?

Mr. GROSSMAN. Thank you, sir.

**STATEMENT OF MR. MICHAEL GROSSMAN, CAPTAIN, LOS ANGELES COUNTY SHERIFF'S DEPARTMENT**

Mr. Chairman and members of the committee, I am here representing Sheriff Lee Baca from Los Angeles County Sheriff's Department, and I will try not to reiterate some of the positive things that are being done between the two counties.

But I will elaborate on some of the things that we are doing, and then talk about some of the things where we need some assistance.

The terrorism early warning group that was mentioned was developed back in 1996. It is a multiagency, multidisciplinary organization made up of fire, law and health, all first responders of local, state and federal agencies all working together to share information and cooperate with one another in making sure that we are prepared to respond to and prepare for potential terrorist attacks.

The terrorism early warning group has been recognized as a model for the nation, and through the Memorial Institute for the Prevention of Terrorism in Oklahoma City, we are on an expansion project to expand that to six other cities.

And now with the Office of Domestic Preparedness in DHS, there are 24 additional cities that we will be expanding that too.

Now, the terrorism early warning group can be designed to fit any local needs, whether it is a large area or small area, but the major point is that it is all first responders working together, as well as all jurisdictions, from local, state and federal, truly working together.

We have members from our own organizations on the joint terrorism task force, and we can exchange information back and forth. The clearances that a lot of areas are trying to get, we have several individuals in our units with clearances, and that part is working.

We do need to improve it, but we are on our way to do that.

Another thing we established based on a very successful program in the South Bay region of Los Angeles County is a terrorism liaison officer program. And that is created to establish a point of contact for each law enforcement agency in the county. It was done within that regional area of Los Angeles County.

We have expanded that to every law enforcement agency in the county. That includes railroad police, specialty police, the Los Angeles Port Police, and the airport police, as well as all the universities.

So all law enforcement agencies in Los Angeles County have a terrorism liaison officer, as do, we have expanded it to include fire

departments and health agencies. And the same concept is going to be replicated in Orange County, with whom we work every day.

My counterpart, Captain Catherine Zurn, at their emergency operations unit, we collaborate on these issues frequently.

The next thing that we have done is Sheriff Carona and Sheriff Baca have created the Homeland Security Advisory Council, made up of CEOs of major corporations and infrastructure in both counties, to connect the private sector to what we do, so that we can share information and share resources between industry and first responders, in order to prepare for the hardening of targets by completing assessments of locations and different types of facilities.

To this end, we recently held a subcommittee meeting with the Entertainment Subcommittee. The Entertainment industry is one of the targets that has been mentioned in the past. We had heads of security for all the different entertainment industry locations. And we also had the TLOs from fire and law at this meeting so that the local jurisdictions could meet each other. When a studio calls for help, these are the guys that are going to come help them, so they can meet them and do some planning and meet the people ahead of time, as opposed to waiting until they have to dial 911.

We are in the process of setting up a terrorist threat assessment center with the Los Angeles Police Department primarily, and we will also bring in other agencies in the county, a representative from each of the mutual aid areas in the county.

And this will be an intake center and an analysis center for all information and all threats. This will bring in the public number, the 877 number currently published in Los Angeles, will come into this center as well, information from the terrorism liaison officers from fire, law and health.

Fire department goes out on a scene. They will see different things than law enforcement sees, and there may be vital information that gives us leads and pieces of a bigger puzzle to solve, that may indicate, give indications, warnings or trends for a type of terrorist threat.

So we have, basically, all information coming into this center and analyzed by analysts from the sheriff's department, the FBI, the California Anti-Terrorism Information Center, which is the state level, and Los Angeles Police Department. And we will be training analysts from the other agencies as well.

One of the things we need assistance with here is some financial, but mostly political, support to build a SCIF, a secure compartmentalized information facility, so we can receive and store classified information at the local level.

None exists at a local level at this time. We need to have that, so that we don't have to either drive across Los Angeles, and if you have been there, you know that is a challenge in itself, or fly in a helicopter over to Westwood to meet the FBI to read the classified documents. We need to be able to receive those in our own locations in a secure manner, and share that with all of our entities within our county, as well as Orange County, and the neighboring counties if a threat is indicated for their counties.

Although we have not yet received a great deal of federal resources, we have applied for and expect to get a great deal of equipment and training for new equipment to prepare for response



to terrorism. There are a couple things that we would recommend here regarding the issue that the current urban security initiatives brings money directly to specific cities.

In Los Angeles County, we have an organization based on the region. And we need to enhance the regional capability, as opposed to any individual city. We have a group where we have all met from all the entities in the county to divide up the money with pretty much the goal of everyone leaves the room equally unhappy, because there is never enough money to get all the things that you need. We far exceeded our goals in that area, but we continue to look for more resources.

We recommend that future funding be appropriated consistent with existing regional procedures, which ensure area-wide readiness, as opposed to specific cities that are within the region. We would recommend the formation of a task force comprised of first responders and emergency managers from regions large and small acting as an advisory group to the federal government for effective distribution of funds to local areas.

Future grant guidelines should also include provisions for additional personnel where costs cannot be borne by local governments from existing budgets. We are creating new positions, things that local law enforcement and fire agencies have not done in the past: things like strategic analysis, as opposed to case analysis for crimes, intelligence analysis, and that is a whole new field. And so we have to create new positions. We have to fund those positions. If we take from other areas in the department and try to move people in, we don't meet our goals in those areas.

Chairman COX. Captain Grossman, I do need to ask you to summarize.

Mr. GROSSMAN. I am done, sir.

Chairman COX. That was the shortest summary ever.

Mr. GROSSMAN. On behalf of Sheriff Baca, I would like to thank the committee for this opportunity to represent our region in discussing our status and concerns with respect to the homeland security issues. Thank you, sir.

[The statement of Mr. Grossman follows:]

#### PREPARED STATEMENT OF MR. MICHAEL GROSSMAN

My testimony today will address the structure established to facilitate inter-jurisdictional coordination and intelligence sharing between Los Angeles and Orange Counties, relative to the prevention of, and response to terrorism. I will also discuss some recommendations for improving the current Federal Homeland Security Grant process to better benefit our regional security effort.

The issue of inter-jurisdictional intelligence sharing between Los Angeles and Orange Counties is addressed in several ways. Steps to craft a solution for combating terrorism in Los Angeles County were initiated in 1996 with the formation of the the Terrorism Early Warning (TEW) Group. This is an entity which provides the framework for coordination of effort between agencies that heretofore were often competitors for scarce resources rather than collaborators. The TEW applies a networked approach, integrating law enforcement, fire, health, and emergency management agencies to address the intelligence needs for terrorism and critical infrastructure protection.

The TEW integrates a multi-agency (local, state and federal) and multi-disciplinary (fire, law and health) network within L.A. County to gather, analyze, and share information related to terrorist threats. It relies primarily upon open source intelligence (OSINT) for monitoring trends and potentials that influence training and doctrinal needs. During an actual threat period or attack, the TEW provides consequence projection (forecasting) to identify potential courses of action to a Uni-

fied Command Structure. The TEW maintains daily contact with the FBI's Joint Terrorism Task Force (JTTF), the California Anti-Terrorism Information Center (CATIC), and other local, state and federal agencies dealing with terrorism issues. The TEW has been replicated in Orange County with whom we maintain continuous contact on issues of emerging threats and related cases. TEWs have also been established in adjacent counties and are developing in many cities across the nation as a part of the TEW expansion project, supported by the Memorial Institute for the Prevention of Terrorism (MIPT) in Oklahoma City.

In order to directly involve the private sector in this effort, Orange County Sheriff Mike Carona and Los Angeles County Sheriff Leroy Baca have created the Region I Homeland Security Advisory Council (HSAC) to provide direct interaction among senior executives from industry and the community with the law enforcement and public safety services in support of homeland security, civil protection, and critical infrastructure protection. This effort enhances the effectiveness of the Los Angeles and Orange County Terrorism Early Warning (TEW) Groups by providing a capacity for direct contact with subject matter experts for counsel and advice in support of planning, training and activation.

A successful adjunct to the TEW is the Terrorism Liaison Officer (TLO) Program. The TLO program is based on a successful model implemented in the South Bay area of Los Angeles County, which has been expanded to the entire Operational Area (County). Every Sheriff's station, law enforcement, fire, and health agency in the County has a liaison officer assigned to facilitate networking and information sharing within mutual aid areas in the county, and with the TEW. The Terrorism Liaison Officer program is also linked with the private sector through the Region I Homeland Security Advisory Council. The TLO concept is being replicated within Orange County and will further enhance the flow of information between the field to the TEWs.

One proposal I wish to bring to your attention concerns the timely sharing of pertinent classified information and the associated coordination required between local and federal entities. It is our hope to build a Secure Compartmentalized Information Facility (SCIF) within the Los Angeles County Emergency Operations Center (CEOC). This building currently serves as the hub for emergency operations within the Los Angeles Operational Area and as the home site of the Los Angeles TEW. An on-site SCIF would greatly enhance our information sharing capabilities, therefore we are seeking political and financial assistance for this proposal.

Although we have yet to directly benefit from federal resources, we have applied for and are awaiting the receipt of federal funds from the Homeland Security Grant Programs. These funds will significantly enhance our ability to acquire the necessary resources and equipment needed to protect our personnel in the event of a terrorist attack. We have successfully worked with all of the first-responder agencies in our County to ensure that these funds have been equitably distributed to best prepare one of the most target rich and complex regions in the Nation.

There are, however, two specific areas that need revision for these funds to be utilized effectively. The first area of concern is the current funding stream and the second is the need to fund personnel as opposed to simply funding equipment.

The most recent grants, known as the Urban Area Security Initiatives, do not sufficiently benefit the California Counties of Los Angeles and Orange ? a region which is home to nearly 13 million citizens. The funds from these grants have been allocated directly to designated cities, to be expended in cooperation with the contiguous counties. While the cities of Los Angeles and Long Beach have special needs, there remain 86 additional cities and many square miles of unincorporated county area, all with contiguous borders, that make up the Los Angeles ?Operational Area.? This dispersal method is counter to the process that has been followed in all previous Homeland Security Grant Programs, and does not address the overall regional readiness and needs requirements. Any attack in the Los Angeles/Orange County area would unquestionably require a regional response.

The second issue is the need for additional personnel dedicated to anti and counter-terrorism. When equipment provided in the grants arrives at the local level, a critical void still exists for adequate personnel to accomplish the many related tasks to combat terrorism at a level never before required of local law enforcement. Therefore, I recommend the following:

- Future funding be appropriated consistent with the existing regional procedures which ensure area-wide readiness
- Formation of a task force, comprised of first-responders and emergency managers from various regions across the country, who would act as an advisory group to the Federal Government for the effective distribution of funds to local areas.

— Future grant guidelines include provisions for additional personnel where the cost can not be borne by local government's existing budgets.

On behalf of Los Angeles County Sheriff Leroy D. Baca, I wish to thank the Committee for this opportunity to represent our region in discussing our status and concerns with respect to Homeland Security issues.

Chairman COX. Thank you very much.  
Chief and Commissioner Kiernan?

**MR. RAY KIERNAN, FIRE COMMISSIONER AND CHIEF OF NEW ROCHELLE FIRE DEPARTMENT AND MEMBER OF WESTCHESTER CAREER FIRE CHIEFS AND NORTHEAST FIRE CONSORTIUM, NEW ROCHELLE FIRE DEPARTMENT, NEW ROCHELLE, NEW YORK.**

Mr. KIERNAN. I want to thank the chairman and Nita Lowey, my congresswoman. And I would like to say hello to Bill Pascrell from New Jersey—very helpful on a lot of the things we have done in the fire service. And to Chief Weldon, my fellow chief in Waukesha, Pennsylvania. Always good to see him.

But anyway, I plan to submit a formal testimony for the record. But under time constraints, I was unable to prepare one in advance. I was called last night finally to come to the hearings today. And as you know, when people call the fire department, we come right away.

What I would like to do is take you back to—everybody always takes the, you know, it is 20 months since the last World Trade Center attack and all this. We go back, we say, no, it is 10 years; that was the first World Trade Center attack, and that is when we should have really woke up.

We are the guys when all the plans of the sheriffs and all the plans of the governors don't work, we are the guys that inherit the rest. And I have been the commissioner and the chief of department of my department for many years. And it is the seventh largest city in New York state, and it borders New York City on the north. We were one of the first departments into New York City when the Twin Towers were hit. And we, you know, did the best job we could and helped out any way we could.

It is very difficult to this day to realize, after seeing that horrific site and seeing things that you still couldn't believe you saw, that not one dime has reached us. Not a single penny has reached us to help our plight at all.

I am not sure how the money goes out. You know, we always say when we hear about the billions in Washington, we say it is like the weatherman: There are billions up there, but none of it is raining, and it is not reaching the ground. We down in the trenches have not seen any money.

After months of receiving no guidance, no standards, no communications from the state or federal authorities, firefighters from New Rochelle, Yonkers, Mount Vernon, Scarsdale, Eastchester, Fairview, Greenville, Hartsville, White Plains and other places came together and created the Westchester Career Fire Chiefs Task Force.

We thought and listened to everything Secretary Ridge said what he expected; what he thought a good plan would be: regionalization, standardization, communications, compatibility. We did all of this because we knew from experience when you don't have hose

threads, for example, that match your neighbors, you can't really function well with him.

So we approached Congresswoman Lowey and asked her could she help us out. Well, she found some money someplace and got money to our team. And we were able to train 600 firefighters in weapons of mass destruction training: six hundred men with not an awful lot of money.

But the sad thing is once they received the training, they went back to their fire departments and had no equipment—no equipment. As difficult as it is to believe, after seeing the effects of the attacks, we would go back and know what we were supposed to have and would end up having a situation where we know the guys would respond and go into situations that would be virtually suicidal.

What we proposed was to have—we think the firefighter is the answer to the whole situation, post-incident situation.

Your neighborhood fire houses exist already, your fire departments exist already, you are here to talk about setting up teams. We know the response time of state and federal teams, of 24, 48 hours to be operational. Here the guys down the street will be there in four minutes.

We talk about equipment them so that they could at least remove people from harm's way, suits on trucks, training, that if there were a sarin gas thing, if there was some sort of a biological attack that you knew about, that they could remove people from harm's way, and probably mitigate a lot of the situations and reduce casualties dramatically.

If we had to wait for federal teams to arrive, then state teams to arrive, it would be forever. And it would be very, very probably an unnecessary loss of life.

So what we are saying here is for some reason the money hasn't reached us, for some reason we fell we are the answer post-incident. These guys have done a hell of a job preventing things from happening. But post-incident, we are the guys.

We need to be trained in building collapse. All of these incidents involved tremendous fires after they occurred. And now the next threat, of course, is some sort of a biological or chemical or some type of an attack of that nature. And your area firefighters have to be equipped to respond into it.

And what we need is guidance, we need, certainly, money. New York State, we have met with—the chiefs of New York State have met with those giving out the money, and we just told them, We think your plan is nuts. It is just not getting to us. I have no idea what we have to do or what to get money, but it is not reaching us.

So any help you can give us in that way, we would be more than happy to listen.

Chairman COX. Thank you very much, Chief.

Mr. KIERNAN. Thank you.

Chairman COX. I want to thank all of our panel. You have been exceptionally helpful to us.

I am going to yield my time to the members because we are looking forward to our joint session in just a few minutes with Prime Minister Blair.

Who seeks recognition on our side?

Mr. Weldon.

Mr. WELDON. Mr. Chairman, thank you.

And I thank all of you for coming.

And I hate to sound cynical at this hearing of an issue that has been a passion of mine for my lifetime. But I have to be a little cynical.

First of all, I want to congratulate the California folks, because I think they wrote the book on emergency response and the way you can integrate agencies.

I was at Loma Prieta, Northridge, I saw the way you moved equipment in. I was at the wild lands fires in the south, the way you prepositioned equipment where the state pays for it and bring it when it is needed. And you have done an outstanding job; you really have kind of wrote the book on how to integrate the entire statewide network.

And Chief, up in New York you have done a great job. You convinced your legislature to create the LOWSAT program, which helps encourage people to volunteer.

And you know what frustrates me, Mr. Chairman? We get more studies. Now we got Nobel laureates. Nobel laureates are going to tell the fire chief how to better protect his town that he has been defending and protecting for 200 years. The fire service is older than America. But it takes a Nobel laureate to come in and tell us what we need.

Excuse my cynicism.

But I mean there is nothing new here. I mean, Governor Gilmore showed three Gilmore Commission reports before 9/11. If you took the time to read the Gilmore Commission reports, as I know my good friend Mr. Pascrell did, all the recommendations were there. There is nothing new. You get money for the D.C. Fire Department, and they can't buy the boots to put on the firefighters, because they used the money for some other purpose.

The same thing was true down in Fort Worth, Texas.

So Mr. Chairman, I get a little upset that the focus on the headline grabbers, as opposed to the substance of what the 1.2 million men and women in this country need who are out there serving in 32,000 departments, just as Chief Kiernan mentioned here today—Commissioner Kiernan.

You know, Mr. Chairman, it is really simple. These fellows are out there, and these women, doing the job. Eighty-five percent of them are volunteers. Why don't we come up with some recommendations of how we can encourage more volunteers? Maybe a Nobel laureate could address that. Maybe tax policies would give you more incentives to get more people to volunteer, since 85 percent of your members are volunteers. Do you agree, Chief? Wouldn't that be helpful?

Or maybe we could address the issue of why the publicly—see frequency spectrum allocation issue has not been addressed. Maybe because our liberal lawyers don't want to take on the industry leaders in the communications sector, who don't want to give up the frequency spectrum to let our public safety officials have an integrated communication system.

And why don't our Nobel laureates take on the issue of the union versus volunteer? You have it up in New York, Chief, you know what I am talking about. The IAFF has got an item on their agenda that basically tells paid firefighters they can't volunteer when they are off duty. I wonder if that is covered in the Council on Foreign Relations report to our distinguished—and I am not aiming this at the executive director, because it is not his fault.

It is just the frustration I have, Mr. Chairman. I wouldn't be in this job were it not for the fire service. I have been on every disaster we have had in the last 15 years, from Loma Prieta—Northridge, the Murrah Building bombing in Oklahoma City, Hurricane Andrew, Hugo, the floods, all of them. The World Trade Center in 1993, the World Trade Center in 2001.

And what I see coming, keep coming out, are more reports; and the L.A. Times has a big headline: Oh, now all of a sudden we know what the problem is.

The problem is the same as it has been for the last 50 years. We don't listen to the people where the rubber meets the road.

They know what they need. They know what their concerns are. And if we pay attention to them, as opposed to some grandiose scheme of creating some new mechanism where the states are going to tell them how to better do their job, I think we would all be a lot better off.

I wish I would have heard somebody talk about technology transfer.

Mr. Chairman, we had five firefighters die up in Boston because—actually, six—because two firefighters, when their air supply ran out in the building, no one knew where they were. Four other firefighters went in to rescue them. If we would had the same equipment that the taxpayers have paid for for the Army, GPS equipment with sensor technology to tell us the vital signs of the soldiers, those six firefighters might be alive today.

We would have known where they were in the building, and we would have known their vital signs when their air ran out.

Does it take a Nobel laureate to tell us that, Mr. Chairman? And if it doesn't, why isn't that in the report? Because they are the kinds of things that we could and should be doing now.

The first responder community in this country has been slapped around repeatedly by people pretending to have all the answers. And damn it, I want the first responders to be listened to directly, because they know what they need.

The same thing applies to the resources for first responders. I don't know how we arrived at a figure of \$33 billion. It sounds good because I am for supporting this.

But I can tell you this. The first year of the grant program, which that gentleman down there led the effort on, Bill Pascrell, and we worked together, every fire department in America could apply. There are 32,000. We had 20,000 fire departments apply with 30,000 requests. The total amount of the requested money was \$3 billion.

Now where do you get \$33 billion from that, Mr. Chairman I have no idea. But maybe there is some other magical figure that we pulled out of the air to create a headline.

I am saying we need a solution. We don't need more rhetoric. We don't need more pie in the sky bullshit—excuse me. We need solutions to help the first responders.

Chief, you know what I am talking about. It has been the subject of every conference you have been at, every conference I have been at, in every state. It is about time we respond.

Thank you. Be happy to yield, even though I don't have any more time.

Mr. PASCRELL. I think the organization that the gentleman represents, Mr. Metzl, wouldn't you agree that they have a confusion, because they can't distinguish between basic needs, which existed before 9/11, and the needs which exist in terms of terroristic vulnerability?

And if you don't understand the difference between the two, then you make mistakes like this gentleman and the governor. I am sorry he had to leave. I am sorry he had to leave.

But the program he talked about doesn't even go through this team. It goes through the Transportation Security Act. But we can't talk to him. So. He has gone.

Thank you.

Chairman COX. I will—

Mrs. LOWEY. Well, I think my good colleague, Curt Weldon, said it all. And I am not a firefighter. I am just a congresswoman. But I happen to have three children and six grandchildren. And as Commissioner Kiernan knows, I have been meeting with the first responders. I have been meeting with the hospitals. I have been meeting with the police. I have been meeting with superintendent of schools. I have been meeting with parents.

And frankly, when, and I can't remember, when we had a witness here who is head of the office of emergency—about a month ago. And he said, Commissioner Kiernan, that he was going out with an RFP within the year. This is on the interoperability of communication systems. He was first going out with an RFP. And then he was going to let you all know what the results of his success were.

But we figured if you go out with the RFP, by the time a year and a half to two years, God forbid there is another emergency, we will probably be able to let you know the state of the art of the equipment.

Well, I know that through this regional organization you have figured out how to deal with interoperability of communication systems, which is just one of the emergency needs you need.

And I was talking to my colleague Curt Weldon, who was giving us some advice. But you figured it out yourself.

And this is what is so tragic to me, because you exemplify what is happening everywhere. The federal government formed this agency, the Agency of Homeland Security. And they are finding office space. And they are trying to hire people.

Well, it is way past September 11. And you are all having to fend for yourselves, trying to figure out how you are going to get this equipment, because you are not the money. I did find some money to do some of the work. We won't discuss that. We did find some. And some of us are scrounging here and there.

But you and I know that there is so much more that is needed.

So I really want to thank you. You made your position absolutely clear. I am not going to take the time to ask you additional questions. But I am sure that you would welcome some guidance from the federal government, some expertise that must be there some place in the federal government, so that you can move forward with your purchasing equipment. And in fact, I know that you would welcome some additional money. It is moving very, very slowly.

And I want to thank you again for keeping our community safe, for your expertise that you are sharing with the other communities in Westchester.

And I want to thank Mr. Metzl, Mr. Jaramillo, and Mr. Grossman for your testimony.

I would hope that we can just all wake up. As you said, we had a wake-up call 10 years ago. And I haven't seen, frankly, an efficient response to our communities.

And in addition to the fire service, I can remember a police chief from Greenburgh said if, God forbid, anything happened and we have a nuclear plant in our district at Indian Point, he would have to go out with his raincoat to protect the community.

So we have a lot of work to do.

Thank you all for coming here. I do hope through this committee we can move the process to work more efficiently.

Thanks.

Ms. JACKSON LEE. Would the gentlelady yield?

Chairman COX. The gentlelady has a minute remaining.

Mrs. LOWEY. I would be delighted to yield for the minute.

Ms. JACKSON LEE. That light was on green. Had a little bit more time.

Let me thank the gentlelady. And I want to thank the panelists. It looks as if business on the floor is going to cause us to shorten the hearing more than I would like.

I particularly want to send my greetings out to Sheriff Baca, whose wonderful hospitality, the pointed insight when this committee took their tour out to Long Beach, L.A. ports. And I thank you for your special hospitality on that.

But again, waking this committee up.

Let me just say, Mr. Chairman, I thank you for this hearing.

We are talking, gentlemen, not because we are disrespectful of your testimony. But we are talking because many of us have a commitment to homeland security, having organized our own first responder, if you will, anti-terrorist advisory committee.

Then, I would like to leave these two points on the table.

Mr. Chairman, I hope that in the next 24 hours we can reestablish this committee as a fix-it committee, as a problem solver committee, as an implementing committee. Because you have heard from all of us, my dear friend Congressman Weldon?well, we said a lot about our frustration.

And, Mr. Chairman, I would really think it would be important, one, to take up the issue that I have argued for, which is the expediting of funds directly to the first responders, and directly to the local entities, in their hands.

The other thing I want to look at is we think that we have a day of Sundays for you to file applications and to have them reviewed, as if we are trying to build a local park. You are dealing with crisis



issues. And an application process that allows you to fill out some paperwork, even if it is e-mail and even if it is sent by the Internet, I would argue that it is too much of a delay.

And there must be a system to document to document your credibility and to get these funds in your hands.

So Mr. Chairman, what I am arguing for, I have listened to the first responders collectively from all over the country. I respect what they are doing. But I think this committee has got to restructure itself to fix problems.

We have heard over and over again about money going directly to these entities. I think we have got to rewrite the legislation, and do that first of all. The second thing is I think we have got to rechange this application process. My police in Houston right now, with a director of public safety, are still waiting for money.

Why? They are sitting around talking about what plan are we going to have, and what application process are we going to put in place. And then let us get with the local county people and see how they are going to put it in place.

And any moment, even though we are not operating at the highest alert right now, we could be subject to a terrorist attack.

It is imperative that this committee take its rightful place in this House and start designing efforts to direct our dollars and have oversight out where the dangers are, and make sure that we can work toward a secure nation and secure neighborhoods.

I said I was closing, and I am, Mr. Chairman, because you have been very kind. Gentlemen, I hope that you will go back and encourage your neighborhoods to become part of the Citizen Corps, that is something under homeland security, a program under Homeland Security, that will secure neighborhoods.

Most of America does not know that it even exists. And I would like to encourage this committee not only to work with Citizen Corps, but to provide a revenue stream to help these neighborhoods become secure.

And I encourage that; it is happening in Houston with the Millennium Effort in our community, and I hope it will happen around the nation.

I yield back, Mr. Chairman, I thank you.

Chairman COX. I thank our panel. You have been extraordinary witnesses. Chief Kiernan, I appreciate your coming on short notice. To all of you, thank you.

As you know, the war on terrorism requires coordination among the federal, state and local levels. It also requires international coordination with foreign governments.

And we are now going to rush over to the House floor and join our Senate colleagues in hearing from the British prime minister, Tony Blair. He is going to talk to us about many of these same subjects.

So you are here on an eventful day. This is very important work. Godspeed to all of you.

This hearing is adjourned.

[Whereupon, at 3:54 p.m., the subcommittee was adjourned.]

## QUESTIONS AND REPOSENS FOR THE RECORD:

## MR. GEORGE JARAMILLO RESPONSES TO QUESTIONS FROM REP. LANGEVIN.

1. I assume you have all been, and will continue to be, involved in training exercises and other efforts to gauge your preparedness levels and identify problem areas.

Question: a. After you complete these exercises, is there any process by which your experiences and findings are shared with the Department of Homeland Security?

**Response a.** In California after any training exercise or activation of the local Emergency Operations Center, we are required to complete an After-Action Report (AAR) and submit it to the State Office of Emergency Services. These AARs identify future training needs based on what worked well and what did not. A segment on "lessons learned" is included to assist in revising current or developing future protocols, plans, and equipment needs.

Question: b. Have you received any information from DHS about best practices and lessons learned in other communities that might be helpful to you?

**Response b.** To date, we have not received any information from DHS about best practices and lessons learned in other communities. I do want to emphasize that we have developed a network among our mutual aid partners in all disciplines and at all levels (national, state, regional, local) to share lessons learned during a training exercise. We are unaware of any formal distribution of information that has been developed by DHS to share with local first responder agencies.

## MR. GEORGE JARAMILLO RESPONSES TO QUESTIONS FROM REP. ETHERIDGE.

Question: 1. How many people in your departments are primarily responsible for anti-terrorism activities?

**Response: 1.** The Orange County Sheriff's Department is the largest law enforcement agency in Orange County with over 4,000 members. We have 15 full-time members responsible for anti-terrorism activities along with approximately 40 members who have auxiliary duties relating to anti-terrorism. Additionally, we have marshaled hundreds of volunteers to assist in these efforts.

Question: 2. Have you found that the increased emphasis on terrorism diverted people and resources from your daily crime-fighting activities?

**Response: 2.** Absolutely there has been a strong impact on our daily crime-fighting activities with the diverted people and resources to anti-terrorism. Due to lack of funding, there have been only seven replacements for the 15 full-time members who have left their prior assignments, including general and special crime investigation duties, training academy assignments, investigation assistance, and field patrol work. Monies have also been diverted for equipment needs, computer software networking, and office support for the full-time anti-terrorism staff members.

Question: 3. How has the current state budget crisis affected your ability to protect the citizens in Orange and Los Angeles Counties?

**Response 3.** The current state budget crisis in California has impacted the release of anti-terrorism and homeland security funding from the State level to the local levels. The grant guidance set forth by California's Office of Homeland Security and Office of Emergency Services are set up to release the equipment, training, exercise, and planning funds on a reimbursement basis. This severely impacts the first responder agencies that have to purchase the equipment or develop the training and exercises within their existing budget in the hopes that reimbursement will follow. At this time, Orange County Sheriff's Department has been approved for the 2003 Homeland Security Grants Part I and Part II in excess of \$9 million plus the 2002 Office of Domestic Preparedness Grants for over \$1 million on behalf of the entire county. No monies have been received to date as agencies are scrambling to re-allocate monies to cover the initial costs prior to submitting reimbursement in voices to the State. The State has consistently imposed unrealistic timelines and expectations for expenditures without clear guidance or agreement on the release of grant funds to the 58 designated Operational Areas in the State of California.

## MR. GEORGE JARAMILLO RESPONSES TO QUESTIONS FROM THE MINORITY STAFF.

Question: 1. This question regarding the High Threat Urban Area grants and is directed to Captain Grossman from Los Angeles County Sheriff's Department.

**Response: 1.** No response requested from Assistant Sheriff Jaramillo.

Question: 2. Can you describe the timeline between when the Department of Homeland Security has announced funds for California, Los Angeles, and Orange County and when the funds have arrived?

**Response 2.** The 2003 Homeland Security grant was issued in two parts. Part I (CA -\$45 million) was announced by DHS on March 10, 2003. The State of California notified the 58 Operational Areas including Los Angeles and Orange County by letter on March 28, 2003. The letter advised that grant guidelines would be distributed on or before April 11. On April 15 we received the grant guidelines with a due date for submission of May 15, 2003. We met the grant guidelines and were telephonically notified on June 5 that our grant application was approved for \$284,369. No money has been received to date due to the reimbursement requirement of the grant. The State developed the required reimbursement forms and made them available late June.

2003 Homeland Security grant Part II was announced by DHS in early May 2003 (CA—\$103,355 million). We received the grant guidelines from the CA Office of Homeland Security on May 14 with a due date of June 15, 2003. We submitted our grant a, on June 13 and received a letter of grant approval dated August 8 for \$6,727,564. To date, no monies have been received due to the reimbursement requirement of the grant funding. We are in the process of re-prioritizing our budget to purchase the equipment, provide the training, and develop the exercise with existing funds with the expectation that reimbursement funding will occur in a timely manner. Together, Part I and Part II grant funding for homeland security will cost Orange County an outlay of \$9 million with an unknown reimbursement date by the State of California for costs incurred in anti-terrorism and homeland security preparedness.

Question: 3. Sheriff Jaramillo's statement says "I cannot emphasize enough how the lengthy process is creating difficulties for those of us who are First Responders to purchase equipment, and to give optimal training and exercises into our personnel." He adds that "Orange County has been awarded nearly \$12 million in grant funding, although as of today we have only received \$875,000 of these funds." Governor Romney testified that the states are passing though federal funds to the local level within Congress' 45-day requirement. If the delay isn't at the state level, should we assume that it is slow to come out of the Department of Homeland Security?

**Response 3.** We have been unable to receive confirmation through the State of California whether the homeland security grant funds have been transferred to the state coffers from OHS. All indications are that OHS is not responsible for the slow distribution of funds. Because of the design of California's grant guidelines with the grant requiring reimbursement to Operations Areas after costs are incurred, no funding has yet been received for homeland security or anti-terrorism equipment, training, exercises, or planning.

Question: 4. What federal resources do you have to address the personnel needs you have to adequately conduct anti-terrorism operations?

**Response 4.** In California, all federal resources must be accessed through SEMS (Standardized Emergency Management System) after local resources are depleted. As the County Operations Area we are the link between our local jurisdictions and the State to obtain additional resources as needed. We also have in Orange County a Joint Terrorism Task Force (JTTF) that we co manage with the FBI.

Question: 5. I assume you both run frequent exercises...to gauge your preparedness for terrorist attack. After you do the exercises and identify the lessons learned, do you share this information with DHS? Does DHS send you lessons learned from exercises in other regions?

**Response 5.** In California after any training exercise or activation of the local Emergency Operations Center, we are required to complete an After-Action Report (AAR) and submit it to the State Office of Emergency Services. These AAR's identify future training needs based on what worked well and what did not. A segment on "lessons learned" is included to assist in revising current or developing future protocols, plans, and equipment needs. To date, we have not received any information from DHS about best practices and lessons learned in other communities. I do want to emphasize that we have developed a network among our mutual aid partners in all disciplines and at all levels (national, state, regional, local) to share lessons learned during a training exercise. We are unaware of any formal distribution of information that has been developed by DHS to share with local first responder agencies.

## MR. MICHAEL GROSSMAN RESPONSES TO QUESTIONS FROM REP. LANGEVIN.

1. I assume you have all been, and will continue to be, involved in training exercises and other efforts to gauge your preparedness levels and identify problem areas.

**Question:** a. After you complete these exercises, is there any process by which your experiences and findings are shared with the Department of Homeland Security?

**Answer:** a. We have not shared information (lessons learned) with the Department of Homeland Security after the completion of training exercises, and are not aware of any existing process to do this.

**Question:** b. Have you received any information from DHS about best practices and lessons learned in other communities that might be helpful to you?

**Answer:** b. No, we have not received any information about best practices from other regions in the nation.

**Question:** 2. Are any of you receiving regular intelligence briefings or updates from DHS to assist you in preparing for the most likely threats?

**Answer:** 2. Yes, we receive advisories from the State and Local Watch at the Homeland Security Operations Center. However, our primary source of intelligence from the Federal Government is the weekly FBI Intelligence Bulletin that we receive from our sworn personnel assigned to the Los Angeles Joint Terrorism Task Force (JTTF).

**Question:** a. If so, I'm interested to know how often and in what form you receive the information.

**Answer:** a. The DHS Advisories are transmitted via email as information is available.

**Question:** b. If not, how is the lack of threat information affecting the decisions you make every day about where to focus personnel, what equipment to purchase and how to prioritize training and other efforts?

**Answer:** b. N/A

**Question:** c. What kind of information would be most helpful to you in making the most efficient and effective use of your limited resources?

**Answer:** c. It would be most helpful to receive information that is already verified and accurate in order to prevent the unnecessary deployment of personnel and equipment. As mentioned in the written testimony, it is vital to have the ability to have a secure compartmentalized information facility (SCIF) in order to receive classified information in a timely manner, particularly if it pertains to an impending threat to our region.

## MR. MICHAEL GROSSMAN RESPONSES TO QUESTIONS FROM REP. ETHERIDGE.

**Question:** How has the current state budget crisis affected your ability to protect the citizens in Orange and Los Angeles Counties?

**Answer:** The Los Angeles County Sheriff's Department currently has 29 sworn and civilian employees assigned full-time for anti-terrorism activities which includes intake, analysis and investigations. There are also three part-time management positions that dedicate a good portion of their time to anti-terrorism efforts. This is not nearly enough for an area of our size and vulnerability. Hence the reference in the written testimony to provide funding for additional personnel and positions in future grants.

**Question:** Have you found that the increased emphasis on terrorism diverted people and resources from your daily crime-fighting activities?

**Answer:** Yes, the increased emphasis on terrorism has diverted personnel from other necessary law enforcement activities. Of the 29 assigned to the full-time effort, eight are on loan to the Emergency Operations Bureau/Terrorism Early Warning Group from detective, patrol and other units throughout the sheriff's department.

**Question:** How many people in your departments are primarily responsible for anti-terrorism activities?

**Answer:** The current budget situation in the State of California has a direct effect on our ability to protect the citizens of Los Angeles County. The sheriff's department is experiencing a nearly \$100 million reduction in our operating budget for this fiscal year, with additional cuts pending. This renders us unable to redistribute any additional personnel from essential law enforcement functions to the anti and counter-terrorism effort. It also makes it impossible to even loan additional personnel without replacement.

## MR. MICHAEL GROSSMAN RESPONSES TO QUESTIONS FROM THE MINORITY STAFF.

Question: 1. Captain Grossman, do I understand your testimony—that the City of Los Angeles has received tens of millions of dollars in the High Threat Urban Area grants, but that your department and the region outside the city gets none of that? Isn't the "Urban Area" much larger than the city itself? Do you know why the Department of Homeland Security specified the grant that way?

**Answer:** 1. I do not know why the Department of Homeland Security specified the grant in this manner. The County of Los Angeles "Operational Area" is made up of 88 cities, including L.A. and Long Beach. The previous Office of Domestic Preparedness (ODP) equipment grants were allocated through the state to the county to be distributed as needed to the first-responder agencies in the region. The Urban Area Security Initiative (UASI) process differs in that it allocated funds directly to the designated cities with the guidance that the funds were, . . . "to be expended in cooperation with the contiguous cities and county." We believe that this method does not address the overall regional preparedness because it is not consistent with existing procedures for our Operational Area (county).

In the first phase of the UASI grants, the City of Los Angeles was allocated \$12.5M. The County of Los Angeles is waiting to receive its share that will total approximately \$1M (for fire and sheriff). In the second phase, L.A. City is anticipating an award of \$18.87M, and the City of Long Beach (both cities are in the Los Angeles County Operational Area) \$6.46M. The allocation process is still in progress for the distribution of these funds. Unlike the first phase, this requires extensive needs assessments, which are underway, to establish the strategy which will determine the apportionment. To this date, we have not received any of the funds from the UASI grants. The only funds the sheriff's department has received from all of the grants totals \$297K from the 2001 ODP Equipment Grant Program.

Question: 2. Can you describe the timeline between when the Department of Homeland Security has announced funds for California, Los Angeles, and Orange County and when the funds have arrived?

**Answer:** 2. I can not address the funding for Orange County, however, the attached Grant Summary Sheet describes the timeline and status of all of the federal grants for Los Angeles County. This does not include the Urban Area Security Initiative (UASI) grants that are being administered by the cities of Los Angeles and Long Beach. The process requires that the state pass the funds to the local entities within 45 days. The difficulty is that we are processing the multiple grants with very requirements, all at the same time. Of the seven grants, we have received only \$297K (to the sheriff's department), which is from the 2001 grant. We are in various stages of processing on all of the other grants and have not yet received any additional funds.

Question: 3. Please help me understand what is somewhat conflicting testimony. Sheriff Jaramillo's statement says "I cannot emphasize enough how the lengthy process is creating difficulties for those of us who are First Responders to purchase equipment, and to give optimal training and exercises to our personnel." He adds that "Orange County has been awarded nearly \$12 million in grant funding, although as of today we have only received \$875,000 of these funds." Governor Romney testified that the states are passing through federal funds to the local level within Congress' 45 day requirement. I have heard from my constituents that the funds aren't flowing. So if the delay isn't at the state level, should we assume that it is slow to come out of the Department of Homeland Security?

**Answer:** 3. The 2001 grant is the only one that is a direct appropriation of funds. All of the subsequent grant programs require reimbursement for the distribution of funds. This means that once the grant is approved, the recipient agency must purchase the items consistent with their jurisdictions procurement rules, and once the products are finally received they can then submit for reimbursement under the grant. This appears to be the primary cause for the long delays in actually receiving granted funds.

Question: 4. What federal resources do you have to address the personnel needs you have to adequately conduct anti-terrorism operations?

**Answer:** 4. We have not received any federal resources to address personnel needs. As previously stated in the response to Rep. Etheridge, we strongly encourage that funding for additional personnel be included in the 2004 and subsequent grants on a non cost-sharing basis.

Question: 5. I assume you both run frequent exercises, both real and tabletop, to gauge your preparedness for terrorist attack. After you do the exercises and identify the lessons learned, do you share this information with the Department of Home-

land Security? Does the Department send you lessons learned from exercises in other regions?

**Answer:** 5. We have not shared information (lessons learned) with the Department of Homeland Security after the completion of training exercises, and are not aware of any existing process to do this. We have not received any information about best practices from other regions in the nation.

QUESTIONS AND RESPONSES FOR THE RECORD FROM MR. RAYMOND F. KIERNAN

**Question:** 1—Do you think the Fire Act should be maintained separately from other First Responder Grants?

**Answer:** Yes. The American Fire Service is in sad shape in many communities. Please see the enclosed executive summary of the results of a survey commissioned by Congress on the American Fire Service

The F.I.R.E. Act is the first federal money to go to anyone in the Fire Service in the history of the Country.

We can no longer expect chicken dinners, fish fries and bake sales to keep the balance of our Departments in business to protect its citizens. One has to sell a lot of brownies to purchase a \$250,000 fire truck.

The F.I.R.E. Act has been one of the most successful programs ever because money goes directly to the Department and not filtered through the States for their cut and control.

In your State of North Carolina so far, \$4,303,692.00 has been awarded to 71 Fire Departments of all sizes for necessary equipment. Much of this could never have been bought by them. (Enclosed North Carolina FIRE Act recipients.)

**Question:** 2—Do you think the Fire Grant Program should emphasize anti-terrorism equipment and training or should it consider all requests equally?

**Answer:** No. Each year millions upon millions of dollars work of valid requests go unfilled with the FIRE Act. The amount of money allotted in no way meets the demand for assistance. The FIRE Act could be \$5 billion annually and still wouldn't meet requests.

As you can see from the Congressional Report, local Fire Departments are lacking the basics. To further dilute this by putting WMD items into the mix would seriously affect the small and rural Fire Departments, as their risk level might be considered low.

My suggestion is to leave the F.I.R.E. Act alone. Fund it more generously next session, as it is a great success.

Develop a method of getting Homeland Defense monies to First Responders, which has been a total failure.

We are here, just down the road from your house. Give us the tools to do the job.

MATERIAL FOR THE RECORD

PREPARED STATEMENT OF THE HONORABLE DICK MURPHY, MAYOR, SAN DIEGO, CALIFORNIA

Chairman Cox and Honorable Members of the committee, on behalf of the citizens of San Diego, I appreciate this opportunity to address the committee and articulate some of the challenges facing San Diego in its efforts to prepare for and respond to terrorist threats.

**San Diego Background**

San Diego is the nation's 7th largest city with a diverse population of 1,275,100. Despite the comfortable small town atmosphere of the city and its residents, San Diego is a large city and the protection of its residents and critical infrastructure is of utmost importance.

San Diego is a city with potentially high-profile vulnerabilities. Some of those distinctive attributes include: multiple military installations; the San Ysidro International Port of Entry—the busiest border crossing in the nation; regional water and wastewater facilities; a full service maritime port including a substantial military presence; an international airport; large professional sports facilities, major tourist attractions such as Sea World and the San Diego Zoo, as well as other symbolic sites such as the Coronado Bridge.

Of particular note is the City's responsibility for critical infrastructure of national significance. San Diego is not only the home to multiple military installations, but is the sole provider of water and wastewater services to all military installations within the City as well as the provider for naval bases home to three of the nation's aircraft carriers and several nuclear submarines.

**Homeland Security Grant Programs:**

A significant concern for San Diego is the distribution method of State Homeland Security Grants (SHSG). The base plus population distribution to States is not effectively delivering federal funds to large urban cities such as San Diego. Instead, States are determining how to “pass through” the federal funds to the local jurisdictions on a state by state basis with no consistency across the nation. Under California’s rules for SHSG distributions, the Counties control the use of federal funding support, including what amount they retain or pass on to cities.

For example, San Diego is one of 18 cities within San Diego County, but represents approximately 43 percent of the region’s population. San Diego has the largest most sophisticated police and fire departments in the region, and is the primary first responder and mutual aid provider to a majority of the people in the urban area of San Diego County. These City departments are most likely to be the first to respond to any large scale emergency, should one occur. However, of the current funding allocated to the region by the State, only 24 percent of the region’s share was dedicated to San Diego.

Additionally, the City of San Diego has entered into a Joint Powers Agreement with the other 17 cities in the county as well as the County government, to provide hazardous materials response for the entire region. Despite being the lead agency responsible for responding to hazardous materials incidents anywhere in the county, the SHSG program does not require funds be allocated to such an agency for this purpose.

A potential solution for the inequitable distribution plans being adopted across the nation is to support direct federal funding to the largest U.S. cities based on population served, threat/need criteria, and recommend that future State funding account for high-threat metropolitan areas.

The largest U.S. cities have sufficient scale and sophistication to justify direct federal funding. For example, the population of the City of San Diego is larger than Rhode Island and New Hampshire yet the method for distribution does not recognize this size and sophistication. Instead the system creates three layers of administrative bureaucracy, which reduces funds ultimately available to service providers and delaying expenditure.

**Planning/Overtime Expenses:**

Another challenge facing cities is the inability to use federal funds for personnel costs such as planning and overtime reimbursement. While some funds have been identified in SHSGP II (2003 Supplemental Appropriations bill), not nearly enough have been identified for planning purposes. In order for public safety agencies to be adequately prepared for a terrorist emergency, funding for the development of response plans, training personnel and exercising the plans is necessary. Once emergency plans have been developed and exercised, public safety entities will have an even greater knowledge of the equipment needed to respond to terrorist incidents.

San Diego is an area with many potential terrorist targets and therefore incurs exceptionally large added personnel costs for heightened security, especially when the Department of Homeland Security raises the national threat level to High (Code Orange) or Severe (Code Red). These additional expenses are difficult for cities to absorb, especially given the current budget conditions of cities and the very real threat of additional revenue reductions by the State. California is facing an estimated \$38 billion state budget deficit, and cities and counties are expecting to see a severe reduction in revenues in the near future.

Future SHSG funding should allow the funding to be allocated to personnel expenses and overtime costs for personnel assigned to homeland security functions (planning, training and exercising) and incremental “backfill” expenses of overtime and benefits for others to replace those personnel in regular duties.

**Conclusion:**

In conclusion, I would respectfully request the committee include the issues I identified above in their recommendations on how to improve the partnership between Federal, State and Localities by improving the current distribution system of federal funding. Those issues are:

1. Recognize the unique characteristics in certain large cities and the necessity to identify funding accordingly;
2. Revise the distribution of State Homeland Security Grants to include direct funding for the largest U.S. cities; and
3. Allow planning and overtime expenses to be considered eligible for SHSG funds.

Again thank you Chairman Cox and members of the committee for the opportunity to share San Diego’s perspective on some of the Homeland Security challenges facing the City.

LETTERS SUBMITTED FOR THE RECORD

The PRESIDENT,  
*The White House*

Mr. President,

My name is Thomas Kennedy and I am a retired New York City Fire Department Deputy Chief and a member of the Northeastern States Fire Consortium.

The Northeastern States Fire Consortium (NSFC) is made up of State Fire Officials and Fire Organizations from Connecticut, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island and Vermont.

The NSFC strongly supports the House of Representatives proposal that retains the management of the FIRE Act in the Us Fire Administration (USFA),

The USFA is the reason the FIRE Act is such a successful program. The USFA knows and understands the needs of the Fire Service. Under the USFA the funding goes directly to where it is needed, the local Fire Departments. Why alter a successful program?

Again, the NSFC strongly urges that the USFA retains management of the FIRE Act.

Sincerely,

Thomas M. Kennedy, *Committee Member*

Additional Note: FIRE Act information can be accessed at <http://www.firehouse.com/funding/fireact/2003/recipients/nc.html>



U.S. HOUSE OF REPRESENTATIVES  
SELECT COMMITTEE ON HOMELAND SECURITY  
*Washington D.C. 20515*

HON. CHRISTOPHER COX  
*Chairman, House Select Committee on Homeland Security, The Capitol, Washington, D.C.*

MR. CHAIRMAN: I was somewhat puzzled when Governor Romney during his committee testimony volunteered with no particular context that the city of Fall River had failed to apply for homeland security funds. I had asked him no question to which that would have been the answer, and he seemed to me to be trying to make some political point. The reason for his seeking to do and the point itself were unclear to me then and remain so.

My puzzlement deepened when I learned from Edward Lambert, the Mayor of Fall River, that the city had in fact applied for funds, directly contrary to the Governor's testimony, in fact, Fall River's experience appears to contradict the Governor's testimony. In several ways. In his testimony Governor Romney defended the view that Federal Homeland Security funds should go through the states, stressing that local governments should form regional groupings to make their amplifications, so as to provide greater efficiency. The irony is that Fall River did exactly that, at the urging of the Romney administration.

As the following letter from Mayor Lambert says, Fall River was told by the Romney administration not to apply on its own, but rather as part of a regional collaborative. It was that regional collaborative application that was rejected. It is thus ironic that Governor Romney inaccurately accused the city of Fall River of failing to apply. I have worked closely with Mayor Lambert over the past years along with my colleague Mr. McGovern who shares with me the representation of Fall River. The mayor is very aggressive—which is entirely appropriate—in seeking both federal and state help for the city of which he is Mayor, and I have found Mayor Lambert and his administration willing and able partners in putting together proposals for funding to meet the needs of Fall River and its citizens. As mayor Lambert's letter says, the Governor's incorrect assertion that the city failed to apply for funds “only adds insult to injury” and while I am unable to correct the injury that Fall River suffered when the collaborative of which it was a part was denied funds, I do want to take this opportunity to rebut the insult.

BARNEY FRANK

## ATTACHMENT

Dear Congressman Frank: I was outraged when it was communicated to my office that Gov. Mitt Romney, in testimony before the Congressional Select Committee on Homeland Security, said that the City of Fall River did not apply for funding in the recent round of federal grants for Homeland Security.

The fact is that Fall River did apply, as part of a regional collaborative as we were encouraged to do by the state, only to be rejected in spite of the tremendous need we have for such security funding.

Jane Tewksbury, Chief of Staff for Public Safety Secretary Ed Flynn, has admitted to me, as recently as today, that cities, during the application process, were discouraged from hung applications on their own, being directed instead to file applications with other communities into a regional response to homeland security issues. Fall River played by that set of rules as we were told to by the state, then found ourselves without funding as other cities were rewarded with their own grants. In fact, the awarding process seems to have left a lot to be desired, as many cities and regions were funded that do not have any of the port security, interstate transportation, or water resource issues that we have in Fall River.

Our city's inability to access these homeland security funds given the tremendous needs that we have and the strength of the collaborative application we filed, is a glaring omission. The Governor's incorrect assertions, that we didn't even seek funding before your committee, only adds insult to injury.

Sincerely,

Edward M. Lambert, Jr., *Mayor*

