

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS FOR FISCAL YEAR 2007

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, DC.

NONDEPARTMENTAL WITNESSES

[The following testimonies were received by the Subcommittee on Homeland Security for inclusion in the record. The submitted materials relate to the fiscal year 2007 budget request for programs within the subcommittee's jurisdiction.]

PREPARED STATEMENT OF THE AMERICAN PSYCHOLOGICAL ASSOCIATION

Mr. Chairman and members of the Subcommittee, the American Psychological Association (APA) represents 150,000 members and affiliates, and works to advance psychology as a science, a profession, and a means of promoting health and human welfare. Psychologists are involved in a broad spectrum of programs within the jurisdiction of this Subcommittee. For example, psychologists manage the Social and Behavioral Research Program within the Threat Awareness Portfolio of the DHS Science and Technology Directorate. Psychologists also provide expertise as members of the Homeland Security Science and Technology Advisory Committee and the Academic and Policy Research Senior Advisory Committee of the Homeland Security Advisory Council. Psychologists serve as Principle Investigators directing the activities of two of the five University-Based Centers of Excellence and student psychologists are becoming the next generation of Homeland Security experts training under the DHS Scholars and Fellows program.

Overall, APA has been pleased to see the increasing emphasis DHS is placing on behavioral and psychological science within the department. However APA is also concerned about how pending DHS reorganization and proposed budget cuts might undermine long range planning for psychological and behavioral research programs within the department. Finally, DHS must remain ever-mindful that behavioral research necessarily involves systematically collected and analyzed empirical data that cannot be replaced by the well-intentioned but perhaps ill-informed speculation of experts or contractors who lack training in the behavioral sciences.

The Threat Awareness Portfolio was cut 35 percent from fiscal year 2005 to fiscal year 2006. The fiscal year 2007 budget calls for an additional 6.4 percent cut over fiscal year 2006. APA recommends that Congress restore the proposed 6.4 percent cut and fund the Threat Awareness Portfolio at or above the \$43 million fiscal year 2006 appropriation.

The Threat Awareness Portfolio (TAP) in the Science and Technology (S&T) Directorate of the Department of Homeland Security (DHS) sponsors research to inform, develop, and test tools and methodologies to assess terrorist threats, understand terrorism, and improve national security. There are three broad program areas within TAP, one of which is the Social and Behavioral Research (SBR) Program. The SBR Program sponsors social science and behavioral research to support the missions of DHS and the broader law enforcement and intelligence communities, as well as promote the safety and security of the American public.

SBR Program Description, Strategic Goals, and Areas of Research

The SBR Program was developed with four strategic aims. The program leverages the theories, data, and methods of the social and behavioral sciences to improve the detection, analysis, and understanding of the threats posed by individuals, groups, and radical movements; it supports the assessment of the psychosocial impacts of

catastrophic events and the validation of public communications and education programs to increase the American public's all hazards preparedness and response capabilities; it facilitates information exchange across the Federal Government to enhance the knowledge and coordination of Federally sponsored social and behavioral science research related to national security and preparedness; and it develops mechanisms to provide senior policymakers with social and behavioral science theories and data that can inform their decisions. To achieve these aims, the SBR Program supports numerous coordinated activities that incorporate social and behavioral science into coherent, integrated techniques and methodologies. These activities fall within four broad research and development areas that support each of the strategic goals of the SBR Program.

First, the program's activities inform the ability of operational end users (including personnel involved with border and transportation security, customs enforcement, and intelligence analysis), to detect threats and conduct accurate risk assessments. With continued support, these efforts will produce two main products—models of behavioral and linguistic cues that indicate whether an individual is likely engaged in deception or is intent on doing harm; and an integrative model of the ideological, organizational, and contextual factors associated with a group or radical movement's likelihood of engaging in violence.

Second, the program supports coordinating research in public education and communication aimed at increasing the American population's ability to prepare for and respond to natural and man-made catastrophic events and developing quantitative assessments of psychosocial vulnerabilities. With continued support, these efforts will test and evaluate the effects of various theoretically sound messaging and education programs on public all-hazards preparedness and response, as well as develop an index to measure the psychosocial impact of catastrophic events.

Third, the program sponsors activities to improve the coordination of social and behavioral science research related to national security and preparedness by supporting various methods of information sharing across the Federal Government. With continued support, these efforts will produce integrated symposia and workshops attended by relevant Federal partners and a participatory web-based system for sharing information on Federally funded social and behavioral science research related to national security and preparedness.

Fourth, the program assembles leading thinkers on the social and behavioral aspects of terrorism and national security to participate in study sessions and web-based dialogue focused on topics of relevance to the SBR Program and DHS as a whole. With continued support, this group will produce white papers and briefings on a range of topics (see appended description of DHS Social and Behavioral Sciences Partnership Program).

IMPROVING RISK ASSESSMENT BY INCREASING THE AWARENESS OF THREATS

To protect the nation effectively, it is essential to improve our ability to assess the potential threats posed by individuals as well as the larger terrorist groups and movements to which they may belong. In fiscal year 2007, the SBR Program's activities will continue to build upon work completed in fiscal year 2006 to improve our ability to model whether an individual is intent on doing harm or engaged in deception, as well as improve our ability to model the likelihood that a group will engage in violent activity. Additional work will be sponsored to compare how models based on open source material differ from models developed on classified data.

Improving Awareness of Individual Threats—Project Hostile Intent

An ongoing program, Project Hostile Intent aims to detect and model the behavioral cues that indicate an individual's intent to do harm and/or deceive. The cues examined in Project Hostile Intent are those that can be assessed remotely and in real time, and the procedures and technologies required to collect these cues are non-invasive and amenable to integration into busy operational contexts. In addition to detecting these cues, this project examines whether this process can be automated through the use of sensors and detection algorithms and, subsequently, integrated with other technologies aimed at identifying individuals who pose threats to the homeland, e.g., biometric tools and databases. The targeted customers of this research are Customs and Border Patrol and Transportation Security Administration personnel.

Improving Awareness of Group Threats

Another SBR Program research priority is improving our ability to determine the intentions of various domestic and foreign groups who may pose a threat to the U.S. homeland or U.S. interests abroad. The central activity in this area is the Motivation and Intent (M&I) Project, aimed at developing models to inform analysts' as-

assessments regarding whether a group intends to engage in violent activity to further its goals. In future years, work in this area will be further expanded to incorporate the modeling of radical movements and the violent activity associated with such movements. In addition, several projects will be sponsored to augment the M&I effort by providing additional data or addressing gaps in the current social and behavioral science research. The tools, methodologies, and knowledge developed through this research program will improve the efficiency and accuracy of intelligence analysis by identifying key social and behavioral science variables to consider when assessing the likelihood that a group may intend to act violently.

The Motivation and Intent (M&I) Project

In fiscal year 2005, the SBR Program initiated funding of the M&I Project. This activity draws on social science data and theories to develop analytic models aimed at determining the ideological, organizational, and contextual factors associated with a group's likelihood of engaging in violence. The goal of this on-going effort is to develop an integrated framework that enables analysts to examine the impact of various social and behavioral science variables on a group's intent to engage in violence. The project will model the factors associated with violent activity carried out by both domestic and foreign groups. APA believes that this work could be augmented by research to understand how terrorist organizations reason with respect to target selection (i.e., does target selection depend on circumstances such as differential vulnerability of targets, as opposed to other considerations). Further, it would be helpful to understand how specific tactics are adopted and the considerations that enter into tactic selection.

Update and Maintenance of the Global Terrorism Database

The SBR Program has supported the updating of a coded and computerized database comprised of more than 69,000 terrorist incidents recorded worldwide from 1970–1997 as well as the initial coding and inclusion of incidents that have occurred from 1998 to the present. While this worthwhile activity will continue to be supported in fiscal year 2006 and beyond, APA believes a complementary database of government responses to terrorism would also be helpful as terrorists appear to adapt and counter-adapt based on responses to their actions.

Quantitative Analysis of Terrorist Perspectives and Behaviors

The SBR Program also will sponsor activity to incorporate perspective analysis into the M&I Project. This project will involve an analysis of the perspectives of multi-level (individual, group, and subculture) actors in a country or region in which various terrorist groups of interest operate. An underlying conceptual framework will be created informed by social and behavioral scientists and other subject matter experts who are familiar with the region, politics, and actors of interest. The framework will extract patterns in actors' foci and attitudes from various sources of data (e.g., media statements and materials from actors' websites). This activity will add a unique capability as it will allow an analyst to make more informed decisions regarding agents' intentions based on the perspectives of multiple actors in a region of interest.

In addition, a team of social and behavioral scientists will quantify the perspectives of these actors and conduct statistical analyses relating these perspectives to various types of activities (for example, engaging in violence, condoning violence, participation in the political process, etc.). This effort will allow for the testing of social and behavioral science theories drawing on the unique source of data provided by the perspective analyses of various actors. It will also allow for a scientifically rigorous analysis of trends in actors' attitudes and behaviors based on an analysis of actors' perspectives and detailed chronologies of their behaviors. The findings from this project will inform the M&I Program's modeling efforts and allow for the refinement of the conceptual framework that forms the basis for the perspective analysis.

Systematic Comparison of Open and Classified Data Sources

The SBR Program will sponsor work that conducts a detailed comparative analysis of open source data and classified data, specifically focused on the information used to identify the motives and intents of actors of interest. This activity will identify the relative strengths of these two types of data and explore what types of information they provide to help an analyst determine the intentions of individuals and groups. The research in this area will provide detailed comparative information on open source and classified data that will better inform decisions regarding whether and/or when to rely on open source data, and the applicability of academic research to intelligence analyses.

Improving Risk Assessment and Risk Communication

Research in the social and behavioral sciences can examine how best to help the American population prepare for and respond to natural and man-made catastrophic events, thereby reducing one component of national vulnerability. Public communication and education strategies for natural and man-made catastrophic events are key components of DHS's overall preparedness and response missions, and sponsoring research on the efficacy of these communications is a stated priority of the SBR Program.

However, current risk communications strategies should be informed by decades of existing research which have produced consistent findings regardless of the category of risk under study. Such research shows that people want the truth, even if it is worrisome and as such, candor in risk communication is critical. People can absorb only a limited amount of new information at a time and as a result risk communications must prioritize and organize critical facts according to the way the target audience naturally thinks. Further, people have an inherent difficulty in understanding certain kinds of information (e.g. that repeated exposure to small risks increases their overall risk) so risk communications must accommodate the known strengths and weaknesses of the target audiences thought processes. Additionally, emotions can cloud people's judgment in predictable ways that interferes with decision making so those charged with communicating risks must do so respectfully in order to facilitate reasoned decision making. Even the most experienced communicators cannot accurately predict how messages will be interpreted on novel topics or with unfamiliar audiences. Thus messages must be systematically evaluated for both intended and unintended reactions before they are disseminated. In emergency planning exercises, people exaggerate their ability to predict others behavior, as a result social and behavioral scientists need to be included in such planning teams to ensure that plans are based upon science rather than intuition. Finally, people generally make sensible and effective decisions if communicators deliver relevant, timely and accurate information.

Improving Federal Information Sharing and Collaborative Research Efforts

A priority of the SBR Program is the development of effective methods for information sharing among Federal agencies tasked with addressing various aspects of national security and preparedness. Not only will such information sharing increase the effectiveness and the ability of the government to protect U.S. interests at home and abroad, it will also increase collaborative research efforts and reduce unnecessary duplication. The initial effort will consist of workshops focused on issues related to national security and will later expand to the provision of web-based dialogue and interaction to facilitate information exchange.

Providing Policymakers Social and Behavioral Science Information—The Social and Behavioral Sciences Partnership

The Social and Behavioral Sciences Partnership (Partnership) Program assembles leading thinkers on the social and behavioral aspects of terrorism and national security to participate in study sessions and web-based dialogue focused on topics of relevance to the SBR Program, DHS, and the nation as a whole. It was created to describe the significant roles that social, cultural, economic, and psychological factors play in the threats we face and our counter-threat activities and provide a mechanism for communicating social and behavioral research findings to policymakers. In fiscal year 2006, at the request of the DHS Policy Directorate, the Partnership will examine the impact of U.S. policies on radicalization in the United States. It will also hold study sessions on topics related to (1) assessing the intent of terrorist groups and (2) determining the long-term impacts of a terrorist attack with improvised nuclear device.

APA recognizes that recent events such as hurricane Katrina, as well as forecast events such as a pandemic flu outbreak, have forced a realignment of the Department's strategic goals to prioritize the strengthening of public resilience in responding to the diverse threats facing us. That will mean evaluating Departmental investments in terms of their contribution to, among other things, strengthening communities, securing trust in government, providing multi-threat response capabilities and enhancing economic and institutional recovery.

Accomplishing these tasks will require attention to social and behavioral variables in three contexts:

Predicting the public's response to various threats (e.g., to what extent will people understand warnings, trust authorities, support one another in the face of threats, rebound from trauma).

Understanding the limits to analyses and plans, so that citizens and officials have realistic expectations of the confidence to place in them.

Communicating about threats, so that people receive the specific information that they need for effective action, in a credible, comprehensible form.

These issues are relevant to preparation, response, and recovery for all threats. While the Social and Behavioral Sciences Partnership has begun to address these issues, APA believes the Department would benefit from an in-house Center for Translational Social and Behavioral Science Research tasked with ensuring that our homeland security plans are grounded in the best available science.

Although the center should be located in the Science and Technology Directorate, it should provide services to the entire Department. For example, it would be a resource for creating scientifically sound, behaviorally realistic communications, usability standards, risk analyses, and emergency plans. It would also identify fundamental issues, to be studied by the University Centers of Excellence and others.

The Center proposed is similar to the Office of Behavioral and Social Sciences Research at the National Institutes of Health (NIH) which celebrates a 10 year anniversary this year and leverages a modest budget to coordinate interdisciplinary and translational behavioral and social science research across the twenty-seven Institutes and Centers of NIH. This initiative would address a significant gap in the Department's science and technology resources, while providing an essential input to implementing the Department's commitment to risk-based decision making.

UNIVERSITY PROGRAMS—DHS SCHOLARS AND FELLOWS PROGRAM.

APA has been very pleased to see how well behavioral and social scientists are represented in the DHS Scholars and Fellows awards. However, we are concerned that cuts to the fiscal year 2006 budget and proposed cuts to the fiscal year 2007 budget will serve to disrupt a critical career pipeline for the next generation of Homeland Security scientists. If the proposed fiscal year 2007 budget is enacted, DHS will cut Scholars and Fellows support by one third. Especially this year, as the Administration and Congress focus on the American Competitiveness Initiative, we strongly recommend that the subcommittee restore full funding of the DHS Scholars and Fellows program.

University Programs were cut 11 percent from fiscal year 2005 to fiscal year 2006. The fiscal year 2007 budget calls for an additional 16 percent cut over fiscal year 2006. APA recommends that Congress restore the proposed 16 percent cut and fund the University Programs at or above the \$62 million fiscal year 2006 appropriation.

DEPARTMENT OF HOMELAND SECURITY REPORT LANGUAGE FOR FISCAL YEAR 2007

Proposed by the American Psychological Association

Science and Technology Directorate

The Committee understands that terrorists are people and terrorism is behavior, therefore understanding the importance of the behavioral, psychological and social sciences to countering terrorism and homeland security is paramount. The Committee applauds DHS strong support of a full range of behavioral and social science research.

The Committee recommends DHS implement a Center for Translational Social and Behavioral Science Research tasked with ensuring that our homeland security plans are grounded in the best available science. The Committee believes such a center should be a resource for creating scientifically sound, behaviorally realistic communications, usability standards, risk analyses, and emergency plans and should also identify fundamental issues to be studied by the University Centers of Excellence and others.

The Committee appreciates that the psychological consequences of a manmade and natural disasters are likely to be widespread and long lasting and that events like hurricanes Katrina and Rita are known to have caused stress and anxiety in Americans of all ages, ethnicities, and disparate geographical locations. Mental health practitioners must be trained to deal with the particular aftermath that such events impose. The Committee encourages DHS to ensure that mental health research, particularly longitudinal research, is focused on how to respond, mitigate and inoculate the populace as effectively as possible.

The Committee also recognizes, however, that the social and behavioral sciences have a much larger role to play than the single domain of mental health. The technological devices and infrastructure that are created in support of counter-terrorism and homeland security efforts will be only as effective as the humans who interact with them. Because many instances of protection against devastating loss since 9/11 involved human alertness to unusual behavior, the Committee recognizes that a significant portion of the most effective defense against domestic attack will be human agents. In addition, the Committee acknowledges that as we devise innova-

tive technological systems to thwart terrorists, the most dangerous terrorist will be one who knows how to modify his or her behavior so as to circumvent these systems. Therefore, the Committee believes that effective counter-terrorism technologies must be developed in concert with the social and behavioral sciences.

The Committee encourages DHS to pursue research on the assessment of the human dimensions (social, cultural, and behavioral) in which networks exist, such as first-response teams, emergency management teams, communication systems, intelligence networks, terrorist groups, and U.S. government (Federal, State, and local) departments and agencies. Systems analysis and systems engineering are powerful tools for understanding how these networks function. However, the Committee recognizes that these tools will be useful only to the extent those human behavioral variables are appropriately described and incorporated into the analyses.

The Committee is concerned about the utility of the Homeland Security Advisory System and encourages DHS to include an on-going evaluation of its effectiveness. The Committee encourages DHS to support research on risk assessment and the communication of risk in order to understand the framework in which the communicator operates as well as the knowledge base and competence of the audience. The Committee recognizes that an effective and meaningful alert system involves knowing how to articulate the goals of the communication including whether to inform only, or to inform and change behavior.

The Committee encourages further development of animal models for the assessment of chemical, radiological and biological agents that might be used as weapons of attack and the pharmacological countermeasures required to neutralize or reverse their effects. The Committee recognizes that animal models are useful not only as indicators of the apparent physiological responses to such agents, but careful measurement of their behavior (motivation, learning, aggression) can serve as more sensitive indices of both long- and short-term effects of such weapons. Further, the Committee recognizes animals also are potential targets of attack in the agricultural sector, so that longitudinal data on animal behavior can serve as valuable baseline data against which to detect attacks by biological agents that may be either slow- or fast-acting.

The Committee recognizes that understanding how humans process information is critical to developing new technologies for information gathering and intelligence analysis. The Committee encourages additional research to ensure that such technologies optimally accommodate the human user. Further, the Committee encourages DHS to support research that applies basic learning algorithms to data-mining systems. Such systems can then become language-independent and analyze text for meaning rather than simply the identification of keywords.

The Committee recognizes the value of robotics in performing dangerous work and in substituting for human surveillance. The Committee encourages DHS to support research on human-machine interaction to optimize the functions of both the human and machine in this partnership. The Committee recognizes that it is imperative to understand how best to design robotic systems to interact effectively with their human controllers and partners. The Committee believes that human behavior cannot be perceived as a weak link in this interaction because human cognitive, perceptual and motivational capacities are a given and the machine system must be built to complement the human user.

The Committee recognizes the profound effect that terrorism can have on social systems and encourages DHS to support research on how attitudes and beliefs about terrorism affect consumer confidence, population mobility, decisions about child-care, job behaviors, and attitudes towards immigrants, religion, political institutions and leaders. The Committee encourages further research on understanding the short- and long-term effects of stereotyping and marginalization of groups as well as research on hate-crimes and the emergence and maintenance of fundamentalist, extremist, and anti-government groups within the United States and outside the United States.

The Committee recognizes the potential for massive disruption by those who would distribute erroneous or system-destructive information into the Internet, the telecommunications infrastructure, embedded/real-time computing systems, and dedicated computing devices. The Committee recommends DHS support research to analyze the behavior, motivations and social contexts of known instances of successful "hacking". The Committee encourages DHS to research effective safeguards that our consistent with the behaviors of the humans that use these systems.

The Committee recognizes that emergency management, evacuation, and the design of egress systems are operable only to the extent that we know how humans behave in emergency situations. The Committee encourages research on human behavior under duress and encourages research on designing emergency systems and

infrastructure (operation and communication systems, buildings, roads and tunnels, stadiums) that facilitate the most effective behavior in emergency situations.

The Committee recognizes there is a need to put as much attention into government responses to terrorism as into terrorist acts themselves. There are a number of data bases recording particulars of terrorist attacks, but none so far that record government responses (legal, military, political, policing; strategy and tactics) on the same time line as the terrorist attacks. The committee believes this information is critical to track because terrorists appear to adapt and counter-adapt based on responses to their actions.

The Committee recommends that DHS also encourage research to understand how terrorist organizations reason with respect to target selection (i.e., does target selection depend on circumstances such as differential vulnerability of targets, as opposed to other considerations). Further, it would be helpful to understand how specific tactics are adopted and the considerations that enter into tactic selection.

The Committee realizes there is a need to understand how groups move from radical protest or social movement to terrorism and to examine the trajectories by which individuals move to terrorism. Whether an individual joins a protest group or social movement which escalates to the level of terrorism or joins an existing terrorist group, the background and experience and psychology of individuals recruited to terrorism in these two ways may be quite different. Moving to terrorism as a member of a continuing group is more like a slippery slope, whereas moving to terrorism by joining an existing terrorist group is more like making a decision.

The Committee urges DHS to developing data bases of terrorist rhetoric for important terrorist groups over time. If terrorists there are rhetorical differences between protest groups that do and do not go on to commit terrorist acts such differences might be useful for directing countermeasure resources. When the rhetoric is not in English, English speaking researchers need the rhetoric translated so that they can apply text analysis tools in seeking rhetorical predictors.

The Committee appreciates the DHS focus on jihadist terrorism but recognizes that it also needs to prepare for a resurgence of domestic terrorism. Neo-Nazi, constitutionalist, and white militia violence emerged after the Soviet threat disintegrated; similarly it can be expected that these groups and their violence will re-emerge as the threat from Al Qaeda fades. There is a danger in focusing only on jihadist terrorism. The Committee suggest that National surveys with unobtrusive questions (what percent of world's population is white?) could begin to track the popularity of ideas associated with the idea that the U.S. Federal Government is the enemy.

The Committee notes that thus far, Islamic communities in Europe have been more involved in jihadist violence than Islamic communities in the United States. The Committee urges DHS to continue to research the determinants of support for violence among diasporas and develop theories of diaspora experience in relation to home country politics and especially support for violence in relation to home country politics.

The Committee understands that Al Qaeda is less an organization than a brand name or sympathy group with many local franchises now. The anarchist movement of the late 1800s and early 1900s had a similar quality, and due to the international nature of the anarchist threat governments leaders reached unprecedented cooperative agreements in trying to suppress the anarchists. The Committee recommends that DHS conduct a review of research on anarchist terrorism at the beginning of the 20th century in an effort to apply lessons learned for suppressing Al Qaeda.

The Committee urges DHS to continue research on the psychology of negative intergroup emotions. Most analyses of terrorism and terrorist motives makes reference to fear, hate, anger or humiliation but the Committee understands there is very little empirical research on hate and humiliation. Further while there is research on anger and hate it appears to focus on the interpersonal level which may be very different than anger and hate at the intergroup level. The Committee recognizes that episodes like Abu Ghraib highlight the problem in understanding intergroup emotions which are twofold: understanding the relation between interpersonal and intergroup emotions, and understanding in particular intergroup emotions of hate, humiliation, and shame.

The Committee recommends that DHS continue to review criminology literature and research related to gangs, especially youth and prison gangs, to better understand how different types of terrorist groups on the basis of recruiting, decision making, and desistence. The Committee believes that through research comparing terrorist groups that do and do not split, DHS might learn how to encourage internal conflict and splitting within terrorist organizations. Further, the Committee notes that there are cases, such as the Armenian Secret Army for Liberation of Armenia, and Egyptian Group after Luxor, in which terrorist activity drops quickly

from high to low levels. As the dynamics of endings are not necessarily the reverse of the dynamics of beginnings, the Committee believes it should be useful to study such cases to learn how to encourage desistance.

The Committee notes that terrorists are sometimes but not always seen as representing the group or cause they claim to be fighting for. Psychological research has emphasized attributions to individual actors with little attention to attributions to groups, and the attributions of interest are moral responsibility more than the usual psychological focus on perceived "causes" of behavior as trait-based or situation-based. The Committee encourages DHS to conduct additional research on attribution theory to better understand how actions of a few are sometimes but not always attributed to the group the individuals come from.

The Committee urges DHS to continue to study why some groups move from local to international terrorism. Most terrorism begins in response to local issues, and relatively few groups escalate to international attacks. The Committee believes we need to understand when and how this kind of escalation occurs. The Committee notes that most data bases focus on international terrorist attacks and may discount data about earlier local attacks by the same groups. The Committee believes that by studying local terrorist groups whose actions remained local DHS would have a basis for comparison with local groups that transitioned to international attacks.

PREPARED STATEMENT OF THE AMERICAN PUBLIC TRANSPORTATION ASSOCIATION

APTA is a nonprofit international association of over 1,600 public and private member organizations including transit systems and commuter rail operators; planning, design, construction and finance firms; product and service providers; academic institutions; transit associations and State departments of transportation. APTA members serve the public interest by providing safe, efficient and economical transit services and products. Over 90 percent of persons using public transportation in the United States and Canada are served by APTA members.

Mr. Chairman, thank you for this opportunity to submit written testimony on the security and safety of public transportation systems. We appreciate your interest in transportation security, and we look forward to working with you as you develop the fiscal year 2007 appropriations bill for the Department of Homeland Security.

ABOUT APTA

The American Public Transportation Association (APTA) is a nonprofit international association of more than 1,600 public and private member organizations including transit systems and commuter rail operators; planning, design, construction, and finance firms; product and service providers; academic institutions; transit associations and State departments of transportation. APTA members serve the public interest by providing safe, efficient, and economical transit services and products. More than 90 percent of the people using public transportation in the United States and Canada are served by APTA member systems.

OVERVIEW

Mr. Chairman, public transportation is one of our Nation's critical infrastructures. We cannot overemphasize the critical importance of our industry to the economic quality of life of this country. Over 9.6 billion transit trips are taken annually on all modes of transit service. People use public transportation vehicles over 32 million times each weekday. This is more than 16 times the number of daily travelers on the Nation's airlines.

Safety and security are the top priority of the public transportation industry. Transit systems took many steps to improve security prior to 9/11 and have significantly increased efforts since then. Since September 11, 2001, public transit agencies in the United States have spent over \$2 billion on security and emergency preparedness programs and technology from their own budgets with only minimal Federal funding. Last year's events in London and the previous year's events in Madrid further highlight the need to strengthen security on public transit systems and to do so without delay. We do not need another wakeup call like the terrorists attacks on rail systems in London and Madrid.

We urge Congress to act decisively on this issue. In light of the documented needs, we respectfully urge Congress to provide at least \$560 million in the fiscal year 2007 Homeland Security Appropriations bill for transit security grants to assist transit systems to continue to address the \$6 billion in identified transit security investment needs. Funding at this level annually would allow for dramatic improvement in security for the Nation's transit users over a 10 year period. Federal fund-

ing for additional security needs should provide for both hard and soft costs as described below and will be in addition to investments as transit systems continue to provide from their own resources. We also respectfully urge Congress to provide \$500,000 to the Department of Homeland Security (DHS) so that DHS can in turn provide that amount in grant funding to the APTA security standards program which includes participation with our Federal partners to assist with the development of transit security standards. In addition, we respectfully urge Congress to provide \$600,000 to maintain the Public Transit Information Sharing Analysis Center (ISAC).

BACKGROUND

In 2004 APTA surveyed its U.S. transit system members to determine what actions they needed to take to improve security for their customers, employees and facilities. In response to the survey, transit agencies around the country have identified in excess of \$6 billion in transit security investment needs. State and local governments and transit agencies are doing what they can to improve security, but it is important that the Federal Government be a full partner in the effort to ensure the security of the Nation's transit users.

In fiscal year 2003, transit security was allocated \$65 million in Federal funds from DHS for 20 transit systems. In fiscal year 2004, \$50 million was allocated from DHS for 30 transit systems. For the first time in fiscal year 2005, Congress specifically appropriated \$150 million for transit, passenger and freight rail security. Out of the \$150 million, transit is to receive approximately \$130 million—almost \$108 million for rail transit and more than \$22 million for bus. Also, passenger ferries are slated to receive an additional \$5 million for security from a separate account. In fiscal year 2006, Congress appropriated \$150 million for transit, passenger and freight rail security. DHS is currently deciding how to allocate this funding among the modes of transportation. We are very appreciative of this effort. However, in the face of significant needs, more needs to be done.

Transit authorities have significant and specific transit security needs. Based on APTA's 2003 Infrastructure Database survey, over 2,000 rail stations do not have security cameras. According to our 2005 Transit Vehicle Database, 53,000 buses, over 5,000 commuter rail cars, and over 10,000 heavy rail cars do not have security cameras. Fewer than one-half of all buses have automatic vehicle locator systems (AVLs) that allow dispatchers to know the location of the bus when an emergency occurs. Nearly 75 percent of demand response vehicles lack these AVLs. Furthermore, no transit system has a permanent biological detection system. In addition, only two transit authorities have a permanent chemical detection system. A partnership with the Federal Government could help to better address many of these specific needs.

We are disappointed that the Administration proposed only \$600 million for a Targeted Infrastructure Protection Program in the fiscal year 2007 DHS budget proposal, which would fund infrastructure security grants for transit, seaports, railways and other facilities. We are also disappointed that the Administration did not include a specific line item funding amount for transit security. We look forward to working with the Administration and Congress in securing adequate transit security funding that begins to address unmet transit security needs throughout the country.

We further request that the existing process for distributing DHS Federal grant funding be modified so that funds are distributed directly to transit authorities, rather than to State Administrating Agencies (SAA) on a regional basis. We believe direct funding to the transit authorities would be more efficient and productive. The Administration's process and conditions that have been put into effect have created significant barriers and time delays in getting the actual funds into the hands of transit agencies.

As I noted in previous testimony, APTA is a Standards Development Organization (SDO) for the public transportation industry. We are now applying our growing expertise in standards development to transit industry safety and security, best practices, guidelines and standards as well. We have already begun to initiate our efforts for security standards development and we have engaged our Federal partners from both the DHS and Department of Transportation in this process. Through these initial meetings, I am pleased to advise that our Federal partners have agreed to support these efforts. We look forward to working with the Administration and Congress in support of this initiative. We respectfully urge Congress to provide \$500,000 to the DHS so that it can in turn provide that amount in grant funding to the APTA security standards program which includes participation of our Federal partners to assist with the development of such standards and practices consistent with what we have already seen through the Federal Transit Administration (FTA).

Our efforts in standards development for commuter rail, rail transit and bus transit operations have been significant and our status as a SDO is acknowledged by both the FTA and the Federal Railroad Administration (FRA). The FTA and the Transportation Research Board have supported our standards initiatives through the provision of grants.

We also would like to work with Congress and the Department of Homeland Security's Directorate of Science and Technology to take a leadership role in advancing research and technology development to enhance security and emergency preparedness for public transportation.

INFORMATION SHARING

Since the terrorist attacks of September 11, 2001, public transit systems across the country have worked very hard to strengthen their security plans and procedures and have been very active in training personnel and conducting drills to test their capacity to respond to emergencies. As well, to the extent possible within their respective budgets, transit systems have been incrementally hardening their services through the introduction of additional technologies such as surveillance equipment, access control and intrusion detection systems. While the transit systems have been diligent, they have been unable to fully implement programs without more assistance from the Federal Government.

A vital component of ensuring public transit's ability to prepare and respond to critical events is the timely receipt of security intelligence in the form of threats, warnings, advisories and access to informational resources. Accordingly, in 2003, the American Public Transportation Association, supported by Presidential Decision Directive #63, established an ISAC for public transit systems throughout the United States. A funding grant in the amount of \$1.2 million was provided to APTA by the Federal Transit Administration to establish a very successful Public Transit ISAC that operated 24 hours a day, 7 days a week, and gathered information from various sources, including DHS, and then passed information on to transit systems following a careful analysis of that information. However, given that the Federal Transit Administration was subsequently unable to access security funds, and given the decision of DHS to not fund ISAC operations, APTA then had to look for an alternate method of providing security intelligence through DHS's newly created Homeland Security Information Network (HSIN). APTA continues to work with DHS staff to create a useful HSIN application for the transit industry. It is clear, however, that while the HSIN may become an effective resource, it does not match the 24/7 two-way communication functions provided through the Public Transit ISAC. However, we believe that consistent, on-going and reliable funds from Congress should be provided for the Public Transit ISAC that has been proven an effective delivery mechanism for security intelligence. Therefore, we respectfully urge Congress to provide \$600,000 to maintain the Public Transit ISAC.

In addition, APTA's membership includes many major international public transportation systems, including the London Underground, Madrid Metro, and the Moscow Metro. APTA also has a strong partnership with the European-based transportation association, the International Union of Public Transport. Through these relationships, APTA has participated in a number of special forums in Europe and Asia to give United States transit agencies the benefit of their experiences and to help address transit security both here and abroad.

COST OF HEIGHTENED SECURITY

Following the attacks on London, APTA was asked to assist the TSA in conducting a teleconference between the TSA and transit officials to discuss transit impacts pertaining to both increasing and decreasing the DHS threat levels. There is no question that increased threat levels have a dramatic impact on budget expenditures of transit systems and extended periods pose significant impacts on personnel costs. These costs totaled \$900,000 per day for U.S. public transit systems or an estimated \$33.3 million from July 7 to August 12, 2005 during the heightened state of "orange" for public transportation. This amount does not include costs associated with additional efforts by New York, New Jersey and other systems to conduct random searches.

Many transit systems are also implementing other major programs to upgrade security. For example, New York's Metropolitan Transportation Authority (NY-MTA) is taking broad and sweeping steps to help ensure the safety and security of its transportation systems in what are among the most extensive security measures taken by a public transportation system to date. NY-MTA will add 1,000 surveillance cameras and 3,000 motion sensors to its network of subways and commuter rail facilities as part of a \$212 million security upgrade announced late last year

with the Lockheed Martin Corporation. In fact, NY-MTA plans to spend over \$1.1 billion between now and 2009 on transit security.

SECURITY INVESTMENT NEEDS

Mr. Chairman, since the awful events of 9/11, the transit industry has invested some \$2 billion of its own funds for enhanced security measures, building on the industry's already considerable efforts. At the same time, our industry undertook a comprehensive review to determine how we could build upon our existing industry security practices. This included a range of activities, which include research, best practices, education, information sharing in the industry, and surveys. As a result of these efforts we have a better understanding of how to create a more secure environment for our riders and the most critical security investment needs.

Our latest survey of public transportation security identified enhancements of at least \$5.2 billion in additional capital funding to maintain, modernize, and expand transit system security functions to meet increased security demands. Over \$800 million in increased costs for security personnel, training, technical support, and research and development have been identified, bringing total additional transit security funding needs to more than \$6 billion.

Responding transit agencies were asked to prioritize the uses for which they required additional Federal investment for security improvements. Priority examples of operational improvements include:

- Funding current and additional transit agency and local law enforcement personnel
- Funding for over-time costs and extra security personnel during heightened alert levels
- Training for security personnel
- Joint transit/law enforcement training
- Security planning activities
- Security training for other transit personnel

Priority examples of security capital investment improvements include:

- Radio communications systems
- Security cameras on-board transit vehicles and in transit stations
- Controlling access to transit facilities and secure areas
- Automated vehicle locator systems
- Security fencing around facilities

Transit agencies with large rail operations also reported a priority need for Federal capital funding for intrusion detection devices.

Mr. Chairman, the Department of Homeland Security issued directives for the transit industry in May 2004 which would require that transit authorities beef up security and to take a series of precautions which would set the stage for more extensive measures without any Federal funding assistance. Transit systems have already carried out many of the measures that Transportation Security Administration (TSA) is calling for, such as drafting security plans, removing trash bins and setting up procedures to deal with suspicious packages. The cost of these measures and further diligence taken during times of heightened alert is of particular concern to us. We look forward to working with you in addressing these issues.

As you know, in the fiscal year 2006 Homeland Security Appropriations bill (Public law 109-90), TSA can hire rail inspectors using an \$8 million appropriation. We have concerns about this provision. We believe that funding for the inspectors would be better spent on things that would support the industry such as surveillance cameras, emergency communication and other systems rather than highlighting security issues without providing the necessary resources to address them. We look forward to working with you in addressing our concerns.

ONGOING TRANSIT SECURITY PROGRAMS

Mr. Chairman, while transit agencies have moved to a heightened level of security alertness, the leadership of APTA has been actively working with its strategic partners to develop a practical plan to address our industry's security and emergency preparedness needs. In light of our new realities for security, the APTA Executive Committee has established a Security Affairs Steering Committee. This committee addresses our security strategic issues and directions for our initiatives. This committee will also serve as the mass transit sector coordination council that will interface with DHS and other Federal agencies forming the government coordinating council.

In partnerships with the Transportation Research Board, APTA supported two TCRP Panels that identified and initiated specific projects developed to address Preparedness/Detection/Response to Incidents and Prevention and Mitigation.

In addition to the TCRP funded efforts, APTA has been instrumental in the development of numerous security and emergency preparedness tools and resources. Many of these resources were developed in close partnership with the FTA and we are presently focused on continuing that same level of partnership with various entities within DHS. Also, APTA has reached out to other organizations and international transportation associations to formally engage in sharing information on our respective security programs and to continue efforts that raise the bar for safety and security effectiveness.

APTA has long-established safety audit programs for commuter rail, bus, and rail transit operations. Within the scope of these programs are specific elements pertaining to Emergency Response Planning and Training as well as Security Planning. In keeping with our industry's increased emphasis on these areas, the APTA Safety Management Audit Programs have been modified to place added attention to these critical elements.

CONCLUSION

Mr. Chairman, in light of our Nation's heightened security needs post 9/11, we believe that increased Federal investment in public transportation security by Congress and DHS is critical. The public transportation industry has made great strides in transit security improvements since 9/11 but much more needs to be done. Therefore, we respectfully urge Congress to provide at least \$560 million in the fiscal year 2007 Department of Homeland Security Appropriations bill for transit security grants to assist transit systems to continue to address the \$6 billion in identified transit security investment needs. Funding at this level annually would also allow for dramatic improvement in security for the Nation's transit users over a 10 year period. We also respectfully urge Congress to provide \$500,000 to the Department of Homeland Security so that DHS can in turn provide that amount in grant funding to the APTA security standards program which includes participation of our Federal partners to assist with the development of transit security standards and practices consistent with what we have already seen through the FTA. In addition, we respectfully urge Congress to provide \$600,000 to maintain the Public Transit ISAC.

We have also found that investment in public transit security programs, resources and infrastructures provides a direct benefit in preparation and response to natural disasters as well. We look forward to building on our cooperative working relationship with the Department of Homeland Security and Congress to begin to address these needs. We again thank you and the Committee for allowing us to submit testimony on these critical issues and look forward to working with you on safety and security issues.

PREPARED STATEMENT OF THE INTERNATIONAL ASSOCIATION FOR EMERGENCY MANAGERS

Chairman Gregg, Ranking Member Byrd, and distinguished members of the Subcommittee, thank you for allowing me this opportunity to provide testimony on the President's fiscal year 2007 budget request for the Department of Homeland Security.

I am Michael D. Selves. I am currently the Emergency Management and Homeland Security Director for Johnson County, Kansas. Johnson County constitutes the Southwest suburbs of the Kansas City Metropolitan Area and, with a population of approximately a half million, is the most populous county in Kansas. I currently serve as the First Vice President of the International Association of Emergency Managers (IAEM) and am providing this testimony on their behalf. I am also a Certified Emergency Manager (CEM), and have served IAEM over the past 5 years as chair of the Government Affairs Committee. For the past 11 years I have been an active participant in the National Association of Counties, chairing their Subcommittee on Emergency Management, as a charter member of their Homeland Security Task Force as well as serving 2 years on their Board of Directors. I was appointed by Department of Homeland Security Secretary Ridge to his task force on State and local Homeland Security funding.

The International Association of Emergency Managers has over 2,700 members including emergency management professionals at the State and local government levels, the military, private business and the nonprofit sector in the United States and in other countries. Most of our members are city and county emergency managers who perform the crucial function of coordinating and integrating the efforts at the local level to prepare for, mitigate the effects of, respond to, and recover from

all types of disasters including terrorist attacks. Our members include emergency managers from large urban areas as well as rural counties.

Hurricane Katrina has unequivocally demonstrated the need for strong emergency management programs at the Federal State and local levels. As emergency management professionals, we know the only way plans, preparations and equipment can be brought to bear in a disaster is through the planning efforts—of people . . . people whose job it is to bring all elements of a community together to make the plans work and who will be there when the time comes to implement those plans. For this reason, we are limiting our statement to one single critical issue: We respectfully request your assistance in increasing the funding for the Emergency Management Program Grant (EMPG).

Emergency Management Performance Grant

—Request the \$13,100,000 funding cut be rejected and the amount increased to \$256 million to begin addressing the shortfall.

—Request that EMPG funding be maintained in a separate account as in the fiscal year 2006 Congressional action and not combined with other grant programs.

Increase funding for EMPG.—Appropriations Committee report language referred to the program as “the backbone of the Nation’s emergency management system.” In order to maintain this system and build the capacity required to meet the greatly increasing demands, additional investment is needed.

However, the President’s Budget request for fiscal year 2007 proposes to reduce the funding from the \$183,100,000 appropriated in fiscal year 2006 to \$170,000,000. According to a biennial study conducted by the National Emergency Management Association (NEMA) in 2004 there is a shortfall of \$260 million. We respectfully request that EMPG be increased \$86 million over the fiscal year 2007 request for a total of \$256,000,000 to begin addressing this shortfall.

Maintain EMPG as a separate account.—We also urge you to continue to maintain EMPG as a separate account. The President’s budget includes this program in the “State and Local” account with a number of other grant programs. EMPG is different from the other programs in this account. EMPG has existed for over 50 years and supports all hazards emergency management, including terrorism. In addition, it is a performance based continuing program with deliverables and requirements that must be met in order to receive funding the next year.

EMPG is critically important.—We believe it is the single most effective use of Federal funds in providing emergency management capacity to State and local governments. No other source of homeland security funding is based on a consensus building process determining outcomes and specific deliverables backstopped by a quarterly accountability process. In fact, we feel this program would more accurately be described by the name Emergency Management Assistance (EMA) because of the unique requirements for deliverables and accountability it imposes—unique among all other homeland security sources of financial assistance.

In addition, this unique program has never experienced “backlogs” of unspent funds because it is built on the experience and refinement of over 5 decades of proven effectiveness and efficiency. EMPG assistance requires a 50 percent State or local match, thus creating the much-needed “buy-in” not present in many other grant programs. Actually, the “buy-in” in this program is significantly greater due to the fact that currently many local jurisdictions are receiving 20 percent or less. In addition many local jurisdictions receive no funding at all because of shortage of funds.

Examples of the critical benefits of EMPG are the following:

—This program provides funding for the emergency managers who perform the role of the “honest broker” at the State and local level and who establish the emergency management framework for preparedness, response, recovery and mitigation.

—EMPG funding provides the people who are legally responsible for creating a “culture of preparedness” at the State and local level.

—EMPG funding also provides many of the personnel who can be deployed across State lines to assist other States in case of disaster through the Emergency Management Assistance Compact (EMAC). During the 2005 response to Hurricanes Katrina and Rita 65, 919 civilian and military personnel and equipment assets were deployed from 48 States, the District of Columbia, the Virgin Islands and Puerto Rico. Over 2100 missions were performed.

—EMPG funding has assumed a greater importance in light of recent catastrophic events and the responses to those events. For example, the President and the Department of Homeland Security (DHS) have tasked State and local government emergency managers with the responsibility to review their Emergency Operations Plans regarding the issue of evacuation.

—EMPG supports the people who have had the added responsibility of administering homeland security funding programs and additional planning efforts since 2001. While we agree the National Plan Review is a vitally important project, floods, tornadoes and other disasters simply haven't stopped happening. Without more funding and people we can't reach the level of preparedness our Nation deserves and our citizens demand.

The recent White House report on the response to the Hurricane Katrina contains 125 recommendations. A significant number of these recommendations are "top-down" initiatives which require the collaboration and coordination efforts of State and local emergency managers in order to be fully implemented. We also know that genuine solutions to broad based issues like emergency management can only succeed if they recognize the primary importance of State and local governments.

One way to sum things up is to acknowledge that beautiful plans written without the input and agreement of key stakeholders on roles and responsibilities will gather dust on shelves. A plan that works and has broad based buy in may be ugly and patched, but it lives, breathes and works, just like the people who implement it in a disaster.

EMPG provides people who build partnerships.—The single most critically important thing EMPG funding provides is emergency management personnel at the State and local level. People are the most important investment this program makes because without them nothing else works. Emergency Management is a people process. I would like to point to my own jurisdiction—Johnson County, Kansas—as an example.

Even before Katrina, we were engaged in the process of evaluating and revising our local emergency operations plan. I can tell you that this plan truly has broad buy in and acceptance within our jurisdiction. This happened because 16 subcommittees involving more than 120 people for 8 months of effort developed the 16 annexes of our plan. Because of the extensively and intensively people-based approach of this process, all of our officials—from our elected local leadership and senior management to front-line first responders—know and accept their roles and responsibilities. This would not have happened without EMPG funding providing the personnel in my office to facilitate this process. And the end result is very important. If we shake hands before the disaster, we won't have to point fingers afterwards.

Emergency Management personnel at the State and local level have long involved private enterprise and faith-based groups in their inclusive, all-hazards planning process. For example, many of the State and local governments that hosted Katrina survivors fully integrated private and faith based organizations in their reception planning. These organizations' contributions ranged from providing critically needed supplies to serving as counselors and community emissaries for potential new residents of our communities.

In conclusion, we believe this program must be maintained and sustained at a level which ensures that we continue to have a strong, truly national, system of emergency management in America. I sincerely thank you for this opportunity to express our deep concerns.

PREPARED STATEMENT OF THE NATIONAL BORDER PATROL COUNCIL

The National Border Patrol Council thanks the Subcommittee for the opportunity to present the views and concerns of the 10,500 front-line Border Patrol employees that it represents regarding the resources necessary to provide effective homeland security now and in the future. Initially, it is important to recognize that there are numerous aspects of homeland security, and each of them must receive adequate funding and support in order for the overall program to function properly. Deficiencies in any part(s) of the system will weaken the entire structure, enabling terrorists and other criminals to exploit these vulnerabilities. Thus, it is imperative that all of these matters are addressed concurrently. Beyond the obvious need to substantially increase the number of personnel in all of the Department of Homeland Security's programs, there is an equally pressing need to enhance the infrastructure that supports these programs.

It is beyond dispute that our borders are out of control. Millions of people cross them illegally every year, and only a small percentage are apprehended. While most of these people are merely seeking to improve their economic lot in life, a small but significant percentage of them are criminals who take advantage of our open borders, and a few terrorists undoubtedly do the same. In order to restore a semblance of order to this chaotic situation, the root cause of illegal immigration needs to be addressed by turning off the employment magnet that lures impoverished people to

our country. This will require a significant revision in the existing statutes so that employers are able to easily determine who has a right to work in this country and are discouraged from ignoring or disobeying the law through the certain imposition of tough penalties. A single, counterfeit-proof document must serve as the foundation of this approach. In order to enforce this new law, substantial additional resources will need to be allocated. At a minimum, 10,000 criminal investigators should be added for this purpose.

Even though the adoption of the foregoing measures would eliminate most illegal border crossings by people seeking employment, it would do nothing to diminish the flow of criminals and contraband. Stopping this illicit activity will require a sophisticated network of detection devices coupled with substantial increases in Border Patrol agents to respond to such intrusions and apprehend the violators. The additional 1,500 agents requested by the Administration for the upcoming fiscal year is entirely inadequate for this purpose, and should be increased to 2,500. Thereafter, the size of the Border Patrol should be increased by at least the same amount every year until a total of at least 25,000 agents are deployed.

The number of inspections personnel at the Ports of Entry also needs to be increased significantly to allow for a more thorough inspection process without disrupting the flow of legitimate traffic. This will require an expansion of the existing facilities in some locations, and the building of additional facilities in areas where that is impractical. Moreover, the failed "One Face at the Border" initiative needs to be discarded in favor of a system that fosters specialization in each of the complex areas of immigration, customs, and agriculture laws.

The number of detention beds and personnel to guard detainees also need to be augmented significantly. The promise of "catch and return" is meaningless unless it can be backed up by sufficient resources.

In order to adequately patrol the thousands of miles of coastal areas and other waterways along the boundaries of the United States, the Coast Guard also needs substantial increases in personnel.

The number of Federal Air Marshals has been allowed to dwindle to dangerously low levels. A significant increase in the ranks of these employees is also critical to efforts to bolster homeland security.

It is important that the occupations supporting the foregoing programs also be increased commensurately. Far too often, these important resources are neglected when the primary occupations are augmented, resulting in needless inefficiencies.

The addition of significant numbers of new employees will present many challenges. First and foremost, it will be necessary to make these occupations more attractive in order to recruit and retain sufficient numbers of highly-qualified personnel. Law enforcement agencies throughout the country are currently experiencing difficulties meeting their recruitment goals, and many of them are finding it necessary to increase salaries and benefits to remain competitive.¹ The Border Patrol just raised its entry level age from 37 to 40, reflecting the difficulties it is facing in attracting a sufficient number of qualified recruits. In many areas of the country, the pay and benefits of Federal law enforcement agents already lag behind that of their State and local law counterparts. In order to become more competitive in this job market, the Federal Government needs to upgrade its pay and benefits, and take other steps to ensure that these jobs are deemed desirable.

The pay of many of the Department of Homeland Security's occupations needs to be raised substantially. This includes, but is not limited to, Border Patrol Agents, Customs and Border Protection Officers, Immigration Enforcement Agents, and Law Enforcement Communications Assistants. Moreover, the demoralizing practice of requiring many of the Department's law enforcement employees to work long hours of overtime without any compensation needs to be remedied by placing all employees under the coverage of the Fair Labor Standards Act. Also, all of the Department's law enforcement officers need to be afforded law enforcement retirement coverage.

The pay-for-performance plan that is being implemented throughout DHS must be discarded in favor of a fair and predictable pay system. The pay of dedicated employees should not be left to the whim and mercy of arbitrary and capricious supervisors, many of whom are ordered to withhold pay increases in order to offset budgetary shortfalls in other areas.

Additionally, the labor-management relations provisions of the Homeland Security Act must be repealed. These draconian measures serve no legitimate purpose, and will in fact deter employees from exposing fraud, waste or corruption. Because they

¹"Police Finding It Hard to Fill Jobs; Forces Use Perks And Alter Standards," The Washington Post, March 27, 2006, page A-1.

institutionalize the unfair treatment of employees, they will also discourage the best and the brightest from serving in the Department.

Although all Federal agencies have the authority to pay generous recruitment and relocation bonuses and retention allowances, the Department of Homeland Security rarely exercises it because little or no money is budgeted for that purpose. This unwise practice needs to be remedied. Similarly, the Department needs additional money for the purpose of funding personnel relocations. The movement of personnel from one location to another is essential to the success of the organization.

Counter-productive enforcement schemes such as the Border Patrol's "strategy of deterrence" need to be abandoned in favor of effective strategies. The notion that criminals and terrorists will be dissuaded from crossing the borders illegally because Border Patrol agents are positioned at quarter-mile fixed intervals along the border is absurd.

Surveillance technology can be a useful enforcement tool, especially in detecting violators who are attempting to illegally cross our borders. The temptation to rely upon such devices to replace trained law enforcement officers needs to be resisted, however. Even the most sophisticated of these devices is incapable of apprehending a single violator. At best, most of these devices are only capable of providing snapshot views of intrusions, and their utility is thus quite limited. The high cost of complex devices such as unmanned aerial vehicles renders them less cost-effective than manned aircraft such as helicopters.

The Department needs to provide all of its officers with instant access to databases that allow them to quickly determine if a person is wanted for the commission of a crime or suspicion of terrorist activities. Disturbingly, almost none of the Department's vehicles have portable computers.

Many of the Border Patrol's vehicles are long overdue for replacement. It is senseless to spend large amounts of money repairing vehicles that continually break down because of their age and the wear and tear of law enforcement use.

Numerous DHS employees are wearing body armor that is not suited for the types of dangers that they face and the environment in which they operate. Moreover, the weapons issued to these employees are no match for those utilized by the criminals that they face.

The communications system utilized by many of the Department's employees is antiquated and inadequate. There are numerous areas where employees routinely operate without the ability to communicate with each other because the radio network does not provide coverage. This hazardous situation needs to be remedied.

Many employees do not have hand-held global positioning system devices to assist them in navigating around the vast areas that they are responsible for patrolling. Moreover, the supply of night vision equipment is inadequate, and much of it is outdated.

Hiring large numbers of employees will require an expansion of the existing training facilities. The small size and deplorable condition of the Border Patrol's facilities in Artesia, New Mexico are cause for particular concern. The infrastructure of that community cannot support an operation of the magnitude needed to properly train several thousand agents every year, and serious consideration needs to be given to finding a new location that is more suited to this purpose.

As significant numbers of additional personnel are added to all parts of the country, it is important to plan ahead and ensure that the facilities in those locations are large enough to ensure that the operations run efficiently.

Although most of the infrastructure needs identified herein can easily be met through proper planning, the chronic deficiencies in these areas demand an approach that incorporates them into the hiring process. A funding formula that factors all of these needs into the cost of a full career must be developed, adjusted from time to time, and followed.

While the expense of providing effective homeland security may seem steep at first glance, it pales in comparison to the cost of failing to do so. The investment in the infrastructure of America's homeland security must begin now. Further delays will leave our Nation needlessly vulnerable to further attacks by those who want to destroy us.

PREPARED STATEMENT OF THE NATIONAL EMERGENCY MANAGEMENT ASSOCIATION

Introduction

Thank you Chairman Gregg, Ranking Member Byrd, and distinguished members of the Committee for allowing me the opportunity to provide you with a statement for the record on the Department of Homeland Security (DHS) fiscal year 2007 budget. I am Bruce Baughman, the President of the National Emergency Manage-

ment Association and Director of the Alabama Emergency Management Agency. In my statement, I am representing the National Emergency Management Association (NEMA), whose members are the State emergency management directors in the States, the U.S. territories, and the District of Columbia. NEMA's members are responsible to their governors for emergency preparedness, homeland security, mitigation, response, and recovery activities for natural, man-made, and terrorist caused disasters.

As you consider the budget for fiscal year 2007, emergency management in our country has received greater attention as a result of the aftermath of Hurricane Katrina. Though, funding has not followed from the Federal Government to assist in meeting the needs for all-hazards emergency preparedness, response, recovery, and mitigation activities. Over the past year, our Nation's emergency management system has been tested by the extensive natural disasters that we have faced. In all, there were 48 major disaster declarations, 68 emergency declarations, and 39 fire management assistance declarations. Every single State was impacted by one of these declarations, including the District of Columbia, and all but two of the U.S. territories. 48 States were impacted enough by Hurricanes Katrina and Rita to warrant declarations for Federal assistance, whether the States were disaster areas or the States took in significant numbers of evacuees. States have been mandated to complete comprehensive reviews of evacuation plans and other emergency plans with no Federal support. At the same time, emergency management continues to prepare for the threat of terrorism with new requirements coming from the Federal Government such as updating State plans to reflect the National Response Plan (NRP), training emergency responders on the new National Incident Management System (NIMS), and implementing the National Preparedness Goal mandated by Homeland Security Presidential Directive 8 (HSPD 8) on National Preparedness with no additional Federal financial assistance to meet Federal mandates. The multi-hazards emergency management system continues to be the means to practice and exercise for devastating acts of terrorism, while at the same time preparing the Nation for hurricanes, tornadoes, hazardous materials spills, and floods. We respectfully ask for your Committee to consider the role of emergency management as you address the fiscal year 2007 appropriations and ask for your serious consideration for Federal support for the Emergency Management Performance Grant Program (EMPG) to build State and local emergency management capacity.

The Department of Homeland Security budget provides critical support to State and local emergency management programs through actual dollars, grants, and program support. This year, NEMA would like to address three critical issues regarding the proposed Federal budget for Department of Homeland Security:

- Extreme concern for proposed cuts to the Emergency Management Performance Grant (EMPG) program while requirements increase for State and local governments;
- The need for Federal support for the Emergency Management Assistance Compact (EMAC); and
- Concerns related to the status of reorganizations at the Department of Homeland Security.

EMERGENCY MANAGEMENT INFRASTRUCTURE FUNDING

EMPG is the only program for All-Hazards Preparedness/Readiness

Natural disasters are certain and often anticipated. Every State must be able to plan for disasters as well as build and sustain the capability to respond. EMPG is the only source of funding to assist State and local governments with planning and preparedness/readiness activities associated with natural disasters. At a time when our country is recovering from one of the largest natural disasters and making strides to improve the Nation's emergency preparedness/readiness, we cannot afford to have this vital program be cut by \$13.1 million. EMPG is the backbone of the Nation's all-hazards emergency management system as the only source of direct Federal funding to State and local governments for emergency management capacity building. EMPG is used for personnel, planning, training, and exercises at both the State and local levels. EMPG is primarily used to assist States in maintaining personnel for State and local emergency management programs, and consequently the Nation's emergency response system. EMPG is being used to help States create and update plans for receiving and distribution plans for commodities and ice after a disaster, debris removal plans, and plans for receiving or evacuating people.

The State and local government partnership with the Federal Government to ensure preparedness dates back to the civil defense era, yet increased responsibilities over the last decade have fallen on State and local governments. With the recent expanded focus on terrorism and the increased demands of the Federal Government

to assist in implementation of Federal initiatives like the NRP, the NIMS, and HSPD8, EMPG becomes more important as a means to ensure State and local involvement and compliance with new systems.

NEMA completed a Quick Response Survey in March 2006 to assess the impacts of the proposed cut to the EMPG program. Of the 42 States responding, 90 percent of the States will have to cut staff ranging from one person to more than 50 positions. If the cut is included in the budget: 20 States will have to cut between 1–10 positions; 10 States will have to cut between 11–30 positions; 4 will have to cut between 31–50 positions; and 4 will have to cut more than 50 positions. In the same Quick Response Survey, 83 percent of responding States report that the majority of EMPG funds go to local grants, so the impact of the cut would be greatest on local governments.

State and Local Match

EMPG is the only program in the Preparedness Account within the Department of Homeland Security that requires a match at the State and local level. The match is evidence of the critical partnership of State and local governments to address the urgent national security need for emergency planning for all disasters regardless of the cause. EMPG requires a match of 50 percent from the State or local governments. According to the NEMA 2004 Biennial Report, budgets for State emergency management agencies nationally were reduced by an average of 23 percent in fiscal year 2004, yet at the same time States were continuing to over match the Federal Government's commitment to national security protection through EMPG by \$96 million in fiscal year 2004, which is a 80 percent State and 20 percent Federal contribution.

EMPG Helps Ensure Personnel for Mutual Aid

During last year's hurricane season, the interdependencies of the Nation's emergency management system were demonstrated and one of the success stories was the Emergency Management Assistance Compact (EMAC). EMAC enabled 48 States, the District of Columbia, the Virgin Islands, and Puerto Rico to provide assistance in the form of more than 2,100 missions of human, military and equipment assets and over 65,000 civilian and military personnel and equipment assets to support the impacted States. The estimated costs of these missions may exceed \$829 million and the missions and requests for aid are continuing. Of the personnel providing assistance through EMAC, 46,448 were National Guard personnel and 19,431 were civilians. Many of the civilians sent to provide assistance were supported by the EMPG program. The nature of the Nation's mutual aid system vividly shows the need for all States to have appropriate capabilities for all disasters and EMPG allows States and local governments to build this capability both for their own use and to share in through EMAC. Additional resources are needed to build emergency response capabilities on a national basis and to ensure the system can handle the demands of natural disasters including catastrophic events and other emergencies no matter where they occur.

Appropriate Support Needed to Strengthen Program

While EMPG received modest increases in 2003 and 2004 after 10 years of straight-lined funding, the program still needs significant investment to accomplish its goals. The final fiscal year 2006 DHS conference report provided an additional \$5 million for the program, but after the across the board cut, the program was left with \$183.1 million. We appreciate all of the efforts of members of Congress and the Administration to allow for these increases. The current cut comes at a time when emergency management needs to address shortfalls and new threats. EMPG needs adequate and predictable resources in order to sustain the increased demand for preparedness/readiness. Continued funding increases are necessary to make up for a decade of degradation of funding and increased State and local commitments because funding has not kept pace with inflation or with increasing demand. The increased flexibility of EMPG is offset by funding shortfalls estimated in the NEMA Biennial Report in 2004 to be over \$264 million for all 50 States. The current shortfall is \$260, because of a \$3.1 million increase in fiscal year 2006.

The President's budget proposal will have a devastating impact on the Nation's emergency management system at the same time that responsibilities are increasing for new and emerging hazards. The proposal decreases funding for the EMPG program by \$10 million. These cuts mean that emergency management would be saddled with increased mandates, while coping with decreases to an already modest budget. In budget consideration for fiscal year 2003, 2004, and 2006, Congress affirmed the importance of EMPG in appropriations bills in language addressing the significance of the program and increased the levels of funding for the program twice. Prior to these modest increases, the program had been straight lined for over

a decade and even with these increases the program's growth rate has not kept pace with inflation over the last 15 years. Additionally, Congress affirmed the intent of the program as all-hazards and dedicated to supporting personnel during consideration of the fiscal year 2006 budget. NEMA is appreciative of Congress' recognition of the EMPG program, but this year we respectfully ask that Congress aggressively address the programs shortfalls with an additional \$87 million in funding for EMPG for fiscal year 2007, for a total of \$270 million.

Clearly, Congress wants to understand what is being built with these investments, especially in tight fiscal conditions. The 2006 Quick Response Survey found that if States were to each receive an additional \$1 million in EMPG funding for fiscal year 2007, States would use the following percentages for the following activities: 88 percent of States responding would update plans including evacuation, sheltering, emergency operations, catastrophic disasters and others; 83 percent would provide more training opportunities for State and local emergency preparedness and response; 88 percent would provide more preparedness grants to local jurisdictions; 69 percent would conduct more State and local exercises; and 61 percent would use funding for State and local NIMS compliance.

EMPG's modest Federal increases in helped the program grow, but shortfalls continue to force an unequal burden on State and local governments. States are continuing to increase their out of pocket costs in order to ensure there is adequate funding for local programs. The shortfall means that many communities that would like to implement a full-time, professional emergency management capability cannot do so because of shortfalls in Federal funding. Further, EMPG is primarily used as a pass-through program for local governments, so the shortfall affects our smallest localities that are often those most in need of emergency preparedness planning. Currently, States and local governments are over matching the Federal Government's commitment to national security protection through EMPG by \$96 million according to the 2004 NEMA Biennial Report.

Accountability Measures

Many States have various accountability measures in place to track the use of EMPG funding and NEMA supports the development of a national system that quantifies the uses of the funding. In fact, NEMA through the National Homeland Security Consortium is working closely with the new Preparedness Directorate at DHS to work collaboratively on performance metrics for HSPD-8 and performance metrics for the Response Capabilities in the TCL. The DHS effort will help to develop a national picture of EMPG metrics as well. At the same time, States already have measures in place at the State level to track the use of EMPG funding in their States. Some of the measures in place reported in the 2006 Quick Response Survey include: 95 percent of responding States have reporting requirements; 76 percent of States responding require the development of State-wide goals that must be met with the funds; 61 percent of the States responding call for local governments to demonstrate performance against goals that are written by local jurisdictions; 42 percent of responding States implement corrective action plans if goals are not met with funding; and 45 percent of States tie program funding to meeting the standards in place with the voluntary Emergency Management Accreditation Program (EMAP) for State and local emergency management agencies.

EMPG as a Separate Account

The President's Budget proposal for fiscal year 2007 suggests combining the EMPG account with the Citizen Corp account to form a formula-based grant account. NEMA strongly disagrees with this approach, as EMPG must be maintained as a separate line item account as Congress has affirmed since fiscal year 2003. Congress agreed at that time that the program account needed to be visible and easy to find in the budget because of the importance of the program. The separate account is critical because the program is the only all-hazards grant program being administered through the Grants and Training Office to emergency management agencies. Further, the separate account allows for EMPG to be tracked and has raised visibility on the importance of the program among members of Congress. Additionally, we suggest that Congress maintain the method of distribution for EMPG, similar to the language in the fiscal year 2006 appropriations, however continuing to allocate the funding through the State Administrative Agencies (SAAs) continues to cause delays in some States. NEMA supports language that would expressly restore the grants allocation to State emergency management agencies, to facilitate the process of getting funding to emergency management agencies at the State and local level faster.

All-Hazards Approach

The Federal Government must continue the commitment to ensuring national security through all-hazard preparedness. Without adequate numbers of State and local personnel to operate the all-hazards emergency management system, the infrastructure used to prevent, prepare for, respond to, and recover from all disasters will collapse. Unfortunately, Hurricanes Katrina and Rita illustrated the need for adequate emergency management needs from the ground up. Instead of making significant investments towards terrorism preparedness, we must maintain an all-hazards approach and shore up the foundation of our response system for all disasters regardless of cause—EMPG. We strongly ask for Congress to ensure predictable and adequate funding levels for the EMPG in fiscal year 2007.

BUILDING OUR NATION'S MUTUAL AID SYSTEM THROUGH EMAC

The response to Hurricanes Katrina and Rita resulted in the largest deployment of interstate mutual aid in the Nation's history through the Emergency Management Assistance Compact (EMAC). As mentioned previously, EMAC deployed personnel comprised of multiple disciplines from all member States to respond to Louisiana, Mississippi, Alabama, Florida, and Texas. EMAC Operations in Louisiana are still underway. The process enabled National Guard, search and rescue teams, incident management teams, emergency operations center support, building inspectors, and law enforcement personnel to immediately assist the requesting States in need of support. The National Guard even chose to continue under EMAC when deployed under Title 32 because of the organization, liability protections, accountability, and tracking abilities EMAC provides.

EMAC was created after Hurricane Andrew by then-Florida Governor Lawton Chiles. The system was developed through the members States of the Southern Governors' Association to establish mechanisms to enable mutual aid among member states in emergency situations. The Southern Regional Emergency Management Assistance Compact (SREMAC) was signed by participating Governors in 1993. Following recognition of SREMACs nationwide applicability by the National Governors' Association and FEMA, Congress enacted EMAC in 1996 (Public Law 104-321). Currently 49 States, the U.S. Virgin Islands, Puerto Rico, and the District of Columbia are members of EMAC. Hawaii is currently considering legislation to become a party to the compact during their current legislative session. EMAC requires member States to have an implementation plan and to follow procedures outlined in the EMAC Operations Manual. EMAC takes care of issues such as reimbursement, liability protections, and workers' compensation issues.

Prior to the historic 2005 deployments, EMAC's largest previous deployment was during the 2004 Hurricane season in Florida, Alabama, and West Virginia, which enabled 38 States to provide assistance in the form of more than \$15 million in human, military, and equipment assets and over 800 personnel to support the impacted States for over 85 days of continuous response operations. NEMA utilized the grant funds to work with an independent consulting company to complete a 2004 After Action Report, that identified areas for continuous improvement for the EMAC systems and EMAC has worked to draft a strategic plan to implement the lessons learned into practice. NEMA is currently working to complete an After-Action Report on the 2005 season, with a meeting of stakeholders, assisting States, requesting States, and others later this month. The report is expected to be complete by September 2006 and the strategic plan will be amended to reflect new lessons learned. The support of EMAC is critical to helping offset the costs of disasters and maintaining the need for a massive Federal workforce for response to catastrophic disasters. The beauty of EMAC is that it provides assistance to those in need, but allows others to assist and learn from disasters in other States.

In order to meet the ever-growing need for and reliance on interstate mutual aid, EMAC is seeking \$4 Million over 3 years to continue to build EMAC capabilities. This funding will allow EMAC to focus on the implementation of lessons learned from Hurricanes Katrina and Rita such as Training and Education, Resource Typing and Credentialing, and Information and Resource Management. Since EMAC's inception in 1993, EMAC was funded by member States until 2003. In 2003, FEMA funded EMAC with a 3 year grant of \$2 Million. This funding expires in November 2006. This funding has been used for administrative support of EMAC, development of the EMAC Operations system whereby all resources deployed under the Compact are tracked from when it is requested until reimbursement is paid, and the 2004 and 2005 after action reports.

SECOND STAGE REVIEW AND FEMA

As the Congress looks at the lessons learned and recommendations for reform included in reports following Hurricanes Katrina and Rita, we ask that NEMA's members be consulted regarding further changes to the Department of Homeland Security and FEMA. Most importantly, consideration needs to also be given to the connectivity between FEMA and the Preparedness Directorate within DHS, since all FEMA's preparedness functions were moved out into this new Directorate. When the Second Stage Review proposal was announced, NEMA articulated grave concern in a July 27, 2005 letter to the Department of Homeland Security regarding the Second Stage Review (2SR) creating a Preparedness Directorate that would be primarily focused on terrorism. The letter to Congress highlighted the lack of the Department's focus on natural-hazards preparedness and the inability to connect response and recovery operations to preparedness functions, as any unnecessary separation of these functions could result in a disjointed response and adversely impact the effectiveness of Departmental operations. Nevertheless, we understand that the 2SR is moving ahead and look forward to finding ways to connect the new Preparedness Directorate with FEMA. We fear that if those interrelationships are not made the result could mean that many State and local governments will be meeting FEMA for the first time when a disaster occurs in their State because of the separation of functions. We hope to work with Congress to ensure linkages of preparedness, response, recovery, and mitigation functions in the all-hazards approach to emergency management.

NEMA also calls on Congress to consider the needs of the FEMA in this year's budget process, to restore the agencies ability to respond to all disasters. Our Nation is same point as the Nation was after Hurricane Andrew in 1992, questioning organizational structures, leadership, the roles of Federal, State, and local government, funding for FEMA and emergency management and even citizen preparedness. No Federal agency is more qualified structurally and statutorily than FEMA to help our Nation respond to and recover from disasters. FEMA has the direct relationships with State and local governments because of the grant programs and the disaster relief programs authorized through the Stafford Act. FEMA is the only Federal agency authorized under the Robert T. Stafford Disaster Relief and Emergency Relief Act (42 U.S.C. 5121 et seq.) to carry out duties on behalf of the President. The 1978 Reorganization Plan 3, which created FEMA, also gives FEMA the responsibility for all of the functions of emergency preparedness and response. The plan States:

"This reorganization rests on several fundamental principles. First, Federal authorities to anticipate, prepare for, and respond to major civil emergencies should be supervised by one official responsible to the President and given attention by other officials at the highest levels. The new agency would be in this position."

FEMA is and should be the agency of choice to coordinate the functions of the Federal Government in response to disasters, regardless of their cause.

FEMA has the ability to tap into the emergency responder community to build relationships through training and exercises. FEMA also has the skills to work cooperatively with State and local elected and appointed officials to work towards comprehensive recovery. FEMA has the coordinating function in the Federal Government and should have the ability to tap all the resources at the Federal level to respond to a disaster. However, all these areas need to be strengthened with an all-hazards focus to ensure that Federal, State, and local governments are building relationships before a disaster and understand how to work together cohesively. FEMA also needs financial support to maintain and build their capacity.

The time to stop the cycle of degradation of emergency management functions by reorganization after reorganization is now and we must systematically improve our Nation's emergency response system through verified lessons learned and not reactionary decisions. We hope that Congress will partner with NEMA as they move forward to consider changes to DHS organizational functions and the role of FEMA.

CONCLUSION

The last year has proved our Nation's continuous vulnerability against all-hazards of many sizes. We will be faced with recovery on the Gulf Coast for many years to come and we cannot ignore the predictions for the coming Hurricane season. We must continue to build national preparedness efforts with a multi-hazard approach. In this year's appropriations process Congress will make critical decisions that shape the future of emergency management in this country. As you begin your consideration, we ask you to recognize the importance of adequately funding the EMPG program in building capacity through people at the State and local level for all dis-

asters. I thank you for the opportunity to testify on behalf of NEMA and appreciate your partnership.