

**The Subcommittee on Oversight, Investigations, and  
Emergency Management**

**Hearing on**

**Legislative hearing on H.R. 4210, Preparedness Against  
Terrorism Act of 2000**

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**PURPOSE**

The Subcommittee on Oversight, Investigations and Emergency Management will meet on Thursday, May 4, at 1:30 p.m., in room 2167 Rayburn House Office Building. The purpose of this hearing is to receive testimony on H.R. 4210, a bill to amend the Robert T. Stafford Act to update Title VI of the Act and to provide coordination for federal efforts with regard to preparedness against terrorist attacks in the United States.

## **BACKGROUND**

The Robert T. Stafford Disaster Relief and Emergency Assistance Act (P.L. 93-288, as amended) provides the basis for federal assistance to state and local governments impacted by a significant disaster or emergency since its enactment in 1974. Created by a Presidential Reorganization Plan in April 1979, the Federal Emergency Management Agency (FEMA) has primary responsibility for administering this type of assistance. FEMA relies on the authority granted in Title VI of the Stafford Act, entitled "Emergency Preparedness," to serve as a statutory basis for assisting in preparing the nation for all hazards.

In response to recent terrorist attacks in the United States, including the bombings of the World Trade Center in 1993 and the Alfred R. Murrah Federal Building in Oklahoma City in 1995, federal efforts were stepped up to address preparedness against terrorist attacks. Although FEMA has interpreted Title VI of the Stafford Act to include preparedness against terrorist attacks the statute does not explicitly reflect this practice.

In addition, recent terrorist attacks in the U.S. and abroad have resulted in FEMA and many other agencies creating programs and response teams to assist in preparing emergency responders against terrorist attacks. Some of these programs were directed by Congress and enacted into law. These laws include the Antiterrorism and Effective Death Penalty Act of 1996 (P.L. 104-132) and the Defense Against Weapons of mass Destruction Act of 1996 (P.L. 104-201), commonly known as the Nunn-Lugar-Domenici Act.

Under the Antiterrorism and Effective Death Penalty Act of 1996, the Attorney General, in consultation with the FEMA Director, was directed to make grants to provide specialized training and equipment to enhance metropolitan fire and emergency service capabilities. The Nunn-Lugar-Domenici Act tasked the Department of Defense (DOD) with enhancing the domestic preparedness for responding to terrorist use of weapons of mass destruction. The Department of Justice (DOJ) is scheduled to assume responsibility for the Nunn-Lugar-Domenici training program, the Domestic Preparedness Program, by the year 2001.

In addition to FEMA's Stafford Act responsibility for preparation, Presidential Decision Directive 39, signed June 21, 1995, designates FEMA as the lead Federal agency for "consequence management" in the event of a terrorist attack. The term "consequence management" is defined as measures that alleviate the damage or suffering caused by an event such as a terrorist attack. The same Directive designates the Federal Bureau of Investigation (FBI) as the lead for "crisis management," or law enforcement. Including FEMA and the FBI, more than 40 departments and agencies receive funding for federal programs for terrorist attack preparedness.

On June 9, 1999 and April 6, 2000, the Subcommittee held hearings examining these programs. Testimony from state and local emergency responders during these hearings revealed several major problems in the current federal framework. First, in the absence of an organized federal effort, federal agencies have created a massive structure of uncoordinated, fragmented and often duplicative programs – many of which do not address the needs of the state and local responders. Second, the entity created to coordinate these programs, the FBI's National Domestic Preparedness Office (NDPO), has not met the expectations of the response community.

Since 1998, funding for federal terrorism programs has almost doubled from \$6.5 billion in FY 1998 to a budget request of \$11.1 billion for FY 2001. As testimony from this Subcommittee's previous hearings indicates, Federal programs were created in the absence of an overall national strategy. In addition, most programs were created independently of each other, with little or no coordination between the agencies. This lack of organization has resulted in programs that are fragmented and often duplicative.

There are currently more than 90 terrorism preparedness training courses offered

by DOD, DOJ, FEMA, the National Fire Academy, the Environmental Protection Agency and other federal agencies. Although created independently, several of these courses teach extremely similar content. As one witness noted, after attending two federal training programs back to back, one local responder asked rhetorically, "How many ways can you bake the same chicken?"

Testimony from both the General Accounting Office (GAO) and the Congressionally commissioned "Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction" (the Panel) indicate that there is a great need for an over-arching coordination among the federal agencies involved in terrorism preparedness. GAO and the Panel also agreed that federal efforts will never be coordinated without defining an end-state of preparedness for emergency responders. When asked who should coordinate federal efforts for terrorism preparedness during the first hearing Fire Chief John Eversole answered: "Whoever you give that to, you better give them a big whip and a chair so they can crack that whip and make everybody jump in line because I find the competition between Federal agencies intolerable and certainly demeaning to the locals."

In response to the requests of state and local emergency responders for assistance, the Department of Justice (DOJ) created the NDPO within the FBI. It was intended to be a "one-stop-shop" for information and assistance. As we learned during previous hearings, state and local emergency responders were hopeful that the NDPO would be the answer to the confusion they face in navigating the myriad of federal programs. The Panel also expressed support for the coordination concept behind the creation of the NDPO.

Unfortunately, although the NDPO has been in existence since October 1998, it has not yet become fully operational. In fact, a few weeks ago, the Director of the NDPO office recently asked to be reassigned. Subsequently, responders have expressed serious disappointment in the NDPO's effectiveness.

While many responders support the creation of the NDPO, some have criticized its placement in the FBI. Traditionally, state and local responders have a tenuous relationship with the FBI. In addition, the NDPO has no authority to coordinate the programs of other federal agencies. At best, it could take inventory of the federal programs.

## **H.R. 4210**

H.R. 4210, introduced by Mrs. Fowler and Mr. Traficant, amends the Stafford Act to reflect emerging threats from terrorism and cybertechnology. It also establishes an office within the Executive Office of the President (EOP) to coordinate government-wide efforts for improving domestic preparedness against terrorist attacks.

The Office of Terrorism Preparedness (OTP) will be responsible for creating a national strategy for preparedness, which will eliminate duplication of efforts and define an end state for preparedness. The OTP will exercise limited budgetary authority over each agency's programs, basing funding decisions on accomplishing the goals of a defined national strategy. It will also assist state and local emergency responders in navigating the federal preparedness programs. Moreover, it will eradicate duplicative government functions and identify waste, fraud and abuse through oversight of the agencies it coordinates.

Attached for your information are copies of H.R. 4210 and a section-by-section analysis of the bill.

### **WITNESSES**

#### **PANEL I**

[Mr. Gary Marrs](#)

Fire Chief of Oklahoma City  
International Association of Fire Chiefs

[Mr. Stan McKinney](#)

Director, South Carolina Division of Emergency Preparedness  
National Emergency Management Association

[Mr. Ray Alfred](#)

Fire Chief of Jacksonville, Florida  
International Association of Fire Chiefs

Mr. Olden Henson  
Council Member, City of Hayward, California

**PANEL II**

Director James Lee Witt  
Federal Emergency Management Agency

[Mr. Charles Cragin](#)

Acting Under Secretary of Defense for Personnel and Readiness  
Department of Defense

Mr. Dale Watson  
Assistant Director, Counterterrorism Activities Division  
Federal Bureau of Investigation  
Department of Justice

**TESTIMONY FOR THE RECORD**

[Norman J. Rabkin](#)

Director National Security Preparedness Issues  
National Security and International Affairs Division

# Preparedness Against Terrorism Act 2000

Statement by Chief Gary Marrs

*presented to*

Subcommittee on Oversight,  
Investigations, and Emergency  
Management

of the

# Committee on Transportation and the Infrastructure U.S. House of Representatives

May 4, 2000

International Association of Fire Chiefs

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My name is Gary Marrs and I am chief of the Oklahoma City Fire Department. I also appear today on behalf of the International Association of Fire Chiefs (ICHIEFS).

I became involved with the federal government on the issue of domestic terrorism exactly five years ago last month. I have been witness to federal response efforts and to programs designed to enhance the ability of local "first responders" to cope with and mitigate incidents of terrorism. These programs were all created by Congress subsequent to the ordeal endured by my friends, my neighbors, my fire department and my city in April of 1995.

To the credit of the federal government, it has designed programs to assist the fire service and other local emergency services agencies. These programs have grown

and improved over the past several years. But, so have the number response teams of one kind or another that have been created by federal agencies to respond in the event of an incident to assist us. My observation here is that finite funding for incident response is going to federal agencies, most of whom will not be part of a first response and many who will not be involved until much later or perhaps not at all.

The subject of this hearing is H. R. 4210, the Terrorism Preparedness Act of 2000. As I understand it, this bill would create an office within the White House to function as a central coordinating point that would bring some order to what has developed over the years to a very confusing hodge-podge of preparedness programs and response assets. Madam Chair, I applaud your effort. You are doing in your job what I do in my job - trying to bring order to chaos.

Three years ago, I testified before a congressional committee on the need for interagency coordination. At that time, I applauded the efforts of FEMA in creating, without expressed authority or funding, an interagency group to ensure that various programs created by Congress should be implemented in an effective and cost efficient manner. We also understand that the FEMA Director has recently brought former ATF Director John Magaw to serve in a coordinating role at the Federal Emergency Management Agency. This is a step in the right direction.

We also recommended three years ago that Congress take action to authorize a coordinating authority to do just that. In the 39 months since that hearing, some attempts have been made to create such an entity. What has been lacking is the clear authority and accountability that is necessary for an interagency coordinator to be effective. Where that entity, or coordinator, is placed within the administrative branch of the federal government is not for us to determine. However, the need for it is just as valid today as it was when I spoke of it in 1997.

We in the fire service have repeatedly attempted to define the two distinct roles of the federal government with respect to domestic terrorism. Those roles include the administration of programs provided by Congress that are designed to enhance the ability of local agencies to cope with an incident of terrorism and the actual federal response effort that will be undertaken.

It has been noted that we are spending over \$10 billion on terrorism at the federal

level of government. I can not say how that money is being spent, though I do know that efforts at prevention should be our first national priority. We are aware of about three percent of the \$10 billion figure that is directed at assisting local first responders in capability enhancement. That three percent is spread across at least four agencies of which I am aware.

It is with that preparedness assistance role that the fire service is most concerned. We in the fire service have testified before Congress repeatedly that local "first responders," and especially fire fighters, will bear the brunt of saving lives and stabilizing an incident of terrorism, regardless of where it may occur. It is vitally important that resources provided by Congress to assist our preparedness effort be leveraged to the best extent possible. A coordinator created by Congress should have the authority necessary to do the job.

Much has been said about duplication of effort. We have no doubt that this is a problem. However, I urge you to heed our point with respect to the two distinct roles of the federal government and examine carefully how the 97 percent share of our national terrorism expenditure is being spent - the 97 percent that is not targeted at local preparedness assistance.

We remain committed to assisting Congress and the administration in improving and streamlining existing programs. Any good-faith effort at bringing a focused approach to local, state and federal preparedness such as H. R. 4210 is worthy of support.

Thank you for inviting me today. I will be happy to answer any questions.

**STATEMENT OF**  
**STAN MCKINNEY, DIRECTOR**  
**SOUTH CAROLINA DIVISION OF**  
**EMERGENCY PREPAREDNESS**  
**ON BEHALF OF**  
**NATIONAL EMERGENCY**  
**MANAGEMENT ASSOCIATION**  
**BEFORE HOUSE SUBCOMMITTEE ON**  
**OVERSIGHT, INVESTIGATIONS AND**  
**EMERGENCY MANAGEMENT**  
**MAY 4, 2000**

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Madame Chair and Members of the Subcommittee:

Thank you for the opportunity to appear before you today to offer comments on HR4210 the Preparedness Against Terrorism Act of 2000. My name is Stan McKinney, Director of the South Carolina Division of Emergency Preparedness. I am here today representing the National Emergency Management Association (NEMA) whose members are the state directors of emergency management responsible to their governors for disaster mitigation, preparedness, response and recovery. We are also responsible for terrorism consequence management by serving as the central coordination point for all state response activities and interface with federal agencies when federal assistance is requested. I have the privilege of serving as the current chair of NEMA's Terrorism Committee which is actively engaged in the domestic preparedness issue on behalf of the states. NEMA also coordinates closely with The National Governors' Association regarding positions on domestic preparedness policy and programs impacting the states. In fact, NEMA is partnering with NGA and the Office of Justice Programs to hold a series of regional terrorism policy forums throughout the country to bring together teams of state officials to discuss terrorism policy issues, share best practices, and develop recommendations for states, regions and the nation to improve terrorism preparedness. Many of my comments today are based on issues and recommendations coming out of those regional policy forums I just described.

I'd like to begin this afternoon by thanking you Madame Chair and Congressman Traficant for the leadership you have shown by introducing this legislation. We applaud your recognition of the many complex problems surrounding this issue and the need to better coordinate the nation's domestic preparedness program to ensure a successful response when such an event occurs. I'd also like to commend Attorney General Janet Reno for her efforts thus far to develop a national strategy and to include state and local stakeholders in the process. There are, however, definite improvements still to be made to the nation's domestic preparedness strategy and how it can be effectively implemented at the state and local level where first response and coordination begins.

My comments today will address the bill provisions in general terms. NEMA will submit to the Subcommittee through separate correspondence more detailed

technical comments.

### **The Need for Improved Federal Coordination**

NEMA strongly agrees with the intent of the bill which is to provide for improved federal efforts to prepare for and respond to terrorist attacks. Although progress has been made, it is still very difficult for states to have complete knowledge of all the various programs and resources available from the litany of federal agencies with domestic preparedness roles and responsibilities. We feel there are most likely duplicative efforts between agencies and certainly overlaps in programs and authorities. A review of all federal terrorism programs, including research and development activities, is desperately needed.

Coordination with the states is another area requiring attention. Each federal agency deals directly with its state counterpart thereby creating a stovepipe effect for funding that limits states' abilities to leverage federal funding to its maximum benefit and to ensure at least a minimum statewide preparedness and response capability. The nation's governors recently designated a state agency single point of contact to coordinate the Department of Justice terrorism grants program. Forty-two governors designated the state emergency management agency. These same agencies also administer FEMA terrorism grant funding. In the future, all federal programs and funding should be coordinated through the governor's designated single point of contact for the state terrorism preparedness program. A single funding stream into the states would not only reduce administrative burden, but more importantly would allow for a more coordinated and comprehensive approach to the development and implementation of state terrorism consequence management strategies.

A similar arrangement providing a single point of contact for coordination at the federal level would be very beneficial. NEMA believed that the National Domestic Preparedness Office (NDPO) would help coordinate federal programs and serve as an information resource to state and local governments. However, insufficient funding, personnel and resources have left NDPO unable to fulfill its mission.

HR4210 proposes to establish in the White House an Office of Terrorism Preparedness with a Presidentially appointed and Senate confirmed Director. NEMA supports the prescribed duties of the Director of the Office of Terrorism Preparedness, particularly with regard to publishing a Domestic Terrorism

Preparedness Plan and an annual strategy for carrying it out. It is critically important that we have a national strategy based on measurable objectives. Currently, we do not have a high level of confidence that all federal domestic preparedness programs and funding are consistent with the Five-Year Interagency Counter Terrorism and Technology Plan that has already been developed under the leadership of the Attorney General.

Much progress has been made in terrorism preparedness since the Oklahoma City bombing five years ago, but now is the time to evaluate where we are as a nation and to establish benchmarks for the future. This can be accomplished through a national terrorism preparedness plan. NEMA would also suggest that state and local stakeholders have opportunity for meaningful input into the development of the national strategy and be engaged in the implementation of such a plan. In fact, we would propose that there be a formal requirement for the Office of Terrorism Preparedness to coordinate, on a regular basis, with governors and their states regarding the development and implementation of federal policies and programs that impact them.

In terms of establishing voluntary minimum standards for the terrorist preparedness programs of state and local governments, NEMA offers itself as a resource in this area. Our organization, along with other stakeholder groups such as National Governors' Association, National Conference of State Legislatures, National League of Cities, International Association of Fire Chiefs, FEMA and others, is in the process of developing and implementing an Emergency Management Accreditation Program (EMAP). EMAP is a voluntary standards and accreditation program for state and local emergency management programs that is based on NFPA 1600 Standard for Disaster/Emergency Management and Business Continuity Operations (an ANSI approved standard) and FEMA's Capability Assessment of Readiness (CAR). Consequence management preparedness, response and recovery standards are being developed in conjunction with those for the traditional emergency management functions. NEMA suggests the standards already being developed through EMAP be considered in the development of minimum standards for training, exercises and equipment as proposed in HR4210. The voluntary standards that are implemented must also apply to federal military units that will integrate into state and local response operations.

The Department of Justice needs assessment process requires strategic planning by states. NEMA recommends that any planning requirements by the Office of

Terrorism Preparedness not be a duplication of the current DOJ requirement, but rather build off plans and programs underway or already in place in the states.

### **National Domestic Preparedness Budget and Certification of Federal Training and Exercise Programs**

A consolidated budget proposal to implement the nation's terrorism preparedness plan is an excellent approach to ending duplication of effort and maximizing limited funds. Federal funding requests should be based, at least in part, on the results of the states needs assessments. These needs assessments will provide current data regarding threat and risk, gaps and shortfalls in programs, and overall state capabilities. NEMA also recommends that new criteria be developed to determine the allocation of federal funding to states. The current formula relies heavily on population as an allocation factor which leaves many states with insufficient funding to build a minimum statewide capability. In the future, funding levels should be based on a formula that considers a number of factors including risk and threat, results of the needs assessment survey, and population.

Consistency between federal training programs has been a concern of the states for some time now. We question whether federal programs are consistent with each other and with response protocols utilized in the states such as use of the incident command system for crisis and event management. Training programs for the various disciplines must be standardized in order to ensure common approaches between communities and states. The requirement for federal training and exercise programs to be certified is one that NEMA strongly supports.

One area of caution would be that we not create a bureaucracy where funding and program delivery are tied up in the review and certification process for long periods of time. It is imperative that funding and resources be made available to state and local governments in an expedited fashion given the level of risk we face in this nation.

### **Office of Terrorism Preparedness**

NEMA supports the concept of an Office of Terrorism Preparedness in the White House. We believe that an independent office with responsibility for coordinating federal preparedness programs must have the appropriate level of authority,

funding and political support at the highest levels in order to be successful. The position of the Director should be for a period of time beyond the election cycle in order to maintain consistency. We do have some concern about the effectiveness of such an office. Will this office truly be able to effect change through an agency budget review and program certification process? Will other Cabinet level officials recognize the authority of the office? How will it interface with the National Security Council and what will be its ability to impact federal policy recommendations by the NSC? How will federal agencies with crisis management roles view the Office of Terrorism Preparedness if it is authorized under the Stafford Act and not through their own authorities?

### **Other Consequence Management Issues**

NEMA agrees that the definition of "major disaster" in the Stafford Act should be amended to include a terrorist attack using weapons of mass destruction, however, we believe the definition is too narrow and should be expanded to include incendiary and/or conventional explosive devices as were used in the Oklahoma City bombing. The definition should also recognize attacks on critical infrastructure that support large numbers of people and not just the people themselves. A definition for cyber terrorism is also needed.

The role of FEMA in Stafford Act authorized programs must not be diluted by this legislation. The Director must retain the necessary authority to act quickly during times of disaster to deliver assistance to impacted states. The addition of terrorism preparedness programs to the Stafford Act must not disrupt the nation's existing emergency management and response system. It should seek to build on what is already in place and utilized on a daily basis by state and local governments. The Federal Response Plan must also continue to be the recognized strategy for federal agencies to provide Stafford Act authorized assistance to state and local governments, including incidents of terrorism. NEMA suggests that the FRP be amended to include an Emergency Support Function (ESFs) for law enforcement that includes the responsibility for cyberterrorism. Without a common standard operating protocol recognized by both crisis and consequence management agencies, there can be no hope for an integrated and coordinated local/state/federal response to a terrorist event.

Many of the provisions in HR4210 would make significant improvements to federal preparedness and coordination efforts. There are still many other issues to

be addressed that are not included in the bill such as the need to review security clearances for expanded intelligence sharing prior to incidents, common communications systems, interface between crisis and consequence management in the joint operations center, use of the incident command/management system by all levels of government, need for military to train and exercise with the states and more. NEMA realizes that this committee does not have jurisdiction over all of the aforementioned issues. But a holistic approach to addressing the terrorism preparedness issue would be of greatest benefit to the states.

### **Closing**

In summary, NEMA supports your efforts to improve federal coordination efforts and we commend you for the insight and leadership you've demonstrated through the introduction of HR4210. We pledge our cooperation to continue to work with you and this committee to ensure our nation is at the highest level of preparedness to deal with a terrorist event. Thank you again for inviting NEMA to present testimony on this important piece of legislation.

# Preparedness Against Terrorism Act 2000

Statement by Chief Ray Alfred

*presented to*

Subcommittee on Oversight,  
Investigations, and Emergency  
Management

of the

Committee on Transportation

# and the Infrastructure

## U.S. House of Representatives

May 4, 2000

International Association of Fire Chiefs

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Madam Chairman, I am Ray Alfred, chief of the Jacksonville Fire Department. I also appear today on behalf of the International Association of Fire Chiefs (ICHIEFS).

I would like to start by thanking you for your advocacy on behalf of the fire service. We at the Jacksonville Fire Department are especially pleased with your efforts on our behalf.

The issue of domestic terrorism is one in which America's fire departments have a vital interest. Violence perpetrated against our citizens for political purposes, national, international or otherwise, will be suffered locally.

It is our understanding that H.R. 4210, the Terrorism Preparedness Act of 2000, seeks to address the issue of coordination of programs spread across myriad federal agencies that are designed either to help prepare the local emergency response community or programs that provide actual response capabilities at the federal

level.

There are two distinct areas of federal counterterrorism efforts that should be addressed. First, programs designed to support local emergency services personnel who will be first on the scene and second, the operational role of federal agencies in the wake of an attack.

The Nunn/Lugar/Domenici amendment to the 1996 Defense Authorization and the Antiterrorism and Effective Death Penalty Act of 1996 began federal efforts to help better prepare local fire, police and emergency services agencies for the possibility of terrorism involving chemical, biological, radiological and conventional weapons. Our association was involved in the development of both these laws, and continues to work with the Departments of Defense and Justice, along with the Federal Emergency Management Agency, in their administration.

The Antiterrorism Act authorized a \$5 million appropriation to train fire fighters and other emergency services personnel in terrorism response. Designated by the Attorney General to administer this law, the Office of Justice Programs (OJP) provided four jurisdictions with demonstration grants and, importantly, worked with the National Fire Academy in the development of awareness-level training curricula that has been available nationwide for two years. A train-the-trainer approach was used as both a cost savings and an efficient way to reach as many fire fighters and other emergency personnel as possible. Hundreds of thousands have received training based on these materials. This awareness-level training is excellent and should continue to be provided.

Chemical, biological and radiological weapons pose unique challenges. Fire fighters and emergency personnel, improperly prepared, will themselves fall victim to their effects. The lives of the initial survivors of an attack depend upon immediate care and attention from rescue workers. These men and women must be equipped to operate safely in a contaminated environment if lives are to be saved. Thus, personal protective equipment must be the top priority, followed by equipment that will facilitate decontamination of victims. Devices that can detect and monitor the presence of these agents are also very important. They can prevent mistakes that may cost lives.

Discretionary funds for counterterrorism initiatives provided by the Conference Report accompanying FY 1998 appropriations for the Departments of Commerce,

Justice and State, were targeted by the Attorney General at these equipment issues. The OJP distributed \$12 million to 41 jurisdictions across the country to begin addressing these urgent equipment needs.

At the same time OJP created, at the direction of Congress, a National Domestic Preparedness Consortium comprised of Louisiana State University, the New Mexico Institute for Mining and Manufacturing, Texas A&M University and the Nevada Test Site. The Justice Department also took control of the U.S. Army's chemical weapons training facilities at Ft. McClellan, Alabama and designated this facility as the National Domestic Preparedness Center. Training curricula and facilities offered by the Consortium have been well received by chief fire officers with both hazardous materials and training expertise. Managers at these facilities have actively sought out expertise from the fire service and have shown a willingness and demonstrated ability to respond to constructive criticism of their programs. ICHIEFS strongly supports expedited access to the Consortium's facilities for as many local emergency services personnel as possible.

We believe that the enhancement of existing local capabilities is the wisest, most cost-effective course to follow in preparing for "weapons of mass destruction" terrorism. It is our experience that not only will we be the first responders on the scene, but we will be the largest supplier of personnel and equipment throughout the incident. Fire department hazardous materials response teams deal with spills and accidental releases of highly toxic chemicals on a regular basis. The fire service is the only organized group of responders, located locally - throughout America - that has the staffing, training and equipment to immediately begin mitigation of an incident.

I turn now to the coordination of these and other programs that H. R. 4210 seeks to address. Some of my colleagues in the fire service have appeared before this Committee in the past and spoken of their concerns as to the lack of a coordinated federal effort, both in terms of the preparedness and support programs I have discussed and the seemingly endless federal response capabilities that appear duplicative and continue to grow.

My friend, Chief Mike Freeman of Los Angeles County, chairs the International Association of Fire Chiefs' Terrorism Committee on which I also serve. He appeared before this Committee last month and spoke to the need for better coordination at the federal level.

I would like to simply repeat that message: It is said that the sum of human effort is greater than the individual parts. If none of us can quantify, or even find, the parts, it is more likely that the sum total of our national preparedness effort will be diminished. In my view, a more focused effort would be more effective. At the federal level, there is certainly expertise located in different agencies that should be leveraged to create the most effective preparedness effort possible. It seems to me, and many of my colleagues in the fire service, that this could be better accomplished by designating one federal official with responsibility and authority to coordinate and deliver these programs. It would also be best if that official was not at the same time responsible for managing additional responsibilities on a day-to-day basis. Whom that official is and where he or she works is not for the fire service to determine. We have in the past requested a single-point-of-contact in Washington that we can access for answers and provide input to as we move forward.

The legislation before this Committee seeks to do just that. We are pleased that this legislation has been introduced and that Congress will focus on this issue. Any effort such as this that brings focus to issues as complex as those with which we are all grappling is worthy of support.

Thank you for inviting me to testify. We look forward to working with you on this legislation and I am happy to answer any questions you may have.



STATEMENT OF  
MR. CHARLES L. CRAGIN  
ACTING UNDER SECRETARY OF DEFENSE FOR  
PERSONNEL & READINESS  
BEFORE THE  
SUBCOMMITTEE ON OVERSIGHT, INVESTIGATIONS,  
AND EMERGENCY MANAGEMENT  
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE  
U.S. HOUSE OF REPRESENTATIVES

May 4, 2000

Good afternoon, Madam Chairman and other distinguished members of the subcommittee. Thank you for the invitation to testify before you today on the Department of Defense's continuing efforts to support national preparedness to respond to acts of terrorism directed at the United States, its territories and possessions. [SOLIC: may be confused with domestic terrorists] The Department commends you for addressing the complex topic of consequence management and applauds your efforts to improve and enhance Federal efforts to assist state and local emergency preparedness and response personnel in preparing for domestic disaster response, regardless of its cause.

H.R. 4210, *The Preparedness Against Terrorism Act of 2000*, stipulates changes designed to improve Federal coordination and enhance domestic preparedness to respond to terrorist attacks. The Department of Defense's role in supporting national domestic Weapons of Mass Destruction (WMD) preparedness is to be prepared to provide, when requested, available military forces and capabilities to support domestic requirements specified by the Attorney General of the United States or the Director of the Federal Emergency Management Agency. I defer, in

this area, to FEMA Director Witt, and FBI Deputy Assistant Director Watson to speak specifically on behalf of the Administration. However, let me add that the current organizational structure established by Presidential Decision Directives 39 and 62 and led by the National Coordinator for Security, Infrastructure Protection and Counterterrorism enables us to improve Federal coordination and enhance domestic preparedness for domestic WMD incidents. We are making great strides to improve interagency coordination, however this is an evolutionary, not a revolutionary process.

In 1999, Secretary Cohen appointed an Assistant to the Secretary of Defense for Civil Support (ATSD(CS)) within the Department of Defense (DoD) to focus specifically on WMD consequence management. Unfortunately, the ATSD(CS) is unable to testify before you today and has asked me to represent her this afternoon. I am an active participant with the ATSD(CS) in DoD's efforts to support the Lead Federal Agencies for domestic WMD incidents and welcome the opportunity to explain the Department's role. However, neither the ATSD(CS) nor I can address DoD's cyberterrorism response efforts, which are handled by our Assistant Secretary of Defense for Command, Control, Communications and Intelligence. I will have to take any questions related to cyberterrorism for the record.

At DoD, we define WMD consequence management as emergency assistance to protect public health and safety, restore essential government services, and provide emergency relief to those affected by the consequences of an incident involving WMD agents, whether they are released deliberately, naturally, or accidentally. DoD normally provides such assistance only in response to requests from the appropriate Lead Federal Agency to support specific state and local authorities' requests for assistance in mitigating the consequences of a domestic nuclear, chemical, biological, radiological or high yield explosive incident.

My testimony today will provide a broad description of federal response preparations and DoD's role therein, as well as an overview of the initiatives we have undertaken in the last year to better prepare us to provide the support requested. These include the establishment of the position of Assistant to the Secretary of Defense for Civil Support, and the stand-up of the Joint Task Force for Civil Support at Joint Forces Command.

## **U.S. Government WMD Consequence Management Response**

Presidential Decision Directive (PDD-62): (*Protection Against Unconventional Threats to the Homeland and Americans Overseas*) reaffirmed the United States Counterterrorism Policy in PDD-39 (*U.S. Policy on Counterterrorism*) and expanded on the need to respond to the growing possibility of asymmetrical assaults on U.S. vulnerabilities at home and abroad through the terrorist use of WMD and cyber warfare. Discussion of consequence management in response to a significant terrorist incident was included in PDD-62. Guidance embedded in PDD-62 provided the basis for all current federal response mechanisms to include the Department of Defense.

When viewed together, these two directives delineate responsibility throughout the U.S. government and they underscore the fact that no one single agency or Department holds all the cards. Rather, there are policy, technical, operational, law enforcement, R&D, and intelligence elements, among others, that must be coordinated and integrated.

PDD-62 also established a National Coordinator for Security, Infrastructure Protection and Counterterrorism at the National Security Council who, among other things, focuses on ensuring our preparedness to respond to WMD incidents. The corresponding ATSD(CS) represents DoD on the interagency WMD Preparedness Group, the forum for bringing together the more than 20 agencies and departments that have capabilities and expertise in this area.

In the event of an incident, we recognize that those closest to the problem are going to be the first to respond, but the presumption is that in the event of a catastrophic incident, those state and local capabilities may be quickly overwhelmed. If a civilian authority requests federal support, the Lead Federal Agency, FBI or FEMA, is likely to request support from many other federal agencies, including DoD.

### **DoD's Role in WMD Consequence Management**

In recognition of that likelihood, and in the wake of PDD-62, we have undertaken a number of steps within the Department to address this critical area. First, we have sought to define more clearly what the Department's role should — and should not — be. We do not call consequence management "Homeland Defense," but refer to it rather as "civil support." This reflects the fundamental principle that DoD is not in the lead, but is there to support the Lead Federal Agency in the event of a

domestic contingency. Likewise, we are sensitive to the concerns of civil libertarians and others regarding DoD's possible domestic role. Our belief is that the greater threat to civil liberties would be to do nothing at all — to fail to plan and prepare and leave the President with limited options.

Four principles will guide DoD's response in the event of a domestic WMD contingency. These have been clearly articulated by the Secretary and Deputy Secretary of Defense. First, there will be an unequivocal chain of accountability and authority for all military support to civil authorities. Second, DoD's role is to provide support to the Lead Federal Agency. Third, though our capabilities are primarily warfighting capabilities, the expertise that we have gained as a result of the threats we have faced overseas can be leveraged in the domestic arena as well. DoD also brings communications, logistics, transportation and medical assets, among others that can be used for civil support. Fourth, our response will necessarily be grounded in the National Guard and Reserves as our "forward deployed" forces for domestic operations.

### **DoD Organization for WMD Consequence Management**

A number of organizational initiatives have been undertaken at DoD recently to enhance our ability to support the lead federal agency for domestic consequence management. First, the Secretary of Defense established the position of Assistant to the Secretary of Defense for Civil Support in October 1999. Through a coordinating body comprised of the Assistant Secretaries for Health Affairs; Reserve Affairs; Special Operations/Low Intensity Conflict; Command, Control, Communications, and Intelligence; and Legislative Affairs; the General Counsel; the Deputy Under Secretaries for Comptroller and for Acquisition, Technology, and Logistics; and senior representatives from the Joint Staff, the Department of the Army, and the Defense Threat Reduction Agency, the ATSD(CS) is able to leverage the existing organization while providing unity of focus and a single internal and external focal point for the Department's consequence management efforts.

On an operational level, as part of the 1999 revision to the Unified Command Plan, DoD also established the Joint Task Force-Civil Support at U.S. Joint Forces Command in Norfolk, Virginia. It is currently commanded by an Army National Guard Brigadier General. JTF-Civil Support (JTF-CS) is a small standing headquarters element with the mandate to establish the doctrine, plan, coordinate

and prepare DoD Active and Reserve forces required for a response to a domestic WMD incident. Consistent with our principle of ensuring an unequivocal chain of accountability and authority, the ATSD(CS) provides civilian oversight for JTF-CS.

A key programmatic undertaking for DoD is the Domestic Preparedness Program (DPP), created by the *Defense Against Weapons of Mass Destruction Act of 1996*, also known as the Nunn-Lugar-Domenici Act. The Act directed the Department of Defense, in partnership with other federal agencies, to develop and conduct training for those on the front lines who would respond to domestic incidents involving WMD. To date, over 22,500 first responder trainers in more than 81 major cities have received domestic preparedness training as part of this program.

Last month, the President directed the transfer of lead responsibility for portions of the Nunn-Lugar-Domenici domestic preparedness program from the Department of Defense to the Department of Justice, effective October 1, 2000. With the President's re-designation of the Attorney General as the Lead Federal Official, the Department of Justice will be Lead Federal Agency responsible for national domestic preparedness programs for combating terrorism.

In FY 2000, \$31.4 million was appropriated to the Department of Defense to execute the DPP in FY 2000. In FY 2001, DoD will require \$11.6 million to continue its support for those portions of the program that also support the Department's force protection and domestic preparedness objectives. This includes continued responsibility for updating and supporting a chemical-biological database and an equipment testing program which is used in the development of the interagency's Standard Equipment List. DoD will also support those portions of the DPP's Improved Response Program that are expected to enhance the readiness of our DoD response units and installation responders. DoD will also continue to conduct a Federal, State, and Local exercise, as well as sustain a dedicated domestic WMD incident response capability.

The DoD is also an active interagency partner in the medical and non-medical R&D arenas for domestic WMD consequence management; with the Departments of Health and Human Service and Veterans Affairs on certain issues relating to vaccine and pharmaceutical production and stockpiling; and with many players on modeling and simulation, decontamination, detection, and identification systems, among others.

## **Leveraging Guard and Reserve Component Resources for Domestic WMD Incident Release**

As stated earlier, the National Guard and Reserves will play a prominent support role for state and local authorities in consequence management. At its core is the establishment of 27 WMD Civil Support Teams (formerly known as Rapid Assessment and Initial Detection teams) comprised of 22 highly skilled, full-time, well-trained and equipped Army and Air National Guard personnel. The WMD Civil Support Teams will deploy to assist local first responders in determining the precise nature of an attack, provide medical and technical advice, and help pave the way for the identification and arrival of follow-on state and federal military response assets.

Each of the initial ten WMD Civil Support Teams is stationed within one of the ten Federal Emergency Management Agency Regions, and all ten of them are expected to be fully operational by spring of this year. Congress authorized an additional 17 WMD Civil Support Teams to be fielded in FY 2000. After an extensive stationing analysis, the Secretary of the Army recommended, and the Secretary of Defense approved, the stationing locations of these new teams on January 13, 2000. We expect the additional 17 to be fully operational in FY 2001.

The WMD Civil Support Teams are unique because of their federal-state relationship. They are federally resourced, federally trained, and expected to operate under federal doctrine. But, they will perform their mission primarily under the command and control of the governors of the states in which they are located. Operationally, they fall under the command and control of the Adjutants General of those states. As a result, they will be available to respond to an incident as part of a state response, well before federal response assets would be called upon to provide assistance. The FY 2000 funding for these teams is \$74.7 million, while the FY 2001 budget request is \$47.9.

During FY 2000, DoD will also complete the training and equipping of 127 chemical decontamination and 43 reconnaissance elements units in the Army Reserve and Army National Guard. Medical Patient Decontamination Teams in the Air National Guard and Air Force Reserve will receive additional training in domestic response casualty decontamination. They will be provided with both military and commercial off-the-shelf equipment, and will receive enhanced

training in civilian HAZMAT procedures.

This enhanced training and equipment will improve the readiness of these units to perform their warfighting mission, while allowing them to respond effectively to a domestic emergency, if needed. The Reserve component WMD consequence management funding for FY 2000 is \$116.4 million, while the FY 2001 budget request is \$74.8 million. The WMD Civil Support Teams' budget discussed earlier is included in these figures.

Thank you again for the opportunity to testify before this subcommittee and provide you with an overview of our approach to civil support and WMD consequence management. The Department of Defense is committed to working with its interagency partners, Congress and particularly the members of this subcommittee to establish and maintain effective programs and policies that will enhance the preparedness, at all levels of government, to respond to and mitigate the awful consequences of a domestic WMD incident. I look forward to answering any questions you may have.



Testimony

Before the Subcommittee on Oversight, Investigation, and Emergency Management

Committee on Transportation and Infrastructure

House of Representatives

**COMBATING TERRORISM**

**Comments on Bill H.R. 4210 to Manage Selected Counterterrorism Programs**

Statement for the Record of Norman J. Rabkin, Director

National Security Preparedness Issues

National Security and International Affairs Division

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Madam Chairman:

We are pleased to submit this statement for the record to comment on a bill introduced before this subcommittee at your April 6, 2000 hearing—the Terrorism Preparedness Act of 2000 (H.R. 4210). The bill creates a new Office of Terrorism Preparedness to coordinate and make more effective federal efforts to assist state and local emergency and response personnel in preparation for domestic terrorist attacks.

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**Summary**

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Overall, we believe that H.R. 4210 would address some of the problems of fragmentation and duplication that we and others have found in programs to combat terrorism. Specifically, the bill would create a new Office of Terrorism Preparedness to centralize leadership and coordination of federal programs to help state and local governments prepare for terrorist incidents involving weapons of mass destruction. However, the duties of the new office, as currently described in the bill, may overlap with some functions of the recently created National Domestic Preparedness Office. Our work on the Office of National Drug Control Policy (ONDCP), on which the Office of Terrorism Preparedness is patterned, suggests that success in achieving the bill's goals depends on the Office head's ability to build consensus among the involved agencies. In addition, the new office may take some time to accomplish its objectives as laid out in the bill. The limited scope of the new statutory office would not address some of the larger problems with fragmented leadership and coordination in federal programs to combat terrorism.

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### **H.R. 4210 Would Address Some Fragmentation Issues**

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H.R. 4210 would address some of the fragmentation problems that we and others have found in providing assistance to state and local governments to prepare for terrorist incidents involving weapons of mass destruction. Our past work has concluded that the multiplicity of federal assistance programs requires focus and attention to minimize redundancy of efforts and eliminate confusion at the state and local level. The Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction-also known as the Gilmore Panel-recently testified about similar problems before your subcommittee.

To eliminate these types of problems, the bill would create a new Office of Terrorism Preparedness within the Executive Office of the President. The new Office would have, among others, the following specific duties.

- Establish, coordinate and oversee policies, objectives and priorities of the Federal government for enhancing the capabilities of state and local emergency preparedness and response personnel.
- Publish a Domestic Terrorism Preparedness Plan and an annual strategy for carrying out the plan.
- Review terrorist attack preparedness programs of state and local governments, and establish voluntary minimum standards for such programs.

As currently proposed in the bill, the Office may overlap with some functions to be performed by the existing National Domestic Preparedness Office. The Attorney General established this office within the Department of Justice to be responsible for interagency leadership and coordination of federal efforts to provide assistance for state and local governments to prepare for terrorist incidents involving weapons of mass destruction. As an example of potential duplication, the National Domestic Preparedness Office recently issued a "blueprint" for federal assistance, which is analogous to the new Office of Terrorism Preparedness function to prepare a national plan and strategy.

In addition, the bill would limit the scope of the new Office of Terrorism Preparedness to incidents involving weapons of mass destruction. According to intelligence and law enforcement officials, terrorists

are least likely to use these types of weapons. The Subcommittee may want to consider authorizing the Office of Terrorism Preparedness to assist state and local governments to prepare for both weapons of mass destruction and the more likely threat of conventional explosives.

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## **Lessons to be Learned From ONDCP**

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The proposed Office of Terrorism Preparedness is patterned after ONDCP. The ONDCP was created by Congress in 1988 to better plan the national drug control effort and assist Congress in overseeing the effort. ONDCP is the President's primary policy office for drug issues and has three Major responsibilities.

- Develop a national drug control strategy with short and long term objectives and annually revise and issue a new strategy.
- Develop an annual consolidated drug control budget providing funding estimates for implementing the strategy.
- Oversee and coordinate implementation of the strategy by the various federal agencies.

We believe that many of the experiences of ONDCP may be useful for the Subcommittee in refining this bill and, if enacted, overseeing the operations of the Office of Terrorism Preparedness. We have issued several reports on ONDCP's efforts to develop and implement a national strategy and to assess the adequacy of federal budgets and programs to carry out that strategy. There are several important lessons to be learned.

- Fragmentation had hampered federal efforts to control drugs, therefore strong central leadership was needed to overcome longstanding problems with agencies not sharing information and not coordinating programs.
- As established in the Executive Office of the President, ONDCP was positioned to rise above the particular interests of any one federal agency.
- Getting consensus among federal agencies with diverse missions, for whom drug control was a minor role, was difficult and time-consuming.
- After its creation, it took ONDCP almost ten years (from 1988 to 1997) to develop the current national strategy.
- Although called for in its 1988 legislation, ONDCP did not develop performance indicators until 1998.
- Despite these problems, we supported the reauthorization of the ONDCP due to the continuing need for a central agency to provide leadership, planning, and coordination for the nation's drug control efforts.

Although there are some similarities, the ONDCP's broad scope of activities sets it apart from the proposed Office of Terrorism Preparedness. ONDCP is responsible for overseeing and coordinating the drug control efforts for over 50 agencies and programs, with an annual budget of almost \$20 billion. The ONDCP is involved in the entire range of drug control efforts-both supply reduction (interdiction, international, and law enforcement efforts) and demand reduction (education and treatment efforts). There is no equivalent of the ONDCP for the broader management of counterterrorism programs.

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## H.R. 4210 Would Not Address Larger Fragmentation of Federal Counterterrorism Programs

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H.R. 4210 would not resolve some of the overall fragmentation problems in federal programs to combat terrorism. In May 1998, the President appointed a National Coordinator for Security, Infrastructure Protection and Counterterrorism within the National Security Council, who is tasked to oversee a broad variety of relevant policies and programs related to counterterrorism, produce an annual Security Preparedness Report, provide advice regarding budgets for counterterrorism programs and coordinate guidelines for managing crises. Despite the creation of this position, overall federal efforts remain fragmented because key interagency management functions are conducted by different departments and agencies. We believe that this is one cause for the following problems in federal efforts to combat terrorism that we have reported.

- There is a lack of linkage between the terrorist threat, a national strategy, and agency resources.
- Federal efforts to combat terrorism have been based on worst case scenarios which are out of balance with the threat.
- Without coordination, agencies could develop their own programs in isolation, creating the potential for gaps and/or duplication.
- Federal agencies have not completed interagency guidance and resolved some command and control issues.
- Efforts to develop a national strategy continue, but to date they have not included a clear desired outcome to be achieved.
- Efforts to track federal spending across agencies have started, but they have only begun efforts to prioritize programs.

Because the proposed Office of Terrorism Preparedness is limited to the function of providing assistance to state and local governments, it will not address these larger issues of fragmentation in interagency leadership and management. As stated earlier, there is no equivalent of the ONDCP for the broader management of counterterrorism programs. As shown in Table 1, ONDCP centralizes key interagency management functions for drug control that are not centralized for combating terrorism.

**Table 1. Organizations Currently Responsible for Key Interagency Management Functions for Counterdrug and Counterterrorism Programs**

Function	Counterdrug	Counterterrorism
Act As Top Official Accountable To President	ONDCP	National Security Council (National Coordinator For Security, Infrastructure Protection And Counterterrorism)
Act as Top Official Accountable to Congress	ONDCP	Numerous officials  (including the Attorney General, Director of the Federal Bureau of Investigation, Secretary of State, Secretary of Defense)

Develop a National Interagency Strategy	ONDCP	Attorney General
Set Priorities within National Strategy	ONDCP	Office of Management and Budget in theory, but actually done by individual agencies
Develop and Monitor International Programs	ONDCP	Secretary of State (via Coordinator for Counterterrorism)
Provide Liaison and Assistance to State and Local Governments	ONDCP	Department of Justice (National Domestic Preparedness Office) and Federal Emergency Management Agency
Monitor Budgets Across Federal Agencies	ONDCP	Office of Management and Budget
Develop and Monitor Overall Performance Measures	ONDCP	No agency assigned to do this overall task.
Manage Research and Development	ONDCP	National Security Council (via the Technical Support Working Group)

Source: GAO analysis of counterdrug and counterterrorist programs.

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This concludes our statement for the record. If you have any questions about this statement, please contact me at (202) 512-5104. Stephen L. Caldwell and Raymond Wyrsh made key contributions to this statement.

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**National Security and  
International Affairs Division**

May 24, 2000

The Honorable Tillie Fowler  
Chairman, Subcommittee on Oversight  
Investigations and Emergency Management  
Committee on Transportation and Infrastructure  
U.S. House of Representatives

Subject: GAO Comments on Bill H.R. 4210

Dear Madame Chairman:

This letter clarifies our recent statement for the record, *Combating Terrorism: Comments on Bill H.R. 4210 To Manage Selected Counterterrorist Programs* (GAO/T-NSIAD-00-172, May 4, 2000). This bill creates a new Office of Terrorism Preparedness.

Our statement noted that the proposed charter of the new Office of Terrorism Preparedness appeared to be limited to terrorism involving Weapons of Mass Destruction (WMD). Although the emphasis of the bill is on WMD, the new office is not specifically precluded from managing other types of terrorism, to include incidents involving conventional explosives or cyber-technology. However, the subcommittee may want to consider clarifying the new office's responsibility through a technical amendment to the bill which would explicitly state that the new office's responsibilities include conventional terrorist attacks.

We hope this clarifies our comments. If you have questions, you may contact me on (202) 512-6020, or my Assistant Director, Steve Caldwell, on (202) 512-9610.

Sincerely yours,

[signed]

Raymond J. Decker  
Associate Director, National  
Security Preparedness Issues

cc: Rep. James Traficant, Ranking Democratic Member