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Drastically Underfunded, Dangerously Unprepared

Report of the Independent Task Force on Emergency Responders
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FOREWORD

As I sit to write this foreword, it is likely that a terrorist group somewhere in the world is developing plans to attack the United States and/or American interests abroad using chemical, biological, radiological, nuclear, or catastrophic conventional means. At the same time, diplomats, legislators, military and intelligence officers, police, fire, and emergency medical personnel, and others in the United States and across the globe are working feverishly to prevent and prepare for such attacks. These two groups of people are ultimately in a race with one another. This is a race we cannot afford to lose.

In October 2002, the Council on Foreign Relations-sponsored Independent Task Force on Homeland Security issued the report *America—Still Unprepared, Still in Danger*. That Task Force, co-chaired by Senators Warren B. Rudman and Gary Hart, came to the general conclusion that "America remains dangerously unprepared to prevent and respond to a catastrophic terrorist attack on U.S. soil." The report further warned that "America's own ill-prepared response could hurt its people to a much greater extent than any single attack by a terrorist. . . . But the risk of self-inflicted harm to America's liberties and way of life is greatest during and immediately following a national trauma."

Although progress continues to be made through the newly formed Department of Homeland Security and other federal, state, and local institutions, America remains dangerously unprepared for another catastrophic terrorist attack.

In March 2003, the Council on Foreign Relations established an Independent Task Force on Emergency Responders to follow up on the specific recommendations of the Task Force on Homeland Security and to examine the status of preparedness and the adequacy of funding for emergency responders in the United States. The Task Force on Emergency Responders subsequently established an Emergency Responders Action Group, consisting of representatives of emergency responder professional associations, jurisdictional associations representing state and local officials, and congressional and budgetary experts, to provide expertise and advice to the Task Force. The Task Force performed its analysis in partnership with the Concord Coalition and the Center for Strategic and Budgetary Assessments, two of the nation's leading budget analysis

organizations. This represents the first realistic effort to develop a budget range of the costs necessary to protect the homeland.

The preliminary analysis conducted by the Task Force suggests that the United States may be spending only one third of what is required to adequately provide for America's emergency responders.

Of its most important recommendations, I would like to highlight the following:

- Congress should require that the Department of Homeland Security work with state and local agencies and officials and emergency responder professional associations to establish clearly defined standards and guidelines for emergency preparedness
- Congress should work to establish a system for distributing funds based less on politics and more on threat. To do this, the federal government should consider such factors as population, population density, vulnerability assessment, and presence of critical infrastructure within each state. State governments should be required to use the same criteria for distributing funds within each state.
- Congress should make emergency responder grants in FY04 and thereafter on a multiyear basis to facilitate long-term planning and training.
- The U.S. House of Representatives should transform the House Select Committee on Homeland Security into a standing committee and give it a formal, leading role in the authorization of all emergency responder expenditures in order to streamline the federal budgetary process.
- The U.S. Senate should consolidate emergency preparedness and response oversight into the Senate Government Affairs Committee.
- Congress should ensure that all future appropriations bills for emergency responders include strict distribution timelines.
- States should develop a prioritized list of requirements in order to ensure that federal funding is allocated properly and quickly to achieve the best possible return on investments.

I have the greatest respect for this effort's chairman, Senator Warren B. Rudman, who lent his experience and knowledge of Homeland Security to this product. He was supported by a cast of seasoned professionals who with their diverse backgrounds and expertise were able to tackle the topic of emergency response from every angle. In addition to the able leadership of Senator Rudman, the Task Force relied on the inestimable skills of Council Senior Fellow and Project Director Jamie Metzl and senior adviser Richard A. Clarke, whose combined experience makes for a formidable wealth of knowledge on this topic.

Leslie H. Gelb
President
Council on Foreign Relations

ACKNOWLEDGMENTS

When Leslie H. Gelb approached me early this year with the characteristic twinkle of determination in his eye and asked me to direct a Council on Foreign Relations Task Force on Emergency Responders, I sensed immediately that Les's offer, and his enthusiasm, would be difficult to refuse. Since the tragic events of September 11, 2001, Americans have lived with a sensed of vulnerability not felt at least for decades and possibly for centuries. A second attack, Les appropriately pointed out, could be even more disastrous to the fabric of American society on multiple levels, particularly if the American people were to feel that America had not been prepared. I was honored to accept Les's offer because of my deep respect for the Council on Foreign Relations as an organization and my firm conviction, strengthened over the course of our work on this report, that America has not reached a sufficient level of preparedness for potential future terrorist attacks.

My work as project director of the Task Force on Emergency Responders was shaped by two inspirational leaders. The Council was once again fortunate to have the distinguished Senator Warren B. Rudman chair the Task Force, and to be able to reconvene many of the members of the original Task Force as well as incorporate some new voices and perspectives into the group. For Senator Rudman's leadership I am extremely grateful. I am also thankful for the hard work and enthusiasm the Task Force members dedicated to this product. Richard A. Clarke, the former special adviser to the president for cyber-security served as this project's senior adviser. Dick has been a close friend and mentor since I worked for him on the National Security Council six years ago. His strategic contribution to this effort was monumental, and the project could not have been completed without him.

This report also would not have been possible without the contributions of two of the country's leading budget analysis organizations, the Concord Coalition and the Center for Strategic and Budgetary Assessments (CSBA). Joshua Gordon of the Concord Coalition, and James Jay Carafano representing the CSBA put enormous time and effort into collecting and analyzing preliminary estimates of national needs for emergency

responders. Josh and Jim were helpful in this effort in every way, and their thoughtful contribution had an enormous impact on the project's development.

Much of the data we collected regarding the needs of emergency responders came from a remarkable group of emergency responder professional associations, and I am extremely grateful to all of the members of the Emergency Responders Action Group for their policy and budget input. The information they provided, directly from the emergency responder communities they represent, helped shape this report. We hope that the report will help focus attention on the critical needs of these emergency responder communities.

We also gained valuable insights and information through visits to Baltimore, San Francisco, and Kansas City. Mayor Martin O'Malley and Deputy Mayor Michael Enright of Baltimore, Lucien Canton, director of the mayor's Office of Emergency Services in San Francisco, and Erin Lynch and Marlene Nagel of the Mid-America Regional Council in Kansas City all went well above and beyond what might have been expected, providing invaluable information and arranging extensive meetings with a wide range of emergency response leaders in their communities. Ben Canada from the Congressional Research Service and former Congressman David Skaggs also provided thoughtful advice. Additionally, Andrew Mitchell, acting director of the Department of Homeland Security's Office of Emergency Preparedness, Matt Bettenhausen of the DHS office of State and Local Government Coordination, and Richard Falkenrath, assistant director of the Homeland Security Council at the White House, all shared with me their time and insights.

Working on this project at the Council on Foreign Relations has been a tremendous pleasure for me. Les Gelb, who will be retiring from the Council on the day this report is released, has been an inspirational and fiercely determined leader. "I don't believe in being a lame duck," Les told me when I took the job at the Council. "I want to end my tenure here with a strong report on an important substantive issue." We hope that this report lives up to Les's aspirations for it. As a member of the Council on Foreign Relations and as project director of this Task Force, I know firsthand that the Council is a much better place because of Les's visionary leadership. He will be missed.

Michael P. Peters and Lee Feinstein also played critical roles in getting this Task Force off the ground, and Jennifer Anmuth and Patricia Dorff spared no effort helping us get this report ready for publication. For that, I am extremely grateful.

It is also impossible to underestimate the tremendous contribution made to this effort by Lisa Shields and Abigail Zoba. Most importantly, I would like to thank to my two superb research associates, Elizabeth Dahan and Sarah Vogt. Liz worked tirelessly and enthusiastically to get this project up and running. Sarah joined us later and helped keep the project on track. Without Liz and Sarah, you would not be reading this report.

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Jamie F. Metzl
Project Director

EXECUTIVE SUMMARY

If we knew that there was going to be a terrorist attack sometime in the next five years but did not know what type of attack it would be, who would carry it out, or where in the United States it would occur, what actions would we take to prepare and how would we allocate our human and financial resources to do so?

The tragic events of September 11, 2001 brought home to the American people the magnitude of the danger posed by terrorism on U.S. soil. Now, in the aftermath of the September 11 attacks, the United States must assume that terrorists will strike again, possibly using chemical, biological, radiological, or even nuclear materials. The unthinkable has become thinkable.

But although, in some respects, the American public is now better prepared to address aspects of the terrorist threat than it was two years ago, the United States remains dangerously ill-prepared to handle a catastrophic attack on American soil.

- On average, fire departments across the country have only enough radios to equip half the firefighters on a shift, and breathing apparatuses for only one third. Only 10 percent of fire departments in the United States have the personnel and equipment to respond to a building collapse.
- Police departments in cities across the country do not have the protective gear to safely secure a site following an attack with weapons of mass destruction (WMD).
- Public health labs in most states still lack basic equipment and expertise to adequately respond to a chemical or biological attack, and 75 percent of state laboratories report being overwhelmed by too many testing requests.
- Most cities do not have the necessary equipment to determine what kind of hazardous materials emergency responders may be facing.

If the nation does not take immediate steps to better identify and address the urgent needs of emergency responders, the next terrorist incident could have an even more devastating impact than the September 11 attacks.

According to data provided to the Task Force by emergency responder professional associations and leading emergency response officials from around the country, America will fall approximately $98.4 billion short of meeting critical emergency responder needs over the next five years if current funding levels are maintained.

Currently the federal budget to fund emergency responders is $27 billion for five years beginning in 2004. Because record keeping and categorization of states and local spending varies greatly across states and localities, it is extremely difficult to estimate a single total five-year expenditure by state and local governments. According to budget estimates referenced by Appendix A of this report, state and local spending over the same period could be as low as $26 billion and as high as $76 billion. Therefore, total estimated spending for emergency responders by federal, state, and local governments combined would be between $53 and $103 billion for five years beginning in FY04.

Because the $98.4 billion unmet needs budget covers areas not adequately addressed at current funding levels, the total necessary overall expenditure for emergency responders would be $151.4 billion over five years if the United States is currently spending $53 billion, and $201.4 billion if the United States is currently spending $103 billion. Estimated combined federal, state, and local expenditures therefore would need to be as much as tripled over the next five years to address this unmet need. Covering this funding shortfall using federal funds alone would require a five-fold increase from the current level of $5.4 billion per year to an annual federal expenditure of $25.1 billion.

The preliminary figures were based on the critical analysis of needs estimates provided by emergency responder communities and were developed in partnership with the Concord Coalition and the Center for Strategic and Budgetary Assessments, two of the nation's leading budget analysis organizations. While these figures represent the most reliable public numbers to date, the nation urgently needs to develop a better framework and procedures for generating more precise numbers. But the government cannot wait until it has completed this process to increase desperately needed funding to emergency responders.

Among other things, these additional funds are needed for the following purposes:

- to extend the emergency-911 system nationally to foster effective emergency data collection and accurate local dispatch;
- to significantly enhance urban search and rescue capabilities of major cities and the Federal Emergency Management Agency (FEMA) in cases where buildings or other large structures collapse and trap individuals;
- to foster interoperable communications systems for emergency responders across the country so that those on the front lines can communicate with each other while at the scene of an attack;
- to enhance public health preparedness by strengthening laboratories, disease tracking, communications and by training public health professionals for biological, chemical, and radiological events;
- to strengthen emergency operations centers for local public safety coordination;
- to provide protective gear and WMD remediation equipment to firefighters;
- to support an extensive series of national exercises that would allow responders to continually learn and improve on effective response techniques;
- to enhance emergency agricultural and veterinary capabilities for effective response to national food supply attack;
- to help develop surge capacity in the nation's hospitals and to help them better prepare for a WMD attack; and
- to enhance capacity of emergency medical technicians, paramedics, and others to respond to mass casualty events.

There are two major obstacles hampering America's emergency preparedness efforts. First, it is impossible to know precisely what is needed and how much it will cost due to the lack of preparedness standards. Second, funding for emergency responders has been sidetracked and stalled due to a politicized appropriations process, the slow distribution of funds by federal agencies, and bureaucratic red tape at all levels of government.

To address the lack of standards and good numbers, the Task Force recommends the following measures:

- Congress should require the Department of Homeland Security (DHS) and the Department of Health and Human Services (HHS) to work with state and local agencies and officials as well as emergency responder professional associations to establish clearly defined standards and guidelines for emergency preparedness. These standards must be sufficiently flexible to allow local officials to set priorities based on their needs, provided that they reach nationally determined preparedness levels within a fixed time period.
- Congress should require that DHS and HHS submit a coordinated plan for meeting identified national preparedness standards by the end of FY07.
- Congress should establish within DHS a National Institute for Best Practices in Emergency Preparedness to work with state and local governments, emergency preparedness professional associations, and other partners to share best practices and lessons learned.
- Congress should make emergency responder grants in FY04 and thereafter on a multiyear basis to facilitate long-term planning and training.

To deal with the problem of appropriations and stalled distribution, the Task Force recommends the following measures:

- Congress should establish a system for allocating scarce resources based less on dividing the spoils and more on addressing identified threats and vulnerabilities. To do this, the federal government should consider such factors as population, population density, vulnerability assessment, and presence of critical infrastructure within each state. State governments should be required to use the same criteria for distributing funds within each state.
- The U.S. House of Representatives should transform the House Select Committee on Homeland Security into a standing committee and give it a formal, leading role in the authorization of all emergency responder expenditures in order to streamline the federal budgetary process.
- The U.S. Senate should consolidate emergency preparedness and response oversight into the Senate Government Affairs Committee.

- Congress should require DHS to work with other federal agencies to streamline homeland security grant programs in a way that reduces unnecessary duplication and establishes coordinated "one-stop shopping" for state and local authorities seeking grants.
- States should develop a prioritized list of requirements in order to ensure that federal funding is allocated to achieve the best return on investments.
- Congress should ensure that all future appropriations bills funding emergency response include strict distribution timelines.
- DHS should move the Office of Domestic Preparedness from the Bureau of Border and Transportation Security to the Office of State and Local Government Coordination in order to consolidate oversight of grants to emergency responders within the Office of the Secretary.

The Task Force credits the Bush administration, Congress, governors, and mayors with taking important steps since the September 11 attacks to respond to the risk of catastrophic terrorism, and does not seek to apportion blame about what has not been done or was not done quickly enough. The Task Force is not in a position to argue that meeting the critical needs of emergency responders is more urgent than other demands on government spending, but, without prejudice to other national needs, seeks to point out one important area where more must be done.

America's local emergency responders will always be the first to confront a terrorist incident and will play the central role in managing its immediate consequences. Their efforts in the first minutes and hours following an attack will be critical to saving lives, reestablishing order, and preventing mass panic. Like the police and fire professionals who entered the World Trade Center on September 11 emergency responders will respond to crises with whatever resources they have. The United States has both a responsibility and a critical need to provide them with the equipment, training, and other necessary resources to do their jobs safely and effectively.

TASK FORCE REPORT

INTRODUCTION

The tragic events of September 11, 2001, brought home to the American people the magnitude of the danger posed by terrorism on U.S. soil. Now, in the aftermath of the September 11 attacks, the United States must assume that terrorists will strike again, possibly using chemical, biological, radiological, or even nuclear materials. The unthinkable has become thinkable.

It is impossible to underestimate the need to prepare for this threat. One way of understanding America's urgent need to prepare is to ask the question: if we knew that there was going to be a terrorist attack sometime in the next five years but did not know what type of attack it would be, who would carry it out, or where in the United States it would occur, what actions would we now take and how would we allocate our human and financial resources to prepare? The American people must assume that this is the situation this nation currently faces.

In the almost two years since September 11, the U.S. federal government as well as state and local authorities around the nation have taken unprecedented steps to enhance preparedness on multiple levels. The Department of Homeland Security (DHS) was established in March 2003; federal, state, and local expenditures on emergency preparedness have increased; and personnel in the fields of emergency preparedness and response have undergone additional training. Although the United States remains highly vulnerable to terrorist attack, the American public is, in some respects, better prepared to address some aspects of the terrorist threat now than it was two years ago.

But the United States has not reached a sufficient national level of emergency preparedness and remains dangerously unprepared to handle a catastrophic attack on American soil, particularly one involving chemical, biological, radiological, or nuclear agents, or coordinated high-impact conventional means. To offer a few examples:

- On average, fire departments across the country have only enough radios to equip half the firefighters on a shift, and breathing apparatuses for only one third. Only 10 percent of fire departments in the United States have the personnel and equipment to respond to a building collapse.
- Most states' public health labs still lack basic equipment and expertise to respond adequately to a chemical or biological attack. For example, only Iowa and Georgia have the technology to test for cyanide, even though the deadly compound is readily found both naturally and commercially in 41 states. Seventy-five percent of state laboratories report being overwhelmed by too many testing requests.
- Most cities do not have the necessary equipment to determine what kind of hazardous materials emergency responders may be facing.
- According to the International City/County Management Association (ICMA), the average number of full-time paid police employees for jurisdictions of 250,000 to 499,999 residents today is 16 percent below the figure for 2001.
- Police Departments in cities across the country do not have the protective gear to safely secure a site following an attack using weapons of mass destruction (WMD).

Although significant gaps in overall preparedness exist, there is currently an inadequate process for determining, and therefore addressing, America's most critical needs.

America's leaders have not yet defined national standards of preparedness—the essential capabilities that every jurisdiction of a particular size should have or have immediate access to. It is therefore not yet possible to determine precisely the gaps in each jurisdiction between how prepared it is now and how prepared it needs to be. The absence of a functioning methodology to determine national requirements for emergency preparedness constitutes a public policy crisis. Establishing national standards that define levels of preparedness is a critical first step toward determining the nature and extent of additional requirements and the human and financial resources needed to fulfill them.

National capability standards would, for example, determine the minimum number of people that cities of a certain size should be able to decontaminate, inoculate,

quarantine, or treat after a chemical, nuclear, biological, or radiological attack. Local jurisdictions would then be allowed flexibility in reaching those levels over a fixed period of time. Standards would make it possible to use funding efficiently to meet identified needs and measure preparedness levels on a national scale.

In some respects, there is no natural limit to what the United States could spend on emergency preparedness. The United States could spend the entire gross domestic product (GDP) and still be unprepared, or wisely spend a limited amount and end up sufficiently prepared. But the nation will risk spending an unlimited amount on emergency preparedness only if it fails to define requirements and determine national priorities. Without establishing minimal preparedness levels and equipment and performance standards that the federal government and state and local communities can strive to attain, the United States will have created an illusion of preparedness based on boutique funding initiatives without being systematically prepared. The American people will feel safer because they observe a lot of activity, not be safer because the United States has addressed its vulnerabilities.

The United States must rapidly develop a sophisticated requirements methodology to determine the country's most critical needs and allow for the setting of priorities in readiness training and procurement. The United States does not, however, have the luxury of waiting until an overarching process is created to fund urgently needed enhancements to current capabilities. In the nearly two years since the September 11 attacks, Congress has dangerously delayed the appropriation of funds for emergency responders, federal agencies have been slow getting funds to state and local jurisdictions, and states have hampered the efficient dissemination of much needed federal funds to the local level. The overall effectiveness of federal funding has been further diluted by the lack of a process to determine the most critical needs of the emergency responder community in order to achieve the greatest return on investments.

A dual track approach is therefore required. While developing a reliable and systematic requirements methodology and streamlining the appropriations process must be a priority, the United States must make its most educated guess based on incomplete information about what emergency funds are needed immediately.

The development of a rational strategy would center around four goals: 1) meeting the nation's special security needs by bringing the high payoff targets to a high state of readiness; 2) establishing a baseline system for the rest of the nation that allows for the planning, assessments, and the command, control, and communications needed to link the country under a flexible, coherent national emergency response system; 3) building up the capacity of state and local governments to respond to a terrorist attack; and 4) providing emergency supplemental funding for actual emergencies.

This report does not prejudge how these critical needs should be met, but insists that they must be. It is essential that federal, state, and local authorities come to a consensus on sharing responsibilities and make a commitment to meet them. In this process, it will be important to keep in mind that the threat of terrorism, particularly international terrorism, is a national security threat to the entire United States. Although state and local jurisdictions must maintain primary responsibility for funding basic levels of public health and safety readiness, the incremental costs of responding to the additional national security threat posed by terrorism are appropriately a federal responsibility. This federal responsibility is even more critical considering the current budget crisis faced by most state and local jurisdictions, which makes it more difficult to allocate sufficient resources for emergency response and to address other important needs.

Emergency responders come from the fire, police, emergency medical services (EMS), public health, and other communities, and the underlying strength of those general capabilities has a significant impact on the level of emergency preparedness within a given jurisdiction. While the focus of this report is on the cost of enhancing U.S. preparedness for terrorism, it must also be acknowledged that many emergency response entities do not have the capability to adequately address basic emergencies. For example, two-thirds of fire departments do not meet the consensus fire service standard for minimum safe staffing levels. Additionally, public health systems across the country are dangerously underfunded and lack the capacity to do what is increasingly expected of them. The building blocks of increased capabilities can only be laid upon a solid foundation. The United States must therefore both enhance the capabilities of its

emergency responders and work to guarantee the overall health of police, fire, emergency medical, and public health systems.

Enhancing responder capabilities will require inputs on multiple levels. Providing response equipment is only one aspect of improving overall preparedness. Without appropriate staffing, training of personnel, and sustainment of equipment and capabilities over time, new equipment may contribute only marginally to greater preparedness. Wherever possible, an all-hazards approach should be followed to ensure that, to the maximum extent possible, resources devoted to responding to a terrorist attack can enhance underlying emergency preparedness capabilities for addressing natural disasters.

With whatever capabilities they have, however, America's local emergency responders will always be the first to confront a terrorist incident and will play the central role in managing its immediate consequences. Their efforts in the first minutes and hours following an attack will be critical to saving lives, reestablishing order, and preventing mass panic. Like the police, emergency medical services, and fire professionals who entered the World Trade Center on September 11, emergency responders will respond to crises with whatever resources they have. The United States has a responsibility to provide them with the equipment, training, and other necessary resources to do their jobs safely and effectively.

This report seeks to raise critical questions regarding levels of emergency preparedness across the United States. The report offers a preliminary budget estimate for the emergency expenditures that may be necessary over the next five years to meet national needs, and policy recommendations for moving forward. Emergency preparedness is only one facet of the much larger issue of homeland security. Investments in enhancing emergency responder capabilities, therefore, will be lost if they are not integrated into a larger national strategy for meeting broader homeland security needs. Additionally, this report does not address the relative merits of funding homeland security versus other important national needs.

Although the report raises more questions than it answers, it is intended to foster critical national debate regarding the steps that must be taken immediately and in the future to ensure that all jurisdictions within the United States reach a baseline level of

capacity, as well as to ensure a higher level of readiness for higher-threat or more vulnerable areas.

DEFINITIONS

The Task Force used the definition of emergency responders from the Homeland Security Bill. The bill states: "The term 'emergency response providers' includes federal, state, and local emergency public safety, law enforcement, emergency response, emergency medical (including hospital emergency facilities), and related personnel, agencies, and authorities." The Task Force took this definition to include the fields of emergency management, police, firefighting, EMS, emergency communications, public health, hospitals, and public utilities. The Task Force also recognized that private-sector assets such as private hospitals and ambulance services as well as volunteer organizations such as volunteer firefighters must be considered part of the national response system.

BUDGET ESTIMATES

The Task Force found that current levels of assistance to state and local governments for terrorism and WMD-related emergency responder equipment and training may provide as little as one-third of the amount needed to achieve an adequate national capability in the next five years. (All dollar figures below are estimated FY04 constant dollars.)

- Currently the federal budget to fund emergency responders is $27 billion for five years beginning in 2004.
- Because record keeping and categorization of state and local spending varies greatly across states and localities, it is extremely difficult to estimate a single total five-year expenditure by state and local governments. According to budget estimates referenced in Appendix A of this report, state and local spending over the same period could be as low as $26 billion and as high as $76 billion.

- Total estimated spending for emergency responders by federal, state, and local governments combined would be between $53 and $103 billion for the five years beginning in FY04.
- Working with The Concord Coalition and the Center for Strategic and Budgetary Assessments, the Task Force collected credible preliminary evidence putting the additional requirement for addressing unmet emergency response needs at approximately $98.4 billion over five years regardless of current funding levels, or an additional $19.7 billion per year. This estimate does not include overtime costs for training as well as costs for several critical mission areas, which could not be determined by the Task Force. Most significantly, this figure does not include costs for addressing the needs of police forces across the United States for which national police organizations were unable to provide estimates. The specific needs identified within each emergency response discipline that contribute to this overall figure are outlined in Appendix A of this report.
- Because the $98.4 billion unmet needs budget covers areas not adequately addressed at current funding levels, the total necessary overall expenditure for emergency responders would be $151.4 billion over five years if the United States is currently spending $53 billion, and $201.4 billion if the United States is currently spending $103 billion. Estimated combined federal, state, and local expenditures therefore would need to be as much as tripled over the next five years to address this unmet need. Covering this funding shortfall using federal funds alone would require a five-fold increase from the current level of $5.4 billion per year to an annual federal expenditure of $25.1 billion.
- As outlined in Appendix A, these additional funds would be used, among other things, for the following purposes:
    - — to extend the emergency-911 system nationally to foster effective emergency data collection and accurate local dispatch;
    - — to significantly enhance urban search and rescue capabilities of major cities and the Federal Emergency Management Agency (FEMA) in cases where buildings or other large structures collapse and trap individuals;

- to foster interoperable communications systems for emergency responders across the country so that those on the front lines can communicate with each other while at the scene of an attack;
- to enhance public health preparedness by strengthening laboratories, disease tracking, communications, and trained public health professionals for the tasks associated with biological, chemical, and radiological events;
- to strengthen emergency operations centers for local public safety coordination;
- to provide protective gear and WMD remediation equipment to firefighters;
- to support an extensive series of national exercises that would allow responders to continually learn and improve on effective response techniques;
- to enhance emergency agricultural and veterinary capabilities for effective response to national food supply attack;
- to help develop surge capacity in the nation's hospitals and to help them better prepare for a WMD attack; and
- to enhance capacity of emergency medical technicians, paramedics, and others to respond to mass casualty events.

- The Task Force notes that its *budget estimates are very preliminary and cannot be more precise in the absence of a systematic national requirements methodology* and that the development of such a methodology is badly needed.
- The Task Force further notes that not all emergency responder needs must necessarily be met with federal funds, and that it might be possible to significantly reduce estimated costs through enhancing mutual aid agreements between jurisdictions, and by other efforts to foster the most efficient use of resources possible. Nevertheless, the national security nature of the terrorist threat and the current budget crisis in most states make a strong federal contribution both appropriate and necessary.

CONCLUSIONS AND RECOMMENDATIONS

1. *Define and Provide for Minimum Essential Capabilities*.

The Task Force found that there is no systematic national standard that defines the essential minimum capabilities for emergency responders that every jurisdiction of a given population size should possess or be able to access. Because of this, there are currently no comprehensive, systematic, and consolidated principles or measures against which the degree and quality of preparedness can be tracked nationwide. Current efforts to develop such standards are inconsistent and dispersed among various government agencies and nongovernmental organizations. Additionally, existing standards for minimum capabilities for emergency responders are a patchwork with many missing pieces that lacks systematic integration, are insufficient to address many major challenges—including that of catastrophic terrorism involving WMD—and are not harmonized across the many types of emergency responders. While existing standards provide a useful starting point, they do not constitute "national standards for emergency response training and preparedness," as called for in the National Strategy for Homeland Security. (A selection from this document is included in Appendix B.) At the end of five years of federal funding, therefore, some metropolitan areas may still lack fundamental emergency responder capabilities.

- Congress should require DHS and HHS to work with other federal agencies, state and local emergency responder agencies and officials, and standard-setting bodies from the emergency responder community to establish clearly defined standards and guidelines for federal, state, and local government emergency preparedness and response in such areas as training, interoperable communication systems, and response equipment. These standards must be sufficiently flexible to allow local officials to set priorities based on their needs, provided that they reach nationally determined preparedness levels within a fixed time period. These capabilities must be measurable and subject to federal audit.

- Congress should require that the FY05 budget request for DHS be accompanied by a minimum essential emergency responder capability standard of WMD- and terrorism-related disaster equipment and training per 100,000 persons in a metropolitan region, and by separate standards for rural areas. Each recipient state and metropolitan area should then be required to submit a plan detailing how it intends to achieve that standard, to incorporate it into all appropriate training programs, and to regularly test its effectiveness.
- National performance standards could be implemented through an incentive grant system making federal funding conditional and available to those localities that adopt federally approved standards of preparedness.

2. *Develop Requirements Methodology*.

National capability standards for levels of preparedness must drive an emergency preparedness requirements process. This process must evolve into one similar to that currently used by the U.S. military. Threats must be identified, capabilities for addressing threats determined, and requirements generated for establishing or otherwise gaining access to necessary capabilities. The Task Force found that the administration and Congress were funding emergency preparedness without any agreement on a methodology to determine how much is enough or what the requirements are. It is therefore extremely difficult, if not impossible, to measure how well prepared the United States is.

- Congress should include in the FY04 appropriations for DHS and HHS a provision calling on each agency to accompany the FY05 budget request with a detailed methodology for determining the national requirements for emergency responder capability and assistance.
- Congress should require that DHS and HHS submit a coordinated plan for meeting national preparedness standards by the end of FY07.
- Congress should require DHS and HHS to report annually on the status of emergency preparedness across the United States. This report should indicate the levels of federal, state, and local expenditures for emergency preparedness,

evaluate how effectively that funding is being used, and assess the status of preparedness in each state based on national preparedness standards.

3. *Accept Necessary Burden-Sharing*.

The Task Force found that there were no accepted national guidelines for determining the nature of burden-sharing between the federal government and state and local jurisdictions. Although state and local jurisdictions should maintain primary responsibility for funding normal levels of public health and safety readiness, the Task Force found that the federal government should be responsible for providing the funds necessary to cover the incremental costs of achieving essential standards in responding to the additional national security threat posed by terrorism. In some outstanding cases, federal funds may be required to enhance state and local emergency responder infrastructure that has been starved of resources if the deterioration of capabilities is such that it poses a threat to national security and state and local resources are not reasonably sufficient for addressing this shortfall.

4. *Guarantee Sustained Multiyear Funding*.

The Task Force found that many state and local governments are unwilling or unable to accept federal funding for programs that will generate long-term costs in the absence of guarantees that the federal government will make funds available for sustaining such programs. Stable and long-term funding is critical for encouraging state and local governments to develop the necessary emergency response capabilities and, most critically, to sustain them over time.

- Congress should accompany all authorizations for emergency responder assistance grants in FY04 and thereafter with budget authority for sustaining those grants through the following two fiscal years.

5. *Refocus Funding Priorities*.

The Task Force found existing systems for determining the distribution of appropriated funds to states to be badly in need of reform. The federal government currently

determines levels for emergency preparedness funding to states primarily on a formula that guarantees minimum funding levels to all states and then determines additional funding based on each state's population. All citizens of the United States deserve a base level of protection regardless of where they live. Nevertheless, the state and population-driven approach has led to highly uneven funding outcomes. Wyoming, for example, receives $10.00 per capita from DHS for emergency preparedness while New York State receives only $1.40 per capita. While this approach may have political appeal, it unnecessarily diverts funding from areas of highest priority. In addition, decisions by state officials regarding the allocation of funds in their states have not sufficiently taken into account the multitude of necessary factors.

- Congress should establish a system for allocating scarce resources based less on dividing the spoils and more on addressing identified threats and vulnerabilities. To do this, the federal government should consider such factors as population, population density, vulnerability assessment, and presence of critical infrastructure within each state. State governments should be required to use the same criteria for distributing funds within each state.
- Congress should also require each state receiving federal emergency preparedness funds to provide an analysis based on the same criteria to justify the distribution of funds in that state.

6. *Rationalize Congressional Oversight*.

The Task Force found that the proliferation of committees and subcommittees in Congress makes it hard to devise a coherent homeland security policy and a focused homeland defense system. Congress needs to have a lead committee, or an effective joint committee, to shape overall policy. Otherwise the system is likely to be fragmented and plagued with pork.

- The U.S. House of Representatives should transform the House Select Committee on Homeland Security into a standing committee and give it a formal, leading role

in the authorization of all emergency responder expenditures in order to streamline the federal budgetary process.

- The U.S. Senate should consolidate emergency preparedness and response oversight into the Senate Government Affairs Committee.

7. *Accelerate Delivery of Assistance*.

The Task Force found that many metropolitan areas and states had actually received and spent only a small portion of the funds for emergency responders that have been appropriated by Congress since September 11. The current inflexible structure of homeland security funding, along with shifting federal requirements and increased amounts of paperwork, places unnecessary burdens on state and local governments as they attempt to provide badly needed funds to emergency responders. While a balance should be maintained between the need for the rapid allocation of emergency preparedness funds and the maintenance of appropriate oversight to ensure that such funds are well spent, the current danger is too great to allow for business as usual. According to the National Emergency Managers Association, "appropriation cycles have been erratic causing extreme burdens on state and local governments to continue preparedness activities when there is no federal funding, and then forcing them to thoughtfully and strategically apply several years of federal funds and millions of dollars at one time." (NEMA, State Spending and Homeland Security Funds," April 2, 2003) As a first step toward addressing this problem, Congress instructed the DHS Office of Domestic Preparedness in the FY03 consolidated appropriations measure (P.L. 108-7) to distribute grant funds to states within 60 days of the enactment of the bill and required states to distribute at least 80 percent of those funds to localities within 45 days of receipt.

- Congress should ensure that all future appropriations bills funding emergency response include strict distribution timeframes as exemplified by the FY03 consolidated appropriations measure.
- Congress should require states to submit data regarding the speed of distribution of the federal funds for emergency responders appropriated to states.

- Congress should grant DHS the authority to allow states greater flexibility in using past homeland security funding. As a first step in this direction, Congress should authorize greater flexibility in the federal guidelines laid out in the FY03 Omnibus Appropriations Bill for the percentages of funds that can be used for various emergency response activities (e.g., 70 percent for equipment, 18 percent for exercises, 7 percent for planning, 5 percent for training) to make it possible for states to better allocate resources according to their most urgent needs. This authority should be granted on a case by case basis by means of a waiver from the Secretary of the Department of Homeland Security.

8. *Fix Funding Mechanisms*

Many states have been mandated to develop more than five separate homeland security plans. While the information requested by each homeland security plan is similar, states and communities are often required to reinvent the wheel from one emergency plan to the next.

- DHS should move the Office of Domestic Preparedness from the Bureau of Border and Transportation Security to the Office of State and Local Government Coordination in order to consolidate oversight of grants to emergency responders within the Office of the Secretary.
- States should develop a prioritized list of requirements in order to ensure that federal funding is allocated to achieve the best return on investments.
- Congress should require DHS to work with other federal agencies to streamline homeland security grant programs in a way that reduces unnecessary duplication and establishes coordinated "one-stop shopping" for state and local authorities seeking grant funds. Efforts to streamline the grants process should not, however, be used as a justification for eliminating existing block grant programs that support day-to-day operations of emergency responder entities. In many cases, such grants must be expanded.

- Congress should create an interagency committee to eliminate duplication in homeland security grants requirements and simplify the application process for federal grants.

9. *Disseminate Best Practices*.

Although emergency responders have consistently identified as a high priority the need to systematically share best practices and lessons learned, the Task Force found insufficient national coordination of efforts to systematically capture and disseminate best practices for emergency responders. While various federal agencies, professional associations, and educational institutions have begun initiatives to develop and promulgate best practices and lessons learned, these disparate efforts generally are narrow and unsystematic and have not sufficiently reached potential beneficiaries. Such information-sharing could be one of the most effective ways to extract the greatest amount of preparedness from a finite resource pool. Once centralized and catalogued, such data will allow all emergency responders to learn from past experiences and improve the quality of their efforts, thereby assuring taxpayers the maximum return on their investment in homeland security. Access to this resource will provide the analytical foundation for future decisions regarding priorities, planning, training, and equipment.

- Congress should establish within DHS a National Institute for Best Practices in Emergency Preparedness to work with state and local governments, emergency preparedness professional associations, and other partners to establish and promote a universal best practices/lessons learned knowledge base. The National Institute should establish a website for emergency preparedness information and should coordinate closely with HHS to ensure that best practices for responding to biological attack are sufficiently incorporated into the knowledge base.

10. *Enhance Coordination and Planning*.

The Task Force found that although effective coordination and planning are among the most important elements of preparedness, jurisdictions across the country are neither

sufficiently coordinating emergency response disciplines within their jurisdictions nor adequately reaching across jurisdictional lines to coordinate their efforts with neighboring communities. Although Title VI of the Stafford Act (P.L. 106-390) authorizes the Director of FEMA to coordinate federal and state emergency preparedness plans, this authority has not been applied sufficiently to ensure adequate levels of coordination and planning between and among federal, state, and local jurisdictions. In addition, state and local emergency management agencies lack the resources to develop and maintain critical emergency management capabilities. More also needs to be done to encourage and facilitate mutual aid and other cross-jurisdictional agreements that pool resources, minimize costs, and enhance national preparedness.

- DHS should require that all states and territories submit statewide mutual assistance plans, including cross-border plans for all cities and counties adjoining state or territorial borders. Reference to such plans should be required in all homeland security grant applications for federal funding. Wherever possible, grants should be structured to reward the pooling of assets across jurisdictional lines.
- DHS should develop a comprehensive national program for exercises that coordinates exercise activities involving federal agencies, state and local governments, and representatives from appropriate private sector entities including hospitals, the media, telecommunications providers, and others. These exercises should prepare emergency responders for all types of hazards, with a specific focus on WMD detection and response. When necessary, funds should be provided to ensure that exercises do not interfere with the day-to-day activities of emergency responders.
- Congress should work with DHS to expand the capacity of existing training facilities involved in the National Domestic Preparedness Consortium and to identify any new training facilities for emergency responders that may be required.

CONCLUSION

The terrible events of September 11 have shown the American people how vulnerable they are. Because attacks on that scale had never before been carried out on U.S. soil, the United States and the American people were caught under-protected and unaware of the magnitude of the threat facing them. In the wake of September 11, ignorance of the nature of the threat—or of what the United States must do to prepare for future attacks—can no longer explain America's continuing failure to allocate sufficient resources to preparing local emergency responders. It would be a terrible tragedy indeed if it took another catastrophic attack to drive that point home.

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AMERICAN VETERINARY MEDICAL ASSOCIATION
CENTURY FOUNDATION
COUNCIL OF STATE GOVERNMENTS
COUNTY EXECUTIVES OF AMERICA
INTERNATIONAL ASSOCIATION OF EMERGENCY MANAGERS
INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE
INTERNATIONAL ASSOCIATION OF FIRE CHIEFS
INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS
INTERNATIONAL CITY COUNTY MANAGEMENT ASSOCIATION
JOINT COMMISSION ON ACCREDITATION OF HEALTHCARE ORGANIZATIONS
NATIONAL ASSOCIATION OF COUNTIES
NATIONAL ASSOCIATION OF COUNTY AND CITY HEALTH OFFICIALS
NATIONAL ASSOCIATION OF EMERGENCY MEDICAL TECHNICIANS
NATIONAL ASSOCIATION OF PUBLIC HOSPITALS & HEALTH SYSTEMS
NATIONAL EMERGENCY NUMBERS ASSOCIATION
NATIONAL FIRE PROTECTION ASSOCIATION
NATIONAL LEAGUE OF CITIES
NATIONAL MEMORIAL INSTITUTE FOR THE PREVENTION OF TERRORISM
NATIONAL SHERIFF'S ASSOCIATION
NATIONAL VOLUNTEER FIRE COUNCIL
TRUST FOR AMERICA'S HEALTH
THE U.S. CONFERENCE OF MAYORS

* These organizations participated in the Emergency Responders Action Group that collected the data used in our budgetary analysis. They do not necessarily endorse the Task Force findings.

APPENDIXES

APPENDIX A

NATIONAL ESTIMATES FOR HOMELAND SECURITY

EMERGENCY RESPONDER FUNDING

(Prepared in cooperation with the Concord Coalition and the Center for Strategic and Budgetary Assessments)

A five-year estimate of total federal, state, territorial, and local government homeland security funding for emergency responders, beginning in FY04 falls in the range of $53 to $103 billion.[1] *Based on the data made available to the Council's Independent Task Force on Emergency Responders by emergency responder professional associations and others, the preliminary estimate for additional funding required to cover potential emergency responder needs is approximately $98.4 billion over five years, or $19.7 billion per year.*[2] This estimate does not include overtime costs for training as well as needs in several critical mission areas, which could not be determined by the Task Force. Most significantly, this figure does not include the needs of police forces across the United States because national police organizations were unable to provide this data. These unknowns might raise costs considerably. On the other hand, the potential needs discussed here might be reduced significantly through enhancing mutual aid agreements between jurisdictions and other efforts to foster the most efficient use of resources possible.

The study addressed emergency response functions only and did not address other homeland security mission areas such as intelligence and early warning, critical infrastructure protection, and domestic counterterrorism.

[1] This represents a federal contribution based on the FY04 budget request and an estimate of FY04 state and local spending derived from "The Homeland Security Market," a research report by Deloitte Consulting and Aviation Week.

[2] This estimate is based on FY04 dollars and does not account for inflation or supplemental appropriations. This analysis did not consider requirements for emergency response to a nuclear attack or large-scale infectious-disease outbreak which might demand significantly more response resources.

ESTIMATED CURRENT LEVEL OF FUNDING (PROJECTED FY04–FY08)

Federal Spending—$27 billion

Federal homeland security funding for emergency response includes assistance to state, territorial, and local community responders; efforts to enhance the capabilities of volunteer groups and elements of the private sector; and support for federal response assets.

Federal spending was computed using the administration's FY04 budget request. In that request, funding for state and local responders comes primarily from the Department of Homeland Security, including $3 billion allocated to the Office of Domestic Preparedness (ODP).[3] Another $1.5 billion contribution comes out of the Department of Health and Human Services' proposed budget.[4] Together these programs total $4.5 billion. The FY04 proposal consolidates virtually all assistance for state and local emergency response functions in DHS and HHS.[5]

In addition, the federal government also funds various national response teams from several federal agencies that might be critical responders to a terrorist incident. Some examples are the Department of Defense Weapons of Mass Destruction Civil Support Teams and the FBI Crisis Response Units. Also, several federal agencies have programs that assist volunteer activities that could aid local responders. The FY04 budget proposal requests approximately $0.9 billion for these activities.[6]

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[3] Proposed ODP Grants total $3.5 billion. $500 million of these grants, however, relate to state and local efforts to prevent terrorism and were not included as emergency response funding.

[4] This includes $940 million for state and local preparedness from the budget of the Centers for Disease Control and $518 for hospital preparedness and $19 million for emergency medical services in case of a bioterrorism attack. See U.S. Department of Health and Human Services, *FY2004 Budget in Brief*, pp. 16–17, 27.

[5] For example, this analysis did not include proposed funding for the Department of Justice's Community Oriented Policing Services ($180 million) and Justice Assistance ($520 million) grant programs because although some of these funds may contribute to homeland security activities they are not primarily intended to address emergency response functions.

[6] These are rough estimates based on a review of the *Budget of the United States Government, Fiscal Year 2004—Appendix* [http://www.whitehouse.gov/omb/budget/fy2004/app_down.html] and *Fiscal Year 2004 Budget of the United States*, Table S-5, note 1, p. 315.

In total, estimated federal support for emergency response based on the FY04 budget request therefore amounts to about $5.4 billion a year or $27 billion over 5 years.

State and Local Government Spending—$26 to $76 billion

Funding at the state and local level is more difficult to determine then is federal spending. The best available data suggests that total FY04 spending on emergency responders by state and local governments might be around $5.2 to $15.2 billion.[7] Multiplied over five years, estimated spending falls in the $26 to $76 billion range.

This report does not address private sector spending on emergency response functions, which could be substantial and deserves further scrutiny.[8]

Current Baseline for Total Federal/State/Local Government Spending

A five-year national emergency responder spending baseline following current funding levels would be about $53 to $103 billion, an average of $10.6 to 20.6 billion a year.[9]

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[7] Data derived from "The Homeland Security Market" a research report by Deloitte Consulting and *Aviation Week*. The report was written in 2002 and projected a range for FY2003 emergency responder spending by state and local governments at $4.9 billion to $14.9 billion. The "Homeland Security Solutions," added together for the action group estimate, were the following: health management, communications, integration, inventory management, response management, and training and education. Those numbers were then inflated by the CPI estimate for 2003 in the President's Budget (2.2%).

[8] Bart Hobijn, "What Will Homeland Security Cost?" *Economic Policy Review* (November 2002, p. 25), estimates total private sector spending at $10 billion per year. The Deloitte report estimates total private sector spending at between $45.9 to 76.5 billion per year. Private sector investments primarily fall in the areas of critical infrastructure protection, mostly for cyber and physical security and business continuity and disaster recovery programs, although a specific accounting of firm investment is very difficult to determine. Therefore, while it seems that only a small percentage of private sector homeland security funding specifically relates to emergency responder activities, that category does include some important contributions to the national emergency response system. Volunteer and private ambulance services (a $4 billion industry) and funding by nongovernmental organizations (such as the Red Cross, which spends about $250 million in disaster response) would be included in this category.

[9] The House of Representatives passed the Department of Homeland Security Appropriations Act (HR 2555) on June 24, 2003, which increased proposed expenditures for emergency responders by approximately $700 million over the administration's budget proposal for FY04. If this act is not changed and becomes law, an additional $3.5 billion would be added to estimated five-year federal expenditures beginning in FY04. Assuming that these federal funds would be matched 30 percent by state and local funding, a total expenditure of $4.6 billion would be added to our estimate. This would increase these totals to $57.6 billion and $107.6 billion respectively.

ESTIMATE OF POTENTIAL ADDITIONAL NEEDS

This list of potential needs includes equipment, training and sustainment, and selected personnel costs. The list is not comprehensive but is based on the best information made available. Dollar amounts cover the five fiscal years beginning in FY04.

Fire Services—$36.8 billion[10]

This includes fire, hazardous material, and associated emergency medical services tasks, equipment, and training associated with responding to a chemical/biological or related incident.

Urban Search and Rescue—$15.2 billion[11]

This figure includes the cost of preparing fire departments for technical rescue and EMS tasks associated with the structural collapse of a building with 50 occupants and the cost of enhancing the capacity of FEMA's national search and rescue teams.

[10] Data drawn from the National Fire Protection Association (NFPA) study *Estimated Costs to U.S. Local Fire Departments*. This document estimated HAZMAT and EMS tasks associated with chemical/biological attacks or related incidents at $34.2 to $38.5 billion initially, with $6.4 to $8.9 billion in sustainment costs. The study noted that the estimate could be reduced by two-thirds if it were determined that first responders currently trained to the operational level also have the basic equipment they need. However, the Task Force found this estimate to be unrealistic based on current capability levels and therefore determined that a one-third reduction would be more appropriate. Based on this more conservative approach, initial needs were estimated at $22.8 billion with an additional $17.2 billion for sustainment over the five years. The action group also assumed that federal funds would be used to offset some of these potential requirements and that state and local communities would match 30 percent of federal funds. The FY04 budget proposal provides $500 million per year for Fire Grants, thus our total federal offset was $650 million per year. The *Estimated Costs to U.S. Local Fire Departments* also included an estimate of the cost for additional fire service personnel at $7.6 to $8.5 billion per year. This estimate did not include federal or state fire services. Regional exercise costs were excluded as well because they were computed under a separate category.

[11] The action group found that although urban search and rescue capabilities are "all-hazard," they have become central in the response to major terrorist attacks. The NFPA estimated a $3.6 to $3.8 billion initial cost and a $2.6 to $3.0 billion annual sustainment cost and the action group estimate was calculated using the middle of those ranges. The FEMA teams' needs were estimated to be around $56 million a year for effective training and mobilization exercise development and for equipment maintenance.

Hospital Preparedness—$29.6 billion[12]

This includes enhanced capabilities for communications, personnel, protective equipment, mental health services, decontamination facilities, and training for U.S. hospitals.

Public Health—$6.7 billion[13]

This includes enhanced capabilities at the Centers for Disease Control (CDC), health professions recruiting and training programs, epidemiologist services, upgraded state and local public health department capacities to respond to terrorism, and FDA programs such as food safety and bioterrorism response.

Emergency 911 Systems[14]—$10.4 billion[15]

This is the funding needed to foster the technological advancement and implementation of a national emergency telephone number system with effective first responder deployment and wireless capability.

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[12] Data derived from the American Hospital Association (AHA) report *Hospital Resources for Disaster Readiness.* This placed total requirements at $11.4 billion, which included about $2.8 billion in annual costs and $8.6 in equipment, programs and facilities. Over five years, assuming 30 percent sustainment costs, the program would cost about $33 billion. In the FY04 proposed budget, grants from DHS for medical services amount to about $0.5 billion. Assuming 30 percent matching funds from state and local governments, the cost of these potential needs can be reduced by about $3.3 billion.

[13] These figures are derived from estimates provided by the Trust for America's Health. These numbers were designed to improve funding for public health infrastructure by doubling funding over a five year period. $210 million was deducted from their figures to account for infectious disease control funding within the CDC. Hospital preparedness activities were not included in this estimate because they were included under the Hospital category using the AHA numbers.

[14] This data was derived from National Emergency Number Association (NENA) SWAT Technical Team Cost Model (May 29, 2003). Although 911 systems serve many purposes, their utility was believed to be so central to any kind of terrorist attack response that the decision was made to include their additional needs.

[15] Data provided by NENA. Initial costs are $3.6 billion with the annual recurring costs being around $1.7 billion. In correspondence with the action group, NENA explained that although emergency 911 maintenance costs and upgrades are supposed to be covered by state phone bill surcharges (including wireless phone surcharges in 40 states), that money is instead being diverted "for other purposes" (letter dated April 27, 2003).

Interoperable Communications[16]—$6.8 billion[17]

This category includes funding to ensure dependable, interoperable communications for first responders as well as funding for public alert and information system programs and capabilities.

Emergency Operations Centers—$3.3 billion[18]

This includes funds to provide physical and technical improvements as well as back-up and mobile command posts.

Animal/Agricultural Emergency Response—$2.1 billion[19]

This includes funds for developing regional and state teams to respond to emergencies and enhancing laboratory support capacity.

[16] Although interoperable communications systems serve many purposes, their utility was believed to be so central to any kind of terrorist attack response that the decision was made to include their unfunded needs.

[17] In 1999, the Public Safety Wireless Network (PSWN) estimated that $18 billion would be required to completely replace the entire national infrastructure of public safety radio systems in order to provide sufficient equipment and capabilities for first responder interoperability. Much infrastructure has been added since then, but many individuals in the field felt that the PSWN number is still the best guess for costs going forward. However, current pilot projects suggest that costs could be kept much lower (Ellen Pearlman. "Can We Talk." *Governing*. May 3, 2003). The Capital Wireless Integration Network Project (CAPWIN) program for the Washington, D.C. area was estimated to cost $20 million with $3.5 million a year for sustainment. Neither CAPWIN nor other pilot programs are typical because the capabilities of every region and its needs are unique, so any analysis based just on the achievements of pilot programs is only a very rough estimate. Yet, the action group decided to make a conservative national estimate based on the CAPWIN model numbers multiplied over the 200 public safety regions in the country.

[18] This data is derived from the National Emergency Management Association (NEMA) *Draft Report on Local Emergency Management Program Capability Requirements, and Shortfalls* (March 12, 2002). The report estimated initial costs at $1.5 billion. Our analysis assumed 30 percent sustainment costs.

[19] This includes $163 million for modernization of the Ames, Iowa Animal Disease Research and Diagnostics Laboratories; $250 million for the Plum Island Foreign Animal Diseases Laboratories; $85 million additional startup costs for National Animal Health Laboratory Network; and $200 million for emergency preparedness and response programs per year.

Emergency Medical Services Systems—$1.4 billion[20]

This includes improving the state and local EMS infrastructure, including coordination, planning, mutual aid, physician resources, workforce development, training, and the establishment of trauma systems.

Emergency Management Planning and Coordination—$1 billion[21]

This includes enhancing basic emergency coordination and planning capabilities at the state and local level.

Emergency Response Regional Exercises—$0.3 billion[22]

This includes funding annual regional exercises.

SUMMARY COST ESTIMATE OF POTENTIAL NEEDS

These potential additional responder needs total $113.6 billion. However, state and local emergency responder services are eligible for state and local terrorism preparedness

[20] Data provided by the National Association of State Emergency Medical Services. They placed total additional needs at $450 million. Included in their figures were $28 million for equipment and $26 million for training (within the exercises category). These items were not included in the Task Force estimate since they are covered under the fire service category. This made total needs cited $396 million. $220 million are one-time costs with the assumed 30 percent sustainment costs totaling $484 billion over 5 years. An annual cost of $176 million was also part of the total figure. All costs combined then brought the five-year total to $1.4 billion.

[21] Emergency management planning was not listed as a separate category in the FY04 budget proposal. In FY03, Emergency Management Planning Grants totaled about $165 million. The total responder grant program in DHS declined slightly overall (proposed budget for FY04 is about $3.5 billion, down from the FY03 request of $3.6 billion). Thus, even without emergency management being listed as separate category it can be assumed funding for this area in FY04 will be similar to the previous year. Given the data from the NEMA *Draft Report on Local Emergency Management*, the potential need left would be about $200 million per year.

[22] ODP grants for emergency response functions in the FY04 budget request totaled $2.5 billion. Of this total $165 million for emergency management planning and $500 million for fire services were accounted for in computing the additional requirements in those specific areas. To account for how the remaining 1.8 billion per year of grant funding would help meet the estimate of additional needs, we assumed that all these funds would be used to meet the unfunded requirements in this study and that state and local governments would make a 30 percent matching contribution to these grants. Thus, the total additional needs estimated might be reduced by as much as about $3.04 billion per year or $15.2 billion over five years.

grants from the Office of Domestic Preparedness.[23] These grants would offset the potential needs estimate by $15.2 billion over five years, bringing the total down to $98.4 billion.[24] Cost accountings included are in no sense comprehensive or exact, nor is the list of need areas exclusive.

NEEDS NOT DETERMINED

Data were not available to adequately address the following:

Police. A national estimate was not available. For emergency response, however, it is known that many police departments lack adequate detection and personal protective equipment and training for responding to chemical, biological, or radiological incidents.

Volunteer Groups. No data was available on unfunded requirements for government support to volunteer groups such as Community Emergency Response Teams.

Federal Response Teams. This report did not assess the adequacy of funding for federal response teams.

Geographic Information Services. This report did not address the national need for critical information services that might be required by first responders. However, the September 11 attacks demonstrated this to be a critical need.

Skilled Support Personnel. The September 11 attacks also demonstrated that skilled private sector workers (welders, drivers, plumbers, etc.) may be needed as part of an emergency response. The World Trade Center site required 10,000 workers per day

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[23] These grants total $2.5 billion a year. From that total we subtracted the $165 million already included as an offset in the emergency management planning category. We then assumed a 30 percent state match for an offset total of $3.0355 billion a year. Fire grants totaling $500 million are not included in the $2.5 billion.

[24] If HR 2555 is not changed and becomes law, this figure would be reduced to $93.8 billion.

during the initial search and cleanup period. These workers require personal protective equipment and hazardous material training.

Public Utilities and Public Transportation. This study did not obtain sufficient data to determine if there are significant needs in this area. For example, it is unclear whether there is adequate personal protective equipment for public utility and transportation personnel that would be required to respond to a terrorist incident.

Overtime for Training. Estimates do not include the cost of providing overtime pay for training or hiring replacement personnel while training personnel are away from the job. This report also did not include overtime requirements for responding to higher terrorist threat alert levels.

METHODOLOGY

- The five-year current spending estimate was determined using the federal government's FY04 budget request and estimates of state and local government spending on emergency response functions. These numbers were then projected at a steady state over five years with no accounting for inflation.
- Potential additional needs were determined by using estimates provided to the Task Force by expert organizations.[25] From these submissions it was determined which needs fell primarily in the category of emergency response.
- Potential needs for general public safety or "all-hazards" emergency response were not included in the estimates.[26]
- The analysis did not include other homeland security tasks (e.g., intelligence and early warning).

[25] The one exception to this was the interoperable communications number which was extrapolated from the cost of the CAPWIN program.

[26] The exceptions were in the areas of interoperable communications, emergency 911 systems, and urban search and rescue. These shortcomings were thought to be so significant and important to responding to terrorist attacks, as well as vital to any baseline capabilities emergency responders would need to respond to disasters, that the action group determined that they should be included as potential needs even though they are "all-hazard" capabilities.

- The analysis did not consider the additional needs of responding adequately to a nuclear attack or a major infectious disease outbreak.
- Potential needs were calculated over a five-year period. Estimated annual costs were multiplied by five. Estimates determined to represent one-time procurement costs were added separately as costs over one year. Where sustainment data for these costs were provided, they were added to the estimate. If no sustainment costs were provided, they were computed to be 30 percent of the initial cost of the program over four additional years.
- If federal funds were determined to be provided in a need category, the amount of the current grant and 30 percent state matching funds of the current grant were assumed and multiplied by five, then subtracted from the potential need total.
- For those federal grants that were not identifiable within a specific category, 30 percent matching state funds were added to the dollar amount of the grant price and multiplied by five years. That number was subtracted from the overall total of estimated additional needs. This was based on an assumption that all future federal grants would be targeted toward meeting these requirements.

APPENDIX B

EXCERPT FROM THE NATIONAL STRATEGY FOR HOMELAND SECURITY

Section "Emergency Preparedness and Response," pages 41–45, July 16, 2002

We must prepare to minimize the damage and recover from any future terrorist attacks that may occur despite our best efforts at prevention. Past experience has shown that preparedness efforts are key to providing an effective response to major terrorist incidents and natural disasters. Therefore, we need a comprehensive national system to bring together and command all necessary response assets quickly and effectively. We must equip, train, and exercise many different response units to mobilize for any emergency without warning. Under the President's proposal, the Department of Homeland Security, building on the strong foundation already laid by the Federal Emergency Management Agency (FEMA), will lead our national efforts to create and employ a system that will improve our response to all disasters, both manmade and natural.

Many pieces of this national emergency response system are already in place. America's first line of defense in the aftermath of any terrorist attack is its first responder community—police officers, firefighters, emergency medical providers, public works personnel, and emergency management officials. Nearly three million state and local first responders regularly put their lives on the line to save the lives of others and make our country safer. These individuals include specially trained hazardous materials teams, collapse search and rescue units, bomb squads, and tactical units.

In a serious emergency, the federal government augments state and local response efforts. FEMA, which under the President's proposal will be a key component of the Department of Homeland Security, provides funding and command and control support. A number of important specialized federal emergency response assets that are housed in various departments would also fall under the Secretary of Homeland Security's authority for responding to a major terrorist attack. Because response efforts to all major incidents entail the same basic elements, it is essential that federal response capabilities for both terrorist attacks and natural disasters remain in the same organization. This would ensure

the most efficient provision of federal support to local responders by preventing the proliferation of duplicative "boutique" response entities.

Americans respond with great skill and courage to emergencies. There are, however, too many seams in our current response plans and capabilities. Today, at least five different plans—the Federal Response Plan, the National Contingency Plan, the Interagency Domestic Terrorism Concept of Operations Plan, the Federal Radiological Emergency Response Plan, and a nascent bioterrorism response plan—govern the federal government's response. These plans and the government's overarching policy for counterterrorism are based on a distinction between "crisis management" and "consequence management." In addition, different organizations at different levels of the government have put in place different incident management systems and communications equipment. All too often, these systems and equipment do not function together well enough.

We will enhance our capabilities for responding to a terrorist attack all across the country. Today, many geographic areas have little or no capability to respond to a terrorist attack using weapons of mass destruction. Even the best prepared states and localities do not possess adequate resources to respond to the full range of terrorist threats we face. Many do not yet have in place mutual aid agreements to facilitate cooperation with their neighbors in time of emergency. Until recently, federal support for domestic preparedness efforts has been relatively small and disorganized, with eight different departments and agencies providing money in a tangled web of grant programs.

MAJOR INITIATIVES

Integrate separate federal response plans into a single all discipline incident management plan. Under the President's proposal, the Department of Homeland Security will consolidate existing federal government emergency response plans into one genuinely all-discipline, all-hazard plan—the Federal Incident Management Plan—and thereby eliminate the "crisis management" and "consequence management" distinction. This plan would cover all incidents of national significance, including acts of bioterrorism and agroterrorism, and clarify roles and expected contributions of various

emergency response bodies at different levels of government in the wake of a terrorist attack.

The Department of Homeland Security would provide a direct line of authority from the President through the Secretary of Homeland Security to a single on-site federal coordinator. The single federal coordinator would be responsible to the President for coordinating the entire federal response. Lead agencies would maintain operational control over their functions (for example, the FBI will remain the lead agency for federal law enforcement) in coordination with the single on-site federal official. The Department would direct the Domestic Emergency Support Team, nuclear incident response teams, National Pharmaceutical Stockpile, and National Disaster Medical System, as well as other assets.

Create a national incident management system. Under the President's proposal, the Department of Homeland Security, working with federal, state, local, and nongovernmental public safety organizations, will build a comprehensive national incident management system to respond to terrorist incidents and natural disasters. The Department would ensure that this national system defines common terminology for all parties, provides a unified command structure, and is scalable to meet incidents of all sizes.

The federal government will encourage state and local first responder organizations to adopt the already widespread Incident Management System by making it a requirement for federal grants. All state and local governments should create and regularly update their own homeland security plans, based on their existing emergency operations plans, to provide guidance for the integration of their response assets in the event of an attack. The Department of Homeland Security will, under the President's proposal, provide support (including model plans) for these efforts and will adjust the Federal Incident Management Plan as necessary to take full advantage of state and local capabilities. State and local governments should also sign mutual aid agreements to facilitate cooperation with their neighbors in time of emergency. Starting in Fiscal Year 2004, the Department would provide grants in support of such efforts.

Improve tactical counterterrorist capabilities. With advance warning, we have various federal, state, and local response assets that can intercede and prevent terrorists from carrying out attacks. These include law enforcement, emergency response, and military teams. In the most dangerous of incidents, particularly when terrorists have chemical, biological, radiological, or nuclear weapons in their possession, it is crucial that the individuals who preempt the terrorists do so flawlessly, no matter if they are part of the local SWAT team or the FBI's Hostage Rescue Team. It is also crucial that these individuals be prepared and able to work effectively with each other and with other specialized response personnel. Finally, these teams and other emergency response assets must plan and train for the consequences of failed tactical operations.

The Department of Homeland Security, as the lead federal agency for incident management in the United States, will, under the President's plan, establish a program for certifying the preparedness of all civilian teams and individuals to execute and deal with the consequences of such counterterrorist actions. As part of this program, the Department would provide partial grants in support of joint exercises between its response assets and other government teams. (This program would be voluntary for assets outside of the Department of Homeland Security.)

Enable seamless communication among all responders. In the aftermath of any major terrorist attack, emergency response efforts would likely involve hundreds of offices from across the government and the country. It is crucial for response personnel to have and use equipment, systems, and procedures that allow them to communicate with one another. Under the President's proposal, the Department of Homeland Security will work with state and local governments to achieve this goal.

In particular, the Department would develop a national emergency communication plan to establish protocols (i.e., who needs to talk to whom), processes, and national standards for technology acquisition. The Department would, starting with Fiscal Year 2003 funds, tie all federal grant programs that support state and local purchase of terrorism-related communications equipment to this communication plan and require all applicants to demonstrate progress in achieving interoperability with other emergency response bodies.

Prepare health care providers for catastrophic terrorism. Our entire emergency response community must be prepared to deal with all potential hazards, especially those associated with weapons of mass destruction. Under the President's proposal, the Department of Homeland Security, working with the Departments of Health and Human Services and Veterans Affairs, will support training and equipping of state and local health care personnel to deal with the growing threat of chemical, biological, radiological, and nuclear terrorism. It would continue to fund federal grants to states and cities for bioterrorism preparedness. It would use the hospital preparedness grant program to help prepare hospitals and poison control centers to deal specifically with biological and chemical attacks and to expand their surge capacity to care for large numbers of patients in a mass-casualty incident. These efforts would enhance training between public health agencies and local hospitals and seek improved cooperation between public health and emergency agencies at all levels of government.

A major act of biological terrorism would almost certainly overwhelm existing state, local, and privately owned health care capabilities. For this reason, the federal government maintains a number of specialized response capabilities for a bioterrorist attack. The National Disaster Medical System, a federal/private partnership that includes the Departments of Health and Human Services, Defense, Veterans Affairs, and FEMA, provides rapid response and critical surge capacities to support localities in disaster medical treatment. Under the President's proposal, the Department of Homeland Security will assume authority over the System as part of the federal response to incidents of national significance. The System is made up of federal assets and thousands of volunteer health professionals that are organized around the country into a number of specialty teams such as Disaster Medical Assistance Teams, National Medical Response Teams, and teams trained in caring for psychological trauma. In addition, the Department of Veterans Affairs operates a vast health care, training, and pharmaceutical procurement system with facilities in many communities nationwide. The Department of Defense provides specialized skills and transportation capabilities to move these teams and evacuate casualties.

The Department of Homeland Security, working with the Department of Health and Human Services, would lead efforts to test whether illnesses or complaints may be attributable to chemical, biological, radiological, or nuclear exposure; establish disease/exposure registries; and develop, maintain, and provide information on the health effects of hazardous substances. The Environmental Protection Agency will continue to provide a laboratory diagnostic surge capacity for environmental samples during crises.

Augment America's pharmaceutical and vaccine stockpiles. The National Pharmaceutical Stockpile ensures America's ability to respond rapidly to a bioterrorist attack or a mass casualty incident. This program, which the Department of Homeland Security will operate in consultation with the Department of Health and Human Services under the President's proposal, maintains twelve strategically located "Push Packs" containing 600 tons of antibiotics, antidotes, vaccines, bandages, and other medical supplies. The federal government can transport these packs to an incident site in less than 12 hours for rapid distribution by state and local authorities. This system performed extremely well in the aftermath of the September 11 attacks, delivering a "Push Pack" to New York City in seven hours. Additional deployments followed the anthrax attacks of October 2001.

The National Pharmaceutical Stockpile already contains a sufficient antibiotic supply to begin treatment for 20 million persons exposed to anthrax and should contain enough smallpox vaccine for every American by the end of 2002. The Department of Homeland Security, working with the Department of Health and Human Services, would provide grants to state and local governments to plan for the receipt and distribution of medicines from the Stockpile. In addition, the Departments of Homeland Security and Health and Human Services would pursue accelerated FDA approval of safe and effective products to add to the Stockpile and the development of procedures to accelerate the availability of investigational drugs during a public health emergency.

Prepare for chemical, biological, radiological, and nuclear decontamination. The Department of Homeland Security would ensure the readiness of our first responders to work safely in an area where chemical, biological, radiological, or nuclear weapons have been used. The Department would begin requiring annual certification of first responder preparedness to handle and decontaminate any hazard. This certification process would

also verify the ability of state and local first responders to work effectively with related federal support assets.

Under the President's proposal, the Department of Homeland Security will help state and local agencies meet these certification standards by providing grant money (based on performance) for planning and equipping, training, and exercising first responders for chemical, biological, radiological and nuclear attacks. It would launch a national research and development effort to create new technologies for detection and clean-up of such attacks. After a major incident, the Environmental Protection Agency will be responsible for decontamination of affected buildings and neighborhoods and providing advice and assistance to public health authorities in determining when it is safe to return to these areas.

Plan for military support to civil authorities. The armed forces were an integral part of our national response to the terrorist attacks of September 11. The Department of Defense currently uses a "Total Force" approach to fulfill its missions overseas and at home, drawing on the strengths and capabilities of active-duty, reserve, and National Guard forces. In addition to response from the active-duty forces, Air National Guard fighters took to the air on September 11 to establish combat air patrols. New Jersey and New York guardsmen and Navy and Marine Corps reservists provided medical personnel to care for the injured, military police to assist local law enforcement officials, key asset protection, transportation, communications, logistics, and a myriad of other functions to support recovery efforts in New York City. Maryland Army National Guard military police units were brought on duty and dispatched to provide security at the Pentagon.
President Bush asked governors to call up over seven thousand National Guard personnel to supplement security at the Nation's 429 commercial airports. Guardsmen also reinforced border security activities of the Immigration and Nationalization Service and the U.S. Customs Service.

The importance of military support to civil authorities as the latter respond to threats or acts of terrorism is recognized in Presidential decision directives and legislation. Military support to civil authorities pursuant to a terrorist threat or attack may take the form of providing technical support and assistance to law enforcement; assisting

in the restoration of law and order; loaning specialized equipment; and assisting in consequence management.

In April 2002, President Bush approved a revision of the Unified Command Plan that included establishing a new unified combatant command, U.S. Northern Command. This Command will be responsible for homeland defense and for assisting civil authorities in accordance with U.S. law. As in the case with all other combatant commanders, the commander of Northern Command will take all operational orders from and is responsible to the President through the Secretary of Defense. The commander of Northern Command will update plans to provide military support to domestic civil authorities in response to natural and man-made disasters and during national emergencies. The Department of Homeland Security and the Department of Defense would participate as appropriate in homeland security training that involves military and civilian emergency response personnel.

Build the Citizen Corps. Under the President's proposal, the Department of Homeland Security will maintain and expand Citizens Corps, a national program to prepare volunteers for terrorism-related response support. If we can help individual citizens help themselves and their neighbors in the case of a local attack, we will improve our chances to save lives. (See *Organizing for a Secure Homeland* chapter for additional discussion.)

Implement the First Responder Initiative of the Fiscal Year 2003 Budget. Before September 11, the federal government had allocated less than $1 billion since 1995 to help prepare first responders for terrorist attacks. A range of federal departments provided funding for training and equipment, technical assistance, and other support to assist state and local first responders. These disparate programs were a step in the right direction but fell short in terms of scale and cohesion.

In January 2002, President Bush proposed the First Responder Initiative as part of his Fiscal Year 2003 Budget proposal. The purpose of this initiative is to improve dramatically first responder preparedness for terrorist incidents and disasters. This program will increase federal funding levels more than tenfold (from $272 million in the pre-supplemental Fiscal Year 2002 Budget to $3.5 billion in Fiscal Year 2003). Under the

President's Department of Homeland Security proposal, the new Department will consolidate all grant programs that distribute federal funds to state and local first responders.

Build a national training and evaluation system. The growing threat of terrorist attacks on American soil, including the potential use of weapons of mass destruction, is placing great strains on our Nation's system for training its emergency response personnel. The Department of Homeland Security will under the President's proposal launch a consolidated and expanded training and evaluation system to meet the increasing demand. This system would be predicated on a four phased approach: requirements, plans, training (and exercises), and assessments (comprising of evaluations and corrective action plans). The Department would serve as the central coordinating body responsible for overseeing curriculum standards and, through regional centers of excellence such as the Emergency Management Institute in Maryland, the Center for Domestic Preparedness in Alabama, and the National Domestic Preparedness Consortium, for training the instructors who will train our first responders. These instructors would teach courses at thousands of facilities such as public safety academies, community colleges, and state and private universities.

Under the President's proposal, the Department of Homeland Security will establish national standards for emergency response training and preparedness. These standards would provide guidelines for the vaccination of civilian response personnel against certain biological agents. These standards would also require certain coursework for individuals to receive and maintain certification as first responders and for state and local governments to receive federal grants. The Department would establish a national exercise program designed to educate and evaluate civilian response personnel at all levels of government. It would require individuals and government bodies to complete successfully at least one exercise every year. The Department would use these exercises to measure performance and allocate future resources.

Enhance the victim support system. The United States must be prepared to assist the victims of terrorist attacks and their families, as well as other individuals affected

indirectly by attacks. Under the President's proposal, the Department of Homeland Security will lead federal agencies and provide guidance to state, local, and volunteer organizations in offering victims and their families various forms of assistance including: crisis counseling, cash grants, low-interest loans, unemployment benefits, free legal counseling, and tax refunds. In the case of a terrorist attack, the Department would coordinate the various federal programs for victim compensation and assistance, including the Department of Justice's Office for Victims of Crime and FEMA's Individual Assistance programs. (See *Costs of Homeland Security* chapter for additional discussion.)

NATIONAL VISION

We will strive to create a fully integrated national emergency response system that is adaptable enough to deal with any terrorist attack, no matter how unlikely or catastrophic, as well as all manner of natural disasters. Under the President's proposal, the Department of Homeland Security will consolidate federal response plans and build a national system for incident management. The Department would aim to ensure that leaders at all levels of government have complete incident awareness and can communicate with and command all appropriate response personnel. Our federal, state, and local governments would ensure that all response personnel and organizations—including the law enforcement, military, emergency response, health care, public works, and environmental communities—are properly equipped, trained, and exercised to respond to all terrorist threats and attacks in the United States.

APPENDIX C

HOMELAND SECURITY PRESIDENTIAL DIRECTIVE/HSPD-5

SUBJECT: Management of Domestic Incidents

PURPOSE

(1) To enhance the ability of the United States to manage domestic incidents by establishing a single, comprehensive national incident management system.

DEFINITIONS

(2) In this directive:

(a) the term "Secretary" means the Secretary of Homeland Security.

(b) the term "Federal departments and agencies" means those executive departments enumerated in 5 U.S.C. 101, together with the Department of Homeland Security; independent establishments as defined by 5 U.S.C. 104(1); government corporations as defined by 5 U.S.C. 103(1); and the United States Postal Service.

(c) the terms "State," "local," and the "United States" when it is used in a geographical sense, have the same meanings as used in the Homeland Security Act of 2002, Public Law 107-296.

POLICY

(3) To prevent, prepare for, respond to, and recover from terrorist attacks, major disasters, and other emergencies, the United States Government shall establish a single, comprehensive approach to domestic incident management. The objective of the United States Government is to ensure that all levels of government across the Nation have the capability to work efficiently and effectively together, using a national approach to domestic incident management. In these efforts, with regard to domestic incidents, the United States Government treats crisis management and consequence management as a single, integrated function, rather than as two separate functions.

(4) The Secretary of Homeland Security is the principal Federal official for domestic incident management. Pursuant to the Homeland Security Act of 2002, the Secretary is responsible for coordinating Federal operations within the United States to prepare for, respond to, and recover from terrorist attacks, major disasters, and other emergencies. The Secretary shall coordinate the Federal Government's resources utilized in response to or recovery from terrorist attacks, major disasters, or other emergencies if and when any one of the following four conditions applies: (1) a Federal department or agency acting under its own authority has requested the assistance of the Secretary; (2) the resources of State and local authorities are overwhelmed and Federal assistance has been requested by the appropriate State and local authorities; (3) more than one Federal department or agency has become substantially involved in responding to the incident; or (4) the Secretary has been directed to assume responsibility for managing the domestic incident by the President.

(5) Nothing in this directive alters, or impedes the ability to carry out, the authorities of Federal departments and agencies to perform their responsibilities under law. All Federal departments and agencies shall cooperate with the Secretary in the Secretary's domestic incident management role.

(6) The Federal Government recognizes the roles and responsibilities of State and local authorities in domestic incident management. Initial responsibility for managing domestic incidents generally falls on State and local authorities. The Federal Government will assist State and local authorities when their resources are overwhelmed, or when Federal interests are involved. The Secretary will coordinate with State and local governments to ensure adequate planning, equipment, training, and exercise activities. The Secretary will also provide assistance to State and local governments to develop all-hazards plans and capabilities, including those of greatest importance to the security of the United States, and will ensure that State, local, and Federal plans are compatible.

(7) The Federal Government recognizes the role that the private and nongovernmental sectors play in preventing, preparing for, responding to, and recovering from terrorist attacks, major disasters, and other emergencies. The Secretary will coordinate with the private and nongovernmental sectors to ensure adequate planning, equipment, training,

and exercise activities and to promote partnerships to address incident management capabilities.

(8) The Attorney General has lead responsibility for criminal investigations of terrorist acts or terrorist threats by individuals or groups inside the United States, or directed at United States citizens or institutions abroad, where such acts are within the Federal criminal jurisdiction of the United States, as well as for related intelligence collection activities within the United States, subject to the National Security Act of 1947 and other applicable law, Executive Order 12333, and Attorney General-approved procedures pursuant to that Executive Order. Generally acting through the Federal Bureau of Investigation, the Attorney General, in cooperation with other Federal departments and agencies engaged in activities to protect our national security, shall also coordinate the activities of the other members of the law enforcement community to detect, prevent, preempt, and disrupt terrorist attacks against the United States. Following a terrorist threat or an actual incident that falls within the criminal jurisdiction of the United States, the full capabilities of the United States shall be dedicated, consistent with United States law and with activities of other Federal departments and agencies to protect our national security, to assisting the Attorney General to identify the perpetrators and bring them to justice. The Attorney General and the Secretary shall establish appropriate relationships and mechanisms for cooperation and coordination between their two departments.

(9) Nothing in this directive impairs or otherwise affects the authority of the Secretary of Defense over the Department of Defense, including the chain of command for military forces from the President as Commander in Chief, to the Secretary of Defense, to the commander of military forces, or military command and control procedures. The Secretary of Defense shall provide military support to civil authorities for domestic incidents as directed by the President or when consistent with military readiness and appropriate under the circumstances and the law. The Secretary of Defense shall retain command of military forces providing civil support. The Secretary of Defense and the Secretary shall establish appropriate relationships and mechanisms for cooperation and coordination between their two departments.

(10) The Secretary of State has the responsibility, consistent with other United States Government activities to protect our national security, to coordinate international activities related to the prevention, preparation, response, and recovery from a domestic incident, and for the protection of United States citizens and United States interests overseas. The Secretary of State and the Secretary shall establish appropriate relationships and mechanisms for cooperation and coordination between their two departments.

(11) The Assistant to the President for Homeland Security and the Assistant to the President for National Security Affairs shall be responsible for interagency policy coordination on domestic and international incident management, respectively, as directed by the President. The Assistant to the President for Homeland Security and the Assistant to the President for National Security Affairs shall work together to ensure that the United States domestic and international incident management efforts are seamlessly united.

(12) The Secretary shall ensure that, as appropriate, information related to domestic incidents is gathered and provided to the public, the private sector, State and local authorities, Federal departments and agencies, and, generally through the Assistant to the President for Homeland Security, to the President. The Secretary shall provide standardized, quantitative reports to the Assistant to the President for Homeland Security on the readiness and preparedness of the Nation—at all levels of government —to prevent, prepare for, respond to, and recover from domestic incidents.

(13) Nothing in this directive shall be construed to grant to any Assistant to the President any authority to issue orders to Federal departments and agencies, their officers, or their employees.

TASKING

(14) The heads of all Federal departments and agencies are directed to provide their full and prompt cooperation, resources, and support, as appropriate and consistent with their own responsibilities for protecting our national security, to the Secretary, the Attorney General, the Secretary of Defense, and the Secretary of State in the exercise of the

individual leadership responsibilities and missions assigned in paragraphs (4), (8), (9), and (10), respectively, above.

(15) The Secretary shall develop, submit for review to the Homeland Security Council, and administer a National Incident Management System (NIMS). This system will provide a consistent nationwide approach for Federal, State, and local governments to work effectively and efficiently together to prepare for, respond to, and recover from domestic incidents, regardless of cause, size, or complexity. To provide for interoperability and compatibility among Federal, State, and local capabilities, the NIMS will include a core set of concepts, principles, terminology, and technologies covering the incident command system; multi-agency coordination systems; unified command; training; identification and management of resources (including systems for classifying types of resources); qualifications and certification; and the collection, tracking, and reporting of incident information and incident resources.

(16) The Secretary shall develop, submit for review to the Homeland Security Council, and administer a National Response Plan (NRP). The Secretary shall consult with appropriate Assistants to the President (including the Assistant to the President for Economic Policy) and the Director of the Office of Science and Technology Policy, and other such Federal officials as may be appropriate, in developing and implementing the NRP. This plan shall integrate Federal Government domestic prevention, preparedness, response, and recovery plans into one all-discipline, all-hazards plan. The NRP shall be unclassified. If certain operational aspects require classification, they shall be included in classified annexes to the NRP.

(a) The NRP, using the NIMS, shall, with regard to response to domestic incidents, provide the structure and mechanisms for national level policy and operational direction for Federal support to State and local incident managers and for exercising direct Federal authorities and responsibilities, as appropriate.

(b) The NRP will include protocols for operating under different threats or threat levels; incorporation of existing Federal emergency and incident management plans (with appropriate modifications and revisions) as either integrated components of the

NRP or as supporting operational plans; and additional operational plans or annexes, as appropriate, including public affairs and intergovernmental communications.

(c) The NRP will include a consistent approach to reporting incidents, providing assessments, and making recommendations to the President, the Secretary, and the Homeland Security Council.

(d) The NRP will include rigorous requirements for continuous improvements from testing, exercising, experience with incidents, and new information and technologies.

(17) The Secretary shall:

(a) By April 1, 2003, (1) develop and publish an initial version of the NRP, in consultation with other Federal departments and agencies; and (2) provide the Assistant to the President for Homeland Security with a plan for full development and implementation of the NRP.

(b) By June 1, 2003, (1) in consultation with Federal departments and agencies and with State and local governments, develop a national system of standards, guidelines, and protocols to implement the NIMS; and (2) establish a mechanism for ensuring ongoing management and maintenance of the NIMS, including regular consultation with other Federal departments and agencies and with State and local governments.

(c) By September 1, 2003, in consultation with Federal departments and agencies and the Assistant to the President for Homeland Security, review existing authorities and regulations and prepare recommendations for the President on revisions necessary to implement fully the NRP.

(18) The heads of Federal departments and agencies shall adopt the NIMS within their departments and agencies and shall provide support and assistance to the Secretary in the development and maintenance of the NIMS. All Federal departments and agencies will use the NIMS in their domestic incident management and emergency prevention, preparedness, response, recovery, and mitigation activities, as well as those actions taken in support of State or local entities. The heads of Federal departments and agencies shall participate in the NRP, shall assist and support the Secretary in the development and

maintenance of the NRP, and shall participate in and use domestic incident reporting systems and protocols established by the Secretary.

(19) The head of each Federal department and agency shall:

(a) By June 1, 2003, make initial revisions to existing plans in accordance with the initial version of the NRP.

(b) By August 1, 2003, submit a plan to adopt and implement the NIMS to the Secretary and the Assistant to the President for Homeland Security. The Assistant to the President for Homeland Security shall advise the President on whether such plans effectively implement the NIMS.

(20) Beginning in Fiscal Year 2005, Federal departments and agencies shall make adoption of the NIMS a requirement, to the extent permitted by law, for providing Federal preparedness assistance through grants, contracts, or other activities. The Secretary shall develop standards and guidelines for determining whether a State or local entity has adopted the NIMS.

Technical and Conforming Amendments to National Security Presidential Directive-1 (NSPD-1)

(21) NSPD-1 ("Organization of the National Security Council System") is amended by replacing the fifth sentence of the third paragraph on the first page with the following: "The Attorney General, the Secretary of Homeland Security, and the Director of the Office of Management and Budget shall be invited to attend meetings pertaining to their responsibilities."

Technical and Conforming Amendments to National Security Presidential Directive-8 (NSPD-8)

(22) NSPD-8 ("National Director and Deputy National Security Advisor for Combating Terrorism") is amended by striking "and the Office of Homeland Security," on page 4, and inserting "the Department of Homeland Security, and the Homeland Security Council" in lieu thereof.

Technical and Conforming Amendments to Homeland Security Presidential Directive-2 (HSPD-2)

(23) HSPD-2 ("Combating Terrorism Through Immigration Policies") is amended as follows:

(a) striking "the Commissioner of the Immigration and Naturalization Service (INS)" in the second sentence of the second paragraph in section 1, and inserting "the Secretary of Homeland Security" in lieu thereof ;

(b) striking "the INS," in the third paragraph in section 1, and inserting "the Department of Homeland Security" in lieu thereof;

(c) inserting ", the Secretary of Homeland Security," after "The Attorney General" in the fourth paragraph in section 1;

(d) inserting ", the Secretary of Homeland Security," after "the Attorney General" in the fifth paragraph in section 1;

(e) striking "the INS and the Customs Service" in the first sentence of the first paragraph of section 2, and inserting "the Department of Homeland Security" in lieu thereof;

(f) striking "Customs and INS" in the first sentence of the second paragraph of section 2, and inserting "the Department of Homeland Security" in lieu thereof;

(g) striking "the two agencies" in the second sentence of the second paragraph of section 2, and inserting "the Department of Homeland Security" in lieu thereof;

(h) striking "the Secretary of the Treasury" wherever it appears in section 2, and inserting "the Secretary of Homeland Security" in lieu thereof;

(i) inserting ", the Secretary of Homeland Security," after "The Secretary of State" wherever the latter appears in section 3;

(j) inserting ", the Department of Homeland Security," after "the Department of State," in the second sentence in the third paragraph in section 3;

(k) inserting "the Secretary of Homeland Security," after "the Secretary of State," in the first sentence of the fifth paragraph of section 3;

(l) striking "INS" in the first sentence of the sixth paragraph of section 3, and inserting "Department of Homeland Security" in lieu thereof;

(m) striking "the Treasury" wherever it appears in section 4 and inserting "Homeland Security" in lieu thereof;

(n) inserting ", the Secretary of Homeland Security," after "the Attorney General" in the first sentence in section 5; and

(o) inserting ", Homeland Security" after "State" in the first sentence of section 6.

Technical and Conforming Amendments to Homeland Security Presidential Directive-3 (HSPD-3)

(24) The Homeland Security Act of 2002 assigned the responsibility for administering the Homeland Security Advisory System to the Secretary of Homeland Security. Accordingly, HSPD-3 of March 11, 2002 ("Homeland Security Advisory System") is amended as follows:

(a) replacing the third sentence of the second paragraph entitled "Homeland Security Advisory System" with "Except in exigent circumstances, the Secretary of Homeland Security shall seek the views of the Attorney General, and any other federal agency heads the Secretary deems appropriate, including other members of the Homeland Security Council, on the Threat Condition to be assigned."

(b) inserting "At the request of the Secretary of Homeland Security, the Department of Justice shall permit and facilitate the use of delivery systems administered or managed by the Department of Justice for the purposes of delivering threat information pursuant to the Homeland Security Advisory System." as a new paragraph after the fifth paragraph of the section entitled "Homeland Security Advisory System."

(c) inserting ", the Secretary of Homeland Security" after "The Director of Central Intelligence" in the first sentence of the seventh paragraph of the section entitled "Homeland Security Advisory System".

(d) striking "Attorney General" wherever it appears (except in the sentences referred to in subsections (a) and (c) above), and inserting "the Secretary of Homeland Security" in lieu thereof; and

(e) striking the section entitled "Comment and Review Periods."