

S. HRG. 107-1005

**CREATING THE DEPARTMENT OF HOMELAND
SECURITY**

HEARING
BEFORE THE
COMMITTEE ON
ENVIRONMENT AND PUBLIC WORKS
UNITED STATES SENATE
ONE HUNDRED SEVENTH CONGRESS
SECOND SESSION
ON

JULY 10, 2002

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ONE HUNDRED SEVENTH CONGRESS

SECOND SESSION

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CREATING THE DEPARTMENT OF HOMELAND SECURITY

WEDNESDAY, JULY 10, 2002

U.S. SENATE,
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
Washington, DC.

The committee met, pursuant to notice, at 2 o'clock p.m. in room 406, Senate Dirksen Building, Hon. James M. Jeffords (chairman of the committee) presiding.

Present: Senators Jeffords, Smith, Inhofe, Bond, Domenici, Corzine, Wyden, Warner, Clinton, and Carper.

OPENING STATEMENT OF HON. JAMES M. JEFFORDS, U.S. SENATOR FROM THE STATE OF VERMONT

Senator JEFFORDS. The hearing will come to order.

First of all, Governor, I want to welcome you to the committee. We've had many excellent opportunities to work together in the past, and I'm looking forward to our opportunity under the circumstances that we have today.

I want to share a little story of you and I when we were taxing our dairy farmers. I remember I went up to Pennsylvania, they were in tough times. You had one big farmer there that got up and said, I'll tell you how much I love farming. He said, if I win the lottery, I'm just going to keep on farming until it's all gone. I'll never forget that story. It was tough times.

Governor RIDGE. You'd have to be a farmer to really understand that joke.

[Laughter.]

Senator JEFFORDS. Anyway, I want to thank you and look forward to your testimony. We have come a long way since September 11, we have fought terrorism all over the globe, created and funded a new government agency and seen an outpouring of patriotism and resolve among Americans everywhere. We have taken great strides to protect ourselves from future terrorist threats, and we have come to realize that the Federal Government can do more by reorienting its counterterrorism efforts. I strongly believe that preventing future terrorist attacks is a critical responsibility of the Federal Government. That is why I support the idea of creating a new Homeland Security Department.

But there are many unanswered questions about the President's proposal that I hope to explore here today with you. Chief among these is the role of the Federal Emergency Management Agency, known as FEMA, in the new Department. The events of September 11 prove that FEMA, with its primary focus on natural disasters,

can respond to acts of terrorism. But the fact still remains that FEMA spends the great majority of its time and resources preparing for and responding to natural disasters. And I am deeply concerned about how this move will affect FEMA's responsibilities in the areas unrelated to terrorism.

To protect this focus, I believe FEMA, similar to the Coast Guard and some other included agencies, would be a distinct entity within the Department with the agency's director answering directly to the President in times of disaster. I am not advocating that FEMA not be a part of the new Department. But I am advocating that FEMA remain a distinct entity within the Department to help preserve the focus of its mission.

My concerns are not unfounded. Throughout the 1980's, FEMA focused mainly on cold war, civil defense preparedness. This focus left the agency ill-prepared to respond to several large natural disasters during the late 1980's and early 1990's. I still remember some of my Senate colleagues calling for the abolishment of the agency during that period of time.

Over the last decade, FEMA has refocused its mission on mitigating the effects of, preparing for and responding natural disasters. By doing so, the agency has vastly improved its ability to coordinate Federal response and recovery efforts. Since FEMA's inception in 1979 and through the agency's successes and failures, this committee has worked closely with FEMA to help the agency respond to fires, floods and hurricanes. Today we know that our world has changed, and that FEMA's responsibility has changed as well. I support all efforts to ensure that we are prepared to respond to the terrorist acts.

However, I remain committed to working with my colleagues on both sides of the aisle and prepare to prevent and to respond to natural disasters once the agency is included in the new Homeland Security Department.

I want to thank you again, Governor, for coming here today. But I want to also let you know of my experiences with FEMA. As a result, I became chairman of the committee just 2 weeks before 9/11. And on 9/11, that day, I was there in communication with FEMA. And the following morning I went immediately to the Pentagon and saw how tremendously effective and efficient FEMA was with people coming to help from as far away as Nebraska.

The next morning I went to New York City and met with FEMA there. They had already set up a most effective and efficient operation to assist the city of New York in its ability to deal with the problem. So what I want to be sure of is that when you have that kind of effectiveness that we don't do unnecessarily bureaucratic changes to in any way interfere with an already very efficient operation. So I just thank you for coming and now if you have a statement, I'd be certainly happy to hear it.

But first of all, I want Senator Smith to have an opportunity.

**OPENING STATEMENT OF HON. BOB SMITH, U.S. SENATOR
FROM THE STATE OF NEW HAMPSHIRE**

Senator SMITH. Thank you very much, Mr. Chairman. Welcome, Governor, it's great to see you again. We appreciate all the work that you've done over the past several months. Little did you know

how tough it was going to be. I guess prior to 9/11, you thought you were just going to coast through the remainder of your Governor's term.

Governor RIDGE. It was looking good, Senator.

[Laughter.]

Senator SMITH. I for one want to say that I'm going to be supportive of the Department of Homeland Security. We realize there will be a lot of details to be worked out, but I think in the interest of national security, I believe this must be done. Certainly to coordinate and consolidate is absolutely essential if we're going to prepare against the terrorist threats that we face.

There's been a lot of activity on this committee regarding people in many ways, Senators trying to help with legislation. Obviously we will be looking forward to your views on a lot of it. I introduced legislation last year to provide for better coordination, both horizontally within the Federal Government and vertically with the State and locals. But 2 weeks ago this committee passed a bill, as you know, authored by the chairman and myself to provide first responders with the resources necessary to meet our needs. This was a bill based on your first responder initiative, yours and the President's. You and your staff have been great in working with us and providing help with us as we're anxious to hear if you have any further thoughts or clarifications on the bill. We're obviously open to that.

As you know, this committee does have primary jurisdiction over a number of functions that will be included within your proposal. And that's the reason why the chairman is having the hearing, obviously.

There are two areas that I just wanted to briefly touch on. One was emergency preparedness and response and the other was infrastructure security. Two years ago, at the time when I was chairman, we passed the Disaster Mitigation Act of 2000, which basically updated the Stafford Act. Senators Inhofe, Graham, Baucus and I and others worked very hard on this law. We wanted to ensure that FEMA's disaster preparedness and response was the best it could be and that Joe Albaugh and his predecessor, Jamie Lee Witt, really turned the agency, FEMA, into an outstanding agency. Both were great, Albaugh is and Jamie Lee was a great leader in FEMA. I joined Senator Jeffords in New York days after 9/11 and saw first hand what they were doing there.

There are a lot of questions and obviously we're all going to be looking for your response on these. Certainly with regard to infrastructure security, the safety of a lot of the Nation's infrastructure does fall under this committee. And whether it's water treatment plants, power plants, chemical plants, refineries, it's all under our committee. We're obviously looking for your input on that.

And some on the committee have sought to expand the mission of a number of regulatory agencies to include security. I have some problems with that and I think others do. But it's possible that by the end of the year, we could have passed legislation to expand EPA's mission to include ensuring the security of water facilities, chemical plants and oil refineries. We obviously want to hear from you in terms of whether that's the right approach or not.

And in conclusion, if we're going to have a Department of Homeland Security, what will be the operational role of the regulatory agencies and the role of this new department in providing infrastructure protection? That's the question. Should EPA continue to lead, be a lead for chemical and water security? If so, what should it be? What is the role of DHS in that? Or does it make more sense to have your agency as the lead with the regulatory agencies providing technical support?

A number of questions, obviously. But we'll be looking to flesh these out with you and thank you for coming here today and I look forward to hearing your remarks on this historic new Department.
 Senator JEFFORDS. Senator Domenici.

**OPENING STATEMENT OF HON. PETE V. DOMENICI,
 U.S. SENATOR FROM THE STATE OF NEW MEXICO**

Senator DOMENICI. Thank you very much.

Mr. Director, I'm entitled to no preference. I am the last one on this committee. But I found out that this chairman followed the rule that if you get here early you get called on early. So I was here long before any of them and took my seat here, thought I was given a special desk even here today. They didn't have room for me.

[Laughter.]

Senator DOMENICI. In any event, I think it will be a fun committee for the rest of the year. I want to do just a couple of things with you.

I have a two page, and I guess it's two pages triple spaced, of my assessment of how you ought to look at the national laboratories, the three major ones and the three minor ones, as you put this together. I think you have already had occasion to meet with the leaders of the three nuclear laboratories and perhaps all the others. And you understand clearly now that we don't need to go anywhere now to get any science, we don't need to go anywhere to get any advice to you about that kind of thing. You just have to decide how you're going to use these laboratories to help you.

I surmise in this statement that the early comments that one of them would be picked to be the headquarters was somewhat in error, and you're going to use all three of the major laboratories, and you're looking for sort of an office at one of them, one of the three. Talk has been, there's been some talk of Livermore, then the talk has been maybe not.

I would just suggest that you look carefully at what they do at the laboratories. Of the three, the only one that doesn't make bombs, at the core of making them, it's just an engineering laboratory, is Sandia, if that means anything. And I suggest that you take a look at that.

But there are two other issues that I think are very important, and I think you have already clarified. I'd like to do it on the record. The U.S. Government has a little known entity that's nicknamed FLETC, Federal Law Enforcement Training Center. Very large one at Glencoe, Georgia, used to be a Navy base, and a medium sized one in Artesia, New Mexico, used to be a university. That's the sum total of the Federal Law Enforcement Training Center for America. We train almost all of the law enforcement of-

ficers that don't have their own home for training, thus saving a lot of money.

Right now, today, believe it or not, at the Artesia FLETC, there are almost 800 United States men, 5 women, training to be air marshals. Believe it or not, it's already sitting out there, by it are three 327's, the only things gone from them are the engines. So the agents are to use them, the marshals use them all day long to train, using pistols like they will be using to guard out public. And they all live there.

Now, it's got to grow. But in the meantime, I understand that when you get your office set up, your headquarters, Homeland Security Office, you are going to bring both those FLETCs within the jurisdiction, within your jurisdiction, is that correct? So the law enforcement training centers will be under you, not under the Treasury Department, if your plan is accomplished, is that correct?

Governor RIDGE. We had talked about that. That is still very much under discussion. There was discussion about bringing that it. That is initially where we thought it should be. But again, working with Congress and trying to get the will of Congress—

Senator DOMENICI. I have been working a long time on this issue and I believe the decision is that. In the meantime, what you all have to do is decide where you're going to put the early money and get it ready. On that one, we are arguing where it should go. I think you will find it should go to FLETC and then be moved to the other one. But let's just leave that alone for a minute. One more, for just 1 minute.

No, I think that's it for today. Thank you. You're doing a wonderful job, Mr. Director.

Thank you, Mr. Chairman.

[The prepared statement of Senator Domenici follows:]

STATEMENT OF HON. PETE V. DOMENICI, U.S. SENATOR FROM THE STATE OF NEW MEXICO

I have had an opportunity to review the President's proposal for homeland security, particularly as it relates to the Science & Technology (S&T) mission of the department and how our national labs should contribute to the cause of homeland security—and I maintain that they have much to contribute.

The president's proposal certainly recognizes the capabilities of our national laboratories—but the manner in which the initial plan was developed, announced, and communicated to the Congress has led to substantial confusion.

So let me try to clear the air as to what I believe the new Department needs in the way of Science and Technology.

1. The president has proposed an Under Secretary to address the science, technology, and operational issues associated with Chemical, Biological, Radiological and Nuclear or CBRN threats.

2. I would argue that the undersecretary's mission should be broadened to cover the entire S&T mission for the whole department, and the operational missions should be run by the other parts of the department.

3. Certainly much of the focus will be on CBRN threats, as it should be—but there are other S&T opportunities and challenges that exist outside that area.

4. That Under Secretary for S&T should be responsible for several things under him . . .

- Utilizing the R&D base at Health and Human Services Department—as the President suggests in his bill
 - Performing the agriculture-related R&D—as the President suggests
- But there are several ideas that are left out of the President's bill . . .
- The Under Secretary needs a mechanism to tap into the full capabilities of the National Laboratories.

- He also needs a “DAPRA-like” organization that can rapidly procure technology for homeland security applications.
 - Finally, I think he should also have a “RAND-like” think tank to support homeland security research through policy and systems analysis. This function was suggested by the National Research Council review.
5. Thus, I think we should build upon the ideas that the President has suggested to fully support the important S&T missions of the new Department.
6. As it relates to the National Laboratories, let me make a few more comments.
- Tremendous capabilities exist at all of the labs—much of it is at Sandia, Los Alamos and Livermore—but Oak Ridge, Idaho and Pacific Northwest have unique capabilities as well.
 - Those capabilities should be fully utilized and managed by DHS from a location that is centrally located among those laboratories.
 - The labs’ work for DHS should be governed by several principles . . .
 - The Secretary of HS should be able to task and fund the labs directly.
 - Homeland security work should be done on an equal basis to the other important national security work at the labs.
 - DHS should be able to access all parts of the laboratory for expertise—not just a carved out section.

Senator JEFFORDS. Senator Corzine.

**OPENING STATEMENT OF HON. JON S. CORZINE,
U.S. SENATOR FROM THE STATE OF NEW JERSEY**

Senator CORZINE. Thank you, Mr. Chairman. I too am pleased to welcome Governor Ridge, and compliment him on the tireless and fine work that I think you’re doing in the Office of Homeland Security. I’m particularly pleased with how you’ve reached out to our State. From a number of conversations with our Governor, I’m under the impression and feel that there’s been real attention brought to the grass roots of this problem. I compliment you for those efforts.

I also want to acknowledge the efforts of Senator Lieberman and his recognition of the potential for recasting this debate in the direction that it is now taking. I thank him for that leadership. There is no more important issue before us than to make sure that we structure this right. I support it, will support it. Being an old business guy who’s gone through mergers and acquisitions, any organization that puts together 169,000 people and a \$40 billion budget, more or less, you’ve got a heck of a task to make sure that that actually works in some way other than on sheets of paper, to develop a culture, to develop accountability in an organization of such size and do it in a hurry is one tough task. We may be better at in Government than we are in the private sector.

But I only caution patience and certainty, methodological steps. Because it can be quite a task.

I also want to echo some of the remarks the chairman made with regard to FEMA. I throw in Coast Guard with regard to that, in particular, because these are institutions that have tasks that are outside of just the homeland security area that have done outstanding jobs with relatively limited resources. I hope that as we integrated this we don’t lose our ability to respond in the way that I think the chairman was speaking to, I certainly feel with regard to the Coast Guard.

I have one particular issue that I have talked with committee members about quite a bit this year, and that is chemical plant security. And as you know, on your recent trip to the New Jersey–New York port, you fly into Newark airport and you will see oil refinery facilities, you will see chemical plant facilities and you will

see a very vulnerable part of our infrastructure. And according to EPA data, there are 123 of these facilities where a worst case release of chemicals could threaten more than 1 million lives. And there are 700 facilities where such a release could threaten more than 100,000. It's a big issue.

And it's a very personal issue for those of us who live in densely populated communities. While the legislation that I have been talking with the committee about had focused on the Justice Department and EPA, it's probably more logical that these elements be addressed in the Department of Homeland Security as it gets put together. I think it should be a priority. I don't think we, in the context of this merging, have much room for tardiness with regard to this issue. I hope that we can all work together, this committee and Senator Lieberman's governmental committee, as well as your offices, to make sure the plans actually are real that deal with these issues. Not because we're trying to burden industry, but because we're trying to protect our citizenry. I think it's a substantial problem that ought to be addressed.

Again, you have my complete support in the direction you're moving. I'd like to talk about details as everybody else would. It's a remarkable task that you are trying to lead, and I hope that I can be a helping partner in that process.

Senator JEFFORDS. Senator Bond.

**OPENING STATEMENT OF HON. CHRISTOPHER S. BOND,
U.S. SENATOR FROM THE STATE OF MISSOURI**

Senator BOND. Thank you very much, Mr. Chairman, and thank you, Director Ridge, for joining us today. As we mentioned earlier, we've worked together many years, and I right now don't really envy the position you're in. But it is a challenging and extremely important one.

We and the Nation are greatly indebted to you for your service to get America back to its feet. I think the President's leadership on September 11 and since has reassured the Nation that we are doing everything possible to protect the health and safety of our people, and the sanctity of our borders, as well as our country. The President's bold action and now your responsibility continues with the most far-reaching reorganization of the Federal Government in 50 years. This new proposed Department of Homeland Security should eliminate barriers between the Government's critical intelligence security functions. We could better protect our borders and our communities. I think the President's plan that you're supporting deserves the support of Congress.

I hope we will not be slowed by politically motivated second guessing or by turf battles. We need to protect people, not turf. And speaking of turf, that turf includes not only the authorizing committees like this committee, but the Appropriations Committee. And I happen to be the sometimes chairman and sometimes not chairman of the VA-HUD Independent Agencies Committee, which includes, like EPW, both EPA and FEMA in its jurisdiction. I can assure you that as someone who might be tempted to fight to protect the turf, I am fully supportive and will be with you all the way in moving the FEMA functions into your new Department in whatever appropriations subcommittee you are blessed with. Let us

hope that you do not have to go back to every single one of them because you'd be appearing before just about every subcommittee of appropriations. I hope it will be, for your sake, that it will be combined in one.

I also support the President's plan to transfer DOJ's Office of Domestic Preparedness, the FBI's National Domestic Preparedness Office. We hope that you will soon have additional tools to accomplish your mission.

The first responders legislation voted out by this committee last month includes language which was in my Urban Search and Rescue bill. The legislation provides \$3.5 billion for first responders, including \$160 million for urban search and rescue task forces. I happen to be a really strong believer in them. I think they have demonstrated not only their service in 9/11, but the potential that we can call on them in the future.

The emergency workers that we have today are the 21st century equivalent of the Minutemen. For too many years, the Federal Government has given our local responders a dime for every dollar they need to be ready for and to respond to terrorist attacks, as well as normal problems. This legislation will fix that chronic lack of funding.

Our public health and hospitals also need our support to respond to increased threats. Last year alone, 2,300 Missourians died from infectious diseases. Same amount almost as were killed in the World Trade Center attack. So infectious diseases of the future may be the result of bioterrorism, and I will work to assure that you have the tools needed to fund anti-bioterrorism activities, and upgrades needed for State and local public health and hospital infrastructure. As a former Governor, you well know the importance of that public health infrastructure, whether it's for terrorism attacks or normal occurrences.

Getting back to the Environment Committee, we are greatly concerned about protecting drinking water. I appreciated your joining the President and EPA Administrator Whitman last month on the visit to the water treatment plant in Kansas City. We all know that every American family depends upon clean and safe water. We depend upon water to fill our fire engines, put out fires, businesses depend upon water for their employees. We must make sure that the infrastructure to collect water makes it safe to drink and use and send out to every home and business is protected from an intentional attack.

Likewise, we need chemicals like chlorine to clean our water and make it safe to drink. We depend upon chemicals like chlorine, anhydrous ammonia to make fertilizer to provide agricultural products. However, the Government makes public information which terrorist could use to target vulnerable chemical facilities for attack. I have a bill, the Community Protection from Chemical Terrorism Act, that will protect communities surrounding chemical facilities from having published on the internet and elsewhere a detailed how to do it program for terrorists to use in attacking a chemical facility. I'd be interested to hear your comments on that bill.

Finally, we also have commercial nuclear power plants in Missouri. I live 25 miles away from one. These are heavily regulated,

defended. We need to know how we can make them even more secure.

We look forward to working with you. We applaud your efforts and will offer all of our support to make your job not perhaps an easy one, but at least an effective one. Thank you.

Senator JEFFORDS. Senator Wyden.

**OPENING STATEMENT OF HON. RON WYDEN, U.S. SENATOR
FROM THE STATE OF OREGON**

Senator WYDEN. Mr. Chairman, I'm anxious to have questions. I know my colleague was here before me, so I think probably I should wait for him.

Senator CORZINE. I have spoken.

Senator WYDEN. Oh, have you spoken? All right.

Thank you very much, Mr. Chairman. I want to also welcome my old colleague from the House, and in beginning express my thanks in particular to your people in the technology area. They have been working very closely with me, chairman, and the Technology Subcommittee particularly to mobilize the talent in the science and technology sector that we need and you and your office have been very gracious in helping us in that regard.

There are two areas though that I do want to explore with Governor Ridge. I want to start with the question of whistle blowers as it relates to the Homeland Security Office, and what protection there will be for them. As we all know, whistle blowers can play a critical role in exposing mismanagement and wrongdoing. If it hadn't been for Colleen Rowley, who invoked the whistleblower provisions, we might not have known what had happened at FBI headquarters with respect to thwarting the field agent's efforts in investigating suspected terrorist Massaoui prior to September 11. I'm concerned about whistle blower protection that would be afforded those in the Homeland Security proposal. I think my first question to Mr. Ridge today is, I'd like—

Senator JEFFORDS. The questions will come later. We're giving opening statements.

Senator WYDEN. Then I am truly out of step. I thought I was being recognized for questions, and I will wait my turn. Thank you, Mr. Chairman.

Senator JEFFORDS. Senator Warner.

**OPENING STATEMENT OF HON. JOHN W. WARNER,
U.S. SENATOR FROM THE COMMONWEALTH OF VIRGINIA**

Senator WARNER. I welcome you, Governor. I remember very well shortly after 9/11 the President had several members of the Senate down, I was representing the Armed Services Committee when he brought you in and we discussed the challenge and your responsibilities. I remember at that meeting in the cabinet room we discussed the possibility of having Congress step in and legislate. The President was pretty strong that he did not want that done at that time. But I sort of said to myself, that day will come. And now it's here.

And I think you in a very responsible and effective way have carried on to date. I wish you well for the future and we will get this legislation through for a very simple, basic reason: the American

public wants it and they want it now. And the Congress will provide it.

So I'll look forward to the question period, and withhold any further comments I have at this time. Thank you.

Senator JEFFORDS. Thank you, Senator.

Governor, as you know, the one independent agency that would be entirely absorbed by the Department of Homeland Security is the Federal Emergency Management Agency. As I mentioned in my opening statement, I am concerned—

Governor RIDGE. We might as well go right to questions.

Senator JEFFORDS. I'm sorry, I want to hear from you.

Go ahead.

STATEMENT OF HON. THOMAS RIDGE, DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET TRANSITION TEAM FOR THE OFFICE OF HOMELAND SECURITY

Governor RIDGE. You're very kind, Mr. Chairman. I appreciate that. I appreciate the opportunity to spend some time with former colleagues. We're all public servants with the same focus and understand our mission and our collective responsibility to do everything we possibly can to secure the homeland. I'm grateful for the invitation to appear before your committee and spend this time with your colleagues.

I want to reiterate personally the President's desire to work with the Senators in a bipartisan way. The initial reaction from both chambers and both parties has been very, very positive. We want to continue to maintain that kind of dialog. Both parties have expressed a commitment to this Act and we look forward to working with you through the end to its completion.

As you know, the President has signed an executive order creating a transition planning office for the new Department, housed within the Office of Management and Budget. I appear before you today as the Director of this office. And I look forward to working with you in the future in that capacity.

As members of this committee and Congress already understand, homeland security to be its most effective, must be a national effort. It can't just be limited to the Federal Government. I wish every American could see what I've been privileged to observe over the past several months. The dedication and hard work by men and women in both the public and private sector around this country, I get an opportunity to spend some time with them as they deal with the various challenges of homeland security. I spend time with political and community leaders in communities as diverse as Boston and Cincinnati, Orlando and Chicago, Winston-Salem and Salt Lake City. We're finding leadership everywhere. I think that's really the key, everybody is stepping forward to say, what can we do and here's how we think we can help.

So I think America should take great comfort in the notion that it is not just the President and not just the Congress and not just people in the public sector, at the Federal level, but people at the public sector in the State and local level and the private sector and the academic world. There is a unity of effort that has been going on. I think one of the advantages of the new Department is we will

be able to strengthen those collaborative partnerships. I think they are integral for us to maximize our protection for this country.

The President believes that the creation of a single Department with a single, clear line of authority would not only improve our preparedness for a future attack but would help us prevent attacks before they happen. Let me just share with you a few comments as to how. The Department of Homeland Security is basically built around four different components. There is an emergency preparedness and response component that I know the committee has jurisdictional interest and personal interest. There is a border and transportation security unit. There is a science and technology research and development unit that deals with weapons of mass destruction counter-measures and finally, there's an information analysis and infrastructure protection unit.

I would like to begin by just discussing the emergency preparedness piece of this new Department, Mr. Chairman. The President's proposed legislation requires the Department of Homeland Security to ensure the preparedness of our Nation's emergency response professionals, manage the Federal Government's response to terrorist attacks and natural disasters, and aid America's recovery. To fulfill these missions, indeed, this agency would be multi-tasked.

The Federal Emergency Management Agency, which we know as FEMA, would become a central component in the Department of Homeland Security and its emergency preparedness and response efforts. The Department of Homeland Security would coordinate the Federal Government's disaster response efforts. It would oversee Federal assistance in the disaster preparedness training of first responders. It will consolidate grant programs for first responders and citizen volunteers currently scattered across several agencies.

The Department would also manage certain crucial elements of the Federal Government's emergency response assets such as the strategic national stockpile of pharmaceuticals, and would be able to call upon the Department of Energy and EPA's nuclear incident response teams in crisis.

Finally, the Department would integrate all Federal interagency emergency response plans into a single, comprehensive, Government-wide plan and ensure that Federal response personnel and the locals have the equipment and the communications capability they need. I must say that this particular feature, in talking to my former colleagues that are Governors, and many of the mayors, is very attractive to them. The ability of these local political units, these men and women that are providing leadership on this issues, to be able to go to one place as part of a plan to be able to access what had previously existed in several departments, access those dollars in one department, one department in response to an overall capacity building plan, is a very attractive feature from their point of view.

Director Joe Albaugh and FEMA have done a terrific job, as you've mentioned, in maintaining FEMA as an all-hazard agency equally adept at preparing for, responding to and recovering from man-made disasters and acts of God. Americans saw this first hand on 9/11. More recently, they've seen it in response to the fires in Colorado and Arizona, and the floods in Texas. The Department of

Homeland Security will maintain, and I believe strengthen, this all-hazard capability, this all-hazard capacity to respond.

The Department will also continue FEMA's efforts to change our emergency management culture from a reactive one to a proactive one. Here the Department's other three components come into play. The Department will protect borders from terrorism and their deadly cargo, and monitor all visitors into this country. It will set national guidelines and conduct drills to counter weapons of mass destruction, manage the national pharmaceutical stockpile and develop nationwide early warnings systems against disease.

Finally, for the first time ever, one department in the Federal Government will fuse the intelligence it receives from the FBI, the CIA and the other intelligence gathering agencies and match that against the vulnerabilities of our critical infrastructure. And depending on the match, depending on the credibility of the threat and the assessment of the vulnerability, be in a position to work with EPA or the Department of Energy or the Department of Agriculture to give specific directions as to the kinds of protective measures that need to be undertaken to reduce vulnerability from that particular threat.

The synthesis of capabilities will allow us to focus on risk mitigation and prevention, not just response and recovery. It will not divide FEMA's capabilities, we believe, it will multiply them.

The key to this effort is partnerships, partnerships across agency lines, between the public and the private sector, and vertically between the Federal Government and States and cities, counties and rural communities. We believe the Department of Homeland Security will help us build and strengthen those partnerships.

We have called on States, we have called on the Governors and the territories to sit down with cities and counties as they develop a single, statewide anti-terrorism plan. We have emphasized certain fundamental goals be included. These include mutual aid agreements between neighboring communities and States, interoperability of communications systems, emergency credentialling to protect medical personnel from liability and crisis, public health systems that can handle mass casualty events, and state-of-the-art technology to aid and protect our first responders.

For the first time, one Federal department will be empowered to help States achieve these goals. We have asked States and localities to coordinate their efforts and pool their resources. We think it's only appropriate that Washington do the same.

The new Department will consolidate many of the homeland security responsibilities that are currently dispersed among more than 100 different Government agencies. In developing this proposal, the President sought the best fit of an agency's core competency with the mission of homeland security. Not always a perfect match, but a best fit. And I note that Director Albaugh and GSA Administrator Stephen Perry have strongly supported that approach in this proposal.

In fact, I would share with you, a cabinet meeting in which the President announced his plan, Director Albaugh said, Mr. President, you came to Washington as a change agent, we're change agents, too. Otherwise, why are we here. I believe the Senators feel the same way. I believe they would acknowledge the need for

change after 9/11. And certainly the commitment to working together to effect those changes has been real and positive. We've made great progress since 9/11.

Only Congress can create a new cabinet department. I'm here today to convey personally the President's desire to continue to work with members to accomplish our mutual goal. The President appreciates the enthusiastic response from Congress, and is gratified by the congressional optimism about how quickly we can get this done. He's ready to work together with you in partnership to accomplish that task.

This is our priority, it's your priority, basically it's our collective mission. We all want to get it done, we want to get it done soon, but we want to get it done right. We are all committed to those two priorities.

All of us know that the threats are real. We know that the need is urgent. And working together, I think we all know we can succeed together in this enterprise. Thank you, Mr. Chairman, for the opportunity to share these brief remarks with you. I look forward to the questions.

Senator JEFFORDS. Thank you for an excellent statement. We all look forward to working with you.

Senator Clinton, I understand you have a statement you'd like to place into the record.

Senator CLINTON. I would, Mr. Chairman, thank you.

Senator JEFFORDS. Without objection, so ordered.

[The prepared statement of Senator Clinton follows:]

STATEMENT OF HON. HILLARY RODHAM CLINTON, U.S. SENATOR FROM THE STATE OF NEW YORK

Thank you, Mr. Chairman. And thank you, Governor Ridge for appearing before the Committee to discuss the President's proposal for a new Department of Homeland Security.

The attacks on September 11 exposed our vulnerability within America's borders and the need for new thinking about ways to protect ourselves. We learned that we were, in many ways, unprepared.

We have also learned that there is a greater need for more communication between the more than 100 agencies that both attempt to prevent attacks and also respond to attacks after they occur. An information-sharing bill I introduced, with Senators Leahy, Hatch, and Schumer back in October was designed to address this issue, as between among Federal agencies AND among Federal, State, and local homeland security and law enforcement entities

The Administration's proposal for a new Cabinet agency, the Department of Homeland Security requires Congress to consider carefully whether this new Department will solve the coordination and communication problems that have plagued our homeland security apparatus.

We now know firsthand what we are up against, and what we need to be prepared for in the future. We have seen the devastating impacts, and have been confronted by challenges we may not have anticipated.

We need to learn from our experiences in the wake of September 11, and to make certain that in the future we have the capability to protect ourselves and—God forbid—be able to respond if need be.

In New York, we have been constantly grappling with air quality issues resulting from the destruction of the towers—air quality both outside and inside buildings. Questions have lingered over what government entities are responsible for indoor air quality. There has been confusion over what standards should be used to best protect public health, and whether schools and other buildings have been adequately cleaned.

On a related matter, I want to commend the Environmental Protection Agency for undertaking such a process and developing its own Lessons Learned report. This is a thorough and honest assessment, and provides significant insights and recommendations regarding the Agency's response capabilities.

But the report raises some very serious questions, which is why I am asking that the Committee's staff review this report—and I recommend it to all of my colleagues as well. And it is my hope that the Chairman and Ranking Member will grant an oversight hearing, so that we, too, can learn from EPA's own experience in responding to the events of September 11.

Based on what we learn, we need to act to ensure that issues outlined in the EPA's report are adequately addressed—whether through providing additional resources, taking administrative actions, or if need be—through legislation—perhaps the legislation we are here to discuss today. I am prepared to introduce free-standing legislation if necessary. And I am interested in hearing today from Governor Ridge as to how the Administration has responded to the findings and recommendations of the EPA report.

In addition to the issues raised by the EPA's recent report, I have several concerns about the new Homeland Security Department that I hope will be addressed by Governor Ridge today. The new Department would have nuclear and radiological protection as a major focus. However, no NRC functions have been transferred in the Administration's proposal. As you know, the Nuclear Regulatory Commission regulates civilian nuclear infrastructure in the U.S., including security requirements. I look forward to hearing how the Administration views the new Department playing a role in nuclear reactor security.

I have heard from local communities and first responders from all across America about the tremendous personnel, technical, and financial burdens they have borne since September 11. They did this even when the Federal Government didn't provide the resources to help them; they knew, regardless of the burden, what had to be done to protect the citizens in their communities. I hope the new homeland security department will work closely and in a coordinated fashion with our States and local governments and with our first responders across the country to ensure that we have the strongest homeland defense possible.

Last fall, I wrote to Governor Ridge to request that he designate a point person in his office with responsibility for Northern Border issues. As the law enforcement functions of the INS are integrated with the border control functions of the Customs Service in the new Department, it is critically important that the new Department include a position with specific responsibility for Northern border issues.

One issue that is not being adequately addressed in our post 9–11 environment is how our government will address the psychological impact of actual or threatened terrorist attacks. Although the primary impact of terrorism is psychological, I am concerned that the proposed Department of Homeland Security lacks a clear focus on the mental health needs of our citizenry. I hope that Governor Ridge will explain how the Homeland Security Department will coordinate with the Department of Health and Human Services in order address the mental health needs of our Nation.

Finally, I have serious concerns about the Administration's proposal to create a workforce that could be exempted from whistleblower protection and collective bargaining rights. We need to be able to recruit the best possible employees for this new agency and this legislation should not barriers to the recruitment and retention of talented individuals.

Further, I have concerns about the Administration's bill exempting the new Department from the Freedom of Information Act. FOIA plays an important role in ensuring that there is adequate oversight of our government.

Thank you, Mr. Chairman. I look forward to hearing to today's testimony from Governor Ridge.

Senator JEFFORDS. As you know, the one independent agency that would be entirely absorbed by the Department of Homeland Security is the Federal Emergency Management Agency, which you have spoken about. As I mentioned in my opening statement, I am concerned about how this will affect FEMA's core mission. How will FEMA's core mission change if the agency is included in the new Homeland Security Department?

Governor RIDGE. Mr. Chairman, I will tell you that I am familiar from both personal experience as well as legislative experience with the FEMA. As a matter of fact, working with former Senator Stafford to help rewrite the Stafford bill, I think we were in the House together when it was done, I recall you were very supportive of that effort.

But I also recognized way back then that their response to a couple of tornadoes that bounced around my congressional district was less than satisfactory. That's why Senator Stafford and I worked with our colleagues to make those changes.

But since that time, as you pointed out in your opening remarks, FEMA has become a different agency. There has been a cultural change. Under James Lee Witt and under Director Albaugh, there have been very positive changes and people are very, very comfortable with the relationships they have with the FEMA agency.

Mr. Chairman, I think it has the core competency and the expertise to take on the additional mission. And I believe they complement one another. Because the kinds of things that the new Department of Homeland Security would be working with FEMA to do in support of their mission has direct application to their traditional mission of responding to a natural disaster. If we improve the interoperability of their communications, if we make sure that there's testing and exercises so that all first responders show up in response to a terrorist incident, if the practice sessions are about terrorism, but you improve the collaboration and communication among the first responders, then whether they show up at a terrorist incident or a natural disaster, you've enhanced the capability to respond.

So I think we take that the President has looked at FEMA, recognizes its enormous value, understands about 85, 90 percent of its mission is related to natural disaster recovery and mitigation, but also understands it has core competencies and relationships with State departments of disaster assistance center, has natural relationships with first responders, and many of the programs in the Stafford Act, the individual assistance grant, the small business loans, those kinds of programs are at play in New York City right now in trying to respond to some of those needs of that community, those citizens and those families.

So I think the President believes core competencies, expertise, already a strong relationship with the States and Federal Government, already a great relationship with the first responders, let's make it a more muscular, robust agency. As you know, at his initiative and with your leadership, in excess of \$3 billion would be going to the Federal Emergency Management Agency. If you improve their coordination and communication, their skill level, it's just a natural add-on and value added to their ability to respond to a natural disaster. So it becomes a very vigorous, robust, all-hazard response team.

Senator JEFFORDS. FBI Director Robert Mueller has stated that the FBI would not be included in the Department of Homeland Security, because of the agency's many non counter-terrorism responsibilities. FEMA also has significant non-terrorism responsibilities. To preserve FEMA's primary focus of responding to natural disasters, I firmly believe that the agency, like the Coast Guard and the Secret Service, should remain a distinct entity within the new Department.

Was this a consideration when the Administration crafted its proposal? And can you explain any concerns you may have with this approach?

Governor RIDGE. Well, I think it is the intention, Mr. Chairman, of bringing the full agency in and including, I think, the Office of Domestic Preparedness from the Department of Justice within the FEMA, to just bring the infrastructure and the leadership and make it a unit within the new Department of Homeland Security, and then building on that infrastructure that already exists.

Senator JEFFORDS. I'd like to try to understand the procedure details of your proposal for FEMA. Currently, if an event occurs that is beyond the capacity and capability of a local community and the State to respond to, the Governor may request a major disaster determination. The Director of FEMA reviews the Governor's request and forwards the recommendation directly to the President. The President then decides whether or not to declare a major disaster, thereby authorizing Federal Government assistance.

Using last week's flooding in Texas as an example, how would this process work under the new Department?

Governor RIDGE. Mr. Chairman, the question is a very appropriate one, a mechanical one. But underlying the question is, we need an emergency declaration quickly, how do we align, take FEMA, put in this new agency to make sure that we could turn around on the request. Right now, we don't view, we don't see any diminution in time to make the request to the Under Secretary virtually on the desk simultaneously with the Secretary of Homeland Security and forward that immediately to the President of the United States.

So I'm very familiar with the procedure. I've made several applications as Governor myself. The new Secretary of Homeland Security I think would have to address, to your satisfaction, that fundamental principle to make sure there's no lag time between the period that the Under Secretary gets it and reviews it and the request being made to the President. I feel fairly competent we can make those kinds of assurances to you. If we need specific legislative language to get it done, we'd like to work with you on the language.

Time is of the essence and speed is very important. I think that goes to the heart of your question. We don't want to put any bureaucratic road blocks in a quick turnaround and a quick decision.

Senator JEFFORDS. Senator Smith.

Senator SMITH. Thank you very much, Mr. Chairman.

Governor, Administrator Whitman recently, about 5 months ago, undertook a study, an internal assessment at EPA in terms of how one might be prepared to deal with an attack, to help determine EPA's strengths and weaknesses. Could you address what some of those strengths and weaknesses were, and how you're planning to address them?

Governor RIDGE. Yes. I think several of the Senators, including yourself, have commented publicly about that internal review. I think it's very appropriate, I think actually it's laudable and very important, once an incident occurs and once your team has responded, you go back and take a look at lessons learned. Because we have to continue to review both our capacity to respond, the timeliness of the response and the effectiveness of the response. So in that process, I think Governor Whitman realized that her agency was severely stretched in terms of communications capability, per-

sonnel capability and the like. Since that time, I believe she's built up, hired additional personnel, maybe as many as 75 additional people to enable EPA to respond to more than one or two events. And we do worry about simultaneous events, and we did have several on 9/11. I think there's been an enhanced training component.

Looking to acquire and work with first responders about the interoperability of their communications, that was a serious problem in New York. Candidly, as we assess other metropolitan areas, it's a serious problem everywhere, the interoperability of communications. So I think Governor Whitman took a look at personnel, took a look at equipment, took a look at training and decided we need to do more, we need to do better, is in the process of doing that.

I also think she's made a request in the 2003 budget, my recollection to expand its work, expand its ability to respond to disasters, take that disaster response mechanism. As you know, there is a national response team, 10 regional teams. I think there is a request for about \$75 million so she can buildup that capacity.

Senator SMITH. In the proposal, the Office of Domestic Preparedness is moved out of Justice and into FEMA. At first blink, it seems to me to be the right thing to do, but there has been some criticism on that. Would you just elaborate a little bit on that?

Governor RIDGE. Yes. The Office of Domestic Preparedness, within the Department of Justice, has for the past couple of years, with bipartisan support of Members of the Congress, been doing some very good work with first responders, to include the law enforcement community. In an effort to consolidate that effort and outreach from the Federal Government to the first responders, and particularly to the law enforcement community in non-traditional law enforcement roles, we just thought it would be better to blend the operations so that again, first responders can take a look at one agency, one department for their support for training, exercises and the like.

Again, we have reviewed this matter with Governors, we have reviewed it with mayors who all are very attracted to the notion that instead of going to four or five different departments to get emergency training and response money and exercise money and equipment money, they can go to one department, based on a statewide plan, and draw down funds consistent with their statewide plan. So that's the rationale for that. They do a good job. They move them in to take that ability, move it into FEMA, move it into the new Department of Homeland Security, additional personnel with a lot more money to train and work with first responders. That's the rationale.

Senator SMITH. I mentioned infrastructure protection in my opening statement regarding the Homeland Security Office. There's a lot of questions about who should have the primary responsibility for infrastructure protections. Many members have mentioned it, such as water treatment facilities and so forth. Would you briefly give us your view on where you're headed on that?

Governor RIDGE. It was interesting, Senator, because you and Senator Corzine basically alluded to it in your opening statements. As the President has submitted the proposal, this is the theory and in practice how we believe it would work. There is no single place

in the Federal Government presently where someone can take a look at the threat assessments generated by the different intelligence gathering agencies and then take a look at the critical infrastructure that we have in this country, and 85 to 90 percent of it is privately owned.

Then depending on the credibility of the threat and the assessment with regard to the vulnerability, then say to either that company, that economic sector, that community, whatever the potential target might be, the threat is credible, you are a very critical piece of this infrastructure, but we don't believe that the protective measures that you have, the security measures that you've enhanced, are the best means of dealing with this potential threat. And then once that assessment is made, work through the EPA with the water companies or the chemical companies, work through the Department of Energy, work through the Nuclear Regulatory Commission.

So the collaborative feature of this Department would be one place we get the threat, match it against the vulnerability, make a determination whether the vulnerability is real, what we need to do about it, and then work with the respective agency to see that it gets done. We've had some interesting discussions, again informally, with the trade association and businesses that represent different sectors of the economy. I think one of the things that is very interesting, and a couple of them have actually volunteered, as we go about determining best practices and working on those protective measures, one of the first people we ought to move in to make sure that they're satisfied locally, whether it's the water facility or the chemical plant or whatever, one of the first groups of people we ought to bring in should be the first responders to help assess whether or not they believe the protective measures are substantial enough or not. Since they are going to be the first ones to respond, we think they ought to have a role there as well.

Senator JEFFORDS. I want to point out there is a vote scheduled at 3:15. So hopefully we could be able to conclude by that time.

Senator CORZINE.

Senator CORZINE. I think you really have tried to address where I was going to go. But there have been a number of assessments with respect to the chemical plant, oil refining issues already established. I'm concerned about how we're going to use those assessments already in place, or are we going to have to do additional assessments. I do understand identifying and matching these off a sensible program. But there are some clear vulnerabilities that are identified by agencies over a significant period of time. In fact, if I understand correctly, EPA was about to come out with a proposal with regard to dealing with chemical plant facilities. For some reason it was withdrawn in June, or at least we are under the impression of that.

How are you going to put together what is already in the public forum relative to how we get on with this? And as it relates to chemical plants, do you think there is a joint role between the new Department and EPA? And do you have a vision for that as we go forward?

Governor RIDGE. Senator, very appropriately you have identified one of the challenges that we have in this country. The fact is, we

have a very diversified economy and our enemies look at some of our economic assets as targets. And clearly, the chemical facilities are one of them. We know that there have been reports validated about security deficiencies at dozens and dozens of those. As part of their ongoing work within the Office of Homeland Security within the White House, we've been working with an interagency group, primarily EPA but other agencies involved as well, and the chemical industry and other groups to take a look at overall security concerns, protective measures, look at best practices, try to set standards, and then work to see if frankly, once we decide what needs to be done, if in fact it's done.

We're hoping to avoid, candidly, the need for legislation. We take a look and then talk to the conversation with some of the leaders of the different sectors of the economy. One, they've got a fiduciary responsibility to the communities in which they house these facilities to do everything they can to ensure their protection. They've got a responsibility to the men and women that work there. They've got a responsibility to their shareholders. We've talked to them about an enhanced responsibility of the private sector to take on the additional expense associated with increased security and increased protection.

We are close to completion of that interagency process and I suspect one of the reasons we knew the EPA, we started several months ago, the EPA was working independently as it should. One of the reasons it's been slowed down is because of the work they've been doing with us. So that's where we are specifically on the vulnerability of chemical facilities in this country.

Senator CORZINE. One of the, sort of in between a statement and a question, one of my concerns is the lowest common denominator issue that can arise. It is quite possible that some chemical plant facilities or dangerous facilities would follow best practices on ongoing standards. We see that in financial reporting.

Governor RIDGE. Yes, we do.

Senator CORZINE. We also see significant elements of our economy that don't always follow the rules, nor are they always taking the public interest into full account. One of the reasons that I would ask your thoughts on why you don't think we need legislation in this area when in fact we don't always see a consistent pattern to the lowest common denominator. Therefore, the public can have concerns about whether these issues are actually addressed if we don't have statutory responsibility and statutory direction.

Governor RIDGE. Senator, I think your concern is certainly well founded. Because the vulnerability and the prospective damage done to people, life, limb, human damage, property damage, psychological damage, because of the vulnerability of our chemical facilities, is real. But having said that, there is also, I think, a different environment post-9/11, an acceptance of, I'm not going to say across the board, because I don't know yet, of greater financial responsibility from within the corporate community to enhance their security. They have a lot of reasons to do it.

One of the interesting things that I think we should continue to work with you on, and one of the legislative means by which we might be able, maybe not legislative means, but a market oriented means by which we might be able to effect some of these changes,

is working with the insurance industry to see that there's a differential. There are some discussions we've had with the insurance industry based on the recommended protective standards that EPA may put out there, saying to a chemical facility, these are the kinds of things that you need to do. There may be a variation on insurance rates as it relates to their willingness or their ability to effect those changes.

But I would say to you, we'd like to avoid legislation, Senator, but we've got to see what happens. We've got to keep all our options open.

Senator CORZINE. I'm not sure what the downside of the legislation is if people are going to perform these roles anyway.

Governor RIDGE. Well, it really, and I am not equipped to tell you today the specific recommendations that are going to be made and whether or not they will be fully implemented across the board. I feel fairly comfortable in telling you that no one is interested in the least common denominator, and there has to be some kind of enforcement mechanism. We'd like to continue that conversation with you to see what the enforcement mechanism is. If we can do it without legislation, fine.

But I do think, depending on what the recommendations are and the outcome and acceptance of those recommendations, we're not going to foreclose legislation. Maybe we have to use the stick rather than the carrot.

Senator JEFFORDS. Senator Warner.

Senator WARNER. Thank you.

I'm going to refer to this opening statement. Over here, you've got information analysis and infrastructure protection, telecommunications and cybersecurity. First, to comment on cybersecurity. Some 3 years ago, when I was chairman of the Armed Services Committee, I became quite interested in this subject and the fact that there are very few young people out there seeking the education to equip themselves to go into this complicated, highly technical field.

So I drew up a piece of legislation, it eventually got through the Congress, it set up a program, sort of a first cousin to a GI bill. If the young person would commit to 4 years of obligated service working with the Department of Defense as a civilian, or other agencies, I guess we got down to three in the final analysis, that we would fund fully their program. We got it through Congress and I was very pleased.

Then all of a sudden, the appropriators cut it down to just 20 some million dollars. Well, that was a bit disappointing, but I renewed the efforts the next year, and we finally got it up to double the amount of money, just that little bit. All at the same time that Congress was voting, now mind you, we got \$20 million for this program, then I think it got up to \$40 million, Congress was voting \$8 billion to \$9 billion in Pell grants.

So I hope the new Secretary begins to look at where the money is and put it behind, whether it's cybersecurity or the other desperately needed areas of education, to equip the type of people to come into your organization, not just now but in successive generation.

Governor RIDGE. I appreciate that, Senator. You should know that that is of concern. The advisor to the President for cybersecurity, Dick Clark—

Senator WARNER. He was behind this, too.

Governor RIDGE. Yes. We've had that conversation, and hopefully the conversation will lead to greater action down the road within this Department of Homeland Security.

Senator WARNER. Good.

Governor RIDGE. He sees that as a very unique educational niche, but it's also a critically important security niche. There just aren't that many men and women interested in going and getting the technical education around securing the internet. So we have a big gap there, we have to try to fill it.

Senator WARNER. But you give them a scholarship program, because after they fulfill their obligated service, there are plenty of jobs out in the private sector. So just a thought about it.

Second, military bases, no direct reference in your document here to that. But CINCNORTH is a new command that we are creating here in the Congress. Will you be in tight coordination with that officer who will have at his command all the military assets necessary to respond to an attack on the United States here in the homeland?

Governor RIDGE. Senator, I think first of all, as we take a look at the reorganization effort, we think what Secretary Rumsfeld has recommended adds enormous value to the new Department of Homeland Security, to coordinate in advance some of the work it would do if it had to utilize Department of Defense assets. I think the relationship will not be from the Department of Homeland Security to the General directly, but it will be from the civilian level from the Secretary to the Secretary.

But the fact of the matter remains that now that under the unified command plan you do have a North American command that we can sit down with and talk about how we use different assets under certain circumstances, it really adds a great deal of enhanced protection and ability to the new Department of Homeland Security.

Senator WARNER. Part of that will be interoperability of communications, I hope. You'll have to put a high level of effort there.

I'm going to read from page three, again the same section. In short, the Department would for the first time merge, that means bring together all the parts, merge under one roof the capability to identify and assess threats to the homeland. Now, at present, some of that threat analysis is done in CIA, DIA, FBI. Are those components going to be pulled out of those agencies and merged into yours? What does that word merge mean? Are they going to lose their capability and it be one structure only in Homeland Defense? Or will there be parallel structures?

Governor RIDGE. Senator, there would be no capacity within the Department of Homeland Security to collect this information. It is not a collection agency. The merger of the information or intelligence would be the reports and assessments from the CIA, the FBI and the other collection agencies as they relate to domestic terrorism. But the CIA and the FBI and the other agencies will continue their collective functions.

Now of course, Customs, INS, other agencies that if Congress approves become part of the Department of Homeland Security, will be in the collection business. But we will, there will be no collection from the CIA or the FBI. They'll just send us reports or assessments.

Senator WARNER. I understand. But the analysis, merge under one roof the capability to identify and assess, assess means analysis, threats to the homeland. Supposing the director of the CIA has a set of facts which he shares fully with you. He has one opinion that that doesn't amount to a threat, say, that you have to issue a warning. You feel differently. The director of the FBI may have a somewhat different view. Are you the final arbiter of what's to be done?

Governor RIDGE. I think at the end of the day, Senator, it's really a very appropriate question. Because the President wants to retain within the Office of the White House an assistant to the President for Homeland Security to coordinate the efforts among the agencies. If it ever came to a point where there was an interpretive conflict where we had Homeland Security looking at the reports and assessments and differing from the CIA or FBI, I think it would be resolved in that fashion. Ultimately at the end of the day, we want to take that information to reduce vulnerabilities. They are using that information to reduce threats.

My sense is that if our assessment of the information says we ought to move to reduce vulnerabilities, we should have our way. But if there is a conflict, obviously there's a mechanism within the White House to resolve it.

Senator WARNER. What is that mechanism again to be?

Governor RIDGE. Ultimately the tie breaker is the President of the United States.

Senator WARNER. But he could well be off somewhere. I understand the command and control there. But it seems to me you've got to act quickly.

Governor RIDGE. Oh, absolutely.

Senator WARNER. You could have legitimate disagreements. But it's important that it move swiftly, that we not have to all get in limousines and roar over to the White House and sit around a table. We've got to do it quickly.

Governor RIDGE. The time is of the essence, you're absolutely right, Senator. In my experience, since October 8 when I was sworn in, just dealing in a personal way with George Tenet and Bob Mueller, one, there has been a unity of effort. There's been no disagreement as to what should be done or the application of the facts. But under those circumstances, I think you can well appreciate the fact that these men and women in this Administration or future administrations lean always toward security, because it's an enduring vulnerability and it's resolved in favor of doing something to make America safe.

Senator WARNER. My time is up. Take a look at that sentence. Because somehow, I understood it as you have now stated it in this hearing, but somehow this sentence, I began to be puzzled.

Now, you do not deal with cybersecurity in this prepared statement for the committee. What is the basic document to which we go to refer for expansion of points you've made in here?

Governor RIDGE. Senator, I would be pleased to send you up a document that deals specifically with cybersecurity.

Senator WARNER. There are other items that are not covered here. Is it the President's proposal in the blue cover that came up, or has that been replaced by a fuller document?

Governor RIDGE. I think there is a fuller document, Senator, that talks about the cyber agencies that will be moving in, that we are going to recommend to be moved into the new Department. And it would be my responsibility to make sure that you get it today.

Senator WARNER. Thank you very much.

Senator JEFFORDS. Thank you for very excellent questions, Senator Warner.

Senator WYDEN.

Senator WYDEN. Thank you, Mr. Chairman.

Governor, as you could tell from my earlier comments, I'm concerned about the whistle blower protections in the proposal. You have cooperated with me in a number of areas. I hope we can get some changes in this area.

It was clear, for example, from what happened with Colleen Rowley that that was absolutely key to getting an urgent set of communications to the top of the FBI. I read the Administration's proposal on the Homeland Security Office to really be a rollback of whistle blower protections. It reads that the Secretary of Homeland Security could choose how or in effect whether someone would be able to get the legal protections that are available at other Federal agencies. I think we ought to be strengthening protections with respect to whistle blowers. I would just like to see if you are open to some changes on this. I sit on the Intelligence Committee. I'm anxious to work with you on the national security implications. But this is one of the best ways to make sure that the public isn't in the dark and that we protect national security.

Governor RIDGE. Senator, to your point, I would look forward to the opportunity to work with you again for a very positive clarifying language, gaining the results that we both achieve. And that is making sure that as we set up this new agency, and as it goes forward, men and women who have some ideas that they're eventually critical of how things used to be, and have a better idea of how things should be, be No. 1, be considered patriots all, because their mission is to do whatever they can to enhance security. I would tell you that earlier today, the President addressed about 3,000 men and women from the Federal work force. I had the opportunity to speak just briefly before the President and assured them that they will have that protection and I look forward to working with you and your colleagues to see to it that it's consistent with the protection they have enjoyed in the past.

Senator WYDEN. That to me is the bottom line. It seems to me at a minimum they ought to have the protections that are available to other Federal employees. If you read the proposal now, this certainly isn't the case, the way it reads today. We do need to work together in a bipartisan way on it.

The other question I want to ask also relates to the public's right to know. That deals with the Freedom of Information Act exceptions in the legislation. Now, you heard me commend you and your office with respect to the work you've done with us in terms of tech-

nology. It's important we get the ideas from the business community in particular with respect to how to tackle this issue.

But again, I think it goes way too far to create all these additional exemptions from the Freedom of Information Act to make sure that the public has confidence in what the Government is doing. Already there is a national security exemption from the Freedom of Information Act. I would just like to see for the record if we could work with you to again hone down these exemptions. Because I think it would be a bad message to be sending right now.

Governor RIDGE. One of the experiences we've had, Senator, dealing primarily with the private sector during the past couple of months, is their reluctance to share proprietary information with regard to their facilities, the security measures, a variety of other things. What we were looking for in drafting this legislation, and of course we want to work with you on it, is to provide a limited exemption for voluntary, for information that's communicated voluntarily about, they make their own self-assessments of their own facilities. It's not the kind of information you necessarily want to put on the internet. You don't necessarily want to show your own weaknesses.

But we do feel that it's important, if we're to have a comprehensive look at our critical infrastructure we need those who are responsible, have ownership of that infrastructure and are responsible for its security as well to be able to share with us from their perspective, we may have a different point of view, we may have concluded they haven't gone far enough to respond to that vulnerability. But it is a limited exemption that we're looking for. Again, the President sent it up with an idea that we need to work with Members of Congress to address those concerns. We would welcome the opportunity to try to find language that satisfies your interest and the public's right to know, but also the President's interest and the country's interest in not giving the terrorists a road map to identifying vulnerabilities.

Senator WYDEN. I support that. I only want to note for the record, Governor, that the FBI, the head of the National Infrastructure Protection Center, says that the protections already exist to do what you're talking about. So we've got people in law enforcement who are already saying that the protections exist to get the information from the technology leaders, get the information from the business community, get the information about infrastructure. I just want to work with you so that we don't open up new loopholes. Because if the public is kept in the dark, if whistle blowers don't have existing protections, that's going to make it tougher for us to tackle the terrorists that you're going after. And I want to support you on it.

Governor RIDGE. We are going to make sure that the whistle blowers have the protection, and we're going to work with you to make sure that the information is volunteered from the private sector, the kind that should be protected. And in doing so, protect the broader right of the public to know.

Senator WYDEN. Thank you. Thank you, Mr. Chairman.

Senator JEFFORDS. Senator Clinton, I am going to go over and vote and be back. We have another member that wants to participate. So I will exit temporarily and be back.

Senator CLINTON. Tell them that I'm coming, Mr. Chairman.

Governor RIDGE, I want to start by thanking you for the extraordinary cooperation that you've provided on behalf of the needs of New York. I greatly appreciate it and I look forward to working with you as we develop and pass this important legislation.

I wanted to go back to a point that Senator Smith made, and that is the Environmental Protection Agency's report, which was first reported in the Daily News. And this lessons learned in the aftermath of September 11, 2001 I think is extremely instructive. I hope that we will be getting a full copy of it here in the committee and we will be able to hold a hearing about it. I commend the EPA and I have told Administrator Whitman that the kind of honest assessment which was undertaken by the EPA is exactly the right attitude. It should serve as a road map for what we need to address going forward.

But it is a little bit daunting to read this honest assessment, because it states, among other things, that the EPA is not fully prepared to handle large scale NBCR attack, agency information, experience and equipment is insufficient to respond with confidence. Closer to home, with respect to our ground zero air quality experience, the report says, the dissemination of EPA's health related sampling results to non-EPA front line responders was delayed for at least 2 weeks.

I bring this up because I think that the challenges that the EPA has honestly laid out for itself are not only specific to that agency, but will be found to be faced by other agencies that you are about to merge into the Department, as well as others like the FBI and CIA that are staying outside. I'm wondering, since the EPA is not being merged, what are the plans for coordinating the specific functions that the EPA currently undertakes with the mission of the new Department? How will that be accomplished and what are your plans for making sure it is?

Governor RIDGE. As you know, Senator, the EPA again is one of those agencies that has many, many missions. We took a look at the EPA just briefly, but there are just so many other things that it does, felt that its primary mission was not homeland security. I think they respond to maybe 30,000 chemical spills a year. But they do have a very important and prominent role to play with us, to play with the new Department of Homeland Security.

One is the vulnerability assessment, one is the response, one is working with the sectors, the water, the chemical and the other economic sectors to develop standards of protection. And again, this could very well be formalized once the new Department is established by a memorandum of understanding or an executive order. But clearly, as we go about dealing with the vulnerability assessments and response mechanisms, I think there will be a very close collaborative working relationship. I can't define it more specifically than that at this date, but I expect that the new Secretary of Homeland Security would try to create in advance the kind of working relationship he or she would need in response to an event.

Senator CLINTON. And would it be fair to assume that that will be the same relationship you will have with the Nuclear Regulatory Commission?

Governor RIDGE. I think it's important because as was noted in the remarks earlier, the new unit, senator, that matches threats with vulnerabilities, will work with these agencies on the protective measures, and maybe look to these agencies to oversee that the protective measures are done. Working with EPA on the standards of protection for chemical or water plants, work with the NRC for standards of protection on the nuclear facilities we have around the country, work with DOE where appropriate.

So I think it is the intent of the President that this is the unit that takes a look at the vulnerability of this information that's passed to this new Department by these agencies and to work with the private sector. Then you go back to those agencies, these are the standards, are they satisfactory to you, they should be part of the oversight and enforcement mechanism as well. I think that's the collaborative work that we anticipate.

Senator CLINTON. One of my concerns, and you and I have discussed this, Governor, is that our front line soldiers in this homeland security front are our first responders. We passed out of our committee the first responder legislation that the Administration had requested. I am still, however, concerned that we are not putting enough focus on getting the funds directly to the cities and the counties that are on the front lines. I understand completely the need for State planning. I respect greatly the role of Governors and former Governors, having a close relationship with one who served for 12 years. So I know that there are a lot of functions that the State has to undertake.

But I really believe that at the very least, we need some kind of formula that guarantees dollars end up in the hands of the people on the front lines. I also am very concerned that we don't, we're not giving enough flexibility. Just as the Department wants flexibility in the use of personnel and compensation levels, I think this Homeland Security money that goes to first responders also needs to be more flexible. Because as I've traveled around my State, the needs in Buffalo are very different than the needs in Watertown or in New York City. I believe that we should take that into account with the dollars that the Federal Government provides. I would hope that we can continue to look at that as a need that is not yet being addressed.

Governor RIDGE. Senator, I will tell you that you echo the concerns, the continuing concerns of our friends who serve as mayors and as county executives and Governor Carper and I, and you know from personal experience, sometimes there's a little tension between the State house and the local communities. I think we've got it worked out that a smaller percentage goes directly to the State house. I think the bill that passed out of the committee said a minimum of 75 percent should go to the local communities.

And I understand why the mayors and the county executives and the police and the fire and emergency responders, in a respectful way, once they've participated in a plan, they've decided what their priorities are, they don't want that money channeled through the State so that the State legislature kind of unties the plan, goes back in and sets their own priorities rather than the local communities' priorities.

So we've made a commitment to work with them and Members of Congress who have expressed the same concern, that once the bill is passed, once those dollars are out there, once we determine what that percentage is, that within a certain period of time, according to the plan, the money is filed right down to the local communities. They think it's a mechanical matter that we can work out. I know you have emphasized that on several occasions with prior conversations. I want to work with you to make sure we get the language to our mutual satisfaction. Because we've made the commitment, the President has made the commitment as well.

Senator CLINTON. The only point that I would add to that, Governor, and I am very grateful for your comments, is that the legislation so far prohibits use for these funds for compensation in any form. I think that's a mistake. I think that flexibility needs to be available, whether it's a finding by a Governor, a finding by a mayor that can then be held accountable.

But the biggest problem we've got in our cities, and again, speaking for New York, that are in deficits, a State which is in deficit, made much worse because of the attacks on 9/11, is that we need funds that can be used to actually pay our hazmat teams, not just equip them and give them better communications, but make sure they are going to be out there and deployable.

So again, I just would respectfully request that at least we provide permissive language. Right now it's prohibited. And I think that's a mistake. Because I think the flexibility that we want should at least be permissible. Maybe there has to be some request that goes up to the Department by the Governor or something, but some mechanism that can trigger that money to be used for personnel as well as other purposes.

Thank you.

Senator JEFFORDS. Thank you, Senator.

Senator CARPER. Governor Ridge, how's your time? Do you recall the date that you stepped down as Governor of the Commonwealth of Pennsylvania?

Governor RIDGE. Yes.

Senator CARPER. What date was that?

Governor RIDGE. October 5.

Senator CARPER. On what date did you assume your new responsibilities?

Governor RIDGE. October 8.

Senator CARPER. When did you first testify before a congressional committee subsequent to that?

Governor RIDGE. Senator, I would have to go back and take a look at the calendar. A couple of weeks ago. Before that, as you know, we were up here talking and consulting, but we weren't formally testifying.

Senator CARPER. You've been testifying a lot, though, haven't you?

Governor RIDGE. Senator, it's been a great opportunity to reacquaint myself with some of my former colleagues. The support has been, in both chambers, been bipartisan. So I'm happy to appear before the committee as well.

Senator CARPER. We old Governors get together for lunch about every month in the Senate dining room. And we invite another old

Governor to come have lunch with us and talk about issues that are germane. Later this month we will be having a lunch with former Governor Whitman. And we'd welcome the opportunity to have a chance to break bread with you.

Governor RIDGE. I look forward to that, Senator. I hope that as we go about developing the new Department of Homeland Security that as a Governor, you could hope underscore the notion that as we try to build a Federal-State-local relationship, one of the things that I think is really critical is to develop an infrastructure where we get, the Governors by themselves since 9/11 are all much more engaged than they have ever been before on security issues. But in certain areas, they need to provide the visible leadership and be a very active part of the development of the strategy and the implementation, the homeland strategy. And to that end, encouraging the Senate and the House to accept the notion that some of this money, some of these dollars should be distributed according to a statewide plan overseen by the Governor but in consultation with local communities I think would be very helpful.

Senator CARPER. Since the Administration chose to endorse the notion of creating a department with a Cabinet secretary, and formally presented its proposal, you've had an opportunity to testify repeatedly and to share information and insights with us. And in addition, you've had an opportunity to hear from us, and questions and comments that have come along. Has that changed your opinion in any way, large or small, with respect to what the Administration had first proposed? Second half of the question, has your view changed with respect to maybe some of the elements of, say, Senator Lieberman's proposal, because of the give and take of the last several weeks that you've participated in?

Governor RIDGE. Senator, I think there have been, because of the opportunity to testify and the give and take, there have been some very mechanical problems that have been identified by Members of Congress. One thing I respect very much because of my 12 years on the Hill is that men and women in the Congress of the United States have built up certain areas of expertise. And their knowledge of these departments and agencies has just been built up over periods of time. So I think we've seen some very constructive suggestions as to how to better organize the chart that exists. I know presently pending there are some discussions with some of the congressional leadership about the alignment, about the Title V protections, about a variety of different things. And everybody's working toward the same goal, but it's been a good give and take.

Senator CARPER. When you and I served together in the House of Representatives, the reputation that FEMA enjoyed around the country was not a particularly good one. During the 8 years that President Clinton served and Jamie Lee Witt served as the head of FEMA, and to this date, FEMA has enjoyed progressively a better reputation. We had any number of natural calamities in my State. I remember being asked near the end of my second term as Governor, who was the Governor during the ice storm of the century? I said, I was. They said, who was the Governor during the blizzard of the century? I said, well, I was. They said, who was the Governor during the drought of the century? I said, I was. They

said, who was the Governor during the storm of the century? I said, well, I was.

He said, you know what I think? I said, no. He said, I think you're bad luck.

[Laughter.]

Governor RIDGE. I was going to say I shared those same experiences, until you drew that conclusion. So I'll withdraw that.

[Laughter.]

Senator CARPER. And in each of those instances, though, FEMA was there big time, to help us in Delaware and I'm sure to help you in Pennsylvania. And a concern that I have, and I'm sure it's shared by other Governors and former Governors, how do we do this organization drawing in FEMA and not cut the legs out from under FEMA for their ability to do the wonderful work that they're doing across the country? Particularly with respect to natural disasters.

Governor RIDGE. I think, Senator, it's precisely because not only has FEMA's image changed, but their performance has changed dramatically for the better, that the President would like to make them a part of the new Department of Homeland Security, to build on those core competencies. You and I were members of the House and we share the recollection that FEMA was not viewed as either responsive or effective or a terribly compassionate agency in the 1980's. You helped me rewrite the FEMA legislation in the 1980's, the Stafford bill, named after our colleague at the time.

Since that time, because of the leadership of James Lee Wit, now Joe Albaugh, perception has been based on performance. I wish I could have gotten a little more money out of James Lee Witt during the blizzard. Did you get as much money as you wanted for the snow storm of the century? Because I didn't. But anyhow, you may have been more effective than I was.

But other than that, the response, their turnaround time and their response and his physical presence was just automatic. They did a very good job.

In my experience as Governor, and hopefully in yours, FEMA does have a relationship with your statewide disaster assistance center or whoever you've identified to coordinate. They do have a relationship with the first responders. They do planning and training exercises with that core group. So it's that competency and those connections that I think we ought to build upon, give them substantially more money. They're going to have ramp up their capacity not only in Washington but even more importantly in the regions and perhaps even in some of our local, our larger metropolitan areas, so that it's a permanent presence.

But I think we build on that capacity. At the end of the day, Senator, if these training exercises prove to be as successful as I think they can be, if they get additional equipment, if the communications equipment is interoperable, if they spend more time together working on response plans for terrorism, if another manmade disaster or natural event occurs, they'll just be better equipped. So we really add value to their all-hazard mission by pulling in and beefing up their capacity to respond to a terrorist attack.

Senator CARPER. A related question, Delaware is a coastal State and we have a lot of people who, particularly this time of year,

come to our State to swim in the ocean, to boat, to sail, to fish in the Delaware Bay or in the Atlantic Ocean. From time to time, they run into a storm, a boat breaks down, and they need to be rescued. The Coast Guard comes to the rescue. The Coast Guard also, in addition to that, does any number of things. They tend buoys, they protect the sanctuaries for horseshoe crabs off the coast of Delaware and New Jersey. They do just a wide variety of functions that have nothing to do with the defense of our homeland but are nonetheless important functions.

Does it make sense for us to take the Coast Guard in its entirety, whether they're tending buoys, protecting the horseshoe crabs, towing people to safety whose boats have broken down, does it make sense to take all those functions and put them within this new Department of Homeland Security?

Governor RIDGE. Senator, I believe it does. Because many of the people and many of the platforms that they use to perform those other missions have dual or triple, have multiple use. Earlier today I met with several previous commandants of the Coast Guard who are in support of moving it to the Department of Homeland Security. But they raised several issues, they said there ought to be a couple of conditions to moving the unit over. One, they said you have to move it all over. Because the men and women are multi-tasked, and I know your experience and my experience with them was very positive. They do a lot of different things and they do them very, very well.

They said they had to make sure we didn't lose their responsibility to the Department of Defense. They are part of our defense structure. And that mission should remain an integral part of their training mission as well. Third, they said they need to be adequately funded. And I think the President recognizes that because of the enhanced security mission, along with the fisheries, the emergency rescue mission, you're not familiar with it in the Chesapeake Bay or in Delaware, but the ice breaking mission on the Great Lakes and a few others.

Senator CARPER. Up around Erie?

Governor RIDGE. Yes, sir, you've identified it. That they have many tasks, so we have to built up capacity. They have to get more equipment, they have to get more people. In the President's 2003 budget, they have the largest single increase they have ever received. I think it is a way ahead for future enhancement of their capacity.

So I think yes, they should, I agree with the commandants that it ought to be under all those conditions. And the plan reflects that.

Senator CARPER. If I could, Mr. Chairman, one last question. We reorganized to some extent Delaware government. I think the year before, one of our other committees, I think Government Affairs, I may have mentioned that you reorganized all or a portion of the government of Pennsylvania when you served as its chief executive. We did so in the hopes of achieving not defending our homeland, we were looking for efficiencies. We were looking for ways to offer better service to the people of Delaware and to provide good or better service at the same price or less cost to taxpayers.

In this discussion, as we attempt to create this new Department, is there any focus at all on how do we do as much or more without spending a huge amount of money more than we need to?

Governor RIDGE. Well, I think you raised a very important element in our collective efforts to see to it that this new Department maximizes every dollar that the taxpayers send and makes best use of the personnel that are there. I would say to you that just preliminarily, during the transition process, we've taken a look at some of the IT budgets. So if you bring in INS and you bring in Customs and you bring in the Transportation Security Administration, there are literally hundreds of millions of dollars out there, actually it's in excess, it's billions of dollars over a period of time, that if we develop the right kind of technological architecture, and the question, it's a very controversial piece of the President's proposal.

But their Secretary, the President has requested that the new Secretary be vested in transfer authority, so that if you can realize some savings by consolidating technology, to be able to take that X number of dollars, several hundred million dollars and maybe if you need more Customs agents, if you need more personnel, you need different kinds of technology elsewhere, that you will at least have that kind of flexibility internally once you've identified the redundancies, eliminated them, generated some savings, to be able to use that and transfer those dollars around the Department. That is one of the more controversial features, as you can well imagine. And we're just hoping we can convince particularly the appropriators to make sure that this Secretary and his team have the ability to maximize the use of every dollar, that if they realize some savings, they can move some things around.

Senator CARPER. Mr. Chairman, maybe a question for another day, not this day, but a question for another day is, when all is said and done and we finish our work as legislators and put a bill on the President's desk and create this new Department and go about assembling it, at the end of the day, how will we know that what we've done has been successful. That's one that I ask you to think about, and next time we're together, I serve on five committees, and my guess is you'll testify before all of them.

Governor RIDGE. I'll be prepared, Senator.

Senator CARPER. Good to be with you. Thank you.

Senator JEFFORDS. Well, thank you, Governor.

I just have one, maybe two questions. The proposal from the Administration does not speak clearly on the issue of the preemption of State Freedom of Information Acts. Would you oppose preemption of the State Freedom of Information Act?

Governor RIDGE. One of the things we're working on within the Office of Homeland Security, and this bears further conversation with you and your colleagues, is trying to develop model legislation that all Governors can deal with with regard to Freedom of Information needs that we all have. And I think if we did that, we would be satisfied. Governor Carper and I, as other Governors have done, from time to time have taken model legislation that affected all of us.

Right now, we're trying to work with Governors on this very issue as it relates to their States and as it relates to the issue of

preemption. And candidly, I haven't been back to talk with them to see where these discussions have taken us. But I would like to have that conversation with them and report back to you to give you a very specific answer to your question.

Senator JEFFORDS. I would appreciate that.

Just one final thing. I still have some real concern in my mind that exists that removing FEMA and moving it into a situation that seems to have failed in the past to have worked, and then 9/11, I think as we all understand now, was the lack of accurate information being utilized to hopefully preempt what happened. That was also under previous history problems that had existed.

So I just had deep concern about taking FEMA from the place that it has worked so well and done such a tremendous job, both on 9/11 as well as all of the natural disasters we've had that I really strongly am concerned about the movement out of the present situation. I just want to leave that with you, and I'm sure you understand that.

Governor RIDGE. I do.

Senator JEFFORDS. But other than that, do you really want to be the Secretary?

Governor RIDGE. That's the final question that will have to wait to be answered at some other date, like Senator Carper's.

[Laughter.]

Governor RIDGE. That's the President's call, not mine.

Senator JEFFORDS. Yes, right. Well, it was a pleasure to work with you 20 odd years ago, and it's a pleasure now.

Governor RIDGE. It's good to be back with you, Senator. Thank you.

Senator JEFFORDS. So I look forward to that opportunity.

Governor RIDGE. Thank you.

[Whereupon, at 3:48 p.m., the committee was adjourned, to reconvene at the call of the chair.]

[Additional statements submitted for the record follow:]

STATEMENT OF GOVERNOR TOM RIDGE, DIRECTOR OF THE TRANSITION PLANNING
OFFICE FOR THE DEPARTMENT OF HOMELAND SECURITY

Introduction

Chairman Jeffords, Senator Smith, and other distinguished members of the Environment & Public Works Committee. It is an honor to be here today to explain why I believe the Senate should support the President's proposal to establish a Department of Homeland Security. I also look forward to responding to your questions and listening to your views.

The President's Proposal

On June 6, 2002, President Bush addressed the Nation and put forth his vision to create a permanent Cabinet-level Department of Homeland Security. On June 18, 2002, I delivered to the Congress the President's proposed legislation for establishing the new Department. This is an historic proposal. It would be the most significant transformation of the U.S. Government in over a half-century. It would transform and largely realign the government's confusing patchwork of homeland security activities into a single department whose primary mission is to protect our homeland. The proposal to create a Department of Homeland Security is one more key step in the President's national strategy for homeland security.

It is crucial that we take this historic step. At the beginning of the cold war, President Truman recognized the need to reorganize our national security institutions to meet the Soviet threat. We emerged victorious from that dangerous period thanks in part to President Truman's initiative. Today we are fighting a new war against a new enemy. President Bush recognizes that the threat we face from ter-

rorism requires a reorganization of government similar in scale and urgency to the unification of the Defense Department and creation of the CIA and NSC.

Currently, no Federal Government department has homeland security as its primary mission. In fact, responsibilities for homeland security are dispersed among more than 100 different government organizations. Creating a unified homeland security structure will align the efforts of many of these organizations and ensure that this crucial mission—protecting our homeland—is the top priority and responsibility of one department and one Cabinet secretary.

Immediately after last fall's attack, the President took decisive steps to protect America—from hardening cockpits and stockpiling vaccines to tightening our borders. The President used his legal authority to establish the White House Office of Homeland Security and the Homeland Security Council to ensure that our Federal response and protection efforts were coordinated and effective. The President also directed me, as Homeland Security Advisor, to study the Federal Government as a whole to determine if the current structure allows us to meet the threats of today while anticipating the unknown threats of tomorrow. After careful study of the current structure—coupled with the experience gained since September 11 and new information we have learned about our enemies while fighting a war—the President concluded that our nation needs a more unified homeland security structure.

The Department of Homeland Security

The creation of the Department of Homeland Security would empower a single Cabinet official whose primary mission is to protect the American homeland from terrorism. The mission of the Department would be to:

- Prevent terrorist attacks within the United States;
- Reduce America's vulnerability to terrorism; and
- Minimize the damage and recover from attacks that do occur.

The Department of Homeland Security would mobilize and focus the resources of the Federal Government, State and local governments, the private sector, and the American people to accomplish its mission. It would have a clear, efficient organizational structure with four divisions.

- Information Analysis and Infrastructure Protection
- Chemical, Biological, Radiological, and Nuclear Countermeasures
- Border and Transportation Security
- Emergency Preparedness and Response

Information Analysis and Infrastructure Protection

The Information Analysis and Infrastructure Protection section of the Department of Homeland Security would complement the reforms on intelligence and information-sharing already underway at the FBI and the CIA. The Department would analyze information and intelligence for the purpose of understanding the terrorist threat to the American homeland and foreseeing potential terrorist threats against the homeland.

Furthermore, the Department would comprehensively assess the vulnerability of America's key assets and critical infrastructures, including food and water systems, agriculture, health systems and emergency services, information and telecommunications, banking and finance, energy (electrical, nuclear, gas and oil, dams), transportation (air, road, rail, ports, waterways), the chemical and defense industries, postal and shipping entities, and national monuments and icons. Critically, the Department would integrate its own and others' threat analyses with its comprehensive vulnerability assessment for the purpose of identifying protective priorities and supporting protective steps to be taken by the Department, other Federal departments and agencies, State and local agencies, and the private sector. Working closely with State and local officials, other Federal agencies, and the private sector, the Department would help ensure that proper steps are taken to protect high-risk potential targets.

In short, the Department would for the first time merge under one roof the capability to identify and assess threats to the homeland, map those threats against our vulnerabilities, issue timely warnings, and organize preventive or protective action to secure the homeland.

Chemical, Biological, Radiological and Nuclear Countermeasures

The war against terrorism is also a war against the most deadly weapons known to mankind—chemical, biological, radiological and nuclear weapons. If the terrorists acquire these weapons, they will use them with consequences that could be far more devastating than those we suffered on September 11. Currently, our efforts to counter the threat of these weapons to the homeland are too few and too frag-

mented. We must launch a systematic national effort against these weapons that is equal to the threat they pose.

The President's proposed legislation would accomplish this goal. It would authorize the Department of Homeland Security to lead the Federal Government's efforts in preparing for and responding to the full range of terrorist threats involving weapons of mass destruction. To do this, the Department would set national policy and establish guidelines for State and local governments. It would direct exercises and drills for Federal, State, and local chemical, biological, radiological, and nuclear (CBRN) attack response teams and plans. The result of this effort would be to consolidate and synchronize the disparate efforts of multiple Federal agencies currently scattered across several departments. This would create a single office whose primary mission is the critical task of protecting the United States from catastrophic terrorism.

The Department would serve as a focal point for America's premier centers of excellence in the field. It would manage national efforts to develop diagnostics, vaccines, antibodies, antidotes, and other countermeasures. It would consolidate and prioritize the disparate homeland security related research and development programs currently scattered throughout the executive branch. It would also assist State and local public safety agencies by evaluating equipment and setting standards.

Border and Transportation Security

Our No. 1 priority is preventing future terrorist attacks. Because terrorism is a global threat, we must attain complete control over whom and what enters the United States in order to achieve this priority. We must prevent foreign terrorists from entering our country and bringing in instruments of terror. At the same time, we must expedite the legal flow of people and goods on which our economy depends.

Protecting our borders and controlling entry to the United States has always been the responsibility of the Federal Government. Yet, this responsibility is currently dispersed among more than five major government organizations in five different departments. Therefore, under the President's proposed legislation, the Department of Homeland Security would for the first time unify authority over major Federal security operations related to our borders, territorial waters, and transportation systems.

The Department would assume responsibility for operational assets of the United States Coast Guard, the United States Customs Service, the Immigration and Naturalization Service (including the Border Patrol), the Animal and Plant Health Inspection Service, and the Transportation Security Administration. The Secretary of Homeland Security would have the authority to administer and enforce all immigration and nationality laws, including, through the Secretary of State, the visa issuance functions of consular officers. As a result, the Department would have sole responsibility for managing entry into the United States and protecting our transportation infrastructure. It would ensure that all aspects of border control, including the issuing of visas, are informed by a central information-sharing clearinghouse and compatible data bases.

Emergency Preparedness and Response

Although our top priority is preventing future attacks, we cannot assume that we will always succeed. Therefore, we must also prepare to minimize the damage and recover from attacks that do occur. The President's proposed legislation would require the Department of Homeland Security to ensure the preparedness of our nation's emergency response professionals, provide the Federal Government's emergency response to terrorist attacks and natural disasters, and aid America's recovery.

To fulfill these missions, the Department would oversee Federal Government assistance in the domestic disaster preparedness training of first responders and would coordinate the government's disaster response efforts. The Federal Emergency Management Agency (FEMA) would become a central component of the Department of Homeland Security, and the new Department would administer the grant programs for firefighters, police, emergency personnel, and citizen volunteers currently managed by FEMA, the Department of Justice, and the Department of Health and Human Services. The Department would manage certain crucial elements of the Federal Government's emergency response assets, such as the Strategic National Stockpile. In the case of an actual or threatened terrorist attack, major disaster, or other emergency, the Secretary of Homeland Security would have the authority to call on other response assets, including Energy's and the EPA's Nuclear Incident Response teams, as organizational units of the Department. Finally, the Department would integrate the Federal interagency emergency response plans

into a single, comprehensive, governmentwide plan, and ensure that all response personnel have the equipment and capability to communicate with each other as necessary.

State/Local Government & Private Sector Coordination

The Department of Homeland Security would consolidate and streamline relations on homeland security issues with the Federal Government for America's State and local governments, as well as the private sector. It would contain an intergovernmental affairs office to coordinate Federal homeland security programs with State and local officials. It would give State and local officials one primary contact instead of many when it comes to matters related to training, equipment, planning, and other critical needs such as emergency response.

Secret Service

The Department of Homeland Security would incorporate the Secret Service, which would report directly to the Secretary. The Secret Service would remain intact and its primary mission will remain the protection of the President and other government leaders. The Secret Service would also continue to provide security for designated national events, as it did for the recent Olympics and the Super Bowl.

Non-Homeland Security Functions

The Department of Homeland Security would have a number of functions that are not directly related to securing the homeland against terrorism. For instance, through FEMA, it would be responsible for mitigating the effects of natural disasters. Through the Coast Guard, it would be responsible for search and rescue, navigation, and other maritime functions. Several other border functions, such as drug interdiction operations and naturalization, and would also be performed by the new Department.

White House Office of Homeland Security and Homeland Security Council

The President intends for the White House Office of Homeland Security and the Homeland Security Council to continue to play a key role, advising the President and coordinating a vastly simplified interagency process.

Making Americans Safer

The Department of Homeland Security would make Americans safer because our nation would have:

- One department whose primary mission is to protect the American homeland;
- One department to secure our borders, transportation sector, ports, and critical infrastructure;
- One department to integrate threat analyses and vulnerability assessments;
- One department to coordinate communications with State and local governments, private industry, and the American people about threats and preparedness;
- One department to coordinate our efforts to protect the American people against bioterrorism and other weapons of mass destruction;
- One department to help train and equip for first responders;
- One department to manage Federal emergency response activities; and
- More security officers in the field working to stop terrorists and fewer resources in Washington managing duplicative and redundant activities that drain critical homeland security resources.

The New Department Would Improve Security Without Growing Government

The Department of Homeland Security must be an agile, fast-paced, and responsive organization that takes advantage of 21st-century technology and management techniques to meet a 21st-century threat.

The creation of a Department of Homeland Security would not "grow" government. The new Department would be funded within the total moneys requested by the President in his fiscal year 2003 budget already before Congress for the existing components. In fact, the President's fiscal year 2003 budget will increase the resources for the component parts by \$14 billion over the fiscal year 2002 budget. We expect that the cost of the new elements (such as the threat analysis unit and the State, local, and private sector coordination functions), as well as department-wide management and administration units, can be funded from savings achieved by eliminating redundancies inherent in the current structure.

In order to respond to rapidly changing conditions, the Secretary would need to have great latitude in re-deploying resources, both human and financial. The Secretary should have broad reorganizational authority in order to enhance operational effectiveness, as needed. Moreover, the President will request for the Department significant flexibility in hiring processes, compensation systems and practices, and

performance management to recruit, retain, and develop a motivated, high-performance and accountable workforce. Finally, the new Department should have flexible procurement policies to encourage innovation and rapid development and operation of critical technologies vital to securing the homeland.

Working Together to Create the Department of Homeland Security

President Bush recognizes that only the Congress can create a new department of government. During his June 6 address to the Nation, the President asked Congress to join him in establishing a single, permanent department with an overriding and urgent mission: securing the homeland of America, and protecting the American people. I am here to ask, as the President did, that we move quickly. The need is urgent. Therefore, the President has asked Congress to pass his proposal this year, before the end of the congressional session.

Preliminary planning for the new Department has already begun. The formal transition would begin once Congress acts on the President's proposed legislation and the President signs it into law. Under the President's plan, the new Department would be established by January 1, 2003, with integration of some components occurring over a longer period of time. To avoid gaps in leadership coverage, the President's proposal contemplates that appointees who have already been confirmed by the Senate would be able to transfer to new positions without a second confirmation process.

During this transition period, the Office of Homeland Security will maintain vigilance and continue to coordinate the other Federal agencies involved in homeland security. Until the Department of Homeland Security becomes fully operational, the proposed Department's designated components will continue to operate under existing chains of command.

7. In conclusion, I suggest the principles that I have laid out here should be the basis on which S&T missions of the DHS should be carried out. I look forward to working with the Administration and you, Mr. Chairman, in building legislation to do so.

