

TESTIMONY

of

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President,
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on behalf of the
Grand Lodge, Fraternal Order of Police

on

the “**Faster and Smarter Funding for First Responders Act**”

before the
Committee on Homeland Security

14 April 2005

Good morning, Mr. Chairman, Ranking Member Thompson, and distinguished Members of the House Committee on Homeland Security. My name is Lou Cannon, and I am a 32-year law enforcement veteran currently serving as an Inspector with the United States Mint Police. I am also the elected President of District of Columbia Lodge #1, which represents more than 9,500 law enforcement officers throughout the greater Washington, D.C. metropolitan area. Nationally, the F.O.P. is the largest law enforcement labor organization, representing more than 318,000 rank-and-file law enforcement officers in every region of the country.

I am here this morning at the request of Chuck Canterbury, National President of the F.O.P., to testify in support of the Cox-Thompson “Faster and Smarter Funding for First Responders Act.”

In the previous Congress, the F.O.P. worked in conjunction with the House Select Committee on Homeland Security to pass this important legislation. The bill, then H.R. 3266, was favorably reported by a unanimous vote of this Committee in March 2004, and, in October of last year, the House of Representatives adopted the legislation as part of Title V, H.R. 10, the “9/11 Recommendations Implementations Act.” The language included in H.R. 10 was a consensus document in every sense of the word and earned the support of numerous Committee Chairmen and Ranking Members who had jurisdiction over individual parts of the bill. It is the product of countless hours of work on the part of Congressional staff and reflects substantive input from organizations like the Fraternal Order of Police and others in the first responder community. The “Faster and Smarter Funding for First Responders Act” also met the spirit and intent of the recommendations posited by the 9/11 Commission concerning the delivery of Federal homeland security assistance to State and local governments. Further, the basic funding formula principles of the legislation as passed by the House last year, with a few minor exceptions, have already been adopted in the Administration’s FY2006 budget request.

The legislation that you and Representative Thompson have introduced this week, and which is the subject of our hearing today, is nearly identical to the consensus language contained in last year’s H.R. 10. Every Member of the Homeland Security Committee is an original cosponsor of this bill, and the Fraternal Order of Police is proud to once again offer our strong support for this bill.

Essentially, the legislation requires the Department of Homeland Security (DHS) to allocate homeland security assistance funds to States or regions based upon the degree to which they would lessen the threat to, vulnerability of, and consequences for persons and critical infrastructure. The bill also reduces the current State minimum and restructures the allocation process. Under the current system, none of the funds available under the State Homeland Security Grant Program (SHSGP) are allocated on the basis of risk. Instead, each State first receives a base amount equal to 0.75 percent of the total allocation, and then an additional amount based solely on population. Clearly, this is not the most effective way to distribute Federal resources to increase our homeland security.

The “Faster and Smarter Funding for First Responders Act” proposes to reform the current formula and require DHS to allocate all funds based on risk, and then provide, if necessary, additional funds to those States, territories, or certain Indian tribes that have not met a minimum threshold of funding.

The Cox-Thompson bill would accomplish this by lowering the guaranteed amount of Federal funding that each State receives under the SHSGP from 0.75 percent to 0.25 percent and eliminate the secondary distribution of these funds on the basis of population. Instead, it would require the Department to allocate all available SHSGP funds on the basis of risk and needs, with a subsequent adjustment for States whose risk does not equal the 0.25 percent guaranteed amount. This would result in approximately ninety-nine percent (99%) of the money being allocated on a strictly risk-based assessment of need, not an arbitrary formula.

In our view, this legislation appropriately distributes homeland security assistance on the basis of risk, while ensuring that no State, territory, or directly eligible tribe will fall below a certain base level of funding, that being .25% of the total available funds. The F.O.P. believes that this new grant formula is consistent with the recommendation of the 9/11 Commission, which said that “[h]omeland security assistance should be based strictly on an assessment of risks and vulnerabilities.”

Because all levels of government are working in a universe of limited resources, we need to prioritize how we spend those resources we do have. Sometimes this means tough choices—choices that the current formula structure avoids to the overall detriment of our national preparedness. For example, a recent DHS review of port security grants questioned the merits of “several hundred projects.” Rural, less populated areas often receive a disproportionate amount of money relative to the risks they face. Other States are allocating funds with only a cursory effort to assess risks or strategic need, perhaps because the current formula simply hands out pre-determined amounts of Federal homeland security assistance to every State regardless of their risks or vulnerabilities. Your legislation would give States a strong incentive to focus their plans on the highest-risk areas because they would have to compete for Federal funds. This kind of competition can only enhance our nation’s overall preparedness, a point reflected in the 9/11 Commission’s recommendations:

[T]he federal government should require each State receiving Federal emergency preparedness funds to provide an analysis based on the same criteria to justify the distribution of funds in that State... We further recommend that Federal homeland security funds be allocated in accordance with [written] benchmarks, and that states be required to abide by those benchmarks in disbursing the federal funds.

The bill addresses this recommendation in Section 1803, which requires the DHS Secretary to establish specific, flexible, measurable, and comprehensive “essential capabilities” for State and local government terrorism preparedness. The aim of establishing these essential capabilities is to assist communities in determining what planning, training, equipment, and other capabilities are required to respond effectively to the specific risks that they face. States, in their planning and funding allocations, would be required to prioritize their additional needs for essential capabilities according to threat, vulnerability and consequence factors.

Another aspect of “essential capabilities” as defined in Section 1801 of the bill is the “the levels, availability, and competence of emergency personnel.” As this Committee well knows, one of the most important aims of all of our nation’s homeland security efforts is the prevention of any future

terrorist attacks. This responsibility falls almost exclusively on law enforcement and, as any officer can tell you, the best way to prevent any crime, be it large or small, is to deter its commission with proactive policing strategies in conjunction with a cop on a beat. Given the budgetary constraints at all levels of government, maintaining the needed police levels is a nationwide concern. I am aware of a number of local departments whose fiscal difficulties have resulted in a loss of officers. This should be of greater concern to all of us, because the law enforcement mission was changed in the wake of the terrorist attacks on September 11th. Law enforcement agencies must do more with less, and I am concerned that the level and availability of officers may affect our preparedness in some of our communities. I believe that the Committee should underscore this particular concern with respect to the evaluation of “essential capabilities,” be it in the legislation itself or in any accompanying report language.

Section 1804 of the legislation would establish a twenty-five (25) member Task Force on Essential Capabilities for First Responders, which must include representation from the law enforcement community, to assist in prioritizing the ranking of essential capabilities and a methodology by which a State or local government can determine whether it possesses or has access to these essential capabilities. The Task Force will help in assessing grant application and work to ensure that different types of communities have access to the Federal resources they need to address their unique needs. In this way, the legislation meets another of the 9/11 Commission’s recommendations: “Resources must be allocated according to vulnerabilities. We recommend that a panel of security experts be convened to develop written benchmarks for evaluating community needs.”

Both Sections 1803 and 1804 echo the Administration’s efforts to enhance homeland security by identifying national preparedness priorities and baseline capability levels as directed by Homeland Security Presidential Directive 8 (HSPD-8). On 31 March, the DHS published the Interim National Preparedness Goal (INPG) as a guide for Federal departments and agencies, State, territorial, local and tribal officials, the private sector, non-government organizations and the public in making determinations about how to most effectively and efficiently strengthen preparedness for terrorist attacks, major disasters, and other emergencies. In the view of the F.O.P., the INPG accomplishes what Section 1803 proposed to do, which is to establish readiness priorities, targets, and metrics. Given this, we would recommend that your legislation be amended to reflect the work already done by the DHS in its Interim National Preparedness Goal and that the Task Force created by Section 1804 be directed accordingly.

Three and a half years have passed since the terrorist attacks on New York and northern Virginia. In this time it has become clear that the current system of distributing Federal homeland security grants needs to be reformed. State and local officials, Secretary Ridge, and the 9/11 Commission all testified that the grant distribution system needs fixing. If our aim is to enhance the ability of State and local governments to prevent terrorist attacks or, if an incident should occur, to respond to them, then we must find a way to identify our priorities and then get the money to our first responders in a faster and smarter way.

Risk prioritization—honest assessments about how to reduce our vulnerabilities to terrorist attacks—must be the guide by which we allocate Federal assistance to States and localities, and this goal is

achieved by the bill that you and Ranking Member Thompson have introduced this week. The F.O.P. is proud to support the measure and we look forward to working with you and your counterparts in the Senate as this bill moves through the legislative process.

I want to thank you, Mr. Chairman, and Ranking Member Thompson, as well as the other Members of this distinguished Committee, for the chance to appear before you today. I will now take any questions you may have.