

# CRS Report for Congress

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## **Federal Counter-Terrorism Training: Issues for Congressional Oversight**

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# Federal Counter-Terrorism Training: Issues for Congressional Oversight

## Summary

Federal counter-terrorism training programs are varied and are provided by numerous federal agencies and departments. Some of these departments and agencies include the Departments of Defense (DOD), Energy (DOE), Homeland Security (DHS), Health and Human Services (HHS), Justice (DOJ), and Transportation (DOT), and the Environmental Protection Agency (EPA). Each department and agency provides specific counter-terrorism training targeted to given categories of recipients. Training recipients include federal, state, and local government personnel, emergency responders, and private and public critical infrastructure personnel.

The programs train individuals to prepare for, respond to, and recover from terrorist attacks. Most of these federal departments and agencies provide training in conjunction with private and public educational institutions, federal laboratories, and federal research and development centers.

The mission of DHS to secure the nation from terrorist attacks gives it primary federal responsibility for providing counter-terrorism training to federal, state, and local emergency responders. Other departments and agencies provide counter-terrorism training, but these programs focus either on specific critical infrastructure sectors, such as energy and transportation, or on specific emergency responders, such as HHS training for medical personnel and DOJ training for law enforcement personnel. DHS provides training to a wide range of critical infrastructure personnel, law enforcement and other emergency responders, government (federal, state, and local) personnel, and medical personnel.

This report is an overview of the major training activities and facilities of the federal departments and agencies that provide counter-terrorism training. It identifies some of the issues associated with the training. The issues include:

- possible duplication of federal counter-terrorism training programs;
- determination of Department of Homeland Security counter-terrorism training priorities; and
- possible redundancy and coordination of DHS counter-terrorism training programs.

The report will be updated as congressional actions warrant.

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# Federal Counter-Terrorism Training: Issues for Congressional Oversight

## Overview

Federal counter-terrorism training programs are varied and are provided by numerous federal agencies and departments. Some of these departments and agencies include the Departments of Defense, Energy, Homeland Security, Health and Human Services, Justice, and Transportation, and the Environmental Protection Agency. Each department and agency provides specific counter-terrorism training targeted to a given categories of recipients. Training recipients include federal, state, and local government personnel, emergency responders, and private and public critical infrastructure personnel.

The programs train individuals to prepare for, respond to, and recover from terrorist attacks. Some of the training programs, such as those of the Departments of Transportation (DOT) and Energy (DOE), and the Environmental Protection Agency (EPA), are designed for personnel working in critical infrastructure sectors. Other programs, such as those of the Departments of Defense (DOD) and Homeland Security (DHS), are intended for personnel who are not identified with specific critical infrastructure. Instead, DOD and DHS provide training for government personnel, emergency responders, and medical professionals who would respond to a terrorist attack, regardless of location or target. The Department of Health and Human Services (HHS) provides training specifically to medical personnel, but this training is not targeted to specific critical infrastructure. Instead, HHS provides training that prepares medical personnel to respond to any disaster, but especially to terrorist attacks using biological, chemical, and radiological weapons of mass destruction (WMD). The Department of Justice (DOJ) provides training specifically for federal, state, and local law enforcement personnel. Most of these federal departments and agencies provide training in conjunction with private and public educational institutions, federal laboratories, and federal research and development centers.

The mission of DHS to secure the nation from terrorist attacks gives it primary federal responsibility for providing counter-terrorism training to federal, state, and local emergency responders. Other departments and agencies provide counter-terrorism training, but their programs focus either on specific critical infrastructure sectors, such as energy and transportation, or on specific emergency responders, such as HHS training for medical personnel and DOJ training for law enforcement personnel. DHS provides training to a wide range of critical infrastructure personnel, law enforcement and other emergency responders, government (federal, state, and local) personnel, and medical personnel.

This report provides an overview of the major training activities and facilities of the federal departments and agencies that provide counter-terrorism training. It identifies some of the issues associated with that training. The issues include:

- possible duplication of federal counter-terrorism training programs;
- determination of Department of Homeland Security (DHS) counter-terrorism training priorities; and
- possible redundancy and coordination of DHS counter-terrorism training programs.

**Department of Homeland Security.** DHS comprises numerous agencies, offices, institutes, and partners<sup>1</sup> that provide counter-terrorism training for federal, state, and local government personnel. DHS training is provided at such facilities as the Federal Law Enforcement Training Center (FLETC), National Fire Academy (NFA), and Emergency Management Institute (EMI). FLETC is an interagency law enforcement center that provides training for federal law enforcement agencies. The Federal Emergency Management Agency (FEMA) administers EMI and NFA training activities. NFA trains fire and emergency response personnel to enhance their abilities to respond to fires and related emergencies. EMI is a training program consisting of resident and non-resident courses aimed at enhancing emergency management practices.<sup>2</sup>

**Office for Domestic Preparedness.** The Office for Domestic Preparedness (ODP), which has the primary responsibility within DHS for preparing for potential terrorist attacks against the United States,<sup>3</sup> is the principal DHS agency providing counter-terrorism and WMD training to states and localities. ODP provides terrorism and WMD training through DHS training institutions and partners. ODP training partners include the Training and Data Exchange Group (TRADE), the National Domestic Preparedness Consortium (NDPC), federal departments, and private and professional organizations.<sup>4</sup>

ODP training is designed to meet the varying needs of its training audiences. It includes reaching multiple emergency responder disciplines through training at the awareness, performance, planning, and management levels. ODP uses a variety of approaches that include traditional classroom methods, train-the-trainer, Web-based training, and video tele-conferencing.<sup>5</sup>

**TRADE.** TRADE is a federal interagency group that provides training to state and local emergency responders and reviews member courses for consistency,

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<sup>1</sup> See the list later in the report.

<sup>2</sup> U.S. Department of Homeland Security, "Working with DHS," available at [<http://www.dhs.gov/dhspublic/display?theme=82>], visited Oct. 27, 2004.

<sup>3</sup> P.L. 107-296 (Homeland Security Act of 2002), Sec. 430(d).

<sup>4</sup> U.S. Department of Homeland Security, Office for Domestic Preparedness, "Training Overview," available at [<http://www.ojp.usdoj.gov/odp/training.htm>], visited Oct. 27, 2004.

<sup>5</sup> Ibid.

avoidance of training duplication, and the use of up-to-date training methods. TRADE members include the following:

- United States Fire Administration's (USFDA) National Fire Academy (NFA);
- Federal Bureau of Investigation (FBI);
- Department of Justice (DOJ);
- Federal Emergency Management Agency (FEMA);
- Environmental Protection Agency (EPA);
- Department of Energy (DOE);
- Department of Health and Human Services (HHS);
- Centers for Disease Control and Prevention (CDC);
- Emergency Management Institute (EMI); and
- Federal Law Enforcement Training Center (FLETC).<sup>6</sup>

***National Domestic Preparedness Consortium.*** NDPC is composed of federal training facilities and academic institutions which provide training to emergency responders in different locations in the United States. NDPC members include:

- Center for Domestic Preparedness (CDP), at Anniston, Alabama;
- Academy of Counter-Terrorist Education (ACE), at Louisiana State University (LSU);
- National Emergency Response and Rescue Training Center (NERRTC), at the Texas Engineering Extension Service (TEEX), Texas A&M University (TAMU);
- Energetic Materials Research and Testing Center (EMRTC), at New Mexico Institute of Mining and Technology (NMIMT); and
- National Center for Exercise Excellence (NCEE), at Nevada Test Site (NTS).<sup>7</sup>

***Center for Domestic Preparedness.*** CDP, administered by ODP, provides specialized training to state and local emergency responders in the management and mitigation of domestic terrorism incidents, specifically those incidents involving chemical agents and other toxic substances.<sup>8</sup>

***Academy for Counter-Terrorism Education.*** ACE, administered by LSU, provides training to emergency responders on the detection, prevention, and response to terrorist incidents involving WMD. The training ranges from basic firefighting to advanced technical training in rescue and hazardous materials.<sup>9</sup>

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<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

<sup>8</sup> U.S. Department of Homeland Security, Office for Domestic Preparedness, "ODP Fact Sheet: Center for Domestic Preparedness," available at [<http://www.ojp.usdoj.gov/odp/docs/fs-cdp.htm>], visited Oct. 27, 2004.

<sup>9</sup> U.S. Department of Homeland Security, Office for Domestic Preparedness, "ODP Fact Sheet (continued...)"

**National Emergency Response and Rescue Training Center.** NERRTC was established by the Texas Engineering Extension Service at Texas A&M University and provides counter-terrorism training for federal, state, and local officials (including emergency responders). The center includes a mock city, an explosives area, and a weapons range for emergency response training.<sup>10</sup>

**Energetic Materials Research and Testing Center.** Under a cooperative agreement with ODP, EMRTC, administered by the New Mexico Institute of Mining and Technology, provides explosive and incendiary training to state and local emergency responders. The training focuses on WMD incident operations and awareness.<sup>11</sup>

**National Exercise, Test, and Training Center.** NETTC, administered by DOE's Nevada Test Site, provides radiological and nuclear WMD training to federal, state, and local emergency responders. The center's training includes courses on radiation and nuclear agents and WMD exercise design.<sup>12</sup>

**Office for Domestic Preparedness Training Partners.** In addition to TRADE and NDPC, ODP has cooperative agreements with other federal agencies, private industry, academic institutions, and professional organizations that provide training to federal, state, and local emergency responders. These partners include the following:

- Community Research Associates;
- U.S. Army Dugway Proving Ground;
- International Association of Fire Fighters;
- U.S. Navy's Naval Postgraduate School;
- National Sheriff's Association;
- General Physics Corporation at Pine Bluff Arsenal;
- Science Applications International Corporation;
- George Washington University;
- Michigan State University;
- International Association of Campus Law Enforcement Administrators ; and

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<sup>9</sup> (...continued)

Sheet: Academy of Counter-Terrorist Education," available at [<http://www.ojp.usdoj.gov/odp/docs/fs-lsu.htm>], visited Oct. 27, 2004.

<sup>10</sup> U.S. Department of Homeland Security, Office for Domestic Preparedness, "ODP Fact Sheet: National Emergency Response and Rescue Training Center," available at [<http://www.ojp.usdoj.gov/odp/fs-teex.htm>], visited Oct. 27, 2004.

<sup>11</sup> U.S. Department of Homeland Security, Office for Domestic Preparedness, "ODP Fact Sheet: Energetic Materials Research and Testing Center," available at [<http://www.ojp.usdoj.gov/odp/fs-nmt.htm>], visited Oct. 27, 2004.

<sup>12</sup> U.S. Department of Homeland Security, Office for Domestic Preparedness, "ODP Fact sheet: National Exercise, Test, and Training Center," available at [<http://www.ojp.usdoj.gov/odp/fs-nts.htm>], visited Oct. 27, 2004.

- International Association of Chiefs of Police.<sup>13</sup>

**Department of Defense.**<sup>14</sup> The majority of the Department of Defense's (DOD) terrorism-related training courses are dedicated to military personnel. DOD's expertise and range of training facilities related to chemical, biological, radiological, and nuclear (CBRN) weapons, however, offer a limited selection of training programs that are available to non-DOD personnel. Most of these programs are intended for medical and technical personnel who could be called upon to respond and treat casualties following an incident involving CBRN weapons. Several of the training courses are provided with the joint sponsorship of the American Red Cross. DOD provides counter-terrorism training to non-DOD personnel at the following:

- U.S. Army Medical Research Institutes for Chemical and Infectious Diseases, Aberdeen Proving Ground in Maryland, and Dugway Proving Ground in Utah;
- Clara Barton Center for Domestic Preparedness,<sup>15</sup> U.S. Army Pine Bluff Arsenal in Arkansas;
- Armed Forces Radiobiology Research Institute, in Bethesda, Maryland; and
- Joint Interagency Training Center, in San Diego, California.

**Department of Energy.**<sup>16</sup> The Department of Energy (DOE) provides technical assistance and training to states for public safety officials of appropriate units of local government and Indian tribes through whose jurisdictions DOE plans to transport spent nuclear fuel or high-level radioactive waste.<sup>17</sup> DOE's Office of Environmental Management trains emergency responders for shipments to the Waste Isolation Pilot Plant (WIPP), and also provides training through the Transportation Emergency Preparedness Program (TEPP). Twenty-three states<sup>18</sup> have received approximately \$30 million in training since 1988 to prepare for radioactive waste shipments to the WIPP near Carlsbad, New Mexico. The TEPP has provided technical assistance and training to emergency responders in 34 states<sup>19</sup> in the past two years. In FY2002, DOE provided \$5.8 million for training to the states along its

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<sup>13</sup> U.S. Department of Homeland Security, Office for Domestic Preparedness, "Training Overview," available at [<http://www.ojp.usdoj.gov/odp/training.htm>], visited Oct. 27, 2004.

<sup>14</sup> Information provided by Steve Bowman, Specialist in National Defense, Foreign Affairs, Defense, and Trade Division.

<sup>15</sup> Administered by the American Red Cross and funded through the Department of Defense.

<sup>16</sup> Information provided by Anthony Andrews, Specialist in Industrial Engineering and Infrastructure Policy, Resources, Science, and Industry Division.

<sup>17</sup> Section 180(c) of the Nuclear Waste Policy Act, 42 U.S.C. 10101.

<sup>18</sup> AL, AZ, CA, CO, GA, ID, IL, IN, IA, KY, LA, MI, NE, NV, NM, OH, OR, SC, TN, TX, UT, WA, WY.

<sup>19</sup> AL, AR, AZ, CA, CT, DE, GA, ID, IL, IN, IA, KY, LA, MD, MI, MO, NE, NV, NJ, NM, NH, NY, NC, OH, OR, PA, SC, TN, TX, UT, VA, WA, WV, WY.



major transportation corridors. DOE estimates that it has trained 16,200 responders since FY1999.<sup>20</sup>

**Environmental Protection Agency.**<sup>21</sup> Homeland Security Presidential Directive 7 (HPSD-7) affirmed EPA as the lead federal agency for coordinating the protection of the nation's critical infrastructure for the water sector. To carry out its water sector responsibilities, EPA has established a Water Security Division within the Office of Ground Water and Drinking Water. This division works with drinking water and wastewater utilities, states, tribes, and other stakeholders to improve the security of these utilities and improve their ability to respond to security threats and breaches. Among its responsibilities and activities, the Water Security Division provides security and antiterrorism-related technical assistance and training to the water sector.

EPA's Water Security Division generally does not perform the training itself; it delivers training at locations across the country through stakeholder organizations and other federal partners.<sup>22</sup> EPA has sponsored training on a variety of security topics, including courses to help community water systems prepare vulnerability assessments and emergency response plans, as required by the Bioterrorism Act (P.L. 107-188).<sup>23</sup> EPA has entered into an interagency agreement with the Office of Domestic Preparedness (ODP) within DHS, under which ODP has provided emergency response training for medium and large drinking water utilities, first responders, and local elected officials.<sup>24</sup> To assist smaller drinking water utilities not covered by the Bioterrorism Act, EPA has provided funding to the National Rural Water Association to deliver security training.

EPA continues to support vulnerability assessment training for wastewater utilities. For example, during 2005, vulnerability assessment and emergency response

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<sup>20</sup> U.S. Department of Transportation, Office of National Transportation, Corrine Macaluso, "Office of Civilian Radioactive Waste Management," memorandum, Feb. 5, 2004.

<sup>21</sup> Information provided by Linda Jo Schierow and Mary Tiemann, Specialists in Environmental Policy, Resources, Science, and Industry Division.

<sup>22</sup> Organizations that provide security training include professional associations, such as the American Water Works Association (AWWA), the Water Environment Federation (WEF), and the National Rural Water Association (NRWA). Congress has provided some grant funds to these organizations, through EPA, to support their water security training activities.

<sup>23</sup> Title IV of the Bioterrorism Act (42 U.S.C. 300i) amended the Safe Drinking Water Act to require each community water system serving more than 3,300 individuals to conduct an assessment of the system's vulnerability to terrorist attacks or other intentional acts to disrupt the provision of a safe and reliable drinking water supply. These drinking water systems must submit a copy of the assessment to EPA. The act also requires these systems to prepare emergency response plans incorporating the results of the vulnerability assessments no later than six months after completing the assessments. All utilities covered by the act were to have completed vulnerability assessments by June 30, 2004. The last statutory deadline for systems to complete emergency response plans was December 31, 2004.

<sup>24</sup> Because most water and wastewater utilities are municipally owned, EPA has made an effort to involve locally elected officials in first responder training courses.

training is being offered through the Water Environment Federation to roughly 600 medium and small wastewater utilities. EPA also is providing money to training centers that provide technical assistance to very small wastewater utilities and is funding ODP to provide emergency response table-top exercise training to large wastewater utilities. Other security-related training activities sponsored by the Water Security Division have included train-the-trainer workshops, and training on emergency responses to threats of intentional contamination of water supplies. During this year, the Water Security Division plans to continue providing tools and technical assistance to help utilities address identified risks, as well as training on emergency response and best security practices.

Homeland Security Presidential Directives require federal agencies to provide full and prompt cooperation, resources, and support, consistent with their responsibilities under law, to DHS in the event of a terrorist threat or attack. EPA has responsibilities under the Comprehensive Emergency Response, Compensation, and Liability Act (CERCLA, or Superfund) for responding to substantial releases of hazardous chemicals when they affect inland (i.e., non-marine) environments. The EPA Office of Superfund Remediation and Technology Innovation's Environmental Response Team responds to thousands of such releases annually. The Environmental Response Training Program shares EPA's expertise in recognizing, evaluating, and controlling releases of hazardous chemicals through four courses for federal employees and contractors and for first responders at the state and local levels of government. A new course in air monitoring for emergency responders is soon to be offered. The other three courses predate the terrorist acts of 2001, but they have been modified somewhat to incorporate information relevant to terrorism. All four courses are offered at various locations within the 10 EPA Regions.

**Department of Health and Human Services.**<sup>25</sup> Counter-terrorism training programs supported by the Department of Health and Human Services (HHS) are aimed at a variety of public health and healthcare providers, individuals who provide ancillary health services such as laboratory testing, and researchers who study health effects from, or countermeasures to, biological, chemical and radiological agents. Training programs have a variety of intended purposes, including assuring the ability to recognize and treat victims of terrorist events, protecting workers and others from infection or contamination while care is rendered, protecting critical healthcare assets and maintaining electronic and other lines of communication during catastrophic events, assuring competent laboratory services, and assuring that certain assets such as radioactive materials or biological organisms are secured against potential misuse.

All of the HHS agencies listed below have responsibility for funding and administering specific training programs and assets. Rather than listing hundreds of courses and publications, the following sections will instead focus on the infrastructure for developing and delivering training in each of these agencies. In some cases, federal, state and local agencies have funded course development and delivery through academic institutions. In other cases, agencies have expanded their

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<sup>25</sup> Information provided by Sarah Lister, Specialist in Public Health and Epidemiology, Domestic Social Policy Division.

training sites, laboratories, information technology infrastructure for distance learning, and training workforces.

**Centers for Disease Control and Prevention.** CDC is the agency primarily responsible for the public health response to terrorism and other public health emergencies. Most extramural training programs at CDC have been coordinated across centers and offices by the CDC Public Health Practice Program Office (PHPPO). CDC also supports intramural training of public health professionals through its Epidemiology Program Office (EPO). According to a reorganization called the CDC Futures Initiative, existing PHPPO and EPO training activities are redistributed to several new organizational units within CDC.<sup>26</sup> CDC-funded training programs are developed and delivered in a variety of ways. CDC is entirely responsible for some programs. Others are developed and delivered in conjunction with state and local health departments and academic centers, although some are developed by these entities with CDC funding but little direct input otherwise. Other CDC training centers, networks, and projects include:

- Public Health Training Network;
- National Laboratory Training Network;
- Centers for Public Health Preparedness;
- Public Health Ready; and
- Public Health Law Program.

**Agency for Healthcare Research and Quality.** The Agency for Healthcare Research and Quality (AHRQ) develops and disseminates evidence-based information and guidance to healthcare and public health providers in planning for and responding to bioterrorism.<sup>27</sup> AHRQ programs and products include:

- online training modules on bioterrorism;
- preparedness assessment tools, including hospital disaster drills; and
- computer simulation models for response planning.

**Health Resources Services Administration.** The Health Resources and Services Administration (HRSA), through its Bureau of Health Professions, provides support for training and placement of healthcare and public health workers in order to alleviate shortages and maldistributions of these workers.

HRSA also administers the National Bioterrorism Hospital Preparedness Program, a program of grants to states to prepare hospitals and supporting health care systems to deliver coordinated and effective care to victims of terrorism and other public health emergencies. As part of their application for funding, states must

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<sup>26</sup> See U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, Futures Initiative Home Page, at [<http://www.cdc.gov/futures/default.htm>].

<sup>27</sup> See U.S. Department of Health and Human Services, Agency for Healthcare Research and Quality, “Responding to Bioterrorism,” available at [<http://www.ahrq.gov/research/bioterr.htm>], visited Apr. 28, 2005.

include a written proposal for providing relevant training for hospital and healthcare personnel to assure readiness in their states.<sup>28</sup>

Following the terrorist attacks of 2001, HRSA has provided annual grants to academic institutions through a new Bioterrorism Training and Curriculum Development Program for training in recognition and treatment of diseases related to bioterrorism for health care providers in training and on the job.

**Food and Drug Administration.** The Food and Drug Administration (FDA) assures the safety and efficacy of human drugs and vaccines, medical devices, and animal drugs, and the safety of certain foods and cosmetics.

FDA provides training for its own employees and for state, local, and tribal regulatory personnel at no cost through its Office of Regulatory Affairs “ORA University.”<sup>29</sup> Relevant training courses for terrorism preparedness include those geared toward implementation of new regulations for food and drug safety in the Public Health Security and Bioterrorism Preparedness and Response Act of 2002, P.L. 107-188. Formats include Web-based and classroom instruction, video teleconferences, and a library of training materials.

**National Institutes of Health.** The National Institutes of Health provide training fellowships for graduate and post-doctoral education in biomedical research, either in NIH facilities or in non-federal academic institutions. Some of the research supported by NIH is targeted toward terrorism preparedness and response, including the study of diseases caused by bioterrorism agents, and the development of new tests, drugs, and vaccines to diagnose and treat these diseases. Bioterrorism research activities at NIH are led by the National Institute of Allergy and Infectious Diseases (NIAID).<sup>30</sup> Other NIH institutes, alone or in collaboration, also fund relevant research. Examples include grants for disaster mental health research capacity and informatics for disaster management.<sup>31</sup>

**Department of Justice.**<sup>32</sup> The Department of Justice (DOJ) enforces the law to help ensure public safety against foreign and domestic terrorist threats, by conducting federal investigations and prosecutions of persons suspected of unlawful activities. DOJ also sponsors and provides assistance to state and local law

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<sup>28</sup> For more information on education and training components of the HRSA National Bioterrorism Hospital Preparedness Program, see presentation of Teri Spear before the meeting of the HHS Secretary’s Council on Public Health Preparedness, May 3-4, 2004, available at [<http://www.hhs.gov/asphelp/presentation/040503presentationlist.html>].

<sup>29</sup> See FDA, ORAU Home Page at [[http://www.fda.gov/ora/training/course\\_ora.html](http://www.fda.gov/ora/training/course_ora.html)].

<sup>30</sup> See NIH, National Institute of Allergy and Infectious Diseases Biodefense Research Home Page at [<http://www2.niaid.nih.gov/biodefense/>].

<sup>31</sup> For more information, see NIH Office for Extramural Research Home Page at [<http://grants.nih.gov/grants/oer.htm>].

<sup>32</sup> Information provided by William Krouse, Analyst in Social Legislation, Domestic Social Policy Division.

enforcement agencies. Listed below are several of these programs.<sup>33</sup> While some of these programs are not directly related to counter-terrorism, they are listed because they may convey the knowledge and skills to law enforcement personnel that could advance investigations of terrorist activities and responses to terrorist incidents. Among the programs are those related to special weapons and tactics, criminal intelligence, money laundering, computer crime, and crisis response and management. Some programs are provided directly by DOJ entities — the Federal Bureau of Investigation; the Bureau of Alcohol, Tobacco, Firearms and Explosives; and the National White Collar Crime Center. Others are sponsored by DOJ, through the Bureau of Justice Assistance, and provided by nonprofit law enforcement organizations.<sup>34</sup> DOJ training includes:

- State and Local Anti-Terrorism Training;
- WMD Hazardous Material Evidence Collection;
- Crisis Management;
- Crisis Negotiation;
- Law Enforcement Response to Terrorism;
- Multi-Agency Incident Management for Law Enforcement and Fire Service;
- Tactics, Techniques, and Procedures for Terrorists;
- Terrorism and Explosive Seminars;
- Criminal Intelligence Systems;
- Foundations of Intelligence Analysis;
- White Collar Crime and Terrorism;
- Cyber and Computer Crime; and
- Basic LAN and Advanced Internet Investigations.

**Department of Transportation.** Rail and bus transit systems are identified as critical infrastructure because they provide transportation for many Americans in densely populated urban areas and serve key economic, financial, and governmental centers of the nation. They move over 14 million passengers daily, and in one month they transport more passengers than U.S. airlines move in a year. Since these systems are operated in an open environment, they are high-risk, high-consequence targets for terrorists. Rail transit subways travel under key government buildings, business centers, and harbors.<sup>35</sup> Rail and bus transit systems travel along fixed routes with frequent scheduled stops, and aviation-type passenger screening procedures may not be practical because of the large volume of daily passengers.

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<sup>33</sup> Short descriptions of these programs and courses are available on a Web-accessible “law enforcement training database” and search engine maintained by the Bureau of Justice Assistance. See [<http://bjatraining.aspensys.com>].

<sup>34</sup> The nonprofit law enforcement organizations include the Institute for Intergovernmental Research, the International Association of Chiefs of Police, the Oklahoma Regional Community Policing Institute, and SEARCH (a multi-state consortium dedicated to improving criminal justice record systems).

<sup>35</sup> U.S. Department of Transportation, Federal Transit Administration, “Safety and Security: FTA Transit Security,” available at [<http://transit-safety.volpe.dot.gov/Security/Default.asp>], visited Nov. 18, 2004.

**Federal Transit Administration.** Within the Department of Transportation, the Federal Transit Administration (FTA) is responsible for providing counter-terrorism and homeland security training to transit system personnel. FTA provides security guidance to transit system operators, and it has instituted a five-point security initiative to assist transit systems in preparing for and responding to terrorist attacks. In addition to training, FTA provides assistance to transit system agencies with on-site readiness assessments, technical assistance, regional forums for emergency responders, and grants for terrorism drills.<sup>36</sup>

FTA is also working with the transit industry to identify critical, high-risk assets and operations and to develop security strategies for these critical assets. The strategies will address training, technical assistance, sharing best practices, and testing new security technology.<sup>37</sup> FTA's counter-terrorism training courses are available to transit system administrators, operators, managers, and emergency responders.

## Issues

The primary stakeholders in responding to terrorist attacks, and thus the recipients of counter-terrorism training, are federal, state, and local governments; private and public medical systems; and critical infrastructure administrators. In the evolution of counter-terrorism training, a number of issues have arisen, among which are possible duplication of training programs, allocation of DHS training funding, prioritizing attendance, potential redundancy, and consolidation of DHS training programs. These issues and possible oversight approaches available to Congress are discussed below. CRS takes no position with respect to any of the possible approaches listed.

**Duplication of Counter-Terrorism Training.** Because of the rapid evolution of counter-terrorism training programs offered by different federal departments and agencies, there may be a duplication of certain types of training provided to federal, state, and local government personnel, emergency responders, and critical infrastructure facility personnel. For example, DHS, HHS, and EPA all offer training related to responding to hazardous material incidents.

It is possible that training provided by DHS, DOD, DOJ, DOT, EPA, and HHS to first responders is not coordinated, and that a federal effort should be made to ensure these federal entities provide coordinated, non-duplicative training. Possible oversight approaches could include:

**Status Quo.** Congress might decide that federal counter-terrorism training programs for federal, state, and local emergency responders do not warrant congressional oversight at this time. Arguably, this option could leave Congress with limited systematic information about the extent of any duplication and the potential need for interagency coordination of training.

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<sup>36</sup> Ibid.

<sup>37</sup> Ibid.

**Government Accountability Office (GAO) Evaluation of Programs.**

Congress could ask GAO to undertake an evaluation of all federal counter-terrorism training programs. GAO could be asked to review individual courses, training curricula, training audiences, and training facilities. After conducting a review of these courses, GAO might be able to identify any duplication of training and possible alternatives for consolidating or coordinating this training. This option would require Congress to work with GAO to set a mutually acceptable scope and time for the evaluation.

**Interagency Task Force.** Congress might direct, through statutory and conference language, the federal departments and agencies that provide counter-terrorism training to establish an interagency task force to review their counter-terrorism programs. Because of the lead role DHS provides in counter-terrorism training, Congress could consider directing DHS to chair the task force. Once the training has been reviewed, the task force could be directed to coordinate and consolidate the training as necessary. This option, however, could result in “turf” disputes and federal departments and agencies attempting to protect training programs and the funding associated with them.

**Allocation of Counter-Terrorism Training Funding and Prioritizing Attendance.** State and local governments receive counter-terrorism training funding through the DHS Homeland Security Grant Program (HSGP).<sup>38</sup> Two sub-grants within HSGP, the State Homeland Security Grant Program (SHSGP) and the Urban Area Security Initiative (UASI), provide funds to be used for counter-terrorism and homeland security training of first responders, state and local government personnel, and emergency managers.

In the conference report (H.Rept. 108-774) accompanying the FY2005 DHS appropriations (P.L. 108-334), Congress directed DHS to allocate FY2005 funding for SHSGP in the same manner as the FY2004 allocations. These state allocations are based on the formula of 0.75% of total appropriations guaranteed to each state, and 0.25% of total appropriations guaranteed to each U.S. territory.<sup>39</sup> In the absence of statutes or congressional guidance, DHS decided to allocate the remaining appropriations in direct proportion to the ratio of the state’s population to the total national population.<sup>40</sup> UASI discretionary allocations are distributed using credible threat, presence of critical infrastructure, vulnerability, population, population density, law enforcement investigative and enforcement activity, and the existence of formal mutual aid agreements as funding factors.<sup>41</sup>

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<sup>38</sup> For more information on DHS’s Homeland Security Grant Program, see CRS Report RL32696, *Fiscal Year 2005 Homeland Security Grant Program: State Allocations and Issues for Congressional Oversight*, by Shawn Reese.

<sup>39</sup> P.L. 107-56 (USA PATRIOT Act), Sec. 1014.

<sup>40</sup> U.S. Department of Homeland Security, Office for Domestic Preparedness, *Fiscal Year 2005 Homeland Security Grant Program: Program Guidelines and Application Kit*, p. 1.

<sup>41</sup> *Ibid.*

Critics of the present funding distribution method, including some Members of Congress and the National Commission on Terrorist Attacks Upon the United States, have stated that the funding distribution methods used to provide federal homeland security assistance to states and localities are inadequate and unfair.<sup>42</sup>

The issue of allocation of DHS counter-terrorism training funding is part of a larger issue: the distribution of federal homeland security funding to states and localities.<sup>43</sup> The allocation of counter-terrorism training funding, however, presents some policy questions that can be addressed separately from the issue of federal homeland security assistance distribution.

It could be argued that every state should receive a minimum amount of homeland security funding, but that not every state and locality can receive priority in counter-terrorism training. Terrorism intelligence may identify one state or locality at a greater risk of attacks, whereas other locations may not be at the same risk. Some states and localities may have a greater risk of terrorist attacks due to their population density or critical infrastructure. Additionally, it could be argued that a state or locality should not receive training funding that would allow first responders, government officials, and emergency managers to attend counter-terrorism training that would not enhance their preparedness, because the state or locality does not face a terrorist threat, have critical infrastructure, or possess threat-specific counter-terrorism equipment.

These arguments, however, may not address the need for baseline counter-terrorism training. It could be argued that every state should receive the same training, due to the unpredictable nature of terrorism. Some may argue that neither the absence of critical infrastructure nor relatively low population density protects a state or locality from terrorist attacks. From that perspective, every state and locality can be seen as needing some, if not an equal amount, of counter-terrorism training. Possible approaches include:

**Status Quo.** Congress could determine that the present amount of training and funding that states and localities receive is adequate. In support of this position, it might be argued that the current allocation of training funding and priority of training is necessary to ensure that every state and locality is provided a baseline amount of counter-terrorism training. This option, however, does not address the argument that some states and localities are at a greater risk of terrorist attacks and may need more training or funding than those states or localities at a lesser risk.

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<sup>42</sup> U.S. Congress, House of Representatives, Democratic Members of the House Select Committee on Homeland Security, *America at Risk: The State of Homeland Security, Initial Findings*, 108<sup>th</sup> Cong., 2<sup>nd</sup> sess., Jan. 13, 2004. See also National Commission on Terrorist Attacks Upon the United States, *The 9/11 Commission Report* (Washington: GPO, July 22, 2004), p. 396.

<sup>43</sup> For more discussion of DHS's distribution of federal homeland security assistance to states and localities, see CRS Report RL32696, *Fiscal Year 2005 Homeland Security Grant Program: State Allocations and Issues for Congressional Oversight*, by Shawn Reese.



**Establishing Training Attendance Priority.** If Congress were to decide that the present counter-terrorism training provided by DHS is not fully meeting the needs of states and localities at a greater risk of terrorist attacks, it could direct DHS, specifically ODP, through statutory or conference language, to establish a priority attendance list of states and localities. This list could give training priority to states and localities that are determined to be at a greater risk of or vulnerability to terrorist attacks. ODP, with access to intelligence concerning the national terrorist threat, might be designated to determine which states and localities appear to have a greater need for training. This option, however, might result in some states or localities receiving reduced training due to the limited space in and availability of the training programs; and it could be argued that this would not ensure adequate security for some states and localities.

**Increasing Funding for Specific States or Localities.** Congress could direct ODP to increase funding to specific states or localities based on terrorist threat information. Since Congress, through the USA PATRIOT Act, directed only that a minimum of 0.75% of total appropriations be allocated to states for homeland security, it could through statutory or conference language require ODP to provide additional funding to specific states and localities for counter-terrorism training. This option could increase preparedness of states and localities at greater risk of terrorist attacks as determined by threat information. This option, however, would require ODP to coordinate terrorist threat information with its allocation of SHSGP funding, which it presently does not do. Supporters of this position would be likely to argue that since ODP coordinates terrorist threat information with its allocation of UASI funding, it could do this for SHSGP allocations.

**Possible Redundancy and Consolidation of Department of Homeland Security Training.** Within DHS, ODP and the Federal Emergency Management Agency (FEMA) administer training programs at the state and local levels, and at national training institutes. At the national level, FEMA administers the Emergency Management Institute (EMI) and the National Fire Academy (NFA). ODP does not directly administer any training institute; however, it provides guidance and funding to training institutes that are part of the National Domestic Preparedness Consortium (NDPC), described earlier in this report.

Some training programs offered by EMI and NFA have similar subject matter in training provided by NDPC training institutes, such as incident management, homeland security planning, hazardous material incident response, emergency operations, and WMD response. Because of the possible similarity of these training programs for state and local first responders, it could be argued that there is a need to consolidate or coordinate training offered by these two separate DHS agencies.

FEMA's firefighting training provided by the NFA, however, focuses primarily on the needs of local fire departments, whereas NDPC provides some training primarily focusing on law enforcement. Some of the training that is tailored to a specific profession such as law enforcement or firefighting would not seem to be redundant. Basic or introductory training such as incident management or WMD response, however, may not be specifically tailored for a single profession or type of first responder. This possible redundancy of training and the potential consolidation

of training may be policy questions that Congress may choose to address through oversight of DHS's role in providing assistance to states and localities. Possible approaches include:

**Status Quo.** If Congress were to determine that there was no redundancy or a need to consolidate DHS training programs, it could allow DHS to continue to provide first responder training through two separate agencies. This would allow emergency managers, law enforcement personnel, firefighters, and emergency medical personnel to apply for and receive training from the two agencies and the training institutes they administer. This option, however, appears to leave unresolved the claims of possible redundancy of training or the possibility that these training programs are not coordinated.

**Government Accountability Office (GAO) Evaluation of Programs.** Congress could ask GAO to undertake an evaluation of DHS counter-terrorism training programs. The evaluation could review ODP and FEMA training curricula, individual courses, intended and actual trainees, and training facilities. After conducting a review of these courses, GAO might be able to identify any duplication of training and possible options for consolidating or coordinating this training. This option would give the committee additional tools for oversight of these programs. H.R. 1544 (as reported), Section 6, proposes this evaluation. This option, however, would require the committee to work with GAO to set a mutually acceptable scope and time for the study.

**Coordination of Department of Homeland Security Training.** If Congress were to find undesirable redundancy in training programs, it could direct DHS to be more attentive to coordinating the counter-terrorism training programs administered by ODP and FEMA. DHS could possibly establish a board to review the ODP and FEMA training programs, and to recommend coordination or other steps to reduce duplication.

**Consolidation of Department of Homeland Security Training.** If Congress were to determine that there is a need to consolidate DHS training programs, it could direct DHS, through statutory or conference language, to conduct a review of its training programs and develop a plan to consolidate its training. This consolidation might involve the removal of similar programs provided by ODP and FEMA to ensure there is no redundancy. If Congress did not consider this consolidation adequate to ensure against redundant or uncoordinated DHS training, it could also direct DHS to consolidate all counter-terrorism training under one agency. ODP might be directed to assume the responsibility of administering not only its training, but also the training FEMA provides first responders through EMI and NFA. Some would argue this is a logical choice since ODP is responsible for administering the funding to states and localities that assist them in receiving this training. This option, however, might be seen as impractical due to the specific training EMI provides state and local emergency managers that is specific to natural disasters, and the specific training NFA provides firefighters. FEMA historically has administered training programs for emergency managers and firefighters, whereas ODP has administered law enforcement focused training.

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