

APWA *Washington* REPORT

October 2004

TRANSPORTATION

TEA-21 Reauthorization

PROSPECTS OF FINISHING BILL THIS YEAR DIM AS SIXTH EXTENSION ENACTED

With conferees unable to reach agreement on a six-year transportation reauthorization bill as program funding was due to lapse, the House and Senate approved a sixth temporary funding extension of TEA-21 (HR 5183), signaling the increasing likelihood that Congress will not reauthorize the expired transportation act this year. The measure was signed into law September 30, 2004.

Passage of the eight-month stopgap measure, which extends federal funding authority through May 31, 2005, averted a shutdown of transportation programs and authorized \$24.5 billion for highways and bridges and \$5.2 billion for transit.

The bill reauthorizes the current federal motor fuel tax of 18.4 cents-per-gallon and includes a provision to generate an estimated \$940 million in new revenues for transportation by transferring to the Highway Trust Fund for one year 2.5 cents-per-gallon of the ethanol tax previously deposited into the general fund.

It also includes a supplemental minimum guarantee program to ensure each state receives a minimum return of 90.5 percent on fuel taxes paid to the trust fund, as provided for under TEA-21. Several states had fallen below the minimum guarantee percentage for this year. In addition, \$2 billion which was withheld in the last extension will be distributed through the state formulas and will provide the needed funding for the supplemental minimum guarantee program.

Finally, the bill extends for one year TEA-21's budgetary firewalls, the mechanism which ensures that transportation revenues are invested in transportation.

TEA-21 expired more than one year ago on September 30, 2003. The House and Senate each passed their respective reauthorization proposals, but progress in completing a final bill stalled in conference committee this summer as conferees were unable to reach agreement on a total funding level for a six-year bill. The Administration had issued veto warnings against the funding levels in both the House and Senate bills.

Although negotiations did occur at the leadership level in September, the last meeting of conferees was held in late July, just prior to the month-long Congressional recess in August.

A brief comparison of the bills follows: The Senate-passed reauthorization bill, SAFETEA, would authorize \$318 billion over six years while the House-passed bill, TEA-LU, would authorize \$284 billion over the same period. Conferees were unable to agree on a series of offers ranging from the \$318 billion Senate-passed level to a \$299 billion level presented by House conferees. The House offer became the subject of negotiations in September. It won the support of the chairman of the House-Senate Conference Committee, Sen. James Inhofe (R-OK) and reportedly had the support of the Administration, but it did not achieve the support of several key Senate conferees.

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Although Rep. Don Young (R-AK), chairman of the House Transportation and Infrastructure Committee, expressed hope of completing a bill this year, Congressional leadership reportedly does not intend to do so. The House and Senate are scheduled to return to Washington after the elections to hold a lame-duck session the week of November 15, 2004 in order to complete work on unfinished appropriations.

The 109th Congress convenes in January. If a bill is not enacted this year, new bills will have to be introduced, passed and reconciled before the end of May next year to avoid the need for a seventh extension. APWA will continue to advocate the need to pass an adequately-funded multi-year surface transportation bill. APWA's policies and priorities for reauthorization are posted on the internet: www.apwa.net/advocacy.

Transportation Funding

BILL INCLUDING ETHANOL TAX RAISES \$24 BILLION FOR TRANSPORTATION

Before adjourning for the elections, Congress approved a broad export tax measure which includes an ethanol-related tax adjustment expected to provide the Federal Highway Trust Fund with an additional \$24 billion for highway and transit programs over a six-year period. The President has signed the measure into law.

The American Jobs Creation Act of 2004 (HR 4520) contains provisions eliminating ethanol subsidies and transfers ethanol revenues to the trust fund. The legislation also includes improved controls to reduce fuel tax evasion.

Currently, ethanol-blended fuel is taxed at 13.2 cents per gallon, 5.2 cents per gallon less than the 18.4 cents per gallon collected on gasoline. In addition, 2.5 cents per gallon is deposited into the general fund instead of the highway trust fund. Under the tax bill, all ethanol users would pay 18.4 cents per gallon and the revenues would be deposited into the Highway Trust Fund. The general fund would reimburse or provide a credit to blenders for the difference.

The removal of the 5.2 cents per gallon subsidy is expected to generate approximately \$12 billion for the highway trust fund between 2005 and 2010. Revenues from the 2.5 cents per gallon transfer are expected to total \$6 billion over the same period, and the fuel tax evasion controls will add approximately \$6 billion.

The eight-month extension of TEA-21, signed into law on September 30, 2004, included language to direct the 2.5 cents per gallon ethanol tax retroactively to the trust fund for one year, generating about \$900 million in additional revenues for 2004.

These ethanol provisions are similar to those contained in the Senate's transportation reauthorization bill. With enactment of the ethanol provisions in the export tax bill, lawmakers will not need to address ethanol subsidies and funding issues when they meet again to consider a multi-year transportation reauthorization.

Transportation Appropriations

2005 TRANSPORTATION SPENDING BILL ON HOLD UNTIL NOVEMBER

Lawmakers are expected to complete work on a \$90 billion fiscal year 2005 transportation-treasury appropriations measure when they return after the elections for a lame duck session scheduled for the week of November 15, 2004.

The House approved its version of the bill (HR 5025), which provides funding for the Transportation and Treasury Departments, the White House, the Office of Personnel Management, the General Services Administration and other agencies, on September 22, 2004. But during floor debate, provisions funding highway and public transportation programs and Amtrak were stripped as a result of a jurisdictional dispute between authorizers and appropriators.

Before the funding provisions were removed, the House Appropriations Committee had approved \$34.6 billion for the highway program, the level set in the House proposal to reauthorize TEA-21 and \$1 billion over current funding. The Committee had approved \$7.25 billion for the transit program, a cut of \$16 million. The eliminated funding provisions will need to be worked out through the conference process.

Although a bill has not yet been brought to the Senate floor, the Senate Appropriations Committee approved its bill (S 2806) on September 14, 2004. It would provide \$35.8 billion for highways and \$7.76 billion for transit.

The transportation appropriations bill is expected to be finalized when Congress returns for the lame-duck session, when *APWA Washington Report, October 2004*

it is possible the measure could be folded into an omnibus appropriation.

Congress completed only four of the 13 annual spending bills – Defense, Military Construction, District of Columbia and Homeland Security – before leaving Washington to campaign for the elections. Congress passed and the President signed a continuing resolution (CR) on September 30, 2004, the last day of the 2004 fiscal year, to continue funding those federal programs which do not have an approved appropriation. The CR expires November 20, 2004.

Work Zone Safety

FHWA ISSUES FINAL RULE

The Federal Highway Administration (FHWA) has amended its regulation governing traffic safety and mobility in highway and street work zones. The purpose of the update is to address the changing times of more traffic, more congestion, greater safety issues, and more work zones. The changes to the regulation will facilitate consideration of the broader safety and mobility impacts of work zones across project development, and the implementation of appropriate strategies that help manage these impacts during project delivery.

The new rule, for instance, focuses on a policy driven approach to work zone impact management and execution by looking at projects early in the planning process and identifying those projects that will have a significant impact on travelers. It also encourages that a comprehensive assessment of work zone impacts be accomplished early in the design phase of a project and that appropriate strategies be used to improve work zone mobility and safety. The new rule also emphasizes the need to train those that plan, design, and manage work zones to keep them current on new practices and procedures that will improve work zone safety and operations.

The final rule on Work Zone Safety and Mobility was published in the *Federal Register* (69 FR 54562) on September 9, 2004 and becomes effective on October 12, 2007. It may be viewed by visiting the *Federal Register* website: http://www.access.gpo.gov/su_docs/fedreg/a040909c.html

For more information contact FHWA's Scott Battles, Office of Transportation Operations, 202-366-4372.

Pipeline Safety

HOUSE APPROVES BILL TO REORGANIZE PIPELINE SAFETY OFFICE

The House of Representatives passed a bill to reorganize the US Department of Transportation's Research and Special Programs Administration (RSPA) into two new administrative units, a Pipeline and Hazardous Material Safety Administration and a Research and Innovative Technologies Administration. The Pipelines and Hazardous Material unit would assume the authority and duties of RSPA for pipeline and hazardous materials transportation and safety.

The bill, titled the Norman Y. Mineta Research and Special Programs Reorganization Act (HR 5163), was approved by voice vote on October 7, 2004. With Congress out of session until mid November, it is unclear what the bill's prospects are in the Senate.

Traffic Congestion

NEW STUDY SHOWS CONGESTION WORSENING

A new study analyzing traffic congestion trends in the United States shows that congestion is growing across the nation in cities of all sizes and is consuming more hours of the day.

The 2004 Urban Mobility Report, published by the Texas Transportation Institute, concludes that the average annual delay for the rush hour traveler grew from 16 hours in 1982 to 46 hours in 2002. The annual financial cost of congestion soared to \$63 billion in 2002, compared to \$14 billion (expressed in 2002 dollars) in 1982. In addition, the report notes that 5.6 billion gallons of fuel are wasted in traffic jams.

The report's researchers say that the problem of traffic congestion has grown too rapidly and is too complex to be addressed by a single solution. In addition to new road and public transportation projects, the researchers say that the nation needs more efficient use of roadways, better demand management and a diverse set of land use options.

The full report is available at <http://mobility.tamu.edu>.

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Congressional Staff Briefing

APWA'S LABELLE BRIEFS KEY CONGRESSIONAL STAFF ON TRANSPORTATION

APWA member Don LaBelle, Director of Public Works, Alameda County, CA, conducted a Congressional staff briefing in Washington, DC to present a case-study discussion of the impact of traffic congestion on the local and regional economy in the San Francisco Bay area.

LaBelle's presentation focused on what it takes to complete a transportation project and the regulatory and other challenges local and regional public works officials confront in doing so. The presentation included a discussion of how public works departments are responding to congestion challenges by applying innovative financing and intermodal approaches, using technology and building partnerships.

Congressional staff from each of the key House and Senate transportation authorizing committees and subcommittees attended the briefing on October 7, 2004. LaBelle is Chair of APWA's TEA-21 Reauthorization Task Force, which developed and is implementing APWA's priorities for TEA-21 reauthorization, and is also past Chair of APWA's Government Affairs Committee.

Distinguished Service Award

APWA HONORS MISSOURI SENATOR BOND FOR SUPPORT OF PUBLIC WORKS

APWA presented its 2004 Distinguished Service Award to U.S. Senator Christopher S. "Kit" Bond. The Kansas City Metro and Missouri Chapters nominated the Senator to honor him for his outstanding leadership and continued support for the advancement of national public works infrastructure and the preservation of natural resources. The award was presented to Senator Bond in Washington, DC on October 6, 2004.

Representing APWA and the Kansas City Metro and Missouri Chapters in presenting the award were Bob Freudenthal, APWA President-Elect, Larry Frevert of Kansas City, MO and APWA Director-at-Large, Lowell Patterson, Director of Public Works, City of Columbia, MO and Ed Mulcahy of TranSystems Corporation of Kansas City, MO.

Established in 1972, APWA's Distinguished Service Award recognizes a prominent government or other national leader for his or her far-reaching, positive impact on public works programs, services, or policies through distinguished public services and commitment. The award particularly recognizes national leadership in furthering the mission and goals of APWA.

ENVIRONMENT

Sanitary/Combined Sewer Overflows

EPA REPORTS BILLIONS OF GALLONS ANNUAL OVERFLOW FROM SEWERS

According to a new report from the Environmental Protection Agency (EPA), sewer overflows cause up to 860 billion gallons of wastewater to be discharged annually into U.S. rivers and lakes. The report recommends \$140 billion over 20 years to solve the problem.

EPA's Report to Congress on the Impacts and Control of Combined Sewer Overflows (CSOs) and Sanitary Sewer Overflows (SSOs), the second of two reports required under the fiscal year 2001 Appropriations Act amending the Clean Water Act, does not make recommendations on how to solve overflows but rather is a report detailing numbers of overflows, costs of controls, and health and environmental impacts.

According to the report, 756 communities in 32 states have combined sewer systems with 9,348 outfalls regulated by 828 NPDES permits. EPA estimates that combined sewer overflows (CSOs) discharge 850 billion gallons of untreated wastewater annually, a decrease from more than a trillion gallons before 1994. In 1994, EPA issued a policy requiring municipalities to take specific measures to reduce their spills.

The 1994 CSO policy laid out a set of "nine minimum controls" cities should implement, including proper maintenance of the system, control of debris, public notification of discharge points, etc. These policies were to have been implemented by cities in a long-term control plan by 1997. The 2004 report states that 59% of the CSO communities
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have implemented the measures.

The report estimates that \$10 billion has been spent since the early 1990s on controlling overflows. The report cites EPA's Clean Water Needs Survey which discussed the need for a greater investment of \$140 billion to curb CSOs by 85% and control SSOs. The primary funding mechanism is the Clean Water State Revolving Loan Fund (CWSRF). Although in the past it has been appropriated at \$1.35 billion, the Bush Administration only requested \$850 million in FY05, severely diminishing any hope that sufficient funds would be available to address overflows.

The report also details EPA's enforcement actions against municipalities for sewer overflows. These include 15 CSO and 25 SSO enforcement cases, with more than \$14 million in civil penalties and \$11 billion in injunctive relief from settlement agreements.

EPA's Report to Congress on the Impact and Control of Combined Sewer Overflows and Sanitary Sewer Overflows, is available at: http://cfpub.epa.gov/npdes/cso/cpolicy_report2004.cfm.

Environmental Management Systems

NEW GUIDE ISSUED ON WASTEWATER UTILITIES MANAGEMENT

The Office of Water has issued an important new tool to help wastewater utilities develop environmental management systems (EMS) for their operations entitled Achieving Environmental Excellence: An Environmental Management Systems (EMS) Handbook for Wastewater Utilities. EMSs are a powerful and proven tool that can help utilities realize a number of important benefits and address a wide array of challenges--including the need to ensure sustainable infrastructure.

The Handbook, which was developed in cooperation with the Global Environment and Technology Foundation (GETF), takes utilities through a step-by-step process for developing an effective EMS, using numerous examples and other tips from utilities that have successfully implemented EMSs for their own operations.

The Handbook is available at www.peercenter.net and www.epa.gov/ems and www.amsa-cleanwater.org and www.wef.org. For further information, please contact Jim Horne at (202) 564-0571, horne.james@epa.gov.

Solid Waste Legislation

INTERSTATE, CANADIAN WASTE IMPORTS LIMIT PASSES SUBCOMMITTEE

The House Energy and Commerce Subcommittee on Environment and Hazardous Materials September 23, 2004 passed legislation that would allow states to limit municipal waste imports from other states and would implement a U.S.-Canadian agreement on the movement of transboundary waste.

H.R. 4940, the Municipal Solid Waste Responsibility Act of 2004, approved on a 12-4 vote, seeks to address a long-standing dispute among the states over movement of trash from state to state, region to region, and even from Canada to the United States. Representative John Dingell (D-MI) documented that the amount of waste being transported from Canada to Michigan increased by 43 percent from 2002 to 2003. Overall, 62 percent of all out-of-state waste in Michigan comes from Ontario.

Essentially, H.R. 4940 is an updated version of a bill passed by the House in 1994, but which died in the Senate.

Highlights of the legislation follow:

- Amends the Resource Conservation and Recovery Act to prohibit a landfill or incinerator operator from receiving out-of-state municipal solid waste for disposal or incineration unless the owner or operator obtains authorization, as part of a "host community agreement" from the affected local government to receive the waste. Violators would be subject to civil penalties of up to \$25,000 per day.
- Requires owners or operators to make certain information regarding the facility available to those seeking authorization.
- If a facility has an existing hosting agreement, or enters into a new one or a specific permit authorizes out of state waste, the agreement would be grandfathered.
- Where there are existing contracts for specific amounts of out of state waste, the contracts would continue for the

- life of the contract or the period ending three years after enactment of the bill, whichever is longer.
- Allows states to place a cap on out-of-state waste received annually of not less than 20 percent in permits for waste facilities. States would be able to deny permits for landfills or incinerators if municipal solid waste management plans exist, and there is no local or regional need.
 - States would be able to adopt a law to impose and collect a compensatory \$2 per ton cost recovery surcharge to cover the cost of processing and disposing of out-of-state waste.
 - States and local governments would be able to freeze the amount of out-of-state waste received at each landfill or incinerator at levels not to exceed calendar year 1993.
 - States or localities could exercise flow control authority to direct the movement of municipal solid waste and recyclable materials voluntarily relinquished by the owners or generator to particular waste management or recycling facilities if certain conditions are met.
 - Allows the U.S. government to implement the “notice and consent” provisions of the agreement between the United States and Canada concerning the Transboundary Movement of Hazardous Waste. Although the agreement was reached in 1992, neither administration has made any effort to see the agreement implemented.

The bill is not likely to see action this Congress. Passage of this bill helps to lay a foundation for next year.
H.R. 4940 is available at <http://capwiz.com/apwa/issues/bills/?bill=6432616>

Clean Water State Revolving Loan Fund

APWA, COALITION SECURE \$1.35 BILLION FOR CLEAN WATER SRF IN SENATE

The U.S. Senate Appropriations Committee unanimously approved the Environmental Protection Agency’s Appropriations package including full funding for the Clean Water State Revolving Loan Fund (CWSRF). The bill funds the program at the fiscal year 2004 level, the amount APWA had been urging Congress to appropriate. Passed September 21, 2004, the CWSRF is used to finance wastewater infrastructure projects, plant upgrades, and other Clean Water Act programs used to control nonpoint sources.

The program has been the target of Republicans and the President this year. The Administration requested only \$850 million for the CWSRF, the same request as previous years and the House Subcommittee on VA-HUD and Independent Agencies, which funds EPA’s budget, slashed the program by \$500 million to \$850 million. Since 1996, Congress has restored the cuts to \$1.35 billion. The House and Senate must now meet in Conference to iron out their differences.

A report recently released by a coalition involving states, local governments, unions, environmentalists and engineers notes that each state in the nation will lose millions of dollars for critical water infrastructure projects unless Congress rejects President Bush’s proposal to cut \$500 million from the CWSRF. The report details essential wastewater projects in the SRF pipeline and concludes that more than \$100 million and thousands of jobs would be lost in politically important states should the cuts in the CWSRF remain. The report is available online:
http://www.apwa.net/documents/advocacy/NRDC_040915.pdf.

A special thanks to the APWA members who sent over 500 hundred letters and made phone calls to Capitol Hill on this issue.

Electronics Recycling

SCHWARZENNEGER SIGNS E-SCRAP BILLS; VETOES TIRE RECYCLING BILL

California Governor Arnold Schwarzenegger has signed the first cell phone recycling law in the country, requiring consumer cell phone retailers to take back phones from customers for recycling for free starting in July 1, 2006.

Governor Schwarzenegger also signed Senate Bill 50, which sets the startup date for the state's advanced recycling fee on televisions and computer monitors at January 2004. Additionally, the governor vetoed AB 338, which would have required Caltrans to increase its use of rubberized asphalt concrete (RAC), which is made from scrap tires.

Environmentalists say that the rule would have had the potential to increase the number of tires recycled in the state by three million to five million or more annually. The state is said to generate more than 33 million waste tires per year.

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Asset Management

ADVANCING ASSET MANAGEMENT IN YOUR UTILITY TRAINING

The U.S. Environmental Protection Agency in partnership with Georgia Water and Pollution Control Association, and the Gwinnett County Department of Public Utilities, will offer a hands-on workshop for senior utility managers November 16-17, 2004 entitled "Advancing Asset Management In Your Utility," at the Gwinnett County Central Facility in Lawrenceville, GA.

Seating will be limited to the first 80 registrants. To register, go to www.gwpca.org.

Arsenic in Drinking Water

SUPREME COURT DECLINES TO REVIEW ARSENIC IN DRINKING WATER CASE

The U.S. Supreme Court October 4, 2004 declined to review *Nebraska vs. EPA*, a case regarding whether the Environmental Protection Agency (EPA) exceeded its constitutional authority in issuing a new federal standard for arsenic levels in drinking water.

The ruling leaves intact the decision by the U.S. Court of Appeals for the District of Columbia Circuit Court, upholding an EPA decision in 2001 to lower the drinking water standard for arsenic from 50 parts per billion to 10 ppb.

In response to the stricter ruling, Nebraska had filed suit against the agency, alleging that the Safe Drinking Water Act exceeded the authority of the commerce clause of the U.S. Constitution as well as the First and Tenth amendments. Nebraska had argued that the Safe Drinking Water Act violated the commerce clause "because it regulates the intrastate distribution and sale of drinking water." The appeals court rejected the Tenth amendment challenge.

Lead and Copper in Drinking Water

INSPECTOR GENERAL ASKED TO EXAMINE LEAD, COPPER STANDARD TESTS

An October 5, 2004 article ran in *The Washington Post*, reporting that drinking water utilities across the United States are manipulating the results of tests taken to detect lead in drinking water.

Senators James Jeffords (I-VT) and Hillary Rodham Clinton (D-NY) have called on EPA's Inspector General to examine the adequacy of enforcement of the Environmental Protection Agency's (EPA) standard for lead and copper.

The Washington Post article examined 65 large drinking water systems whose reported lead levels were near or above the federal limit of 15 parts per billion. Using EPA's data, the newspaper identified 274 utilities, serving 11.5 million people, said to have reported unsafe lead levels since 2000.

The article had evidence that some cities have thrown out tests that show high readings or have avoided testing houses that are likely to have high lead levels. The article claims that in some cases, state regulators and EPA have overlooked the violations of the Safe Drinking Water Act.

During Congressional hearings in May 2004, EPA had called legislation to strengthen federal regulations of lead in drinking water, "premature at this time." They did testify though that changes to the regulations were needed. In a statement released on October 5, 2004, EPA claims its information shows that lead in drinking water is not a widespread problem and "the Agency is working with states, which have primary responsibility for implementation, compliance, and enforcement, to notify the public and ensure that lead levels are reduced by controlling corrosion, and when necessary, replacing lead service lines."

The Agency also stated that if utilities have provided false, incomplete or misleading data, then EPA, or the state will "pursue appropriate penalties under federal and state law."

According to statements from the drinking water community, utilities are supportive of any and all examinations of incidents, as well as a review of the Lead and Copper Rule. When utilities report lead and copper readings, mistakes do occur and it is hard to tell the difference between a reporting violation and a willful act of noncompliance, they explain.
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EMERGENCY MANAGEMENT/ DISASTER PREPAREDNESS

First Responder

HOMELAND SECURITY 2005 FUNDING APPROVED

Congress has cut Homeland Security programs for first responders, but has provided more funds than the total requested by the Bush Administration. Seeking to make the nation secure, yet retain some budget responsibility, Congress slightly decreased funding for state and local programs in the 2005 federal budget legislation ([HR 4567](#)).

The House and Senate reduced formula grants for state and local governments and cut firefighter and police grant programs. They added new money for urban areas and rail security.

The State Homeland Security Grant program received the largest cut dropping from \$1.7 billion in FY 2004 to \$1.1 billion in FY 2005. The money goes to state governments. They must pass 80 percent of it on to local governments and agencies, including police and fire departments.

Each state receives 0.75 percent of the total available, with the rest distributed based on population. The decrease will hit areas with lesser populations. The Urban Area Security Initiative received an increase to \$885 million in FY 2005, up from \$725 million in FY 2004. The program supports anti-terrorism equipment and training.

Local Security Task Force

RECOMMENDATION TO SPEED LOCAL FUNDING IMPLEMENTED

A measure exempting some grants to state and local governments from the Cash Management Improvement Act of 1990 (PL 101-453) has been included in the final FY 2005 Homeland Security spending bill ([HR 4567](#)).

The provision was one of the recommendations made by the state and local task force appointed by Secretary Ridge in June to look at ways to speed the dissemination of homeland security funding to the local level. Under the Act and Department of Homeland Security guidelines, communities have only three to five days to draw federal homeland grant money from the federal Treasury before executing a contract with a vendor.

The provision is a mixed blessing for many. Communities are already faced with tight deadlines to spend money before all of their internal processes are complete. Also, lengthy procurements and rules that require that they have money in the bank before beginning the purchasing process cause delays not addressed by the provision. Additionally, the time crunch forces many cities to spend their own money up front and seek reimbursement later. According to local leaders, many communities cannot afford to front the money.

Intelligence Reform

IMPLEMENTING THE RECOMMENDATIONS MOVES SLOWLY

House and Senate measures to implement the 9-11 Commission recommendations to over-haul the national intelligence infrastructure contain many differences. The House version, HR 10, written by Republican leaders and opposed by most Democrats would create a national intelligence director with less authority over budgets and personnel than would the Senate bill (S 2845).

The House measure also contains anti-terrorism provisions that are not in the Senate bill and that were not recommended by the Commission. The Senate measure, which passed, 96-2, on October 6, 2004, contains provisions opposed by Democrats because all amendments to the bill—including provisions to create a civil liberties board for intelligence agencies, a lift on the limit of funds that could be moved among agencies, and a mandate to share information—were dropped from the final bill.

Consolidated Federal Funds Report

CENSUS BUREAU FINDS VARIATIONS IN FUND DISTRIBUTION

According to a U.S. Census Bureau Consolidated Federal Funds Report, DHS grants sent to state and local governments totaled \$6.9 billion in 2003. Released October 7, 2004, the numbers reflect both disaster-relief payments and grants for homeland security equipment, training and drills.

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The analysis found that different regions tend to receive different funds, but Texas, California and New York consistently top the list of recipients. More than half of FY 2003 grants, about \$3.8 billion, went to New York state.

NIMS Implementation

FAST PACED SCHEDULE QUESTIONED BY FIRE OFFICIALS

Fire officials have questioned the ambitious implementation schedule for the deployment of the National Incident Management System (NIMS). Starting in fiscal 2006, which begins October 1, 2005, DHS will require proof of NIMS implementation from local fire departments as a condition for receiving homeland security grants.

Michael Freeman, chair of the International Association of Fire Chiefs' Terrorism Committee, told a congressional subcommittee on September 29, 2004, that most fire departments need more time to adequately train to meet all 518 NIMS requirements.

Interoperability Office

DHS OPENS OFFICE OF INTEROPERABILITY AND COMPATIBILITY (OIC)

States and localities have a new source of technical assistance through the DHS Office of Interoperability. The office also is to develop interoperability standards, create a research and development program, and identify and certify DHS programs that overlap with interoperability. For more information, contact Donald Tighe, DHS, 202-282-8010.

Nuclear Regulatory Commission

WEB PAGE FOR RADIOLOGICAL PREPAREDNESS OPENS

The Nuclear Regulatory Commission (NRC) has created a web site on how to respond to a radiological emergency. The site includes evacuation and sheltering, emergency classification, federal, state and local responsibilities during an emergency, among other topics. For more information, visit www.nrc.gov/what-we-do/emerg-preparedness.html.

Employer Emergency Preparedness

HOW TO DEVELOP EMERGENCY PLAN RESOURCE AVAILABLE

The National Business Group on Health and the Centers for Disease Control and Prevention have partnered to produce *An Employer Toolkit: Terrorism Preparedness and Planning: A Public/Private Partnership* with information for large employers on how to develop an emergency response plan and web resources. For more information, contact Ian Dixon, Center for Prevention and Health Services, National Business Group on Health, 202-585-1801, or www.businessgrouphealth.org.

FEMA Hurricane Response

AGENCY GETS PRAISE FOR ACTION AFTER HURRICANE CHARLEY

Many have questioned the Federal Emergency Management Agency's ability to respond to disasters since being subsumed by the Department of Homeland Security. Reports from Florida after hurricane Charley among others are that FEMA did an extraordinary job fulfilling its mission to provide aid to devastated areas both quickly and efficiently. Criticism after hurricane Andrew prompted the agency to re-tool their approach and to greatly improve service and delivery. A combination of changes, including revamping state level assistance, led to prompt, efficient response.

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