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THE LOCAL ROLE IN HOMELAND SECURITY

HEARING

BEFORE THE

COMMITTEE ON GOVERNMENTAL AFFAIRS UNITED STATES SENATE

ONE HUNDRED SEVENTH CONGRESS

FIRST SESSION

DECEMBER 11, 2001

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THE LOCAL ROLE IN HOMELAND SECURITY

TUESDAY, DECEMBER 11, 2001

U.S. SENATE,
COMMITTEE ON GOVERNMENTAL AFFAIRS,
Washington, DC.

The Committee met, pursuant to notice, at 9:06 a.m., in room SD–342, Dirksen Senate Office Building, Hon. Joseph I. Lieberman, Chairman of the Committee, presiding.

Present: Senators Lieberman, Cleland, Carper, Levin, Thompson, Collins, and Domenici.

OPENING STATEMENT OF CHAIRMAN LIEBERMAN

Chairman LIEBERMAN. The hearing will come to order. Good morning to everyone. Thanks for being here and being here a bit early. I apologize that Washington traffic made me a few minutes late.

It is a pleasure to welcome everyone to today's hearing on the local role in homeland security, which is part of an ongoing series of hearings by the Senate Governmental Affairs Committee intended to both oversee and, hopefully, improve the Federal Government's response to the urgent set of terrorist threats our country and our people now face.

On September 11, as we watched the attacks with horror and disbelief, we also, fortunately, were able to watch with increasing appreciation and admiration as local and State governments rose to this extraordinary occasion to protect and serve their people. That response, I think, dramatically demonstrated what is true no matter the nature of the emergency or the size of the locality. In America's war against terrorism, it is city, county, and State governments and their workers who will bear the primary responsibility for providing our citizens the safety and services that they need.

The local role, of course, is much deeper and broader than emergency response. State, county, and city agencies are the primary providers of public health, transportation, and social support services, and as the daily law enforcement presence in our communities, they play a lead role in helping to prevent terrorist acts from happening in the first place.

After September 11, all of this means that in order to fight terrorism effectively, counties, cities, and States need not only new technology, training, and talent, they need new funding. This morning, the U.S. Conference of Mayors is releasing a detailed inventory of the needs it has identified. The National Governor's Association and the National Association of Counties have recently

issued similar reports. The governors, in fact, estimate that the cost to our States of guarding against threats to the public health and critical infrastructure will be approximately $4 billion in the coming fiscal year, and county officials have suggested the need for a new $3 billion Federal block grant for localities to meet these challenges.

This morning, we want to talk as much about improving methods and relationships as about providing money. This Committee wants to learn what Federal policies, practices, and procedures should be put in place to help States and localities do their job better, and in what ways can we, all branches of government, work together to meet and defeat the terrorist threat. Our goal is to leverage the strengths of each branch and level of government so that we are doing everything in our power to protect our people against terrorism, and if the terrorists do strike again, that we will be able to count on a swift, sure, and seamless response.

From recent events, we have reason to be proud of the role that has been played, but also reason to acknowledge that we have some way to go in the coordination of government responses to terrorism at the various levels. Too often in responding to the homeland security threats we have faced so far, the Federal and local governments have not worked hand-in-hand but have tripped over each other's feet.

A number of local officials, for instance, have expressed great frustration with what they perceive as a lack of information sharing by the FBI, although I am pleased to note and I will be interested to hear from the local officials today that FBI Director Mueller has convened an advisory group of State and local law enforcement officials and indicated a willingness to speed up security clearances for local officials and to establish more joint terrorism task forces.

Similar gaps and communication breaches were revealed during the response to the anthrax attack. The CDC and other Federal agencies, including the Office of Homeland Security, the Secretary of HHS, and the Post Office seemed to send inconsistent, certainly confusing messages to States, counties, and cities, and, I might add, even to Members of Congress.

There was a very interesting article in yesterday's *New York Times* about what we are holding the hearing on this morning, and I quote this sentence from it: "For all the calls to vigilance in a domestic defense drive like no other, many State and local governments are starting to balk because of the costs and the frustration over what they see as the Federal Government's confusing stream of intelligence information and security alerts." Whether or not this feeling remains on the front page, the fact is that all levels of our government need to get on the same page and to do so without delay.

The challenge is exacerbated, I think, by the approach to counterterrorism that is being taken at the Federal level, an approach that I believe would be greatly improved by the creation of a full-fledged cabinet-level Department of Homeland Security with clear lines of authority and the power to get things done.

Until that happens, the Office of Homeland Security under Governor Ridge, as it is constituted now, has the primary responsi-

bility, and I certainly hope and believe that Governor Ridge, because of his experience at the State level, will act in a way that makes clear that he knows that State and local governments have to sit as equals at the table of anti-terrorist planning with the Federal Government. Encouragingly, Governor Ridge, in fact, has announced his intention to form a State and local government committee to advise the Office of Homeland Security, and that, I think, is the first good step.

I hope we on this Committee across party lines can be advocates here in Congress for local government efforts, so that from the grassroots to the top of the Federal organizational tree, we are all working together to make the ground on which Americans live and work as safe and secure as possible.

I will just say a final word in a historical context. Our founders understood that the Federal Government would be better at some things and that State and local governments, which are closer to the people, would be much better at other governmental functions. Because this is the first modern war that is being fought simultaneously both abroad and on our homefront, the war against terrorism really represents in a new way the intersection of one traditional national Federal responsibility, which is waging war and securing the Nation, and one traditional local government responsibility, which is providing for the health and safety of our communities. As a result, this war on terrorism challenges us to rethink and, if necessary, revise some traditional Federal and local relationships even while we reaffirm others, with the overriding goal of leveraging our strengths to make us a more secure society.

But in any case, on the front lines of that preparedness will be the State, county, and local officials, including those we are pleased to have with us today. Senator Thompson.

OPENING STATEMENT OF SENATOR THOMPSON

Senator THOMPSON. Thank you very much, Mr. Chairman. We have held a number of hearings on homeland security and bioterrorism and one theme that keeps coming up is the importance of local officials in responding to a terrorist attack.

We have been reminded repeatedly throughout our recent hearings that local fire fighters, law enforcement officers, emergency management officials, public health officials, and health care providers will be the first to respond to a terrorist attack. Unfortunately, we have also heard that our focus at the Federal level has been primarily on programs, some of which overlap and are spread over 40 different agencies.

One of our witnesses at the bioterrorism hearing, Dr. Amy Smithson, made an observation in a report that I think bears repeating and which reflects what we will be hearing from our witnesses today. Dr. Smithson noted that only $315 million of the total of the $8.4 billion counterterrorism budget in 2000 went to the front lines in the form of training, equipment grants, and planning assistance. That is a remarkably small piece of the pie.

I am glad that we will have the opportunity today to hear from John White, the Director of Emergency Management in Tennessee. Mr. White has worked in emergency management for 35 years and certainly has an excellent perspective on this issue.

One point that Director White makes in his written statement and that I think is very important and insightful is that local and State emergency officials have, in effect, been preparing for terrorist attacks for years. For example, many have expressed concern about the safety of our nuclear plants in the wake of the events of September 11. But as Director White points out, his office has been conducting exercises to prepare for accidents at nuclear plants for years. People are now becoming more concerned about chemical attacks, but his Emergency Management Agency was conducting training and response exercises to deal with hazardous waste material spills and accidents well before recent attacks.

So we have infrastructures in place at the State and local levels already, at least somewhat prepared to respond to attacks. Perhaps rather than pouring more money into more Federal programs and response teams, the first priority should be to determine how we can best coordinate and support training and exercises with local officials to take advantage of the programs that are already in existence.

As we have heard previously, and I believe that Dr. Caldwell will testify today, the same point can be made about our public health systems. Clearly, we need to take steps to improve the detection, surveillance, and response capabilities of our public health departments and our private health care providers. We can build on systems already in place and reap the additional benefit of strengthening our preparedness in the health care arena overall.

Finally, I believe we will also hear today about the need for better communications in the law enforcement area. We have all read about some confrontations between the FBI and local law enforcement. Both Director Mueller and Attorney General Ashcroft have announced efforts to try to facilitate communications between local and Federal officials, as well as to share more information when necessary. I look forward to hearing from our witnesses today on this subject, as well.

Again, Mr. Chairman, I look forward to our discussion today about how best to support our very valuable local resources. Thank you.

Chairman LIEBERMAN. Thanks, Senator Thompson. Senator Collins.

OPENING STATEMENT OF SENATOR COLLINS

Senator COLLINS. Thank you, Mr. Chairman. I appreciate your convening this hearing and for inviting a witness from Maine, Commissioner Joseph Tinkham, to participate.

Our purpose to examine the local role in homeland security is of utmost importance, for one of the lessons of September 11 is those first on the scene are local officials—police officers, fire fighters, EMS and other medical personnel. They are the ones who are the first responders.

We are here today to learn about the efforts of State, county, and local officials to prepare for and respond to acts of terrorism. We need to assess the effectiveness of communication and coordination among Federal, State, and local agencies, and also to evaluate the extent of assistance that is needed from the Federal Government.

Critical to the homeland defense of our Nation as a whole is the security of individual States, and securing a State presents significant financial and logistical challenges. Let me illustrate these challenges using my home State of Maine as an example.

As Commissioner Tinkham of Maine's Department of Defense, Veterans, and Emergency Management has noted in his written testimony, Maine has more than 3,000 miles of coastline. It has the longest international border with Canada in the continental United States. The State has more than 250 air strips, military bases, and two major shipyards, more than 800 dams, a deactivated nuclear power plant with spent fuel rods on site, and the second largest petroleum tank farm on the East Coast, located in the very heart of the State's largest population center. According to Commissioner Tinkham, the State of Maine has identified 25 vulnerabilities that could result in a large loss of life or environmental catastrophe.

To meet these challenges and those facing other States, we must improve coordination among Federal, State, and local governments as well as the private sector. We must avoid wasteful duplication. We must have realistic plans and conduct effective training and exercises. We also must ensure that appropriate information about the presence of terrorists and potential threats is shared by Federal law enforcement agencies with their State and local counterparts.

Portland, Maine, Police Chief Michael Chibwood has expressed many times his frustration at not being told of the presence of individuals on the FBI's watch list. As he put it, if there is something that impacts the public safety of a community, the police chief ought to know.

Finally, we must have adequate funding for homeland defense. While the responsibility for homeland security is not the Federal Government's alone and must be shared by local and State governments, I fully support additional Federal financial assistance for States and communities.

For example, I recently joined with Senators Frist, Kennedy, and several others in introducing the Bioterrorism Preparedness Act, which not only strengthens our Federal response, but also authorizes substantial new funding for States, local governments, and hospitals, the people who are, indeed, on the front lines and would be called upon first in the event of any new bioterrorist attack. Our legislation authorizes $1.5 billion to improve State and local preparedness capabilities and also authorizes an additional $60 million to improve the public health laboratory network through the Centers for Disease Control and Prevention.

It is important that we allow Governor Ridge the opportunity to assess needs and priorities carefully. After that assessment, however, I fully expect that the President will propose billions of dollars in his next budget, which we expect to be released in early February. In that regard, this hearing and the testimony of Commissioner Tinkham and the other witnesses today will be very helpful in identifying the gaps in the system and the priorities for this additional funding.

Thank you, Mr. Chairman. We clearly have a lot of work to do together.

Chairman LIEBERMAN. Thanks very much, Senator Collins.

I am delighted with the witnesses we have here this morning. It is really a first-rate and very representative group and I thank you for being here.

First is the Hon. Marc Morial, who is here this morning as President of the U.S. Conference of Mayors, Mayor of New Orleans, obviously, first elected in 1994 at the extraordinarily young age of 35, now in his second term, and, therefore, still very young. [Laughter.]

Mayor Morial, thanks for being here. I look forward to your testimony.

TESTIMONY OF HON. MARC H. MORIAL,[1] MAYOR, CITY OF NEW ORLEANS, LOUISIANA AND PRESIDENT, U.S. CONFERENCE OF MAYORS

Mr. MORIAL. Thank you. Good morning. I am Marc Morial, Mayor of New Orleans and President of the Conference of Mayors. I want to thank Chairman Lieberman as well as Senator Thompson and the entire Committee.

I am also very pleased to be here with fellow local leaders, especially our NACo President, Javier Gonzales. Mayors have always attached a high priority to preparing our cities for the possibility of disasters.

In the wake of September 11 and the anthrax mailings, efforts to strengthen emergency management plans have been redoubled and there have been significant additional deployments of local public safety resources. As I stated in a recent meeting with Governor Ridge, we are the domestic troops, and today, I am here representing not only mayors, but police officers, fire fighters, public health workers who are on the front line on the domestic side of this war against terrorism.

In October, the Conference of Mayors sponsored an unprecedented safety and security summit which brought together more than 200 mayors, police chiefs, fire chiefs, emergency managers, and public health officials. Today, I am proud to release this national action plan which emerged from the summit which I want to briefly summarize.

First, in the area of homeland security, we have been concerned, as each of you has mentioned, about the multiplicity of Federal agencies which have responsibility for helping cities, counties, and States prepare for and respond to a possible attack, and we are extremely encouraged by our conversations with Governor Ridge, who we think understands the importance of intergovernmental partnership and the need for better coordination.

To strengthen his efforts, we strongly endorse the idea that the Office of Homeland Security be given cabinet-level status, should be fully authorized and given budgetary authority over Federal programs related to homeland protection. Without this, the Office of Homeland Security will be unable to fulfill, we believe, the mission that President Bush has so aptly placed under the responsibility of Governor Ridge, and I understand that you, Senator Lieberman, have introduced legislation on this.

Second, and this is important, right now, of the approximately $10 billion which is in the Federal budget related to terrorism, and

[1] The prepared statement of Mr. Morial appears in the Appendix on page 58.

that has recently been identified by OMB—only 4.9 percent is allocated for State and local first response activities. And of this limited amount, most is provided to States.

To ensure that heightened security can be maintained and that traditional public safety needs do not suffer, we have called, and our national action plan includes, a new flexible homeland security block grant to be used for additional deployment expenses, training, communications, rescue equipment, and the protection of public infrastructure. We are very pleased that such legislation, S. 1737, was introduced by Senator Clinton, along with Senators Feinstein, Mikulski, Durbin, and Schumer, to authorize $3 billion for a targeted block grant, and I want to urge the Senate to pass this bill.

Unfortunately, Congress took a major step backwards recently when it approved a $122 million cut in the local law enforcement block grant. This 24 percent cut in funding provided directly to local governments and which we use in most instances for police overtime comes at the very time when our police departments are facing extraordinary and unbudgeted costs as a result of moving to a heightened state of alert as requested by the Federal Government and as demanded by the people we represent. I want to strongly urge the Members of this Committee to work with us to help restore this cut in the local law enforcement block grant, which program helps cities big and small around the country.

Third, it is acknowledged that the Nation has failed to invest adequately in local public health infrastructure. Resources are needed for 24/7 disease surveillance, on-the-scene investigations, local bioterrorism preparedness, planning, increased interagency communications and surge capacity. There must also be adequate regional stockpiles of vaccines and a rapid response testing network must be deployed.

Let me talk a little about transportation security. Our own task force on airport security, chaired by L.A. Mayor Jim Hahn, has drafted detailed recommendations which are included in our national action plan. We want to compliment the Senate and the Congress and President Bush for embracing our recommendations that airport screening security personnel be federalized. We think this was an important step in the right direction and we want to work very closely with the executive and legislative branches to make sure that the time lines in the legislation are met.

It is very important that baggage screening not be delayed. It is very important that the creation of the new Federal agency which is going to oversee aviation security not be delayed. We continue to work very closely with Secretary Mineta and we want to urge you to provide him with all of the resources necessary to fully implement this legislation on time.

Several other areas, very quickly. Transit security, passenger and freight rail security, and port security are also areas of great concern. My city is a major port city, as are many coastal cities around the Nation. We must pay close attention to port security and develop initiatives in that regard.

Finally, I want to talk a little bit about Federal-local law enforcement cooperation. We represent 650,000 local police officers, a powerful force in this war against terrorism, and I think our plea is

that these local forces be fully integrated into our national homeland defense planning. We must create a new communications system between Federal and local public safety officials with a 24/7 threat assessment capability.

In many meetings and discussions held on this subject since September 11, it has become clear that many barriers still exist at the Federal level. The Attorney General, we think, should be complimented on initiating a number of important steps to strengthen and alleviate these barriers through the anti-terrorism task forces, and our discussions with Director Ridge, Attorney General Ashcroft, and Director Mueller have been constructive. We strongly believe that any institutional barriers to greater intelligence sharing should be addressed.

Senators Schumer, Clinton, Leahy, and Hatch have introduced a Federal-Local Information Sharing Partnership Act which we believe would allow the Federal Government to increase intelligence sharing with local and State governments and we urge its passage.

Finally, in addition to these issues, there are many other areas that are covered in our national action plan, including border security, water and wastewater security, communications interoperability, and highway security, and I want to thank the Committee for the opportunity to testify today and I look forward to continued discussions as together we work to strengthen this Nation's homeland defense. Thank you.

Chairman LIEBERMAN. Thanks very much, Mayor, for an excellent statement and for the report that you have issued today, which we look forward to reading. I look forward to the questions and answers, too.

The Hon. Javier Gonzales is the President of the National Association of Counties and a County Commissioner in Santa Fe County, New Mexico. He was elected to the Board of Commissioners in November 1994 and then reelected to serve a second term in 1998.

I, being personal and not partisan in mentioning the great honor and adventure that I had last year running for national office. One of my favorite stops was in Santa Fe, where we had a wonderful rally. Probably my favorite sign of the campaign was a woman in the front row who held up a big hand-lettered sign that in three words said it all for me, "Viva la chutzpah." [Laughter.]

So it is in that spirit that I welcome you this morning.

TESTIMONY OF HON. JAVIER GONZALES,[1] COMMISSIONER, SANTA FE COUNTY, NEW MEXICO AND PRESIDENT, NATIONAL ASSOCIATION OF COUNTIES (NACo)

Mr. GONZALES. Thank you, Senator Lieberman and Members of the Committee, and we certainly enjoyed having you in Santa Fe last year, as well. Thank you for inviting me to testify on an issue of paramount importance to counties across the country, securing our homeland against the threat of terrorism.

My name is Javier Gonzales and I am an elected County Commissioner from Santa Fe County, New Mexico. I currently serve as President of the National Association of Counties.

[1] The prepared statement of Mr. Gonzales appears in the Appendix on page 83.

As you stated in your opening comments, counties are the first responders to terrorist attacks, natural disasters, and other major emergencies. County public health, law enforcement, fire, and other public safety personnel are responsible for on-the-ground response and recovery action. Counties also own, operate, and secure key aspects of the Nation's infrastructure, such as airports, transit systems, water supplies, schools, and hospitals. Elected county officials like myself, along with emergency managers, provide the essential regional leadership, planning, and coordination function in preventing, preparing for, and managing our community's response to emergency events.

In the wake of the terrorist attacks of September 11, 3 months ago today, I appointed a NACo task force on homeland security. The task force, comprised of 45 top county officials from across the country, was formed to provide a forum for county officials to advise the Federal Government about the roles and concerns of counties regarding homeland security and to identify model county programs for our colleagues as we increase security measures and preparedness in our communities. The task force has met twice this fall and I would like to share a few relevant outcomes from those meetings with you.

First, the importance of coordination has been a recurring theme. County officials believe it is critically important that emergency preparedness plans be coordinated and rehearsed among local, State, and Federal levels, as well as across the various agencies with a role in emergency response.

In the event of an emergency, county officials strongly believe that the local first responder should maintain control of the scene at the ground level. In the case of involvement and support at the scene by multiple Federal agencies, we believe that the Federal Government should quickly identify the agency that speaks for the Federal Government and that all Federal agencies should diligently follow the lead of that controlling Federal authority.

NACo, along with its sister State and local government organizations, has formally requested that Homeland Security Director Tom Ridge create a State and Local Advisory Committee to the Office of Homeland Security. The committee, comprised of elected officials from State, county, and city governments, would provide input and assistance to Federal homeland security activities and facilitate coordination among levels of government, and we have received a commitment from Governor Ridge that he will form such a committee and we look forward to the committee being established as soon as possible.

NACo also has some specific recommendations in the areas of law enforcement, public health, communications, and emergency planning and preparedness. On law enforcement, it has been the longstanding concern of counties that intelligence information obtained by the Federal Government is not shared with appropriate local officials in a timely manner. Ultimately, this hampers our ability to track suspicious persons and prevent crimes from being committed.

NACo has made a specific request to the Department of Justice that the composition of its anti-terrorism task forces specifically include elected representatives of county governments and that secu-

rity clearances be provided to county officials for intelligence information commensurate with their responsibilities.

We have seen some progress on this front. In a letter dated November 13, Attorney General Ashcroft informed county officials that he is setting up a system to share information with State and local officials through each U.S. Attorney's Office, and as I understand it, this system will provide a mechanism for Federal intelligence to reach appropriate officials at the local level and for information collected locally to be communicated to Federal law enforcement.

In the public health area, there are two major points. First, county officials are calling on the Congress to provide adequate funding for the Public Health Threats and Emergencies Act. NACo believes that an appropriation of a minimum of $1.8 billion is needed to implement the law fully and effectively with at least $835 million dedicated to building and maintaining local and State public health infrastructure.

The second point relates to information dissemination via the Health Alert Network. NACo believes that the Centers for Disease Control Public Health Practice Program, the CDC office that best understands local dynamics, should continue to coordinate and communicate with county health departments and that there should be a focus on improving the Health Alert Network and on assistance with technological upgrades for county health departments.

To enhance coordination among local jurisdictions, communications interoperability, the ability of one jurisdiction to talk to its neighbor during crisis must be increased. In this regard, NACo is requesting that the Federal Government help improve interoperability by releasing additional spectrum in the 700 megahertz band for public safety and emergency management use.

Finally, as I mentioned toward the beginning of my remarks, counties as regional governments are in the unique position to provide the leadership, planning, and coordination function needed to prevent, prepare for, and manage the response to emergency events. While the survey we conducted in late September found that 95 percent of counties have emergency response plans, and 100 percent of large urban counties have both plans and mutual aid agreements with surrounding jurisdictions, there are still improvements to be made.

Since October, NACo has been calling for the authorization of a local anti-terrorism block grant at a minimum of $3 billion. NACo believes that these funds should flow directly from the Federal Government to local governments and that funding decisions under the block grants should be made county-wide as an outgrowth of an existing all hazards emergency management planning process.

Senator Lieberman and Members of the Committee, thank you for the opportunity to testify. Counties have a significant role to play in our new national strategy for homeland security. We are the public's first defense, but we do have limited resources and will need additional support and cooperation from the Federal Government in order to succeed. I would be pleased to answer any questions that you might have.

Chairman LIEBERMAN. Thanks very much, Commissioner Gonzales, for your very thoughtful testimony.

The next two witnesses in some measure represent the heroes of September 11, coming as they do from Arlington County and embracing the attack on the Pentagon, responding to it, and from New York City. So we thank you both for being here and look forward to your testimony.

First is the Hon. Jay Fisette, Chairman of the Arlington County Board. Mr. Fisette was elected to the Board in 1997 and became chairman in 2001. Good morning, Mr. Fisette.

TESTIMONY OF JAY FISETTE,[1] CHAIRMAN, ARLINGTON COUNTY BOARD, VIRGINIA

Mr. FISETTE. Good morning, Senator Lieberman, Members of the Committee. You just stated why I am here, because Arlington County and New York City were the two targets, and as you all know, I was not one on the front lines. I was the chief elected official.

In the case of the Pentagon, the local government was Arlington. This meant that our mutual aid partners came together with us throughout the region to respond. Our fire department was, in fact, in charge and coordinated the fire rescue and recovery for the first full 10 days of the incident and thereafter, and the reality is they did their work. They are professionals. They did an outstanding job.

Over the course of the event, staff from literally every county agency came together to respond, and I look at it as three attacks, in fact. We had the Pentagon, we had Reagan National Airport, and then we had the anthrax issues thereafter. We learned many lessons from this and we have been spending a lot of time hashing that out, and what became extremely clear to us was the important partnership between local government and the Federal Government and the increased emphasis that needs to be put on that, so I would like to share with you four recommendations that we have to put forward to you.

One is there must be clear articulation of roles and responsibilities among Federal, State, and local agencies in emergencies, especially on Federal installations, such as the Pentagon, or Congress. This includes roles for FEMA, CDC, local fire and health departments, and others that you have already heard about.

Arlington fought a fire at the Pentagon several weeks before September 11 and we have also responded to two fires since. In calendar year 2000, Arlington responded to 251 fire and EMS calls at the Pentagon. That created a history of respect and cooperation that was very instrumental in our response on September 11.

We recommend, however, that the Federal Government work to establish formal memorandum of understanding with local and State officials for emergency responses at all major Federal installations, an MOU. We do not have one in place now.

The second suggestion, as part of the development of these MOUs, an assessment should be made of local capacity to respond to different events in support of the Federal Government and to

[1] The prepared statement of Mr. Fisette appears in the Appendix on page 93.

provide financial support to fulfill that capacity. As noted earlier, we have responded to the Pentagon continuously over time. However, we have never received any financial support, capital or operating, to meet those needs that go beyond the normal needs of our community.

We are proud to serve the Pentagon and other Federal installations in the community, as are other communities. However, given the new reality and the new threats we face, we feel it is appropriate for the Federal Government to accept some role and responsibility in this, as well, and I support the recommendation I just heard from Mr. Gonzales, that those funds be made directly to the local governments.

The third issue is really one that focuses here in the Washington region and that is an issue of indemnification. In the case of the greater Washington area, Congressional action is especially needed to approve legislation to eliminate issues of local liability in providing mutual aid. During the inauguration and other pre-planned events, local police are deputized as Federal marshals in order to avoid such local liability concerns.

In an emergency, there is no time for such action, nor has there ever been an ability to address issues in the case of fire mutual aid. Congress needs to put this issue to rest by passing legislation that has since been drafted by the Washington Council of Governments.

And finally, and, of course, the largest challenge before all of you, is the development of a national strategy for terrorism preparedness. As the Nation pulled together at all levels, and I believe we responded very well to September 11 and afterwards, that may not always be the case. A major reason we did, however, is because we did not have more casualties. Despite the horrific nature of the attacks here in Arlington, we did not have mass casualties flooding our limited hospital capacity, and you have heard Senator Thompson and others refer to this.

We would like to put some increased emphasis and believe it needs to be placed on the hospital system's capacity and the public health sector capacity, as well. It was a wake-up call to the Federal Government about the limited capacity of our hospitals that health care competition and cost containment may have contributed to. At the same time, with the development of antibiotics in the last century, there has been a steady erosion of our public health capacity, those who are on the front lines of a biological attack. These are the disease police.

So a national strategy or standards for preparing or responding to biological and chemical attacks needs to be put in place. Now that we know that they are not theoretical, we need to be able to do better. We need to address protocols for the National Pharmaceutical Stockpile. We need to train and practice in deployment. And we must have a way to get consistent, accurate, and authoritative information, I think a theme you have already heard.

So in closing, I think there is a window of opportunity we have not had before. People's awareness is high. At the local level, we know that we will always be the first responders and we are working hard on our own planning and development capacity, but no local government will be able to respond to a major event alone, especially on Federal installations, and the Federal Government

needs to be fully engaged in the preparedness, assessment, and planning, and in providing the resources necessary to make that happen. Thank you.

Chairman LIEBERMAN. Thank you, Mr. Fisette, for your leadership and also for very interesting testimony. I had not thought about the problem of liability and it is an important one.

I regret to say that we are in the middle of a vote on the Senate floor, so we are going to have to recess the hearing. This is one of three votes. We will see if we can work it out so that we come back in the middle for a little bit more, hear the two witnesses, and then go back for the last one. In any case, the Committee will stand in recess for a few moments. Thank you.

[Recess.]

Senator LIEBERMAN. The Committee will reconvene. Thanks very much for your patience. We caught a break that the Senate decided to voice vote the second two judicial nominations, so we were able to come back a bit earlier than we might have been.

Our next witness is Richard Sheirer, who is the Director of the Office of Emergency Management for the City of New York. We have all watched with tremendous admiration the city's response to these attacks. If Mayor Giuliani has been the Commander in Chief, maybe perhaps it is appropriate to say that Richard Sheirer is the Chairman of the Joint Chiefs of Staff in this particular response and they have had great help from the fire commissioner and police commissioner and others, as well. Mr. Sheirer continues to be involved in the response right to this day, so we appreciate the time you have taken to come down and share your experiences with us. I know they are going to be helpful to us in the future of planning responses to what we hope will not happen again, but we have got to plan in case they do.

Mr. Sheirer, thanks. We look forward to your testimony now.

TESTIMONY OF RICHARD J. SHEIRER,[1] DIRECTOR, OFFICE OF EMERGENCY MANAGEMENT, NEW YORK CITY MAYOR'S OFFICE

Mr. SHEIRER. Thank you, Senator. Good morning, Chairman Lieberman, Senator Thompson, and Members of the Committee. I am Richard Sheirer. I am the Director of the Mayor's Office of Emergency Management and I come with a unique background.

I spent 28 years in the New York City Fire Department, followed by 4 years as Chief of Staff at the New York City Police Department, and in February 2000, I was appointed the city's Director of Emergency Management. I think that background gave me the opportunity to handle the situation we faced from September 11 on with a full hand, and I think it is important that we talk about the things that we did and how they impact homeland security and how OEM in particular impacts the local role of homeland security.

In 1996, recognizing the need to enhance interagency and intergovernmental coordination for planning, preparing, and responding during any emergency, Mayor Giuliani established the Mayor's Office of Emergency Management through an executive order. OEM in New York City is a multi-jurisdictional agency comprised of per-

[1] The prepared statement of Mr. Sheirer appears in the Appendix on page 96.

sonnel drawn from city agencies, including fire, police, health, environmental protection, emergency medical services, and other agencies. OEM was recently described by the Mayor as New York City's Office of Homeland Security and has been crucial in managing and coordinating the city's response to the World Trade Center attack, the anthrax incidents that occurred, the ongoing recovery efforts at the World Trade Center, and the November 12 crash of Flight 587.

OEM is responsible for monitoring and responding to all potential emergency conditions and potential incidents, whether they be emergencies or not, where there is a multi-agency response. We operate the city's Emergency Operations Center, the EOC, which enables the Mayor and the city to manage any multi-agency emergency condition and any potential incident. It is used for weather. It is used for good events, like the new millennium. And it was critical to our ability to address the incidents of September 11.

We research, we compile and evaluate the contingency plans of every agency of the city. We have drills on every type of emergency we can possibly have and we prepare and organize and conduct those drills with the help of every agency of the city. And we coordinate special interagency and intergovernmental responses.

As I said, the backbone of OEM is its Emergency Operations Center. We activate it in times of any multi-agency incident or the anticipation of it. Anything that affects the lives and safety of people who live, work, or visit New York City, it is our job to make sure that we respond to it.

During and after the World Trade Center attack, the EOC operated on a 24-hour, 7-day-a-week basis, with representatives of 110 local, State, and Federal agencies, the voluntary organizations such as the Red Cross, Salvation Army, and the public utilities which provide gas, electric, steam, and telephone communications. These 110 agencies were represented by anywhere from 300 to 1,000 people in the EOC at any given time. We had to feed them. We had to provide them with rest areas. We provided medical and mental health services. In short, the EOC became a small town. In fact, the Mayor even performed the marriage of a Marine who was working in the EOC during his time there.

On September 11, after the first airplane flew into the north tower of the World Trade Center, OEM immediately activated its Emergency Operations Center at Seven World Trade Center and began to coordinate the emergency operations in conjunction with the fire department, the police department, Port Authority police, numerous other emergency agencies, the health department, our mutual aid plan from the surrounding areas, and others. Despite the loss of OEM's EOC in Seven World Trade Center at the very moment when we needed it most, we were able to quickly reestablish an Emergency Operations Center and continue to coordinate the emergency response to the World Trade Center attack.

The importance of a fully equipped, technologically advanced Emergency Operations Center to coordinate Federal, State, and local responses to the September 11 attack was immeasurable. It was possible to immediately share and gather information among the various Federal, State, and local agencies to address the issues and needs of the emergency workers and of our citizens as they arose. It made it possible to coordinate the various multi-agency re-

sponses. It was possible to coordinate and assist the utilities and the various agencies to rebuild the damaged infrastructure, while at the same time providing resources for the rescue efforts.

The effort was critical to reestablishing the world financial markets of the New York Stock Exchange, the American Stock Exchange, the Mercantile Exchange, the NASDAQ as quickly as possible to make sure that the world knew our resolve to get back to normal as much as we could, no matter what happened.

OEM is responsible for preparing for the unexpected. We have a very significant medical surveillance system which monitors emergency responses by ambulances based on systems. That system allows us to identify trends and abnormalities very quickly and have Department of Health epidemiologists start to work to find out what is causing it.

We also monitor purchases of over-the-counter drugs from various pharmaceutical chains to see if there is any unusual usage of flu medications, diarrhea medications, those medications that could possibly indicate that the public has been faced with an attack like we did during this time with anthrax. We use that and we compare everything to the historical data we have collected to see where there is an abnormality.

From October 12 to November 9, we faced the additional incident of the anthrax letters sent to various media locations and outlets. We coordinated Points of Dispensing. On September 12, we were scheduled to have a drill called the TriPOD. It is a point of dispensing to test our bio plan, our ability to distribute medication to the public as needed. Ironically, the location of that drill is where we now have our EOC. We took it from one thing to another. But our plan worked. We used it at NBC and ABC. CDC is looking at it as the model to use across the country.

It all boils down to one thing, planning and preparation. The old adage, how do you get to Carnegie Hall? Practice, practice, practice. It could not hold truer for what we do. There are times when people say, why are we having another drill? Why are we having another planning meeting? Why are we having another exercise? I think those questions will not be asked again. We have learned very significantly how important those items are, and there are a number of lessons we have learned from the city's ability to respond to the attack.

Before September 11, as I said, the city was amongst the best prepared in the country, with plans and exercises and drills on every imaginable emergency. We used all those preparations to address the issues we faced from September 11 on. We took a little piece of our coastal storm plan, a little piece of our all hazards plan, and we were able to address the issues as they arose.

The preparation of enhanced degree of communication that has been spoken of before, it is critical that we communicated with our State and Federal partners. The State Emergency Management Agency of New York and FEMA have been our partners from day one. They have walked with us hand in hand. They have been supportive. They knew that New York City was one of the major cities in this country that could handle this on a local level and they provided the backbone of support in terms of logistics and advice, but they have not gotten in our way, which is very important.

Many of the officials who visited New York City before September 11 would come to our operations center and they would comment on how they wished they could afford to have such a facility. If there is one thing we have all learned is that the reality is they cannot afford not to.

I believe that you have heard this before and you will hear it again. Mayor Giuliani and the police commissioner have said, and I believe critically, that one of the most essential elements in effectively protecting not only our city but every locality from terrorist attacks is the communication of information sharing between the Federal, State, and local law enforcement.

In New York City, we have created a multi-agency intelligence sharing network of the New York City Police, the Port Authority Police, the New Jersey State Police, the New York State Police, to share information as much as we can. But it still is not the sharing we need and we need more of it with the Federal agencies and we are all working towards that.

After September 11, we have increased the number of New York City police officers in the Joint Terrorist Task Force, the New York FBI Task Force. Those task forces are our first line of defense in terms of terrorism, and having worked with them in a past life in the police department, the value for every jurisdiction that has a Joint Terrorist Task Force is exceptional. They provide you the best information of the best and the brightest that the Federal agents that are available and your people become critical. We are expanding our participation to agencies beyond the police department.

In closing, I thank you for the opportunity to speak to you about the city's role in national and local homeland security and that role in response to the World Trade Center attacks and to again emphasize the crucial need of sharing intelligence among the Federal, State, and local law enforcement authorities. An open flow of intelligence information is vital for us to be prepared for whatever may happen. Also, the need for localities to have a full-functioning emergency operations center cannot be overstated. If they have to combine resources, they should make them multi-jurisdictional, but they need that resource when something strikes.

And finally, I want to thank you for holding this hearing to see what we can do to make sure that the lives of our citizens on a daily basis are protected from the evil people that struck New York City and Arlington and Pittsburgh on September 11. Thank you.

Chairman LIEBERMAN. Mr. Sheirer, thanks for all you have done and for very thoughtful testimony today. I look forward to the questions.

Our final witness on this panel is John White, Director of the Tennessee Emergency Management Agency, a real professional in this field. He has been with TEMA since 1967 and director since 1994. Mr. White, thanks for being here.

TESTIMONY OF JOHN D. WHITE, JR.,[1] DIRECTOR, TENNESSEE EMERGENCY MANAGEMENT AGENCY

Mr. WHITE. Thank you, Mr. Chairman, Senator Thompson, and other Members of the Committee. I sat here and listened to the

[1] The prepared statement of Mr. White appears in the Appendix on page 109.

other members of this panel and determined that my reading of this speech will probably not do any good. They have echoed everything that I feel that you should know.

I think that one of the things that we all wonder about, and I was listening to different members here, is where we are at and where we are going to and how we are going to get a little further along.

Since September 11, I think that you have seen the things that have come together, that have been practiced across the United States for a long period of time. Since 1968, we have had Emergency Operations Centers. We have had other types of emergency plans and exercises. I think that Richard said testing and exercising is so important. The funding of that is tremendously important and there is not enough of that simply because the funding is not available.

Since September 11, I think that the State and local governments have just absolutely been overwhelmed by studies. I brought a copy of just one study. This was the study that the Department of Justice requested. That is one study. I reduced it where it was a little bit manageable. The FBI requested another one that we did that is actually 12 notebooks thick. We have had the same type of studies from FEMA, which I brought a copy, DOJ, FBI, National Guard Bureau, the Fire Association, DOT, CDC, DOE, and NSF, every one of them different, every one of them since September 11, and none of them asks the same questions. None of them have the same criteria.

I am in a unique position that I got to see all the different ones, but I doubt that anyone on this panel has ever seen this from their locale. I do not know why we cannot do one for everybody. I do not know why we cannot set a standard that is there. We have done in the past all kinds of assessments on sensitive facilities, emergency facilities, medical facilities, evacuation shelters, but yet we redo them again. It is another requirement.

We were talking about information going up and then intelligence coming up and no information coming down. I hold a "secret" clearance. I hold a "top secret" clearance. I hold a "top secret departmental" clearance, a "Q" clearance, yet I do not hold a clearance to know anything about terrorism. FEMA's clearances are not good with DOE. DOE's clearance is not good with NSF. NSF is not good with the military. The military is not good with anybody. And then DOJ is not good for any of those.

I asked the other day—I just got through redoing my "Q" clearance—what does it cost to do a clearance? Initial step, $5,000 per person. How many clearances do we have and how many different types? Did they spend $5,000 on me on each security clearance I have got? And nobody knows—I can give you all kinds of things like that. I doubt there is a security clearance you can get to see the information.

I think that you find if you do not work for the FBI, the information is not passed down. You pass it up when you get information. If you are lucky, when it happens, then they are there.

You look at exercising. FEMA is really good about exercising and the Federal Government is really good about exercising, but they never play. You never know exactly what you are going to get. We

have two nuclear plants within the State. We have to, every year, exercise in the nuclear plant where they would be relicensed. That is some approximately 3,000 people play in that exercise. That is State and local government. There has never been a Federal agency play in the exercise. They grade it. Do we know what we would see from the Federal Government if we had a nuclear accident? We guess at it.

When you are looking at exercising at that level and the exercising that is required, you must put some type of funding for local government and for State Government to be able to do it. They cannot afford it, to pay the overtime, to pay the other people that are required in there just to do it. Tabletops cost a tremendous amount of money, but the real exercise costs a lot.

I look forward to answering some of your questions. I look forward to helping out in this problem. Thank you.

Chairman LIEBERMAN. Thanks, Mr. White. You actually posed the questions, and I think you did them very well from your experience.

Senator LEVIN. Would you yield for 30 seconds, Mr. Chairman, just to put my statement in the record?

Chairman LIEBERMAN. You are asking a lot of me this morning. [Laughter.]

Yes, of course, I will.

OPENING STATEMENT OF SENATOR LEVIN

Senator LEVIN. Thank you. If I could just put this statement in the record, and I hope to get back before the end of the hearing. If I could take 10 seconds, one part of my statement has to do with this intelligence sharing between Federal and State, which I just heard these last two witnesses talk about.

A former assistant district attorney told my office he would rather have needles poked in his eyes than to have to work with the FBI on an investigation. [Laughter.]

I will put the balance of my statement in the record.

Chairman LIEBERMAN. That is pretty graphic. Thanks, Senator Levin.

[The prepared statement of Senator Levin follows:]

PREPARED STATEMENT OF SENATOR LEVIN

In the minutes, hours and days after the terrorist attacks on September 11, the people we saw on the front lines at the World Trade Center in New York and at the Pentagon here in Washington—the first responders everyone was watching around the globe—were local firefighters, police officers, and other emergency personnel. They were the ones charged with the responsibility of responding to the injuries, the developing threats, and the public reaction. Nothing tells us more clearly how important state and local governments are in our fight against terrorism than our experience of September 11. We owe our local personnel a great deal of thanks and respect.

But we also owe them the commitment to try to make our intergovernmental systems work better in the future. I imagine all of our offices have heard concerns expressed by our state and local governments back home of communication and information problems. Local police officials in Michigan have told my office, for example, that they are not receiving the information they need. Our witness today, the President of the International Association of Chiefs of Police expresses a similar concern, particularly with respect to classified information, and has identified several areas where state and local police officers could greatly benefit from training, in such areas as responding to biological, chemical and nuclear incidents. We need to address these requests with meaningful action.

I also want to add that most importantly, our Federal agencies have to see state and local governments as equal partners, people with whom we are working together and collaborating to make progress against terrorism. I have heard too many stories in the past about the arrogance of agencies like the FBI when they interface with local police. A former assistant district attorney recently told my office that he'd rather have needles poked in his eyes than have to work with the FBI on an investigation. Instead of sharing information, they apparently often hide it. Instead of working as a team, they work as competitors. To the extent that is still happening, and I hope it is a thing of the past, we have to stop it. In these new times, old practices like that have no role to play.

Communicating within a state is also key. My own state of Michigan completed and submitted its three-year Statewide Domestic Preparedness Strategy report to the Department of Justice in October. States were required in 1998 to prepare a statewide assessment that shows the needs and vulnerability assessments of the state. Each state's study will then be used to channel future Federal assistance through state governments to enhance state and local emergency preparedness. Every state is either working on their own self evaluating report or has submitted such a report. These reports will hopefully be helpful, not only to the state, but also to Governor Ridge and his Office of Homeland Security.

No one has more responsibility for the inter-governmental relationships around terrorism than Governor Ridge. Governor Ridge has done a good job so far. He responded positively when I asked that National Guardsmen remain in place at the international border crossings in Michigan when their funding was set to expire. I am hopeful that he will continue to seek input, not only from Congress, but from local entities, both private and public, in creating an organizational structure to fight terrorism.

Although today's hearing is focusing on the role of public officials, it is crucial that private companies are also consulted. My staff recently met with an association based in Detroit that represents independent pollution spill response companies across the U.S. They offered to provide their expertise and help to train local officials in remediation including chemical and biological hazards. Yet, they were unsure where to go to offer their assistance. My staff directed them to Governor Ridge's office and they are attempting to meet with his staff. The point is: we have private resources here that should not be overlooked. Many citizens tell me that they desperately want to help their country in some way besides spending money, and private companies may offer a way for citizens to help in what they may see as a more tangible way.

It is a terrible force that we are up against—hatred always is. But we have a lot of good people willing to help and a lot of hard work to do. I look forward to hearing from the witnesses who can teach us a great deal from their own real life experiences.

Chairman LIEBERMAN. Let us talk about that one a little bit, because we have heard that. I have heard it a lot, and probably all the Members of the Committee have. There are real concerns nationally, particularly from mayors and people in local law enforcement, about the difficulty in getting information from the FBI, and I presume here we are talking about intelligence information that might lead you to know about whether your local area is maybe vulnerable or subject to attack. Even though we have heard every time Attorney General or Governor Ridge has put out one of these national alerts that they have notified the 18,000 law enforcement officials around the country.

So my question is, and maybe I will start with you, Mayor Morial, have you had that problem? Is it as widespread as the anecdotal evidence that I have had? I did mention in my opening statement that Director Mueller of the FBI has formed a committee or a task force of some kind. Are you hopeful that can solve this problem?

Mr. MORIAL. It is a concern by mayors and police chiefs around the country. I think the experience is if there is a working relationship between local government and the special agent in charge in that jurisdiction, then based on those relationships, those working

relationships, the information may flow. If there is no working relationship, then the information does not flow——

Chairman LIEBERMAN. Right.

Mr. MORIAL [continuing]. And I think it calls out for there to be a protocol established in terms of how and what information is going to flow and to whom.

For example, 2 weeks ago when Governor Ridge announced his non-specified threat, the first thing—the thing he did before announcing the threat publicly by way of a press conference was to convene a conference call with the Nation's 50 governors, and those governors, I take it, were not in turn advised as to what they should do with the information.

In my own view, the appropriate thing for the governors to do would have been to hold a follow-up conference call with the chief law enforcement officers of every county, or in the case of Louisiana, the parish in their State to provide the information to them and then they could, in turn, transfer it to local police, chief elected officials in those areas.

I found out, because when the threat—when I saw Director Ridge on television, I called my chief of police and asked him if he had received the information. Lo and behold, I found out only after asking him that the information was being communicated to local law enforcement through their NCIC computer hookup, which is not commonly monitored for this kind of information by local law enforcement.

So, Senator, what it calls out for is there needs to be a protocol established by administrative rule, by administrative regulation, by statute, if necessary, as to what information should flow and how it should flow and the time frame in which it should flow.

Chairman LIEBERMAN. That is a good recommendation. I wonder if any of the rest of you want to comment on that, and if you do, help us understand what the problem is. Is it that the FBI is not sharing information in advance or is it that once there is a crime, there is a joust for jurisdiction or cooperation? Commissioner Gonzales.

Mr. GONZALES. I would just say, Senator Lieberman, there is no doubt that the thousands of public law enforcement officials around the country, public safety officials, are gathering information. Part of the frustration we are hearing from our sheriffs around the country is that the information is moving up but it is not coming down, that the information becomes very fragmented. They are gathering information. The city police officers are gathering information. They are sending it somewhere. Someone is making a decision as to whether there are threats that are being accumulated and then nothing is coming back.

And so I think it comes down to the simple relationships, as Mayor Morial indicated, that the local FBI has with the local law enforcement. If you have an established relationship, you are going to share information. I was told by our own local law enforcement officials that the FBI has indicated there is some information that they do not know and that they cannot pass down——

Chairman LIEBERMAN. Yes.

Mr. GONZALES [continuing]. And so there are different classifications that exist, and so what they are receiving may not be the entire picture.

So it is very difficult for our local law enforcement community to operate on fragmented information. They are doing the best they can, but it is almost a wait and see type of deal. And so as Mayor Morial indicated, I think it begins first with the local relationships, but it has got to start from the top. They need to know that there is going to be some type of uniform effort to assure that level of communication is occurring all across the board.

Chairman LIEBERMAN. Thank you.

I wonder if, Mr. Sheirer, if you care to remark on how working relationships were with Federal law enforcement during the crisis that both of your governments responded to so well.

Mr. SHEIRER. We had a very good working relationship with the New York office. Barry Mawn and the Assistant Deputy Director, and prior to him, Jimmy Kallstrom and Lou Schlero have had an exceptional relationship with the Police Commissioner and the Chief of the New York City Police Department, and the Joint Terrorist Task Force works very closely. It is very well mixed with police officers and FBI agents.

Our experience in this incident was that there was a lot of information coming from a lot of different sources that was not filtering down to us what we felt was quickly enough, and I think you experience that in any crisis. But particularly when it comes to law enforcement information, probably one of your biggest sources is the street cop, whether it be a street cop in L.A. or a street cop in Brooklyn. That information that gets to the FBI has to be—they have to find a way to disseminate that to the right jurisdiction.

Chairman LIEBERMAN. Right.

Mr. SHEIRER. It is an enormous undertaking, but it has got to be done. It is critical that we have the information that they know as quickly as they can possibly share it with us. It is not something that can sit on someone's desk or someone should be evaluating it without talking to the jurisdiction for whom a threat is pointed at, because there are local issues that that person in the city, in the jurisdiction, in the county would understand maybe better than an FBI agent who is not from that area. There are a lot of individual things and that sharing has to improve, and I think everybody acknowledges it. It is just the way to get it done.

Chairman LIEBERMAN. Well said. Mr. Fisette.

Mr. FISETTE. I would only agree, I think, with Mr. Sheirer that our police department has a quite good relationship with the FBI. On the other hand, I think the suggestion of a protocol where you find that balance between providing sufficient information so that we at the local level can, in fact, fulfill our responsibilities, yet not compromise the FBI in a way that in the long term would be detrimental.

So having that discussion, creating the protocol seems to be—there will always be tension in any emergency situation. I think that is inevitable. However, it can be made better.

Chairman LIEBERMAN. Thank you.

Mr. White, let me take you to another question that you raised that I wanted to ask you is with your example of the reports. I just

have a minute or so left on my time. Obviously, in the existing framework, you have the Department of Justice, HHS, FEMA, a whole range of Federal agencies that deal with the terrorism problem now that are interacting with State and county and local governments, and your example of the various reports that are quite similar being asked by the different agencies is very graphic and illustrative.

What is the way, from your perspective as a State official, to make this work better? I mean, should we be creating an overall block grant of some kind? Should there be more coordination in the relations on this subject of anti-terrorism through the Department of Homeland Security? What ideas do you have about how to make this part of it better, because it sure seems like a waste.

Mr. WHITE. It would seem to me that there has been an agency established, be it Homeland Security or FEMA. FEMA is more than the Department of Justice, more than any of the other agencies that I know of, dealing with State and local government every day. They have a conduit by which money can flow to local government to produce, to abstain, to train people, for equipment, for exercising, and other things.

Also, I think that we have done all these different types of studies, and for some reason, they are not shared at the Federal level. In other words, I doubt that DOJ has asked FEMA for anything. I sure know that NGB has not asked any of them for anything. They just do not talk.

That is alarming in that when you get to comparing the questions, you get to looking at the answers, and remember, the answers are kind of arbitrary, so you can make it look as bad as you want to or as good as you want to with a number.

I kind of wish they had come to one agency in the State and said, coordinate—this is what we want to know, coordinate this for us, and let one group help them through it and set a standard. But that is not the way it is happening.

Chairman LIEBERMAN. Those are some good ideas, Mr. White, and I thank you for them.

Senator Cleland just arrived. It reminds me that at an earlier hearing after September 11, we had, if I am not mistaken, your counterpart in Georgia, who is the head of emergency management. As his illustration—no joke—of the problems that the Federal agencies have in not communicating or in sharing jurisdiction, apparently at the scene of the bombing in Atlanta during the Olympics, this gentleman witnessed the beginning of a fistfight between two representatives of two different Federal agencies who were jousting for control over the site, so we have got some work to do.

Senator Thompson.

Senator THOMPSON. Thank you, Mr. Chairman.

Mr. White, thank you very much for your insight. I think you have really put your finger on the crux of the problem that we are facing here.

Following up on Senator Lieberman's last couple of questions, what is your feeling as you look at the Office of Homeland Security as it is being set up now? It is awfully early in the game. Governor Ridge has just really had an opportunity to get into it. He has all these agencies to deal with, all these problems, duplication, over-

lap, and he is hearing, I am sure, from all over the country some of the same things that you have been saying.

Would you have any suggestions to him? Should the problem be given to FEMA within his jurisdiction, under his umbrella? Do you see anything that they are doing or not doing that you would comment on as to whether or not you feel they are going in the right direction with regard to some of these problems you have just been talking about?

Mr. WHITE. I think Governor Ridge has not been there long enough to really get a handle on the different areas that are going to come up by anyone new in that type of position. In reading his charge, it's certainly an astronomical task that he has to do. It is going to be remarkable to see him do it.

Senator THOMPSON. It would seem like that would be the place where all of this has to come together, would it not, and resolved?

Mr. WHITE. I would probably say yes, but I do not think it can happen, the reason being is that one State, right here, what happens is what I call smoke and mirrors. Who is in charge today? So we give him 50 States this thick and say, OK, now when you get through, when you know what this means, come talk to me, well, guess what? It will never happen. We multiply the amount of paper and the other agencies do what they normally do, will get another survey.

The next thing is that there are no requirements that he can lay out for things to happen. I am exercising—for a fixed nuclear facility plant, I am exercising all the local PDs. If something happens, what is the difference in a release at a nuclear plant, be it because of a failure of a piece of equipment or because of terrorism? There is not. But that is not impacted into what we are doing. The money that we need to do that for the other locations are not there.

When you look at the City of Memphis, which is a wonderful, a very robust city, we have got the urban search and rescue task force there that came to the Pentagon. We have got probably more resources than the entire State. But to exercise it, there is no money. There is no criteria there except for FEMA.

I am not sure Governor Ridge can ever get to that, and I am not sure that the other Federal agencies will let him have that kind of jurisdiction anyway. You are talking about turf now. That is important.

Senator THOMPSON. You are addressing the same things that we have been talking about here for a long time now. Clearly, the President is going to have to make it clear that he has the authority and he is going to have to exercise that authority.

Mr. WHITE. I think FEMA has done one thing. FEMA is an agency that is not in charge of anything when you really think about it. What they are is a very good turf walker. We coordinate and emergency management coordinates a lot of agencies that have legal responsibility to do something. We coordinate them together. We do not want what they do. I do not want to be a fire fighter. I do not want to be a policeman. I do not want to be a lot of things. But I coordinate what they do in one direction.

It is a very unique thing to walk on somebody else's area and get their help. FEMA does that well. Now we have got to train someone else how to do that.

Senator THOMPSON. I am going to make sure that the people in the Office of Homeland Security get the benefit of your thoughts on all of this. Is this one report—did you say you had to send several reports like that in?

Mr. WHITE. Yes.

Senator THOMPSON. To all the various agencies?

Mr. WHITE. These reports, you know, it is not only us, but local government. There are some 10,000 questions in here. Even once you read it, and I have read through it twice, you really have nothing because there is no thread through it that makes it seamless to mean anything. This was with the Department of Justice, another one with FEMA.

Senator THOMPSON. And they accumulate?

Mr. WHITE. And they accumulate and they never—I cannot let some of my people see the National Guard Bureau's report. Some of them cannot read this. Some of my planners cannot look at the DOE reports. And they are dealing with——

Senator THOMPSON. Well, do not feel too bad. We have had, for a decade now or more, we have accumulated reports here in Congress, GAO reports and Inspector General reports and in some cases intelligence community reports, laying out for us the terrorism threat and the threat of weapons of mass destruction and all the things that can happen and how vulnerable we are, time and time and time again.

So something finally happens and we are still trying to figure out how to get anthrax out of one of our buildings here because we cannot agree on the nature of the matter. It is all up and down the Federal Government. The FBI is now scrambling and trying to, I think, get its arms around all this, but the FBI is used to solving crimes after the fact. They are not used to having to deal with threat assessments, risk assessments, training, exercising, all these issues now that we have to deal with. So it is a whole new culture for them. We are having to learn how to walk again in a lot of these areas.

You mentioned these nuclear plants. Are you getting any assistance? Are you having any communication? Are they requiring you, for example, to make your threat and risk assessments with regard to those plants in your reports, and if so, are you getting any feedback? Are you getting any help or assistance in terms of planning in case we had a disaster of that kind with regard to those nuclear plants?

Mr. WHITE. Not from the Federal Government. It comes from the plant site specific to the State. That is done by the utility. It just so happens in Tennessee it is TVA. That is non-Federal money comes from the generation of power.

Senator THOMPSON. Do you need that kind of additional assistance?

Mr. WHITE. Yes, sir. When you look at the money that the State and local governments around that area put in for that plant to operate, it requires more assistance than what is there. You do what you do with what you have. We were very fortunate in the licensing of those plants, the first to license after Three Mile Island, then the last plant to get a license of that type in the United States, which was very fortunate. But that is the type of planning that is

there also that you use for homeland security. That is what you are looking at.

There are other things. I think that the individual counties, we handle in the State some 3,000 to 3,600 missions and incidents a year, in 1 year's period. That is stuff that we respond to with the local governments. We handled 3,000 hoaxes of anthrax. Where does that come from? We had to treat every—where does the money for that come from? There has been no talk of any kind of help for that.

What we are looking at we have upped the security in the airports, yet the Governor and mayors and chief executives have had to up the security around courthouses, overtime. We have had to put National Guardsmen around the Capitol. This is another security threat. Yet, there is no money there for that. Does the State try to pay for it? I do not know. We are paying $10 million since September 11 for extra security and for things like this right here that we did not program, and I know that you all did not, either.

Senator THOMPSON. Mr. Chairman, I think we are just beginning to get a slight feel for what the financial impact of all of this is going to be on the Federal Government and on the State and local governments. We have got training and threat and risk assessment and exercises that need to be done, and nobody really can tell what all this is going to cost. We have a few bills around, each one of them has a few billion here and a few billion there, but it is going to affect our fiscal picture here in tremendous ways that we are just beginning to have an appreciation for.

Mr. WHITE. I do not pretend to know, Senator, the challenges that you all have on a day-to-day basis. Also, I was looking at some of the bills coming out, you know, and you said it, that we are putting a little bit of money here, a little bit of money there. I would say to you, out of each one of those little bit of monies, there are a lot of people that take it off the top. And when you look at what comes off the top to get to the bottom, by the time it gets to the bottom, there is not any.

Senator THOMPSON. Thank you, Mr. Chairman.

Chairman LIEBERMAN. Thanks, Senator Thompson. I could not agree with you more. Hopefully, the Committee can play some role in creating more clarity and better organization and more efficiency in the use of Federal resources. But the reality is, we did enter a new chapter of our history on September 11 and we have a requirement to focus on homeland security which is greater than we have ever had before, a whole new dimension.

And you all represent—you have said it over and over again—the front-line troops. We do not have to create a domestic security force, or as other countries have, an interior department with internal security. We have got it. You are out there. Now the question is—and you are performing a national function and the question is how we can come to some appropriate level of support for what the Nation is asking you each to do and how we can better coordinate the relationship between the various levels of government, and that is the challenge we all have together. There is no question we can do it, because we have got to do it.

Senator Cleland, thank you for being here.

Senator CLELAND. Thank you very much, Mr. Chairman. Thank you for holding the hearing. Before I get into my opening statement, which I understand I can do before the next panel——

Chairman LIEBERMAN. Or if you want to do it now, go right ahead.

Senator CLELAND. Actually, I would just like to follow up with Mr. White's observations. Mr. White, you have such a clear and an unvarnished understanding of how things work, I wondered where you are from. I know that you are from New Georgia, so I think that—— [Laughter.]

Mr. WHITE. Senator, I am from Tennessee.

Senator CLELAND. I know. [Laughter.]

I was just sitting here absorbing your insight. We have an outstanding emergency management operation in Georgia. Gary McConnell, your counterpart there, he is the kind of person who, when the popcorn hits the fan, or as Jeff Copeland says, the head of CDC, when the anthrax hits the fan, he is the kind of person you want in the foxhole with you. He has a great sense of where things are and what ought to be done and anticipating the command, all those things, and I have seen him perform in the wake of tornadoes, in the wake of floods, in, shall we say, natural disasters, natural attacks, so to speak, on our State.

Now, in the wake of September 11, I guess we have all been searching for a formula with which to, or a key to unlock the secret of how we "defend our homeland." We have been struggling, quite frankly, with the things that you have already articulated. It does seem to me that the big bugaboos here in terms of homeland defense are not uncommon to other areas of our defense, that is, coordination, cooperation, and communication, none of which is rocket science.

But it does seem that, particularly at the Federal level, there is a great inability to go outside one's turf, to share information, to coordinate operations, to communicate, and so forth. We see this, and I am painfully aware of it because the CDC is located right there in Atlanta, we see this with the whole anthrax threat here, where once the FBI gets on the scene, they declare it a crime scene and, in effect, confiscate the evidence, shut it down. They send their anthrax samples to Fort Detrick, Maryland, not to the CDC, and that has put us in several binds from time to time.

There are two cultures. Just for instance, CDC is designed to, shall we say, communicate openly to the public all the time, to local and State health departments, and share every bit of information they have got and tap the great resources there of the 8,000 people that they have and say, Professor so-and-so or Dr. so-and-so is the expert on this and talk to him, whereas the FBI does not share any information with anybody, ever. I mean, there are two cultures. Both are right in their own setting, but to try to get them both to attack the same problem is like oil and water, and we have seen that.

Your point about turf walkers, I have never thought about FEMA in that regard but maybe that is what we are talking about here in terms of homeland defense. Maybe we already have an agency with budgetary authority, with troops in the field, with some background and training in response to emergencies and maybe we al-

ready have basically a homeland defense agency. It is called FEMA, expert in doing the very kind of things, coordination, cooperation, communication, that we are so lacking in and have struggled to bring about by other means.

I do not really want to put you on the spot, but do you think we ought to seriously look here in Washington, all of us, at maybe either using the FEMA model or using FEMA in some way as an anchor or using this wonderful agency that works, and our mayors and our governors out there all, I think, would swear pretty much by it.

They have got a central command post. I have been down to the central command post when a hurricane was moving onto the Southeast coast of Georgia. I mean, I went in there and it was like, in effect, a Pentagon war room. I mean, they had it. They had it nailed. They were on top of it and they were coordinating and they were cooperating and they were communicating.

Anyway, do you think we have the kernel of a homeland defense agency in FEMA and maybe just maybe build on that?

Mr. WHITE. I would suggest to you that is where they came from. It was called civil defense, and that is what that was.

Senator CLELAND. Yes.

Mr. WHITE. It was just a different time. It was just a different, smaller threat. I just do not, and maybe it is from being a Southern boy and just kind of being in Tennessee all the time, I just do not see the difference between an Oklahoma City and a New York. I do not see a difference between a hurricane that wipes out all of Florida and New York. It is done by somebody else. It is done by something different. But the consequences are the same. The recovery is the same.

You still have to provide the people with funding. You have to provide the local government the capability to do it. You have to assist them, stand back and let them work as far as they can. Then the State comes in and helps them. If I cannot do it, then FEMA comes in and helps me. Then that is the way we get things done.

It would seem to me that Governor Ridge would be very well served by looking at some of the things that FEMA has done. I have been around a long time with FEMA—FEMA has not always been what it is today. But I would say to you that today is a model of something that will work, a model of how to get money to local governments and get it to them fast, a model of how to respond to a disaster and how to get information to governors, to the people on the front lines.

Do I think that you will ever solve the security problem? No, sir. It will not happen because they are not going to tell you.

Senator DOMENICI. Could you repeat that, please?

Mr. WHITE. I said, do I think that you will ever solve the security problems between the CIA, the FBI, or NSF? No, because they do not talk to each other now and are not going to talk to you. If they talk to you, then you know as much as they know and you have got to have it for the funding. In other words, there is always going to be a black program. That is the way they get their money.

But you have to have a turf walker, someone that is not going to offend or not try to take over somebody else's job and to get the money out there, and also gently hold them accountable. That is

very important, too, because OMB is going to send an auditor 26 years from today and want to know where that piece of equipment is, and you say, "I do not know where it is at." Well, guess what, you are going to pay for it 17 times. [Laughter.]

So you have got to have also, then, accountability. The Department of Justice has learned their lesson. Out of the $1 million that they gave out in Tennessee, they cannot find one piece of equipment. They did not bother to know that it was disposable equipment. Once you used it, you had to throw it away. We had not figured that out yet. But they will when OMB gets through with them.

Senator CLELAND. Before we go to Mayor Morial, who wants to say something, is it not true that in terms of this emergency preparedness, we will call it, the old civil defense operation, that there is an established protocol already, that when the popcorn hits the fan, all the players of the team know exactly what their responsibility is.

For instance, something hits the State of Tennessee or Georgia. There is a protocol there. Ultimately, the governor asks the President, I guess, to declare X area a disaster area. The moment the President does that, there is an established protocol for money, for small business loans, for emergency assistance. I mean, people are on the plane. Things are happening right then, and I have seen it happen.

The problem with, say, this bioterrorist attack we just went through, we found that there was no real established protocol. The Postmaster General testified he did not understand the protocol about what happened when he got hit with an anthrax scare, so I think that is something we could look at. Mayor Morial.

Mr. MORIAL. Thank you, Senator Cleland. I could not agree with Mr. White more. FEMA does an excellent job. We have had great experiences with FEMA in connection with weather emergencies, but I wanted to make this point. FEMA is a response agency. Homeland defense includes prevention, working to prevent future attacks, developing intelligence and coordination.

FEMA's role and the role of most successors to the old civil defense systems that exist are setting up the appropriate response once you have an emergency situation, and I think in your conversations, in your considerations, and in your deliberations, we would ask you to also keep in mind the need for a system of prevention, resources for prevention. I think that is where I hope Governor Ridge, the Office of Homeland Defense, will focus and will go.

Let me give you an illustration. We are preparing right now for the Super Bowl, and in our preparations, we have, in effect, divided our preparations into two components. One is prevention. What do we do with traffic, with people, with security, with special events, with deployment of police, fire, and EMS officials? The other is, what are the protocols to respond in the event there is X type of problem over here or Y type of problem over there?

Both components have to be adequately addressed, and I would think that the FEMA model, because they are an excellent coordinator, they work with State and local government, they try to marshal resources, might be a model that could be employed on the prevention side, too. Whether it could be carried out by FEMA, I

do not know. Whether it needs to be carried out by the Office of Homeland Defense with the appropriate staffing and personnel, that would be a consideration. But I think that local government is acutely aware of both components of the challenge we face.

Chairman LIEBERMAN. Thanks, Mayor Morial, for a very good statement. I would say, for the record, you were kind enough to refer to the bill that Senator Specter and I have put in to create the Homeland Security Agency, give it budget authority, cabinet status. We are building here on a lot of work that has been done, particularly by the commission headed by Senators Rudman and Hart.

But in our bill, we have actually three directorates under the Secretary of Homeland Security and it follows your model. Prevention, in our case, we had one called protection, which was the ongoing business of protecting critical infrastructure, and then response, and the vision we had in the response, FEMA is really the heart of it because it does such a great job, as Mr. White said.

Senator Domenici, thanks for being here.

OPENING STATEMENT OF SENATOR DOMENICI

Senator DOMENICI. Thanks very much. First, Mr. Chairman, I really do compliment you for holding this hearing.

Chairman LIEBERMAN. Thank you.

Senator DOMENICI. I am not quite sure how we are going to go beyond the hearings into changing things that are desperately in need of change, but we have got to start somewhere, and it seems to me that as we talk up here, it becomes quite obvious that one of the reasons we are going to have a hard time getting ourselves into a different management mode on all the fronts we have been discussing is that there are great conflicts of interest. There is no committee with jurisdiction to solve it and come up with a bill. In a subtle way, all the committees are going to want to keep some of their jurisdiction even if they are not quite sure what it does for the country.

If it is something that they are charged with doing, you are going to have difficulty—if you perceive in this Committee under your leadership and our good friend who used to be Chairman, what you ought to do. I am not sure that you will not have to go to so many committees that it is going to be hard to get the job done. I can tell you that at every level that has to do with security, our country is in a big muddle and we did not do much about it before this terrorist attack.

Will we be able to do something about it? I think the President wants to, and that is the starter. I think he put in a governor who has obviously managed some big things. Now the question is, what is his authority? Frankly, if we try to draw something to set out his authority, I am very concerned that it would take us forever to get the legislation done and the claims on jurisdiction would be three or four committees.

But nonetheless, the President has started out right by saying we need a new level of defense and it is homeland defense. We should all remember that if homeland defense is important, we ought to know how much we spent on the defense of our Nation

without due consideration to homeland. We spend over $325 billion to defend ourselves in this world we live in.

I believe we are going to have a very large budget for homeland defense. It may not be very large now, but we will be spending a lot of money on homeland defense once it gets coordinated right. I hope that the precursor is that we have got to find out how to organize it. But we have got to spend some money, there is no question about it.

I want to say to all of these witnesses: I very much appreciate, as one Senator, your coming and the excellent understanding of the problem from the local level. Sometimes we just keep talking to ourselves. It is really good that that stops and somebody that is out there experiencing it gets into the loop. You all have been in that loop today and you are going to stay in it in trying to help us get our job done.

I want to personally thank Javier Gonzales, the County Commissioner who came up here and has a national role. I thank you very much for the time, the effort, and what you have said.

I have a statement that is in the record, but I would like to just talk for a minute to the Committee about some things. In 1996, quite a while ago in terms of reference to the towers being bombed, almost an eon before, we passed a piece of legislation up here. Its nickname is Nunn-Lugar-Domenici. It included a domestic homeland initiative where the U.S. Government attempts to help first responders.

Last year, we completed 120 cities, Mr. Chairman, 120 American cities, and some of you are aware of this. Those cities came together under Nunn-Lugar-Domenici and prepared to communicate among themselves and organize for the eventuality of a mass accident, either nuclear or a huge accident that occurs because of nature. Now I think we have to decide to take a look at that legislation and see, in light of terrorism, does it do the right thing?

I think we did a pretty good job, considering it was so many years ahead of things to set up a first responder organization and communication. It just about does your three C's. It does not do it for everything, but in a limited way. Frankly, Mr. Chairman, it suffered after it was passed from the typical difficulties that anything in America that is different and that is preventative and that is ahead of the time suffers.

We could not get the administration to decide who ought to run it, so we put the Department of Defense in the first time through. That caused all kinds of flaps, with concerns that the Department of Defense was going to come into cities and help them prepare their first responders. It took 1½ or 2 years and we finally said, let the Department of Justice do it. The Department of Justice does not like to do it, but they do it. Now, it is getting pretty healthy because we spent $667 million on that legislation in the year we are in now, a pretty healthy chunk of money to help cities and institutions prepare themselves for communication, and for first responder efficiency, then firemen will know what their job is and the police will know theirs.

As a matter of fact, fellow Senators, I am not sure that we know the impact of that program on New York City, but it is commonly thought that they were much better prepared because they had for

2 or 3 years been annually preparing their responder organizations under the Nunn-Lugar-Domenici Act and had trained them, got them ready, with much better communication capacity and skills.

It might indeed be wise for our staff, bipartisan here, to take a look at that legislation. They should see if maybe you can build on it in a way that would expand what it does so that it will do more of the things that Mr. White (and I greatly appreciate your observations) and Mr. Sheirer and all of you have given us.

Let me close by saying that Tom Ridge has one of the toughest jobs anybody could have. How we are going to be able to shake these organizations that have been complacent and, when we give them money, for them to do the right thing with it and get it spent on the right things is not going to be easy. But I also think that this Committee under your leadership has a rare opportunity to let people know what we do and what you can do. You have very broad jurisdiction in this area.

I close by telling you that we were not capable in this country, prior to this big accident of clearing Federal employees for jobs in secret establishments. Sometimes it took 2 years. I can tell you, for the record, that in my State, for jobs at Los Alamos National Laboratory, there are many great scientists hired and, in a sense, put in a bullpen.

In other words, they are hired but they are not hired in that they cannot work in secure areas of the laboratory because they are awaiting their clearance. And sometimes, they meet me on an airplane and they say, "Well, I sure would like to be working at the job I was hired to do. I am so-and-so. Here is my expertise. But just so you will know, I am not working at that job. I draw a paycheck, but it has already been 12 months and they have not cleared me." Is that not pathetic?

Now we have reason to do a lot of these things better, just to ask the administration, how do you fix that? What is a reasonable time? Do you think it is 6 months? Surely if you have machinery and equipment, you ought to find out in 6 months whether a Ph.D. that came from Georgia Tech in research in nuclear this, that, or the other, can be cleared as an American to work on nuclear weapons? Why 2 years?

And this is the problem everywhere you go. All the things we are going to try to solve are going to run into these kinds of administrative nightmares. But now, it is life or death, so it may very well be that we will change. If we do not change, we are going to have another one of these events and everybody is going to say, "Why were we not informed?" And somebody is going to say, "Well, we should have been. Why did so many people die? Well, if we had just been able to do this, they would not have." And somebody will say, "Well, we know how to do that. Why did we not do it?"

So I urge that you and the Ranking Member decide what your role is going to be. I, for one, do not have a lot of time, but I will pledge to you that I will join you if you undertake in a major way how to put this together and challenge these other committees who want to continue to say they have the power and the jurisdiction. We want somebody to do something. Is that not what you want?

Chairman LIEBERMAN. Amen.

Senator DOMENICI. I do not think you want to sit around and have hearings that people have rave reviews on because we got the facts. I think you want a result, and we are not getting results. In fact, it is terrible. Some would have to say, we may get results because we were bombed in our homeland and we will never have the same America because nobody can any longer kid anyone. We could have—in your hometown, or in your State, Senator—a major terrorist event within the next couple of weeks. Who knows.

We did not think of that 2 years ago. If you brought up a bill to spend money to prevent that, people around here would have said we were crazy. Nobody is going to do anything to America. Well, that is over with, is it not? I mean, they can do anything. In fact, I am worried about just which is their next target. I cannot believe they are not going to do anything, except we have taught a few of them a lesson. They do know we will fight.

Chairman LIEBERMAN. That is right.

Senator DOMENICI. So I thank you, and again, I will read your testimony and I will just close by telling you, there is a piece of equipment manned by scientists. It is called NISAC, National Infrastructure Simulation and Analysis Center. I must tell you, it is the most phenomenal production in terms of the infrastructure of America that you would ever think we would do.

The scientists at two nuclear laboratories took their big computers, the ones that have more capacity than anybody ever thought. They have put a little bit of the time into NISAC. They now are trying to put together a center where they can apply this equipment in a way you would not believe, Mr. Chairman, to all of the infrastructure of America of any significance. The NISAC computers will permit you to relate one piece of infrastructure to another, so that if a big dam is blown up here, what is the consequence to the country? It will tell you now. And now it needs to be continued year by year to be a predominant fixture for information dissemination or prevention by doing things that this software will tell you.

I know you will wonder, where has this been, this wonderful equipment? I would tell you, it has been rather difficult to get it funded. Now, somebody in the administration has agreed that it is a whopping great, great thing. Still, I am not sure that the $20 million is going to be appropriated for it to become part of the civilian network of America, but I think it will. Anybody that will listen and see it will know that the greatest scientists in the world have pulled something out of a hat again for us. With it, we will know so much about the relationships of one piece of infrastructure to another that it is almost unimaginable. I am very grateful that some Senators helped me do this and I did not come to all of you because it was moving along.

You will know, all of you and Mr. White, when this is all set up. If we can then establish who is entitled to the information, it will be an incredible thing for the counties and cities and States to be able to look at their infrastructure and see what are the risks, which things are really dangerous, what is the consequence if they get this, to our State on this? I think it will be exciting for everybody. Thank you, Mr. Chairman.

[The prepared statement of Senator Domenici follows:]

PREPARED STATEMENT OF SENATOR DOMENICI

Mr. Chairman, I want to thank you for holding this hearing as your Committee continues to explore issues associated with Homeland Security. The focus of this hearing, on local roles, highlights the critical contribution from the first responders and local jurisdictions who represent our first line of defense against terrorist actions.

I'd like to add my welcome to Javier Gonzales, Commissioner from Santa Fe County. Thank you for traveling here for this important hearing.

In 1996, the Nunn-Lugar-Domenici legislation focused on two key issues, stopping proliferation of weapons of mass destruction, and on domestic preparedness in case these weapons are used. That bill charged the Department of Defense with responsibility for training "First Responders" for potential attacks. Later the responsibility for that program moved to the Department of Justice.

I'm pleased that 120 cities have received this training. I'm told that the training in New York City contributed to their ability to respond to the events of September 11.

That 1996 legislation was a good foundation, but we in Congress need to build upon it. In fact, the exercises—both practice ones and unfortunately in response to real attacks—have highlighted areas that need additional legislative focus.

For example, it is clear that better coordination is required for all domestic preparedness efforts. I anticipate that Governor Ridge will provide that coordination. I'm pleased to note in the testimony of Javier Gonzales that the National Association of Counties has been working directly with Governor Ridge toward creation of a State and Local Advisory Committee within his Office. I support that proposal.

It is also clear that follow-up training is needed after the initial exercises for the first responders. Certainly those exercises are important. But, there has not been a mechanism or program for further training and ensuring the sustainability of first responders' capabilities.

And finally, it is abundantly clear that our public health infrastructure needs significant enhancement to respond to the range of risks presented by terrorism.

On a local note in New Mexico, I'm proud of the role played by New Mexico Institute of Mining and Technology with their first responder training program.

Mr. Chairman, the original Nunn-Lugar-Domenici legislation provided the foundation for training of first responders for incidents involving weapons of mass destruction. I stand ready to work with you and this Committee as legislation is crafted to build on that vital foundation.

Chairman LIEBERMAN. Thanks, Senator Domenici. Thanks for your offer of help. I think we have got a job to do here and it is an important one. The program you mentioned at the end is exactly what we should be doing, bringing technology to bear on this new problem.

Thanks also for the Nunn-Lugar-Domenici law, because after September 11 when people said, why did the Federal Government not do anything, in fact, we had done some things, thanks to leadership like that. We did not do enough. We did not expect the attacks in exactly that way, but it helped.

We do have to move on to the next panel, but while you were talking, I saw Mr. Sheirer looking for recognition. I assume that you wanted to talk about your experience under the Nunn-Lugar-Domenici law.

Mr. SHEIRER. Under Nunn-Lugar-Domenici, in May of this past year, we had a tabletop exercise called Red X, which was a bioterrorist incident in New York City where we had about 75 different agencies and hundreds of observers up at the EOC. The mayor came and participated, and 5 minutes into this exercise, you forgot it was an exercise with our mayor. We virtually quarantined Manhattan and we went through this step by step what we would do.

What was interesting in the critique of it right afterwards, some people criticized us for closing the city, Manhattan, so quickly. It was interesting to try and reach out to them after what happened

with both the bombing on September 11 and the anthrax to see if they had changed their critique in any way.

But the second part of that same drill was the TriPOD exercise, the point of dispensing, which had a direct impact on our ability to deal with the anthrax situation and how we handled those people that were exposed. Thank you very much. That bill has done exactly what it was intended to do.

Chairman LIEBERMAN. That is great. Go ahead, Mr. Sheirer.

Mr. SHEIRER. One other observation, a very quick one. I had fully expected that we were going to run into the turf problems somewhere along the line as we got further and further away from September 11 and I am happy to say, to this point, with the help of FEMA, with the help of the State Emergency Management Office, and with every agency, we have had a few bumps in the road, but nothing, absolutely nothing that would deter us from getting our job done in terms of the September 11 incident, funding all the local ones we can and recovery from that, the anthrax incident, and Flight 587. It has just been a tremendous cooperative effort from the agencies, and where you had expected some problems, they have not come up.

Chairman LIEBERMAN. Thanks for that good report, Mr. Sheirer.

You know, one of the things that I think we might most readily do in this Committee is to lead an effort to expand Nunn-Lugar Domenici. If we continue the military analogy, and it is not far-fetched at all in this case, it is training exercises that make our military what it is and helped us to perform as successfully as we have thus far in Afghanistan. The truth is, every State, county, and metropolitan area in the country today ought to have the support that you got under Nunn-Lugar-Domenici to carry out training exercises.

Mr. SHEIRER. Exactly.

Chairman LIEBERMAN. Thank you all very much. You have been an excellent panel, very helpful. I really want to ask that you stick with us and continue to be engaged with us. We are going to share whatever products we have of this set of hearings and we are really going to welcome your response because we want it to work from your level of government.

Thanks very much. Have a good day.

I will call the second panel now. I want to indicate that I have to go off to a meeting of the Education Conference Committee and I am very grateful that Senator Cleland has agreed to Chair the hearing in my absence. I hope to return as soon as I possibly can, certainly before the hearing is over.

Senator Cleland, thank you very much.

OPENING STATEMENT OF SENATOR CLELAND

Senator CLELAND [presiding]. Thank you very much, Mr. Chairman.

As our second panel is taking their seats, I would just like to provide an opening statement. This hearing is, I believe, one of the most critical hearings we can have on the subject of homeland security because it gets at an issue that resonates from almost every major era of our Nation's history, the issue of integrating the role

of the Federal Government with that of State and local government.

Philosophically, I think it is fair to say that the roots of America lie in the ideal of giving back some autonomy to State and local governments, consistent with the efficiency, coherence, and equity necessary to ensure a successful response to the challenge at hand.

The issue we are here to discuss today of securing our homeland against a diverse range of potential challenges is as complex as any I am aware of in our Nation's history. The scope of the attacks that are possible and that we have already witnessed cries out for standardization and economies of scale that are the hallmark of a strong Federal response. At the same time, the diversity of geography, of population density, and of infrastructure that exists in our Nation at the present time makes it impossible to envision a one-size-fits-all solution.

For these reasons, it is critical that we accurately survey and monitor the capabilities available at State and local levels and tailor Federal resources to provide complementary capabilities that ensure every region of our Nation has the supplies, personnel, and infrastructure needed to meet an acceptable benchmark of care for the entire population.

To this end, I am extremely proud that my home county, DeKalb County in the State of Georgia, was the very first county in the country to establish an independent Office of Homeland Security. I note that several witnesses have cited the need for additional funding to assist first responders in their efforts to prepare for incidents involving hazardous materials. Your testimony could not come at a better time.

I will introduce this week the Heroic Emergency Response Operations, or HERO Act of 2001. This legislation will allow the Department of Transportation to access $15 million in surplus funds that have accumulated in the emergency preparedness grants program due to appropriations restrictions. The purpose of the bill is to disburse the surplus funds to State and local governments for hazardous material training of the men and women who are at ground zero during emergencies involving hazardous materials.

The HERO Act would also authorize $1 million of the surplus to go to the International Association of Fire Fighters to help fund the specialized training that the IAFF provides free of charge to local fire departments. According to the IAFF, this will quadruple the number of fire fighters who receive this HAZMAT training.

I call on my colleagues in this Committee and in the Senate to cosponsor the HERO Act of 2001.

I have introduced several other measures to enhance the coordination and integration of our response to likely attacks and I have attempted to prioritize resources to those entities, areas, and infrastructures that have the potential to provide the greatest enhancements against the most likely threats.

The Public Health Emergencies Accountability Act, introduced just last month, puts in place a procedure that allows clear assignment of responsibility in cases where the public health is threatened. It further mandates the exchange of information between Federal entities primarily responsible for public health, such as the CDC, and those primarily responsible for countering criminal and

terrorist activities. I have and will continue to advocate for increased funding for the CDC, an organization absolutely critical to our national capability to sustain the integrity of our society in the event of a significant biological attack.

I suspect this hearing will highlight once again the need for greater coordination. Local officials in my own State have told me that they need a better understanding of what resources they can expect from the Federal Government in a given situation. They have also identified the need to be buffered from the unintentional secondary effects of Federal actions, such as the loss of key personnel from local public health, police, and fire organizations caused by the call-up of the National Guard.

To provide clarity on these issues, I will solicit the views of our witnesses, either directly or for the record, regarding what is needed to provide an adequate level of response capability.

I would like to thank the Chairman and Members of the Committee for their attention today, and now I would like to introduce our witnesses here.

Chief William Berger is President of the International Association of Chiefs of Police. Chief Berger was named the Chief of Police in North Miami Beach, Florida, in 1989. His previous experience includes 15 years with the City of Miami Police Department. He joined the board of the International Association of Police Chiefs in 1995.

Joseph Tinkham, II, is Commissioner, Maine Department of Defense, Veterans, and Emergency Management. General Tinkham serves as both the Adjutant General of Maine, commanding the Maine Army and Air National Guard, and is the Commissioner of the Maine Department of Defense, Veterans, and Emergency Management.

Dr. Michael Caldwell is Dutchess County Commissioner of Health, here on behalf of the National Association of County and City Health Officials. Dr. Caldwell became Commissioner of the Dutchess County, New York, Department of Health in 1994.

Michael Crouse is Chief of Staff for the General President of the International Association of Fire Fighters. Mr. Crouse is a veteran fire fighter and former District Vice President for the International. He is here on behalf of IAFF General President Harold Schaitberger.

Senator Collins asked that Mr. Tinkham's introductory statement go last so she has time to return from another hearing, so we will go to Chief Berger now, if you will. We are glad to have you.

TESTIMONY OF CHIEF WILLIAM B. BERGER,[1] PRESIDENT, INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE

Mr. BERGER. Good morning, Senator Cleland. How are you, sir?

As you know, the IACP is the world's oldest and largest organization of police executives, with more than 19,000 members, over 100 countries being represented. Our mission throughout the history of our association has always been to address urgent law enforcement issues, develop policies, programs, and training, tech-

[1] The prepared statement of Mr. Berger appears in the Appendix on page 118.

nical assistance, and to help with whatever problem may be contemporary.

As I appear before you today, combating terrorism looms as our most urgent issue facing the membership and, of course, all our communities. The initial response of law enforcement and other public safety agencies in New York, Virginia, Pennsylvania, and throughout the United States to the terrible incidents and events of September 11 was outstanding, and I can assure you that the actions of the brave men and women of the New York City area police departments would be duplicated by any of the more than 16,000 law enforcement agencies in the United States today because that is what we do.

After September 11, Federal, State, and local law enforcement agencies immediately began working together in a massive effort to respond to the attack and to prevent additional attacks. However, in the weeks and months that have followed, it has become apparent that the critical partnership between Federal, State, and local law enforcement is being hindered by difficulties in cooperation, coordination, and information sharing. This, of course, is unacceptable.

Now at a time when communities across the United States are turning to their law enforcement agencies for guidance and protection, we must all do what we can to ensure that law enforcement agencies work together and overcome those artificial walls that sometimes divide us. The IACP is certainly not alone in this belief. The Federal Bureau of Investigation and other Federal law enforcement agencies have also realized how critical working with State and local law enforcement is to the success of their efforts and they have taken several positive actions to make this happen.

In addition to addressing this critical information sharing issue, there are other steps that the Federal Government can take to ensure that State and local governments and law enforcement agencies are active and effective partners in homeland security. Although the primary mission of law enforcement agencies has been to ensure public safety, the events of September 11 have dramatically and significantly changed the focus of law enforcement operations.

Suddenly, agencies and officers who have been trained and equipped to deal with traditional crimes are now focused on apprehending individuals operating with different motives, who have different objectives and who use much deadlier weapons than traditional criminals. As a result, law enforcement agencies and officers will need new training, new equipment to meet this new threat.

For example, State and local officers would be greatly benefited from training on certain topics, which are, one, recognizing possible threats to public safety and terrorist tactics; two, field interrogation techniques to better enable them to recognize and respond to terrorist attacks; three, Federal immigration law, sources, and documentation; four, to respond to biological, chemical, nuclear incidents; and five, detecting false identification documents, such as driver's licenses, passports, and visas.

As for the equipment needs, it has become clear that law enforcement agencies will need to obtain protective clothing and isolation equipment for those critical first responders.

Radio spectrum, I know it has been commented about here but it is a top priority. As demonstrated on September 11 and during the numerous other large-scale incidents that have occurred in the last several years—Hurricane Andrew, which I was involved in in South Florida, Hurricane Hugo—there has been a critical need to address communications problems caused by limited radio spectrum available for public safety use. Because the spectrum is currently in use by public safety agencies, it is both fragmented and limited. Agencies from different and even neighboring jurisdictions are many times unable to communicate with each other. This communications failure obviously complicates the ability of law enforcement and other public safety agencies to coordinate an effective response in emergency situations.

The IACP urges the Congress and FCC to take immediate steps to ensure that public safety agencies receive additional radio spectrum allocations that is sufficient to provide for interference-free and interoperable communications between emergency service personnel.

Threat alert protocols need to be established. Finally, a last area of concern I would like to address before I conclude this matter in which the Federal Government issues terrorist threat alerts. After having conversations with Governor Ridge this Saturday and FBI Director Robert Mueller, it has become apparent that the establishment of an effective notification system is imperative. While State and local law enforcement agencies appreciate receiving threat advisories from the Federal Government, the vague nature of the information and the lack of clear response protocols often leave State and local law enforcement executives uncertain as to what, if any, action should be taken. This uncertainty is especially troublesome at a time when communities across the Nation are turning to their law enforcement agencies for both guidance and protection.

Therefore, the IACP believes that the Office of Homeland Security, in conjunction with the FBI, the Department of Justice, and representatives of both State and local law enforcement, should immediately address this area and develop clear and concise protocols for issuing threat alerts and providing guidance for law enforcement responses.

At our recently concluded annual conference in Toronto, the IACP leadership addressed this critical issue and discussed the creation of a national threat level and law enforcement response protocol. This protocol concept, modeled after the U.S. military threat alert system, calls for the development of graduated alert systems that would categorize the threat level confronting the United States and provide guidance as to what law enforcement actions would be appropriate for each threat level.

In order to facilitate the discussion of this concept, a chart outlining the protocol framework is attached to the record of this discussion. It is the belief of IACP that such a system would provide State and local law enforcement executives with a clear understanding of the threat confronting their communities and the actions required that their agencies must take in this response.

The events of September 11 have opened a new chapter on terrorism for all governments and their law enforcement agencies throughout the entire world. If we are to be successful in our ef-

forts to combat terrorism, we must work together, efficiently and effectively. We can no longer let affiliations or jurisdictional squabbles interfere with our mission of protecting our most sacred communities, the citizens we serve who expect in no other fashion and actually demand it from us.

I thank you on behalf of the IACP for the opportunity to appear here this morning, and, of course, later on be glad to answer any questions.

Senator CLELAND. Thank you very much, Chief Berger. We will wait for questions until everybody finishes, but I cannot help but articulate that I would like to hear you expound a little bit more on the spectrum problem. As an old Army signal officer, one radio not talking to another, I cannot raise you, and the problem is always on the other end. I think probably in metropolitan Atlanta, what have we got, 68 police departments? I would be surprised if they were all on one frequency at any given moment.

Mr. BERGER. They are not.

Senator CLELAND. That is just an example, but thank you for that and we will get into that a little bit more. Also, I am fascinated by the, shall we say, adopting the military model, threat condition alpha or threat condition beta or 3–2–1 or whatever. You are right. When a Federal official just says, "Now you all watch out there, now, you hear. Good luck." I mean, what are you supposed to do with that? You are right, so we can get into that.

Mr. Tinkham, we are going to wait on Senator Collins, if you do not mind.

Dr. Caldwell, welcome.

TESTIMONY OF MICHAEL C. CALDWELL,[1] M.D., M.P.H., COMMISSIONER OF HEALTH, DUTCHESS COUNTY DEPARTMENT OF HEALTH, NEW YORK, ON BEHALF OF THE NATIONAL ASSOCIATION OF COUNTY AND CITY HEALTH OFFICIALS (NACCHO)

Dr. CALDWELL. Thank you, Mr. Chairman, Senator Cleland, and Members of the Committee. I am Dr. Michael Caldwell. I am the Commissioner of Health for Dutchess County in New York, the home of Franklin Delano Roosevelt. Thank you for inviting me to speak here today on behalf of the National Association of County and City Health Officials, which represents the 3,000 local public health departments across our country.

Are we prepared for bioterrorism as a Nation? Not nearly enough. Though we have made progress and learned important lessons in the last few years, we have a long way to go to be able to detect and respond to an act of bioterrorism quickly, prevent the spread of disease, and save as many lives as possible. Bioterrorism preparedness requires a combination of the resources and skills of public health with those of other public safety and emergency preparedness disciplines.

While public health preparedness is a shared joint responsibility between the Federal, State, and local governments, we believe the planning must focus at the local level and on the local level.

[1] The prepared statement of Dr. Caldwell appears in the Appendix on page 129.

We have identified four core capacities for public health preparedness for bioterrorism. We need to increase surveillance and epidemiologic investigation capacity. We need to increase our laboratory capacity. We need to increase our communications capacities. We need to increase our planning and response capacities.

I can tell you, as a local Commissioner of Health in New York State, that I typically get disease reports that are 2 and 3 years old. That does very little to help me in my planning for today or the future. We need to develop new data systems that give us real time data of emerging diseases, not just the diseases but the surveillance of symptoms which might uncover patterns of disease or types of diseases. Rather than just giving me a report with the name already, I want to know what the symptoms are, because if we see patterns across the community, that may indicate an outbreak.

I can tell you, a couple of years ago, we dealt with the problem of West Nile virus in crows. We had so many crows across New York State, we just did not know what to do with them all, and certainly when we sent them to our State lab, they did not quite know what to do with them all, either. They had to develop quickly a prioritization system. There was not a reserve capacity.

We saw that again with the anthrax problem. We were quickly overwhelmed in New York State and across the country with environmental samples being sent, from a new pair of blue jeans to some kitty litter to other things that you would think are maybe not so suspicious, but yet the lab did not have a priority process set up. They did not have capacity.

You have heard of the Health Alert Network. Well, it is in its infancy. Only 13 States have all local jurisdictions connected. We need to have 3,000 local Health Alert Networks so that we can then take this Federal information and give it to our localities. Now, do we need one in every health department? Maybe not. We need to look at regionalization. But every local jurisdiction must be covered.

What about our planning and response capacity? We need to perform routine drills. We have heard this over and over again. And once again, they need to be done from a regional standpoint.

Local public health departments and their communities are learning that local partnerships between agencies can be built and are essential for further progress. But first, these agencies must know each other and have planned together well in advance. They should not be exchanging business cards of introduction during a real crisis, and let me tell you, Senator, this, unfortunately, has happened.

Local surveillance and response systems will not work unless we have thoroughly trained professionals to use them and those people knowing exactly what to do and knowing what the other people do and do not do and have sufficient practice doing it in advance. Certain agencies will say, oh, well that department does that, and that department says, well, I think that department does it, and so you have gaps, and then others times you have duplication, where agencies say, no, I do that, and the other agency will say, oh, no, I do that, too. So we need to work through all of this.

In Dutchess County, we have been quite busy recently. Yes, we were devastated by September 11. The spouse of our mayor, Collette LaFuente in Poughkeepsie, was lost in the financial district that day. But also, we have been very busy with anthrax. Whether it was the worker at NBC Studios who lives in Dutchess County that presented to a local doctor and the doctor called us up and said, "What do I do?" or the father of the Eagle Scout who just received a congratulatory letter from Senator Daschle and said, "This letter was dated on October 15, 2001, the day all the news broke. What do I do with this letter?" We are the natural first responders in a case of suspected bioterrorism.

Your local public health department is on the front line with the professionals of this distinguished panel. The local public health system finally has emerged as a core component of our national security. We are looked to for leadership. We coordinate response and communication. We provide information to the community and all involved parties. People expect us to have action. Get that sample to the lab. What are the tests for the lab? They want follow-up. They want to know things are complete and accurate.

You asked me to come here today to tell you what actions could be taken by the Federal Government to support our efforts of local public health agencies, and I have two answers. One, the National Association of County and City Health Officials already recognizes that the Senate voted to provide $1 billion for State and local public health capacity building and we applaud you for that. Thank you. So, yes, we do need financial resources.

But my county executive, William Steinhaus, wanted me to send you a message. He said, "We do not expect the Federal Government to pay for everything. There is a fair local share and a State share and we are willing to ante up." But let me tell you that, to date, Dutchess County has not received one penny of Federal assistance, nor have 55 of our 58 counties, not one penny of bioterrorism or Health Alert Network assistance.

But finally, we need technical assistance and consultation. We do not just need a manual with money. We need someone to help us, walk us through it. We want the planners from the Federal Government to come sit with us at our planning meetings and make sure that we are doing it right.

Overall, we need to strive for a seamless and coordinated effort from local to Federal, across agencies at the Federal, State, and local levels, and we want to make sure that everyone is informed on a continuous basis.

Finally, my colleagues at local public health agencies across the country know that you appreciate the funds that you will appropriate for bioterrorism preparedness will be used to strengthen our collective local public health infrastructure in many other valuable ways, as well. So thank you for helping to build a safer and healthier local community.

Senator CLELAND. Thank you, Dr. Caldwell. Several images you gave me there, that when an emergency happens, people in the business of responding should not be just introducing themselves at that point with, "Here is my card. Call me when you need me," that kind of thing. This protocol needs to be established before-

hand. That is a powerful point here in all this and we want to go back to that. Thank you very much for your testimony.

I am reading Doris Kearne Goodwin's great Pulitzer Prize winning book, "No Ordinary Time," and in so many aspects, the book is like reading yesterday or today's headlines. In terms of Dutchess County, New York, apparently the only paying job Eleanor Roosevelt ever had was working for the Office of Civil Defense in New York.

Mr. Crouse, welcome very much. Thank you.

TESTIMONY OF MICHAEL J. CROUSE,[1] CHIEF OF STAFF FOR THE GENERAL PRESIDENT, INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS (IAFF)

Mr. CROUSE. Thank you, Mr. Chairman. Thank you for the opportunity to appear before this Committee today. My name is Michael Crouse and I am the Chief of Staff of the International Association of Fire Fighters. I am here today representing the interest and views of our General President, Harold Schaitberger, and the 245,000 men and women professional fire fighters, EMTs, and paramedics who are members of the IAFF.

I spent 17 years as a fire fighter employed by the Federal Government protecting U.S. military installations. For 10 years, I was an IAFF District Vice President representing the interests of those Federal fire fighters. Mr. Chairman, exactly 3 months ago today, our Nation lost 344 of its bravest. For fire fighters, it is still September 11. Every time the alarm goes off, we steel ourselves to the possibility that we are responding to the latest act of terrorism. In the first war of the 21st Century, the battle lines are drawn in our communities.

Senator, your home State of Georgia has already suffered from terrorism, and unfortunately, there are still many high-profile targets vulnerable. In this war, we must not only support our troops abroad, but also with equal zeal and financial resources support our fire fighters who are our Nation's domestic defenders.

The first thing the Federal Government must do to shore up our homeland security is to assist local communities with the hiring of additional fire fighters and providing all fire fighters with specialized HAZMAT and weapons of mass destruction training.

Second, establishing a single point of contact to help localities access the various Federal programs can have a positive effect on terrorism response.

The first and foremost need of the fire service is adequate personnel. Today, two-thirds of our fire departments operate with inadequate staffing. In your own State, Senator, jurisdictions such as the City of Augusta and Richmond County operate with only three fire fighters per apparatus. Responding to a fire with only three people makes it impossible for first responding units to comply with OSHA's "two in and two out" standard for safe fire ground operations and places the lives of those fire fighters in jeopardy. Congress would never allow our Army to engage in war with two-thirds of its divisions understaffed. Incredibly, this is exactly what we are asking our local fire departments to do every day.

[1] The prepared statement of Mr. Crouse appears in the Appendix on page 144.

That is why the IAFF, along with the International Association of Fire Chiefs and several members of Congress have strongly endorsed the Safer Fire Fighters Act, S. 1617 and H.R. 3185. The Safer Fire Fighters Act uses the procedures established by the highly successful universal hiring program for police officers to place 75,000 additional fire fighters in our communities.

The second most pressing need is specialized training in weapons of mass destruction and HAZMAT mitigation response. From the vantage point of front-line emergency responders, the two crucial components of any WMD or HAZMAT training program are that training is conducted in a local jurisdiction incorporating the unique aspects of the communities and that it uses trainers who are both certified instructors and professional fire fighters.

Training for a terrorism event in your own community allows first responders to not only learn the tactics and methods of effective response, but it also applies these theoretical concepts to concentrated targets in their jurisdictions. The value of qualified fire fighters teaching other fire fighters is in the benefit gained by shared experiences. The bond of common experiences allows fire fighter instructors to more effectively communicate the lessons of a training course than, say, a person from academia or the military.

I am proud to note that the IAFF offers training programs to fire departments free of charge in terrorism and HAZMAT response that have all the elements of a successful training program. Our training utilizes skilled instructors who are both HAZMAT technicians and certified instructors to train fire departments to safely and effectively respond to weapons of mass destruction terrorist attacks. Additionally, our program conducts the training in the community and incorporates the unique aspects of the localities.

The IAFF's programs were developed in partnership with the Department of Justice, Department of Energy, the Department of Transportation, the Environmental Protection Agency, and Health and Human Services. We have trained tens of thousands of fire fighters, both professionally and volunteer fire fighters, union and unorganized departments. Especially since September 11, the demand for our training program far outpaces our funding to deliver it. The IAFF can dramatically increase the number of fire departments trained if our grants from these various Federal agencies are increased.

We agree that a single point of contact will help localities. However, clarifying the lead agency's mission is more important than determining which agency should serve as the point of contact. While there is unquestionably a need for a Federal agency to coordinate the various counterterrorism programs that exist throughout the government, we do not believe that this lead agency should subsume the functions of those other agencies. There is value in several agencies being involved in terrorism response.

For instance, in the area of training, many of the so-called duplicative programs are, in fact, specialized training to address specific needs. EAP, DOT, and DOE all offer hazardous material training. However, the EAP program focuses on responding to HAZMAT incidents at Superfund sites. Likewise, the Department of Trans-

portation's program focuses on the unique challenges posed by the release of hazardous materials while in transport.

Last, the Department of Energy's program is specific to HAZMAT issues at nuclear facilities. Each setting presents distinct challenges and needs to be addressed in separate training programs.

Too often, the fire service has been neglected when it comes to planning for and devoting resources to respond to terrorism. Our ranks are thin and reinforcements are needed quickly. Congress must take the lead by providing the fire service with the resources to ensure adequate staffing so that we can operate safely and effectively and providing fire fighters the necessary training so that we will be able to play our role in fighting the war on terrorism.

Thank you for the time to present our views of the IAFF and I will be available for questions.

Senator CLELAND. Thank you very much, and thank you to the fire fighters around America.

You may have heard me a little bit earlier today. I am introducing legislation, I think, that might be of some interest to you and maybe respond to some of the things you just pointed out. It is called the HERO Act of 2001, which will allow DOT, the Department of Transportation, to access $15 million in surplus funds that have accumulated in something called the emergency preparedness grants program, accumulated due to appropriations restrictions.

The purpose of my legislation is to disburse the surplus, the $15 million, to State and local governments for hazardous material training of men and women who are at ground zero during emergencies involving hazardous materials. The HERO Act would also authorize $1 million of the surplus to go to your organization, the International Association of Fire Fighters, to help fund the very specialized training programs you just mentioned that you provide free of charge, and that now those programs, in terms of training, are so much in demand you cannot really afford the demand on you. But this would provide you $1 million to provide this kind of training free of charge to local fire departments.

This apparently, according to your statistics, will quadruple the number of fire fighters who actually receive this hazardous material training, is that correct?

Mr. CROUSE. Yes, sir, that is.

Senator CLELAND. Thank you very much.

Senator Collins is wrapped around an axle in a conference meeting on education and she apologizes for not being able to return right now for your statement, Mr. Tinkham. Why do we not proceed with your statement and know that Senator Collins would love to be here if she could and she will make it when she can.

TESTIMONY OF MAJOR GENERAL JOSEPH E. TINKHAM, II,[1] ADJUTANT GENERAL OF MAINE AND COMMISSIONER OF THE MAINE DEPARTMENT OF DEFENSE, VETERANS AND EMERGENCY MANAGEMENT

Mr. TINKHAM. Very well. Thank you, Senator Cleland. I am Joseph E. Tinkham, II, here from the great State of Maine, and I am honored to have been called to testify before the Committee today.

[1] The prepared statement of Mr. Tinkham appears in the Appendix on page 150.

In my professional life, I serve as both the Adjutant General of Maine, commanding the Army and Air National Guards, and also as the Commissioner for the Department of Defense, Veterans, and Emergency Management. Additionally, since the events of September 11, I have been tasked by Governor Angus King to coordinate Maine's governmental plans and procedures to protect our citizens from terrorist attack.

I appear before you here today in my civilian commissioner capacity. I would like to thank this Committee, and particularly Senator Collins, for the opportunity to appear here today.

The State of Maine presents those who would wish to attack us both a variety of options for illegal entry into our Nation and a significant number of vulnerable targets upon which to wreak their evil intentions. Maine is virtually an open door to the United States. She has, with her rugged, jagged shores, over 3,000 miles of Atlantic coastline and is the State with the longest international border with Canada after Alaska. We have 86 Canadian-American points of entry, most of which are unmanned and uncontrolled, save for a sign instructing the visitor where to report for Customs processing.

Our vulnerabilities are many and diverse. Maine has several international and domestic airports, including 250 uncontrolled airstrips just moments from Canada. We have military bases, to include unprotected radar and communications installations. There are two major shipyards serving the U.S. Navy and other national defense industry facilities in Maine. We have over 800 dams, 49 of which are large enough to produce electricity. There are gas and oil pipelines criss-crossing the State. We have a deactivated nuclear power plant on our unprotected shore with its spent fuel rods stored on site, and the second largest petroleum tank farm on the East Coast is on the shores of our most important commercial harbor in the very heart of our largest urban population center. The current situation in Maine lends the phrase, rich in diversity, a whole new meaning.

On the evening of September 11, in the Emergency Operations Center of the Maine Emergency Management Agency, Governor King and I participated in a brainstorming session with our emergency response team to identify possible threats from terrorist attack. We listed literally hundreds of vulnerabilities to terrorism within our borders.

Over the course of the next few days, I scrubbed this list, with the concurrence of the governor, to identify just those targets that would result in either a large loss of life or environmental catastrophe. We have some 25 vulnerabilities in Maine fitting that category.

We then formed a joint National Guard-Maine State Police security team to visit these 25 sites, and in coordination with local law enforcement, assess their specific weaknesses to terrorist attack. We found that security measures, while probably sufficient for any perceived threat as we understood them on September 10, were not adequate after September 12.

We found one site, Senator, that takes some rather nasty chemicals and stores them. They transfer them from rail cars into a storage facility, and then when the paper industry needs these chemi-

cals, they call for them. The fence was downtrodden. There was no security guard. Our security team asked the manager, "What do you do in an emergency," and he pointed to this button on the wall. He said, "We ring that siren. The employees are instructed to run outside, look at the windsock, and then run in the opposite direction."

On many of these sites, we wish desperately to put in place an armed security force, and while we had the manpower and the equipment, we lacked the financial resources. We had to satisfy ourselves with developing plans to guard these sites, were we to receive the intelligence to do so, and regretfully, plans to respond, to pick up the pieces and to put out the fires, if you will, were the sites attacked without warning.

I am convinced that lack of monetary resources greatly impedes our ability to address real security concerns in Maine. On September 11, there was no line in the State or in the county or in the local budgets reading "national defense."

And while we in the States take great pains to protect our citizens from the natural perils which may befall us, protection from attack by a foreign enemy upon our people in their homes and in their places of business has for almost two centuries been within the purview of the Federal Government. Most of us with experience in emergency management were convinced, wrongly thus far, as it turns out, that the Federal Government through FEMA or through some other vehicle would come to our assistance.

Large special appropriations were being passed, it appeared to us, for that very purpose. The U.S. Capitol complex was being secured, as was the Kennedy Space Center and Federal courthouses. The airports and the airline industries and even the concessionaires at Reagan National Airport were receiving assistance. Surely, help for the States must be, and I hope is, forthcoming.

What do we require? We need financial assistance, for the most part, and the flexibility to tailor its expenditure to our unique needs in Maine. We do not need a lot of money in the larger scheme of things, something approximating $25 million which we would share with local governments to strengthen our vulnerabilities.

In conclusion, I would just like to say that, arguably, the best American contemporary artist of the mid-20th Century was Norman Rockwell. During the dark days of World War II, he painted a series of works he called the Four Freedoms. Perhaps you know them. As I recall, the first three depicted freedom of religion, freedom of speech, and freedom from want. The last painting has an American mother and father gazing lovingly down upon their sleeping children tucked safely into their beds. The father holds a folded newspaper with a headline from the war. The children sleep blissfully, safe and unaware of the terrors ravishing much of the world. Rockwell titled this painting, "Freedom from Fear," and that, ladies and gentlemen, is the most basic responsibility of government on every level, the responsibility of ensuring that our citizens, our children, can live peacefully in their homes, free from fear.

To that end, we must strive, setting all else aside until we have done so, and to that end, we in Maine, and I am sure other States, as well, are striving mightily. We have the will and the ability to

counter most of these terrorist threats to our citizens and we are in the best position to do so, but we lack the financial resources and the means to gather the intelligence on threats from outside our borders. For that help, we turn to the solemn and enduring contract we signed in Philadelphia in 1787, which was, in great measure, to provide for the common defense. It is time we dust off that most honorable pledge.

Again, my thanks to you, Senator Cleland, and to the Committee for affording me this opportunity to share my thoughts.

Senator CLELAND. Thank you very much, Mr. Tinkham, and we thank you for those eloquent words. I cannot help but feel that there is a powerful connection between you and Dr. Caldwell. It was Franklin Roosevelt right out of Dutchess County that had the famous four freedoms speech in 1940–1941 that so impressed Mr. Rockwell that he did those four freedoms for the *Saturday Evening Post,* and I have a copy of those in my office, so I thank you for reiterating that.

I have often thought in the wake of September 11 about Franklin Roosevelt's comment in 1933 that the only thing we have to fear is fear itself, blind, unreasonable fear, and, of course, that is what the terrorist deals in, fear, not knowing where the next strike or incoming round or whatever might occur. That is part of the psychology of dealing with all this, but thank you for bringing that up.

We have Senator Levin with us today. I am glad you could join us. We have a distinguished group of panelists here. They have all issued opening statements, and if you would like to issue an opening statement or make a comment, we would be glad to recognize you. Senator Levin.

Senator LEVIN. Thank you very much, Mr. Chairman. I made a very brief comment before, which was relative to the lack of cooperation between the FBI and local law enforcement. I hear a lot of it. It was a very pungent comment, the one that I heard before which had to do with a local law enforcement guy saying he would rather get sticks in his eye than to work with the FBI in an investigation, and I have heard that, I am afraid, from many local law enforcement people.

I would like to talk to Chief Berger, perhaps, to start with. I have a *New York Times* article here from November. I do not know if you have been asked about this or not, Chief, but you were quoted as saying this, "that there is real frustration relative to the cooperation level between local law enforcement and the FBI." You said that even after September 11, you were still hearing complaints from fellow chiefs. "I do not think that we can afford to have these impediments to information any longer. Some of these terrorists were living in our communities."

And there are a lot of other quotes in this article, as a matter of fact. The chief of Portland, Maine, "I understand what the FBI is about. It is all about culture and elitism," and on and on. It is really quite an extraordinary series of quotations from people who are frustrated in working with the FBI, and one of them happens now to be the police chief in Ann Arbor, Chief Oates, who I have talked to, who used to be with the New York Police Department, who had a lot of work assignments with the FBI and just was totally frustrated in terms of working out joint cooperative ventures,

getting information, getting intelligence, which is important, to local police. This is simply not shared.

Now, this may be a matter of culture. It may be a matter of procedures being different. It may be bureaucracy. It may be—I am not sure what all the reasons for it are, but it obviously has been going on a long time. Again, according to this article, it is, "Since the days of J. Edgar Hoover, State and local officials have complained that the Bureau is high-handed with its local counterparts and that the FBI looks for any excuse not to share even the most innocuous intelligence information."

So, Chief, if you have not already been asked about this, let me ask you, is it still true? Are there any improvements you see? Is there anything we can do to change that culture or whatever it is?

Mr. BERGER. I have seen drastic improvements in the area that the director himself, Director Mueller, has been very open. He came to Toronto for our international conference and was very genuinely, not only embarrassed, but open to any suggestions that we, the International, or any law enforcement had.

As you know, he has empaneled a committee of local law enforcement, State, Federal people to basically advise him on a one-to-one basis. I think that is very, very important. I believe his heart is open. I do not believe this is just mirrors. I truly believe that he wants to improve this. I know there are some pending changes to actually put a liaison person specifically there. He or she would communicate with law enforcement on a need-be basis.

Let me just say, I have been in law enforcement 28 years. I was the commander of the Miami homicide unit for years. And I can tell you, there has always been this culture in law enforcement, a need to know. Homicide did not talk to robbery. Robbery did not talk to burglary. It is not just a Federal problem. It has been a law enforcement problem, and I wish I could say where we could trace it back to, but there has always been this need to know. Certainly with national security, this ups the stakes. We certainly do not want to put critical information for distribution.

What we talked about with the Bureau that we were very frustrated with was the fact that, initially after September 11, there was a tremendous surgence of FBI agents going to the communities, securing evidence—as you know, the residents were, many of them in Florida and throughout the country. And in this urgency to get the job done, what was happening is news media would see the Bureau at certain locations and then mayors and citizens would talk to their police chief and say, "Wait a second, why is the FBI in my neighborhood, in my building, in my condominium?" And, of course, the response is, "I have no idea," and that is very frustrating.

That is what we told our special agent in charge of the Miami office, our U.S. Attorney down in the greater Florida area. That is what my members told their special agents in charge of the various offices. Just give us the courtesy of telling us that we are going to be in your community and we are effecting, whether it is a search warrant, whether an arrest, just so that we know. We do not need to know in many cases the particulars for that arrest. Certainly, they have the people power to take care of that particular incident or search warrant or whatever that needs.

But that is that frustration, and I saw the frustration from the local special agent in charge, Hector Fitzgeros, because, basically, after September 11, he was doing truly a million things, trying to get the job done as quickly as he could and the people that work for him, and many times, those things occur where you just do not talk to people and it is wrong. It is wrong because of the pressures that each one of us have in our individual communities, who we have to report to, and it is just basic information.

I think there is going to be—I know there is going to be a tremendous change in that attitude to at least share initial information, and then later on, as we have talked about these security clearances, maybe more specific information regarding operatives in individual communities.

Senator LEVIN. By the way, I have talked to Director Mueller about this issue shortly after he was sworn in, because I was so bothered by it, and even talked to local law enforcement and they feel so strongly about this disconnect that I felt that I just had to really meet with him on this subject, which I did. And he, again, as you pointed out, I think, indicated a determination to change that culture and to improve those relationships and it is very important that happen.

I do not know how many tips came into the FBI following the attack on the Trade Center and the Pentagon, but it is a huge number. I think it was over 100,000, although I——

Mr. BERGER. Over 100,000.

Senator LEVIN. There is no way, I do not think, that the FBI can possibly even screen these. I do not think they are large enough. I think they have to rely on local law enforcement to do it. Are they relying on local law enforcement to screen, in some preliminary way, at least, the 100,000 or so tips which have come in since the September 11 attacks, do you know?

Mr. BERGER. The answer to that is yes, but I cannot speak nationwide. I know in Florida, that has already started. We have developed regions, regions based on county boundaries. Those regions are actually effecting the following up of many of these leads that are occurring.

The one thing we do not want, though, is to be given tasks that are just not important, just this is a preliminary task, and I have echoed that to powers to be. It would be insulting to use local law enforcement just to go ahead and follow up these non-important things.

Senator LEVIN. Does the same problem exist in terms of lack of sharing of information with other Federal agencies, or has it been true with the Border Patrol, DEA, Customs, U.S. Attorneys, or Coast Guard? Is this true generally or has it been sort of something which is more identified with the FBI?

Mr. BERGER. I certainly do not feel qualified, only because all my experience has been at the local level. But having dealt with task forces, having dealt with the HIDA programs down in South Florida, certainly, there are communications problems even between Federal agencies that work with themselves on a regular basis, again, this kind of concept of "need to know."

We need to work harder. I think that is something, as you mentioned, that is a culture. It is ingrained. It is ego. A lot of it is ego, and that is at all levels.

Senator LEVIN. On these task forces, these joint task forces, are they always chaired by a Federal official?

Mr. BERGER. The answer to that is no.

Senator LEVIN. Are they rotating chairs? Sometimes it is a State or local official that chairs it?

Mr. BERGER. Down in South Florida, there happens to be a Sheriff of Broward County, but there are two co-chairs, a State officer and a U.S. Attorney is the other co-chair.

Senator LEVIN. I am glad to hear that. I think it is useful. I do not know that has been true, generally, until recently, but if it has not, I am glad to see the change and I hope that is true across the board, because the local contribution here is major and we have got to find a way to coordinate better and that is what Governor Ridge's challenge is, in part.

Just one other question. I do not know if any of you might have information on this, and that has to do with the fact that we have, in the private sector, companies that specialize in responses to disasters, including pollution, biological problems, and spills. Are any of you in a position to know whether or not we have got good coordination between our local, Federal agencies and the private sector which has been focused on these issues? We talk about biological or chemical attacks. There are spill pollution problems which have been focused on for a long time which have a lot of similarities. They are not exactly the same, but a lot of similarities. Would any of you be in a position to know that or have you commented on that?

[No response.]

Senator LEVIN. OK. That is something, then, that, Mr. Chairman, I will take up with the member of our first panel that I was not able to come here to attend, and I want to thank you, Mr. Chairman, and to thank our panel.

Senator CLELAND. Thank you very much.

Chief Berger, I would like to follow up here. Mayor Morial just sat right there in that seat less than an hour ago——

Mr. BERGER. It is still warm. [Laughter.]

Senator CLELAND. He said, we must not only think about response, and we had been talking about FEMA, and I think Senator Lieberman and Senator Specter have legislation, which I think I am actually a cosponsor of, to maybe create an Agency of Homeland Defense with a budget and people and so forth and part of the core of that is the response aspect of FEMA.

And the mayor said, we must not only think about response, we must think about prevention, and I was just sitting here thinking, he has got the Super Bowl, a big target, all the things that terrorists like, one particular place where a lot of people are going to be. How do you work on prevention? It seems to me it was the same challenge of September 11, not only response, but intelligence to pick up the threat or threats that might come your way.

In other words, if you are the Chief of Police in New Orleans, it seems to me that one would love to have any credible intelligence the FBI or any other agency of the Federal Government might have

certainly passed on to him so he can evaluate it and take some action.

I do not see how we can prevent a terrorist attack unless we have better intelligence. If you do not have better communication, State and local to Federal, particularly in the FBI's case, they are the Nation's CIA. Outside the borders of the United States, it is the CIA, and that is a whole other kettle of fish, whether the CIA and the FBI properly coordinate. But if you are chief of police anywhere in America and you have got a target, or if you are the General here and you are sitting on miles of untended border and nuclear installations and so forth, you have got to be looking for all the battlefield intelligence that the FBI, particularly, could provide you so you can put your people on alert and check out some things.

So in terms of prevention, I think the key to that is intelligence, but if you are not sharing information, I do not know how we can help our chiefs of police prevent things. Is that a view that you support?

Mr. BERGER. I have a lot of experience in that. When Pope John Paul, remember, he came to America—he has come a couple of times, but the one he came down to South Florida, I was responsible for his security when he had his very large mass. I have been involved with Super Bowls of the past when they were held at the Orange Bowl. That is how long ago it was.

I can tell you, in specific events, I think pre-planning, we do a very good job. I have never seen Secret Service nor the Bureau or anyone that may have intelligence information ever share it. Of course, I would not know if it was not there, but on those specific events, I have even run Grand Prix, those, we have many pre-meetings before. Many things are worked out. Escape routes are worked out. We can isolate the event and plan specifically for it.

I was just in Salt Lake City. As you know, the Winter Olympics will be there. The pre-planning started 2 years ago. Those things, I think we do a very good job in coordinating that. Certainly the World Trade Center was something that probably, without intelligence to talk about, we could have really never planned for something to that effect.

But I assure you that security at this upcoming Super Bowl or any major event, as the Olympics will follow that, shortly after, will be premium. I am convinced of that, that it will be a very safe place for Americans to visit and a very peaceful venue during those situations. But that is because, like I said, we know we have the purpose, the intent has been designed, and that is our mission, and we do very good at creating security for missions.

Senator CLELAND. Thank you. That is good to know. Mr. Tinkham, thank you very much for being here.

Mr. TINKHAM. Yes, sir.

Senator CLELAND. Your description of your "security situation" is quite challenging, shall we say.

Mr. TINKHAM. Well, we here with a military background, Senator, as you know, would note that when you try to guard everything, you guard nothing, and so we must rely on intelligence. Intelligence is one of those things that we can gather perhaps bits and pieces of what is going on inside our border, but we need to

turn to the Federal Government for anything outside the border and put the pieces together.

I know that while, as far as we know, there has been no specific intelligence threats in Maine, it would be very comforting to hear that every day. In Vietnam when we put patrols out or we put out outposts, they would report back periodically that things were negative. It was heartening to know that at least they were still out there watching. That would be helpful, if our intelligence gathering agencies could at least on a daily basis say, hello, and by the way, we have not forgotten you up there. We have checked and there is currently no specific threat to Maine. I think our people would appreciate that, more to counter that fear in their homes.

But as far as law enforcement is concerned, I have seen barriers fall in the last 3 months that I thought would never fall. I mean, the cooperation between many departments in both State and Federal Government and between the various levels of government has been much greater than it has ever been in my experience since the events of September 11.

Senator CLELAND. Thank you. That is good to know.

Dr. Caldwell, talk to me a little bit about the CDC. You are there at the bottom of the threat, in effect.

Dr. CALDWELL. Or the top.

Senator CLELAND. That is right. That is one way to look at it. You are closest to the problem and the CDC is, in effect, the B–52s on call up there.

Dr. CALDWELL. See, we look at the CDC as the foundation and we look at ourselves as the eyes and the ears. It is the patients who walk into doctors' offices or present to school clinic and school nurses. There may be some unusual symptoms or questions or anxiety or fears, and then they call the local health department. The local health department then, if they are lucky, can quickly go to their Internet site and look at the Health Alert Network and immediately transmit some information, answer a question, call somebody up from the CDC to ask some advice.

So I think we are, in some ways, an extension of the CDC, so we get frustrated at the local level when we see the CDC having struggles with sister Federal agencies, because at the local level, we try not to replicate those problems. And I think that you will find a diverse number of good and not-so-good relationships at the local level.

In Dutchess County, I could say we are very fortunate with the leadership of my county executive. He has been able to put in place a position of an epidemiologist in Dutchess County, New York, population of 280,000. There are a number of States that do not have an epidemiologist. So on January 1, I will have a bioterrorism coordinator.

But even luckier than that was 2 years ago, my county executive recognized with West Nile virus we needed a biostatistician. We never had one before. We used that person on September 11. We reassigned her with this capacity and said, you are now our bioterrorism coordinator. When this other position opens, you can go into that.

So what we need to do is try to replicate that, maybe not at all 3,000 local health departments, but at enough of them so that they

are all covered, and we need that at the local level because if you just, as I say, give us money or give us guidelines and don't provide us with the staff capacity to be able to know what to do with them, that become a real problem.

One more example. Let us say there is a problem in Dutchess County or in New York City, since we have about 5,000 or more commuters to and from New York City each day. Somebody comes in with some unexplained symptoms and suddenly it turns out to be smallpox or something horrible like that. Well, I have confidence that the National Pharmaceutical Stockpile, these pushpacks will be activated. They will get there in 7 hours. But we are going to have to know what to do with them. "Dr. Caldwell, the pushpacks are here. Where do we put them?"

And it is not just me. It is departments of emergency planning—fire and police. But I think for now, we have really emerged as equals and I want to thank you for putting us on this panel because I think, before, people did not recognize the value of local public health. So the CDC has the beginnings of a foundation. We are not starting from scratch.

Let me tell you one final comment about Health Alert Network funding in the State of New York. We got a few hundred thousand dollars, the State of New York, and in the law, it was crafted that some of it must go to the local level. Well, I just told you 55 out of 58 counties got nothing. But I can understand the States' predicament. They need this much money and they got this much.

So they said, if we take this much and give it to all of the counties, you will basically have enough to print pamphlets. So let us take this amount and try to create a model in one or two counties. Let us get the State up to speed, and that is what they have done. But now we need to replicate that across all of New York State and across the country so that we do not leave any jurisdiction behind.

So we have a lot of work to do, and one more quote from Franklin Roosevelt, he said, "Never before have we had so little time to do so much," and that is, I think, the way we all feel. We all feel a little behind in public health, but we know we are on the right course, and with your assistance and help, we know we are going to get there, not in a 5- or 10-year plan, but in a 5-month plan.

Senator CLELAND. It is interesting that you just said that, because 3 years ago, a private group that supports the CDC in Atlanta came to me and they said, "We have got a 10-year plan." This is 3 years ago. And they said, "But we really need to make it a 5-year plan because the CDC is vulnerable to a terrorist attack, it is spread out in 22 different offices, some of them date back to World War II, we have got rain coming through the roof on million-dollar computers and on world class scientists. This is an untenable situation."

So I went to work on the problem and we got money each year. But then all of a sudden comes September 11. The point is, we cannot wait 10 years to upgrade the CDC. We cannot wait 5 years. So I have called for a Manhattan Project to, in 36 months, dramatically upgrade the CDC in every sense of the word—facilities, labs, communication capability, and security.

So I think we are on the right track here. You are right. I do not think we have a whole lot of time to wait.

Dr. CALDWELL. And strengthening the CDC will strengthen the local public health department, but you cannot leave us out completely, out of the funding stream. What we have seen with previous Health Alert Network funding, so much has been siphoned off at the Federal and State level, just a trickle has gotten to us. But that, as I said, is just because of the amount that was given. I think they made the best choices that they had available, but now they need to do it all.

Senator CLELAND. Mr. Crouse, any final comment as we wrap up the hearing here?

Mr. CROUSE. No, sir. Thank you.

Senator CLELAND. Dr. Caldwell, Senator Lieberman has asked me to ask a question. You identified the need to integrate public health experts and their activities with that of other emergency responders. How can that best be done, and is there an appropriate Federal role?

Dr. CALDWELL. We have planning going on at the local level all the time. I think that if local public health agencies are not being included in those plannings, that they need to hear the message that they should be included. I believe that they are, and if they were not before, they are being included now.

But more importantly, I mentioned to you that we need technical support, not just money but technical support. I find it valuable as we go through our planning committees to have somebody from the FBI and the CDC sitting at those planning committees with us from time to time to help ensure that we have a standardization, this protocol development, I think, that Mayor Morial was speaking of earlier, so that every community will respond in a similar way based upon its population. But I think that we need to hear redundant messages going back and forth from the local up to the Feds and then from the Feds down to the locals.

Set a good example. Let us see the Federal Government have interagency collaboration, and just like kids who see their parents do bad things tend to follow those behaviors, maybe if we see them do good things, it will trickle down to us. But let us see, set by example, have some of those Federal agencies get together, sitting at our local table helping us plan locally.

So for the Dutchess County Government's comprehensive emergency response plan, we can have representatives from the Department of Justice, the CDC, etc., with us, and I say not at every meeting, but at least to have a presence so we are not handing those business cards out the day that that disaster is there.

Part of the problem, as well, is people do rotate over time, positions. These personal relationships, if they are there, as I think that Mayor Morial said before, they work. If they are not there, they do not work. We should not have to rely solely on personal relationships for our Nation's defense. I need as Commissioner of Health of Dutchess County to have a list of all the positions I need to know and who is in those positions and make sure they have my business card, the local FBI director, the regional Health and Human Services director, etc.

And I think that is a beginning for us to know who we should get to know. Then it is my responsibility if I do not. But if we all have that list, I am not just sort of sitting around saying, gee, I

think that would be a good person to know, or maybe I will call up my colleague in Orange, County, New York, see if they know their person, etc.

So we need guidelines, and I think they are coming around, but we need to hear them over and over again. It has to become a natural way of doing business and we are a long way from that.

Senator CLELAND. Thank you very much. That is one of the reasons we are having these series of hearings about coordination, cooperation, and communication of Federal agencies along with our local entities.

We thank you all very much for your patience and for coming today to testify. The record will remain open for a week after the close of the hearing.

The hearing is adjourned.

[Whereupon, at 12:32 p.m., the Committee was adjourned.]

APPENDIX

PREPARED STATEMENT OF SENATOR BUNNING

Thank you, Mr. Chairman.

I am pleased to be here today as we discuss the role of state and local governments in homeland security.

The events of the past 3 months have illustrated how important it is for Federal, state and local governments to work together in responding to terrorist attacks.

On September 11, our country responded to one of the worst terrorist attacks in our nation's history. Within a month, we were attacked again—this time by someone sending anthrax through the mail.

Since that time, this Committee has held several hearings on security, including improving the security of our ports and airports, combating bioterrorism, and protecting our mail.

Today we are looking at the local role in homeland security. State and local governments have tremendous responsibility in protecting their citizens.

Many times, their employees—the police officers, firemen and women, and other emergency personnel—are the first to respond to a disaster.

In light of recent events, many of our state and local governments, along with the Federal Government, are now taking a second look at the disaster plans currently in place to handle a terrorist attack or disaster.

Many communities and states will need to make some changes so they can adequately protect their citizens. The Federal Government will also be making some changes, particularly through the new office of homeland security.

Several of the witnesses we will hear from today will discuss ways the government can better respond to attacks, including hiring more personnel, providing better communications and coordination, and providing more funding for various programs.

As we all work to strengthen our security, it is important to remember that each level of government has an important role to play, and that we do need to work together to make sure we get the job done.

I look forward to hearing from our witnesses today, and I thank them for being here today.

Thank you, Mr. Chairman.

Testimony of

Marc H. Morial
Mayor of New Orleans, Louisiana
President, The United States Conference of Mayors

Before the

Committee on Governmental Affairs

United States Senate

On

"The Local Role in Homeland Security"

December 11, 2001
9:30 a.m.

Good morning. I am Marc Morial, Mayor of New Orleans and President of The U.S. Conference of Mayors.

I want to thank Chairman Lieberman for calling today's hearing on the local role in homeland security, as well as Senator Thompson and the entire Committee.

Mayors have consistently attached a high priority to preparing ourselves, our personnel and our citizens for the possibility of disasters.

Now, in the wake of September 11 and the anthrax mailings, efforts to strengthen emergency management and anti-terrorism plans have been redoubled, and there have been significant additional deployments of police and other local public safety resources.

As I stated to Homeland Security Director Tom Ridge, "we are the domestic troops."

On October 23-25, the Conference of Mayors sponsored a Mayors Emergency, Safety and Security Summit in Washington, DC which brought together more than 200 mayors, police chiefs, fire chiefs, emergency managers and public health officials.

During the Summit, we presented initial policy recommendations to Director Ridge, Attorney General Ashcroft, FBI Director Mueller, HHS Secretary Thompson, FAA Administrator Garvey and other top officials. And we have since held a follow-up meeting with Director Ridge.

Today I am releasing the final report from our Summit, "A National Action Plan for Safety and Security in America's Cities," which I will briefly summarize.

EMERGENCY PREPAREDNESS

The first area I would like to discuss is emergency preparedness.

Office of Homeland Security

First, mayors have long been concerned by the multiplicity of federal agencies which have responsibility for helping cities prepare for a possible attack, and for the incident consequences stages.

We are extremely encouraged by our initial conversations with Director Ridge who clearly understands the importance of the intergovernmental partnership and need to better coordinate emergency preparedness.

To strengthen his efforts, we strongly believe that a cabinet-level Office of Homeland Security should be authorized by Congress and given budgetary authority over federal programs related to the domestic protection of our homeland.

I understand that Chairman Lieberman shares many of these concerns and has introduced legislation to create a Department of National Homeland Security.

Reimbursement for Heightened Security

Second, of the approximately $10 billion federal terrorism budget identified by the Office of Management and Budget, only 4.9 percent is allocated to state and local first response activities. And, of this limited amount, most is provided to the states.

Cities of all sizes have raised concerns about the need for equipment and training resources. Thousands of mid-sized and smaller communities have received no direct assistance in this area. For larger cities that have received some federal assistance, significant needs remain.

And as the front line defenders of homeland security and first responders to terrorist attacks and threats, America's cities have been incurring extraordinary costs as a result of the current state of heightened alert.

To ensure that heightened security can be maintained, we have called for a new flexible Homeland Security Block Grant to be used for overtime and other extra public safety deployment expenses, additional training, communications and rescue equipment, and security measures to protect airports, waterways, utilities, public transit and other public infrastructure.

I am extremely pleased that such legislation (S. 1737) was introduced by Senator Clinton, along with Senators Feinstein, Mikulski, Durbin and Schumer to authorize $3 billion in the coming year for targeted block grant assistance to local governments, and I urge the Senate to pass this legislation.

However, I must point out that Congress took a major step backwards when it recently approved a $122 million cut in the Local Law Enforcement Block Grant.

This 24 percent cut in one of the few existing programs that is provided directly to local governments and can be used for police overtime, comes at the very time when our police departments are facing extraordinary and unbudgeted costs as a result of moving to a heightened state of alert as requested by our federal government.

I want to strongly urge the members of this Committee to help us restore funding for this critically needed program.

Public Health System

Third, it is generally acknowledged that the nation has failed to invest adequately in the local public health infrastructure. Resources are needed to: conduct active surveillance for disease; do immediate on-the-scene investigations; develop and test local bio-terrorism preparedness plans; allow for inter-agency communications; develop "surge capacity"; and maintain around-the-clock vigilance and readiness.

There must also be adequate regional stockpiles of vaccines and therapeutics located close enough to metropolitan centers to permit a quick response, and a rapid response testing network must be deployed.

TRANSPORTATION SECURITY

The second area our Summit focused on was transportation security, with mayors being the owners and/or operators of many of the major transportation facilities and systems in the nation.

Airport Security

First, our Task Force on Airport Security, chaired by Los Angeles Mayor James Hahn, drafted detailed recommendations on airport security and economic viability which are included in our National Action Plan.

Within 36 hours of the attacks, we called for federalization of security screening services, and we are extremely pleased that the final version of the aviation security bill contains this provision.

However, I cannot stress enough the importance of meeting the timetables established in the legislation, especially as they relate to baggage screening.

I know that Transportation Secretary Mineta has expressed concern regarding these timetables, which we discussed with him in a conference call on December 5. I want to strongly urge Congress to work closely with the Secretary to ensure that he has all the resources necessary to fully implement the legislation, and on time -- which I know is his strong desire.

And, I want to urge Congress to appropriate the funding authorized in the bill for reimbursement of local airport security costs related to 9-11.

Transit Security

Second, with more than nine billion trips logged on the nation's public transit systems each year, securing these systems and protecting riders from potential terrorist activities ranks as a high priority. Public transit includes buses and vans, trains and light rail, and ferry boats.

To increase security while not compromising our ability to meet growing demand for public transit, we have called for new resources for security personnel; the deployment of new technologies; and infrastructure improvements including secure transit control facilities, fencing and barriers.

Passenger and Freight Rail Security

Third, The U.S. Conference of Mayors strongly supports Amtrak's security and safety plan and urges that it be funded. I want to add that Congress must act to prevent the liquidation of Amtrak as currently proposed by the Amtrak Reform Council. Now, more than ever, we must strengthen our nation's passenger rail system, not dismantle it.

And on freight rail security, federal law should be examined and revised to require freight railroads to develop new notification procedures to help inform local jurisdictions through which they will be transporting chemicals or other hazardous materials, including storage on sidings and other practices that could increase risks to neighborhoods and major local assets and venues.

Port Security

Fourth, mayors are greatly concerned that while much of the cargo delivered to U.S. cities each day by truck, train and air enters the country aboard container ships, a very small percentage of this cargo (some say as little as two percent) is inspected at its port of entry.

Protecting our international seaport borders should be the responsibility of a partnership of federal, state and local governments, seaports and private industry.

FEDERAL-LOCAL LAW ENFORCEMENT

The final area I would like to cover this morning is federal-local law enforcement.

With over 650,000 local officers, our nation's local police forces must be integrated into our national homeland defense planning. As it stands, our public safety personnel are already being used to respond to the terrorism. But to be most effective, we must ensure that mayors and local law enforcement have access to the best intelligence available.

In the many meetings and discussions held on this subject since September 11, it became clear that barriers, both institutional and attitudinal, still exist at the federal level.

Our private and public discussions with FBI Director Mueller during our Summit were constructive. He said publicly that more must be done, and that the federal infrastructure used to share intelligence must be significantly modernized.

Attorney General Ashcroft has also initiated a number of important steps to strengthen federal-local cooperation through the Anti-Terrorism Task Forces.

Mayors believe that we must create a new communications system between federal and local public safety officials with a "24/7" threat assessment capability and appropriate sharing of intelligence. addition, any institutional barriers to greater intelligence sharing between federal and local law enforcement agencies should be addressed.

On this point, I am pleased that Senators Schumer, Clinton, Leahy and Hatch have introduced the "Federal-Local Information Sharing Partnership Act" (S. 1615) which would allow the federal government to increase intelligence sharing with local and state governments. The U.S. Conference of Mayors strongly supports this important legislation.

Conclusion

In addition to the issues I have discussed, many other important areas are covered in our National Action Plan including Border Security, Water and Wastewater Security, Communications Inter-Operability and Highway Safety.

I want to thank the Committee for this opportunity to testify, and I look forward to continued discussions as together we work to strengthen our nation's homeland defense.

A NATIONAL ACTION PLAN FOR SAFETY AND SECURITY IN AMERICA'S CITIES

December 2001

The United States Conference of Mayors
Marc H. Morial, Mayor of New Orleans, President

The United States Conference of Mayors

Marc H. Morial
Mayor of New Orleans
President

Thomas M. Menino
Mayor of Boston
Vice President

James A. Garner
Mayor of Hempstead
Chair, Advisory Board

J. Thomas Cochran
Executive Director

BACKGROUND

On September 11 the world witnessed an attack on America then watched as the Mayor of New York City stepped into the most critical leadership role imaginable. Mayor Rudolph Giuliani reassured the people of his city, and cities across the nation, that everything that could be done was being done to rescue victims, guard against additional loss of life, attend to the injured, comfort victims' families, and restore a sense of order and security to a city that had experienced the most devastating terrorist attack in our history.

In the weeks since that attack, mayors across the nation have been mobilizing the local resources that would be needed to protect their citizens in the event of further terrorist activity. Under the leadership of the President of The U.S. Conference of Mayors, New Orleans Mayor Marc Morial, they have also been engaged in critical examinations of the local, state and federal resources and the security infrastructure that exist to do this.

Through the years, mayors and public safety officials have consistently attached a high priority to preparing themselves, their personnel and their citizens for the possibility of disasters; this was illustrated just two years ago as cities prepared for the Y2K transition and the potential problems it posed. All cities have plans in place to minimize damage and save lives should a disaster strike. In recent years, the threat of domestic terrorism and, specifically, the threat of an attack involving weapons of mass destruction, has become a more serious concern for mayors as the leaders of their communities, and for police, fire and emergency medical officials as first responders in emergencies large and small. This concern has translated into efforts by the Conference of Mayors to raise levels of preparedness, including a project specifically addressing responses to weapons of mass destruction, creation of a mayors' training institute, and discussions of preparedness issues – among mayors and with top federal officials -- at national Conference of Mayors meetings.

Now, in the wake of September 11 and the anthrax mailings that have since taken lives in several cities and disrupted the work of all three branches of the federal government in Washington, local preparations for disasters of all types and on all scales have been given the highest priority, and guarding against terrorist acts, in particular, is recognized as a critical need. Efforts to strengthen comprehensive emergency management plans have redoubled and there have been major deployments of police and other local public safety resources. All of this is occurring at significant additional cost to local treasuries and at a time when tax revenues being generated by local economies are dropping -- in large part because of problems and anxiety created by the terrorist attack.

As they always have done in times of crises, mayors have assumed visible leadership roles, both in their cities and throughout their metropolitan regions. Now, as the nation recovers from the tragedy of September 11, responding both diplomatically and militarily to the terrorist network responsible for it, America's mayors stand ready on the domestic front lines to assist in every way possible – the "domestic troops" in the war on terrorism, as Conference President Morial has often stated.

MAYORS' SUMMIT RECOMMENDATIONS

Within 36 hours of the terrorist attack, Conference of Mayors President Marc Morial issued a call for the federalization of all airport security screening services. The mayors' organization quickly formed bipartisan task forces on airport security, coordination of federal and local law enforcement, and water system security. It also conducted two national webcasts on biological and chemical terrorism, and its executive committee held regular conference calls to guide the organization's overall response – a response that included a Mayors Emergency Safety and Security Summit held October 23-25 in Washington. This event brought together more than 200 mayors, police chiefs, fire chiefs, emergency managers and public health officials from cities across the nation for briefings by top federal officials and for the sharing of information on "best practices" in safety and security.

This document, *A National Action Plan for Safety and Security in America's Cities*, is the product of this national summit and contains the recommendations of the summit participants in four priority areas: transportation security, emergency preparedness, federal-local law enforcement, and economic security.

It is important to understand that while the fourth area, economic security, is viewed as the ultimate goal for the nation, it is that cannot be achieved in the absence of the first three. That is, securing our transportation system, maximizing our emergency response capability and coordinating our law enforcement response to threats and incidents at all levels are viewed as prerequisites to eliminating the anxiety that has accelerated the nation's economic downturn, and to achieving economic security for the nation.

TRANSPORTATION SECURITY

The fact that the U.S. was attacked by terrorists who were able to use our own commercial aircraft as enormously lethal weapons forced the federal government to take quick, decisive action – to ground all but military aircraft and close all U.S. airports until an acceptable level of security for air travelers could be assured. The use of our aircraft as weapons focused the nation's attention initially on threats to security in the air, but government leaders at all levels understand that in dealing with terrorism, the nation cannot focus on what *has happened* at the expense of planning for what *could happen*.

Transportation security in the U.S. must be maintained in the air and on the rails, highways and waterways. Mayors are owners and/or operators of many of the major transportation facilities and systems in the nation or they participate in their governance, and it is on the basis of this experience that recommendations in this area are made.

Airport Security

Based on a series of tele-conferences involving the mayors of the nation's 29 hub airport cities, recommendations on airport security were drafted by members of the Conference of Mayors Task Force on Airport Security, chaired by Los Angeles Mayor James Hahn, and adopted as official policy by the Conference's executive committee prior to the summit. They are the following:

Provide a Fully Federalized Force at Points of Passenger, Baggage and Cargo Inspections

- A special entity should supervise federal personnel and implement personnel rules that reflect the need for the highest levels of security and performance. It should set uniform security standards for all airports and manage the financing of federalized airport security screening and related functions.
- The governing board of this entity should consist of key federal agencies, airline representatives, security experts and mayors with direct supervision and control over airports. For most of the nation's airports, mayors have ownership and/or direct management responsibilities.
- Initial funding should be provided from general revenues, phasing into a user-funded trust fund to finance annualized costs of the federalized system.
- There must be funding assurances (i.e., budget firewalls) and funding commitments sufficient to fully staff these functions in order to minimize delays and facilitate through-put – as contrasted with other federally-directed functions such as the INS and Customs Service where inadequate funding for personnel and other accounts have added to system congestion and inefficiencies.

Provide Airports with Immediate Funding to Pay for Increased Security

- Airports should receive federal reimbursement for the additional costs of security measures mandated by the FAA on September 12 to cover costs already accrued as well as costs of ongoing compliance.

Provide Federal Assistance and Guarantees to Ensure Airport Financial Stability

- Airports should be granted temporary flexibility in the use of Passenger Facility Charges (PFCs) and the FAA's Airport Improvement Program (AIP) funds. In addition to providing airports with more flexibility in the temporary use of PFC and AIP funds for additional security costs – a currently prohibited use – this change should allow the temporary use of these fund sources to keep current on outstanding debt obligations, where this need exists. This change, however, should not be a substitute for additional federal funds. In the long run, it is vital that PFC and AIP funds be reserved for needed airport capital improvements.
- Airlines must continue paying landing fees and airport rents – funding sources that are crucial to maintaining the financial integrity of the nation's airports. More than $70 million of cumulative outstanding debt as well as billions more in planned new issues to finance airport expansion plans have been affected by the current instability of the nation's airlines and airports.
- Confidence in airport bonds must be reinforced, particularly in light of disturbing actions such as the recent decision by Standard & Poor's to place all of its North American airports on its CreditWatch.
- There must be FAA flexibility regarding new controls affecting airport facilities such as parking structures and non-ticketed passenger access to terminals – this because of the financial and other effects of the uniform application of new federal security standards on airport revenues and operations.
- The continuation of needed airport modernization and improvement efforts – including airport security technological advancements and provision of safer and more secure air terminals, runways and parking facilities – should be ensured. This is critical to airline and passenger safety and security, as well as to meeting the nation's air transportation infrastructure/capacity requirements.

Provide Airline Workforce Protection and Relief for Affected Businesses

- Airline workers and other workers directly affected by declining air travel should be extended targeted benefits – including unemployment benefits, supplemental loans and other income support assistance – as well as specialized training. Persons in airline-related occupations should be given the opportunity to serve as workers in a federalized system of airport security screening.
- Affected businesses, particularly on-airport businesses, should be extended special targeted relief including federal loan assistance and payment assistance to keep current on airport rents, lease payments and other fixed monthly costs, and special tax relief to provide support through this period of reduced air travel.

Support Airside Improvements

- The air marshal program should be expanded and we should move toward a system in which program costs, along with the costs of a federalized screening system, are funded by a dedicated federal user fee, excise tax or other revenue source.
- Interim funding is needed to retrofit cockpit doors and make other improvements required to fortify aircraft now in service.
- Security for access to aircraft and other airside operations in secure areas of airports should be strengthened. This is regarded as an issue of critical importance.

Impose Airspace Restrictions and Heightened Security on All General Aviation and Charter Flights Throughout the U.S.

- Security procedures and requirements for general aviation – both fixed wing aircraft and helicopters – should be as stringent as they are for commercial aviation. Airspace restrictions should be tightened in and around commercial business districts, sports arenas and other populated areas.

Resume Full Operations at Ronald Reagan Washington National Airport

- Full operations at National Airport should be restored as soon as possible in light of the impact that current limitations are having on the airline industry overall and on the economies of East Coast markets in general and the Capitol region in particular.

Luggage Screening

Further Task Force discussions during the summit resulted in a recommendation that the federal government immediately mandate the screening of all checked luggage. Mayors believe that federal government work with manufacturers of effective screening machines in order to license and expedite the production of new machines must be considered an urgent national priority.

Screening of 100 percent of checked luggage requires:

- full utilization of all existing screening machines;
- installation of all operable CTX machines that the FAA has been warehousing;
- funding for airport facility expansion to accommodate additional detection machines;
- funding for new machines;

- hand inspection of all luggage not machine screened until a sufficient number of screening machines is available;
- funding for additional airport building modifications to accommodate hand inspections;
- temporary adjustments to airline scheduling to reduce congestion caused by baggage screening; and
- immediately mandating the matching of loaded baggage with boarded passengers.

Aviation Security Legislation

One month following the summit, Congress enacted, and the President signed, aviation security legislation containing several of the provisions sought by the mayors. One of the key provisions, and one of the top priorities of the Conference of Mayors, is the requirement that airport security screening be federalized within one year. The Conference of Mayors will work closely with the Administration and the Congress to ensure that all deadlines in the bill, particularly those relating to passenger and baggage screening, are met.

Transit Security

With more than nine billion trips logged on the nation's public transit systems each year, securing these systems and protecting riders from potential terrorist activities ranks as a high priority. Public transit includes buses and vans, trains and light rail and ferry boats. Several actions can be taken to help secure these systems without compromising their ability to meet the growing demand for public transit services. Federal resources are needed for:

- additional personnel on train platforms, on rolling stock, and in and around transit facilities; needs include new personnel, payment for overtime hours, and reassignment of law enforcement officers;
- deployment of new security and communications technologies such as video surveillance and locator systems to enhance safety and transit system performance;
- infrastructure improvements including secure transit control facilities, fencing and barriers, and other means of protection for transit assets and users; and
- expansion, modernization and rehabilitation of transit infrastructure – both facilities and rolling stock – to strengthen transit capacities that become critically important in the event of future terrorist incidents or other catastrophic events.

Federal resources should be directed to these needs through existing programs of the Federal Transit Administration, thus ensuring that funds are distributed consistent with current law – i.e., 55 percent through formula grants, 45 percent through discretionary grants – to ensure balanced investment in all transit needs. And these needs should be incorporated into the FTA program as eligible expenditures so that any additional FY 2002 funds provided as part of a stimulus package or through other legislation could be applied to them.

Highway Security

The nation's highway networks contain more than four million miles of roads and streets and thousands of bridges and other facilities. Ensuring that these assets are secure is now seen as one of the nation's greatest challenges.

- Investment in Intelligent Transportation Systems (ITS) should be increased immediately. This would aid in the deployment of both proven and new technology to increase the security of the surface networks. It would improve the information provided to travelers in order to smooth traffic flows and speed evacuations during periods of threats to, or disruptions of, these networks. ITS can be deployed immediately and is extremely flexible, as the basic systems can serve multiple modes.

- Regarding future highway investment policy, focusing on system preservation and system performance is considered to be one of the most effective ways to address future security threats.

Rail Security

Passenger Rail

Following the September 11 attack, Amtrak, the nation's inter-city passenger rail corporation, took immediate steps to secure its train operations and infrastructure in order to provide for the safe passage of riders. Since that initial action, Amtrak has reviewed every aspect of its safety and security procedures and has determined that several specific upgrades need to be made immediately.

An Amtrak security and safety plan proposes a series of specific actions to harden potential terrorist targets, and the Conference of Mayors supports an emergency rail investment package to cover Amtrak's security, safety and capacity needs. Key components of the plan are:

- ***Security*** – to secure infrastructure (lighting, fencing, alarms and access control for tunnels, bridges, interlockings, track, yards and facilities) and equipment (satellite communications on trains, head-end surveillance, en route train security and bomb detectors). Funds would be used to hire patrol officers, security officers, specialized personnel and bomb-trained canine teams. Aviation units would be established to provide air support and protection for trains and Amtrak locations.

- ***Life Safety*** – to complete the entire life safety program in New York City and to rehabilitate existing Baltimore and Washington, D.C. tunnels.

- ***Infrastructure Capacity*** – to enhance reliability and capacity for bridges, track, interlockings, facilities and power; build New York's Pennsylvania Station access and egress; provide capacity and congestion relief for long distance service; and provide corridor relief for long distance and corridor service through Chicago.

- ***Equipment Capacity*** – for fleet wreck repair (bringing locomotives and passenger cars out of wreck storage into service), fleet capacity expansion (upgrading locomotives and passenger cars scheduled for retirement, and re-manufacture and overhaul of locomotives, passenger cars and baggage cars), and fleet acquisition to accommodate the increased and sustained demand for Amtrak service since September 11.

Freight Rail

Mayors recommend that federal law governing freight rail operations be revised to meet increased security needs.

- Freight railroads should be required to develop new notification procedures and to provide better information to the local jurisdictions through which they will be transporting chemicals and other hazardous materials.
- Improved notification and information should extend to the storage of freight on sidings and to other practices that could pose risks to immediate neighborhoods and major local assets and venues.
- In the interim, freight railroads are strongly urged to continue to meet with local officials on ways to improve communication concerning potentially hazardous cargo or other activity that could result in security risks for communities.

Port Security

Last year U.S. seaports handled over $737 billion in primarily containerized cargo. The nation's 20 largest ports handle over 95 percent of U.S. international trade. America's seaports are critical to the movement of commerce throughout the nation and the world and also play an important role in the movement of American military forces.

Several security and anti-terrorism actions were initiated immediately after the September 11 attack by ports across the country. These included: the activation of port security task forces, in conjunction with the Coast Guard, to coordinate national, state and local vessel security and disaster response functions; the halting and boarding of every vessel entering a U.S. port by the Coast Guard; the assurance that National Port Readiness ports will through-put defense-related cargo to meet emerging deployment demands; and the upgrading of vessel and local law enforcement assets and the shifting of these to port and marina control.

The September 11 attack produced a heightened awareness of the vulnerability of America's seaports and of the importance of guarding them against potential sabotage. Mayors are greatly concerned that while much of the cargo delivered to U.S. cities each day by truck, train and air enters the country initially aboard container ships, a very small percentage of this cargo (some say as little as two percent) is inspected at its port of entry. In the face of terrorist threats, an inadequate inspection system in the nation's ports puts all of America's cities in harm's way. Mayors recommend that:

- Protecting our international seaport borders should be the responsibility of a partnership of federal, state and local governments; seaports, and private industry. Federal funds should be provided for this, along with the flexibility to use them to meet the unique local needs of each port.
- The infrastructure improvement needs of National Port Readiness ports now take on added national security importance and must be addressed.
- Ports must be helped to significantly upgrade personnel identification cards and personnel background investigation capability.
- Because of their expertise in this area, federal agencies must take the lead in assessing ports' vulnerability to terrorism and work closely with local governments in the process.
- Enhancing communication among ports, local seaport security committees, labor and agencies such as the Federal Bureau of Investigation and the U.S. Customs Service would allow the local committees to better focus their efforts within the port area and so improve security. Though a port has little control over criminal conspiracies or drug interdiction, the local port committee should work closely with the federal agencies that have jurisdiction over such criminal activity.

- In order to more closely monitor cargo flowing in and out of the country, increase local scrutiny of port traffic, and conduct more inspections without slowing the movement of commerce, the U.S. Customs Service, the Coast Guard, and local law enforcement must be given additional resources – vessels, equipment and personnel.
- A federal grant program should be created to enable ports to utilize new technologies and install security enhancements. Under this program, new technologies would be implemented on a case-by-case basis where their need and utility could be demonstrated.

EMERGENCY PREPAREDNESS

Of the approximately $10 billion federal terrorism budget identified by the Office of Management and Budget, only 4.9 percent is allocated to state and local first response activities. And, of this limited amount, most goes to the states rather than directly to America's cities and major population centers.

Such a funding scheme is inconsistent with the central leadership roles mayors are called upon to play when a disaster or terrorist incident occurs – reassuring the public that all that can be done is being done; providing the public with accurate and timely information; providing support to the first responders, the public safety and emergency personnel responsible for assisting the victims of an incident, sometimes at great risk to their own safety; and bringing together all available resources – federal, state and local, public and private – to provide the needed response. For mayors in larger metropolitan areas, these central leadership functions often must serve an entire region.

Office of Homeland Security

- Mayors have long been concerned by the multiplicity of federal agencies which have responsibility for helping cities prepare for a possible weapons of mass destruction event, and for the incident and the incident consequences stages of an attack. Mayors want to assist Governor Tom Ridge and the Administration in designing the new Office of Homeland Security, to assure that it is given the significant authority it will need to coordinate and strengthen federal emergency preparedness efforts. Mayors know that major changes will be necessary to achieve the coordination and cooperation necessary to succeed in the fight against terrorism.
- The cabinet-level Office of Homeland Security should be authorized by Congress and the Director should be given budgetary authority over all federal personnel and programs related to the domestic protection of our homeland.
- The Office of Homeland Security must be structured to work directly with mayors in support of their leadership roles and responsibilities in both their cities and their regions.
- A permanent commission consisting of mayors, police chiefs, fire chiefs, local emergency managers, and local public health officials should be established immediately by the Director of Homeland Security. This commission is needed to advise on the restructuring of the federal-local partnership with the goal of strengthening domestic safety and security. It is essential that at this time of national crisis, direct lines of communication and assistance be established among the Office of Homeland Security, federal agencies and local governments.

Reimbursement for Heightened Security

- As the front line defenders of homeland security and as first responders to terrorist attacks and threats, America's cities have been incurring extraordinary costs. To ensure that heightened security can be maintained, a new flexible local homeland security block grant should be established. Block grant funds could be used for additional training for police and fire personnel, communications and rescue equipment, and security measures to protect airports, waterways, utilities, public transit and other public infrastructure.

Metropolitan Emergency Management

- Flexible funding should be provided to increase the ability of local governments to strategically plan for and respond to emergencies. Funds could be used for full-time disaster coordination; training of first responders; construction and retrofitting of local command and control centers and mobile command vehicles; and to meet disaster equipment needs. The number of local Urban Search and Rescue Teams should be increased and all teams should be fully equipped.
- The federal government should accelerate the development of regional approaches to emergency and disaster management. In addition to financial assistance, a "best practices" program should be provided to build on new ideas and developments in metropolitan coordination. Emergency simulation exercises should be held in major cities throughout the country. Federal, state and local agencies should participate in simulated biological and chemical attack exercises.
- In the event of a catastrophic disaster, most communities will run short of critical emergency response resources (e.g., life-saving equipment, personal protection equipment, respirators, etc.) in six hours, and federal help won't arrive for 12 hours. Pre-positioned equipment pods should be strategically located throughout the U.S. to resupply local responders. The limited funding now available to the Department of Justice for equipment pods should be increased.
- FEMA's fire grant program to local governments should be expanded to cover responses to catastrophic disasters.
- Federal resources available to cities in the event of catastrophic disasters should be coordinated and streamlined. Mayors and other local officials should have clear guidelines for the use of resources provided by both federal and state governments when disasters occur. Guidelines should be consistently applied by both FEMA and state emergency management departments.
- When an incident occurs, there should be a single federal point of contact. In addition, local officials need to know which federal agency is in charge or has lead responsibility. Finally, it must be clear how any deployed National Guard troops relate to local authorities.
- National Guard Civil Support Teams have access to second generation biological detection equipment currently not available to civilian responders. This results in delays in the identification of biological agents until National Guard teams respond. This detection technology should be available to first responders.
- The EPA Superfund legislative requirement that all details of local emergency preparedness plans, including the locations and amounts of hazardous substances, be made public (SARA III) should be amended.
- Effective preparedness efforts require an empowered community and the involvement of community representatives in the development of emergency response plans. The public should be educated in basic lifesaving techniques so that bystanders can provide assistance to those injured until help arrives.

Communications/Technology

- There must be communication system inter-operability to ensure clear communication among city departments and federal, regional, state and other local entities responding to disasters. There must be vehicles for communication with the public to alert them to potential threats and provide them timely information on the status and effectiveness of response efforts. Alternative communication mechanisms should be available in the event of power outages or other events that disable the primary communication mechanisms.
- The compatibility, security and reliability of federal, state, regional and local emergency telecommunications systems must be assured, and accomplishing this requires redundancy in the systems available. The telephone system must be capable of disseminating important information to affected or potentially affected populations. A satellite communication system should be available when other communications systems are non-functional.
- Since 911 systems in many cities would be quickly overwhelmed in the event of a weapons of mass destruction incident, existing 911 systems need to be upgraded and 311 systems, or equivalent systems that can handle a large volume of incoming calls from the public and provide up-to-date information or instructions, should be put in place. Additional personnel will be required for 311 systems to operate effectively; without sufficient personnel to take 311 calls, emergency callers will quickly revert to 911.
- The sale of 800 mgHerz radio bands to the private sector should be prohibited. There should be federal support for the development of needed equipment and infrastructure for 800 mgHerz communications systems that would allow communication among EMS, fire and police as well as railroads, public works or other entities that may be involved in an incident.

Protective Equipment/Training – Direct Local Assistance

Cities of all sizes have consistently raised concerns about the lack of availability of equipment such as protective suits, gas masks and detection devices, of protective drugs for first responders, and of training resources. Thousands of mid-sized and smaller communities have received no direct assistance in this area. For larger cities that have received some federal assistance, significant needs remain.

- Under current law, funding for first responder equipment is provided to the states for distribution to local governments. Mayors strongly believe that, in this time of national crisis, resources for equipment should be made available directly to local governments.
- Mayors also believe that the federal government should greatly increase resources for development of a training curriculum specifically for them as the "first responders" to a weapons of mass destruction terrorist attack. A weapons of mass destruction core curriculum should be developed for municipalities, counties and states which includes awareness, operations, technical issues and incident management. Public and environmental health personnel should be included as first responders and trained as such.
- Good, up-to-date emergency response training programs (such as those provided by the Department of Justice's Office of State and Local Support) are available from the federal government, but funding for these programs needs to be increased so that they can reach many more local first responders.

Public Health System

It is generally acknowledged that the nation has failed to invest adequately in the local public health infrastructure, with the result that local public health agencies often lack tools as basic as computers and Internet connections. Now, in the wake of major terrorist incidents and in the face of additional terrorist threats, public health infrastructure needs appear enormous.

Coordination

- Resources are needed to conduct active syndromic surveillance for disease, to do immediate on-the-scene epidemiological investigation, to develop and test local bio-terrorism preparedness plans, to administer mass immunizations or prophylaxis, to develop an area's "surge capacity" in the event of an incident, and to maintain around-the-clock vigilance and readiness.
- Resources are needed for a network which would improve a local health department's response to a weapons of mass destruction emergency by enabling it to coordinate services with other essential local, state and federal agencies.
- Resources are needed for mass decontamination of ambulatory and non-ambulatory patients and for training in mass fatality decontamination.
- Current quarantine regulations which usually apply to individuals, not groups, should be examined. Because it may become necessary to isolate very large numbers of people in order to prevent the spread of infectious disease, legislation to permit local governments to impose large scale quarantines should be in force in every state.
- The national poison information system, with its regional poison centers that provide full-time year-round emergency telephone advice and direction, provides an infrastructure on which to build a national system to respond to public inquiries concerning health threats.

Communications

- Adequate and secure electronic communication and data analysis systems are needed to ensure appropriate coordination, communication, and implementation of the public health disaster preparedness plans which are needed to rapidly mobilize public health workers, emergency responders, and private health care providers.
- Resources are needed to strengthen local public health system communication with the general public. Clear communication is necessary to provide important information, allay fears, and alter behavior so as to reduce risk.

Training

- The federal government should assist in training to increase local public and private capacity for detection and treatment of biological and chemical agents. Training should be provided to health care providers and appropriate staffs of hospitals and city agencies, enabling them to quickly detect a possible incident, identify the symptoms produced by a biological or chemical agent, and know what steps to take to mitigate adverse public health consequences. Such training must be tailored to local conditions and matched with follow-up technical assistance.
- There should be one regional training center in each federal region charged with expanding the training capacity of existing emergency medical training centers.

Personnel

- Environmental health personnel are needed to assess the health risks related to biological and chemical agents and to minimize threats of illness or death in the event of a terrorist incident.
- Emergency medical personnel trained in infection control are needed in local communities to respond to increased demand for services and consultation.

Facilities

- Because it is difficult to get hospitals involved in programs without funding to cover their costs, federal grants to do this (from agencies such as FEMA, HHS and the Department of Justice) should be available to both public and private hospitals in the health care community. With overcrowded hospitals increasingly having to turn away patients, the need exists to expand hospital capacity in general.
- There is no federally- or state-designated "point hospital" for disaster coordination in regions or localities. While federal and state public health agencies will have ultimate control in a disaster, a lead emergency medical center should be designated to coordinate hospital services in a disaster.
- Community health centers should be viewed as an important part of the local public health delivery system and should be included in local planning efforts and in the distribution of resources intended to strengthen the public health infrastructure.
- Military health units should be available when needed to assist local public health agencies in responding to biological and chemical threats and incidents.

Equipment/Supplies

- It is critically important that there be adequate national and regional stockpiles of vaccines and therapeutics located close enough to metropolitan centers to permit a quick response to a weapons of mass destruction attack and to protect first response personnel.
- Pharmaceuticals necessary for immediate relief of possible effects of chemical or biological exposure should be provided to first responders and their families.
- A rapid response testing network must be deployed so that highly accurate determinations for biological and chemical agents can be made quickly and without the need to transport specimens to centralized CDC laboratories. Affordable, local or "on-scene" test kits for Anthrax are needed to produce quicker results and allay fears.
- For Metro Medical Response System cities, sustainment funding is needed to replace outdated equipment and provide refresher training.

Stadium/Arena Security

- To protect all involved in stadium events, the FAA should continue to restrict the flight of private aircraft over or near stadiums, arenas and other large public venues on the days events are held.
- The Department of Defense should extend financial and personnel assistance to major domestic sporting or entertainment events, as it does for the Olympics, Goodwill Games and other international events.

Water and Wastewater Security

Under the leadership of the Urban Water Council, a task force of mayors has been considering the new and expanded efforts that are required to enhance security at water and wastewater treatment facilities. It is clear that emergency preparedness and emergency action plans must be reevaluated, as they can no longer be limited to natural disasters or to catastrophic equipment failure, extended power outages, fires or chemical spills. Plans now must include terrorist and sabotage threats of physical destruction, biological contamination, chemical contamination and cyber attacks.

Professional organizations and government officials have requested federal funding to conduct system assessments and participate in security planning efforts that give utilities the tools they need to improve their security systems and emergency action plans. The intended result includes revised regulations and procedures, new technologies, equipment, supplies, and training for terrorism defense.

Protecting the nation's water systems from acts of terrorism requires that the federal government:

- immediately establish a national research and development program for advanced monitoring, detection, and screening technologies and systems;
- provide funding for immediate water system security assessments; and
- assist local governments in preparedness/contingency planning and training to ensure appropriate responses in the event of an attack.

FEDERAL-LOCAL LAW ENFORCEMENT

There are nearly 650,000 police officers in the nation's cities who stand ready to work with federal agencies to make the nation safer and more secure. The Federal Bureau of Investigation has 11,500 agents – far less than the number needed to address the security problems the nation currently faces. In meetings held since September 11, a task force of mayors and police chiefs has called for a new protocol governing how local law enforcement agencies can assist federal agencies, particularly the FBI, given the information needed to do so. A close working partnership of local and federal law enforcement agencies, which includes the sharing of intelligence, will expand and strengthen the nation's overall ability to prevent and respond to domestic terrorism.

Communication and Coordination

- There must be closer cooperation between local and federal public safety entities. Mayors throughout the nation must be "in the loop" throughout the planning, preparation and execution of public safety initiatives related to anti-terrorism.
- Mayors of the largest cities in each major metropolitan area should be included in the federal district law enforcement task forces convened by the U.S. Attorneys at the direction of the Attorney General. Those mayors could then convene all appropriate representatives of cities in their metropolitan areas and serve as the link to the existing coordinated federal response within the district.
- The USA Patriot Act of 2001 provides for greater sharing of intelligence among federal agencies. It should be amended to include the same kind of intelligence sharing between federal and local law enforcement agencies, as is contained in proposed new legislation.

- We must seed a new system of communication between federal and local public safety officials to create a "24/7" threat assessment capability with appropriate sharing of intelligence on a need-to-know basis.
- Mayors and police chiefs should be allowed to hold the security clearances needed to receive intelligence from the federal level.
- Existing restrictions on local law enforcement access to NCIC data for criminal records checks must be modified. The NCIC system should be updated with as much information as possible, including photographs, visa information, driver's license information and last known addresses.
- Federal and local intelligence databases should be merged.
- INS warrant information and photographs of persons sought by federal authorities should be provided to local law enforcement agencies.
- The Communications Assistance to Law Enforcement Act should be fully implemented. At the very least, local telephone companies should be required to adhere to it.
- The nation's 650,000 local police officers should assist the FBI in tracking down and following up on at least a portion of the tips received, particularly since some of the tips received by the FBI are more appropriately handled by the local police.
- Funding for existing federal law enforcement assistance programs must be increased and made more flexible so that local police departments can use the funds to purchase communications and other equipment needed to prevent and respond to terrorism; pay overtime to officers who are providing increased security for public events, airports, train stations, utilities, infrastructure and other key sites; and hire additional officers where necessary.

Border City Security

Literally on the nation's front lines, border cities play critical roles in our national economy – roles which must not be diminished by efforts to protect the nation against terrorism.
Border cities are key to international trade and commerce as the ports-of-entry for goods and produce. Canada is the nation's top trading partner, Mexico comes next, and 90 percent of cross-border trade occurs by road freight. Border cities are also where many people enter and leave the country, including workers who cross the border on a daily basis traveling to and from their jobs. Crossing the borders are citizens, legal residents, legal migrant workers and legal tourists on visas, along with those who violate our immigration laws and visa regulations.

Protecting the nation's borders and at the same time preserving their critical role in the nation's economy requires:

- funding to triple the number of U.S. Customs agents, INS agents and Border Patrol officers;
- federal reimbursement for the costs of providing additional security at border bridges, tunnels and railroad crossings, commensurate with the volume of cross-border traffic at individual points;
- immediate development and implementation of a comprehensive national border surveillance system, including the use of the best available technological means to effectively and efficiently monitor breaches in border security, particularly in less populated areas and other areas in which such surveillance systems currently do not exist;
- to increase safety and security in tunnels and on bridges which cross borders, implementation of "reverse customs inspections;" following this practice, inspections are conducted before rather than after a vehicle uses a tunnel or bridge to cross a border;

- implementation of programs to expedite the entry of low-risk, pre-approved cross-border travelers, such as those commuting to jobs (e.g., PORTPASS and CANPASS);
- accelerated development of technology to expedite the flow of routine cross-border shipments of low-risk cargo by manufacturers, such as the automotive industry in the Detroit area;
- "harmonization" of immigration, trade and security policies in an effort to keep immigrants with links to terrorism from entering the country while at the same time allowing low-risk cargo to flow unimpeded across borders;
- fingerprinting and periodic monitoring of legal guest workers and non-citizen legal residents and other legal immigrants in a manner that will not hamper the legal immigration of workers important to many U.S. industries and local economies;
- additional funding for the INS to permit closer monitoring of visas and temporary passports and to permit entry of visa and passport information into the ICIC network;
- periodic reporting requirements for legal immigrants, to ensure full compliance with the law;
- deportation of violators of visa requirements and immigration law to their countries of origin;
- reform of visa-granting practices and procedures to ensure that, while suspected terrorists cannot slip through, there can be continued immigration by individuals and families with deserving and statutory cases;
- full funding for all cross-border anti-terror and drug enforcement intelligence-sharing activities; and
- full cooperation with Canadian and Mexican law enforcement and intelligence agencies, and the development of integrated responses to potential and pending threats.

ECONOMIC SECURITY

Over the past several weeks we have grappled as never before with terrorism on our soil and have come to understand that the terrorists' goals include the creation of fear: fear of travel, fear of illness and death, fear of violence – essentially, fear of living a normal life in America. Their ultimate goal appears to be the undermining of the economic stability of our nation.

As stated in the introduction to the mayors' summit recommendations, meeting the nation's basic, essential needs for transportation security, emergency preparedness and coordinated law enforcement must be viewed as prerequisites to achieving the goal of national economic security. This means that the costs associated with the recommendations that have been made in these three areas could, and perhaps should, be considered part of the ultimate cost of that economic security – but only a part.

Another prerequisite to economic security for the nation as a whole is help for the people who have been hurt by the economic fallout of the terrorist attack, those whose jobs have been lost in the economic downturn that accelerated following the attack. There is an immediate need for direct worker assistance of various kinds, coupled with a program of strategic public investment that will modernize the nation's infrastructure in order to improve both our competitiveness and our security.

Worker Assistance

- Unemployment insurance should be expanded to provide benefits to those directly and indirectly affected by disaster-related job loss and unemployment benefits should be extended from 26 to 78 weeks for all workers. Eligibility requirements should be modified to provide equal benefits to those who lost their jobs as a result of the economic downturn but who are ineligible for

regular benefits, such as temporary and part-time workers and former Temporary Assistance to Needy Family (TANF) recipients. This would also allow workers to be hired for community service jobs.

- Funding of job training programs for dislocated workers, adults and youth under the Workforce Investment Act (WIA) should be sufficient to enable those who are laid off, especially if they are low-skilled workers, to get upgrade training, basic skills training and ESL education.
- Free or low-cost health insurance should be provided to low income families affected by the September 11 attack.. Federal subsidies for COBRA for individuals who are unemployed due to the economic downturn should be provided.
- The rescission in the FY 2001 dislocated workers appropriation should be restored.
- It should be recognized that young workers served by WIA, especially those in Youth Opportunity Grant programs, will most likely be the first laid off in a recession, and that many of these youth are high school dropouts who need job training and financial subsidies.

Strategic Public Investment

President Bush has recognized the need for an economic stimulus plan that will pull the nation back from recession and move it closer to economic security. Mayors believe there is a need for a balanced approach to stimulus that recognizes the value of investments in strategic public resources. They believe that investments in sorely needed infrastructure projects offer the nation the benefit of increased employment today and increased productivity, competitiveness and security in the future. And they believe that the most effective investments that can be made today are in the local infrastructure projects that are already planned and can be started quickly – projects that lack only the funding needed to launch them. These could include: traffic system enhancements, transit projects, high-speed rail projects, Amtrak system improvements, repairs to roads and bridges serving metropolitan areas, and water security development projects.

Tax provisions contained in any economic recovery legislation should be short term – 12 to 18 months – and directly targeted to stimulating the economy. Examples include: lifting the cap on state and local tax exempt bonds to spur stalled development; doubling the allocation of low income housing tax credits to advance housing construction; and providing a tax credit to low and moderate income families who purchase computers to boost technology literacy.

The United States Conference of Mayors

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Statement of

The Honorable Javier Gonzales

Commissioner

Santa Fe County, New Mexico

and

President

National Association of Counties

on

The Local Role in Homeland Security

Before the

United State Senate

Committee on Governmental Affairs

December 11, 2001

Senator Lieberman and members of the committee, thank you for inviting me to testify on an issue of paramount importance to counties across the country – securing our homeland against the threat of terrorism.

My name is Javier Gonzales, and I am an elected County Commissioner from Santa Fe County, New Mexico. I currently serve as President of the National Association of Counties.

The National Association of Counties (NACo) is the only national organization representing the 3,066 county governments in the United States. Our membership is comprised of counties large and small – those in major metropolitan areas as well those in rural America.

As you are now surely aware, counties are the first responders to terrorist attacks, natural disasters and other major emergencies. County public health, law enforcement, fire, and other public safety personnel are responsible for on-the-ground response and recovery action. Counties also own, operate and secure key aspects of the nation's infrastructure, such as airports, transit systems, water supplies, schools and hospitals. Elected county officials like myself, along with our emergency managers, provide the essential regional leadership, planning and coordination function in preventing, preparing for and managing our communities' response to emergency events.

In the wake of the terrorist attacks of September 11, I appointed a NACo Task Force on Homeland Security. The task force, comprised of 45 top county officials from across the country, was formed to provide a forum for county officials to advise the federal government about the roles and concerns of counties regarding homeland security; and to identify model county programs for our colleagues as we increase security measures and preparedness in our communities.

The task force has met twice this fall, and I would like to share a few relevant outcomes from those meetings with you.

First, the importance of coordination has been a recurring theme. County officials believe it is critically important that emergency preparedness plans be coordinated and rehearsed among local, state, and federal levels, as well as across the various federal, state and local agencies with a role in emergency response.

Moreover, in the event of a public health emergency or other emergency, county officials strongly believe that the federal government should quickly identify the controlling federal authority and chain of command at the scene, and that all federal agencies diligently follow the lead of the controlling federal authority.

Finally, on the issue of coordination, NACo, along with its sister state and local government organizations, has formally requested that Homeland Security Director Tom Ridge create a State and Local Advisory Committee to the Office of Homeland Security. The committee, comprised of elected officials from state, county and city governments, would provide input and assistance to federal homeland security activities and facilitate coordination among levels of government. We have received a commitment from Governor Ridge that he will form such a committee, and we look forward to the committee being established as soon as possible.

NACo also has some specific recommendations to the federal government in the areas of law enforcement, public health and emergency planning and preparedness.

On law enforcement, it has been a longstanding concern of counties that intelligence information obtained by the federal government is not shared with appropriate local officials in a timely manner. Ultimately, this hampers our ability to track suspicious persons and prevent crimes from being committed.

In that regard, NACo has made a specific request to the Department of Justice that the composition of its newly-created Anti-Terrorism Task Forces specifically include elected representatives of county governments, and that

security clearances be provided to county officials for intelligence information commensurate with their responsibilities. We have seen some progress on this front. In a letter dated November 13, Attorney General Ashcroft informed county officials that he is setting up a system to share information with state and local officials through each United States Attorneys' office. As I understand it, this system will provide a mechanism for federal intelligence to reach appropriate officials at the local level, and for information collected locally to be communicated to federal law enforcement.

In the public health area, there are two major points. First, county officials are calling on the Congress to provide adequate funding for the Public Health Threats and Emergencies Act. NACo believes that an appropriation of a minimum of $1.8 billion is needed to implement the law fully and effectively, with at least $835 million dedicated to building and maintaining local and state public health infrastructure.

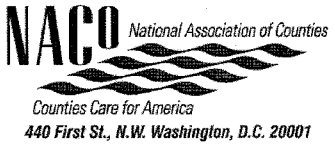
The second point relates to information dissemination and the use of the Health Alert Network. NACo believes that the Centers for Disease Control-Public Health Practice Program, the CDC office that best understands local dynamics, should continue to coordinate and communicate with county health departments, and that there should be a focus on

improving the Health Alert Network and on assistance with technological upgrades for county health departments.

Finally, as I mentioned toward the beginning of my remarks, counties – as regional governments often encompassing many cities and towns – are in the unique position to provide the leadership, planning and coordination function needed to prevent, prepare for and manage the response to emergency events. While a survey we conducted in late September found that 95 percent of counties have emergency response plans, and 100 percent of large urban counties have both plans and mutual aid agreements with surrounding jurisdictions, there are still improvements to be made.

Since October, NACo has been calling for the authorization of a local anti-terrorism block grant at a minimum of $3 billion. NACo believes that these funds should flow directly from the federal government to local governments, and that funding decisions under the block grant should be made countywide as an outgrowth of an existing "all hazards" emergency management planning process. The types of investments in the future to be supported by a local anti-terrorism block grant include mobile command centers, communications equipment, hazardous materials handling gear, emergency drills and other locally determined needs.

Senator Lieberman and members of the committee, thank you for the opportunity to testify about the county role in homeland security. I would be pleased to answer any questions you may have.



Policy Agenda
to
Secure the People of America's Counties

Counties are the first responders to terrorist attacks, natural disasters and other major emergencies. County public health, law enforcement, fire, emergency medical, and other public safety personnel, are responsible for on-the-ground response and recovery action. Counties also own, operate and secure key aspects of the nation's infrastructure, such as airports, transit systems, water supplies, schools and hospitals. Finally, elected county officials and county emergency managers provide the essential regional planning and coordination function in preventing, preparing for and managing the response to emergency events.

County officials believe it is critically important that emergency preparedness plans be coordinated and rehearsed among local, state, and federal levels, as well as coordinated across the various federal agencies and state agencies with a role in emergency response. Similarly, counties have unique responsibilities for effectively coordinating the plans and response actions of their law enforcement, public safety, public health, and other departments that assist in response action.

With regard to the federal response in the event of a public health or other emergency, county officials strongly believe that the federal government should quickly identify the controlling federal authority and chain of command at the scene, and that all federal agencies diligently follow the lead of the controlling federal authority. The controlling federal agency must serve – to counties, the public, and other parties participating in the response – as a single point of entry and source of information.

With regard to coordination among levels of government, **the National Association of Counties has formally requested that Homeland Security Director Tom Ridge create an official State and Local Advisory Committee to the White House Office of Homeland Security**. The committee, comprised of elected officials from state, county and city governments, would provide input and assistance to federal homeland security activities and facilitate coordination among levels of government.

Additionally, the 43-member NACo Homeland Security Task Force at its first meeting Oct. 26 recommended a number of policy actions to secure America's counties. These recommendations are outlined on the following pages. Many of them are intended assist President George W. Bush and the Congress as they make investments in local programs to improve homeland security. Already, counties across the country are raising and redirecting local funds to secure their communities, demonstrating commitment at the county level to this national goal.

Public Health

1. Fund the Public Health Threats and Emergencies Act

Congress should provide adequate funding for the Public Health Threats and Emergencies Act. An appropriation of a minimum of $1.8 billion is needed to implement the law fully and effectively, with at least $835 million dedicated to building and maintaining local and state public health preparedness and infrastructure.

2. Improve the Health Alert Network

The Centers for Disease Control-Public Health Practice Program, the CDC office that best understands local dynamics, should continue to coordinate and communicate with county health departments, including a focus on improving the Health Alert Network and on assistance with technological upgrades for county health departments.

3. Ensure an Adequate Supply of Vaccines and Antibiotics

The federal government should ensure an adequate supply of appropriate antibiotics, vaccines and other relevant medications and medical supplies, to be made available to counties and other local communities in a timely manner as part of the stockpiled push packages administered by the CDC.

4. Develop a National Policy to Prioritize Medical Treatment

The federal government should develop a national policy to prioritize, in the case of a public health emergency, who gets treated first under what circumstances when demand for treatment exceeds supply.

5. Train Health Personnel

Public and private sector health personnel should receive adequate training to manage public health emergencies, in cooperation with federal, state and local governments. While specific training relative to bio-terrorism is needed, general competency building in public health is also needed to assure that the workforce is fully prepared.

6. Ensure that Adequate Medical Surge Capacity Exists

The federal government, in cooperation with state and local governments, should ensure that the medical surge capacity needs associated with events of mass casualties can be met, particularly in communities that serve as regional medical centers.

Local Law Enforcement and Intelligence

7. Authorize a Local Anti-Terrorism Block Grant

Congress should enact a new local anti-terrorism block grant at a minimum of $3 billion to comprehensively fund county and municipal law enforcement and public safety agencies and programs. Funds should flow directly from the federal government to local governments, and funding decisions under the block grant should be made countywide as an outgrowth of the existing "all hazards" emergency management planning process.

8. Include Counties in Anti-Terrorism Task Forces
The Justice Department should expand the composition of its newly-created law enforcement Anti-Terrorism Task Forces to specifically include elected representatives of county and other general purpose local governments. Security clearance should be provided to county officials for intelligence information commensurate with their responsibilities.

9. Balance Heightened Border Security with Economic Activity
Improve border security operations to enhance the nation's ability to restrict the movement of weapons, weapons components or potential terrorists into the country and eliminate their ability to operate within our borders, in such a way that heightened security does not impede with the ability to continue active cross-border commerce.

Infrastructure Security

10. Reimburse Counties for Airport Security Costs
Congress should enact an airline security bill immediately, to provide county-owned and operated airports with federal reimbursement for additional costs of security measures mandated by the federal government. In addition, the federal government should assist airports in financing security measures by allowing flexibility with the Airport Improvement Program, Passenger Facility Charges, and tax exempt bonds.

11. Assist Ports and Transit Systems in Financing Security Measures
The federal government and state governments should provide assistance to counties for securing ports, transit systems, commuter rail and freight rail systems.

12. Help Localities Secure Public Utilities and a Safe Water Supply
Congress should authorize funds for drinking water systems and other public utilities, large and small, to conduct physical vulnerability assessments and emergency planning. Additional research should be conducted into the threats to water and sewer systems and other public utilities and the development of methods and technologies to prevent and respond to attacks.

13. Include Security in Infrastructure Development
The federal government and state governments should evaluate threats and consider security as a criterion in the funding and development of new infrastructure, including physical infrastructure (such as transportation, schools, flood control and water systems) and cyber infrastructure. Security measures associated with the development of infrastructure should be eligible for federal funds.

14. Reimburse Counties for Costs Incurred on Behalf of the Federal Government
The federal government should reimburse counties for the local public safety and law enforcement costs associated with requests to provide security to federal installations and federally-owned infrastructure within their jurisdictions, and for the federal use of county facilities and other federally-mandated expenses incurred during an emergency.

15. Assist Counties to Develop Evacuation Capacity
Support assistance to counties for the evaluation of transportation and other infrastructure systems and evacuation planning, including developing capacity at the local level to facilitate evacuations.

Emergency Planning and Public Safety

16. Train County Officials to Prepare for and Respond to Acts of Terror
Federal, state and local governments should collaborate to train first responders to respond to acts of terror, utilizing and expanding upon existing training facilities and opportunities to their fullest extent. Curricula also should be established for the specific purpose of training elected county officials and other representatives of general purpose local governments. A standard, core set of competencies should be developed.

17. Assist Public Safety Communications Interoperability and Interference Issues
The federal government should assist counties to provide the broadest possible interoperability between public safety agencies across voice, data and geo-data and wireless technologies. The federal government also should assist counties in obtaining additional spectrum as soon as possible to address interoperability and dead zone problems created by congestion and interference with commercial services. In the event of a disaster or terrorist attack, all first responders should have access to a common set of frequencies that can be used to communicate between agencies. To make this effective, particularly if the federal government chooses to use the 700 MHz band and digital communications, financial assistance should be provided to ensure that counties can afford to use these new technologies.

18. Establish a Public Communication Network
A communication network capable of delivering information in a timely manner between the federal government, state and local governments, and the general public should be established.

19. Urge the Release of Federal Research to Assist Counties
The federal government should make its research and information available to counties at the earliest possible time – including declassifying such information as appropriate – to facilitate their use by counties to prepare for and respond to acts of terrorism and other emergencies.

20. Provide Immunity to Encourage Mutual Aid and Support
The federal government and state governments, where applicable, should provide legal immunity from civil liability for counties and other local governments responding collaboratively to emergencies outside their primary jurisdiction.

For more information, contact the NACo Legislative Affairs staff at 202/393-6226.

Revised by Homeland Security Task Force 11/28/01
Revised and approved by NACo Board of Directors 11/30/01

JAY FISETTE, CHAIRMAN, ARLINGTON COUNTY BOARD
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TESTIMONY BEFORE THE COMMITTEE ON GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

ON THE "LOCAL ROLE IN HOMELAND SECURITY"

DECEMBER 11, 2001
9:30 AM

On September 11th, our world changed forever. This nation suffered the most grievous loss ever known in a single day of armed conflict. Yet, those who died were not at war with anybody. They were mothers, fathers, sons and daughters--average people, starting off a beautiful morning in the innocent, everyday act of simply going to work. On that day, they saw the face of pure evil...and in a heartbeat they were taken from us. Those who were called upon to respond to this tragedy were the same people who respond to every emergency in America, large and small, every single day - local government. In the case of the Pentagon, this meant Arlington County and our mutual aid partners from throughout the region. We are proud that Arlington rose to meet the challenge. In this year of Arlington's 200th birthday, our response built on a history rich in accomplishment. Towering figures in American history left their footprints here. In 2001, Arlington again showed its character. Words cannot describe the selflessness and tenacity of Arlington's emergency rescue and public safety personnel. They were the first to respond to the scene at the Pentagon. They coordinated the fire, rescue, and recovery operations for a full ten days. From around the region and around the nation others came to work side-by-side, thinking only of doing their duty, bound by their dedication to saving lives. Joined by countless volunteers, and backed by a dedicated county staff that activated our Emergency Operations Center in mere minutes, our men and women looked the wickedness squarely in the face. They gently and caringly undertook the work that they were trained to do. Over the course of the event, staff from literally every County agency came together to respond - first to the Pentagon, then to the economic disaster from the closing of Reagan National Airport, then to the anthrax threat, and now to community recovery and preparedness. We have learned many lessons from these events, one of the most important of which is the critical partnership between local government and the federal government, especially in communities like ours where there is a large federal presence. From our experiences since September 11th, I offer these recommendations.

1. There must be a clear articulation of roles and responsibilities among federal, state, and local agencies in emergencies, especially on federal installations, such as the Pentagon and Congress. This especially includes the roles of FEMA, CDC, and local fire and health departments. One of the central reasons that our response

at the Pentagon was successful is because there was clearly established command and control for the different operations. A history of Arlington's Fire Department working with the Pentagon helped make this happen. Arlington fought a fire at the Pentagon several weeks before September 11th and has also responded to two fires since September 11th. In calendar year 2000, Arlington responded to 251 fire and EMS calls at the Pentagon. Despite this history of dependence on Arlington and a spirit of respect and cooperation, we have not ever been able to successfully complete a formal memorandum of understanding. The anthrax incident in the Capitol complex further illustrates the need for clear lines of authority and responsibility. While the incident occurred in Washington DC, it effected residents throughout the region. Frankly, we were receiving conflicting and inconsistent information. We recommend that the federal government work to establish formal memoranda of understanding with local and state officials for emergency responses at all major federal installations.

2. As part of the development of MOUs, an assessment should be made of local capacity to respond to different events in support of the federal government and provide financial support to fulfill that capacity. As noted earlier, Arlington responds to the Pentagon continuously; however, we have never received any support for the capital and operating costs necessary to meet the Pentagon's needs. We are proud to serve the Pentagon and other federal installations in our community - as our most communities. Given the reality of the new threats we face, the federal government must accept some of the financial responsibility to meet those threats. We specifically recommend that such aid go directly to local government based on the specific needs of federal installations.

3. In the case of the greater Washington area, Congressional action is especially needed to approve legislation to eliminate issues of local liability in providing mutual aid. During the inauguration and other pre-planned events, local police are deputized as federal marshals in order to avoid issues of local liability. In an emergency, there is not time for such action, nor has there ever been an ability to address issues of fire mutual aid. Congress needs to put this issue to rest by passing legislation that has been developed by the Washington Council of Governments.

4. The largest challenge facing the federal government is the development of a national strategy for terrorism preparedness. As a nation, pulling together at all levels of government, we responded exceedingly well on September 11th and afterwards. A major reason why we did, however, is because we had no more casualties than we did. As horrific as the attacks were, we did not have mass casualties flooding our limited hospital capacity. The subsequent anthrax attacks, however, did begin to tax our public and private health care capacity, even though these attacks were also relatively confined. Both events have

> served as a wakeup call to the hospital systems to develop greater coordination in today's competitive healthcare environment. And, it also needs to serve as a wakeup call to the federal government about the limited capacity that healthcare competition and cost containment have created. The same is true for public health capacity. With the development of antibiotics in the last century, there has been a steady erosion of public health capacity -- those who are the front line investigators in a biological attack. They are the disease police, but there are few of them. Arlington has one full-time epidemiologist.

The point is there is no national strategy or standards for preparing for or responding to biological and chemical attacks. In the case of the anthrax attack, it is clear to any observer that we were making it up as we went. Now that we know such attacks are more than theoretical, we need to do better. We need to assess our hospital capacity, assess local public health capacity, and establish clear lines of authority and responsibilities for the different levels of government, especially for the different federal agencies. We need to assess protocols for the national pharmaceutical stockpile. We need to train and practice its deployment. We must have a way to get consistent, accurate, and authoritative information to the public.

Conclusion. What happened on September 11th and the days and weeks that followed could not have been imagined a year ago. People who brushed-off emergency preparedness as a waste of time now see its critical relevance. We now have a window of opportunity in people's awareness that we need to act on. At the local level, we know that we will always be the first responders and we are working hard on our own planning and development of capacity. But no local government will be able to respond to a major event alone, especially on federal installations. The federal government needs to by fully engaged in the preparedness assessment and planning, and in providing the resources necessary to make it happen.

Testimony for "The Local Role in Homeland Security" before the Committee on Governmental Affairs by Richard J. Sheirer, Director, New York City Mayor's Office of Emergency Management

Tuesday, December 11, 2001

Good morning, Chairman Lieberman and members of the Committee on Governmental Affairs.

I am Richard Sheirer, the Director of New York City's Mayor's Office of Emergency Management (OEM).

I have spent over 34 years working in the field of public safety, 28 years with the New York City Fire Department, 4 years with the New York City Police Department and since February 2000 as the Director of OEM.

I would like to thank you for the opportunity to talk to you about New York City's response to the attack on the World Trade Center on September 11, 2001 and to the subsequent anthrax bio-terrorist attack (incident).

In 1996, Recognizing the need to enhance inter-agency and inter-governmental coordination when planning and preparing for and during emergency situations, Mayor Giuliani created the Mayor's Office of Emergency Management by Executive Order.

OEM is a multi-jurisdictional agency comprised of personnel drawn from various City agencies, including the Police, Fire, and Health Departments, the Environmental Protection Agency, the Emergency Medical Services and other agencies. OEM has been described by the

Mayor as New York City's Office of Homeland Security. OEM was crucial in managing and coordinating the City's response to the World Trade Center attack and the anthrax attacks and the on-going recovery efforts at the WTC site.

OEM has been tasked with the responsibilities of :

1. Monitoring and responding to all potential emergency conditions and potential incidents that might require a multi-agency response;
2. Operating an emergency operations center (EOC) to enable the City to manage emergency conditions and potential incidents;
3. Researching, compiling, evaluating, and implementing citywide Contingency Plans ranging from bioterrorism planning to

public information and media outreach programs to provide the public with information and advice before an emergency strikes; to the City's All Hazards mitigation plan which provides the framework for agencies to respond to a large number of different types of emergency;

4. Prepare, organize, and implement drills and exercises; and
5. Coordinate special interagency and Intergovernmental responses.

EOC OPERATIONS

OEM activates the Emergency Operations Center (EOC) in times of or in anticipation of multi-agency emergencies or events affecting the health and safety of people who live, work or visit

the City. During and after the World Trade Center attack, the EOC operated on a 24 hour, 7 day week basis with representatives of 110 local, state, and federal agencies, voluntary organizations such as the Red Cross and Salvation Army; and public utility companies which provided gas, electric, steam and telephone communications. These 110 agencies were represented by anywhere from 300 to 1000 people in the EOC at any given time.

On September 11, 2001, after the first airplane flew into the North Tower of the World Trade Center, OEM immediately activated its emergency operations center and coordinated emergency operations in conjunction with the Fire Department, the Police Department, the Port Authority Police, and numerous other agencies and organizations. Despite the loss of OEM's EOC in 7 World Trade Center, at the moment when it was needed most, OEM (within 72

hours) quickly reestablished an Emergency Operations Center (EOC) and continued to coordinate the City's emergency response to the World Trade Center attack. The importance of a fully equipped, technologically advanced Emergency Operations Center to coordinate federal, state, and local responses to the September 11, 2001 attack was immeasurable. It was possible to immediately share and gather information among the various federal, state, and local agencies to address issues as they arose. It also made it possible to coordinate the various multi-agency responses. For example, it was possible to communicate with and assist with utilities and agencies to rebuild damaged infrastructure, while at the same time providing resources for the rescue efforts. This effort was critical to re-establishing world financial access to the NYSE, AMEX, the Mercantile Exchange and NASDAQ as quickly as possible.

Preparing for the unexpected – The Medical Syndromic Surveillance System

In order to effectively monitor and respond to bioterrorism, OEM and the City's Department of Health (DOH) have developed comprehensive monitoring systems. One critical component of New York City's bio-terrorism plan is the EMS/911 "Syndromic Surveillance" System. This system monitors 911 emergency system ambulance real-time response activity for any unusual increase in calls where patients experience specific symptoms. Through a computer program, OEM automatically tracks, categorizes, and compares the symptoms to retrospective data. The system provides the City with a tool where unusual medical activity is recognized and investigated to determine the cause. This system complements traditional detection methods which are dependent upon hospital and physician reporting to spot unusual activity or a trend.

Immediately after the attack on September 11th the Emergency Operations Center was activated to respond to

the attack and its aftermath. From October 12th to November 9th, the City faced an additional attack – the anthrax letters sent to various locations in the City. The EOC operation had the added responsibility of coordinating activities with local, state and federal health agencies as well as local and federal law enforcement to address the anthrax threat. OEM coordinated points of dispensing (POD) of antibiotics to persons who were exposed at the NBC, ABC, and CBS studios, the New York Post Building and Manhattan Eye and Ear Hospital. As part of its bio-plan, OEM has identified locations for PODs throughout the City to be activated in the event of a public health emergency to dispense medications to large numbers of people as quickly as possible. These local distribution centers allow the City to provide medication to the at risk population **before** people become sick. The Office of Emergency Management has developed a written manual on how to operate and manage these points of dispensing that is being considered by the

CDC as a model for other jurisdictions around the nation. In fact, OEM had planned for a full exercise "TriPOD" utilizing the POD model that was scheduled for September 12, 2001. The United States Post Office has utilized this model to respond to the impact of anthrax tainted letters on postal employees.

LESSONS LEARNED FROM CITY'S RESPONSE TO THE ATTACK

Before September 11th, the City's emergency preparedness was among the best in the country. The plans, exercises, and drills that the City had prepared, conducted or participated in were fully utilized on the day of the attack. Using all these emergency preparations enabled the City to respond effectively and rapidly to the World Trade Center attack. The preparation enhanced the degree of communication between agencies, which was critical in addressing the myriad issues resulting from the attack.

We advise all localities, no matter how big or how small, to prepare for emergencies such as chemical and biological attacks by engaging in regular exercises and drills.

Localities must commit their emergency plans to paper and critique each drill and actual incident to benefit from those experiences.

Many of the officials who visited New York City's Emergency Operations Center would comment on how they wished they could afford to have such a facility. The reality is they can't afford not to.

I believe as Mayor Giuliani and Police Commissioner do that one of the most essential elements in effectively protecting not only our City but every locality from terrorist attacks is communication and information sharing between federal, state, and local law authorities.

Effective and comprehensive communication between all law enforcement entities is crucial in preventing and stopping future attacks and in planning for potential terrorist attacks. This information must be immediate and in real time so that the City can rapidly respond.

To further these goals, the Mayor has participated in creating a new multi-agency intelligence database between the New York Police Department, the Port Authority Police Department, the New Jersey Police Department and the New York State Police Department.

In addition, the City is a member of the New York Metropolitan Committee on Counter Terrorism that is comprised of the FBI, New York State Office of Public Security, and the Police Department. The purpose of this committee is to share intelligence, information regarding investigations, communicate information amongst its members, and to promote joint training exercises. It will

accomplish its mission through the work of five subcommittees:

1. Intelligence and Investigation;
2. Communications;
3. Public Safety;
4. Incident Response; and
5. Training.

After September 11th, the New York Police Department has increased the number of investigators assigned to the Joint Terrorist Task Force and we have made recommendations that additional agencies be included in the Task Force as well. Cities throughout the nation should also benefit from and utilize the Joint Terrorist Task Force.

In closing, I thank you for this opportunity to speak to you about the City's response to the World Trade Center

attacks and to again emphasize the crucial need of sharing of intelligence among federal, state, and local law enforcement authorities. An open flow of intelligence information is vital to the defense of our country. Also, additional funding for localities to conduct emergency preparedness drills will increase the country's preparedness to terrorism and to biological and chemical attacks.

STATEMENT OF

JOHN D. WHITE, JR.
DIRECTOR

TENNESSEE EMERGENCY MANAGEMENT AGENCY

Mr. Chairman and Members of the Committee, I have been asked to testify today by Senator Fred Thompson. I am here speaking on behalf of Tennessee Governor Don Sundquist and the many agencies and departments which make up the resources and personnel of the State Government of Tennessee. After serving with the Tennessee Emergency Management Agency for thirty-five years, the last eight as Director, I am able to provide a unique perspective on the readiness and capabilities of State government in being able to handle the increased amount of duties and responsibilities placed upon us by the tragic events of September 11, 2001.

I would like to divide my testimony into two separate parts. First, I would like to address the programs and activities which we have put into effect or enhanced as a result of September 11th. Secondly, I would like to address the needs of state and local government as we try to meet the many missions and issues which have suddenly been thrust into our arena.

Tennessee's Governor Sundquist formed several years ago, a Multi-agency Task Force to deal with Domestic Preparedness and Weapons of Mass Destruction issues.

The Task Force continues to deal with Emergency Consequence Management planning, multi-agency electronic and intelligence communication coordination, and resource and equipment pooling. This group brought together operational and planning leaders from both state and federal agencies as well as law enforcement and first responders from local government organizations.

In most instances, these meetings opened lines of communication which had not previously existed. The Tennessee Bureau of Investigation, The Federal Bureau of Investigation and local law enforcement were able to come together and learn the capabilities of the State Health Department laboratories and technicians. This sharing of information and education of personnel reduced the time required in determining the presence of biological and chemical contamination. Interagency cooperation proved to be valuable following post 9/11 hoax's which have continuously plagued our communities.

- TEMA has conducted an intense threat and vulnerability assessment of its most critical infrastructure and a capability and needs assessment of the State's ability to respond to terrorist incidents involving Weapons of Mass Destruction. TEMA has also assisted all 95 counties in Tennessee in preparing multi-hazard risk/threat analysis assessments for their Local Emergency Management Plans.
- TEMA and local jurisdictions respond to major emergency events using an all-hazard response plan. We have not altered or replaced event-tested and proven plans as a result of the new terror threat. For decades, our emergency plans have integrated radiological, chemical, biological, and other hazardous-materials and the response phase remains the same, only adding a few precautionary and safety measures.
- Due to the operations of Sequoyah and Watts Bar Nuclear Facilities in Tennessee along with the Oak Ridge Compound, TEMA has developed partnerships with local governments, in establishing emergency management and evacuation operating procedures. These emergency plans have become the standards by which these type facilities are now measured against.

- The Tennessee Valley Authority and U.S. Department of Energy have entrusted TEMA with establishing planning partnerships with local jurisdictions which protect the population and infrastructure of dozens of counties. This leadership role is unique to the Nuclear industry in America and TEMA is proud that we have twenty years of planning and documentation through exercises showing these partnerships to be rated as the most efficient in the nation.
- The Federal Emergency Management Agency recently asked us to conduct a Joint Assessment of Terrorism Preparedness. FEMA and the Office of Homeland Security used this data to identify shortfalls for planning and budgetary constraints due to the increased threat atmosphere after September 11. Fortunately, we had a great amount of the needed information on hand and were able to respond to this request under short notice.
- The joint assessment ask the State to consider its preparedness status with respect to various aspects of its plan, protocols, procedures, personnel, logistics, facilities, equipment, training, exercises, mitigation, and laws and authorities, as they pertain to terrorist incidents.

- I can truthfully say that during the past twenty years, TEMA has responded to every conceivable disaster or emergency prominent in our State and that our Emergency Operations Plans have been successful in protecting millions of Tennesseans.
- The reason I am driving home this point is that it's my contention that Congress must select one flow-through system to provide funding for planning, equipment, training and the conduct of exercises for State and local jurisdictions. We, in emergency management, feel that we have an effective and proven delivery and tracking system, already in place, which will provide you with the ability to judge the value and performance of the terrorism preparedness programs which you are funding.
- In the past four years, many federal agencies have stepped forward and proclaimed that they were capable of providing the expertise to oversee the funding and compliance issues as they relate to terrorism programs. As each agency has attempted and struggled with the mission, we have seen just about every one of them proclaim that the issue is too big and too complicated to be effectively and efficiently guided.

- I am here to advise that the most cost-effective means to provide our local communities with terrorism preparedness is through the state and local emergency management systems that are already in place and have proven time-after-time their leadership and ability.
- The Department of Justice and FEMA need to work together to see that the Congressional funding gets into the hands of the state emergency management agencies and therefore to the local jurisdictions. DO NOT create a new agency or bureaucracy to oversee the distribution and accountability of this funding.
- Let me quickly touch upon some of the types of actions we have planned or placed into effect in just the past few months:
- The Tennessee Department of Agriculture will hire two chemists, two FDA inspectors, four pesticide inspectors, two microbiologists, another staff veterinarian and two veterinarian diagnosticians to address bioterrorist threats.
- The Department of Safety will start a new trooper class (forty to sixty individuals) which will be trained in hazardous-materials and bio-chemical and radiological response techniques.
- The Department of Commerce and Insurance, State Fire Marshall's Office will staff and continuously operate the state-of-art Tennessee

Fire Academy to train all levels of first responders in terrorism consequence management and domestic preparedness activities.

- The Department of Health will increase lab-testing capabilities by hiring eight lab technicians and twelve epidemiology experts and create a new statewide tracking/communications system for disease.
- The Department of Veteran's Affairs will provide and staff and administration for the new Office of Homeland Safety.
- The Tennessee Bureau of Investigation will hire eight criminal intelligence agents and six intelligence analysts as well as enhancing statewide computer and telecommunications systems for law enforcement sources.
- The Department of Military will purchase specialized response and testing equipment needed for bio-chemical and radiological response.
- And lastly, TEMA will improve and expand its statewide emergency communications system and provide emergency planning guidance and assistance to state and local county agencies and governments.
- TEMA also will provide new training courses and educational venues as well as coordinate and conduct local, regional and statewide exercises to evaluate performance and assess accountability.

All of these measures were developed and guided by Governor Sundquist and TEMA as our state's answer to the brutal September 11 assault on our nation's security. These measures totaling nearly $10 million will come from State of Tennessee funding sources exclusively.

In addressing my second point of, "How we can address those areas of need which were identified by our capability and needs assessment". In going through the assessment county-by-county, TEMA was able to identify approximately 77,000 pieces of equipment needed by first responders in the 95 counties to address present shortfalls. The counties also identified education/training opportunities and exercises which would increase readiness and evaluate efficiency. The equipment and related emergency preparedness would cost over sixty ($60 million). This would just be the starting point, providing a base-level response capability in all parts of Tennessee. Funding would also be needed to maintain equipment and to sustain the level of preparedness and readiness needed to deter terrorism.

In closing, I want to assure you that we at the state level have been "assessed and queried" to no end in the past few months. We now need the funding to fulfill those shortfalls that have been consistently identified. We have all the plans in place and we have the expertise, but unless you give us the funding quickly then what appears to be an effective terrorism preparedness program is just a mere 'smoke-and-mirrors" attempt that leaves the public unprotected and questionable in their faith of government. Provide us the funding, NOW IS THE TIME FOR US TO ROLL.

Thanks you for your time and consideration today, I will be glad to answer any questions which you may have.

INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE

TESTIMONY

Statement of

Chief William B. Berger

President
Of the
International Association of Chiefs of Police

Before the
Committee on Governmental Affairs
United States Senate

December 11, 2001

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Statement of The International Association of Chiefs of Police

"THE LOCAL ROLE IN HOMELAND SECURITY"

Good Morning, Chairman Lieberman, Senator Thompson and members of the Committee.

I am pleased to be here today on behalf of the International Association of Chiefs of Police. As you may know, the IACP is the world's oldest and largest police organization, founded in 1894, and with a current membership exceeding 19,000 law enforcement executives. Our mission, throughout the history of our association, has been to address *urgent* law enforcement issues and develop policies, programs, training and technical assistance to help *solve* those issues. And as I appear before you today, combating terrorism looms as the most urgent issue facing our members and the communities they serve.

The initial response of law enforcement and other public safety agencies in New York, Virginia, Pennsylvania and throughout the Unites States to the terrible events of September 11th was outstanding. Individuals around the world watched in admiration and astonishment as police officers, firefighters and EMS technicians raced to assist the victims of these attacks with little apparent regard to the danger they themselves faced. On a broader scale, federal, state and local law enforcement agencies immediately began working together in a massive effort to respond to the attack and to prevent additional attacks.

However, in the weeks and months that have followed, it has become apparent that the crucial partnership between federal, state and local law enforcement is being hindered by difficulties in cooperation, coordination and information sharing. This is unacceptable. Now, at a time when communities across the United States are turning to their law enforcement agencies for guidance and protection, we must do all that we can to ensure that all law enforcement agencies work together and overcome the artificial walls that sometimes divide us.

The IACP is certainly not alone in this belief. The Federal Bureau of Investigation and other federal law enforcement agencies also realize how crucial working with state and local law enforcement is to the success of their efforts and they have taken several positive actions to address this situation. These initial steps have encouraged the IACP and we look forward to working with the FBI and other federal agencies to ensure greater cooperation and coordination between law enforcement agencies at all levels of government.

Role of State and Local Law Enforcement Agencies

Ensuring that we are successful in this effort is vital because state and local enforcement agencies must be fully engaged in the war against terrorism. In our society, an enormous degree of responsibility and authority for public security is delegated to local government, particularly to police agencies. As the September 11, 2001 attacks demonstrated, the local police and other public safety personnel will often be the first

responders to a terrorist attack. However, the role of state and local law enforcement agencies is not limited to responding to terrorist attacks. State and local law enforcement agencies can, and must, also play a vital role in investigating and preventing future terrorist attacks.

Across the United States there are more than 16,000 state and local law enforcement agencies. These agencies, and the 700,000 officers they employ, daily patrol the streets of our cities and towns and, as a result, have an intimate knowledge of the communities they serve and have developed close relationship with the citizens they protect. These relationships provide state and local law enforcement agencies with the ability to effectively track down information related to terrorists. Often, state and local agencies can accomplish these tasks in a more effective and timely fashion than their federal counterparts, who may be unfamiliar with the community and its citizens. In addition, police officers on everyday patrol, making traffic stops, answering calls for service, performing community policing activities, and interacting with citizens can, if properly trained in what to look for and what questions to ask, be a tremendous source of intelligence for local, state and federal homeland security forces.

Information Sharing

However, in order to make use of this intelligence gathering capability, it is vital that federal, state and local law enforcement agencies develop an efficient and comprehensive system for the timely sharing, analysis and dissemination of important

intelligence information. The IACP believes that failure to develop such a system, and to provide guidance to law enforcement agencies in how intelligence data can be gathered, analyzed, shared and utilized is a threat to public safety and must be addressed. To that end, the IACP urges the Administration and Congress to take the necessary steps to develop a process that will promote intelligence-led policing and the information exchange between law enforcement agencies.

For example, providing the resources necessary to assist the development of state and local information and intelligence networks would greatly enhance the ability of state and local law enforcement agencies to communicate and access vital intelligence information of local interest in a rapid and effective manner.

In addition, the IACP strongly urges the Administration and Congress to provide the necessary resources to improve the integration and compatibility of local, state, federal and international criminal justice information systems. Coordination and integration of these systems and the data they contain will greatly enhance the ability of law enforcement agencies to quickly access the information necessary to combat terrorism in our increasingly mobile society.

Security Clearances

One additional barrier to information sharing between law enforcement agencies has been the matter of security clearances and the access to critical, confidential

information. As you know, state and local law enforcement officers often participate in federal task forces and, as members of these task forces, receive security clearances so that they may have access to classified materials. However, their ability to share this information with their fellow officers, or even the chief of their department, is severely limited and, as a result, the value of this information and their participation on the task force is minimized.

While the IACP certainly understands the need to protect intelligence sources and capabilities, we are concerned that these restrictions are limiting the effectiveness of state and local law enforcement agencies to enhance homeland security. It is the IACP's understanding that the FBI already has in place a program that will allow state and local law enforcement officers to receive security clearances. However, thorough background investigations do take time and it is our concern that given the dramatic increase in the need for such clearances following the September 11th attacks, the ability of the FBI to process these clearances in a timely fashion will be significantly impaired. Therefore, the IACP urges that the FBI be provided with the resources and funding necessary to address this crucial situation in a timely and expeditious fashion.

Federal Assistance Programs

In addition to addressing this crucial information sharing issue, there are other steps that the federal government can take to ensure that state and local governments and their law enforcement agencies are active and effective partners in homeland security efforts.

Although the primary mission of law enforcement agencies has always been to ensure public safety, the events of September 11th have dramatically and significantly changed the focus of law enforcement operations. Suddenly, agencies and officers who have been trained and equipped to deal with traditional crimes are now focused on apprehending individuals operating with different motivations, who have different objectives and who use much deadlier weapons than traditional criminals. As a result, law enforcement agencies and officers will need new training and new equipment to meet this new threat.

For example, state and local officers could greatly benefit from training on topics such as:

1. Recognizing possible threats to public safety and terrorist tactics;
2. Field interrogation techniques to better enable them to recognize and respond to terrorist threats;
3. Federal immigration law, sources and documentation; and,
4. How to respond to biological, chemical and nuclear incidents.

As for equipment needs, it has become clear that law enforcement agencies will need to obtain protective clothing and isolation equipment for first responders. However, the increased demands being placed on law enforcement agencies for investigations and protective responsibilities means that they will need to obtain electronic surveillance

equipment as well as security equipment for guarding public buildings and critical infrastructure installations.

Radio Spectrum

In addition, as was demonstrated on September 11th and during numerous other large-scale incidents over the past several years, there is a critical need to address the communication problems caused by the limited radio spectrum available for public safety use. Because the spectrum that is currently in use by public safety agencies is both fragmented and limited, agencies from different, neighboring jurisdictions are often unable to communicate with each other. This communication failure obviously complicates the ability of law enforcement and other public safety agencies to coordinate an effective response in an emergency situation. The IACP urges the Congress and the FCC to take immediate steps to ensure that public safety agencies receive a radio spectrum allocation that is sufficient to provide for interference free and interoperable communications between emergency service personnel.

Threat Alert Protocols

Finally, one last area of concern I would like to address before I conclude is the manner in which the federal government issues terrorist threat alerts. While state and local law enforcement agencies appreciate receiving the threat advisory from the federal government, the vague nature of the information and the lack of a clear response protocol often leave state and local law enforcement executives uncertain as to what, if any, action

should be taken. This uncertainty is especially troublesome at a time when communities across the nation are turning to their law enforcement agencies for guidance and protection.

Therefore, the IACP believes that the Office of Homeland Security, in conjunction with the FBI, the Department of Justice, and representatives of state and local law enforcement should immediately address this area and develop a clear and concise protocol for issuing threat alerts and providing guidance for law enforcement response.

At our recently concluded annual conference, the IACP leadership addressed this crucial issue and discussed the creation of a National Threat Level and Law Enforcement Response Protocol. This protocol concept, modeled after the U.S. military's threat alert system, calls for the development of a graduated alert system that would categorize the threat level confronting the United States and provide guidance as to what law enforcement actions would be appropriate for each threat level. (In order to facilitate discussion of this concept, a chart outlining the protocol framework is attached.)

It is the belief of the IACP that a such a system would provide state and local law enforcement executives with a clearer understanding of the threat level confronting their communities and the actions required of their agencies in response.

In conclusion, I would just like to state that unfortunately the events of September 11, 2001 opened a new chapter on terrorism for all governments and their law enforcement agencies around the world. If we are to be successful in our efforts to combat terrorism we must work together, efficiently and effectively. We can no longer let affiliations or jurisdictional squabbles interfere with our mission of protecting our communities. The citizens we serve expect us to act in this fashion; our duty demands it.

Thank you for the opportunity to appear before you this morning. I will be glad to answer any questions you may have.

NATIONAL THREAT LEVEL AND LAW ENFORCEMENT RESPONSE PROTOCOL

ALERT LEVELS	ALERT LEVEL RESPONSE ACTIONS
LEVEL 1: Normal Condition.	**LEVEL 1:** Normal Activity. Be alert to suspicious behavior/activity
LEVEL 2: General Information about potential terrorist activity. No indication of potential target type, method of attack, location, or time.	**LEVEL 2:** Communicate threat information via NLETS, briefings etc.
LEVEL 3: Credible Source information suggesting target type, time, or geographic location.	**LEVEL 3:** Deploy readily available resources in accordance with threat.
LEVEL 4: Credible Source information of threat to specific asset or target.	**LEVEL 4:** Full protective resources deployment for duration of threat

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Statement of

Michael C. Caldwell, MD, MPH

Commissioner of Health
Dutchess County Department of Health
New York

on behalf of the

NATIONAL ASSOCIATION OF COUNTY AND CITY HEALTH OFFICIALS

before the

Committee on Governmental Affairs
United States Senate

Hearing on "The Local Role in Homeland Security"

Good morning, Mr. Chairman and Members of the Committee. I am Michael C. Caldwell, MD, MPH. I am Commissioner of the Dutchess County Department of Health in New York. I am honored to appear before you representing the National Association of County and City Health Officials (NACCHO) on whose Board I serve. NACCHO is the organization representing the almost 3,000 local public health departments in the country. I have been intimately involved in bioterrorism and emergency preparedness planning in Dutchess County and I am very familiar with national work to develop guidance and performance standards in bioterrorism preparedness for local public health systems. I am here today to share with you some of the lessons we have learned in our work and how much farther we need to go.

Are we prepared for bioterrorism as a nation? Not nearly enough. Local public health departments have long experience in responding to infectious disease outbreaks and other local emergencies with public health implications. We have made progress and learned important lessons about the challenges of bioterrorism preparedness in the last few years. But we have a long way to go to achieve nationally the capacities necessary to detect and respond to an act of bioterrorism quickly and efficiently in order to contain it, prevent the spread of disease and save as many lives as possible.

The challenge, and potentially the great strength, of bioterrorism preparedness is that it requires a combination of the resources and skills of public health with those of other public safety and emergency preparedness disciplines. Each of these disciplines must have a robust system in place. As our recent experience with anthrax has demonstrated, public health leadership, expertise and resources are essential when an act of bioterrorism is suspected or threatened.

Our nation's bioterrorism preparedness activities prior to September 11th were limited, but we are not starting from scratch. We have some experience and some results from funding that Congress has appropriated thus far that I will share with you. In addition, we have a legislative framework in place for expanding our general public health preparedness. The "Public Health Threats and Emergencies Act of 2000," which has not yet been funded, establishes a process for systematically defining what our federal, state and local public health systems need to do, for assessing what they already can do, and for filling in the gaps by building capacities.

Every component of the public health system plays a vital role. Federal agencies rely on the public health infrastructure at the local and state level to support the system. State and local public health agencies must collaborate closely together and with their federal partners, sharing information and resources. Properly equipped laboratories and data management and communication systems are essential, as is leadership and technical support from the Centers for Disease Control and Prevention (CDC) and other agencies of the Department of Health and Human Services (HHS).

Federal Guidance to Local and State Public Health Agencies

NACCHO has been working with CDC and other public health partners on a national level to define just what state and local public health agencies need to prepare for and respond to a bioterrorist act and to provide them solid guidance. We have developed a set of core capacities and some measurement tools to gauge the extent to which an agency has achieved them. Defining measurable objectives is an essential part of achieving preparedness. Establishing standards will enable us not only to assess

where we stand, but also to assure that funds are spent prudently and that the ultimate outcome will be an effective system serving the country's overall needs.

These core capacities consist of four major areas, within which are many more specific elements. The four major areas are:

- **Surveillance and epidemiologic investigation**, which requires monitoring community health status to *detect* the presence of bioterrorism agents and to characterize the public health threat or emergency;
- **Laboratory capacity** to identify, rule out, confirm and characterize biological threat agents;
- **Communication**, which includes collection, analysis and communication of information among the response community, decision-makers and the general public during a public health emergency. This capacity also includes the local public health agency's core responsibilities of education and assurance as well as the development of local Health Alert Networks nationwide; and
- **Public health intervention,** which includes advance planning, coordination of emergency response and implementation of emergency measures to control and contain an outbreak. This involves the integration of public health expertise and activities with that of other emergency response agencies.

For any locality to achieve fully these core capacities, it must have a fundamental infrastructure of trained people, equipment, facilities and systems. Building this infrastructure is absolutely essential; without it, we will not obtain the necessary

capacities for bioterrorism preparedness. However, as we invest in public health infrastructure, we are not just preparing for bioterrorism but also strengthening our ability to respond to other health emergencies. The systems for disease surveillance, for communication, for data management, for interagency planning, for mobilizing the community to respond, are the same for bioterrorism as they are for any other disease outbreaks or emerging infections such as West Nile Virus, E. coli, Hepatitis C, Lyme Disease and Ehrlichiosis. These systems have multiple uses, extending even to improving our abilities to address other public health problems more effectively. ***Every dollar we spend on bioterrorism preparedness will pay off in countless other ways.***

The next step is to enable states, counties, cities and towns to transform this framework of core capacities into their own practical action plans for bioterrorism preparedness and response. One of our highest priorities now must be to give states and localities the resources to take this next step and to develop more tools to help them.

All Public Health Preparedness is Local

The federal government can and must provide technical assistance, funds and specialized expertise. In the end, though, all public health preparedness is local. Bioterrorism preparedness planning, just as all local emergency planning, is not adequately addressed by taking a plan or set of guidelines off the shelf. The act of planning itself brings together people from public health, emergency response, law enforcement, local hospitals and physicians, to develop a plan that suits their own community's circumstances and needs. The act of planning itself establishes the lines of communication that we have seen are so critical following September 11th and it

identifies what capacities and resources remain to be developed and put into place.

Across the nation, local public health departments and their communities are learning that partnerships between public health agencies, health care providers and the traditional first responder entities, such as fire, police and emergency services, can be built and are essential for further progress. In order for the diverse public and private agencies in a city or county to work effectively together to respond to an emergency, they must know each other and have planned together well in advance. They should not be exchanging business cards of introduction during a real crisis! Local surveillance and response systems will not work unless we have thoroughly trained people to use them and the people who use them knowing exactly what to do and have sufficient practice doing it in advance.

Planning preparedness for a smallpox event affords an excellent, if frightening, example. The federal government can and should be responsible for the development and stockpiling of smallpox vaccine. However, an adequate vaccine supply is useless unless deployment plans to distribute it efficiently are established and understood at all levels. There may be a role for states in planning for regional vaccine distribution. Ultimately, however, it will be local public health authorities that will take the lead in arranging to get vaccine into people's arms. Planning for stockpile distribution therefore requires that the federal government plan with the states, that states plan with localities, and that local governments plan with their emergency response personnel, hospitals and health care providers and law enforcement how to vaccinate people safely and maintain public order. NACCHO was pleased that the President's budget request for bioterrorism preparedness included vaccine purchase, but dismayed that it almost wholly ignored the complex and

critical issue of distribution at the local level.

We have also learned some unexpected, but important, lessons. For instance, Internet-based information and communication systems became widely unavailable on September 11th and many health departments could not access email for hours to receive health alerts from CDC or their states. The lesson is that wireless, handheld communication capacity is one important emergency tool that public health agencies should not be without. Another lesson learned during the current anthrax outbreak is that an important first step for many jurisdictions involves setting up a 24-hour hotline to receive reports and dispense accurate information. Unlike fire and police agencies, few local health departments have staff available 24/7, nor do they have pre-arranged means to access a new telephone line to create an immediate emergency hotline. Responding to a new and unexpected public health threat consumes all available resources and places severe stress on the existing infrastructure of any agency. A third lesson, therefore, is that unless emergency capacities and cross-training of staff are integrated into the staffing structure of a department, the more routine, non-emergent work of public health quickly becomes neglected when an emergent threat occurs. It is undeniable that meeting these newly recognized challenges requires additional funding from the federal government to provide more resources at the state and local level.

Public Health Emergency Planning in Dutchess County, NY – a case example

Dutchess County, with a population of 280,000, is located about seventy-five miles north of New York City and seventy miles south of Albany. About 4,600 people commute each weekday between Poughkeepsie and New York City by MetroNorth

railroad service. Should any commuter become infected with smallpox, it would be days before the disease manifests itself and by that time many people in Dutchess County could have been exposed to and infected with the virus. We know that we need a strong reporting mechanism from hospitals, private physicians and laboratories so that we will learn quickly of any suspicious disease outbreak. We also know that crisis and consequence management locally will involve many local authorities. From detection, to surveillance and response, several county agencies will share responsibilities at a variety of levels, including the Departments of Health, Emergency Response, Mental Hygiene, Planning, the County Sheriff and the County Executive's Office.

West Nile Virus: Lessons Learned

The outbreak of West Nile Virus encephalitis in the New York City metropolitan area in the summer of 1999 was an unprecedented event. By the end of the fall of 2000, all but one county in New York State had documented West Nile Virus activity. The New York State Department of Health relied heavily on municipalities and county health departments to provide needed field surveillance and scientific data on which to base cost effective actions. But few counties had an active mosquito surveillance/control program in place and, when faced with the outbreak, were forced to take costly emergency measures.

I distinctly remember, early on, receiving a message from a concerned citizen in the southern part of our County concerned about a dead crow that she found in her backyard. As a local Commissioner of Health, we receive a number of unusual calls, but while this one seemed strange, there was nothing that I could do but tell her it was

probably an old crow and thank her for calling. One week later, the CDC made the link between the crow deaths and the human cases of encephalitis. This points out how important it is for local, state and federal public health authorities to develop routine and comprehensive communications with our veterinary colleagues. Four years ago, I remember that a local veterinarian had informed me of his concern about seeing three cases of tick paralysis in dogs one summer. Shortly thereafter, a two-year-old girl in the County came down with the disease and nearly died.

The Dutchess County Department of Health initiated a vector control and surveillance system that would better prepare the County to deal with outbreaks of vector borne diseases, such as Eastern Equine Encephalitis (EEE) and West Nile Virus (WNV.) The program consists of a permanent ongoing arthropod surveillance as well as the enhancement of public health education initiatives to raise the level of awareness and knowledge of personal protection individuals can take to reduce the potential exposure to mosquitoes and ticks. This approach required that we work with every single municipality within the County. The program allowed Dutchess County to enhance its infrastructure, enabling cost effective control measures that lessen and often prevent outbreaks of vector borne diseases.

Dutchess County Executive William R. Steinhaus committed over $1 million in funding, in the first year, to deal with this newly emerging public health threat. While the majority of the funding was used to contract for a comprehensive mosquito surveillance and control program and a research scientist, we were able to create a biostatistician position and a Geographic Information System (GIS) coordinator. We received about

40% funding from New York State and also received $80,000 in reimbursement from FEMA.

Lessons learned:

1) Lack of preparedness in the local public health infrastructure and lack of scientific data on which to base cost effective actions resulted in some local municipalities taking costly emergency actions against a perceived wide scale public health threat.
2) A local early warning system against the spread of arthropod borne diseases to humans is critical to the planning of any cost effective activities locally and regionally.
3) Lab support is critical for supporting the surveillance system.
4) Leadership and rapid communication of developing information from the CDC to the local and state health departments was critical to providing a standard and cohesive surveillance and response plan across multiple jurisdictions.

Sept. 11th – more lessons learned

On Tuesday, September 11, 2001, the Centers for Disease Control and Prevention requested monitoring for unusual disease patterns that could indicate bioterrorism. The same day, the New York State Department of Health transmitted a CDC health alert to hospitals and local health departments throughout the state advising them to enhance surveillance for unusual disease events.

In Dutchess County, working with our local 911 center and hospitals, we were

able to quickly establish a heightened sense of awareness for likely bioterrorism symptoms in addition to creating a daily monitoring system of hospital emergency room visits. We also worked with our local Medical Society to enhance communication with the area physicians and provided for regular information and communication on the latest recommendations from the Centers for Disease Control and Prevention concerning the recognition and treatment of diseases related to exposure to biological agents.

We responded to requests of assistance to the September 11th attack with the deployment of nine of our public health sanitarians to ground zero, to provide additional support and resources to the New York City Health Department. We are expecting some financial assistance from FEMA as well as our usual 36% reimbursement from New York State.

Lessons Learned:

1) To prepare for and respond to any terrorist incidents will involve the collaboration and coordination of services among local, state and federal authorities.
2) Federal agencies rely on the public health infrastructure at the local and state level to support the system.

Bioterrorism preparedness planning: Developing the necessary resources

County health departments in New York State responded to a survey conducted in early November 2001 on their workforce and training needs related to emergency preparedness. Preliminary survey results indicate that there is an urgent need to assist counties in developing adequate coordinated plans and training.

Key Findings

1) Local Health Departments lack arrangements with a wide range of health professionals and organizations essential for emergency preparedness.

2) There is an urgent need for training in biological, chemical and radiological emergency preparedness for a wide range of health professionals.

3) There are a number of public health personnel shortages related to emergency preparedness that may impact on counties' ability to effectively respond to these situations.

Under the leadership of County Executive Steinhaus, Dutchess County will be creating our first epidemiologist position on January 1, 2002, as well as continuing our work to develop enhancements to the County's Comprehensive Emergency Management Plan. We were fortunate that the biostatistician hired for our West Nile Virus program could be temporarily reassigned to this new position immediately and be designated as the County's full-time bioterrorism preparedness coordinator. Additionally, our Medical Examiner program is currently being studied and we expect to upgrade it in 2002 to include a full-time forensic pathologist who will be able to provide greater scrutiny of the causes of death of Dutchess County residents.

While Dutchess County needs to continue to develop its program, we are much more fortunate than most local health departments and even some state health departments. Many are not "full service" departments and do not maintain or operate environmental health programs. Many do not have professional public health information resources. Some are still not linked to the federal Health Alert Network.

Since the first case of human anthrax, we have been quite busy fielding calls from physicians and other healthcare professionals, businesses, elected officials, law enforcement, emergency response and the general public. Whether it was a worker who was at NBC studios or the Eagle Scout who received a congratulatory letter from Senator Daschle with a postmark of Monday, October 15, 2001, it was the local Dutchess County Health Department that was called and expected to provide the right advice. **We are the first responders in a case of suspected bioterrorism.** The local public health department is on the front lines and should have the professionally dedicated staff, equipment, tools and resources necessary to fulfill our mission as an integral member of America's homeland defense. The local public health system has finally emerged as a necessary component of our national security. We're not too late to improve our readiness for a large-scale attack, but we must act swiftly and without delay.

Lesson learned:

Local public health agencies need full-time professional and dedicated staff who are able to coordinate bioterrorism and other emergency preparedness efforts within the local political framework.

Conclusion

Franklin Delano Roosevelt, a Dutchess County native said, "Never before have we had so little time to do so much." His words ring true for us now as we strive to improve our readiness for a large-scale bioterrorist assault. It is important to note that even if we were never to have another bioterrorist event, any resources provided will be put to good use and will improve each community's readiness for any naturally occurring health emergency. Enhancing bioterrorism preparedness and emergency response capacity creates a dual use response infrastructure that will enable us to respond to other public health emergencies and threats as well.

Finally, we need to recognize that everyone can't do everything. Each agency must develop its own set of responsibilities and expertise; however, we must leave no community behind. Every local public health department should be professionally assessed and brought up to its potential as soon as possible.

Regionalization will be a necessary part of improving our local public health infrastructure in New York. While Dutchess County is just one of fifty-eight local health districts in the state, we are one of ten within the designated Metropolitan Area Region of the state health department and one of seven in a loosely organized Hudson Valley Regional Health Officials Network (HVRHON) that has been meeting for the last five years. Each one of us has different political boundaries and strengths and weaknesses, but we all know that we must work together on many issues in order to make progress. That is why we are working with the state to form a regional Health Data Institute (HDI), which will provide us with health data from the Hudson Valley region that will be more insightful and comprehensive than any other existing database. This is just one example

of many cooperative efforts that are ongoing throughout the country that will complement all of our bioterrorism preparedness efforts.

Local public health agencies need flexible federal support now, and we need direct federal resources to the local level guaranteed in the language of any assistance bill under consideration. Coordination with state and federal partners should be required but there is no question that little to no money has reached down to the local level for bioterrorism preparedness. We cannot wait to create the necessary positions in our public health workforce; to enhance our laboratory capacity; to improve our rapid epidemiologic surveillance; to develop the necessary local health information and communication systems; to provide assurance and a comprehensive and immediate response to any public health crisis. Our local public health system requires the same dramatic overhaul as the airport security industry. I used to take care of patients who needed a dose of epinephrine right in their heart to save their lives. The 3,000 local health departments look to you to take the necessary steps to provide that shot of adrenalin and to ensure that your constituents have the best chance to survive the next biological attack.

INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS®

HAROLD A. SCHAITBERGER
General President

VINCENT J. BOLLON
General Secretary-Treasurer

TESTIMONY BEFORE THE

THE SENATE GOVERNMENTAL AFFAIRS COMMITTEE

ON

THE NEEDS OF THE FIRE SERVICE IN

RESPONDING TO TERRORISM

DECEMBER 11, 2001

BY

MICHAEL J. CROUSE

CHIEF OF STAFF

FOR

THE GENERAL PRESIDENT OF THE

INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS

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Mr. Chairman. I thank you for the opportunity to appear before this committee today.

My name is Michael J. Crouse, and I am the Chief of Staff for the General President of the International Association of Fire Fighters (IAFF). I am here today representing the views of our General President Harold Schaitberger and 245,000 professional firefighters who are members of the IAFF. I spent 17 years as a firefighter employed by the federal government protecting United States military instillations. For 10 years I was the IAFF District Vice President representing all IAFF federal firefighters. In this capacity I was intimately involved with emergency preparedness at military facilities.

Mr. Chairman, exactly three months ago today, I watched with horror as the planes hit the World Trade Center and the Pentagon. Within minutes of those attacks, I knew that hundreds of my fellow firefighters were responding to the call, entering those buildings, and placing themselves at risk. When the first tower collapsed, I also knew we had lost hundreds of firefighters under millions of tons of jagged steel and debris.

The 344 firefighters, who made the ultimate sacrifice and rescued tens of thousands of civilians from the hellish carnage of the World Trade Center tragedy, are my brothers, as are the thousands of other firefighters who responded to the terrorist attacks in New York and at the Pentagon on September 11.

For firefighters, it is still September 11th. Every time the alarm goes off, we steel ourselves to the possibility that we are responding to the latest act of terror. In this first war of the 21st Century, the battle lines are drawn in our own communities, and civilians and the places Americans frequent are explicit targets.

Mr. Chairman, in your home state of Connecticut, there are many high profile targets of terrorism such as the Groton Naval Submarine Base, Yankee Nuclear Power Plant, Derby Hydroelectric Dam, and Dow chemical processing plant. Additionally, like the rest of the nation, Connecticut has its share of federal buildings, transportation hubs, shopping malls, schools, entertainment facilities, and media outlets, which are extremely vulnerable and if hit would cause massive devastation.

Hartford, Connecticut, the capital city, in certain ways is less prepared for a terrorist attack than many rural communities. Hartford has no hazardous materials (hazmat) response team, no mass casualty unit, or terrorism training classes. Primarily due to financial limitations, Hartford does not have the personnel to man these specialized units or to provide the necessary training.

In this war, we must not only support our troops abroad, but also with equal zeal and financial resources, support firefighters who are the nation's domestic defenders. The federal government must do its part in preparing the nation's fire service for its role in the war against terrorism. The first things the federal government must do to shore up our homeland security is to assist local communities with hiring additional firefighters and providing all firefighters with the specialized hazmat/WMD training. Secondly, establishing a single point of contact to help localities access the various federal programs can have a positive effect on terrorism response.

For nearly 100 years, IAFF members have been protecting the citizens of our nation from all hazards. We are the first on the scene when there are incidents involving hazardous materials, we are the nation's primary providers of emergency medical care, and we are the ones who search for and rescue people who are trapped and in danger.

However, while the job we need to perform in this war is familiar, the magnitude of the challenge before us is unprecedented. In the past, we have had to respond to isolated incidents. In this new world, we need to be prepared for a coordinated, well-orchestrated series of attacks on American citizens. While we all tend to look toward the military in time of war, the reality is that in the war against terrorism, it is firefighters who will be our nation's first line of defense.

If we are to be successful in fulfilling our mission, we must have adequate resources. Sadly, as of today, we do not. The need for additional firefighters and on-going training is tremendous and it can no longer be borne solely by local jurisdictions.

To those who argue that hiring and training firefighters is a local responsibility, I say that preparing for and responding to terrorism is a federal responsibility. The attacks on the World Trade Center and the Pentagon were attacks on America. They were national tragedies that demand a federal response.

PERSONNEL

The first and foremost need of the fire service is adequate personnel. Today, 2/3 of all fire departments—large and small—operate with inadequate staffing. In your own state, Mr. Chairman, jurisdictions such as Danbury and Fairfield, operate with only three firefighters per apparatus. Responding to a fire with only three people makes it impossible for the first responding unit to comply with OSHA's "2-in/2-out" standard for safe fireground operation, and places the lives of those firefighters in jeopardy.

The National Institute for Occupational Safety and Health (NIOSH), which investigates firefighter fatalities, has identified inadequate staffing as a chief cause in dozens of firefighter deaths over the past few years.

And yet, cities like Danbury and Fairfield and the thousands of other jurisdictions that operate with three person engine companies aren't the worst of it. Incredibly, a growing number of communities attempt to respond to emergencies with two people per apparatus, the City of Manchester, Connecticut among them. The men and women of the Manchester Fire Department are as brave and capable as any in the nation, but there is simply no way that they can safely protect the public with two people on a rig.

Congress would never allow our Army to engage in a war with 2/3 of its divisions undermanned. Incredibly, this is exactly what we are asking our local fire departments to do. Congress can greatly impact the safety of the American public from acts of terrorism just by getting more firefighters in our communities. While stream-lining the coordination amongst the more than 40 federal agencies with a hand in terrorism response is an important matter for debate, Congress will get immediate real-world results by helping local jurisdictions hire more firefighters.

That is why the IAFF along with the International Association of Fire Chiefs (IAFC) and several Members of Congress have strongly endorsed the SAFER Fire Fighters Act, S. 1617 and H.R. 3185. The SAFER Fire Fighters Act uses the procedures established by the highly successful Universal Hiring Program for police officers to place 75,000 additional firefighters in our communities.

The SAFER Fire Fighters Act is an innovative approach to solving the nation's need for more firefighters. It is an example of the new type of federalism that our country needs to combat terrorism. The SAFER Fire Fighters Act would be a step towards better cooperation and coordination amongst local, state and federal governments to respond strongly and decisively to terrorism.

TRAINING

The second most pressing need in preparing the fire service for the war on terrorism is specialized training in WMD and hazmat response mitigation.

From the vantage point of front line emergency responders, the two crucial components of any WMD or hazmat training program are that the training is conducted in the local jurisdiction incorporating the unique aspects of the communities, and that it uses trainers who are both certified instructors and professional firefighters.

The advantage of training in one's own jurisdiction is self-evident. Training for a terrorism event in your own community allows first responders to not only learn the tactics and methods of effective response, but apply these theoretical concepts to concrete targets in their jurisdiction. This value-added piece is missing when firefighters are forced to attend remote training sites like Fort McClellan, Alabama.

The value of qualified firefighters teaching other firefighters is in the benefit gained by shared experiences. The bond of common experiences allows firefighter instructors to more effectively communicate the lessons of a training course than say a person from the academia or the military. These firefighter instructors know the fire fighting jargon and can speak the language and because they are both firefighters and subject matter experts, they command a great amount of respect from their students.

I am proud to note that the IAFF offers training programs to fire departments—free of charge—in terrorism and hazmat response that have all the elements of a successful training program. Our training uses skilled instructors, who are both hazmat technicians and certified instructors, to train fire departments to safely and effectively respond to conventional, biological, chemical, or nuclear terrorist incidents. Additionally, our program conducts the training in the community and incorporates the unique aspects of the localities.

The IAFF programs, developed in partnerships with DoJ, DoE, DoT, EPA and HHS, are the only hazmat and terrorism response programs that focus on emergency responder safety. Our relationship with certain agencies stretches over the last four Administrations. Over this period, we have trained tens of thousands of firefighters, both professional and volunteer firefighters, union and unorganized departments, on how to safely respond to terrorist attacks and other hazmat emergencies.

Especially since September 11th, the demand for our training program far outpaces our funding to deliver it. Our ability to deliver the training is only limited by the funding we get from our federal partners. If our grants from the various federal agencies are increased, the IAFF can dramatically increase the number of fire departments trained in terrorism and hazmat response and mitigation.

COORDINATION

There has been a lot said in the media and in official government reports bemoaning the lack of coordination and duplication of programs by various federal agencies. We agree that a single point of contact, whether it is the Office of Homeland Defense, DoJ, or FEMA, will help localities in terms of getting

current, accurate, and collated information to prepare for terrorist attacks, and will assist local jurisdictions with acquiring coordinated federal support when terrorists do attack.

More important than determining which agency should serve as the point of contact, however, is clarifying the lead agency's mission. While there is unquestionably a need for a federal agency to coordinate the various counterterrorism programs that exist throughout government, we do not believe that this lead agency should subsume the functions of those other agencies.

There is value in several agencies being involved in terrorism response and it is not necessarily duplication when several agencies are involved in what seemingly is the same area. For instance, in the area of training, many of the so-called duplicative programs are in fact specialized training to address specific needs. EPA, DoT, and DoE all offer hazmat training. However, the EPA program focuses on responding to hazmat incident at superfund sites. Likewise, the DoT program focuses on the unique challenges posed by the release of hazmat while it is transported. Lastly, the DoE program is specific to hazmat issues at nuclear facilities. Each setting presents distinct challenges and needs to be addressed in separate training programs.

Thus, the federal government should not necessarily eliminate those programs that are viewed as duplicative. There is value in several agencies contributing their subject matter expertise to a specific area. However, Congress can assist local jurisdictions in accessing the various programs that they need by providing a single point of contact that functions like a clearinghouse to refer communities to the appropriate agency or agencies.

CONCLUSION

Too often, the fire service has been neglected when it comes to planning for and devoting resources to respond to terrorism. Yet, we are the first responders and the ones making the ultimate sacrifice to protect our nation. As we pray for a quick and decisive resolution to the war in Afghanistan, we must not forget that the war against terrorism began on our soil and will continue to be fought here.

The firefighters of the IAFF will be ready when terrorists strike again. But our ranks are thin and reinforcements are needed quickly. The federal government, including Congress, the Administration, and the 40 plus agencies that play a role in terrorism response, must recognize that firefighters are the lynchpin to any effective and strong response to terrorism.

Congress must take the lead in this area by providing the fire service with the resources to ensure adequate staffing so that we can operate safely and effectively, and providing firefighters the necessary training so that we will be able to play our role in fighting the war on terrorism.

Thank you for this time to present the view of the IAFF. I will be available for questions by the committee.

TESTIMONY OF

MAJOR GENERAL JOSEPH E. TINKHAM, II

ADJUTANT GENERAL OF MAINE

AND

COMMISSIONER

OF THE

DEPARTMENT OF DEFENSE, VETERANS AND EMERGENCY MANAGEMENT

ON

THE LOCAL ROLE IN HOMELAND SECURITY

BEFORE THE

UNITED STATES SENATE

COMMITTEE ON GOVERNMENTAL AFFAIRS

DECEMBER 11, 2001

Senator Lieberman, Senator Thompson, ladies and gentlemen of the Committee on Governmental Affairs, good morning.

I am Joseph E. Tinkham, II here from the great State of Maine and am honored to have been called to testify before you this morning.

In my professional life, I serve as both the Adjutant General of Maine, commanding the Maine Army and Air National Guard, and as the Commissioner of the Maine Department of Defense, Veterans and Emergency Management. Additionally, since the events of September eleventh, I have been tasked by Governor Angus King to coordinate Maine State government's plans and procedures to protect our citizens from terrorist attack. Today, I appear before you in my civilian – commissioner – capacity.

At the outset I want to thank this Committee and particularly Senator Collins for the opportunity to appear hear today. Senator Collins and the rest of the Maine delegation have been interested in the State's concerns about homeland security, and I'm also pleased that this Committee has made this critical issue a priority by convening this hearing.

The State of Maine presents those who would wish to attack us both a variety of options for illegal entry into our Nation and a significant number of vulnerable targets upon which to wreak their evil intentions.

Maine is virtually an open door to the United States. She has, with her rugged jagged shores, over three thousand miles of Atlantic coastline and is the state with the longest international border with Canada, after Alaska. We have 86 Canadian-American points of entry, 71 of which are unmanned and uncontrolled save for a sign instructing the visitor where to report for customs processing.

Our vulnerabilities are many and diverse. Maine has several international and domestic airports including over 250 uncontrolled airstrips located just minutes from Canada. We have military bases to include unprotected radar and communications installations. There are two major shipyards serving the U.S. Navy and other national defense industry facilities in Maine. We have over 800 dams, 49 large enough to produce electricity. There are gas and oil pipelines crisscrossing the State. We have a deactivated nuclear power plant on our unprotected coast with its spent fuel rods stored on site. And, the second largest petroleum products tank farm on the East Coast is on the shores of our most important commercial harbor in the very heart of our largest urban population center. The current situation in Maine lends to the phrase "rich in diversity" a whole new meaning.

On the evening of September eleventh in the emergency operations center at the Maine Emergency Management Agency, Governor King and I participated in a brain storming session with our emergency response team to identify possible threats from terrorist attack. We listed literally hundreds of vulnerabilities to terrorism within our borders. Over the course of the next few days, with the Governor's concurrence, I had this list scrubbed to identify just those potential targets an attack upon which could result in large loss of life or environmental catastrophe. We have some twenty-five vulnerabilities in Maine fitting in that category.

We then formed a joint National Guard – Maine State Police security team to visit each site and assess their specific weaknesses to terrorist attack. We found that security measures, while probably sufficient for any perceived threat, as we understood it, on the tenth of September, were not adequate on September twelve.

On many of these sites we wished desperately to put in place an armed security force. And, while we had the manpower and

equipment to do so, we lacked the financial resources. We had to satisfy ourselves with developing plans to guard these sites were we to receive specific intelligence to do so and regretfully, plans to respond, to put out the fires and pick up the pieces, if you will, were the sites attacked without warning.

I'm concerned that the lack of resources could impede our ability to address real security concerns in Maine. On the eleventh of September there was no line in the State or county or local Maine government budgets for "national defense". And, while we in the States take great pains to protect our citizens from the natural perils which may befall us, protection from attack by a foreign enemy upon our people in their homes and places of business has been, for almost two centuries, within the purview of the Federal Government.

Most of us with experience in emergency management were convinced, wrongly thus far as it turns out, that the Federal Government, through FEMA or by some other vehicle, would come to our assistance.

Large special appropriations were being passed, it appeared to us, for that very purpose. The U.S. Capitol complex was being secured as was the Kennedy Space Center and Federal courthouses. The airports and airline industry and even the concessionaires at Reagan National Airport were receiving assistance. Surely help for the States must be, and I hope, is forthcoming.

What do we require? We need financial assistance for the most part and the flexibility to tailor its expenditure to our unique needs in Maine. We don't need a lot of money, in the larger scheme of things – something approximating twenty-five million dollars which we would share with local governments to strengthen our vulnerabilities.

One of the best American contemporary artists of the mid Twentieth Century was Norman Rockwell. During the dark days of World War II he painted a series of works entitled "The Four Freedoms". Perhaps you know them.

As I recall, the first three depicted freedom of religion, freedom of speech, and freedom from want. The last painting has an American mother and father gazing lovingly down upon their sleeping children tucked safely into their bed. The father holds a folded newspaper with a headline from the war. The children sleep blissfully, safe and unaware of the terrors ravishing much of the world. Rockwell titled this picture Freedom from Fear.

And that, ladies and gentlemen, is the most basic responsibility of government, on every level. The responsibility of ensuring that our citizens – our children can live peacefully in their homes free from fear. And to that end we must strive, setting all else aside, until we have done so. And, to that end, we in Maine, and I am sure other states as well, are striving mightily.

We have the will and the ability to counter most of these terrorist threats to our citizens, and we are in the best position to do so. But, we lack the financial resources and the means to gather intelligence on threats from outside our state boundaries. For that help we turn to that solemn and enduring contract we signed in Philadelphia in 1787, which was, in great measure, "to provide for the common defense." It is time we dust off that most honorable pledge.

Again, my thanks to you and Senator Collins for affording me the opportunity to share these thoughts with you on behalf of the State of Maine.

STATEMENT OF

ELLEN M. GORDON
ADMINISTRATOR/HOMELAND SECURITY ADVISOR
IOWA EMERGENCY MANAGEMENT DIVISION

BEFORE the SENATE GOVERNMENTAL AFFAIRS COMMITTEE

December 5, 2001

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to present written testimony on the role of emergency management in terrorism preparedness. My name is Ellen Gordon and I am Administrator of the Iowa Division of Emergency Management and was recently appointed by Governor Vilsack to serve as the state's homeland security advisor. I also serve on the Congressional Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction, commonly known as the Gilmore commission.

I would like to begin my testimony by thanking Chairman Lieberman and Ranking Member Thompson and the members of the Committee for recognizing the importance of preparing for acts of terrorism.

As you are well aware, since the September 11, 2001 attacks and the recent exposures to Anthrax, our state and nation has been reevaluating our preparedness for acts of terrorism. Particularly within the states, we have been assessing the preparedness and protection levels our state, and local governments and our private sector partners must attain to deal with incidents of terrorism.

For several years states have been in the forefront of preparing for and responding to all types of disasters, both natural and man-made. We take an all-hazards approach to disaster preparedness and have integrated into our domestic preparedness efforts those proven systems we already use for handling natural and technological disasters. We also recognize clearly the value of prevention and mitigation in minimizing the consequences of disaster and we incorporate those considerations in all our efforts. It is important that we build on the existing "all hazards" approach and increase current capacity and capability, since we cannot afford to "recreate the wheel" when addressing terrorism.

Emergency management provides the leadership in serving as the coordinator and facilitator of state preparedness efforts, ensuring all key agencies and partner organizations understand

their roles and responsibilities and have systems in place to respond to disasters large and small. When incidents occur, emergency management provides critical support by identifying needs and providing resources to meet those needs as expeditiously as possible. Emergency management also provides interface with the federal government when supplemental assistance is needed. But emergency management cannot do it alone. Preparing for and responding to terrorism requires more integrated planning and training between emergency management, public health, law enforcement and a multitude of other key agencies.

The National Emergency Management Association, which represents state emergency management directors and an organization of which I had the honor to serve as president, developed a list of recommended enhancements to be incorporated into a nation-wide strategy for attaining better preparedness for catastrophic events. The full text of these recommendations is included in a 'NEMA White Paper' for your reference. I would like to highlight the highest priority items in my testimony today.

The lessons learned, thus far, from the September attacks are not new. Many are concepts we have been working on for years and just have not been able to fully implement.

EMERGENCY MANAGEMENT SUPPORT

I would be remiss if I did not take this opportunity to point out the need for state and local emergency management funding and resources. Funding must be addressed to ensure local and state emergency management directors and responders receive the appropriate resources necessary to do their jobs. The resource needs go well beyond just first responder equipment. There is also a critical need for more personnel to address expanded responsibilities, adequate facilities and infrastructure support such as communication and warning systems and support for the state and regional planning and coordination required to develop the capability to respond to and recover from catastrophic disasters as well as addressing the detection, prevention and protection associated with homeland security. Any new funding should be distributed through existing funding mechanisms and coordinated through the nation's governors.

INTELLIGENCE and INFORMATION SHARING

The key to effective terrorism detection, prevention, protection and response lies in intelligence sharing, before, during and after an attack. Without an effective and comphrensive intelligence and information sharing system it is very difficult to have the ability to provide for an accurate and timely threat assessment. A review of security clearances with more people, including state emergency management directors and homeland security advisors, receiving information on a need-to-know basis is the key to being prepared to respond at any time. This also means reciprocity for security clearances between federal agencies. In addition, federal laws should be reviewed and changed as appropriate to provide for the freer exchange of information between federal agencies and between state and federal governments.

INTERSTATE MUTUAL AID AND REGIONAL PLANNING

An existing system we need to take advantage of for all domestic preparedness is the Emergency Management Assistance Compact (EMAC). EMAC is an interstate mutual aid agreement that allows states to assist one another in responding to and are recovering from types of natural and man-made disasters. EMAC offers a quick and easy way for states to send personnel and equipment to help disaster relief efforts in other states. There are times when state and local resources are overwhelmed and federal assistance is inadequate, inappropriate, too far away or unavailable. Out-of-state aid through EMAC helps fill such shortfalls. There are currently 43 states and two territories that are members of this compact; other states and territories are considering joining. Soon after September 11, emergency managers from several states were on-site providing technical assistance to New York through EMAC and co-located with FEMA's emergency support team in Washington, DC to assist with resource needs that could be filled by states. A system like this enables experts to be used across jurisdictions and regions based on the nature of a particular event with assistance being more cost-effective than federal resources and more expedient.

State and local governments have established regional approaches to building capacity to deal with catastrophic disasters. The regional approach gives us a flexible response and recovery

capability, both regionally and nationally, which can adapt to catastrophic disasters as they occur and most effectively use the limited resources we share. Regional preparation is invaluable since we can develop common, flexible preparedness strategies that capitalize on sharing limited resources within regions. Because necessary capabilities cannot be afforded by all jurisdictions, we can use mutual aid to respond to and recover from multiple simultaneous incidents in different parts of the state, the region or the nation. All federal agencies should recognize and support intra and interstate mutual aid agreements.

STATE COORDINATION

Federal coordination with the states is a critical issue that I would like to reiterate that requires attention. Too often, each of the federal agencies deals directly with their state counterpart, or in some cases direct funding to local governments, thereby creating a stovepipe effect for funding that limits states' abilities to leverage federal funding to its maximum benefit and to ensure at least a minimum statewide preparedness and response capability. I am concerned that new anti-terrorism funding will be distributed in the same stovepipe manner as before without regard for the work already done to complete needs assessments, capability assessments and to develop statewide strategic plans for terrorism preparedness. Funding should be based on these completed assessments and plans and coordinated through the nation's governors. Otherwise, we will end up with a patchwork quilt approach to preparedness that provides some communities with more resources than needed and others with little.

FEDERAL COORDINATION

The State of Iowa is very pleased that President Bush recognized the need for greater coordination at the federal level and established the Office of Homeland Security. Governor Ridge is doing an outstanding job in very difficult circumstances. Coordinating all the various agencies and their individual budgets, programs and activities is no small task, but is imperative for state and local governments to be able to more easily access and leverage all the assistance that is available from the federal government. Since September 11, the information flow from most federal agencies has been constant and comprehensive. A

coordinated communications strategy that includes consolidated and confirmed information from a single source would be enormously helpful.

It is imperative that the Office of Homeland Security will seek input from Governor's and state emergency management agencies who stand ready to assist Governor Ridge in his task to develop a national domestic preparedness strategy. State and local governments are on the front lines and are the ones who must implement this strategy once developed. As you know, a "national" strategy is one that includes local, state and federal governments as well as the private sector.

MEDICAL SURGE (MASS CASUALTY) CAPABILITY

One of the needs that we find necessary to address chemical and biological incidents, as well as weapons of mass destruction (WMD) is our nation's medical surge capacity. We need to guarantee that the surge capability is strengthened. The emergency management, medical and public health professions must work with lawmakers on all levels to ensure that each region has a certain minimum surge capacity to deal with mass casualty incidents.

Hospitals and clinics must have an incentive to participate since business plans and the managed care approach make it difficult to justify paying for capabilities like decontamination units if they would be used only sporadically. We must develop incentives so that all hospitals will agree to provide defined and standardized levels of resources, capabilities and assistance to handle mass casualties, especially those contaminated by chemical and biological agents. Funding for equipment and supplies to accomplish this mission should be provided to develop this additional capability, in exchange for agreeing to participate as a local receiving hospital and as part of the U.S. Public Health Service's National Disaster Medical System (NDMS).

The incremental costs to the health care system of developing and maintaining mass casualty emergency response capacity are significant. Funding to cover those costs not available from any other sources must be provided by the federal government.

States also need assistance, we just do not have the resources (personnel or funding), to fully implement the National Pharmaceutical Stockpile Plan. One of the lessons learned from the TOPOFF exercise was that the federal government could only get the pharmaceutical push package to the Mobilization Centers. There were and continue to be insufficient plans in place to then get the pharmaceutical "push pack" broken down into useable packages and distributed from the airport to the population in immediate need.

We need to change our focus and begin thinking of health professionals as first responders. State and Local Disaster Medical Assistance Teams should be developed across the country with standardized equipment, personnel and training. These teams would serve as part of the first line of response to support impacted communities within impacted states, and could be required to respond outside the state as a mutual aid resource upon request.

Additionally, the less than 60 U.S. Public Heath Service NDMS Disaster Medical Assistance Teams (DMAT) should be uniformly enhanced for a response to a terrorist attack, including focus on personnel protection and training.

CONCLUSION

The greater safety of the nation is at stake and all policymakers and responders at the federal, state, and local level need to work together to ensure that we are prepared for an act of terrorism in our country. On behalf of the State of Iowa and my colleagues in emergency management, we pledge our cooperation to continue to work with you and this committee to ensure that our nation is at the highest level of preparedness to deal with a terrorist attack. Thank you again for inviting me to provide testimony on this important issue. I would like to thank the Committee for their dedication. Emergency management directors look forward to working with you, the Administration, and local responders to make this country a safer place for all.

Testimony for the Record
Senate Committee on Government Affairs
December 11, 2001

Presented by
The National Association of Regional Councils

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Testimony for the Record
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National Association of Regional Councils

Immediately following the events of September 11 regional councils throughout the United States began bringing together local governments, emergency responders, medical personnel, educators, state officials, the business community and others to begin the stages of developing a comprehensive regional response to any future terrorist attack.

Regional councils (councils of government, planning commissions, development districts and metropolitan planning organizations) have been involved in emergency response planning for several years. Many are charged by their respective states to develop natural disasters and hazardous spills responses. These organizations have extensive expertise and the necessary geographic information systems (GIS) to coordinate local response plans and blend them into a comprehensive regional strategy that stretches across several municipalities and counties.

A well planned, coordinated response to any emergency - manmade or natural - can reduce the loss of lives and property. These regional plans do not supercede local plans; they enhance and strengthen local strategies. They coordinate response over a broad area.

Regional Councils and Emergency Response Planning
Existing regional councils are perfectly positioned to assist local governments with enhanced response strategies through regional planning. Regional councils can:
· Bring together the necessary organizations and people to develop a comprehensive strategy for regional response based on local planning efforts;
· Identify strengths and weaknesses in any response system;
· Identify equipment needed to respond effectively, while avoiding unnecessary, expensive duplication of equipment;

· Establish understanding among local responders on use of equipment and manpower;
· Map escape routes, shelters, hospitals and supply areas;
· Coordinate communications among various responders by making sure that different communications system can talk to each other; and
· Hold periodic regional training sessions on responses to various types of disasters.

Sharing Knowledge; Helping Neighbors
While the majority of local governments have some sort of emergency response plans, many do not know exactly what hazardous materials or other potential dangers are located in the county or city next door. An understanding of what dangers may be found in other communities enhances the potential to deal with the situation as quickly and safely as possible.

Major cities will most likely be the targets of terrorist attacks, but the potential for attacks in more rural areas, particularly in areas that supply the majority of our food, cannot be ignored. The local governments in these areas are ill equipped financially and without adequate
manpower
to deal effectively with such a situation.

Depending on their neighbors will be a matter of life or death. The need for coordinated regional response strategies spans the country.

Whether in metropolitan or rural areas, business owners are urging more coordinated responses to such a disaster. In the Chicago area, for example, major businesses and industries are calling for a regional response plan, the development of which will be led by the Northeastern Illinois Planning Commission. These businesses have pledged major financial contributions to the efforts of developing such a plan. These businesses are seeking a coordinated, comprehensive plan, not a piecemeal strategy developed by numerous agencies. The same is true in the metropolitan Washington area where the Metropolitan Washington Council of Governments has established numerous task forces to look at the response efforts on September 11 and develop a comprehensive strategy. Meetings have also been held with local business organizations.

The Federal government, in developing its own security programs and response programs, should avoid the piecemeal approach as well. Congress is currently considering legislation that would protect port facilities. A new security office has been established in the Department of Transportation. But whether the tragedy occurs at a port or a bridge or other transportation facility, the people who will be there first are local - the first responders. The National Association of Regional Councils and its members believe that these response strategies, developed in Washington or at the state level, must be incorporated into a comprehensive local/regional strategy for maximum response efforts.

The need to coordinate emergency response efforts at federally owned and state owned facilities has been recognized in the Hampton Roads region of Virginia, home to major military ports. The Hampton Roads Planning District Commission has just completed a comprehensive two-year effort to develop such a strategy.

Conclusion
Good planning and good response training are both needed to minimize the loss of life and the damage to property done by any terrorist attack. Both will allow local responders to identify equipment needs, training

needs and manpower needs, as well as strengths and weaknesses in their medical response capacity.

Regional councils have the capacity to assist local governments in blending local plans into a comprehensive regional strategy. Regional councils have the necessary GIS equipment to map any feature of their regions.

The National Association of Regional Councils commend the committee for its efforts in examining the vital issue of local preparedness.

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Statement for the Record

The United Jewish Communities and
The Jewish Federations of North America

Senate Government Affairs Committee Hearing:
"The Role Communities Play in Homeland Security"

Tuesday, December 11, 2001

The United Jewish Communities welcomes this opportunity to share with the Senate Government Affairs Committee our concerns related to community security.

We commend the Committee for holding today's hearing that brings together representatives of county, city and municipal emergency response agencies and front-line professionals. It is so important to provide you with a variety of community perspectives on the impact of the terrorist crises as you consider how best to deploy resources to local communities. We want to offer yet another important perspective from a community-based charity that has been significantly affected by the events of September 11th.

The Jewish Federated system is one of the nation's oldest and largest non-sectarian community-based health and social services providers. We serve some one million people annually, Jews and non-Jews alike, through a significant network of more than 160 Jewish Federations (community umbrella organizations with thousands of affiliated agencies.) We provide a continuum of services in support of the health, social, educational, spiritual and cultural needs of people living in more than 800 communities throughout North America, and maintain a presence in all 50 states.

Since the mid-1980's, we have added to our mission the capacity to provide emergency services to respond to both human-made and natural disasters – to meet the needs of disaster victims, their families and communities. After the September 11th terrorist attacks, our Federations and affiliated agencies mobilized immediately a multi-faceted relief effort to respond to the needs of the victims, their families, and communities. In addition to providing direct cash assistance to victims and their immediate families to cover essential expenditures, such as mortgages and rents, utility bills, and bereavement and related travel expenses, we provide crises counseling, mental health services, temporary housing and relocation, long-term rehabilitation, day care and more.

The events of September 11th have also affected our institutions in a profound and unanticipated way. Our Federations, day schools and seminaries, synagogues, community centers, seniors programs, and agencies serving the public became aware that our own institutions and the people they serve could be the targets of future terrorist attacks. There is no secret that both the rhetoric of those responsible for September's attacks and past experiences support this view. In the wake of this assessment, we have been forced to make significant and costly enhancements to our security systems, in New York and across the United States.

While state and local law enforcement and other emergency response agencies play a necessary and indispensable role in protecting our communities, it is not their responsibility to secure our daily operations or infrastructure. At the national level, our programs, which bring together several thousand Jews from across the country and around the world for several days at a time, require that we supplement the security we receive from local emergency response agencies. Additionally, every Jewish organization serving the public, both in New York City and throughout the country, feels vulnerable to potential terrorist attack. These schools, centers, social service agencies, and national organizations have had to address security concerns on the assumption that they could be the targets of terrorist groups' threats.

Creating and employing a mitigation plan; maintaining and coordinating full-time security staff; installing bulletproof glass, gates and fencing, outdoor cameras, reinforced doors and locks, intercoms and panic buttons; redesigning the ingress and egress of facilities; and retraining staff are examples of the types of enhanced human and hardware assets our

communities will require to meet their security needs. Based on an emergency and preparedness assessment and model under development at the Atlanta Jewish Federation, the implementation and coordination of an emergency mitigation operation will cost the Atlanta Federation in excess of $1 million. To replicate this or other appropriate models for security enhancement across the Jewish Federated system will cost hundreds of millions of dollars. Our greatest concern is that without some modest government assistance, our costs for providing security will come at the expense of program dollars and upon our ability to provide for the health and social wellbeing of the millions of people living in the hundreds of communities we serve.

Serving the public is a privilege. It is also a reason that organizations such as ours have been pressed to take prudent action in regard to security needs. Many of our colleagues in other non-profit organizations share similar burdens and concerns. We, therefore, urge Congress, as it further deliberates on issues surrounding homeland defense, and in particular focuses on how best to secure local communities, it include consideration of the security needs of the non-profit sector and the related costs it will incur.

We thank Chairman Lieberman, Ranking Member Thompson, and the Members of the Senate Government Affairs Committee for holding today's hearing. We welcome any additional opportunities to provide you with our particular perspective and experience on this most important issue.

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