

# LOCAL PREVENTION AND RESPONSE CAPABILITIES

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## HEARING BEFORE A SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS UNITED STATES SENATE ONE HUNDRED SEVENTH CONGRESS FIRST SESSION

**SPECIAL HEARING**  
OCTOBER 25, 2001—WASHINGTON, DC

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## LOCAL PREVENTION AND RESPONSE CAPABILITIES

THURSDAY, OCTOBER 25, 2001

U.S. SENATE,  
SUBCOMMITTEE ON VA, HUD, AND  
INDEPENDENT AGENCIES,  
COMMITTEE ON APPROPRIATIONS,  
*Washington, DC.*

The subcommittee met at 2:06 p.m., in room SC-5, the Capitol,  
Hon. Barbara A. Mikulski (chairman) presiding.

Present: Senators Mikulski and Bond.

Also present: Senator Reid.

### OPENING STATEMENT OF SENATOR BARBARA A. MIKULSKI

Senator MIKULSKI. The VA-HUD Subcommittee will come to order.

The chair will welcome other Senators as they so appear. I know that our ranking member, Senator Kit Bond, is on the floor. Ordinarily I would wait for his arrival. Honoring the fact of Mayor Griffin's schedule and many of yours and Senator Reid's, we are going to start this hearing.

Let me start the hearing by saying, why are you here before the Subcommittee on Appropriations on VA, HUD, and Independent Agencies? Well, you're here because this is the subcommittee that funds the Federal Emergency Management Agency. This agency has the responsibility for consequence management.

In our country, we have our CIA and State Department and Defense Department that are working overseas. Here in the United States of America, the FBI has responsibility for crisis management, meaning to detect, prevent, disrupt, and destroy any of the predatory acts on the United States of America and gather the evidence to prosecute anyone who would undertake such a despicable deed.

Consequence management belongs to the Federal Emergency Management Agency, and as we are working through our new approaches on homeland security, we wanted to hear from those of you on the front line.

### COORDINATION

I come from the Baltimore City Council. I know that not only are all politics local, but all problem solving is local. And we want to be sure that not only is the Federal Government on the side of local communities, but we hear from local communities what they need.

This is why we are so pleased to welcome the Conference of Mayors here today.

We know about the mayors. I just recently visited with Mayor O'Malley in his own command and control center where we have done an evaluation of is Baltimore ready and also our response to the fact that Baltimore was under a possible attack as little as just a week ago.

Just the other night, I walked the halls of D.C. General Hospital with Mayor Williams and the Mayor of Cleveland who had come to be there and the Mayor of New Orleans. But Mayor Williams was at D.C. General responding to our Post Office employees. Though they worked in D.C., they were District of Columbia constituents and the State of Maryland constituents. Mayor Williams was taking responsibility not only for the District of Columbia but for those of us who lived in Maryland but worked in the District. So, the mayors are there on the front line.

You should know that I am very concerned. I'm concerned about how prepared we are, how coordinated we are, whether you have gotten the resources to match your responsibilities. I am also concerned that the recent anthrax attacks really placed our preparedness in the spotlight. I am concerned that our recent response, certainly in my own capital region here, was unclear and uncoordinated not because of Mayor Williams, not because of County Executive Duncan or County Executive Curry, but I believe that our Homeland Security did not have their act together.

I am sending a letter to Governor Ridge. I have great respect for Governor Ridge. He is a combat vet and has extensive executive experience. But I want you to know that in that letter, I am asking him to take as much charge of Homeland Security as Rumsfeld has done for Defense. When we look at Defense, we have three people in charge. They're clear. They're coordinated. They're talking to the President. They're talking to the American people and they're giving excellent direction to those who are on the battlefield. But for those of you who are on the battlefield of homeland security, I do not think we have that same clear, coordinated, resource-rich responsibility that we need.

So, in my letter to Governor Ridge, again I ask that we have a battle plan for homeland defense to match the battle plan for the military. We need a battle plan in which we manage the incident and we manage the fear around the incident. We need to have clear communication with the leaders in local communities, as well as the public, just as Rumsfeld tells us what is going on. I now know more about what missiles went into what caves in Afghanistan than I know about what letters went where in the State of Maryland with anthrax. This is unacceptable.

So, we need a clear chain of command. And I believe Governor Ridge is up to the task. But we need to be able to shape with him our ideas, our experiences. We have now had some experiences, and I think if we all work together—you are already fit for duty, but because you continually face these incredible high alerts, we need to make sure that you have the resources to match your responsibilities.

So, we look forward from hearing from you. We look forward to working with you. And you need to know we are working on a bi-

partisan basis. This is my Republican colleague. Working on homeland security, we are neither Democrat nor Republican. We are the Red, White and Blue Party, and we are here to work with you and to work for our great Nation.

So, having said that, Senator Bond, do you have any opening remarks you wish to make?

STATEMENT OF SENATOR CHRISTOPHER S. BOND

Senator BOND. I will wait until the applause finishes, Madam Chair.

It is always a pleasure to work with you. What she said is correct, that we do work together in a very bipartisan fashion. I think we have some very challenging and interesting areas under the jurisdiction of the Subcommittee of VA, HUD, and Independent Agencies of the Appropriations Committee.

But Senator Mikulski and I, for a number of years, as we work on issues related to the Federal Emergency Management Agency, have been calling for greater coordination and cooperation, greater funding, greater preparation. I do not think any of us could have foreseen the tragedy that afflicted this country on September 11 and the ensuing activities with anthrax and the tragic deaths and the widespread concern that that has caused or the fact that now we have a pretty good idea that terrorist attacks are going to continue by some other means in some other venue for some time.

Nevertheless, we have raised the concern, and Senator Mikulski has long called for greater coordination, the development of doctrine on how we can utilize all of our resources and to make sure that the people on the ground, the mayors, the local officials, who are the first ones there, know how the State is going to come in, know how the Federal Government is going to come in.

In addition to this duty, I serve as co-chair of the National Guard Caucus, and the National Guard is in every community. We want to make sure they are trained because they are there. They know the streets. They know the people. Very often they are even engaged in government or related work. So, they can come in, but we have to bring in other Federal resources and bring in the Federal Emergency Management Agency.

So, these are all concerns, and I am delighted that you are here to give us the answers.

So, Madam Chair, thank you.

Senator MIKULSKI. Thank you very much, as always.

Senator Reid, our colleague from Nevada, also a member of the Appropriations Committee.

STATEMENT OF SENATOR HARRY REID

Senator REID. Madam Chair, I appreciate your allowing me to be at this subcommittee. As you know, I am not a member of the subcommittee, but a member of the full committee.

I wanted to be here today for several reasons. One is to recognize your mayor and my mayor, and our mayors, but also to introduce to you one of the two mayors of the two metropolitan areas we have in Nevada, Las Vegas and Reno. Mayor Griffin is the Mayor of Reno, Nevada. It is the second largest metropolitan we have in Nevada. It has a great tradition.

And Mayor Griffin has worked through some very, very difficult items and areas during his tenure as mayor. Like all mayors, they are on the firing line every day. We are back here away from our constituents. At least Senator Bond and I are. You are with them every day, Senator Mikulski, but most Members of the Senate are not so close to home as Senator Mikulski. And I respect and admire the work that mayors do.

As I said to a group of mayors yesterday that I had the opportunity to visit with, every day you deal with problems where the buck stops right there. You have nobody to pass it on to. I think because of this, we really need to listen to you on this war that we are fighting now because the battlefronts on domestic terrorism are going to be in your cities.

So, I am, as usual, very impressed with the work that is done in this subcommittee. They are always on the cutting edge of things that are important to America. They have such important jurisdiction of matters that are appropriated every year, and I commend them and applaud them for the work they do always, but particularly today for holding this most important hearing.

I would like to be excused. I have to go to another meeting.

Senator MIKULSKI. Thank you very much.

Mayor O'Malley, we welcome you, of course, as the Mayor of the City of Baltimore. I know that you have been a leader in the Conference of Mayors on the issues around new prevention and response to homeland security issues. According to the list given me, it says Mayor O'Malley, Mayor Griffin, Mayor Savage, and Mayor Kirk. Is that the order in which you would like to be able to proceed?

Mr. O'MALLEY. That is fine unless Mayor Griffin needs to go.

Senator MIKULSKI. Mayor O'Malley, why do we not ask you to begin the testimony. We, of course, want to welcome you as the Mayor of Baltimore and someone who has taken the leadership in really looking at how municipal governments need to be ready, be able to respond, and be able to recover. We know that you have a lot of observations about the Federal Government that I am sure you will share with your usual candor and frankness. We welcome you.

Mr. O'MALLEY. Is that a warning, Madam Chair?

Senator MIKULSKI. No. That is being collegial, Mayor.

Senator BOND. You ought to see her when she is giving a warning. There is a lot of difference.

You will not miss it.

**STATEMENT OF HON. MARTIN O'MALLEY, MAYOR, CITY OF BALTIMORE**

Mr. O'MALLEY. Thank you very much, Madam Chair, members of the subcommittee.

The mayors before you, Mayor Griffin from Reno, Mayor Savage from Tulsa, Mayor Kirk from Dallas, and I have just come from 2 days of really encouraging and, at times, really inspiring exchanges with our fellow mayors from all around the country at the U.S. Conference of Mayors. It just adjourned about an hour or 2 ago, and you will soon be receiving that action plan from that conference.



I can tell you that I have never been so proud as I have in these last few days to be able to serve with the men and women who are serving as mayors of this great country.

I thank you for the opportunity to join you today to discuss this topic, this topic of how we fight this different sort of war, this very unconventional war, a war that is being fought on two fronts, one in Afghanistan where our soldiers have the best equipment, the best training, and intelligence rushed rapidly to the front so that they can do their job, accomplish their mission as safely as possible.

The other front is the home front that we are talking about today. And in that fight, we have all been doing our very best to step up. We are the first line of defense on the home front—our fire departments, our police department. And yet, we have some critical needs, needs for equipment, needs for technology, and also a need for better intelligence to be rushed to our front.

In Baltimore, we have chosen to make the investment as many other mayors have, without so much as a promise if our budgets will be reimbursed. We have stepped up to the plate because we have to. We are not waiting on Annapolis, and indeed, if Baltimore waited on Washington for civil defense advice, we would all still be singing God Save the Queen.

Mr. O'MALLEY. So, we are moving forward as many cities are moving forward.

And Baltimore, Madam Chair, is a fairly typical city in terms of our vulnerabilities. All cities have vulnerabilities. We are the economic centers. We are the cultural and gathering centers. I would like to think we are somewhat unique in terms of our greatness, and I think what we are doing today provides a pretty decent illustration of what cities are being asked to do in our Nation's defense as we move forward on three fronts: intelligence, security, and emergency preparedness.

#### PLANNING AND ASSESSMENT

We have completed an assessment of all of our vulnerabilities in terms of private infrastructure and public infrastructure, you know, your major buildings, water systems, stadiums, railways, highway bridges, tunnels, and the like. We have put together a local intelligence network to act as a point of contact with the whole metropolitan area for the FBI as we try to forge a new relationship with them so we can share part of the workload that is facing us. We have created, in very short order at very little expense, a surveillance system to provide real-time reporting of common symptoms, flu-like symptoms, so that we can watch for spikes in uncommonly high numbers of those symptoms. We test our reservoirs now several times a day.

#### INCREASED LOCAL COSTS

In order to make those adjustments, to make our city more secure, and in periods of heightened alert, to deploy our officers accordingly, we will have to spend money. We anticipate spending an additional \$8.8 million for police officers to secure vulnerable sites for the remainder of this fiscal year, which in Baltimore began July 1st. We have already spent \$2.3 million in unanticipated overtime

just since September 11. We will spend \$4 million to better secure our water and waste water systems, securing perimeters and the like.

On the emergency preparedness front, we have coordinated with experts. Our fire department has been the beneficiary of Federal training. Thank you very much. And we have coordinated with experts from the U.S. Army Soldier and Biological Chemical Command, as well as experts at the Civilian Biodefense at Johns Hopkins University. In order to be prepared, we are going to have to spend about \$4 million for additional personal protective equipment, which will allow our first responders not only to respond to a large, single accident, but will equip us so that we can safely respond in the event of two simultaneous attacks.

We have also had to spend \$400,000 just to upgrade a backup emergency operations center, which we hope never to have to use.

On the local homeland security, it carries with it some extraordinary costs. We cannot long sustain a war on these two fronts if we are only willing to fund one of them. Some of these things we have been able to accomplish with relatively no money at all. The biosurveillance system is one example. The improved cooperation that is now just starting to happen—just starting to happen—between the FBI and local law enforcement when it comes to the collection, dissemination, and investigation of the hundreds of thousands of leads that have come to us, is another thing that has not cost a whole lot of money.

But other things do. Every time our Attorney General calls on us to go to our highest level of alert in response to a generalized threat, it has caused us a massive unfunded, unanticipated mandate on every city in America. We calculate that prudent steps we have taken since September 11 has already cost us about \$2.7 million, again largely from police overtime. When we go on alert, our police department still has to fight crime, and the chemicals that are still killing more people in Baltimore today than anthrax or these other agents we talk about are the chemicals of heroin and cocaine.

So, rather than pulling officers away from their duties, we call officers back or we ask them to work 12-hour shifts. Through the end of the fiscal year, we anticipate spending another \$11.5 million in expenses directly related to security and preparedness for a total of more than \$14 million at a time when we are taking hits in our tourism industry and our hotel revenues and the like.

This is not a complaint. This is not a complaint. We consider it our patriotic duty, our obligation to step up to the plate now, and it would be irresponsible to fail to act in the face of this current emergency.

But when we approved our budget, none of us anticipated these sort of expenditures in our police budgets or in our fire budgets. We never anticipated that our police and fire would become local militia on these constant states of alert. We need to strengthen our supply lines from Washington because again we cannot long sustain a war on two fronts if we are only willing to fund one of them. A new Federal response is needed.

## FEDERAL PROGRAMS NEED BETTER COORDINATION

Federal support today for local homeland security is a patchwork—a patchwork—of programs that will make your eyes go crossed. They are largely uncoordinated. They provide no common standards for how States and localities should best use these funds. Even the programs that have the highest potential impact, like FEMA's fire grant programs, meet only a fraction of local government needs. FEMA provided just \$100 million last year, despite nearly \$3 billion in applications from fire departments.

Our own dealings with the Maryland Emergency Management Agency illustrate why support must be provided directly to local governments in our major population centers. MEMA is eligible for millions of dollars from the Department of Justice's Office of Domestic Preparedness, which could be distributed to localities based on risk assessment and equipment needs. Yet, they have not released the fiscal year 1999, the fiscal year 2000, or the fiscal year 2001 funds. We are now 4 months into fiscal year 2002, and I am told that Maryland is not the only State where bureaucracy is a barrier to timely emergency preparedness. Local governments need stable and timely funding for this effort.

We also need one place where we can go for the assistance in gearing up quickly to defend our citizens. This balkanized collection of programs, I would suggest to you, could and should be replaced with the equivalent of a community development block grant program for homeland security. Such an initiative, what one might call homeland defense block grants, should be based on formula, commensurate with security needs, and a threat assessment of how vulnerable an area is.

Then they should have accountability strings attached to them. They should be targeted to emergency personnel, equipment, training, and security related capital expenses. Their receipts should also be conditioned on the requirement that cities do not cut local investments to backfill with Federal dollars as we saw happen with the tremendous windfall that States experienced by supplanting the welfare reform dollars.

Just like the CDBG program, homeland defense block grants should be provided directly to cities and urban counties which are the primary targets on the home front of our war against terrorism.

One final point that cannot be ignored is the fact that in many cities, some of the most sensitive targets are privately owned. In Baltimore, we essentially have been called upon in this interim period as we adjust, to provide private security for exposed rail yards, industrial and chemical plants, utilities, and other large facilities at great expense to local taxpayers. And this cannot continue without eventually bankrupting and harming our cities. Only the Federal Government has the ability to require companies with operations in many States to change their operations to reflect the new dangers of this world in which we live.

In conclusion, under your leadership, Madam Chair, this subcommittee changed the way our Nation provides housing for our poorest citizens, getting rid of those disgraceful human filing cabinets that our public housing had become and replacing them with

new opportunity through HOPE VI. Under your leadership and the members of this committee, you changed the way our Nation responds to natural disasters, reforming FEMA into an agency that has become a model of effectiveness and compassion after these sorts of events happen.

Now we are asking this subcommittee to, once again, change how our Nation prepares to defend itself in this war, a war fought on one front in our cities, on our doorsteps, and the very halls of this great institution. You too are fighting on the home front, and my prayers are with you and the men and women, your colleagues, who have been touched by these threats.

America is going to emerge from this stronger than ever before. I have no doubt of that. The fabric of federalism will, no doubt, be stretched to its limits, but fear cannot conquer freedom.

#### PREPARED STATEMENT

And we want to thank you for your leadership. We want to ask you for your assistance, and we pledge to you that we will do everything in our power to protect the citizens of this country who happen to live in our population centers.

[The statement follows:]

#### PREPARED STATEMENT OF HON. MARTIN O'MALLEY

Madam Chair. Members of the Subcommittee. Thank you for the opportunity to join you today to discuss a topic critical to our nation's cities and to our nation: How do we best protect our people in the wake of the tragic events of September 11th?

In times of crisis—when there are dramatic shifts in our nation's priorities—the Members of this Committee are called upon to wisely invest our nation's resources. This is such a time. And America faces a different kind of crisis. We need your leadership.

#### THE NEW PARADIGM FOR HOMELAND SECURITY

Today, we are fighting a different kind of war—on two fronts. One front is in Afghanistan, where we have the best technology, the best equipment, the best intelligence being sent right to the front, and no expense is spared.

But for the first time in nearly 200 years, the second front is right here at home. And to date, it's where we've seen the greatest loss of life. Yet, we have insufficient equipment, too little training, and a lack of intelligence sharing with federal authorities—although, on this last point, we're working with FBI Director Mueller to make it better. And currently, we have very little in the way of national funding targeted for homeland defense where it is truly needed—at the local government level.

Local government must be the first line of defense on the home front. It can't be a federal or state function. There are no federal or state Fire Departments or medics. There are about 11,000 FBI agents compared to 650,000 local police officers. And as we saw in New York, there is no time to bring people and equipment in from somewhere else when terror strikes. For those critical first hours—when there is the greatest opportunity to save lives—local governments are largely on their own.

Baltimore has first hand experience in this regard—although given what New York and the Washington area are dealing with, it seems like we got off easy. When a CSX train derailed and caught fire in a tunnel beneath Baltimore this past summer, local emergency responders rushed to the scene. But the State didn't show up for a few hours. And the NTSB—although only 40 miles away—didn't arrive until the next morning. Our firefighters, police and health officials relied on their own training and resources.

Today, in the new world in which we live, every mayor has a choice to make: your city can be prepared or not; it can be a hard target or it can be a soft target; you can make a huge unanticipated investment now to keep your people safe, or you can cross your fingers, wait for help from a higher level of government, and hope for the best.

In Baltimore, we have chosen to make the investment. We are taking responsibility for doing as much as we can. We are not waiting for Annapolis. We are not waiting for Washington. That is the American way—neighbors take care of each other. If our city had waited for advice on self-defense from Washington in the war of 1812, all of us would be singing “God Save the Queen.”

#### BALTIMORE’S INTERIM HOMELAND SECURITY RESPONSE

I am told Baltimore is a fairly typical city—of course, if that’s true, I think it’s the greatest typical city in America. I think what we are doing today provides a good illustration of what cities are being asked to do in our nation’s defense. We are moving forward on three fronts:

First, on the Intelligence front, because it’s better to catch terrorists—or lone nuts—before they commit horrible acts, than it is to react in the aftermath. We have:

- Hired Richard Hunt, retired Chief of Criminal Intelligence for the FBI.
- Developed a statewide security intelligence network, working with other law enforcement agencies
- Engaged in a ongoing dialogue with the FBI and Department of Justice.
- Met daily with Federal authorities to obtain intelligence.
- Created a web-based surveillance system to provide real time reporting from hospitals, ambulances, animal control, school attendance and over-the-counter medicine to track common symptoms in uncommon amounts—as well as hospital bed availability.
- Tested reservoirs and the water system several times daily.

Second, on the Security front, we have:

- Secured and protected City’s vulnerabilities, such as major buildings, water system, stadiums, major rail and interstate highway bridges and tunnels.
- Called daily security briefings with Police, Health, Fire, Public Works, Transportation and IT Departments and State officials almost every day.
- Bolstered police and security presence at City buildings.
- Arrested and charged people who make bomb threats.

Third, on the Emergency Preparedness front:

- Hired a civil preparedness expert, former NYPD Chief Louis Anemone to develop our emergency preparedness blueprint.
- Reviewed the findings of the Hart-Rudman Commission and its applicability to Baltimore—and consulted with Senator Hart.
- Coordinated with experts like the U.S. Army Soldier and Biological Chemical Command (SBCCOM) in Aberdeen at Aberdeen and the Center for Civilian Bio-defense at Johns Hopkins University.
- Worked with hospital CEO’s on preparedness and data collection.
- Met with local news directors to discuss City’s ongoing preparedness and dissemination of information in the event of an emergency.

#### LOCAL HOMELAND SECURITY: EXTRAORDINARY COSTS

While some things can be done relatively cheaply—the biosurveillance system is one example—other measures require huge capital and personnel outlays. For example, every time the Attorney General calls on us to go to our highest level of alert, in response to a generalized threat, it is a massive unfunded mandate on every city in America.

Just to secure our Water and Wastewater system—Baltimore provides water for our entire region—we will need to spend \$28 million in the next year:

- \$24 million to convert our water treatment facilities from chlorine—a dangerous and highly regulated chemical—to safer and far less volatile bleach;
- \$2.4 million for security improvements like cameras, barricades and fences; and
- \$1.6 million to place security personnel at sites that previously were unsecured.

And we calculate that taking the prudent steps we’ve taken since September 11th already has cost the city nearly \$2.7 million—largely from police expenses during heightened states of alert immediately following September 11th and subsequent alerts issued by the federal government, including the beginning of the campaign in Afghanistan on October 7th.

When we go on alert, our Police Department still has to fight crime. The chemical attack that has taken the most lives in Baltimore still is heroin and cocaine. So rather than pulling officers away from their duties, we call other officers back, or they work 12-hour shifts. Either way, our overtime goes up. I expect virtually every other city does the same.

We get hundreds of calls every week reporting threats like suspicious envelopes, packages and powder. And while these drain resources, the real impact is when we

have credible threats and must raise our state of readiness. In these cases—which we anticipate will happen periodically in most large cities, and already have happened in Baltimore—our Police Department is providing national wartime defense with city resources.

Through the end of the fiscal year, we anticipate spending another \$11.5 million in expenses directly related to security and preparedness, for a total of more than \$14 million—\$9.1 million in personnel costs and \$5 million in capital and equipment expenses.

I'm not complaining. We consider it our patriotic duty to step up to the plate, and it would be irresponsible not to take action. But when we approved our budget for this fiscal year, we did not anticipate that our police, fire and emergency responders would double as local militia in a war on terrorism. We need to strengthen our supply lines from Washington.

In addition to the \$12 million I've mentioned, we also have a \$3.5 million request pending with the Maryland Emergency Management Agency for personal protective equipment. Our first responders—fire, police and medics—need adequate equipment to enable them to safely do their jobs: gloves, masks, protective suits and communications equipment. Right now, we are not fully ready.

#### A NEW FEDERAL RESPONSE IS NEEDED

September 11th changed the rules of engagement on terror forever—at least for the rest of our lives. No longer are military combatants or U.S. civilians in foreign lands with high profile national security functions the sole targets. Now, everyday Americans going about their daily routines are at risk.

Fighting terrorism and safeguarding our citizens from terrorism always has been a national challenge. But now the paradigm has changed—our homeland is vulnerable. And those of us here today from local government are asking for the Congress and the Administration to devote the necessary Federal resources to do all that we know can and must be done.

Without a dramatic shift in how we finance a portion of our homeland security, protecting our homeland will become an unfunded mandate on local governments. And, eventually, with competing priorities, it truly may become unfunded. Our nation will be unprepared and our citizens more at risk.

Federal support today for local homeland security is a patchwork of programs. They are largely uncoordinated and provide no common standards for how states and localities should best use these funds. Twenty federal agencies provide anti-terrorist training through 120 different courses—but there are no common requirements, there is no integrated strategy to make sure that the proper people get trained or that they get trained to the proper level of readiness.

Even the programs that have the highest potential impact—like FEMA's FIRE Grant programs—meet only a fraction of local government needs. FEMA provided just \$100 million last year, despite an application list of nearly \$3 billion from fire departments all over the country. And the pre-September 11 view at OMB targeted this program for elimination because it was not seen as a "federal responsibility."

In addition, the current federal tool to operationalize anti-terrorism response outside of the Federal Government is the Federal Response Plan. Its goal is to guarantee continuity of government and services in the event of a national emergency. It envisions non-federal emergency response as a function driven by state government—like the National Guard. It is an appropriate model for handling natural disasters like hurricanes or earthquakes. But in the wake of September 11, it is ill suited for anti-terrorism, because most law enforcement and emergency response functions are local in nature.

Our dealings with the Maryland Emergency Management Agency (MEMA) illustrate why support must be provided directly to local governments. MEMA is eligible for millions of dollars from the Department of Justice's Office of Domestic Preparedness, which could be distributed to localities—based on risk assessments and equipment needs. Yet they have not released or applied for the fiscal year 1999, fiscal year 2000 and fiscal year 2001 funds. We are now four months into fiscal year 2002. I am told that Maryland isn't the only state where bureaucracy is a hurdle to emergency preparedness.

Nor have we had much better luck with the State's Office of Crime Control and Prevention, where we were turned down earlier this year for a \$187,000 anti-terrorism law enforcement equipment grant.

Local governments need stable funding for this effort. We also need a one-stop shop for local governments to turn for assistance in gearing up for this war. On September 12th, I called everyone I could think of to find out what we should be doing

to protect our city. No one could provide me with a simple checklist, much less offer direction concerning funding or training.

A recent General Accounting Office report detailed the extent of this problem—compiling a list more than 100 pages long of programs that support emergency preparedness. At a minimum, the inventory of these programs must be consolidated into a more user-friendly form, with one agency responsible for coordination and budget formulation—perhaps the new Office of Homeland Security.

#### HOMELAND DEFENSE BLOCK GRANT

However, what is really needed is for this balkanized collection of programs to be completely overhauled and largely replaced. In its place, we need the equivalent of a Community Development Block Grant program for homeland security. Such an initiative—what I would call a Homeland Defense Block Grant—should be distributed based on a formula commensurate with security needs and a threat assessment of how vulnerable an area is.

These funds should have some strings attached—they should be specifically targeted to emergency personnel, equipment, training and security-related capital expenses—to ensure the accountability that the Congress must demand in times of emergency. Their receipt should also be conditioned on the requirement that the receiving municipality or subdivision does not cut local investment in relevant law enforcement, emergency first response or public health agencies to backfill with federal dollars. There must be no shell game in local budgeting like we have seen at the state level with federal welfare reform dollars.

Just like the CDBG program, Homeland Defense Block Grants should be provided directly to cities and urban counties, which are the primary targets on the home front of our war against terrorism. It will allow us to protect the greatest number of Americans as quickly as possible. And it will ensure that no American is placed at risk because they have the misfortune of living in city that is having a bad budget year.

In addition to ensuring a consistent level of security in every American city, Homeland Defense Block Grants would allow national experts to provide guidance to local officials. I would leave it to people more knowledgeable than me—like the specialists at SBCCOM and FEMA—to determine what additional technical support and spending restrictions should be placed on this kind of funding stream.

Alternatively, the same end could be achieved by increasing the funds appropriated for Local Law Enforcement Block Grants, and dedicating that increase specifically for this purpose—following the general guidelines I've already outlined.

#### THE ROLE OF THE PRIVATE SECTOR

One final point that cannot be ignored is the fact that in many cities, some of the most sensitive targets are privately owned. In Baltimore, we are providing private security for railyards, chemical plants, utilities and other large facilities—at great expense to local taxpayers. This cannot continue without bankrupting our cities. But it would be irresponsible to do otherwise.

All of our private sector partners are cooperating in some manner. But when it comes to, for example, providing adequate security for rail cars that contain chemicals including chlorine and hydrochloric acid, companies like CSX plead poverty—and city governments are left holding the bag.

I realize that they cannot fence 20,000 miles of track. But a relatively small fraction runs through the 20 largest cities. And those segments must be safeguarded to protect millions of lives. Only the federal government has the ability to require companies with operations in many states to change their operations to reflect the world in which we now live.

#### CONCLUSION

The United States of America changed forever on September 11th. And as you and your predecessors have been called to do in the past, it is your responsibility to sift through competing interests and past practices to determine what is best for our country.

Under your leadership Madam Chair, this Subcommittee changed the way our nation provides housing for our poorest citizens—getting rid of the disgraceful human filing cabinets that our public housing had become and replacing them with new opportunity through HOPE VI.

Under your leadership Madam Chair, this Subcommittee changed the way our nation responds to natural disasters—reforming FEMA into an agency that is a model of effectiveness and compassion.

Now, we are asking this Subcommittee to, once again, change how our nation prepares to go to war—when that war is being fought in our cities—on our doorsteps—in the very halls of this hallowed institution. I am honored to be here today, because I know you will do what is right.

You, too, are fighting on the home front. And my prayers are with the men and women, here—your colleagues—who have been touched by terrorism. I have faith you will ensure that we have the training, the equipment, and the resources to protect Americans.

America will emerge from this trial stronger than ever before. We will be tested. We will face terror. But we will not be terrorized. As our President has said, fear cannot conquer freedom. Thank you for your leadership in proving this statement true.

Senator MIKULSKI. Thank you very much, Mayor, for those excellent ideas. We are going to come back, I know, for a robust conversation.

I would next like to turn to Senator—Mayor Jeff Griffin from Reno.

Senator BOND. Do not get his mouth watering. He may start running for office now.

Senator MIKULSKI. I know. I will not get into it with Senators Reid and Ensign.

I know that you have been a leader in economic development, worrying about housing, that you also chair the Criminal and Social Justice Committee for the Conference of Mayors. I think Senator Reid really gave us a nice snapshot of the wonderful job you have been doing in Reno. So, why do you not just proceed, Mayor.

**STATEMENT OF HON. JEFF GRIFFIN, MAYOR, CITY OF RENO, NEVADA**

Mr. GRIFFIN. Thank you, Senator. I appreciate it very much and I appreciate the opportunity to be here with my fellow mayors.

In addition to my chairmanship of one of the committees of the conference, I also chaired, along with Mayor O'Malley and Mayor Scott King of Gary, Indiana, one of our task forces that has met here in the last day and a half on the issues and challenges facing us. And over the last several days here in Washington, we did have an emergency, security, and safety summit with the Conference of Mayors. We think that we have the beginnings of a blueprint that outlines the needs of communities and cities as we face this new terrorist threat.

If I can just make a couple of observations, very briefly, about some of, I believe, important points that would be of interest to this subcommittee in our findings at the conference.

One is that we are calling for the elevation of the Office of Homeland Security to a cabinet level position. It is the desire, I believe, of the task force that the director be given budgetary authority in some fashion eventually over all the Federal personnel and programs related to domestic protection, law enforcement.

Also, we are asking for a permanent commission that would include police chiefs, fire chiefs, local emergency managers, public health officials, and most importantly we think, mayors; that it be established immediately to provide the director of Homeland Security advice on the restructuring of this Federal-local partnership, with the long-term goal of strengthening the domestic safety and security of our country.

Additionally, while we as mayors have been working for some time on potential responses to terrorist attacks, the incidents and



attacks of September 11 and subsequent events really have presented mayors with different and difficult problems.

#### LOCAL GOVERNMENTS, ACCESS TO FEMA PROGRAMS

If I may echo some of the comments that Mayor O'Malley made about the role of FEMA. We believe that there is a role for FEMA, and it should be expanded to really embrace event preparedness. Also, the successful Project Impact program we believe has been helpful in assisting local governments to prepare and mitigate disasters. We think it would be a good model to use so that every community—every community—in this country has an opportunity to take advantage of coordinated disaster response-related technical assistance, as well as financial assistance from the Federal Government.

If I can make an observation about the FEMA fire grants, however. One of the things that Senator Reid, I am sure, over the years has mentioned to you is Nevada has a lot of wide-open spaces. But interestingly enough, the State of Nevada is the most urban State in America. The largest percentage of our population lives in either Las Vegas or in Reno. I was looking yesterday at the FEMA fire grants. We have many, many, many small communities and many, many Indian reservations. We received approximately six FEMA fire grants in the program that was authorized in December. The largest city that received one in the State of Nevada had a population of 7,000 and the other four, in fact, had populations under 1,000. I would suggest that in the event that you reauthorize and reappropriate, that you might take a look at how that would work, particularly in a State like Nevada with basically two large metropolitan areas.

Our recent dealings also with the Federal Government on disaster response—and I have a personal case in my city—has really been mixed. I think the number one problem has been communication gaps.

About 3 weeks ago, we have a Microsoft office in Reno, and there was an incident where an envelope was noticed in their mail room as being suspicious. They contacted, for some reason, the State public health department, who in turn contacted the FBI. The FBI came from their offices, picked up the envelope, and brought it back to the State. They didn't tell anyone, including the employees of Microsoft. And 2 days later, as one can imagine, a rumor began to circulate within the Microsoft office that there had been a suspicious envelope, and we received a presumptively positive scientific test that it was anthrax.

I found out about it, along with my police chief and fire chief, from the media. Approximately 20 minutes later, we were notified from the Governor's office of the existence of a possible anthrax incident. We immediately, of course, got on with the FBI. Within 45 minutes they were in our offices, and the relationship has worked very well in coordinating the response.

But I was very dismayed that for 48 hours no one in local government knew of the existence of this. I think it has been an example that I have used in the last few days with my fellow mayors, and particularly in my interest and role in chairing the local and

Federal cooperation task force. We really have to work through this in a terribly quick way to ensure that that does not happen again.

I think also, if I may make another comment, it is important that the Federal Government provide the communities—I think Mayor O'Malley has been very eloquent in talking about the impact that the events and tragedies have put upon local government, as well as the Federal Government. We all have the obligation, however, to bring in balanced budgets. We do not have any wiggle room when we have a situation, such as September 11. I think the proposals from the Bush administration, as well as from Senator Byrd, to provide additional funds for programs like the FEMA fire grant to provide local governments with equipment and training is an excellent start.

If I may—and Senator Reid is gone, but just to reiterate some commentary I made to the assemblage earlier today, this morning, it is my belief that the Senate did the right thing in voting 100 to nothing on the economic stimulus package. My own personal view is that we are not going to be able to address the economic impact of what we face today merely with tax cuts. We have to have a balanced approach. I look to the Senate to provide leadership on that. I look to President Bush to do that. I think we need a balanced approach with infrastructure improvements at some level, as well as some tax relief, but very clearly we need to get the economy going.

I do not know intimately this bill, but H.R. 3161 that has been introduced in the House would provide about \$1 billion for local governments for the development of emergency response plans. And not just response. I think all of us have planned to a fare thee well on emergency response. I think what we are all mostly concerned with today is being prepared, making sure we have the communication back and forth with the Federal Government. Mayor O'Malley used a number several times in the last 2 days. There are 12,000 FBI agents in this country and there are 650,000 men and women in uniform on the streets of America's cities as police officers. We represent a tremendous resource. We are very concerned that the communication, particularly as it relates to intelligence information, goes up but does not come back down.

#### PREPARED STATEMENT

Let me again echo what I am sure you are going to hear here also, Madam Chair. America's mayors stand behind you, the Congress, in any capacity we can serve to help in any way we can. We do see the threat. We respond to it on a daily basis right on the streets of America's cities, and we stand arm in arm with you to address the challenges and win this war on terrorism.

[The statement follows:]

#### PREPARED STATEMENT OF HON. JEFF GRIFFIN

Senator Mikulski and members of the subcommittee, thank you for the opportunity to appear before you to discuss this very important topic. While it is certain that the terrorist attacks of September 11 have caused every community in the nation to examine their emergency preparedness and response systems, I would mention that the U.S. Conference of Mayors has been examining potential responses to disasters of unnatural origins for several years now. I also want to stress that Mayors across the country are doing their part to ensure that all the local, state, and federal organizations in our communities will work together in the case of a terrorist attack of any kind.

In my capacity as Chairman of the U.S. Conference of Mayors Standing Committee on Criminal and Social Justice, I have been working over the past few years with federal officials on a variety of topics related to terrorism and the use of weapons of mass destruction. For instance, in cooperation with the Department of Justice and Texas A&M University, the Conference of Mayors has developed a mayoral training institute on weapons of mass destruction (WMD) that is designed to prepare Mayors for the roles and responsibilities they must assume during a WMD event.

Earlier this year, I hosted a regional conference for Mayors in Reno where we discussed how cities can prepare for terrorist attacks involving weapons of mass destruction. Our speakers helped us understand how mayors can best assume their natural role as crisis coordinator and informed spokesperson in the case of an event. I would venture to guess if we held a similar conference today, the participation would be much greater. It is constantly on our minds as we try to go about our daily business. Every Mayor has watched Rudolph Giuliani since September 11 and my view is that his conduct and handling could serve as a primer for America's Mayors.

Just this week back home in northern Nevada, Sparks, Nevada Mayor Tony Armstrong and I hosted an Emergency Preparedness Summit to promote preparedness, reassure the public and create a community-wide dialogue on what we have faced as a nation and locally.

Our summit was well attended by area representatives of the federal, state, and local governments, public safety, health care, transportation, and utility sectors. Our 18 member panel shared information and discussed in detail area plans to coordinate our preparedness and responses to incidents.

We learned at the summit that emergency management systems are in place and more coordinated as a result of a region-wide flood we suffered in Reno in 1997 and the elaborate plans developed in anticipation of threats during the Millennium celebration. During that time, we prepared for disasters on all fronts, such as terrorism, HAZMAT spills, not just threats to our computer systems.

The three jurisdictions of Reno, Washoe County, and the City of Sparks have thoroughly reviewed and shared plans to eliminate redundancy in our systems and establish protocols for responding to an event. We have established, and continue to maintain, a Local Emergency Preparedness Committee that includes every key official and agency—such as hospitals and utilities—with public safety personnel taking the lead.

As you are well aware from the heroic efforts of police and fire departments in New York City and Arlington, Virginia, local governments are the “first responders” to disasters of all kinds. With the new threat of terrorism, we will remain that first point of contact, which makes preparing for and dealing with such disasters a very different and difficult problem.

Unlike a “traditional” disaster, such as an earthquake, no warning will occur prior to an attack by a terrorist using weapons of mass destruction. In most natural disasters, we are usually able to differentiate between when an event has begun and when it has ended. Therefore, we know when we can move from the event preparedness and event management stages to the event consequence stage. In a terrorist or WMD event, we almost assuredly will be dealing with event management and event consequence at the same time, in that people will be dying while others are just becoming infected or impacted by the event.

We know that once a WMD event hits one of our cities, we will need massive amounts of help. In the past in instances of natural disasters such as floods, hurricanes, fire and, so on, state and local resources were often sufficient to handle event management in larger cities and communities. As it is currently structured, federal assistance comes primarily from FEMA for the event consequence stage—this approach is completely inadequate to respond to today's threats.

Many experts agree that a local public health system will be quickly overrun by even a modest WMD event in a city of almost any size. As a citizen, I may not know how to tell if I have been exposed to a biological or chemical weapon. Hospitals and doctors offices will be overrun with not only the sick, but those who fear contamination. I see a great need for a coordinated training effort for these private sector personnel. Doctors, nurses, and public health officials must be trained to spot a possible attack, to identify the nature of the attack, and to know what public health steps are necessary. Our public safety first responders must be adequately trained to identify potential attacks and take the appropriate actions. Our public must be informed and educated, to help avoid panic and over-reaction.

As a result, I believe that there is a great need for event preparedness, for which FEMA can and should play a role. The successful Project Impact program has been very helpful in assisting localities to prepare for and mitigate disasters and this model should be expanded so that every community in the country has an oppor-

tunity to take advantage of coordinated disaster response-related technical and financial assistance from the federal government.

New Years Day 1997, when Reno and the rest of a 5-county area experienced a major flood, FEMA assistance was needed. At the time, it became evident that communication with FEMA was less than adequate. We experienced frustration dealing with layers of "red tape" while attempting to secure reimbursement for funds the City expended during the recovery effort; however, as a result of these difficulties, a number of procedures at FEMA were improved and streamlined, and the results have been encouraging. We commend FEMA for their efforts over the last several years to improve its customer service and we look forward to a continued relationship with the agency as we enter this new age of previously unthinkable disasters.

As a result of its work with response to natural disasters, FEMA has developed relationships with local governments. The question is: are they in the best position to coordinate response activities amongst federal agencies and state and local governments? They can be, but only if they are given the authority and resources necessary for such an important and large task. Mayors are hopeful that FEMA will have a strong role with the new Office of National Preparedness as it attempts to corral the many federal agencies that deal with disaster response and provide improved services to communities in need.

It is also our understanding that FEMA has been tasked with establishing a Joint Information Center by Governor Tom Ridge of the Office of Homeland Security. Under this plan, FEMA would be the source of all federal government information dissemination to the public and press. I would urge Governor Ridge to include Mayors in the process of developing the JIC for obvious reasons.

Mayors have engaged with our regions and states, and with the federal government, in an effort to train for response to natural disasters. Most cities have detailed plans for dealing with floods, tornadoes, fires, hurricanes, earthquakes and other natural disasters. We have worked out regional and often state cooperation strategies, and in most cases are prepared—at least as best as we can hope to be—for these terribly destructive events. It is our hope that the JIC can assist us in working out these strategies to respond to the new threats that we face.

I have said many times that in the event of a disaster, natural or otherwise, the media will seek out Mayors and pose two questions: "What is going on?" and "What are you doing about it?" It has become clear to me that mayors have a responsibility to possess the basic information needed to manage all of their resources in the event of a terrorist attack of some kind, and most importantly, know what to say, and what not to say, when the cameras reach our doors. We must be trained to provide calm, informed answers and work to warn as well as reassure our citizens.

Finally, as all of you already know, the costs of improving local response capabilities is daunting to many communities across the country, and while our citizens will demand and deserve these safeguards, sufficient resources do not exist. We were very pleased to see that President Bush has requested \$600 million for FEMA to provide state and local governments with equipment and training grants to improve response capabilities and support the Office of National Preparedness.

In addition, the Senate has suggested a significant increase for the FIRE grants at FEMA that would give neediest fire departments across the country the necessary tools to protect our citizens and respond to terrorist events. I also believe that we need more discretion at the local government level and fewer federal mandates to allow us the flexibility to apply the resources and funding to the need. One size does not fit all, and with all due respect, we are there day after day, listening to the public and our public safety officials. Give us the discretion to make decisions within federal guidelines.

For example, in the past two years, the Reno area has been plagued by two major wildfires which came very close to causing extensive property damage. Habitat destruction and environmental degradation to our primary water source has been extensive. Our fires tested us and the system because they were multi-jurisdictional, crossed state lines and required federal type-one teams in support of local fire suppression resources. In order to battle these events, Reno relies on a fire department that serves both rural and urban areas, and as a result, utilizes a large number of volunteers. Also, Reno needs new equipment to replace outdated rolling stock for our volunteer fire departments, and equipment like night vision goggles or thermal imaging units. This may not be the case in other communities around the country, as each has its own needs and priorities.

On Tuesday of this week, Rep. John Larson (D-CT) also recognized the need for additional resources to local governments in our battles against terrorism when he introduced the Municipal Preparation and Strategic Response Act of 2001 (HR 3161). The measure would authorize \$1 billion for local governments and regional authorities to develop comprehensive local emergency response plans. The bill would

also provide an additional \$250 million each to the COPS program at the Department of Justice and Firefighter Assistance Grant Program at FEMA to establish grants specifically for counter-terrorism response, training, and equipment. In order to make funding available to any community in need, there would be no local match required for these special grants.

The bill would ask FEMA to designate a representative in each state that would assist communities on the development of response plans, coordinate the sharing of information on federal resources, and act as a liaison between units of local government.

While the actual text of HR 3161 was not in print as I prepared this testimony, I believe that Rep. Larson is headed in the right direction. Federal assistance for local disaster response coordination activities is crucial to the swift development of local government preparation activities during these very tense times. And as Rep. Larson points out, the U.S. Constitution empowers Congress to provide for the common defense and general welfare of the United States. At no time in our recent memory has such assistance been necessary, and I hope that the Senate will consider companion legislation to HR 3161.

Thank you again for the opportunity to testify before this committee, and I hope to continue to work with Congress to ensure that communities across the country are properly prepared and equipped to deal with any future terrorist actions.

Senator MIKULSKI. Well, Mayor Griffin, I know that you need to go, and I know Senator Bond has a very pressing schedule.

Mayor Savage, Mayor Kirk, if you could wait. Senator Bond, do you have any questions?

Senator BOND. I would rather hear the comments of Mayor Savage and Mayor Kirk. I have got pressing business, but this is more pressing.

#### PUBLIC INFORMATION

Senator MIKULSKI. Mayor Griffin, before you go, what you just told me about the Microsoft situation is really enormously disturbing. Here is my question. This then goes to public information and then we will come to this later.

We know that you need resources. You are coming up with innovative ideas on the most efficient way that they come to you rather than trickle down through bureaucracies, direct resources to you.

Tell me about what you think you need in the way of public information. There is information to the leadership and then there is information to the general public. Do you have any thoughts or recommendations? Because I am working on bioterrorism legislation with Senators Frist and Kennedy and I am putting in a public information component. I would really welcome your ideas.

Mr. GRIFFIN. Thank you, Senator. It is very appropriate. In my role as chair of the standing Committee on Public Safety and Crime, I have also for the last 2½ years been working on domestic terrorism and weapons of mass destruction. And as a former council member, you understand very intimately that there are going to be 2 questions that are going to be posed to the mayors of America in the event of something like this. Mayor Giuliani I think gave us a primer on what those are. There are going to be 2 questions. One is what is going on. The second one is what are you doing about it.

Senator MIKULSKI. Third, what does this mean to me? Do I have to rush to my school to get my child?

Mr. GRIFFIN. Absolutely. I think to the extent that you can assist in this, what we really need is a true working relationship with all elements of the Federal Government. Certainly we practice on a

regular basis with our fire departments and police departments and public health people and the local hospitals. We do disaster preparedness. I would like to see something like that so that there is a true exchange of information and intelligence.

I think there were several comments—and Mayor O'Malley may want to speak to this. At our task force meeting yesterday, there were several comments made by police chiefs, for example, and it depends on your locale and your relationship with the SAC, the special agent in charge, how much information you get back and forth. It goes up, but it does not seem to come down very well.

We think we can provide a tremendous resource with those 650,000 people to run down—there is now something approaching 500,000 leads that the FBI has been given. They have got a work force of 12,000 people. We think we can help. I think if we are going to reassure the public and tell them what is going on and what does it mean to them, we have to have complete access to the information and we have to know about it in a very timely fashion.

Senator MIKULSKI. And if you have to leave, it will not hurt our feelings if you just get up and go. We often get up and go on witnesses.

Mayor Savage, we really want to welcome you here today, the Mayor of Tulsa. We know you have done an outstanding job in terms of your city and your desire to really move that city into the future. We really want to hear your testimony. Though it was Oklahoma City that was hit by the terrible act of domestic terrorism, we know that all of Oklahoma and all of America grieved. I am sure that there are lessons learned from even being a brother or sister mayor in a State that is hit, particularly in the area of mutual cooperation, mutual aid, the coordination of your Governor, Frank Keating. We knew Keating when he was at HUD. So, why do you not just go right ahead.

**STATEMENT OF HON. SUSAN SAVAGE, MAYOR, CITY OF TULSA, OKLAHOMA**

Ms. SAVAGE. Thank you, Madam Chair. I am delighted to be here.

And, Mr. Bond, I would comment that I have a junior in college in central Missouri and she loves your State very, very much.

Senator BOND. We are delighted. We just hope that your football team shows some mercy. They did not treat our friends from Texas too well.

Ms. SAVAGE. It is a burden we bear, Senator.

But we are happy that you have acknowledged the prowess of the Oklahoma Sooners.

As the Mayor of Tulsa, which is a city of 385,000 people, a little bit of history. We were founded as part of Indian territory and sit on the banks of the Arkansas River really in northeastern Oklahoma. It is quite a diversified city being built upon the energy industry, now heavily diversified into aerospace and technology and energy manufacturing.

**DISASTER PREPAREDNESS**

We are no stranger to disaster. Most of our disasters historically have been caused by Mother Nature. We live less than 2 hours

away from Oklahoma City and what was once the Murrah Federal Building, Madam Chair, as you have expressed. We also live in the heart of Tornado Alley. There was a time in the 1970's and the 1980's when Tulsa led the Nation in federally declared flood disasters. So, for us disaster preparedness has become a way of life and it has forced us, in my estimation, to learn to work smarter with the resources we have and to become, in effect, real scrappers at trying to develop strong working relationships at both the State and the Federal level.

When FEMA began in 1992 the community ranking system to rank communities for flood readiness, we have ranked at the top of their charts for a comprehensive flood plain management program and not sustained a federally declared flood disaster in 15 years.

We have also led the Nation as the first major city to win preparedness accreditation in the National Weather Service program called Storm Ready, and in 1998 we were identified by FEMA as a flagship Project Impact community and received a number of awards for, once again, preparedness and mitigation in many areas of hazard.

Now, I mention that by way of introducing a model of what has worked for us. We have used the incident command system, a lot of coordination, and we have been very pleased to date with our preparedness. But as it has been stated by my colleagues, our difficulty becomes in sustaining that level of preparedness and readiness while trying to do the regular jobs that people do have.

In relating this to the Nation's war and our responsibility, our collective responsibility, for national security, the components that become very important in that discussion are communication, coordination, planning, prevention, mitigation, recovery, and they are efforts that are relentless and require constant attention.

You have heard and will continue to hear from mayors that we are your first responders in times of disaster and in times, as we are today. We are our Nation's first line of defense. Our local challenges have been exacerbated by uncertain economic times as well at this very, very difficult time.

For us a model that has worked in Tulsa—and I want to speak not so much to the specific project, but the model because I think it is one that represents a comprehensive approach. We are a Project Impact city, as I have mentioned. What that has meant for us is we have had 3 very solid years of planning and accomplishments in multi-hazard programs where certainly, subsequent to Oklahoma City, we began to target terrorism and weapons of mass destruction, but also bioterrorism, chemical incidents, and other hazards. It has been very important, the reforms and the efforts you have made to make FEMA more responsive to the local communities. I want to personally thank you because it has meant—

Senator MIKULSKI. We did this together.

Ms. SAVAGE. [continuing] A tremendous amount. Well, thank you very much because it really has been very important.

#### LOCAL ACCESS TO FEMA PROGRAMS

I want to reemphasize that maintaining that connection between FEMA at the national level and the local communities, it is in our

interest and in our citizens' interest to have quick, easy access and immediate attention from State and Federal agencies, as needs warrant.

Now we have turned to what we call in our nomenclature a safe and secure program that really builds on these basic principles. And since September 11, like every other city from which you are hearing today, we focused on assessing vulnerabilities at critical facilities and correcting identified deficiencies to reduce our risk for multiple hazards and to become a hard target. Obviously, we continue to have to deal with our natural hazards such as wind, tornados, and floods, technological hazards such as fire and chemical releases, the loss of utilities and communication, and now universal hazards as civil unrest and terrorism.

Our priorities have focused on critical city facilities needed to keep Tulsa functioning during any crisis, buildings and facilities where large numbers of people congregate, and sites with extreme risk such as chemical stockpiles that could produce widespread disasters.

Our safe and secure teams have mobilized virtually all city departments and agencies to conduct a fast track pilot project that is providing training, building assessment, corrective action, and a very long-term capital plan for major projects. We have roughly 50 people participating in a technical assistance capacity. Half of those are our own city technicians. We are using FEMA grant money through Project Impact to provide that outside technical assistance that we need to ensure that we have covered every potential contingency.

#### LOCAL COMMUNITIES ON THE FRONT LINES

It has become clear, since September 11, that local communities—and in our case specifically—we have to do the vulnerability assessments and retrofits. It is not enough to assess. You have to retrofit your critical government and nongovernmental facilities and infrastructure to keep those essential services people require operating.

We have increased detection capability and crisis capacity for public health, hospital, and emergency medical services, and that is one area where we have some infrastructure in place where there is actually some communication occurring among those medical providers. Emergency equipment, security systems, and backup capacity for communications and emergency management operations. While we have some backup, we are reevaluating that to look now at what we believe are some new risks and to provide additional backup, technical assistance, training and public education. You mentioned the need for education. We believe the public has to know not only what we are doing to try to protect them, but what to do in the event of any occurrence.

Specialized infrastructure programs for buildings that house vulnerable populations such as schools, day care, and nursing centers, and public housing.

Targeted demonstration programs to prepare businesses and neighborhoods. That includes a variety of contingency planning and emergency preparedness and first aid training as several examples.



Incentives for public and private shelter in place in evacuation programs which could include MASH shelters for multiple hazard, in our case storms, tornados, but terror and air quality emergencies.

We believe our Project Impact model has given us not only the physical resources but the time and the planning and the capability to pull in over 400 partners throughout our community and they are comprised of other governmental agencies, schools, business, the faith community, neighborhoods, and people who simply have an interest in community service.

So, our essential operations and infrastructure are now being evaluated against really a sterner standard, and corrective actions, if necessary, are being taken and will continue to be taken in order to maintain our local and national first line of defense.

There are costs, and you have heard those costs itemized—and in the interest of your time, because I know we want to get to questions—I will not go through specific costs for Tulsa. But I believe there is an opportunity to not only address specific emergency and immediate needs but also the long range model of which I have spoken for disaster planning, preparedness, and mitigation under Project Impact. And I would encourage the committee to consider these safe and secure model communities, perhaps some kind of 2-year pilot program, to bring together the best of the resources at the Federal, State, and local level to enable us to continue this planning, to continue this effort to be more prepared and to respond when emergencies do face us.

Just in closing—it has been stated, as you get further down the row, you hear most of your ideas because there is not a lot you will hear among us that is too different. But we have the capacity, as I believe you understand, to integrate programs and resources at the local level that cannot be replicated at the State or the Federal level. We want to be partners with the Federal Government and with the State government in this war. We need the resources. We need the support.

And I thank you very much for what you have provided us to date because we believe we are in the best position to continue to respond as we have responded and to do so in an organized, comprehensive, and very collaborative manner. Thank you.

Senator MIKULSKI. Well, thank you very much. We heard both new ideas and how to use existing programs.

I would like to turn to Mayor Kirk, the Mayor of Dallas. He won his last election with 74 percent of the vote. That is terrific. He passed six budgets, which means he knows how to beat the bottom line, and in addition to the economic development and revitalization of Dallas, he has had a chance to serve on the advisory board related to the census for mayors and also on the empowerment issues about how big cities can have a bigger turnout in elections. Mayor Kirk, we welcome you and look forward to your remarks.

**STATEMENT OF HON. RONALD KIRK, MAYOR, CITY OF DALLAS, TEXAS**

Mr. KIRK. Thank you, Madam Chair, for your graciousness and for the time of you and Senator Bond and for being so patient with us. I know you have other issues before the Senate.

I would like to believe I have got three bits for you, first of all.

First is I have submitted my remarks in writing, and so there is no need for me to read them in full.

Second, you may either be pleased or just terrified to know that I am a former Senate staffer myself, having worked for U.S. Senator Lloyd Bentsen. So, I am intimately aware of how much members in your position like for witnesses to abbreviate their remarks when they have submitted written testimony.

Senator MIKULSKI. We like the witnesses to be short.

Mr. KIRK. So, I will not do that.

And then third, I want to begin by thanking you and Senator Bond. I am aware that we are before an appropriations subcommittee, but I cannot tell you how much and how well it was received at our conference that the Senate has addressed one of the major issues of concern for the Nation's mayors, and particularly for those from large cities like myself that have major airports like Dallas and Baltimore and others, that the Senate unanimously adopted the aviation security legislation that our Senator Hutchison has been urging. We think that is one of the critical steps to moving forward.

Senator MIKULSKI. She has been the leader in that.

Mr. KIRK. But the fact that the Senate voted 100 to nothing sends a very strong bipartisan note of reassurance to the American public that you will put our Nation's security first. I want you to know, on behalf of the Conference of Mayors, we thank you for that.

Inasmuch as you have my remarks, you can imagine that I concur strongly with the comments of my colleagues. And I want to thank Mayor O'Malley, in particular, for his leadership on this, his very forceful advocacy of this at the Conference of Mayors and in presenting I think a very good overview of the nature of the issues and how we want to partner with this committee and your colleagues. And I would concur in everything he said.

I would like to make two points, particularly to reinforce those. Our experience in Dallas has not been dissimilar from any other city. To some degree, we are thankful and grateful that, unfortunately, as a result of the tragic events in Oklahoma City, Dallas was fortunate to be one of the first cities chosen for the Department of Justice programs to put in place domestic terrorism training in 1998, and we did have a protocol, in fact, for that.

But the whole issue of bioterrorism, I think because of the very nature of it, was one that was predominantly an issue of hypothesis for us. And on September 11, as we all know, that changed dramatically. And the reality is, I think you know and we know, that none of us are prepared at the local level to do that.

We are proud of the fact that what we have at the local level are hundreds of thousands of police and firemen who have the courage and heart that many of us admire so much now to be the first to respond. But we need help.

#### LOCAL GOVERNMENT AND HOMELAND SECURITY

What we do best is put out fires and chase bad guys and work with the FBI occasionally to do something more exotic. But if we are going to be an effective partner in this homeland security issue, as you have articulated, Madam Chair, and others, we need help.

The best antidote to something as frightening to the American people as this whole notion of bioterrorism is what we have talked about: education and preparedness. And what we would urge more than anything is that we work as a partner with you to work on that preparation and making sure our local police and fire agencies have as much preparation as we possibly can and that the lines of communication, as you have said time and time again, Madam Chair, have to be open because what we cannot have is our Nation retreating into a climate of fear because of lack of information, or worse, misinformation.

#### FEMA FIRE GRANTS

And finally, what I would ask and I would especially encourage that with respect to the FEMA fire grants, in particular—and Mayor Griffin addressed that. The good news is that is a very effective program, but it is for the most part been limited to very small communities. I think that is important. They cannot be left out of this equation. But our major metropolitan areas, as we go forward—a part of those funds have to be reserved for helping our larger metropolitan areas prepare for that. Dallas, Texas is the eighth largest city in the country now. The State of Texas has 3 of the 10 largest cities in the United States. We have the largest airport in the United States. It is the fourth busiest, and we need your help and your assistance in meeting that.

Then finally, I would only ask as we have had this horrible event have the impact of making very, very obvious to us how important the role of cities are, particularly as first responders and whether it's an issue of domestic terrorism, as we witnessed in Oklahoma, or one that has come from a foreign nature, as we have seen in Washington and Pennsylvania, that cities do matter, and our ability to be a partner is critically important to you. I would hope that we would use this as an opportunity to address not only partnership and particularly resource sharing not just on issues of domestic security but that for years cities have raised the specter of unfunded Federal mandates and the impacts it has on our local budgets. I hope that not only as we address this, that the Senate and Congress would be acutely aware of how much we need your help in dealing with those other issues as well.

#### PREPARED STATEMENT

I know the pressures that are on the committee, and I really, on behalf of the mayors, want to thank you and Senator Bond for your patience in taking the time to hear our testimony.

[The statement follows:]

#### PREPARED STATEMENT OF HON. RONALD KIRK

##### INTRODUCTION

Thank you Chairman Mikulski, Ranking Member Bond, and Members of the Committee for inviting me here today to address issues relating to homeland security and FEMA. As mayor of the eighth largest city in the Nation, I am glad to have the opportunity to share with you my thoughts on the impacts of the recent tragic events and the needs of cities.

The events of September 11 changed our lives. We are in a new era, and it is important for us to recognize the new role we must play against the threat of terrorism. No one imagined just a few weeks ago that we would be dealing with disas-

ters of this magnitude. It is absolutely essential that we have an ongoing dialogue and strong intergovernmental cooperation to improve our ability to handle weapons of mass destruction and other potential threats, some that we cannot even imagine.

As you know, and as evidenced by the recent tragedies in New York, Washington and Pennsylvania, local fire and police departments are the first to arrive at scenes of disaster. Our challenge is to ensure that we are equipped to respond as efficiently and effectively as possible. Unfortunately, our cities are simply not prepared to handle the new threats that have emerged over recent weeks. However, just as improved coordination and well spent Federal funds have increased our capacity to respond to natural disasters and mitigated the damage they cause, I am confident that we can meet this new threat.

#### THE CITY'S USE OF DEPARTMENT OF JUSTICE DOMESTIC PREPAREDNESS PROGRAM FUNDING (NUNN-LUGAR-DOMENIC)

In early 1998, the City of Dallas began its participation in the Domestic Preparedness Program, which provides funding for training and equipment to public safety personnel responding to incidents caused by weapons of mass destruction. These funds are administered by the U.S. Department of Justice and the U.S. Department of Defense.

The program has served well to enhance Dallas' ability to respond to weapons of mass destruction incidents involving chemical and nuclear threats. To date, the City has received over \$1.3 million dollars, which has been used for training and equipment.

#### THE FEMA FIRE GRANT PROGRAM

Last year, FEMA awarded the first grants under a newly authorized program to provide equipment and training to local fire departments. Dallas did not receive a first round grant because FEMA focused on providing grants to small and medium sized communities that were the most lacking in modern equipment. Local government leaders are pleased that Congress recognized that there is a legitimate Federal role in providing assistance to local governments for fire and emergency response personnel and equipment.

#### THE NEED FOR ADDITIONAL RESOURCES

Although these programs have proven valuable, our current resources are simply insufficient given the new threat we are facing. In the first 30 days following the attacks of September 11th, the City of Dallas spent over \$1.2 million just to provide increased security. Clearly, more resources are needed. Additionally, the rash of suspected biological agent calls since September 11, 2001 has pointed to the need to provide assistance to public health agencies and private sector medical care providers.

At present, Dallas has one Hazardous Materials Team (part of its Fire-Rescue Department) that responds to incidents—real and potential—over a 368-square-mile area. This does not begin to approach the resources needed to handle a major biological or other weapon of mass destruction attack.

Dallas' HazMat Team also responds regionally, as one of four HazMat Teams in Dallas County. Given the geographical size of Dallas, and the size of the regional population this team currently serves (more than 2 million people), additional monies to train, equip, and maintain more teams are integral to a comprehensive homeland security program in North Texas. Additionally, future Federal assistance should be geared to strengthening regional cooperation in planning and response.

While the current FEMA Fire Grant Program is a great start and I again commend Congress for initiating this important program, the volume of applications submitted last year clearly indicates that demand outstripped the resources Congress made available for this program. In the wake of the September 11 attacks, demand is certain to increase. I urge you to provide sufficient resources for this important program and to consider turning at least part of it into a formula grant program that benefits the Nation's largest cities. I also urge you to keep this program as flexible as possible since it is clear that many potential threats are unknown and because local governments have vastly different needs in this area.

The City of Dallas was the first in the Nation to address the problem of non-emergency calls to 9-1-1 centers. We spearheaded the use of 3-1-1 to handle police and fire non-emergency and general local government assistance calls. In establishing its 3-1-1 center, the City has successfully channeled non-emergency calls away from 9-1-1 operators. Too often, 9-1-1 operators were tied up with citizens complaining about potholes or trash removal. Now, these calls are answered through our 3-1-1 call center, which is staffed by employees who are trained to handle both 9-1-

1 and 3-1-1 calls. (As a result of this training when there is an emergency, we have staff on hand to immediately handle a larger volume of 911 calls.) No Federal money was used in the design and construction of this prototypical program, which other cities have used as a model for implementing similar systems.

Large cities are often focal points for public information on disaster related issues, and requests for non-emergency information are increasing. Expansion of this function is being fueled by public demand, and additional funds to respond to the demand are critical to the development of an informed and vigilant citizenry.

#### THE CITY'S RELATIONSHIP WITH FEMA

The city of Dallas has been extremely fortunate not to have had a major disaster within the last decade, although there is a constant risk of catastrophic flooding from the Trinity River, which runs adjacent to downtown Dallas and through area neighborhoods.

FEMA can be a very valuable resource in responding to tragic events. However, most of the focus is disaster assistance after the event has occurred. In order to best equip local governments, more resources need to be directed to FEMA for predisaster planning. Such assistance can also be incorporated into a homeland security block grant that would support local and regional planning and risk assessment.

Our relationship with the FEMA's Region VI office during disaster events has been very cooperative and has proven extremely valuable. FEMA teams conducted their inspections of the damage in Dallas County following severe tornadoes in 1994 using the City's Emergency Operation Center as their on-scene base of operations.

That spirit of cooperation and teamwork between the City and the Region VI office continues today, and serves as a solid framework on which emergency assistance is planned and delivered to residents of North Texas and should serve as a model of cooperation between the Federal and local governments in preventing and responding to the new threats we face.

#### CONCLUSION

Our Nation now faces threats that were unimaginable two months ago. As we have seen, local governments provide the first line of defense against these new threats. In order to protect our citizens, we will need strong cooperation and communication between Federal and local authorities and a strong Federal commitment to providing local governments with the resources they need to respond to these new threats in a manner that offers flexibility to address local conditions and to respond to unanticipated needs. Thank you again for the opportunity to testify on this important issue. I look forward to answering your questions and to working with you to ensure that our Nation's local governments are prepared to meet the new challenges we are facing.

Senator MIKULSKI. Well, thank you very much, Mayor Kirk. We always welcome back former Senate staffers.

Ordinarily I kick off the round of questions, but Senator Bond has been very gracious in participating in this hearing. I know he is also working on some special projects related to his own State. So, do you want to lead off with your questions? Then I will do the wrap up.

Senator BOND. Thank you, Madam Chair.

Let me first make the comment that it is very helpful to hear from you all who are on the front line. Now that the Nation's rock star is a mayor from New York, it is nice to see how much work and how much good leadership mayors across the country are providing. As a former Governor, I used to have a little friction with mayors because mayors never think Governors are doing enough; Governors always think that mayors should be taking a little more responsibility. But we do share the common thread of being right there on the ground serving our people and you all reflect that.

I did read your testimony, Mayor Kirk. I note that you have suggested, as I think Mayor O'Malley did and several others the creation of a homeland grant program. I hope that you will have the

opportunity or some of your colleagues will have the opportunity to present these concerns to our Homeland Security Director, Tom Ridge. There are all kinds of plans for him. Some want to institutionalize him. Some want to make a Department out of him. I hope he just listens and communicates it directly to the President and the other agencies and assigns responsibility for developing the doctrine and the approach that we are going to need.

This to me is something that you all have to deal with. When an emergency hits in your communities, you have it set up who is supposed to do what, but when it is beyond the capacity of any one community, we need to have a plan for the State government to come in, the National Guard is called out, FEMA comes in, any other resources. I would just say I hope that you all can have input on that.

#### IMPROVING FEDERAL COORDINATION

Is there any specific thing that any of the three of you would suggest that we could do now to assure better coordination? I was distressed to hear about the State emergency management agency kind of stifling you I guess in Maryland because we had thought in Missouri our SEMA worked pretty well. But is there one thing we can do from the Federal level right now to improve that coordination?

Mr. KIRK. First of all, Senator, thank you for your comments. I do want you to know and we should have let you know, I think we felt very fortunate that we heard from Attorney General Ashcroft immediately before we came here. But Governor Ridge did spend the morning with us, made a forceful presentation. We did present him a list of ideas on behalf of the Congress and pledged our full support.

And many of the issues we pressed with him are those that we made today, that we do want this position elevated to as strong role as possible, but really wanted to make sure we have the communication between his office and ourselves. We asked him, more than anything, to be an advocate for the needs of local governments in terms of our first response initiatives.

Senator BOND. Ms. Savage?

#### DIRECT ACCESS TO FEMA

Ms. SAVAGE. I would be very specific and say to the extent, as you evaluate how to expand or look at opportunities for expanding resources coming to the local level, that you provide some mechanism for cities certainly of our size to work directly with FEMA, if that is to be the agency. You do end up at times having to wade through the layers of bureaucracy, and Senator, I see you smiling, being a former Governor. You have heard this before.

But in a State such as Oklahoma, where you have two major metropolitan areas and the rest of the State is very rural, the standards and the technical capabilities are quite different. And to be treated in a similar manner slows down our ability to respond. Oftentimes we are in a situation in Tulsa of providing technical assistance and mutual aid to the smaller communities around us in the northeastern part of Oklahoma, certainly when it is hazardous materials responses. And Missouri shares the distinction, along

with Oklahoma, of being in the top three for methamphetamine labs.

Senator BOND. We are number two.

Ms. SAVAGE. We are first or second or third. We are right up there with you as well.

Senator MIKULSKI. And he is number two in heroin.

Ms. SAVAGE. So, we have a heightened awareness of hazardous materials response as a result of that problem.

Senator MIKULSKI. You are not number one in heroin.

Mr. O'MALLEY. Yes. I was going to say we are down from number one.

Ms. SAVAGE. An immediate need that I know communities looking at responding to letters for anthrax calls and heightened security needs is to potentially have some resources that come directly to those communities to address those very specific needs and potentially for different kinds of equipment that we may need, whether it be new bomb equipment—bomb detection equipment, not new bombing equipment—hazardous cleanup materials, a variety of things that those of us who operate large metropolitan and highly sophisticated departments need to have available and are being called upon by State agencies as well to respond.

#### FIRST RESPONDERS AS RESERVISTS

Mr. KIRK. I am sorry. I did have one thought that I had wanted to put on the table that had not been previously mentioned. Forgive me because it was not brought up at the conference.

But one issue that we are facing at the local just in a real way—and Mayor O'Malley I think spoke to the fact that we do not mind the overtime that we have got to put in for police and fire for enhanced security. But one of the realities of most of our municipal law enforcement and fire enforcement forces around the country is these are the same people that also tend to be your reservists.

So, the practical matter is that we are already stretched to the limit. We are now operating at the highest alert, and whether it is 30 or 40 in a city like Dallas or Baltimore or Tulsa, if we lose 100 police and firemen who are then going to be called up to go serve the war, which they will, then under the law, we are now required to hold those positions open as long as they come back. And we should. But we just do not have the capability to go to high alert and absorb the loss of 100 people for 6 months or 12 months or 18 months.

If there was anything Congress might be able to do in a stop gap way it is to help provide some funding for us to bring personnel in to cover that gap because the very people that are going to go fight the gopher are the ones that used to be patrolling our neighborhoods.

Ms. SAVAGE. In my police department, we have 60 reservists out of a uniform service of 800. We have in the fire department 25 out of 740 fire fighters.

Mr. O'MALLEY. We have experienced roughly the same thing. In addition to that, we just took action yesterday at our Board of Estimates to come up with new admin rules to cover the gap so that when people are called up, not so much—there are the Federal reserves and then there's the State-based—one of the two—and for-

give me for not being able to distinguish this for you. But one of the two in some situations would create this situation where the person is called up to serve, and then they are making less money than they would have, and then the family falls behind in the mortgage.

Senator MIKULSKI. Substantially less money.

Mr. O'MALLEY. Yes. So, we are coming up with something, again out of local dollars, to cover that gap because we think it is just the right thing to do.

#### INTERAGENCY COORDINATION ON HOMELAND SECURITY

One of the really compelling things that came out of all of us coming together—and none of us have wanted to be more than a half hour away from our cities for these last 40 days. But one of the really compelling things that came out was it was just sort of the unanimity of themes. One of them was the one that you mentioned, Senator, in your letter of today's date about making sure that the model that we have for the Homeland Security Chief is one that is much more akin to the Defense Secretary than it is to the—

Senator MIKULSKI. Drug Czar.

Mr. O'MALLEY.—Drug Czar, the Drug Czar that does not have any power to coordinate anything.

I will give you one example, and I will leave his name out. You go up to one person responsible for Federal law enforcement at a high rank, and you say, you know what? A number of those guys who slammed into the World Trade Center and the Pentagon had open INS warrants out for them. Are there other people out there possibly living in Baltimore that our metropolitan fugitive task force, consisting of 70 officers, could help you with to prioritize those other folks and serve those warrants? And the person's response to me was, well, that is INS. That is not my department. I cannot make them do anything. That is scary. That is really scary.

And you are going to get some great information from the Conference of Mayors, and it is pulled from a bunch of different mayors from all over the country, but the experiences are all the same. We need to end this dangerous disconnect. We talk a lot about fixing things after a tornado or a hurricane or, God forbid, a bomb has wrecked the city, but there is a lot more we can do on the prevention end of things. But it begins with better sharing of intelligence.

There is an act now before you, I think, in conference, the USA 2001 Act, that makes it easier to break down the barriers so INS can share information with the FBI.

Senator MIKULSKI. That comes under the Counterterrorism Act that we just passed.

Go ahead, Kit. I am sorry.

Senator BOND. I, along with Senator Conrad and Senator Snowe, authored some INS reforms which mandates that that information be shared, first law enforcement agencies sharing it with the INS and the State Department. We let Sheikh Karakman who did the first World Trade Center bombing come back and forth into this country five times. He was on a criminal watch list, but nobody told the State Department or the INS. That is stupid, and we are



mandating that that information be shared so we keep those people out.

Number two, I traveled around with the INS and they really have no way of tracking these people. So, we mandate a better tracking system so that we know when they come in and we know when they leave. The guts of the system—we called it a visa bill—is to have a biometric card that is issued by our overseas consular office to anybody wanting to come into this country. If you want to come in on a tourist visa, a student visa, work visa, you get something that positively identifies you so we can check you out before you come in. If you come in and you disappear, we can share that with the law enforcement agencies so that the law enforcement agencies, if they get a hit for anything from a DWI to suspicious activities, can track that person.

It is still not going to be good enough, and we do not have enough INS agents to track down everybody because the visitors come in and they say we are going to go Missouri. We are going to see Fabulous Branson. We want to see the Wonders of Wildlife Museum in Springfield, Missouri, and then we are going to go up to the St. Louis Arch. If they have not left when their visa expires, there is no way, even in a little State like Missouri, with those three wonderful tourist attractions, that they can find them. But if they have a hit with a law enforcement agency, that law enforcement agency will see they are out of status or they are doing something they are not supposed to, and then we can get them out.

Mr. O'MALLEY. But we cannot access that now, Senator. Unless it was amended in conference, it did not include local law enforcement in that intelligence sharing.

Senator MIKULSKI. That has not gone to conference.

Senator BOND. No. We just passed the bill and we direct the Director of Homeland Security to set up a system for sharing that information.

Mr. O'MALLEY. Great.

#### OPEN RECORDS REQUIREMENTS

Senator BOND. I have got to get out of here and let the chair finish up the questions.

Mayor Savage, something you said just rang a bell. We are talking about better communication. We need to share information. I have done a lot of work with local officials and law enforcement agencies in Missouri on methamphetamine. One of the greatest headaches they have is the requirement that Congress enacted saying that you have to tell where you are storing anhydrous ammonia because every farmer who has anhydrous ammonia, a great source of nitrogen—it is also a key element in the homemade manufacture of methamphetamine. There is now a complimentary web site put up by the meth dealers association and it shows in each county the response time for a deputy sheriff to each anhydrous ammonia. And we have created this web of information that is a road map.

One of the things that I found when I went back and visited municipal water systems, one of my major cities is scared to death because they have to disclose where they keep certain chemicals that are needed for keeping the water supply safe, and there is enough information available in the public to provide a road map so some-

body coming in from abroad does not even have to visit the city to know where the powerful disinfectant, potentially dangerous chemical is stored.

That information must be available to law enforcement, fire department, but are we giving too much information to the public?

Ms. SAVAGE. Senator, I might respond in two ways.

First of all, just recently our city council—and I do not serve as a member of the city council. I go on occasion and visit with them, but I do not have to sit through the meetings—recently passed what they called a public safety ordinance, and it was prior to September 11. I argued the fact that the level of disclosure in prewar time—we did not know the war was coming—potentially defeated the very purpose of what we were trying to accomplish, and that was to have a plan of action and a variety of things that they thought were important. They are now predisposed to amend that ordinance, and we are going to do that because, in fact, it has very onerous disclosure requirements about very specific elements, such as you have just articulated.

While we are under some pretty rigorous open records requirements under State law, there are things that can be kept discrete. What we do not want to do with our municipal water systems, what we do not want to do with our telecommunications systems is, by virtue of creating a security plan, to make ourselves more vulnerable by providing access in a very public way to these specifics. I think it is important for people to know we have a plan, we have contingencies. It is well coordinated. It is well funded, but the specifics and the details and who does what and where the lock boxes are and all those other things I think need to be kept both privileged and guarded very cautiously.

We also share some concerns on the methamphetamine front because, as you well know, you have access through the Internet to that kind of information that allows you to cook that stuff in your home.

Senator BOND. All the recipes are right there.

Ms. SAVAGE. All the recipes are there, and you can go to your local retail store and your grocery store and buy most of the ingredients that you need.

So, we have access to information, but how that information gets used is probably the key.

Mr. O'MALLEY. If there were one thing you could do to help us, it would be to provide—I think all the mayors would jump up and shout hallelujah on this. If there were just one thing you could do right now on the funding front, it is to come up with a way to reimburse us for at least some of the overtime expense that we are suffering with our police department.

Senator BOND. Do you have any problem with that information problem?

Mr. O'MALLEY. Yes, sir.

Senator BOND. Are you concerned about giving people too much of a road map? They do not even have to visit Baltimore to find out where—

Senator MIKULSKI. Senator, we have more than three tourist attractions.

Senator BOND. These are just the three biggest ones. The Gateway Arch—never mind. Never mind.

Mr. O'MALLEY. Senator, if you notice on your way up 95 as you pass the home of the Super Bowl champion Ravens, PSI Net, and also Camden Yards, and also off there is the B&O Railroad Museum—this is where the railroad started, Baltimore—and also the home of the Constellation, if you look off to the right, you will see a bunch of chemical plants. They actually had made the mistake at one point, just a couple months ago, of posting sort of the radius around there, the response times, doing exactly what you talked about. In the interest of notifying the public of what was there, we created a road map for somebody that wanted to mess with it. But that has been taken off the web site.

Senator BOND. We were happy to lend you briefly the Lombardi Trophy, but it is coming back to St. Louis.

Senator MIKULSKI. Your time has expired. Your time has expired.

Senator BOND. Thank you all very much.

Mr. KIRK. Senator Bond, the only thing I would echo, to make your point real, is obviously any help you can give us on that. In our city, of the \$1.2 million that we have spent in extra security since the bombing, over half of that has been securing our water facility and plants for many of the reasons you articulated. I know the numbers are even more astounding in Baltimore because of the harbor. Obviously any help you could give us on that would be appreciated.

I was desperate, having worked here, not to mention anything about football, but since you all kept bringing it up, but I guess all we can say these days is thank God for the Washington Redskins.

Senator BOND. Listen, Kansas Chiefs appreciate them too. That is the only team we have been able to beat.

Mr. KIRK. Senator, thank you.

Ms. SAVAGE. Thank you, Senator.

Senator MIKULSKI. I want to make some remarks and then go to a few questions. I know that your conference has adjourned, and we thank you for making the time for this excellent conversation today.

First of all, more Senators wanted to be here. There are 50 of us in the Hart Building. The Hart Building is where the anthrax letter first appeared, and so there were all kinds of security briefings. So, I know many of my colleagues wanted to be here. The briefing had to be for the Senator and their chief of staff by themselves. I do not know. They could still be getting the briefing. So, that is one thing.

#### INTERACTION WITH THE OFFICE OF HOMELAND SECURITY

The second thing is a recommendation, not to pass the buck, because I want to come back to what we are doing or should do with you. I would hope that the mayors, both the Conference and the League—and I would recommend NACO, the National Association of Counties, because in our State we have Mayor O'Malley, but we have communities, for example, in the capital region with County Executive Duncan and County Executive Curry that are essentially big city mayors with a different type of title. But I would rec-

ommend that the leadership, through an executive committee or whatever, really ask for a meeting with Governor Ridge. These face-to-face conversations—the practicality of the issues you have to deal with, plus the integration of the issues and the lack of resources and right now a structure that is trickle-down money. You have got trickle-down information and you have got trickle-down money. So, I really would recommend that you reach out to him and ask for such a meeting.

Mayor Savage, did you want to comment on that?

Ms. SAVAGE. I was just going to comment, Madam Chair, that the National League of Cities, the U.S. Conference of Mayors, the National Association of Counties, the National Association of State Legislators, the Governors Association—there are two or three others—are working together to come up with a well coordinated statement and an opportunity to meet with Governor Ridge.

Mr. O'MALLEY. And there was a recommendation today at the Conference that we create a permanent board of advisors that includes—and I think the police chiefs are with us on this.

Senator MIKULSKI. That would be perfect because we could have ongoing conversation. Our staffs could be working with yours because we are a work in progress.

Ms. SAVAGE. You bet.

I brought my police chief who is the Vice Chairman of the Major City Chiefs. They are meeting just next week and will be meeting with Governor Ridge as well. So, that is beginning to happen.

Senator MIKULSKI. First of all, I think the National Governors Association will have their own way. This is not to separate you two, because in some ways your fortunes are currently tied to the Governors. And we respect the Governors. Obviously, President Bush has picked some of the top people for his own cabinet.

But cities, municipalities are in a totally different category because of exactly the way Federal funds come to you not only for homeland security but community development block money, the Cops on the Beat program. We could do maybe new cops, but we have to think about it. The excellent issues that you brought up that many of your public safety personnel also are providing the national security forces to serve abroad and that there is a big gap in terms of their income, which before we had the anthrax attack on us at the capital, was an issue I was working on with our defense committee.

This is why these issues need to come to the fore because for as hard-working as Governor Ridge is, I am not sure he is going to hear the whole story. Just like we do not believe in trickle-down information, we cannot have trickle-up.

#### LEAD FEDERAL AGENCY

So, anyway, having said that, let me go to another issue, and then I am going to go to existing programs, new programs.

If in fact you as mayors either hear the threat of an attack or an actual attack has occurred in your community where it would have consequences for your community, who do you think is in charge and who would you call and who would you expect a call from? Who do you think is in charge?

Mr. KIRK. I do not know who we think is in charge, but I can tell you the citizens are going to call 911.

Senator MIKULSKI. I know, but I am asking you that. No, I really need a practical answer here.

Mr. KIRK. I would say, at least right now, Senator, we have one joint terrorism task force that is coordinated with our local FBI and our police chief.

Senator MIKULSKI. But who would be in charge in working with you from the Federal Government? Are you going to call the FBI for anthrax? Do you believe that the FBI is in charge?

Mr. KIRK. No, no. In that case, in anthrax, I would presume that it would be FEMA.

Senator MIKULSKI. This is not a confrontational question.

Mr. KIRK. No, no.

Senator MIKULSKI. It goes to, quite frankly, what I am apprehensive about. I believe that we do not know who is in charge. Do you know who is in charge?

Mr. KIRK. I am only just saying FEMA because that is the only model we have right now. We do not know.

Ms. SAVAGE. If it is a front end—we had a plane hovering over our reservoir lake. Some fisherman thought he saw something come out of the airplane. The FBI was notified. They responded. It was nothing.

If it is an after-the-fact, we respond initially and then subsequently turn it over either to the FBI, or if there really is an incident, then call in FEMA. So, it depends a little bit on what the circumstances are.

Mr. O'MALLEY. Insofar as threats are concerned, it is the FBI. Insofar as mitigating it, it depends on the type of thing. Most likely it would be FEMA, depending on the size of the casualties.

Senator MIKULSKI. So, you think then that FEMA would be the coordinator of the technical assistance and advice to help you.

Let us take what happened to Mayor Williams, and then let us take what happened to you, Mayor, last week. And then we did the lessons learned from it. Mayor Williams is the Mayor of the capital of the United States of America. It is also the home of a lot of very hard-working people who work for the Federal Government, who are often underpaid, undervalued, and under-respected like postal employees. Brentwood happens. I wish Mayor Williams were here, but that poor guy is running up and down right now. Who do you think should be in charge to have responded to Mayor Williams? Some people were, but suppose that had happened to you.

Ms. SAVAGE. If that had happened in Tulsa, the initial call would have gone to the local police, subsequently to the FBI, and then in terms of coming in to try to mitigate or test, I am not sure if it is FEMA or the CDC or who comes in to actually do—

Senator MIKULSKI. Who would you have gone to, to help you manage the fear?

Ms. SAVAGE. I think you have to do that—we all lived through that. Anytime you have a Federal declaration of an emergency, whether the Governor is by your side and State officials are by your side or Federal officials are by your side, you are still talking about it locally.

Senator MIKULSKI. Mayor Savage, who would you have wanted to have turned to if you had to talk to the people of Tulsa about a possible anthrax attack at their local postal distribution center?

Ms. SAVAGE. I would be holding press conferences. I would be talking through the media.

Senator MIKULSKI. I know you would, but what Federal officials would you want with you and who would you have contacted to get those Federal officials?

Ms. SAVAGE. I would have asked my police chief to call the FBI Director and I would have called FEMA directly or called them through the State agency, one or the other. If I did not get a response one way, I would go a different direction with it.

Senator MIKULSKI. Well, I know you would.

Mr. O'MALLEY. Can I change my answer?

Senator MIKULSKI. Yes.

Mr. O'MALLEY. In the event that there were an actual attack like Brentwood, definitely the police department would be notifying the FBI. At the same time, the health commissioner would be there responding with the Cipro packs and trying to secure the perimeter and all of that stuff, notifying the local hospitals and probably bringing in Secretary Thompson and his folks with regard to containing the situation and making sure that we set up the treatment and triage and all of that stuff and make sure it is contained. In fact, we are doing something like that today because our Governor wanted to go to the extra precautionary precaution of reaching out.

Senator MIKULSKI. I know.

Ms. SAVAGE. It is also a crime scene. You have that element.

Senator MIKULSKI. Again, I know the clock is ticking on this hearing.

Here is what happened to us. The FBI came in and it was both a crime scene and a public health incident. This means that people are coming in for two different reasons. What we have to be clear about—and this is, again, a work in progress—is that this has to be simultaneous. It cannot be let us go in and gather the evidence, and then let us go in and—because the evidence has to be quickly distributed to public health people to find out what was in, say, an envelope. It could be somebody's ghoulish joke of putting Sweet N Low in an envelope, or it could be anthrax or something else along very grim lines.

So, I think we need better coordination. You are right. FBI is crisis management. FEMA is consequence management. That is the way it looks on paper and on table-top. But I believe that mayors and Governors need a one-stop shop to essentially activate whatever is needed, once the situation is described or when you would get an alarm, as did Mayor O'Malley, from the FBI and he had to take action, that along with the notice, there would already be the mobilization of Federal resources had that notice of a possible attack on Baltimore taken place, so that not everybody just sits around and says, well, we told O'Malley it might happen. In other words, the resources should already be mobilized as his health commissioner is taking action.

But some things like what happened to our Mayor Giuliani just overwhelms, just sheerly overwhelms the local responders, and the local responders, the all-hazards responders are the first to go

down either in your public health area or like with your police and your fire.

Ms. SAVAGE. I go back in my mind to Oklahoma City and to the last tornado declaration that we had requiring Federal aid. Of course, Oklahoma City was a crime scene, so you had FBI and ATF and other folks coming in. But normally you have the Governor who triggers the declaration of a natural disaster that brings in the Federal assistance and they take over a certain aspect of it.

But it is fragmented, Madam Chair, and in many cases you have to rely upon relationships that you have established over a period of time in the law enforcement community and in the health and human services community, et cetera.

Senator MIKULSKI. I know the press is leaving.

One of the things you should know is that, as I work with Senators Kennedy and Frist on bioterrorism legislation, it will be very complementary in terms of assistance to State and local health departments both for biosurveillance and other very important tools. But one of the things I am putting in legislation is that there needs to be a designated Federal source for public information and that there be a designated single voice who would coordinate it. So, it could be the head of CDC bringing in other experts and so on. Then also, as my conversation with Mayor O'Malley and what he went through, you need one voice and multimedia and one voice that can call upon experts.

I think the Giuliani model and the Williams model, who actually lived through it—Mayor O'Malley lived through the threat—has been an excellent one. Giuliani ran the press conferences. What Giuliani did, though, was call upon the experts, Federal and State, to do that. He did two things. He inspired confidence that the incident, as horrific as it was, was being dealt with. Therefore, in the way he did it, he managed the fear.

Mayor Williams has done the same thing as he has done his press conferences, calling up his public health officer, his police chief, et cetera.

But you need to have the resources of the Federal Government because in these kinds of battles, they could overwhelm you. Plus, because we are what we are, the Federal Government, with the Centers for Disease Control, the National Institutes of Health, the Food and Drug Administration, access also to Department of Defense technology, we can be an incredible resource to you both in terms of information and then because of the treatment.

I am glad that Mayor Williams and Mayor O'Malley had medication ready. But in the event of a horrific incident, had this threat been true, O'Malley would have had the national stockpile.

So, those are the kinds of things that I am thinking about. Am I on the right track here?

Mr. KIRK. Absolutely.

Senator MIKULSKI. In other words, that you have the resources.

Mr. O'MALLEY. Whatever the answers, we have to have a protocol in place. Again, the one good thing that came out of Oklahoma City was we got the domestic preparedness grants through the Justice Department and Defense, and right or wrong, at least we have a protocol now, and we know if anything happens, where that response team is going to be, who has what role, and at least

we have that. What we do not have is anything in a model in this other sense.

But I think what Mayor O'Malley says is important, and the same thing you have said. We have to ensure that Governor Ridge has the authority to do more than the Drug Czar.

Senator MIKULSKI. Governor Ridge is to be the leader.

Now, let me just say a couple of things about us, meaning the Feds, and let us go to FEMA. First of all, we will be moving our appropriations. And you are exactly right. The FEMA fire grants, which was to protect the protector, have the ability to apply for that, as well as new gear, initially I think is focused on small communities who have volunteer fire departments who are trying to do this on their own time and their own dime. And you can agree, you cannot do this on fish fries, bingo, and tip jars.

At the same time, you are the resource not only for major population areas, but then you become the resource for other smaller entities. So, we need to look at that.

Now, OMB wants to create some type of HAZMAT block grants to go beyond the fire department. Once we get information from OMB, we would like to get it to the Conference of Mayors for quick feedback so that we could share this with OMB. They are kind of inventing things. They have not consulted with Congress, and I am not so sure they have consulted with you. But as soon as they consult with Congress, we will consult with you, as well as the Governors, because Governors and mayors are kind of where it is at. So, that is that.

The other thing, in terms of the existing programs, I think we also have to look at training. From what I can understand, there are 20 different Federal agencies doing any terrorism training. There are 120 Federal anti-terrorism training courses. This looks like this needs to be streamlined. You know, I sound like I am in one of our churches.

Mr. KIRK. No. You are on a roll. Do not stop.

Senator MIKULSKI. Am I witnessing here?

Ms. SAVAGE. Hallelujah.

Mr. KIRK. We will say amen.

Senator MIKULSKI. Should this be an area of an initiative to streamline? See, I think streamlining could be done by really an executive order, which would go directly to President Bush through Mr. Ridge.

But right now, I think we need to fund existing programs and then look at what you are saying for the new ones, whether it is this homeland block grant.

But what I would like from you, Mayor O'Malley, and from the mayors is if we would say, do a new homeland security block grant, what would be its elements, in other words what it would fund? And I say this with enormous collegiality. As we are moving on homeland security, everybody is trying to hitchhike on this for all the other things that we do not give you enough money for.

Mr. O'MALLEY. Right.

Ms. SAVAGE. Absolutely.



## HOMELAND SECURITY BLOCK GRANT PROGRAM

Senator MIKULSKI. So, they are trying to hitchhike, and therefore, it looks like everybody is trying to have—some of the requests are excessive or whatever.

But really, what would be funded under a homeland security block grant? I like your Project Impact idea, the Nunn-Lugar, whatever. But let us look at existing programs where you would need more money. Let us look at new ways for existing programs and then some of these new ideas, which I think are tremendously interesting.

Ms. SAVAGE. Madam Chair, I would add to that, because I think you are absolutely on the right track, standards of performance that you think are important.

Senator MIKULSKI. For the training?

Ms. SAVAGE. That you think are important for communities to produce. If you are going to appropriate block grants for training, for equipment, for a variety of things, what standards are we meeting, what performance expectations do you have? Because I think, especially on the training side, I was unaware there were so many agencies providing training, but the training may vary and it may not be as good one place as the other.

Senator MIKULSKI. What was the block grant that we had once for crime?

Ms. SAVAGE. Local law enforcement block grants right now, LLEBG. Oh, LEAA. That is way back when.

Senator MIKULSKI. My mind is like the CNN screen. I have got you on my main screen. I have got something on the side and something running. You know how this goes. You can see why he and I get along.

Senator MIKULSKI. Do you remember that? Gosh, when they first came out, it was a disaster. Everybody was in buying a lot of gear from a lot of consultants that ultimately did not add to the security of communities and hit you with a lot of maintenance costs for essentially junk.

And we do not want this here. In other words, if you need telecommunications equipment, terrific. If you need to have the flexibility for training, but also then resources, that after people have been trained, that they do have what they need, fine. And I am not saying we should go the block grant route, but we need to be able to propose these ideas, and what we are looking for for the block grant would be exactly what you are saying.

But here, right now, we are going to, in this year's appropriations, have \$150 million for the fire grant program. I wanted to take it to \$300 million. So did my dear colleague. And we thought we were going to get this in the emergency money that is coming through for New York and other communities. That is when OMB began to invent this HAZMAT thing. You see what I am saying?

Now, the nice thing about the fire department help was that we know what it is for. It is to protect the protector, particularly through protective gear, knowing that our responders are now all hazard responders. And then the other is for the equipment that you, you meaning your fire departments, would need. That is so specific, it has not gone off.

You are exactly right. I do not know which one of you said it. We had a \$100 million program. We got \$3 billion worth of requests. I read a lot of requests out of my own State, which was for \$38 million. Every one of them was worthwhile. I mean, I could have written you a check for every single one because they all were in those two categories.

So, I am not for creating a whole big, new program just to create it. Let us use what we have existing and then really listen to the mayors and the Governors and then come up with what should be the new.

#### PUBLIC VS. PRIVATE SECURITY RESPONSIBILITIES

Mr. O'MALLEY. If I could add one other consideration to your plate, Senator.

Senator MIKULSKI. Yes, and then Mayor Savage and then Mayor Kirk, and then we are going to wrap up.

Mr. O'MALLEY. Whose responsibility is it to protect the public against the ubiquitous chemicals that all industry and private people transport and that go through our population centers? I would rather not have to surveil, have security people watching CSX lines, and have to build a fence around the open rail yards that store chlorine tanks.

Senator MIKULSKI. I do not think that is your responsibility.

Mr. O'MALLEY. I do not think it should be local governments either. I think that should be something these private companies do. But right now we are guarding them.

Senator MIKULSKI. Well, I think you have two things. One, public rail facilities. In other words, public infrastructure should be protected, yes, like the railroad tunnels. Private entities. I really think that there either has to be private responsibility or some type of partnership.

I know what Mayor Griffin said and he loved Bush's recovery plan. But I would much rather be giving tax breaks to do a couple of different things. One, for the private sector to upgrade their infrastructure and let us have a public/private partnership, exactly what you are talking about. Some of the cargo tunnels would be an example in our corridor.

Then there is this whole other world we have to be thinking of. We are focused on homeland security, but we still have to educate our children, keep our libraries open, do the regular, usual, and customary of municipal government. Trash has to be collected. Things have to be recycled. You have got to comply with the mandate to educate special needs children, and which we only pay 10 percent of the cost when we promised you 40 percent of the cost, meet the needs of those children, but not short-change you in responsibility sharing. So, this is where I think we should be spending our money.

I make \$150,000 a year. I do not need another tax break. I really do not need another tax break. But what I do think is—except in my property tax.

Senator MIKULSKI. But I really think what I am worried about is that as you meet these costs, the money has got to come from somewhere, and you have got schools, libraries, special education. Literally all children are special. Some have unique needs.

Am I on the right track here, that this is one of the things that puts you on kind of Mylanta that you are going to wonder how to do both?

Ms. SAVAGE. Well, Madam Chair, we are breaking ground on our HOPE VI on Tuesday. Thank you very much. And we are very excited about it. So, I think that is the point you would hear from all of us, that life in a community has to continue. You have to educate children. You have to rebuild your neighborhoods. You have to have good quality housing and good health care.

I would make, in addition to what Mayor O'Malley said about the private sector and their responsibility for hazardous materials, a general statement that I believe at the local level we have a responsibility to provide basic public safety services, police and fire. What I have been trying to emphasize—and I think my colleagues—we have some extraordinary costs and functions now that exceed that basic level of service, and that is where I would draw the line. I would say local communities provide your basic service, but the overtime, the hazardous materials, et cetera ought to be addressed.

Thank you.

Senator MIKULSKI. Well, Mayor O'Malley, thank you also for bringing to our attention the fact that MEMA has not released any money for fiscal year 1999, fiscal year 2000, and fiscal year 2001.

Mr. Carliner, I need you to write a letter to Governor Glendening. Let us ask where this money is because it should not be just sitting there. We worked very hard to put that in the appropriations, and it has got to get out and it has got to get out fast. So, we thank you.

Mr. O'MALLEY. Thank you for all you do for America's cities, Senator.

Senator MIKULSKI. Well, this was really informative. So, I want to just thank you on behalf of the Senate. For those who are not here, we have a permanent record.

Really, you are going to have some type of task force or group, and we would like to have an ongoing relationship with you in two areas: homeland security and what you think we really need to be looking at, particularly in our issues like HUD and EPA.

#### CONCLUSION OF HEARING

So, God bless you. God bless America. This subcommittee is recessed until further call of the Chair.

[Whereupon, at 3:45 p.m., Thursday, October 25, the hearing was concluded, and the subcommittee was recessed, to reconvene subject to the call of the Chair.]