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# ***Committee Meeting***

of

## ASSEMBLY FEDERAL RELATIONS COMMITTEE

*“Testimony concerning the status of Federal funding for  
State and local government entities related to issues of Homeland Security”*

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**LOCATION:** Committee Room 9  
State House Annex  
Trenton, New Jersey

**DATE:** May 27, 2004  
10:00 a.m.

### **MEMBERS OF COMMITTEE PRESENT:**

Assemblyman Reed Gusciora, Chair  
Assemblywoman Linda R. Greenstein, Vice Chair  
Assemblyman William D. Payne  
Assemblywoman Mary T. Previte  
Assemblyman Guy R. Gregg  
Assemblyman Joseph Pennacchio



### **ALSO PRESENT:**

Assemblyman Frederick Scalera

Catherine Z. Brennan  
Linda Earley Chastang  
*Office of Legislative Services  
Committee Aide*

Beth Schroeder  
*Assembly Majority  
Committee Aide*

Mark Duffy  
*Assembly Republican  
Committee Aide*

***Meeting Recorded and Transcribed by  
The Office of Legislative Services, Public Information Office,  
Hearing Unit, State House Annex, PO 068, Trenton, New Jersey***

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**(The Assembly Federal Relations Committee held a meeting on May 27, 2004, at 10:00 a.m., in Trenton. The recorded portion of that meeting follows.)**

**ASSEMBLYMAN REED GUSCIORA (Chair):** Good morning, everyone. Welcome to the Federal Relations Committee. Today we're going to handle the topic of homeland security. And in the wake of the events of 9/11, the Federal Government has committed to spending in the par of \$5 billion a year. And the question then becomes: Is the millions that come to New Jersey, is that enough, and are we adequately utilizing our resources? Do we need more? And what's the status of our homeland security operation here?

Because of a time commitment, I'm going to invite Mayor Glen Gilmore up, of Hamilton Township. He is going to testify on behalf of the League of Municipalities.

Welcome, Mayor.

**MAYOR GLEN D. GILMORE:** Thank you, Mr. Chairman, and honorable members of the Committee. The League of Municipalities, of which I am the Deputy Chair of the Hometown Security Defense Task Force, thanks you for this opportunity to speak to you here this morning.

We're here to applaud your efforts to urge the Federal Government to restore full funding to the First Responders Grant Program. We, in the State of New Jersey, have been hit very hard and very directly by the tragedy of September 11, and certainly the anthrax crisis as well. As mayor of Hamilton Township, I know on September 11 we lost four of our residents. And I know that many other communities lost many of theirs as well, and that many

communities in our great state did as best they could, with the limited resources they had, to give assistance during that terrible crisis.

On October 13 of 2001, my own community became Ground Zero for the anthrax crisis. And what we saw from that experience was that the response that came, not only in the first hours and the first days, but in the first weeks and months, was a response from first responders. It was our police and our firefighters and our local Health Department people who were called upon to put on protective gear and to enter into the post office facility. It was our local health officials from our local Health Department that set up an emergency clinic that treated over 1,000 Federal workers from that post office. It was our police that provided security, not only for the post office but for other facilities throughout the township that were touched by that crisis. Throughout the state, particularly with good effort by the League of Municipalities and cooperation from our Governor and the State Police, our municipalities are doing the best they can to try and be more vigilant and to be better prepared for the next terrorist strike that comes.

As we read our papers, what we see is that it's not a question of if it will happen, but when it will happen. And as we learn that the President's budget calls for some very disturbing cuts, to include a cut from the community-oriented, policing services funding -- that would suffer a cut from 756 million in 2004, to 44 million under the President's new proposed budget -- leading to layoffs of police officers-- Local law enforcement grants would be cut by 40 percent. Homeland Security funding for local governments and first responders would suffer a net loss of \$805 million cut in first responder initiatives. Our State and our local communities have done a great job of trying

to be more vigilant, be more responsive in the aftermath of September 11. However, our local resources and our State resources are being strained, and there is a gap that can't be filled by our local resource and our State resources. It requires Federal funding.

So at a time when the threat is growing even more intense, we urge that the Federal Government -- and we applaud, again, this Committee for joining in that effort to urge the Federal Government to restore full funding to the First Responders Grant Program. It is a matter of life and death. It is a pressing need, and we can't afford anything less than that.

Mr. Chairman, if I might, I'd like to also present to the Committee a three-page statement from the League and the Hometown Task Force that touches more on this topic. I sure do appreciate, once again, your allowing the League of Municipalities to come here to join and add our voice to your voice in calling for the restoration of full funding.

ASSEMBLYMAN GUSCIORA: Thank you, Mayor, and I appreciate your coming down to testify, particularly in light of the your injuries that occurred--

MAYOR GILMORE: Thank you, Mr. Chairman.

ASSEMBLYMAN GUSCIORA: --and was parachuting, right?

MAYOR GILMORE: Parachuting. (laughter)

ASSEMBLYWOMAN PREVITE: Bless my soul.

MAYOR GILMORE: I told the kids -- this time of the year when I go to the schools -- to be careful when they cross the street, look both ways.

ASSEMBLYWOMAN PREVITE: Right. I can tell.

MAYOR GILMORE: I also tell you not to jump out of perfectly good airplanes either, so--

Thank you again, Mr. Chairman.

ASSEMBLYMAN GUSCIORA: Well, thank you.

The Committee may have some questions. My question -- I know a few years back we had the 100,000 police officers program that the Federal Government initiated. Do you know how many police officers throughout the state that benefitted, how many municipalities that benefitted?

MAYOR GILMORE: I don't have that number, offhand. But certainly, I'm sure we could provide that information for you. I can tell you, though, that the cuts that are proposed would have a devastating effect throughout our entire state. We have made progress. But without full funding, it's going to grind to a halt. And we're better prepared than we were on September 11, but we've got miles to go before we can say that we're where we should be. So these proposed cuts are very dangerous. And what we've seen is that it is our hometowns that are at risk in this new war, and we need that Federal funding.

ASSEMBLYMAN GUSCIORA: I can only go -- the experience in my hometown of Princeton. I was told by a councilman that they, under the Federal COPS Program, they were able to hire two additional police officers. But because of the Federal budget cuts, they now -- those two police positions are in jeopardy. And that, of course, was where the envelope was mailed on Nassau Street. And I was wondering, your town is much bigger, almost 100,000. How many police officers benefitted from -- or how many positions were created by that Federal COPS Program?

MAYOR GILMORE: I believe we may have about a dozen. And the consequences of a shortage of funding will touch every community in this state, because I believe every community just about did its best to take advantage of this much-needed funding.

ASSEMBLYMAN GUSCIORA: Thank you.

Any other members have any questions?

Assemblyman Payne.

ASSEMBLYMAN PAYNE: Mr. Chairman, thank you.

Mayor, you're speaking on behalf of the League of Municipalities, is that correct?

MAYOR GILMORE: Yes, Assemblyman.

ASSEMBLYMAN PAYNE: The question I have-- First of all, I need some clarification. The figures that you gave are rather astounding to me. I mean, we're talking about heightened alerts, etc. -- moving to higher levels of alertness, etc. -- but I think you've said that the budget cuts-- Let's see, you have \$756 million, that was a figure you gave, correct?

MAYOR GILMORE: Yes, Assemblyman.

ASSEMBLYMAN PAYNE: Yes. And then you said over a period of time, it will be reduced -- the Federal funding -- be reduced to 44 million?

MAYOR GILMORE: To 44 million. That's our understanding, Assemblyman.

ASSEMBLYMAN PAYNE: Over what period of time are they talking?

MAYOR GILMORE: I believe that this would be in the President's next budget cycle. So this would be a precipitous crash in funding.



ASSEMBLYMAN PAYNE: Seven hundred and fifty-six million dollars, down to \$44 million. Where is the rest of the funding to come from? Are they looking to come from localities or municipalities or--

MAYOR GILMORE: That would be the only place that it could come from. And that's the place that it's least able to come from, Assemblyman.

ASSEMBLYMAN PAYNE: That's astounding. That just doesn't make any sense whatsoever, as we say, particularly since the very recent announcement on the part of the Attorney General about the U.S. being most likely targeted for a major attack this summer.

MAYOR GILMORE: Precisely.

ASSEMBLYMAN PAYNE: This is criminal. It's insane. It's ludicrous. I just don't understand it, and I don't think anybody else understands it. Let me ask you, what the League of Municipalities -- it represents all the municipalities throughout the State of New Jersey -- what kind of initiatives is the League undertaking to try to draw attention to, and combat this, and restore those funds?

MAYOR GILMORE: Assemblyman, I really believe that this is really our first beginning of what will be a very lengthy battle to get this funding restored, because I don't believe that communities yet realize the devastating loss that they're about to suffer. And you have used all the adjectives I really wanted to use in describing what this loss will mean to all of us. But rest assured that the League will do all that it can to heighten awareness in municipalities and to make it clear that this can't stand.

ASSEMBLYMAN PAYNE: And I would certainly recommend that there needs to be a bipartisan effort on the part of those municipalities--

MAYOR GILMORE: Certainly.

ASSEMBLYMAN PAYNE: --to underscore the seriousness of this and to see if we can, obviously, correct the situation.

Just finally, I note that -- it's been noted that you jumped out of a plane and didn't have the best landing. It's my understanding that the President's father is planning to take a jump out of a plane on his 80th birthday to celebrate that.

MAYOR GILMORE: Assemblyman, I wish him better winds than I had. (laughter)

ASSEMBLYMAN PAYNE: Thank you very much, and a speedy recovery to you.

MAYOR GILMORE: Thank you, Assemblyman.

ASSEMBLYMAN GUSCIORA: Assemblywoman Greenstein.

ASSEMBLYWOMAN GREENSTEIN: Thank you, Mr. Chairman.  
Good morning, Mr. Mayor.

MAYOR GILMORE: Good morning, Assemblywoman.

ASSEMBLYWOMAN GREENSTEIN: As you well know, we do share a community -- Hamilton -- one of the towns in my district. And I want to take this opportunity to commend you on your heroic work during the anthrax crisis. It received national recognition. It was well-deserved, because you really made the community feel a lot more secure, handling something that was totally unexpected and a complete emergency. It is really unbelievable to me that this many years later we're still having to contend with the possibility

of having to treat something that may happen as an emergency again, because we're not doing the planning and given the funding that we should be given here.

I wanted to ask you, these are future cuts -- something that we're looking toward, unfortunately. Have there already been places where you've seen problems, and other towns and the League have seen problems? Have you felt any of these cuts or the lack of funding up to now?

MAYOR GILMORE: Assemblywoman, I've got to say candidly that Hamilton Township has received Federal funding that has helped us, through the State, improve our readiness. But I recognize that we have much more to be done, and I know as well that we had all heard that there was going to be substantial funding from the Federal Government that would benefit not only larger communities like Hamilton Township, but communities throughout our state, and that money hasn't come through. So while Hamilton Township has benefited from Federal funding that has improved our telecommunications equipment, that has improved the, sort of, protective gear that we have, the detection equipment that we have, there's a lot more that needs to be done if we're truly going to have a state of readiness that we need to have. So while we've made improvement, if the funding dries up now, we're once again going to be in a position where, when the next crisis happens, we're going to be scrambling and the lives will be lost because Federal funding stalled or stopped.

ASSEMBLYWOMAN GREENSTEIN: Okay. Thank you very much.

MAYOR GILMORE: Thank you.

ASSEMBLYMAN GUSCIORA: Assemblyman Gregg.

ASSEMBLYMAN GREGG: Thank you, Mr. Chairman.

Welcome, Mayor.

MAYOR GILMORE: Thank you.

ASSEMBLYMAN GREGG: The numbers that you are quoting, what is the genesis of those numbers?

MAYOR GILMORE: I believe that these were obtained from the President's budget proposals that--

ASSEMBLYMAN GREGG: *I believe* is a little bit of a difficult word for me to accept. Are you sure?

MAYOR GILMORE: I would be happy to provide you with the source references for these, Assemblyman.

ASSEMBLYMAN GREGG: The Committee would appreciate that--

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MAYOR GILMORE: Sure.

ASSEMBLYMAN GREGG: --because we are hearing, and you're going-- The tenet of today is going to be about: show me the money, but also show me where it went, where it is. And many will want to know the genesis of exactly where the figures are, because I've got piles of paper in front of me that show figures. I've got a stack of figures on grants that have gone to municipalities across the state -- municipalities that have failed to put the matching fund in. If they've failed to put their matching fund in, the check is being held, and it's not happening. It has nothing to do with the Federal Government or the administration. It has to do with the inability of the municipality or the local government person to do that.

The document in front of you, does it have a letterhead on it?

MAYOR GILMORE: No. No. It doesn't. This is simply--

ASSEMBLYMAN GREGG: Who made it for you, through the Chair?

MAYOR GILMORE: This is through the League of Municipalities. And as I said, Assemblyman, I'll be happy to provide source documents. And let me make it very clear once again that this is, from my perspective, a bipartisan issue. And I've been very candid about saying that Hamilton Township has, in fact, benefited from Federal funding, and that it has allowed us to improve our state of readiness. However, there was, I believe, a commitment from the Federal Government, a bipartisan commitment, to make sure that that funding continued to local municipalities. I have no doubt that there are some municipalities who may, for one reason or another, have missed some funding opportunities. Yet that does not mitigate the fact that if there is a precipitous drop in Federal funding for first responders, the consequences will be devastating. And I can tell you that, at the local level, we'll not be able to make up the gap. And I suspect it's very unlikely that the State level will be able to make up the gap.

ASSEMBLYMAN GUSCIORA: I just want to--

ASSEMBLYMAN GREGG: And that's fine. But, ultimately, if I were to stipulate to you that perhaps there's a potential, through the Chair, that the State has received moneys and failed to get it to the municipalities fast enough, would that trouble you as well?

MAYOR GILMORE: Yes, it would.

ASSEMBLYMAN GREGG: And it is a bipartisan issue, and that's not the question. And no one is going to argue that we want to get our fair

share. But in politics, unfortunately, we lose track of that sometimes and try to spin things to be something different than it is. If the program was to be \$100 million last year and 90 million this year and 70 million the year after, because that's the way it was designed to be, as things went forward, because some were for capital expenditures and other things, that would not be a reduction in funding. It would be exactly what the plan should be, because that's the way that it was designed. Does that mean it's enough? Maybe not. Maybe there should be more. Maybe the resolution shouldn't say, "Restore," as if something has been cheated on or left out, or maybe it should say, "Give us more because we're New Jersey and we need more, because we have more beachfront area and open waterfront area, and we have the largest port, and we have all these other issues." That may be where we should be going. So I will take some question with the wording of where we're going, and the immediate out-of-the-block accusations with a document that, at this point, is just a piece of paper to me. And I will accept it, as a member, as just a piece of paper; but I would like to see the numbers anyway, through the Chair -- your numbers -- so as we move forward getting every number from the Attorney General's Office and every number from the Treasurer's Office and, quite frankly, every number from Washington. Because I'm looking at lists of enormous amounts of money that have been allocated and committed to us.

ASSEMBLYMAN GUSCIORA: Assemblyman, not to cut you off, however, but Bill Dressel is from the League of Municipalities, and perhaps he has the answers you're looking for.

**WILLIAM G. DRESSEL JR.:** Mr. Chairman, members of the Committee -- Bill Dressel, Executive Director of the State League of Municipalities.

The statement and the specific programmatic cuts that Mayor Gilmore mentioned is information that we've received from the National League of Cities -- a nonpartisan, national organization which represents municipalities across the nation. That information, basically, portrays the potential cuts in the budget. It was an analysis of the President's budget, specific with regards to specific programs -- the COPS programs, the law enforcement grants, Homeland Security funding. Was that analysis Federal wide? And the Mayor is absolutely correct. It has a patchwork quilt impact on municipalities across the state. Some have benefited, some have not. And we basically sounded the alarm on this. We've sent out a number of advisories to the Legislature, to our congressional delegation, and in fact, to the Governor.

And we had our Property Tax Summit on April 29. And it was made very clear at the War Memorial -- and the Governor did announce that he was going to be plugging in 32 additional million dollars in the budget for homeland security issues. So that is why we asked the Mayor, who is on the front line -- also Deputy Chair of our Committee of our home, we call it Hometown Security Task Force -- to be here today to talk about the need. We don't want to be overreactive, but yet we want you, as policy makers at the State level, to know that we have-- We're on the front line here. Our state is very vulnerable, and we've got some very real concerns.

So I can get Assemblyman Gregg, I can get this Committee more information from the National League of Cities on their analysis, but that is

their data. That is not my data. That is their data, and it's been a reliable source. We've been affiliated with that organization for over 60 years, and I stand by their information.

ASSEMBLYMAN GUSCIORA: Thank you.

ASSEMBLYMAN GREGG: Through the Chair then, from your testimony, Mr. Dressel, I would -- and I appreciate that. I appreciate it, and I know you're a good person, and you'll get that information for us. But even in your own testimony you said these are numbers that have been reduced from larger documents from the Federal Government that are making an assumption from the reduction of that, since the budget is not completed in the Federal Government yet. So, in essence, it's your way of saying it appears that there could be a chance that we could get short-funded, according to the statistics that we have. And that very well may be-- I'm interested in seeing that. But that's a little different than coming in and saying, "This is what we have determined the numbers to be," and that was the point of my questioning. And I appreciate that.

And thank you for the indulgence, Mr. Chair.

ASSEMBLYMAN GUSCIORA: I'm just going to take the Chairman's prerogative before-- Do we know how many police officers were hired in New Jersey because of the Federal COPS Program?

MR. DRESSEL: I can get you that information. I have a guess, but I will get you the specific numbers.

ASSEMBLYMAN GUSCIORA: And Assemblywoman Previte, and then Assemblyman Pennacchio.



ASSEMBLYWOMAN PREVITE: Mayor, you've been in the forefront nationally, haven't you, with the anthrax scare in your own town, Hamilton Township. Could you just give me a really concrete picture in my mind of how much it cost you in police and fire, just in your own municipality, to address the anthrax issue over the period of time since that anthrax showed up in your facility?

MAYOR GILMORE: It would likely, at this point, be several hundred thousand dollars. What we did, when the crisis took place, the Federal Government initially, on a Friday afternoon, called me and said, "Mayor, we want you to know that all of the workers are at risk for a deadly infection, and they need to get treated right away." I asked them, "Well, what sort of clinic are you setting up?" And they said, "Well, we're not. We're going to call them and tell them that they need to see a doctor." This is at a time when Cipro was not available in pharmacies any more. And I said, "You're going to tell people on a Friday afternoon that they need to immediately get treated with Cipro, and they need to call a doctor and make an appointment with the doctor, and then from that appointment, go get Cipro? But you're saying, 'It's got to be treated right away?'" I said, "We, as a precaution, as a municipality with the local hospital, went and got a stockpile of Cipro the moment that we learned that the anthrax letters had gone through our post office."

We announced to the workers that we can and will treat you. And all of our local nurses from our Health Department went to our local hospital and worked around the clock and treated over a thousand workers. Our emergency Hazmat team went out and didn't even -- it's not fair to call it assistance -- went and did the primary work of going into the post office

building. It was very expensive to our community. We've yet to get that reimbursement for that time and effort, and I'm still hopeful that we will. But there is much more that all communities throughout the state need to do, because I suspect that the next crisis will be even worse.

ASSEMBLYWOMAN PREVITE: So who do you anticipate might pay you back for the medicine, the police and fire activities, to the emergency?

MAYOR GILMORE: The medicine -- it took over a year. When the crisis first happened and I was told that our workers were at risk, I went to our local hospital and I'd already asked them to try and find a supply of Cipro. And they had said, "Well, we've identified a supply." And I said, "Will you go and get it?" And with this supply they could treat over 1,000 people. "Will you get it in case we need it and put it on my tab?" And they said, "Well, you don't have a tab." And I said, "Well, will you do it anyway, and I'll make sure you get paid?" They went and picked -- they got this supply. I sent police cars down to go pick it up, but they signed for it and got it. It cost them several hundred thousand dollars to provide this clinic. It was well over a year -- I think it was close to two years -- before we got funding back from them. They got it from the Federal Government.

ASSEMBLYWOMAN PREVITE: And it was from the Federal Government that--

MAYOR GILMORE: It was from the Federal Government, yes. And keep in mind, that the thousand-plus people that we treated were principally the thousand-plus workers at this post office facility, and the Federal Government never made any provision to set up a clinic to provide this care. Because, as I said, "Well, we don't want to recommend any hospital." And yet,

they said that the threat was immediate and real. There did come a point at which they realized that there was inhalation anthrax, and then they called me up and said, "Can we use the hospital?" I said, "We're already using it." So--

ASSEMBLYWOMAN PREVITE: It seems mind-boggling to me that something that probably is a threat to the nation becomes a burden for a local municipality. At least the immediate response was a burden to the local municipality. Was that fair to say?

MAYOR GILMORE: It certainly is. And in fact, on the Friday that I got that call, I, with the chairman of the local hospital, made an announcement -- at that point, we were being followed by, kind of, the world media -- and the Commissioner of the State Department of Health said, "Well, we're going to try and call these workers." We made an announcement, and they said, "We're not going to let them know that you've got a clinic available." We made an announcement that there was a clinic. The first night we had about 100 people who showed up. We asked them all to call their fellow workers and let them know about this.

The next day, on a Saturday, we had about 300 people who showed up. I asked them, "Who here got a call from the post office telling you -- or from any Federal entity -- telling you that you needed to be treated right away?" Not a single hand went up. I again asked them to call their fellow workers and let them know they needed to be treated and that we could treat them. On Sunday, about 500 people showed up. And I again asked, "Who here got a call from the post office or anyone?" Nobody had. It was all by this word of mouth. So there was an absolute breakdown on the part of the Federal Government, and I know that a medical school had done a study of what we

did in Hamilton. They said if we hadn't done what we had done by providing that clinic, statistically there's a certainty people would have died. Because the same letters that went through our post office, ultimately went to other locations where people did die.

ASSEMBLYWOMAN PREVITE: So would you just remind us, how many people were struck with the illness or died in your municipality?

MAYOR GILMORE: In my community, not a single person died. Throughout the country, I believe it was a total of five people who died from the anthrax letters. And initially, when I went to the post office and asked, "Who was at risk," they said, "The only people who are at risk are those who open up the envelope at the end of the mail stream." And what we learned was that was not the case. It was anyone, really, who had any sort of contact. And, in fact, there was contamination throughout the entire Hamilton Township Postal Complex.

ASSEMBLYWOMAN PREVITE: Thank you.

MAYOR GILMORE: Thank you.

ASSEMBLYMAN GUSCIORA: Assemblyman Pennacchio.

ASSEMBLYMAN PENNACCHIO: Thank you, Mr. Chairman.

First, thank you for all the efforts that you did, Mayor. You should be commended, and I'm sure we all grieve for the people that were lost -- countrywide contamination -- but we're also very appreciative of the fact that so many did live and so many did survive. And we especially grieve for the brave firemen and brave police officers on 9/11, and those first responders who put their life -- and some of them ultimately lost that life in taking care and preserving our rights and our freedoms. (indiscernible)

You had mentioned \$32 million that was promised by the administration. And I also want to get the focus -- not only what focus the Federal Government could and should be doing, but also what the State could and should be doing. That \$32 million, do you recall what that money was going to be for? Was that for just the increase in police and State Police classes and State Police cars?

MR. DRESSEL: That was \$32 million, which was announced earlier this month by the Governor, as being an additional line item in the proposed budget for homeland security issues. We have not received additional detail with regard to that. But when questioned, we indicated that it was going to be used for homeland security issues. And we're still waiting for more detail on it. But it was in direct response to our concern over -- that we need more moneys for first responders and for municipalities to deal with it. But I have not received specific detail on that, Assemblyman.

ASSEMBLYMAN PENNACCHIO: I was hoping you had. Because, through the Chair, we had some of the same concerns that-- I don't know how much redundancy is there. We know that there's being offered a specific cell telephone tax, that those moneys will go specifically for State Police and maybe some increased purchases of State Trooper cars, and things like that, which are very, very important. But I'd like to know if that's in addition to, or that is, the effort that is being made by our State.

Assemblyman Gregg, through the Chair, if you don't mind, had alluded to the fact that just because you're getting decreased funding -- and we had spoken about this -- we'd like to see the scheme. Because initially, when you set up a program, there are costs that are involved in setting up that

program. There are capital costs that are involved. For instance, maybe purchasing an automobile or a computer system or a communications system. But after that initial purchase, it may be expected sometimes that the cost of maintaining those efforts then commensurately decrease, because you've already outlaid the capital expenses and some of the other expenses. Without the numbers, without exactly knowing where they're coming from, it's difficult for us to make that conclusion.

I can be forgiven if I have a bit of cynicism with reference to the State's efforts, because quite frankly, shortly after 9/11, this administration saw fit to put an obviously unqualified person in charge of Homeland Security. So we don't have a good track record. We didn't start out well. I think we've made up for that. I understand that the people who are there now are doing an exemplary job, and hopefully they can safeguard and protect us.

And just finally, I also want to echo the Assemblyman's, hopefully, good fortune towards George Bush and falling out of airplanes. But keep in mind, the first time he fell out of an airplane, it was involuntary, and it was in the South Pacific. And he was shot down defending, again, our freedoms. And hopefully we can remember those during Memorial Day weekend, which is coming up.

Thank you.

ASSEMBLYMAN GUSCIORA: I just wanted to note the Mayor, in our services, was also a--

MAYOR GILMORE: Paratrooper.

ASSEMBLYMAN GUSCIORA: --paratrooper.

ASSEMBLYMAN PAYNE: John Kerry was there, too.

ASSEMBLYMAN GUSCIORA: John Kerry -- okay -- so one big happy family. (laughter)

Assemblyman Scalera.

ASSEMBLYMAN SCALERA: I'd just like to cover one subject. We talked about the anthrax. I just wanted to let you know that the anthrax was never considered a terrorism incident and reimbursable by the Federal Government. I'm just using Essex County as the case. We spent \$100,000, actually, on anthrax responses, just for the Hazardous Materials Team, not including municipal police and fire. The State Office of Emergency Management, at the time, collected all the data from across the state and resubmitted a package to the Federal Government for an entire reimbursement. And that was never considered to be a terrorism incident. They considered it not tied to the World Trade Center and never did a reimbursement on that program whatsoever. So all the anthrax costs that were born in New Jersey were never reimbursed by the Federal Government. They were all denied.

ASSEMBLYMAN GUSCIORA: Thank you, Assemblyman.

Thank you very much, Mayor, and Mr. Dressel, for testifying.

MAYOR GILMORE: Thank you, Mr. Chairman.

Thank you, honorable Committee members.

ASSEMBLYMAN GUSCIORA: I'd like to call up Thomas O'Reilly, from the Office of the Attorney General. And he's going to be discussing Homeland Security funding issues.

**T H O M A S J . O ' R E I L L Y:** Good morning, Mr. Chairman and honored members of the Committee. I have with me, also, Steve Talpas, who is in charge of grants administration for the Department of Law and Public

Safety. The Office of the Attorney General serves as the State administrative agency for the Federal Department of Homeland Security funding. We have the stewardship responsibility in terms of developing the planning and the distribution and the monitoring of the expenditures in the state.

There's a lot of material to cover. And I thought it might be helpful to do several things, depending on your time frame. First is to give you an overview of the whole funding scenario, including some of the previous funding years, as well as the current '04; and what we see as predictions in terms of '05, to address some of the points made by Assemblyman Gregg, in terms of maybe shedding some light on where we think it is right now, although recognizing that the appropriation process is yet to be finished, and that's a moving target, to some degree.

Second, I'd like to address, after we go over the overview -- would be a concept of the total dollars and what we have received to date, what we think we need, where the delta is, and some other observations on that. Another point I'd like to share with you is what I think we, collectively -- both the New Jersey Legislature and the Executive Branch, and the Department of Law and Public Safety, and our partners at our county and local level -- can do to better spend the money we have now. Because I think that is a concern along with, kind of, managing expectations to some degree. And with that, with your permission, I have a PowerPoint that I think might be helpful to go through. I think you have, also, hard copies in front of you.

(begins PowerPoint presentation)

First, just to provide a quick overview in terms of the -- excuse my back. In terms of the New Jersey's Homeland Security planning efforts, the first



issue is our domestic security preparedness strategy. And that strategy consists of a number of different initiatives. The first is the Task Force which was created by the Legislature in 2001. It provides the overview direction, in terms of the whole State of New Jersey response and preparedness activities. The Task Force consists, by statute, of a number of cabinet officers, as well as three members of the public. And after we got operational, it was viewed that some additional guests, permanent guests, should be included. Some of those guests would be including the Department of Community Affairs, the Division of Fire and Safety, among others, so that we had a broad representation in terms of some of the first responders. This group sets the policy and also sets the direction for the "follow the hazards" -- and you'll hear me say that a number of times this morning -- but the follow the hazards strategy that's been identified for the use of the Federal funding.

The second issue is the Office of Counter-Terrorism. Just this morning on the front page of the *Trenton Times*, you saw Sid Casperson's picture with an article in terms of what his prediction for the future is. This is an office that has approximately 80 staff within the Department of Law and Public Safety, whose sole charge is to develop intelligence information so that we can be better prepared, we can more strategically allocate our limited resources and try to work in a smarter, more efficient way in terms of dealing with the terrorism issue.

As you saw from the, I guess, Attorney General Ashcroft's comments yesterday, and Secretary Ridge's comments, is that they know there's a threat, but they don't know when or where. That's Sid's job, is to try to, at least within the State of New Jersey -- using numerous sources both within the

local police departments and county prosecutors, but also externally with NSA, CIA, FBI, Department of Defense -- to use as many of those contacts to develop what may affect the State of New Jersey. Some of that was very useful during the Orange period last Christmas period.

The next portion is the New Jersey State Police. As you may have witnessed earlier this calendar year, Superintendent Fuentes reorganized the Division. What we ended up finding is that every time we went to an Orange or other types of things, we had to pull Troopers off of critical assignments and deploy them to homeland issues, in some cases leaving behind some other public safety priorities that couldn't be addressed. What the Superintendent did was, basically, take a look at what were routine activities that were transferrable to homeland activities, but could still do the basic, primary public safety mission.

An example of that might be commercial truck inspection. We have approximately 100 Troopers that do commercial truck inspection, looking at overweight trucks, bridge weight formulas, those types of unsafe issues -- the Route 31 situation, which is close to the Mercer County area here.

What we ended up doing is redeploying them to this Homeland branch, and they're now equipped with radiological pagers, other detection devices, so that when they stop trucks, particularly trucks during a heightened alert that are approaching critical infrastructure -- like the George Washington Bridge, Lincoln or Holland Tunnels -- they can do double duty. They can do not only the commercial inspection, but they also can do the homeland types of things based upon intelligence, whether it's the concern of dirty bombs or

other type of nitrate-based explosives. There's a number of other examples like that, but in the interest of time, I can respond to questions later, if you like.

The State Government Operations Group -- there is a group that ensures government continuity in the state. It is made up of, basically, the assistant commissioners in each department. That also is an activity of the Task Force. And finally, the Grants Management Office, which is the group within the Office of the Attorney General, which handles the Federal funding coming into the state.

One point on that is that, that's also the operations that handles the Federal money coming from the Department of Justice. And there is a large degree of synergy in terms of -- between the domestic preparedness activities and public safety preparedness. We have adopted a philosophy, in addition to follow the hazards, is that we need to be able to use the equipment we're buying 364 days a year for routine public safety issues, and hopefully, or not, one day a year for a response to a counter-terrorism issue. And that there is a lot of work being done--

In fact, next week, the Attorney General's Office is sponsoring a meeting at Rutgers for the I-95 corridor, in terms of from Boston to Florida, with the major chiefs to discuss this -- that very issue. How can we take things we're doing in public safety and make them applicable to homeland? How can we use some of the stuff that we're doing for homeland to make it applicable to gangs? In some ways, we're dealing with gangs, whether it's Latin Kings or Bloods or Crypts, whether we're dealing with al Qaeda. And that's some of the emerging philosophy, some of the things we're trying to do in terms of leverage to funding.

In the next chart, you have -- basically just gives you a sense of what the purpose of, what the Homeland funding is. There's four grades of categories. We're trying -- and first priority is personal protection equipment for our first responders. That's police, fire, and emergency management. The protection of critical infrastructure. I can delve into that a little bit. The development of intelligence. Because if you don't work smart, you're wasting a lot of time, effort in putting people at risk. And finally, the coordination of prevention and response efforts.

The next chart gives a sense of the cumulative effect of the homeland funding, and it's been a works in progress. So if you bear with me for a second, the first phase was FY '99, which obviously predates the 9/11 situation -- was we got 1.1 million. And basically, it provided some personal protection issues to the state first responders. These are your Hazmat team issues in DEP and some of the Hazmat teams at State Police, in terms of the group that could go anywhere at anytime, statewide, in order to respond to an emergency.

As we go through the period of time in the '00, '01, '02 money, it started to get a little larger, as you can see, in terms of the dollars. And what the philosophy of the State was, was to start to try to leverage existing resources. There's a danger -- and it was experienced in some states -- that as the money came in, to go to a revenue-sharing formula and to provide everybody with a nickel, and nobody with a complete arsenal of things that they need to deal with. So the State's philosophy, under the Task Force, was to take the existing Hazmat teams that we had and make them world-class with one condition -- that they would agree to mutual aid. So, if you took the money, you had to

agree to go anyplace, any time to assist your sister cities or counties. But we also wanted to invest in those areas.

The other thing was, is that we were going to -- the interoperability issue-- We've all seen why-can't-you-talk issues that came out of New York, in terms of radio communications. Well, the same thing applies to equipment and training. They wanted to make sure that if you took the money that, basically, you were all trained the same, you're all equipped the same, you're all exercised the same. So everything was interchangeable. So that if you were in Mercer County and you got called to Nutley, you would be able to pick up the equipment without having to worry about whether it was something that was foreign to you, you've never seen before.

We then go into the-- We ended up doing those 34 local CBRNE -- now changed from Hazmat. The Federal Government only will fund things that are chemical, biological, radiological, nuclear, or explosive. That's what the CBRNE stands for. So the Hazmat teams were kind of converted into that, and that's where they are today. In addition, we continue to augment some of the DEP first responder issues in terms of their sophisticated response teams, and then the military. The National Guard came into play with some of their teams, which were also augmented.

We go into the '03 money. The '03 money had two levels: The first one was \$15 million, we call our Phase IV; and the second was \$31 million, our Phase V. What we ended up doing here is, we said, now that we have the CBRNE -- the response to stabilize and try to rescue as many people as possible on a statewide basis -- we made sure that that capacity was able to cover all 21 counties, although there is major emphasis in the population centers. The next

thing we said is that we need to make sure that our first responders who arrive on the scene had the basic personal protection equipment. We knew we did not have enough money to equip everybody. But we also know in the public safety business, which is 24/7, there's a certain number of people who are on shift, on duty, at any given point in time. So what we tried to do is work out some formulas so that we could project -- and it was a projection -- but working with the county working groups, how many first responders would be on duty, and then taking the piece in that \$15 million and putting it out there for escape hoods, for breathing apparatus. And there were teams put together, three teams basically, of local and State responders to identify what were the critical needs for the police departments that was different from the fire departments, which was different from the first aid. They each had a custom group of equipment that was determined by the users, the men and women that were on the street. There's been some debate as to whether it was all inclusive, and in some ways that was the limitations of the dollars that we had to deal with.

I want to digress for a second. One of the things we also did under the Task Force is, as we started to put the funding together, we wanted to make sure that there was county and local input. So the Task Force, through our office, operates through a series of the 21 Emergency Management Offices in the county. They are also assisted by a State Trooper, who is designated to act in concert with them. The 21 offices acts as the administrative conduit for the funding, not necessarily the chairman. We asked that that be a local determination. But we insisted minimally that they establish a county working group. And the county working group consists of the lead person for fire service, lead person for police service, lead person for EMS, the counter-terrorism

person; each of the 21 prosecutors -- I overlooked that before -- has one person who is dedicated, full-time, as a liaison to Sid Casperson's shop; the finance person, usually the county finance person; an executive sponsorship, in terms of the representative of the county executive, freeholder or a large city mayor; and then other people who are stakeholders that are relevant to that particular county and that particular culture. And's that how we've been working the money through. After the broad-brush priorities are given by the Task Force, they set the specific priorities, again with a philosophy of following the hazards and the personal protection priority.

As we go into the Phase V, the second half of the '03 money, which occurred around the time of the Iraqi war, a big jump in the cash in terms of what was coming out. And that's where the Task Force then said, "We need to follow the hazards." That's the first time the money was allocated on the basis of how much critical infrastructure and vulnerability you have in your particular jurisdiction. It was not a general tonic. It was not a general revenue sharing. And I've been in the business 32 years, and I have to say that public safety -- police, fire, EMS -- I don't like using this word, but I think it's appropriate -- are very *needy* in terms of their equipment and manpower needs.

We just this week -- and Assemblywoman Greenstein was there -- discussed in the Appropriations Committee the fact that the New Jersey State Police still has vehicles with 150,000 miles on them. That's not unique in terms of other jurisdictions. I know, in terms of-- We just had a meeting with Assemblywoman Pou on Paterson, which has a similar situation in their municipal police department. So, in some ways, we can't be all things to all

people, but we try to set our priorities. That's why the follow the hazards philosophy was the one that was adopted.

Also in the '03 funding, for the first time, there was a response to the mayors and the governors to the issue of not treating everybody equal. Several weeks ago in *Time* magazine, you may have seen there was an article where it had every fireman in the state of Wyoming had a Class 2-B, or whatever, the highest level of personal protection -- moon suits, I guess, for lack of a better term. The issue is, are the hazards there, compared to New Jersey or the metropolitan area?

So there was an emphasis put on the urban issues. And for the first time, the City of Newark was provided with Federal funding above and beyond the State share, which was extra money on top of the normal allocation that was provided to us. Under that, the provision was, is that the core city was to get the funding. This administration basically took the position under the Task Force that in order to deal with this issue, you couldn't deal with it parochially. You couldn't just deal with the City of Newark, you had to deal with it on a regional basis. We sat down with the business administrator and the mayor's office, in terms of looking at this initially, because they also had a lot of needs that were primary for their city. They said, "Now, this is great. We got \$13, \$14 million." But we actually, after our discussion, came up with the decision that we needed to treat this money on a regional basis. I think the business administrator said, during that discussion -- just as an example, in Essex County we have 30 hook-and-ladders or aerial trucks. He says, "Really, what we think we need is probably six aerial trucks, six Hazmat trucks, six heavy-rescue trucks, and six super pumpers that we could do under a mutual aid. Maybe we would



be better protected.” And that was kind of the genesis as to where we went on the regional piece.

We also took a very liberal interpretation, contrary to the other 50 UASI regions around the country. I want to mention that New Jersey -- the combined effort, now, of Newark and Jersey City -- we are the third largest UASI region in the country: New York, Chicago, and Northern New Jersey. We're ahead of the California, Los Angeles, Dallas, and those locations. But we ended up saying that we really--

ASSEMBLYMAN PAYNE: Excuse me, can I-- If there are some questions that need to be clarified as you're going along, I'd like to just interject. I think you'll be-- Your testimony said-- What was that last phrase you used? UASI?

MR. O'REILLY: Yes. Urban Security Area Initiative (*sic*). That's the emphasis, Assemblyman, on the urban population centers.

ASSEMBLYMAN PAYNE: And you said it's a regionalized meeting that you had with the business administrator, and I suppose with other representatives of other municipalities, was that you came up with this idea of sharing resources, was that it?

MR. O'REILLY: The way the Federal regulations are, Assemblyman, is that the money has to be used by the core city in the core county. But when we sat down and laid out the critical infrastructure and the hazards, they didn't pay attention to political lines. So that's why we went to the regional basis. And we ended up expanding it beyond Essex to the adjacent counties of Hudson, Passaic, Bergen, Morris, and Union counties.

ASSEMBLYMAN PAYNE: And you have similar regional constituencies elsewhere in the state?

MR. O'REILLY: Unfortunately, this is a national program. And that was the only one that was identified for New Jersey. They did identify Philadelphia, also, as one, and Governor McGreevey weighed in with Governor Rendell, saying that basically Camden and Gloucester County are adjacent counties or contiguous counties to Philadelphia. So, initially, somewhat reluctantly, now on a more positive basis, they have brought those groups in. The Task Force, also, sir, decided that there were other groupings, logical groupings -- and I have this later on in the PowerPoint presentation. We took a million dollars of the Federal money and started using it as a catalyst for the Delaware Bay where a majority -- actually, I think 50 percent of the petro-chemical assets of New Jersey are on the Gloucester, Salem -- you know, the DuPont, the Delaware Memorial Bridge area. And then recently, we took another million dollars and are trying to put together a group with Mercer, Monmouth, Middlesex, and Somerset, in terms of also trying to do this from a mutual aid and a contiguous community-type of basis. The two wings, if you will, the southeast part of the state around Atlantic City, and the northwest -- the Sussex, Warren, Hunterdon -- are in on the drawing boards, but have not been developed yet.

ASSEMBLYMAN PAYNE: Thank you. I didn't mean to interrupt your-- If we continue going at that rate, I think my eyes will begin to glass over and I would not remember what -- some of the things you've said there. But thank you for clarifying that.

MR. O'REILLY: Thank you.

And I apologize about getting into too much detail. But I just thought that it might help to have a thorough overview--

ASSEMBLYMAN PAYNE: Good.

MR. O'REILLY: --through the chair.

ASSEMBLYMAN GUSCIORA: Yes.

MR. O'REILLY: Okay.

And as we go into the '04, we then take a dramatic jump in cash, in terms of the general homeland security. For the first time, they carved out a Law Enforcement Terrorism Prevention Program, which is supposed to be earmarked strictly to the police; a Citizen Corp Program, which is kind of a block watcher or a citizen mobilization -- kind of a vestige of the old civil defense readiness-type of program. And then we've gone into a number of target hardening initiatives, which I can talk about a little bit in the future.

ASSEMBLYMAN GUSCIORA: Tom, I just have one question. On the funding source itself, what percentage -- is this all State funds or is there--

MR. O'REILLY: No, this is all Federal funds, Mr. Chairman--

ASSEMBLYMAN GUSCIORA: They're all Federal funds.

MR. O'REILLY: --and it's on the basis of 80/20, which is a problem for New Jersey. Eighty percent goes to the locals, 20 percent goes to the State. Fortunately, as we've experienced in many of the Orange levels, I would not take away the 80 percent to the locals, because of the way we're configured with the Office of Emergency Management, DEP, Transportation, New Jersey Transit Police. We get left at the gate in terms of our State resources.

The example is Orange. During this same period in '03, there was \$5 million, which was embedded in that number of 43 million that was for

overtime associated with Orange periods. And there has been four or five Orange periods over the -- since the creation of the Department of Homeland Security. It was 50/50 -- 50 percent, 2.5 million for the State, 2.5 million for the locals. The State blew through the 2.5 in about four weeks, in terms of protecting the George Washington Bridge, the Lincoln Tunnel, the Holland Tunnel, the nuclear power plants, etc. The locals still have a little bit of money in the bank. But as we sit here, right now, after going through the Christmas holiday Orange period, people like Chief Bober, from the NJ Transit Police, sitting behind me; the State Police, Military and Veterans' Affairs were in the red, somewhere around \$2.5 million, in terms of -- the locals still have, maybe, about \$100,000 left in that pot, in terms of the 2.5. So there's a-- The way our division of labor is, for lack of a better term in New Jersey, the 80/20 doesn't fit the way the resources are delivered to the street level.

Trying to move along a little quicker, our strategy, just to recap it -- Brian, just run through them all together. But it's to build on the existing response capabilities, the personal protection; the use of best practices -- another day perhaps, because it doesn't deal with the Federal funding -- is the Task Force efforts with the private sector to develop best practices, in terms of what should the industries do to protect themselves before government has to arrive on the scene. We're trying to leverage the dollars for the regional issues, ensure interoperability, whether it's voice communication or the interchangeability of equipment. We're trying to use the follow the hazards issues, so the money is done smartly. When we go to Orange, the Feds tell us, "Go to this location or go to that location." We're trying to target hard in those locations. So instead of putting a police officer at the gate of the reservoir or at the underpinnings of

the George Washington Bridge, we can use closed-circuit TV, technology, motion detectors to do that, and only have to use the police officer perhaps at the top of the George Washington Bridge where they interact with the public.

Institution of regional planning -- the urban area. We also have developed regional assets. There's 10 bomb units in the state; the same theory we used there as we did with the Hazmat. We developed those 10 bomb units as world-class bomb units -- go anywhere, anytime, under the mutual aid agreement. They're all trained the same, all equipped the same, so they're all interchangeable. K-9 -- we led the nation. You just saw recently, under the Transit issues, where the Federal Government is suggesting K-9s be deployed to the trains. A year ago, we developed in each of the counties a minimum of one K-9 asset. That's very important, because when you get into a crisis-- I think Mayor Gilmore had some of that experience with the anthrax. I think Assemblyman Scalera can verify this in terms of first responders. But you get a lot of panic calls, and you get a lot of people who say, "I think this is a bomb. I think this is anthrax." And that's good, because you need to be able to have the awareness out there. But you also need to be able to separate the real ones from the bogus ones. So that's why the K-9s are there. The K-9 can respond instantaneously, and they're still our best weapon, in terms of detecting nitrates. We add to them radiological pagers -- and it also helped us deal with a radiological dirty bomb situation -- so it better can use the 10 bomb units around there. We'd build more bomb units, but unfortunately the only training ground is down in Alabama with the FBI, and they have about a two-year waiting list with all the pressure that's being put on them.

The answer to the Assemblyman's question: we are developing the coastal Delaware group, and then the emphasis is on training and exercising.

Let me take just three minutes to explain, in terms of -- the next slide -- how this all fits together in terms of a strategy, because it is a strategy. First issue is the CATS or the critical infrastructure. Let's say that's-- I'll use, because we're here in Trenton, I'll use the Trenton Open Water Reservoir that's here in the city. In terms of -- the first thing is best practices. There's an industry group that deals with water. It was headed by one of the private sector presidents of the water company, along with DEP and BPU being partners. They developed -- using either Federal standards, best practices of the industry already, or professional associations -- like there may be the American Association of Chemical Engineers, or something like that -- what are the best practices to keep the bad guys out of their premises. It might be locks. It might be closed-circuit TV. It might be challenging people who make deliveries of chlorine to water filtration plants, those types of things. And the Task Force is now in the process of enforcing that.

Another subject for another day, though, there's a whole other story there in terms of how the BPU inspectors, the Transportation people, the DEP people, who are doing routine business going through and doing inspections for other things that are regulated by the State, now are being trained to also look for counter-terrorism vulnerabilities -- where are there breaches in the fence, where are there access points that somebody could get unauthorized access to a particular location?

The second issue is where the Federal funding comes in -- is the buffer zone concept. And we're in the process now of working with Federal

Government and State Police and Office of Counter-Terrorism, as well as the 21 prosecutor's staff, to go out to each of these critical infrastructures that have been identified -- and I don't want to go into what they are or where they are in a public forum -- but to develop a prescription. The trouble is, in many cases you get a situation where the bell goes off, we're in Orange, and everybody starts to say, "Well, what should we do?" We don't have that luxury any more. So what this is, is writing the prescription. So when the bell goes off and Sid Casperson says, perhaps, that the Trenton Water Reservoir is vulnerable, we have a game plan. We know the Trenton Police, the Mercer County Sheriff, Prosecutor will man such and such -- maybe in terms of a local response in terms of dealing with it. And also, hopefully, they'll have used the Federal money to put in place closed-circuit TV, motion detectors, fences, locks. Some of this stuff is very unscientific. It's no different than 30 years ago, when I worked for the Trenton Police Department, we dealt with putting locks and dead bolts on your doors. It's again the same thing, keeping the bad guy out of your business, whether they're al Qaeda or whether you're a neighborhood burglar.

The next issue is buffer zone, local deployment. Again, who's going to do what? Is it the sheriff or the police officers, the local police department? That was experienced, and it was in a public record -- Kuehne Chemical, the Kearny Police Department, in the last Orange issue.

Then it's State deployment, in terms of do we need Troopers, because -- bad example in Trenton -- they have a well-equipped and fairly well-staffed police department. But 85 percent of our police departments in New Jersey are 15 men or less. And you can't run 12-hour-a-day,

seven-day-a-week protections of critical infrastructure with that type of manpower and still keep your 911 responses and your general public safety responses up to speed. So that's why the Homeland Bureau of the State Police was created. That's why the National Guard issues are being developed, so we can augment that.

And then there's special issues. Helicopter overflights may be over the Trenton Water Reservoir to be able to surveil it from the air, or maybe it's a marine police asset. Not so much the Trenton Reservoir, but with the Spruce Run Reservoir, a bigger physical layout, you may want a marine police boat to be able to do it.

If all else fails, you have the event. And then we have the response, which is certainly getting our first responders protected and equipped correctly, getting the mutual aid issues out there, and some of the other things. I won't go into the other items on this chart, but these are all the partners, the players in terms of who's interacting.

And I also want to take a second and mention that the Port Authority has been very instrumental and has always been at the table with us on any of these planning initiatives, because a lot of our resources are deployed to protect their assets, which certainly are protecting New Jersey's citizens who are coming to and from the airport and the tunnels.

The creation of the regional concept, State of New Jersey, the UASI, the U-A-S-I -- I think I may have transposed those letters -- I apologize -- before -- represent 37 percent of the hot spots or the 500 critical infrastructure. The next, when we drop down, was the Delaware River, which has 22 percent of it. We then went to the central part of the state, and you can see it drops off fairly



significantly, and the other two. But we don't want to forget the other two areas, because quite candidly, as I said before, the 364 versus one application. If a tanker of chlorine gas spills on Route 80 in Warren County coming over the Delaware Memorial Bridge, those citizens need to have that Hazmat response also. That same tanker gets blown up in Newark by a terrorist, we obviously need that same response. So we're also looking at that in terms of trying to not just make this a terrorism-focused issue, but a broad-based issue.

ASSEMBLYMAN GUSCIORA: Tom, on that -- could I-- Just a quick question. The shore region, including Atlantic County, is only 8 percent of the hot spot. Wouldn't the casinos, by virtue of a high tourist area, be a hot spot in and of itself?

MR. O'REILLY: Assemblyman, without going into it specifically, some of the hot spots represent high populations of -- populations that certainly fit that category. There's recreational events, sporting events. In some cases, that's a, kind of, all-the-time type of issue. We have other issues that are -- malls. Malls on the day after Thanksgiving, those types of issues also fall into that category.

ASSEMBLYMAN GUSCIORA: Thanks.

MR. O'REILLY: Yes. I think, probably if it pleases the Chair, at some point in the future, I think Assemblywoman Quigley's Committee has been briefed by Director Casperson on that, and perhaps there can be an arrangement to share that information, if you desire.

I talked about the Urban Areas Security Initiative. This is the response by the Federal Government to -- the demands for more emphasis placed on the high population, high critical infrastructure locations. I briefly

talked about how we put this unit together. But our priorities are to be able to deal with a coordinated response, to try to work with threat abatement, to do the target hardening in terms of following the critical infrastructure; to doing standardization of equipment, training and exercising, and perhaps in some cases, most importantly, to develop a standardized and robust intelligence system.

Again, in the public safety arena, there was the community policing and those types of-- Well, now the word is intelligence-driven policing, intelligence-driven public safety, and it's the same way here, in terms of you just don't put out the troops equally dispersed. You need to put the troops out where the needs are.

I'm not going to go into the UASI process, but you can see it started in '03 -- put that chart up, Brian -- with the \$11 million for Newark, and then it blossomed in terms of, if you follow down the page, for the '04 number, which is now 31 million. So we're dealing with about \$45 million, totally, in that region.

I'd like to digress for one second. I have to say that process is the best example of good government I've seen in my career. The issue of the cooperation that's coming out of those folks, who have met approximately 14 times -- the issue of suburban Morris County interacting with Jersey City and Newark.

A couple of examples: Newark said originally they wanted to be able to have the decontamination capacity for 10,000 victims, Newark Fire Department. We sat down and talked about it. We said, "Does it make sense?" We put all our eggs in one basket. If Newark happens to be the scene

of the disaster and the Fire Department either is incapacitated or overwhelmed, then we've kind of put all our eggs in one basket, to use the cliché. It made better sense -- and this is what they came up with, it wasn't the State forcing them there -- they said, "Let's give Newark 3,000 and Jersey City a couple of thousand, Elizabeth a couple of thousand, and then let's give Paterson and Hackensack and Morristown, and some of the other jurisdictions, a thousand." What that did is two things: It gave backup to Newark, in terms of -- so Newark still can do the first response. It helps them avoid the fatigue factor, and in the event that they were getting -- you were incapacitated. But it also helps us if the issue were to occur in Morristown -- that we at least have a thousand first response stabilization capacity in Morristown. Why then, Newark could respond back to them.

Another example is that the water that's consumed in Jersey City and in Newark is out of the Wanaque Reservoir, which if my geography is correct, is in Passaic County. Newark and Jersey City said, "We need to target harden that." And they basically said, "Put *X* number of dollars into it." Without any prodding, Passaic County said, "You know, we don't drink that water, but it's in our backyard. We think we also should put an additional *X* number, or substantial number of dollars in that in order to target harden it." Now, in some ways, it may not be totally altruistic, because they knew if it went to Orange, their sheriff department might get called to do the patrol. But I think the issue is that there was a real team effort there, in terms of -- around a critical asset: the delivery of water to our major metropolitan, urban areas in the state.

So I think those are just two examples -- and I could go on, but -- where this is really working. It's working in terms of-- They don't pay attention to the political, geographical boundaries. I mean, they all know they have their constituencies, in terms of going back to Newark to their Newark Fire Chief or the Newark Police Chief or the Jersey City Fire Chief. But it works very, very well. And I think that's an example in terms of good governance, in addition to the Homeland Security preparation. It's starting to spill over into some other public safety issues as an aside.

ASSEMBLYMAN PAYNE: Mr. Chairman, may I ask a question?

ASSEMBLYMAN GUSCIORA: Yes.

ASSEMBLYMAN PAYNE: Some of the -- I know here you have Homeland Security planning efforts, and you have focused areas, etc., transportation, bridges, roadways, etc., etc., etc.--

MR. O'REILLY: Right.

ASSEMBLYMAN PAYNE: --chemical drug manufacturers. Let me ask you a question. One of the things that we note frequently when people talk about New Jersey, they -- and the New Jersey Turnpike, for instance. They talk about that area, the Linden area, where there's all kinds of tanks -- and I don't know -- refineries, etc., etc.

MR. O'REILLY: Right.

ASSEMBLYMAN PAYNE: On the *Sopranos* they show that area, I think, so that gets across the country. Let me ask, would an area like that -- where those tanks, etc. -- would that be considered an area that needed to be focused on that might be a target for terrorists? I don't know exactly what goes

on in those tanks or what's going on in the refineries, but that's in that regional area there. Would that operation be--

MR. O'REILLY: Yes, Assemblyman. And actually, that was-- I'll use that as an example, to answer your question. One of the priorities on a regional basis was to develop a foam cache, which the Assemblyman was very helpful in terms of working with us on, on an aside, in his role with the Nutley Fire Department. And that's specifically to deal with petro-chemical type fires, which don't react to plain-water type of extinguishment. And it was a result of that being in that Union County area, that's why we brought Union into the mix and also looking at the mutual aid. Because if that were to go, it would be Elizabeth, it would be Newark that would be some of the first responder, mutual aid type issues. So that is part of the mix, and without going into detail, a number of those specific sites that are on the top list in terms of critical infrastructure for the state. Critical infrastructure was not only population density in terms of the immediate area, but it was looking at what would be the disruption to our economy; what would be the off-site consequences, the plume-model issue, in terms of the drift of the air, in terms of where the bad stuff would be carrying.

The other issue is, just as an aside, and this is something we ought to talk about, is that New Jersey is full of national critical infrastructure, as compared to just New Jersey critical infrastructure. And I think, Assemblyman, we got into this with a little bit of discussion with your Committee, also on Tuesday, in terms of the Appropriations Committee on that issue. And I think that what we look at is like Port Newark. The city of New York has what they call just-in-time grocery store replenishment. Basically, the Acmes, the

supermarkets do a 36-hour -- that's all the inventory they carry. Eighty-five percent of their inventory comes from New Jersey; the majority of that comes in through containerized cargo, a lot of it, or the highways, in terms of the trucking. If we were taken out, that area were taken out, New York would basically be out of food. I think I saw the number of, something like, 95 percent of the home heating oil for New England comes through Port Newark. So if Port Newark were devastated, again, a national critical infrastructure, New England would freeze. So New York could starve, New England could freeze, in terms of New Jersey infrastructure were taken out.

On the other hand -- this is one of the problems with the Federal funding -- is that the money that's given to us on the formula, it doesn't necessarily bump up our formula because of the national critical infrastructure. And we're not alone on that. I mean, there's other cities. And I think the Federal Government is making some progress. The Urban Area Initiative was the first step on that, and I think there's a second step, perhaps, coming in '05.

ASSEMBLYMAN PAYNE: Thank you.

MR. O'REILLY: The focus areas for the urban area were those top five. Transportation, after we looked at the Hazmat, the issue was what's happening in that area, and that's the common denominator. It's transportation. People get on their train in Morristown. They get on the highways, on 280. They go through Essex and Hudson County to get to New York and vice versa. That's why we've had, in terms of -- I can provide, through the Chair, if you'd like, all the priorities that are being funded on some of the bridges and tunnels.

Another issue is rescue. If something happens in that Lincoln Tunnel or in some of the New Jersey Transit tunnels, which are in-state, in terms of dealing with it, very difficult to rescue, even if it's a normal train accident -- normal. If it's a train accident or if it's a chemical or a biological issue, the first responders walking into a contained area -- 200, 300, 400 feet down -- would be very much at risk. So we're trying to put emphasis on that.

We're also using the regional approach to do our USAR Unit. New Jersey has a Urban Search and Rescue Unit, which was the first unit. It's made up of volunteers working in concert with the State Police. The first unit at Ground Zero, during 2001, was the unit you may have seen that did the rescue down at Atlantic City when they had the parking garage collapse this past fall. Unfortunately, we're not recognized by FEMA as a certified USAR Unit, because we were, like, the 31st one to get up and running, and there's only 30 that they will recognize. But that's another story for another day, in terms of-- We still have the best. We have 180, combination of volunteers going from riggers, to doctors, to owners of cadaver dogs, to engineers, to nurses, to just plain laborers, in terms of doing those types of building collapses.

That's another thing we've done, is we've put into the nine fire departments around the urban area the capacity to do a first response, and then the State unit backs them up. Until we had this funding, we didn't have that ability to populate those nine fire departments with the equipment that they needed.

The other parts are some of the-- I'll truncate this at this point, and just summarize a couple of things, if it's with the Chair's permission. I think that the planning process we have underway is working. And I say *planning*. It's

not a funding process. It's a planning process. Because I think, in many cases, the real beauty here is the training, the exercising, the mutual aid issues. It's the soft stuff that's coming out. Certainly, we need the equipment. We need to put the tools in the people's hands to deal with it.

But I think that there's two levels of benefit in terms of what we're doing. I think that there's a number of issues, however, that need to be looked at, that need to be fixed. And I would recommend to you the following: We certainly need more money. There's no doubt about it. We put together, in 2001, a list just for State agencies. We've identified a billion dollars worth of need. I think the sheet that was handed out shows that we have about 336 million that's out there, through the State agencies, another 100 million in terms of direct funding. It's certainly an excellent down payment but, "There's still miles to go before we can rest," I think, to quote Robert Frost, in terms of what we're dealing with.

I think the second issue is that -- the New York City syndrome, for lack of a better term. Right now, when 9/11 occurred, New Jersey was not declared a disaster area. Rockland County, Orange County, Westchester County, Nassau County, Suffolk County, all were declared disaster areas. All eligible for Federal reimbursement. I think the Assemblyman touched on it in terms of the anthrax issue. That was just a small drop in the bucket. We deployed Troopers. We deployed National Guardsmen to the bridges, to the tunnels. We had people in -- National Guardsmen at the morgue that was set up in New York City, at Fresh Kills. We did not recover any money, in turn, directly. We ended up getting money from the Port Authority, but there's still a lot of unmet need.



The same thing is occurring to us today. The political convention that's venued for New York City, the City of New York has received approximately \$42 million to assist that. They've asked us to assist with the issues, as relates to bomb dogs, transit. I think Chief Bober and the folks from DOT may testify to that after me, in terms of asking the trains that go in to Penn Station -- which has the Madison Square Garden, which is one of the venues on top of it -- be searched before they get there. They're looking for Jersey assistance. They're not necessarily prepared to put cash up there.

The same issue is going on in Boston, by the way, also in terms of the phenomena in terms of the adjacent communities, in terms of the Democratic National Convention.

Reimbursement -- this program is very difficult to administer, because it's a reimbursed program. That's one of the biggest misunderstandings in the whole thing. We're not -- and I slipped into that myself as I was testifying today -- we're not dealing with cash. We're dealing with IOUs. Because of the Cash Management Act at the Federal Government, they give you a kind of line of credit. They say, "Eventually, when you get done with the process, we'll pay you. We'll reimburse you." That kills us in states that are having cash flow problems -- municipalities and counties. What this means is that it elongates the process. We have to go through Chapter 159 modifications.

Basically, and this is an example, I have to take money-- The counties have to take money out of the payroll account, put it into the equipment account, because we have certain statutory requirements that they have to have the cash in the account before they can buy the equipment. That

elongates the process. We have procurement procedures and financial oversight procedures, which certainly were well-founded in terms of-- I come out of Criminal Justice. I know corruption cases and stuff like that. That was what was put in place to prevent those types of transgressions, and certainly municipalities, counties overspending some of their budgets, the DCA oversight on that. But this is war. And we've heard that said a number of times.

Our procurement procedures and some of our regulatory oversight does not allow us to move in a expedited fashion. And that's one of the problems right now with the first responders saying, "We have not seen the equipment." The authority to buy is out there. And I have an example, I think. Morris County was shared with you, just as one-- And that's one of our better jurisdictions, by the way, in terms of the procurement process, the bid, and things of that nature. We have, by the way, a piece of language through the Appropriations process that, hopefully, Assemblywoman Greenstein and Assemblyman Payne will consider when it comes before their Committee, which will allow us to basically declare certain emergent shortcuts on the procurement process, but with one caveat. It will still observe the due diligence, if you will, to make sure that we don't get corruption, or other things, entering into it. But what it says is basically that if New Jersey bids it, then Trenton doesn't have to bid it. What it says also is that if Pennsylvania bids it, and it's a good price, then New Jersey doesn't have to bid it. We can do buying consortiums with them. And it also says that if the Federal Government buys it, then none of the states have to bid it. We can go off of theirs, in terms of the due diligence. And there's some Department of Defense contracts and other ones that we're starting to look at, in terms of piggy-backing and that--

The reimbursement issue -- if I could encourage one form of resolution -- would be an encouragement to our congressional delegation to change the reimbursement nature. The second issue is to loosen up the Federal procurement issues in terms of what we can access, in terms of the Federal process. And perhaps the third issue is giving us-- We can't get the reimbursement done with -- the cash is up front. And I understand the Federal Government problem, because they had to borrow the money, to pay interest, in order to give it to the states, who might make interest. And that's the dichotomy that we're dealing with here to some degree. But it would be to at least get the full faith in credit of a Federal grant award to satisfy the State procurement regulations, in terms of having the cash in the bank. That would go a long way as a subset to getting the cash up front. We'd like to have the money in the bank ourselves, but if there's a substitute, that would be the other issue.

The other issue is the recognition of New Jersey's critical national infrastructure, and trying to have an emphasis placed on that. I think we've met several times with the congressional delegation. There's starting to be a mind set among our congressional delegation to start to think that way, as it relates to Appropriations, but there's still a long way to go. And part of this is the national politics of the geographical regions around the state. This, kind of, would favor the northeast, and the west coast, and a little bit of the gulf coast in terms of doing it.

The other issue is Orange alerts, and that will be the last point I want to make today. I said we had \$5 million, back in April of '03, that they gave us for overtime. And that money was spent by the State very quickly. I

also indicated we still had a little bit of funding left for the locals. Unfortunately, now, what the Federal Government is saying, and I understand, is that in future Oranges, they're basically saying, "Take it out of the money" -- the money that I shared with you on that sheet -- "that's already been awarded to you." On one hand, that's fine. There's a cash flow that you have, potentially. On the other hand, it's just bad business. Because what we're trying to do is avoid future time-and-a-half costs by having to deploy police officers, as one example, to the George Washington Bridge. If we can do target hardening and buffer zone and critical infrastructure protection, we're better off in the long haul. It's 24/7, 365, not just when an Orange alert goes. And it allows our police officers not to have to be diverted at time-and-a-half, 12-hour shifts -- the fatigue factor to doing those things.

What they're doing, telling us right now, is that if we want to, on a prospective basis, if tomorrow we go to Orange and we have to spend time-and-a-half, they're saying, basically -- or we have to put police officers on trains -- dip into the money that we already have in the process of planning and programming, reprioritize that, and spend it on time-and-a-half. That will be disheartening. That would be destructive to the planning process. And it seems counter-intuitive, in terms of trying to do long-term solutions versus the short-term patch, in terms of time-and-a-half. So I would also encourage-- There's discussion on that at the national level. I understand they don't have a separate appropriation, so this is the second best thing, they're saying, is that there is money to use. But I would encourage, in terms of future appropriations, perhaps in the '05 budget, that that be done separately.

At that point, I'd be happy to try to answer any questions that you may have, and thank you for your patience.

ASSEMBLYMAN GUSCIORA: Thank you for that informative presentation.

Are you the single conduit between your office and the Federal Government for Homeland Security requests?

MR. O'REILLY: Yes. The Office of the Attorney General is designated as, what they call, the State Administrative Agency, the SAA. Yes, we have that. On the grant part, we have that responsibility. As it relates to Homeland Security for intelligence, or things of that nature, Sid Casperson is the Governor's designee.

ASSEMBLYMAN GUSCIORA: Now, would all funding requests -- even on the local, the county level -- go through you, or how is that done?

MR. O'REILLY: Well, generally, it would come up through the county working group to us. Now there's also -- Congress has a process they call *earmarking*. It's doesn't prohibit a municipality, the State, or counties, from talking to their individual congressman or senator and asking them to have special consideration. That's why on that chart that we shared with you, some of that in that last-- Oh, I'm sorry. We will provide you with copies of it. But we have about \$336 million that's being administered through the State agencies. There's another, approximately, \$104 million that's gone directly to the municipalities, a lot of that as a result of the municipalities interacting with their congressional members.

ASSEMBLYMAN GUSCIORA: And is there any indication of the funding levels that you've requested and what you've gotten from the Federal Government?

MR. O'REILLY: Mr. Chairman, I don't have a cumulative number on that. It varies. As I said early on, the State agencies had identified approximately a billion dollars worth of need. In this last go-around, I can tell you, on the State side, planning for the '04 -- after sharpening our pencil, we had about \$66 million worth of need. I think we had about 10 million that we could satisfy. So that's the delta right now. That's Transportation; Agriculture, because of bio-agricultural issues; Health, DEP, National Guard, Law and Public Safety, and BPU.

ASSEMBLYMAN GUSCIORA: Any questions from the members?

ASSEMBLYWOMAN PREVITE: I just have to make a comment. I don't know where this fits into this, but it boggles my mind that the Federal allocations, according to figures that I have, give the state of Wyoming \$45.22 per capita from the Federal Government for these allocations for Homeland Security funding. And the State of New Jersey, which is next to New York, which is on the coast, gets \$13.20 per capita. What am I missing? We don't have the Vice President of the United States living in New Jersey?

ASSEMBLYMAN GUSCIORA: I'd suggest that he vacation here, I guess.

Do you have any response to that?

MR. O'REILLY: I think that it's -- part of it's formula-driven. I think that if you look at it, the homeland is not unique, in terms of -- if you look at transportation dollars, if you look at other -- health dollars, you're

probably seeing that same disparity in terms of New Jersey's share. I think part of it is that a lot of the formulas coming out of the Federal Government -- and I'm not an expert on this -- but are kind of formula-driven, which has a certain base-line on population or base-line on fair share or equal share. So you get 1/50th the start, regardless of whether you have 7 million or 1 million population.

ASSEMBLYMAN GUSCIORA: Assemblyman Gregg.

ASSEMBLYMAN GREGG: Thank you, Chairman.

And thank you for that presentation. That was--

ASSEMBLYWOMAN PREVITE: Encouraging.

ASSEMBLYMAN GREGG: --worth the price of admission this morning. It's nice to hear a very, unpartisan, clear picture of what's occurring, and I know that-- And I'm sure that the members of our side of the aisle on the Budget Committee would like to get this documentation. So I'll ask for that for them, because I know they were asking the Attorney General the other day, in the Budget Committee, to get the specific numbers that you have clearly articulated today.

I have a question on the overtime, because I certainly understand what you were saying, that you would prefer to have the money in things -- as opposed to taking that type of funding and move it over to the overtime -- so we can create the things that will save the money in the future, as opposed to not having that and losing it. What is the overtime expense to the State? Where is it?

MR. O'REILLY: The overtime has been incurred with the State Troopers, although Colonel Fuentes has minimized that, to some degree, with

the reorganization. The overtime is with the National Guard. I'm not an expert on this, but when the National Guard are mobilized in a state, the straight time for them, not overtime. They're volunteers. So any time we incur their mobilization, somebody has to pay for it. Unless they're federalized, the Federal Government does not pay for it. The only other time they pay for it if it's training to mobilize. Obviously, standing guard duty at the George Washington Bridge does not fit into either one of those categories.

Other overtime would be -- an example, during the last Orange period during the holidays, was the Department of Health, standing up their 80 hospital response networks; the Hazmat team standing up in terms of being ready to go. But the majority of it is overtime associated with police officers, both State and local, providing protection to critical infrastructure, based upon the intelligence that's provided to us from the Federal Government.

ASSEMBLYMAN GREGG: Thank you.

That's kind of the answer I expected to get, through the Chair. I assumed it was law enforcement.

I note, and again I do -- I really want to commend you on that incredible presentation, because I think it really gave a picture on how much money we're spending, which is an enormous amount of money, and it's grown in a very pragmatic way, and it's been directed in a very pragmatic way. And according to you, it's been done in a universal, regionally, nonpartisan and politically nonpartisan way, which I think is a good thing. And I appreciate those comments.

As far as the law enforcement, though, I do note that just prior to 9/11, our number of State Troopers was around 2,500 to 2,600 folks -- about



2,600, a little short of that. And we are, in 2004, at the lowest level since then. And that is all -- occurred after 9/11 -- most of those years. So I make as a comment to this, that it is obvious that if we wish the Federal Government to step up to help us, or on an overtime situation, which is an operational cost, it is incumbent upon the State not to be causing that overtime, which we tend to be doing, because we have not had the Trooper classes that we had in the decade of the '90s, when we actually had years where we had two Trooper classes. And we know that the attrition is growing in that law enforcement group. So part of the solution may be to get our State Trooper classes up to snuff so that we can get the next generation of Troopers there, and we won't have to be arguing or debating whether we have an overtime issue. But I concur with you on the concept of using it for the physical items.

MR. O'REILLY: Assemblyman, certainly that's an issue. And right now, the Troopers are around -- I think our State Police count is about 2,620, to be exact. But I can tell you, in terms of this budget, there's two classes envisioned, which will give us 200 graduates in '05, where we will be graduating 300 this year, in terms of '04, by the time we're done. So, by the same token, we loose about 120 to 150 a year.

ASSEMBLYMAN GREGG: Well, I've noted that you have had some classes going, and it takes almost half a year to train a Trooper in class. So we have to stay on board with that.

But just a question of philosophy. At some point, do you see -- as the Federal Government makes its commitment, the State government, obviously, has to make its commitment -- that every time we have an alert, that there's always going to be this reaching out to say, "What did it cost me to have

an alert all across the country, when the alert's in California?" They'll be reaching out saying, "I need an extra 5 million." And if I have one in Chicago, they're going to want 5 million. Or do you envision, at some point, the system will be stable enough to take the glitches as we have these threat warnings?

MR. O'REILLY: I think there's going to be a combination of three or four issues coming together. One is, I think, the intelligence world will get more sophisticated, in terms of being able to pinpoint in a more narrow fashion the area that's potentially in harm's way. So instead of having a 50-state issue, it might be an East Coast issue, or it might be only water reservoirs, or something of that nature.

I think, secondarily, there -- New Jersey, the State Police, under Attorney General Harvey's leadership and Colonel Fuentes, has moved to -- what's the best word I could say -- *routinize*, I guess -- if that's a word -- in terms of the Homeland Security issue, in combination with some of their general public safety issues. An example would be the truck safety thing that I mentioned before, where--

An example: the last Orange -- not to go into all the details -- but the State Police incurred about 1.8 million, in terms of total salary expenditure during the Orange period. We were down to only about 700,000 of that on an overtime basis. The other was straight time, and I think that speaks legions for us trying to do it in a more routine way. And I think, to answer your question, is eventually we'll all get there where it's going to be part of our -- unfortunately, but it will be part of our everyday public safety response on a more routine fashion.

ASSEMBLYMAN GREGG: Last but not least, my colleague is not here, but he asked a question before to the League of Municipalities, and they couldn't clearly answer it. Perhaps, you can. The Governor, I guess, made a commitment at a meeting of \$32 million for homeland security, and it was unclear where that would go. Could you clarify or perhaps have the answer to that question for the Committee?

MR. O'REILLY: Assemblyman, I can't. The only thing I'm aware of, based on my discussions with the Department of Treasury, is that I think the Department of Community Affairs will be the stewards of that funds.

ASSEMBLYMAN GREGG: As opposed to the Department of Law and Public Safety?

MR. O'REILLY: That's my understanding. But that's not necessarily-- That's preliminary discussion. I don't know for sure.

ASSEMBLYMAN GREGG: All right. You and I are looking together. That is somewhat disheartening to me. It doesn't sound like it passes the Pennacchio smell test.

ASSEMBLYMAN GUSCIORA: I'm sure you'll bring it up in the Budget Committee. That would probably be more appropriate to bring it up there. But I agree with you, we should find out where that is.

MR. O'REILLY: There are -- I'm sorry -- there are-- The Department of Community Affairs does have a history, however, of public safety funding, the Safe and Secure programs. I think you raised the COPS program on the Federal level. But the Safe and Secure program, going back to 1972 or '73, has been administered by them. So we have a partnership in public safety with that Department.

ASSEMBLYMAN GREGG: Mr. Chairman, I lied. I have one other question, because I was intrigued with the comment of all K-9 dogs being trained in -- where was it? The south?

MR. O'REILLY: No. The bomb units are being trained in Alabama.

ASSEMBLYMAN GREGG: Yes.

MR. O'REILLY: The K-9 is being trained by the New Jersey State Police.

ASSEMBLYMAN GREGG: Okay. But the bomb dogs are trained-

MR. O'REILLY: In New Jersey.

ASSEMBLYMAN GREGG: --in New Jersey. And the--

MR. O'REILLY: The bomb handlers, the people who dismantle and take apart the bombs are in--

ASSEMBLYMAN GREGG: Only one place?

MR. O'REILLY: Alabama, correct.

It's done under the ordinance -- the U.S. Department of Army Ordinance Corp and the FBI.

ASSEMBLYMAN GREGG: Thank you.

ASSEMBLYMAN GUSCIORA: We learn something every day.

Assemblyman Payne.

ASSEMBLYMAN PAYNE: Yes, Mr. Chairman.

I think, in response to the Chairman's question, or someone's question about who -- were you the sole, or is there a department that is the sole

contact -- or conduit, or what have you -- contact with the Federal Government, a State administrative--

MR. O'REILLY: Yes, Assemblyman. For the first responder equipment -- let me just clarify that -- our department is, in terms of the money that comes for fire, police, first aid-- There is other funds that come to Commissioner Lacy for the health response. There's other funds that come to the Department of Transportation, under the TSA -- the Transportation Safety Administration -- for some of the rail and port security type of issues. And I think there's a little bit of money that comes into the Department of Environmental Protection on some of the environmental hazard issues. But the lion's share of the funding -- all the funding for first responders comes to us. But there are -- like Commissioner Lacy, I think, has like 84 hospitals which he has communications programs with, and other protocols that are in place.

ASSEMBLYMAN PAYNE: So there are various departments that have a role here. Is there one Federal liaison for all these? What ties them together, in other words? You mentioned DCA as a matter--

MR. O'REILLY: What's tied together actually, sir, is the Task Force. This all goes back to the Task Force. Everything is orchestrated by the Task Force. Once a week, and I -- Attorney General Harvey, Commissioner Lacy, DOT -- they're there. Once every two weeks, excuse me, let me stand corrected. But this has been going on since approximately September 20 of 2001. They meet, they coordinate, and they get into some minutia, but it's a strong example of coordination and smart handling of these funds.

ASSEMBLYMAN PAYNE: That clarifies the governance. What is that Task Force called? What is it again?

MR. O'REILLY: The New Jersey Domestic Preparedness Security Task Force.

ASSEMBLYMAN PAYNE: Good. That does clarify that. You mentioned something about \$336 million through State agencies. That's the money that comes in from the Federal Government?

MR. O'REILLY: Yes, sir.

ASSEMBLYMAN PAYNE: Okay. And you mentioned \$104 million through municipalities, that can directly apply for funding?

MR. O'REILLY: It's to municipalities, and in some cases there may be some private sector, like ports and ferries, operators. It's either where they have either gotten earmarkings through the congressional process, or it's where they have gotten the special kind of boutique grant programs, I guess, for lack of a better term, where they go directly to a fixed audience or a fixed constituency.

ASSEMBLYMAN PAYNE: Does the Task Force on Domestic Preparedness (*sic*) keep track of the individual municipalities, etc., that receive funding, so that we have an overall picture of the state?

MR. O'REILLY: Yes, we try. From a grant's point of view, keeping that total inventory is sometimes a challenge. But more so, not so much knowing who got the money, but keeping track of how they're spending it in terms of -- and expediting, because of some of those procurement problems we talked about, is a difficult issue. That's why we have assigned Troopers, who are assigned through the Emergency Management group, to each of the counties and some of the cities, to try to sit down there and find out what the problems are and then, I call, *remove impediments*, in terms of those issues. So, it's out

there. I won't say it's 100 percent coordinated, but it's probably 90 percent coordinated.

ASSEMBLYMAN PAYNE: I guess we're working toward 100 percent. The formula -- it's formula driven. For instance, it was mentioned that the home state, I guess, of the Vice President receives \$45-plus per capita for this preparedness initiative, and New Jersey receives somewhere at \$13, or thereabouts. I understand that these things are, in fact, formula. There may be a base, and then you divide that into the numbers of the population of the state, etc., and then you come up with these figures. But the amounts of moneys that we receive here, does the Task Force regard that as being sufficient to undertake and complete the task that's been assigned to us?

MR. O'REILLY: Well, Assemblyman, there's never sufficient money. I think that the-- I don't mean that-- I'm not being facetious or being a wise guy. I think that in this area, as I earlier said, the basic institutions are police, fire, and EMS -- are very much lacking in terms of money for day-to-day responsibilities, in addition to the terrorism issues. I think that we are making a good dent in it, but certainly we could use a lot more assets.

An example, the State of New Jersey does not have a helicopter that could rescue somebody off a 10-story building. Nor do we have fire apparatus that can go above the 10-story building, is my understanding in terms of that issue. We have asked our congressional delegation -- is trying to work on that. We need a better fleet of helicopters for the State Police, not only for Medivac-type of purposes, but also for terrorism surveillance and evacuation.

There are other examples, like our responsibility in terms of the marine police area. And we're called upon in terms of, again, the national

critical infrastructure to assist in the New York harbor, and stuff like that, with the Port of New York and New Jersey. We have luckily gotten three 44-foot boats out of this Federal funding. We probably need seven or eight. There is not a fire boat -- believe this or not. There is not a fire boat in the whole State of New Jersey that's operational. We are going to be buying, with the UASI money, for the first time, one for Newark and Jersey City. After that's done, there's no fire boat in Atlantic City, no fire boat in Point Pleasant, no fire boat in Delaware River.

So, I guess, my answer to your question is that it's a good down payment, but there's still a lot more that needs to be done.

ASSEMBLYMAN PAYNE: This Federal Relations Committee certainly can, I think, assist in some of these areas. And since these things are being pointed out to us, and that there's some efforts being made with our congressional delegation to point these out and try to put our support behind it, and knowing these things, I'm sure that we probably could play a role in that. And I would charge the Chairman, I think, that those are the kinds of issues that we need to pursue. Without this hearing, we would not be aware of those specific kinds of needs that still exist, and perhaps there might be a gap in our protective shield. The fact that we have no operational fire boats in an area where we have terribly busy seaports doesn't make an awful lot of sense. And I think that that's something that we probably need to look into.

Let me just, if I can, point out this business about the \$32 million. I think it was mentioned that this was in the Governor's proposed budget. And as we note, processes -- that the Governor proposes his budget, I guess, in February, whenever. And that the budget hearings that we have, you know,



flesh that out and determine what it is that we feel that -- some of these things need to be done. So we're going through the process now. The fact that you say that you think that's it DCA that would be -- that this money would be earmarked for. And I'm glad that you clarified. And knowing that since '72, I think, you pointed out -- long before this administration ever came into being -- that this is the manner in which that department handled that. And I had hearings the last session in which DCA was present and indicated that they have a responsibility for safety, have a responsibility for inspections, have a responsibility for those areas. So this is not unusual or unique. So, as we pointed out, we are now in that phase of the budget where we will begin to focus on these kinds of proposals that the Governor made. And I think it would -- be clear in mind that it's strictly the proposal from the Executive Branch. The Legislative Branch has a final say in what happens here.

The last thing, you mentioned boutique-- Oh, I wanted to ask a question about, what are counties-- You mentioned \$104 million goes through municipalities. What about counties? Do they also have a piece of that money, or what?

MR. O'REILLY: The 104 is a mixture, Assemblyman. The counties do have, though -- they serve as the principle conduit for the other money -- the 336 million, at least the extent of the homeland first responder cash. They're who we have vested the responsibility, in order to make sure that their county needs are met. The only condition is, is that the priority setting, as it relates to critical infrastructure, is done with OCT staff and the county prosecutor staff.

ASSEMBLYMAN PAYNE: Thank you very much. I just hope that, number one, the point about our being able to assist, perhaps some way, in getting attention drawn to our Federal legislators about the need for these additional things -- is very important. And also, the fact that the Task Force on Domestic Preparedness, as long as they have a handle on what is going on -- an inventory, let's say, of those kinds of grants, individual grants and those things that are being applied for and awarded -- as long as there is an overall governance of this, I'm satisfied that we're going in the right direction. And I thank you very much for your testimony.

MR. O'REILLY: Assemblyman, not only is there a coordination, but there's actually a mutual contribution. Like on those Hazmat teams, I neglected to indicate that some of that was prior health money, as well as the money coming to Law and Public Safety, as well as money coming to DEP. So, what we do, every time we start a planning session, literally, the State agencies come and put their cash on the table. And it's part of the planning process, figuratively speaking, put the cash on the table. But there's no parochial holding back in terms of that issue.

ASSEMBLYMAN GUSCIORA: Tom, just to follow up on Assemblyman Payne's -- what I think is an excellent suggestion. Is there a prioritized wish list that is compiled somewhere by the State?

MR. O'REILLY: There is a list of half a dozen or so big ticket issues we're discussing with the congressional delegation. We can provide that to you.

ASSEMBLYMAN GUSCIORA: Yes, that would be great. And I probably suspect even Assemblyman Gregg, who is very stingy with taxpayer dollars, would probably join in that request with us.

ASSEMBLYMAN GREGG: I'm not stingy with the other 49 states' dollars. (laughter) I want them here.

ASSEMBLYMAN GUSCIORA: Assemblyman Scalera.

ASSEMBLYMAN SCALERA: Yes, if I could, just a few issues crossing over. First, I have to tell you that I've been quite involved in this process in UASI and in the State. I see Tom and Steve, because I know them here. I've sat on most of the committees. It's been the most tremendous process we have ever used in New Jersey. It requires anybody taking money to sign formal documents to agree to go anyplace, to share equipment. It's really worked out tremendously. First, I want to congratulate them on the way it's gone here in the state.

Number two is, we were talking about large ticket items -- you know, the boats, things like that. And we're concerned about this 32 million, and I don't know if it's in there. But some of the process -- and if you watched what happened to you September 11, or if it's a chemical or a biological -- is, we're not even equipping our law enforcement properly. Essex County -- and Assemblyman Payne asked if counties are getting it directly -- Essex County was one of 20 counties to receive a \$740,000 grant directly around the state, around all of this process for training. And we've tied that training process with the equipment grants, and we're training and equipping every police officer in the county to have a respirator, a Tyvek suit, and a sling bag to be prepared. Well, our State Police -- that's not even in preparation yet. There's no planning to

have the masks, as far, of yet; and they're out on the main front. So when you're talking about need, yes, we have need. There's no fire boats in New Jersey. It's a problem. But we also still have a need of protecting our first responders, such as -- especially the State Police that are on the road. That it's not even in the game plan yet to get them masks and get them prepped up to what we're doing on the local level.

On September 11, we dispatched quite a few State Police and locals over into New York City. The locals are actually through these grants in the UASI region -- can be better prepared than the State Troopers that we have on the road. So, yes, there is things we need to do on the planning level above what we're doing.

ASSEMBLYMAN GUSCIORA: Actually, along those lines -- and hopefully this will be the last question, because we have other people to testify. I heard, anecdotally, that there were many first responders in the state who have been shipped off to Iraq or other parts of the Middle East, and that it becomes a personnel drain in that we have to find replacements. Is there any statistics on that, or any kind of documentation on that?

MR. O'REILLY: Mr. Chairman, I'm not-- I think several months ago I saw Commissioner of Personnel -- may have assembled that. I think, in our Department, I think we had eight, between our Juvenile Justice Commission and the State Police. But in some ways, the age, the nature of the interest levels, and stuff like that coincide with the volunteer Army and the homeland responsibility. So I suspect you're right on the money in terms of that being an issue. But Commissioner Castro may be able to answer that, I think.

ASSEMBLYMAN GUSCIORA: Thank you.

Thank you very much for that excellent testimony. We've learned a lot today on this issue.

We're noting otherwise, if they're testifying or they're certainly available to answer questions: Jim Snyder, Deputy Commissioner of the New Jersey Department of Transportation; and Joe Bober, the Chief of New Jersey Transit Police, from New Jersey Transit. I'm told you don't have any specific testimony, but that you are available for questions.

**DEPUTY COMMISSIONER JAMES SNYDER:** No, Mr. Chairman, I have nothing specific to say, other than-- Let me just reinforce a couple of the points that Tom O'Reilly said. The Domestic Security Preparedness Task Force effort is unprecedented in New Jersey State government. I'm a 30-year career employee at the DOT. I have never seen anything like it. It's cooperative. It really works. The combined resources of all the departments and the combined wisdom have achieved efficiencies that have never been achieved before. So I just wanted to reinforce that point again.

I also wanted to say, there are some funds that flow directly from the Federal Government to the Department of Transportation and to New Jersey Transit. But those funds are so closely coordinated through the Domestic Security Task Force that we don't think of them in those terms.

As an example, we have received funds from TSA, which flow through the Department of Transportation, and we have passed those moneys through to the State Police directly. So, yes, there are other agencies, such as the Department of Health, Department of Environmental Protection, and the

Department of Transportation receiving some funds direct. But it really is well coordinated and virtually seamless.

ASSEMBLYMAN GUSCIORA: Jim, as far as any transportation projects that are homeland security related, whether shoring up bridges or railroad tracks and the like, is there a level of funding that we've gotten from the Federal Government? Is it enough, or do we need more, or how does that work?

DEPUTY COMMISSIONER SNYDER: I'll restate, there's never enough. We've received funds in the magnitude of tens of millions of dollars among all the different State Transportation agencies. It's not just DOT and New Jersey Transit -- SJTA, the Port Authority, Millville Airport, South Jersey Port Corp -- there's a whole variety of transportation agencies that have received these funds. There is certainly a need for additional funds beyond what we've received. We have used those funds efficiently. They're focusing on target hardening measures -- our bridges, our tunnels, our ports, our airports, our trucks. Every mode of transportation is receiving a level of attention. Our inner-city buses as well. Is there a need for more money? Yes.

The money that we receive from TSA is on a competitive grant basis. The rest of the money coming from ODP, the Homeland Security Department, is that formula money that we've been discussing up to now.

ASSEMBLYMAN GUSCIORA: If you do compile any of those funding requests, if you can give us a copy, along the lines of Assemblyman Payne's suggestion.

DEPUTY COMMISSIONER SNYDER: We will be pleased to do that, through the Chair.

ASSEMBLYMAN GUSCIORA: Does anyone have any questions?

(no response)

Chief, I was wondering about the staffing levels. Is that adequate, or are we getting enough Federal funding for personnel?

**POLICE CHIEF JOSEPH C. BOBER:** I'm glad you asked that question, Mr. Chairman. Certainly New Jersey Transit has benefited with the Office of Domestic Preparedness.

ASSEMBLYWOMAN PREVITE: Could you talk into the mike?  
(referring to PA microphone)

CHIEF BOBER: Certainly New Jersey Transit has benefited in terms of Federal moneys with the Office of Domestic Preparedness -- a little over \$6 million -- that we've used to tighten up our infrastructure. But in comparison, when you look at what the Federal Government is spending right now for aviation passengers versus mass transit passengers, it's \$2.34 that they spend on a mass transit passenger, versus \$2,250 on an airline passenger. We definitely need more money in terms of hiring additional police officers. We currently have 209 police officers, and that's to cover 500 miles of track, 10,000 employees, 174 stations, about 450,000 commuters a day, a little over 600 trains a day. And when you take the 209 police officers, we're stretched across the entire State of New Jersey.

I certainly applaud the Governor, in addition to Colonel Fuentes, for giving us State Police on loan to assist us. But that just isn't the answer. Years ago, the first responders to any transportation agencies were the local municipalities. That no longer exists, because they have their own problems. New Jersey Transit is their first responders to Hoboken Terminal, where in

2001, September 11, we triaged 16,000 people over a two-day period -- were first responders at Penn Station, Newark, where we see about 150,000 people a day, in addition to Atlantic City and Secausus Transfer. So we do need more money, to hire additional police officers, by the Federal Government.

ASSEMBLYMAN GUSCIORA: Thank you.

Follow ups?

ASSEMBLYMAN PAYNE: Yes.

ASSEMBLYMAN GUSCIORA: Assemblyman Payne.

ASSEMBLYMAN PAYNE: The figure -- you said \$2.34 per passenger, or 200?

CHIEF BOBER: Two dollars and 34 cents is spent on security--

ASSEMBLYMAN PAYNE: On security.

CHIEF BOBER: --by the Federal Government per mass transit commuter, versus \$2,250 for an airline commuter.

ASSEMBLYMAN PAYNE: Two thousand, two hundred and fifty dollars. What percentage is that? What is that? One tenth of 1 percent, or something like that?

ASSEMBLYWOMAN PREVITE: It's amazing.

ASSEMBLYMAN PAYNE: At 209 police officers, 500 miles of track, 10,000-- What was the 10,000 figure?

CHIEF BOBER: Ten thousand employees.

ASSEMBLYMAN PAYNE: One hundred, seventy-four stations.

CHIEF BOBER: About 450,000 commuters.

ASSEMBLYMAN PAYNE: About 450,000 -- 600 on the trains. Obviously, we have not been -- *we* meaning this nation, and certainly not the



northeastern corridor -- have not been paying enough attention to the possibilities of terrorism on our rails. I think that the Madrid situation should have been an eye opener. And I hope it has been an eye opener, that we need to, in fact, focus in on the possible threats here on the transit system. I don't know. What has happened since the awareness that the train travel could create a problem, as well, or that we could have a problem there?

CHIEF BOBER: Sir, we've trained every single one of our 10,000 employees in terrorism awareness. Any time it goes up to a level Orange, we have certain parameters and certain checkpoints that we do. All of our Transit police officers are trained in terrorism. We have the assistance of the New Jersey State Police, that we ride with the trains on every single day. Colonel Fuentes has lent us the State Police helicopter, that we do aerial views and surveillance every single day of the week. We've definitely stepped up everything possible, that we could possibly do, for mass transportation to provide a safe and secure system. And I'm very confident in the system. But we need additional manpower to make it better than what it is.

ASSEMBLYMAN PAYNE: Yes. Not only do we need additional manpower, I have a lot of concerns about -- with this particular area of transit, because Newark, Penn Station, happens to be in the district that I represent. An airport is in a district that I represent. The Port Authority, the seaport, is in my district, etc. So I have a very particular concern in this whole area of domestic preparedness and homeland security, etc., because most of these areas impact -- most of these concerns are impacted in the district that I represent. I think, for too many times in the past, we here have slept through some situations like Rip Van Winkle, and till something like 9/11 happens, then we begin to say, well,

maybe we need to pay attention to that. However, I think we're still derelict in our responsibilities and our attention being given to the Transit system, for instance. It's there. It's blatant. It's an obvious oversight. And I don't know whether the Task Force that we talked about a little while ago -- that Transit, I'm sure, is represented there -- I would certainly hope so -- and whether or not the Task Force is beginning to pay very serious attention to this whole area of rail transportation or rail transit. I don't know whether that's happening or not, but I certainly hope it is happening. I don't want to see something that could occur in the train tunnels, underneath the Holland Tunnel for instance, or this convention that's coming up soon. My God, we could be faced with a calamity that would make some of these other ones minuscule.

What's happening, for instance, as far as redirecting or paying more attention on the part of the Task Force in this area, for one thing?

CHIEF BOBER: If you're referring to the Task Force of Tom O'Reilly, we sit on that Task Force. We get many dollars from Tom in regards to tightening up our infrastructure, our bridges, and our tunnels. So it's not that we lay dormant. We are a part of that, and we do have a voice on it, and a very strong voice.

ASSEMBLYMAN PAYNE: Yes, but I'm still concerned. I'm still concerned. I know Transit is doing-- You've pointed out this situation that exists there. And Tom O'Reilly, as far as the Task Force goes, I'd like to know whether or not there has been any heightened attention given to this whole area of rails and that aspect of it?

MR. O'REILLY: Assemblyman, yes. Several issues: One is that the whole UASI, as I indicated before, one of the first priorities has been

transportation. Second is that a number of the dollars have gone to target hardening several of the tunnels that feed into the Penn Station. Third is, Penn Station has received a lot of prioritization in terms of whether the decon I talked about before -- that's the epicenter of that. That's what's viewed as where the decontamination issues would have to occur. So that's been kind of planned for and exercised in terms of that issue. The final issue is, as we speak, we're reviewing now issues like the request for the Chief's personnel and the Colonel's personnel to ride the trains going into New York, what our legal authority is; and mutual aid agreements between us and New York City, because of the state line issue, in terms of authority.

The Attorney General has also had several discussions with the Transportation Safety Administration and in conjunction with the Commissioner, in terms of DOT asking for some pilot programs, both on the rail issues and actually on Newark Airport -- in terms of some of those things. So it certainly is a priority.

Sid Casperson has raised this. Rick has raised it in terms of the issues there, in terms of surveillance and other things. I think that whenever the Chief asks for, he gets the Troopers that are there to augment his group. The other issue is -- that's the dogs also. Without revealing publicly some of the strategies, but the dogs will play a major role in terms of protecting those trains, both when they're dormant in the yard and as they're moving back and forth between their stations, and the stations themselves.

ASSEMBLYMAN PAYNE: I think there was a device found on the tracks within the past couple of weeks or a month or so. Was there something

that was detected on the tracks that could have the potential for having created a serious problem? What was that I remember?

CHIEF BOBER: Assemblyman, if you're referring to the one that was discovered about a week ago in Philadelphia, it happened to be a modified garage door opener. And the real truth to that was, it was, an employee hooked that up to the rail to make known when his supervisor was coming. (laughter)

I just want to say one other thing, if I may, Assemblyman. About a month ago, Governor McGreevey did write a letter, on behalf of New Jersey Transit, to Secretary Ridge requesting additional moneys to hire 100 new Transit police officers.

ASSEMBLYMAN PAYNE: Thank you.

Additional police officers, etc. -- I'm sure we need those. It seems to me that we also need to have some way to think out of the box on this. I think that there's got to be something. Because you have, what, 500 miles of rails. If an employee hooks up something to warn about a supervisor coming, somebody else could do that along those miles and miles of tracks, and do something that would be far more serious than that, sure. I don't know how you resolve that, I--

CHIEF BOBER: Assemblyman, in an open forum, I wish not to discuss what we do. I'd be willing to talk to you off -- behind closed doors, and what we're proactively doing to ensure that that does not happen at New Jersey Transit.

ASSEMBLYMAN PAYNE: Thank you.

Who's the Chairman of the Task Force, by the way?

MR. O'REILLY: Peter Harvey.

ASSEMBLYMAN PAYNE: Peter Harvey is the Chairman. All right.

Well, thank you very much. As I say, I'm still somewhat concerned about the potential for a very serious calamity along the rail system, etc., and the ports that we have here. And I'm hoping again that the word is going to get back to the Task Force that -- the very, very concern. And if there's anything that could delay my concerns, I'd like to see some reports on just what is being done that's different than was done six months ago, for instance, and as far as transportation goes.

Thank you very much.

ASSEMBLYMAN GUSCIORA: Chief, I just wanted to note that it was great testimony, and I really got a good sense of the overwhelming scope of the potential problems out there. I'm sure you're doing all that you can to make New Jersey Transit safe for our passengers. But I'm really glad we had this testimony so that we could really think about all these issues. And I know we don't want to have a repeat of Madrid. So we want to make sure that we get optimum Federal dollars for your efforts.

Thank you.

DEPUTY COMMISSIONER SNYDER: Thank you.

ASSEMBLYMAN GUSCIORA: I'd like to call Donald Huber, from the New Jersey Career Fire Chiefs Association.

UNIDENTIFIED SPEAKER FROM AUDIENCE: Mr. Chairman, he had to leave. He just wanted to let you know he was in favor.

ASSEMBLYMAN GUSCIORA: Okay, great. Thank you.

And just acknowledge Nancy Pinkin, from the New Jersey State First Aid Council, if she's still here, and that she was also available to testify. Okay.

With that, I think we can go right to our legislative agenda.

**(MEETING CONCLUDED)**