

# *Three Years Later: Is the Federal Government Doing Enough to Protect New York?*

## *Grading the Federal Homeland Security Effort in New York and the Nation*

### Air Security

### Grade: B-

After a slow start by the Department of Homeland Security (DHS) and Federal Aviation Administration (FAA), efforts to improve passenger screening overall have produced results. However, there are still gaping holes in New York's, as well as our nation's, air security system. Recent security breaches at home and terrorist attacks abroad have raised concerns about how prepared we truly are to prevent an attack from the air.

- The simultaneous explosions on two Russian commercial aircraft this summer exemplified the importance of thorough explosive screening. Currently, it is far too easy to smuggle explosives onboard aircraft. According to the 9-11 Commission's report, carry-on bags are screened for some explosive materials but passengers themselves are not screened for explosive materials. The Federal government has deployed several pilot programs but has yet to develop a comprehensive explosive detection system. One of these pilot programs is scheduled to start at JFK Airport, however, the seriousness of these threats necessitate that such devices be installed at all of New York's airports as soon as possible.
- Though Transportation Security Administration (TSA) passenger screeners have done a better job than their private predecessors, Congress needs to do more to ensure there are enough well trained screeners at all commercial airports. This is as much an economic issue as a safety issue because there must be enough screeners to compliment the rebirth in air service nationwide. Congress has irresponsibly imposed a cap on the amount of screeners the TSA can employ, which forced the TSA to reduce the number of screeners from over 50,000 to 44,000. This arbitrary number is endangering the safety of travelers as well as the growth of airports.
- According to the Center for American Progress, the TSA is not using the government's integrated terrorist watch list and has been forced to abandon the CAPPs II passenger screening system. 67 No-fly lists currently used by the airlines are incomplete and lead to an unacceptable level of false identifications, leaving even the Secretary of Homeland Security powerless to prevent people who do not pose a risk from being targeted.
- The TSA still does not screen General Aviation (GA) flights prior to loading, and the infrastructure is not in place to monitor our nation's thousands of smaller, non-commercial

aircraft. One of the few measures taken by GA pilots has been the "Airport Watch" program, where signs are posted at airports telling pilots and airport personnel who they can call if they see anything suspicious. A small airplane attack could cause devastating damage at the hands of a terrorist, and there is much to be done to secure smaller airports and airplanes. In addition, flight restrictions over New York offer several corridors where GA pilots can fly in limited contact with air traffic controllers. Under 1100 feet, a pilot can fly almost without observation. This situation is unacceptable.

- There is a critical shortage of air traffic controllers nationwide, with some of the worst shortfalls in the New York area. Over the next ten years more than half of the current controllers workforce will retire or leave. There needs to be more than enough well trained controllers out there to protect our skies. This situation is crucial.
- In the wake of the 9/11 attacks, Congress established the Federal Air Marshal Service to act as a last line of defense should terrorists attempt take over a commercial aircraft. Unfortunately, there have been reports that only five percent of aircraft are covered by an air marshal team, and the service is plagued with organizational problems. This service is vital to protecting the skies and there must be enough air marshal presence to act as a deterrent.
- Cargo security aboard aircraft remains a significant concern. According to the Center for American Progress, the TSA estimates there is potentially a 65 percent chance that terrorists are planning to place explosives in commercial cargo. Among transportation industry executives surveyed, 80 percent rated the security risks to air cargo as "very high" or "high." According to the non-partisan General Accounting Office (GAO), passenger planes carry 2.8 million tons of cargo annually, however the TSA does very little direct screening of this cargo. Only companies that say they meet certain security practices determined by the TSA are allowed to place cargo on board passenger aircraft. However, the TSA does not verify compliance with their security standards, leaving the system highly vulnerable. In November, the TSA announced a strategic plan to improve these practices and to screen all cargo however the 9/11 Commission found that these plans were not moving quickly enough.
- Three noteworthy events in the last two years illustrate the need to equip commercial airlines with technology capable of defending against surface-to air missiles: the shoulder-fired missile attack on an Israeli airliner in November of 2002 and the arrests of arms dealers in New York in both August 2003 and August 2004 trying to provide shoulder-fired missiles to terrorists for use against a commercial airliner.
- Shoulder-launched missiles have a range of over 3 miles, well within the flight paths of planes flying in and out of urban areas and are known to be in the possession of some of the world's most dangerous terrorist groups like Al-Qaeda and Hezbollah. Despite the fact that top homeland security officials have identified these weapons as a serious threat, the Administration's plan would not allow commercial aircraft to begin to be protected before 2006. In fact, the United States has only just begun an 18 month-long program to test to systems while earlier this year Israel announced that it has taken major steps toward developing a missile defense and will soon be in position to protect it's entire fleet. In

addition, there is currently no plan in place to acquire these devices after they have been approved for use on commercial aircraft. DHS needs to accelerate its schedule to equip planes with anti-missile technology, increase research to develop ground-based missile jamming systems and improve anti-smuggling measures to ensure that the missiles do not reach the US.

### **Train and Subway Security**

**Grade: D**

The tragic bombings that took place earlier this year in Madrid have intensified the need to drastically improve security measures on the nation's rails. Despite some improvement at New York's Penn Station, much more needs to be done to secure subways, commuter and interstate rail service.

- Penn Station has one radiological detector but it does not screen every passenger. This year, Amtrak completed a pilot passenger screening program in Baltimore Maryland, however there has been little followup as to the feasibility of this technology and no talk of implementation on a national scale.
- To date, there has not been a large scale assessment of security risks to the nations rail and transit systems. The Rail Transportation Security Act of 2004 would provide \$515 million – including \$570 million for the six New York City area tunnels – for the Homeland Security Department to assess security risks to freight and passenger rail and develop recommendations for securing them, however the Republican leadership has kept this bill stalled in Committee. The bill would require DHS to study the cost and feasibility of screening all passengers, baggage and mail that travels on Amtrak trains. In addition, it would require the Department to conduct a pilot program to randomly screen passengers and baggage at as many as 10 rail stations. This bill passed out of the Senate Commerce Committee in April. Republican leadership has failed to bring this bill to the floor. This summer, when DHS Secretary Tom Ridge raised the nation's terror threat level to orange, it appeared briefly that there would be a vote on this critical funding, however some Republican Senators successfully blocked action on the bill.
- Similarly, in May, The Public Transportation Terrorism Prevention Act introduced Republican Chairman Richard Shelby passed unanimously out of the Senate Banking Committee. This legislation would provide \$3.5 billion in 2005 to subway and transit systems for tunnel protection systems; perimeter protection systems; redundant critical operations control systems; chemical, biological, radiological, or explosive detection systems; surveillance equipment; communications equipment; emergency response equipment; fire suppression and decontamination equipment; global positioning or automated vehicle locator type system equipment; evacuation improvements; and other

capital security improvements. It would also provide \$1.5 billion over 3 years for security training for transit employees, including bus and rail operators, mechanics, customer service, maintenance employees, transit police, and security personnel; live or simulated drills; public awareness campaigns for enhanced public transportation security; canine patrols for chemical, biological, or explosives detection; overtime reimbursement for enhanced security personnel during significant national and international public events, and other appropriate security improvements. The bill would also spend \$200,000 for researching chemical, biological, radiological, or explosive detection systems that do not significantly impede passenger access; researching imaging technologies; conducting product evaluations and testing; and researching other technologies or methods for reducing or deterring terrorist attacks against public transportation systems, or mitigating damage from such attacks. Unfortunately, the Transit bill has languished as well. It has also been held up by a number of Republican Senators and has not been brought to the floor.

- Amtrak's security challenges stem from budget cutbacks and diminished federal funding. Amtrak is strapped for cash and struggling to survive and cannot provide the security measures necessary to protect its passengers from the threat of terrorism. Although it employs a police force to check tickets and watch passengers, they are not as well trained as the TSA force employed at airports. As a result, the National Guard, Army, and other law enforcement agencies have been forced to inhabit the major train stations such as Penn Station. There needs to be a permanent security force in place to watch the station and passengers.

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- Special attention must be paid to securing and preparing train tunnels for the threat of a terrorist attack. There has been some progress on this front: New York used \$100 million in federal funding to buy K-9 bomb detection units, numerous devices that scan the air for traces of explosive materials, underground lighting, security cameras, barricades, bomb-resistant trash cans and sensors that detect chemical, biological and radioactive agents. However this is not nearly enough. As of now, only two of the six major tunnels used by Amtrak, the Long Island Rail Road and NJ Transit under New York have had significant upgrades for their ventilation and evacuation routes since September 11, 2001. All of these tunnels must be equipped to provide exits and remove smoke in the event of a disaster.

### **Truck Security**

**Grade: D**

The most common vehicle used to commit terrorist acts – from Israel to Iraq- is a truck. When New York City was issued a truck bomb terror alert this summer, the issue of securing truck traffic took on new importance. Every day, 8 million unsecured trucks go into and out of New York City, over 6 million in the Hudson Valley, 5 million on Long Island, 1.9 million in Syracuse and Central New York, 4.9 million in Buffalo and Western New York, 5 million in Albany and the Capital Region and

1.4 million in Rochester.

- Nine years after the bombing of the Alfred P. Murrah Federal Building in Oklahoma City, sales of ammonium nitrate – the explosive fertilizer most commonly used in truck bombs – continues without restriction, and efforts to put inert tracers called “taggants” into the chemicals have gone nowhere. In August, a man was arrested for plotting to blow up a the Everett Dirksen federal building in downtown Chicago. Gale William Mettles, 66, was arrested with a pickup truck and 1,500 pounds of fertilizer that he thought was the explosive ammonium nitrate, which he purchased from cooperating federal witnesses and federal agents. A July 30 bulletin from the FBI and DHS warned of Al-Qaeda's frequent use of ammonium nitrate as a bomb component. Police recently discovered a half-ton cache of ammonium nitrate being stored by suspected Al-Qaeda terrorists in London.
- To fight this threat, there should be an identification requirement for sales of ammonium nitrate, as currently exists in South Carolina and Nevada, and background checks for all bulk purchases of the fertilizer. In addition, fertilizers should be required to put taggants in ammonium nitrate. Federal security funds should be spent to offset the expense of this measure for farmers.
- In the United States, about 50,000 trips are made each day by gasoline tankers, many of which hold as much fuel as a Boeing 757. The trips often end with a late-night delivery to a gas station. There have been several instances in the last year of gasoline trucks disappearing.
- There must be background checks for all HAZMAT truck drivers and, most importantly, increased research into new tracking technologies. The government has begun to run checks on some HAZMAT drivers but some is not enough. A Global Positioning System (GPS) should be used to track the transportation of dangerous materials. A GPS can be put in a car for a couple of hundred dollars. It is within reason to equip every truck carrying hazardous materials with a GPS and create a command center to be on guard should a truck carrying some of the most dangerous materials disappear. Such technology is already in place in Brazil, however we do not use this in the US.

### **Port Security**

**Grade: D+**

Our greatest vulnerability is at our ports. Every year, approximately 5,400 commercial ships make more than 60,000 US port calls, only 3 percent of which were under a U.S. flag, carrying 6 million containers. If only one of these containers carried a nuclear, chemical, or biological weapon, the consequences would be disastrous. New York is especially vulnerable, because the Port of New York/ New Jersey is our nations 3<sup>rd</sup> largest port. Though Congress has made available some funds for research and development, it is not nearly enough to get the job done and most of it has not even been spent. On-sight scanning and screening, including sophisticated manifest checks, need to be

put in place as soon as the technology is available.

- The latest figures show that just 4 percent of the 6 million containers that come through American ports are screened for contraband materials. America's ports need the technology to detect the world's most dangerous weapons. In addition, shipping documents, the principal documents used by Customs to decide which containers to inspect, are extremely easy to forge.
- The threat of nuclear weapons coming in via these ports is real. Currently, Geiger counter technology exists for the detection of gamma rays released by nuclear devices however containers must be screened by the detectors from within two feet. Screening all containers in this manner would bring commerce to a stand still. We must invest in development and implementation of a Geiger counter that can scan large areas so that ports can function securely and efficiently.
- The unresolved debate over how to pay for port security is stalling efforts to improve port security. The Coast Guard estimates it will cost America's ports more than \$7 billion to implement new security measures passed in the Maritime Security Act. To date, Congress has provided just over \$500 million. There needs to be more funding for security grants to address this threat.
- While TSA has made progress in expanding Operation Safe Commerce, more money needs to be allocated to ensure this vital program grows. The goal of Operation Safe Commerce is to work with ports and private companies to provide the tools to verify the contents of containers at their point of loading, ensure the container has not been tampered with, and track the containers movements through foreign ports. More money needs to be devoted to OSC grants.

### **Cyber Security**

**Grade: C-**

Last year, the Administration introduced its National Strategy to Secure Cyberspace, however there has been little progress in securing the nation's networks as a result. Research efforts to stay one step ahead of hackers and cyber terrorists remain underfunded. Coordination with the private sector, which is often the first to detect a cyber attack remains insufficient, and there is still no single source for information coming from the government at the time of an attack.

- In 2003, there was a 20% increase viruses and worms with multiple components and a 50% increase in attacks on confidential data, which could be used for identity theft and financial fraud. When such a security breach occurs, companies are not required to report, despite the threat that this data could be used by terrorists to operate within the United States.
- A December 2003 report done by the House Government Reform Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census found that eight federal agencies including the DHS were failing to secure their cyber-space, leaving sensitive information exposed to hackers. In addition, government contractors, who may also

carry sensitive information, are not required to meet cyber-security standards thereby exposing this front as well.

- As the nation's largest metropolitan area and the epicenter of commerce technology and transportation, New York is the nation's most inviting physical target for a cyber-attack. The vast majority of the fiberoptic wires connecting the US to Europe and the Middle East funnel into just two locations in lower Manhattan. Roughly 80% of Internet traffic goes through less than 12 facilities across the country. Although a physical attack on these facilities would devastate the country's cyber infrastructure, no steps have been taken to protect these facilities.

### **Bioterrorism**

**Grade: B**

Bioterror protection is perhaps the area of homeland security where the most progress has been made. The federal government has helped educate doctors and hospitals to detect early signs bioterror, and vaccine storage and distribution systems are vastly improved.

- After the October 2001 anthrax attacks, the Centers for Disease Control (CDC) gave \$918 million to state health departments to improve bioterrorism responses and boosted the Strategic National Pharmaceutical Stockpile. Congress augmented these efforts by appropriating an additional \$1.1 billion in Fiscal Year 2002 and \$2.25 billion in Fiscal Year 2003 and \$1.73 billion in Fiscal Year 2004- for the Public Health and Social Services Emergency fund, which includes funding for states and direct grants to hospitals - to counter potential biological, disease, chemical and radiological threats. However, funding for CDC is actually decreasing - from a little over \$1.2 billion in 2003 to a request of only \$1.1 in 2005 - this is largely due to a decrease in State and Local Public Health Preparedness funding.
- The federal government has redirected bioterrorism funding to give high risk cities more priority. However, this should have been done using new funding instead of redistributing existing funds. As a result of the changes, New York City's allotment will increase by \$5.1 million for FY05, but the funding allotted to the rest of the state will be reduced by \$1.1 million. Even with these changes, New York City will still be ranked 24th and New York state will be ranked 45th out of 54 (states and 4 cities) in per capita bioterrorism funding.
- The bulk of the federal funds to combat bioterrorism have focused on the development of state and community bioterrorism preparedness plans. Much less funding has gone directly to local hospitals and public health entities to implement the plans, and the distribution of funds has been greatly delayed. According to health experts, hospitals will need at least \$10 billion to enhance bioterrorism preparedness and fully ensure that they are ready in the event of an attack.
- NYC hospitals have spent an average of \$5 million for preparedness activities and have been reimbursed by the Federal government about \$75,000 each. However, the Administration's

budget request includes a \$39 million decrease in hospital preparedness funding for FY05 from \$515 million down to \$476 million.

- Although the anthrax attacks of October 2001 killed five people, sickened at least 17 more and caused widespread disruption in mail services, three years later only 27 of the US Post Office's 283 distribution centers have sophisticated biodetection systems in place to detect anthrax -- and vaccines are not yet available to protect the workers. Though the Post Office is in the process of deploying the additional detector devices, a report issued this week by the General Accounting Office says that the Post Office does not have adequate plans in place to detail what actions should be taken in the event of an attack.
- Dr. Ken Alibek, former deputy director of the Soviet biological weapons program, testified in October 2001 that vials of the smallpox virus had escaped Soviet facilities. The use of smallpox by terrorists remains a serious threat and although the United States has stockpiled a sufficient quantity of vaccine, there are still many questions about how the country would deal with an outbreak should one occur. The Administration has directed states to develop smallpox preparedness programs with a goal of vaccinating 500,000 first responders and healthcare workers, however according to the House Select Committee on Homeland Security, only 39,000 such workers had been vaccinated by March of this year.

#### **Defending the Water Supply:**

**Grade: B-**

The President has reported that diagrams of public water systems were discovered in Al-Qaeda camps in Afghanistan, and officials seized water supply diagrams from suspected Al-Qaeda members in Denver. New York City is doing an excellent job protecting its water supply both in the city and in the water's source upstate. The city has spent \$70 million on watershed security to date, of which \$35.6 million came from the federal government. Additionally, New York City expects to invest over \$110 million in commitments for capital projects to secure NYC's water supply in coming years.

- Despite these risks, the EPA provided only \$113 million of the \$500 million needed to help municipal water systems develop security plans for all drinking water systems nationwide. Even worse, the Administration capped the maximum individual grant capped at \$115,000 - less than a fifth of what it would cost a city with over one million people to conduct a study. According to the Association of Metropolitan Water Agencies, it would cost a city with over one million people at least \$500,000 to \$750,000 to conduct such an assessment. Seventeen New York water systems received these grants, including the cities of Buffalo, Syracuse, Rochester, Albany, and the New York City Department of Environmental Protection.
- At present, large and medium-sized municipal water systems have completed their vulnerability assessments. Now, thousands of local water systems will be tasked with implementing the findings of these assessments and therefore will be forced to contend with the enormous cost of safeguarding their facilities from potential terrorist attacks. The

American Water Works Association (AWWA) estimates that drinking water utilities need to spend approximately \$1.6 billion immediately to improve security measures. However, there is no federal funding mechanism in place to assist the 55,000 public water systems nationwide for security upgrades. It is imperative that this glaring omission is addressed and assistance be provided to secure our nation's drinking water systems.

### **Northern Border Security**

**Grade: B**

Passed in the immediate aftermath of the September 11, 2001 attacks, the USA PATRIOT Act called for a tripling of the number of Border Patrol agents, as well as Customs Service and Immigration and Naturalization Service (INS) inspectors on the Northern Border. In March of last year, the INS was abolished, the DHS was created, and the inspection functions of the Customs Service and INS, as well as the Border Patrol itself, were merged into U.S. Customs and Border Protection (CBP).

- Approximately \$160 million is needed, above the President's budget request, to hire 1,428 officers needed that will fulfill requirements of the USA PATRIOT Act.
- As of May 15, 2004, there were 3,417 CBP officers on the Northern Border. This is 1,428 positions short of the USA PATRIOT Act's required number of 4,845 officers. Rather than making progress towards the goal, CBP has been losing ground while operating under a hiring freeze since March of 2004. Rochester alone was promised an additional 12-15 agents in early summer, none of which were hired. In addition, agents from Buffalo were moved to Rochester this year to cover local demand, but those spots were never filled in Buffalo.
- The Peace Bridge, which connects Buffalo with Canada, continues to pose problems for the Western New York area. On July 4th weekend, a lack of agents and poor scheduling led to 4-5 hour backups at the Peace Bridge crossing. Customs has since somewhat fixed the problem by adding additional agents to the Peace Bridge during peak traffic hours. This is still a band-aid fix to an overwhelming shortage which is a recipe for a major security breach, or worse, a disaster.
- US and Canada are in high level discussions about creating a new border crossing model to be implemented at the Peace Bridge in Buffalo - the shared border management model. US and Canada are trying to find a better way of inspecting vehicles crossing the border, without having to completely take over an historic neighborhood on the Buffalo side of the bridge. These talks are working toward a binational agreement between the US and Canada to establish the legal guidelines and hurdles over which the two countries can operate a large inspection station on the Canadian side of the border crossing, all the while increasing the security of the bridge and the subsequently the US.

### **Immigration**

**Grade: D+**

As of January 24, 2003, immigration functions were transferred from the Department of Justice's Immigration and Naturalization Service (INS) to the Bureau of Citizenship and Immigration Services (BCIS) at the DHS. Border-control functions are housed in a separate DHS directorate, Border and

## Transportation Security (BTS).

- DHS announced - and the 9/11 Commission endorsed - the inclusion of Visa Waiver Program (VWP) citizens into US-VISIT, the entry-exit tracking system previously in place for all other foreign visitors to the United States. Inclusion of those citizens from the 27 VWP countries is scheduled to begin on September 30, 2004. US-VISIT, however, is not yet fully deployed throughout the United States: It is scheduled to be deployed to the 50 busiest land border ports of entry by December 31, 2004 and to the rest of the land border ports of entry by December 31, 2005.
- The 9/11 Commission did not expect the US-VISIT program to be fully operational until 2010, which is “too slow, given the possible security dangers.” Exit data are not uniformly collected, and entry data are not fully automated.
- The success of the exit and entrance programs within US-VISIT depend on DHS’ adoption of an effective biometric passport system. Congress required DHS to install such equipment and software, the 9/11 Commission recommended the use of passports with multiple biometric identifiers of immutable characteristics (eg. fingerprint and retina scans), and the International Civil Aviation Organization adopted high-level technical standards for biometric passports. Although GAO recently reported that the DHS is on schedule to deploy its fingerprinting technology at ports of entry, the DHS has not developed biometric identifiers for multiple immutable characteristics. The GAO also criticized the DHS and the State Department for their communication failures regarding integration of the new biometric technology.
- The identification and tracking system for foreign students, SEVIS, was scheduled to be operational in January of 2003. Schools that have large populations of foreign students like Columbia, NYU, and Cornell have reported significant problems with using the system and numerous technical problems still exist. Although the Student Exchange Visitor Information Service (SEVIS) system prevented approximately 200 students from entering the country, it remains to be seen whether SEVIS accurately identified and blocked those students, or whether those identified students tried to enter the United States with improper visas. Also, the GAO reported several user problems with SEVIS, such as incomplete data and slow help-desk response.
- The State Department's Office of Consular Affairs, which issues foreigners visas, made a vigilant effort to preclude the issuance of visas to suspected terrorists. The number of suspected terrorists in its database has doubled, and the federal government has terminated some of the programs that made it easy to obtain visas, such as U.S. Visa Express and “transit without visa.” Also, waiting periods for the issuance of visas have lengthened to accommodate more thorough background checks. However, the DHS recently reported that

9 of 10 DHS officials assigned to screen visa applications in Saudi Arabia do not speak or read Arabic and have no experience conducting criminal investigations, undermining the government's ability properly identify suspected terrorists.

### **Nuclear Power Plant Security**

**Grade: C**

It is widely reported that Al-Qaeda has considered striking US nuclear facilities. The federal government has taken some steps toward addressing nuclear power plant security, but they have still not gone far enough to secure these facilities.

- New York National Guard personnel were stationed at New York's nuclear power plants, and continue to be posted at these facilities. At the Indian Point facility, two New York Naval militia boats are stationed in the Hudson River to patrol for water-borne attacks.
- In addition, the Nuclear Regulatory Commission (NRC) has worked with the FAA to prohibit planes from circling or loitering above nuclear power plants. However there is no firm no-fly zone over nuclear plants. The NRC also claims that it has concluded studies showing that the threat posed by an aerial attack on a nuclear power plant similar to that of 9/11 would present a low risk. However, this position is seriously questioned by a number of outside nuclear experts.
- In an effort to enhance the effectiveness of nuclear plant security, the NRC has required augmented security patrols and countermeasures, required limits on the number of hours security personnel can work to prevent fatigue, and instituted additional measures regarding security officer training and firearms qualification. However, many of these orders are only targeted to be fully implemented at the end of this October, over three full years after the attacks of 9/11.
- The NRC has begun a program to conduct modern terrorist attack simulations that are larger in scale and more aggressive than the previous exercises, but again, this plan does not fully resume until November. Experts argue that the new simulations are still inadequate to cope with the scale of terrorist attacks that are known to be possible in the post-9/11 era, and that NRC procedures to develop and test the attack scenario have been unnecessarily secretive in order to avoid scrutiny. In addition, training for security personnel is still conducted by private security companies, not government employees, and while there are more security personnel, it is not clear there are enough.
- Yet another reason that the NRC's simulations may not be adequate is that the NRC has allowed the nuclear industry to hire Wackenhut Corporation, the nation's largest nuclear security provider, to provide the offensive force teams. In other words, now the industry, which has much to gain by positive results of these exercises is running both sides of the operation- both protecting and attacking during the exercises. According to the Project On Government Oversight, there is little to prevent them from collusion during a drill for the benefit of successful results and the appearance of a secure facility. There is reason to believe these practices, which may jeopardize national security, will be employed by the industry. Earlier this year, the Department of Energy's Inspector General found that Wackenhut managers had been cheating on such force-on-force exercises for two decades at the Y-12

nuclear facility in Oak Ridge, TN.

- NRC studies also claim that the danger presented by an attack on spent fuel pools would not present a significant public safety risk. These positions are seriously questioned by nuclear experts. In particular, there is serious concern that an attack on spent fuel facilities, which are typically housed in unhardened facilities at nuclear power plants, could cause a catastrophic radioactive release. Indian Point has three spent fuel pools, each of which is housed in buildings that contain less than 18 inches of concrete in the walls and approximately 6 inches of concrete in the roof.

### **Chemical Plant Security**

**Grade: F**

According to the Environmental Protection Agency, there are 110 hazardous material facilities where a release of chemicals could threaten more than one million people - including dozens in Northern New Jersey, not far from New York City. There are an additional 750 other facilities where a chemical release would threaten more than 100,000 people. Despite these risks and repeated calls for action over the course of the past year, security at these plants remains lax and no federal security standards govern these facilities. DHS needs to establish federal security standards for chemical plants, conduct vulnerability assessments at chemical facilities across the country, and report to Congress within one year on the cost of implementing the needed security improvements.

### **Supporting First Responders**

**Grade: C**

First responders provide a critical level of security to minimize the effects of an attack and should be given the necessary resources to perform their functions to the utmost. According to the Conference of Mayors, every time the threat level is raised to "Code Orange" cities incur a cost of \$70 million per week. The federal government has to ensure the cities can meet these added security responsibilities. Instead funding cuts continue to shift the burden of these costs increasingly on localities. In addition, there has not been a significant improvement in communications for first responders, despite the widely acknowledged truth that the lack of a coherent communication system for first responders was a leading reason for the unprecedented death toll of FDNY on 9/11.

- First responders are currently not receiving adequate funding to meet their needs. According to the Center for American Progress, the DHS gave out \$180 million in Emergency Management Performance Grants (EMPG) this year to state and local governments to hire first responders and to develop an "all-hazard approach to emergency management." The Center found that given this level of funding, there will still be a shortfall of \$100 billion over the next five years for first responders.
- The Bush administration's FY2005 budget proposes 32 percent reduction in law enforcement funding. The Administration's FY05 budget proposal would cut funding for the COPS Grant Program from \$756 million in FY04 to \$97 million in FY05. COPS has added over 3,000 police officers to patrol New York since 1994 and it would be decimated if the Administration's current budget proposal is approved. Funding for this program must be

restored so that communities can provide the increased law enforcement presence that modern times demand.

- The FIRE grants program which provides critical equipment to local fire departments is also slated for significant cuts. The Administration's budget request would shortchange the program by \$400 million. New York would be particularly hard because fire departments depend on these grants. Statewide, local departments have received a total of \$53 million since the program began in 2001.
- First responders remain ill-equipped and undertrained and these cuts will only hamper efforts even more. As previously discussed, small pox vaccination efforts have not succeeded. In addition, it has been reported that only 10 percent of firefighters have the personnel and equipment to respond to a building collapse and 40 percent of firefighters have not received training for responding to a nuclear, biological or radiological attack. Ten percent is grossly inadequate.
- Two key reasons why 343 FDNY firefighters died in the World Trade Center attacks on 9/11 were malfunctioning radios and the lack of interoperability – the ability for police, firefighters, and other emergency personnel to communicate with each other on the same radio systems. In May, the 9/11 Commission held hearings in New York City this week and reiterated that Washington still isn't doing nearly enough to help the New York Police Department (NYPD), the Fire Department of the City of New York (FDNY), New York Emergency Medical Technicians (EMTs) and others with radio interoperability and other persistent communication problems. The Commission heard testimony that a more unified central command post could have saved lives and helped pass word that the Twin Towers were about to collapse and needed to be evacuated.
- Commissioners also scrutinized the incompatible radio systems and other equipment used by agencies that responded to the attacks. The 9/11 Commission and others have proposed the creation of a new US Homeland Security Signal Corps - a model program to create a specialized regiment of police, firefighters, EMTs, and other emergency personnel whose only job is to guarantee that first responders can communicate with one another, headquarters and the public at disaster sites and after terrorist attacks. But there isn't any funding set aside in the President's budget for Interoperability grants to States and localities. And the DHS this year terminated its programs that did provide interoperability grants, forcing local fire departments to compete in the larger FIRE Grant pool for radio funding against other priorities like new personnel, new trucks, or HAZMAT systems for firefighters.

## Homeland Security Funding Priorities

Grade: F

While Washington marginally increased the amount of federal Homeland Security funding from the year 2003 to the year 2004, much less of this money - both in real dollars and percentage of the total - went to New York State and New York City. In addition, the White House, House and Senate have all requested less money for Homeland Security in 2005.

- In 2003, there were a total of \$2.896 billion in Homeland Security funds delivered through the State Formula Grants and High Threat Urban Areas programs. In 2004, the DHS delivered \$2.945 billion, which is an increase of only 1.69%. However, in 2003, New York State (including New York City) was given \$326.97 million (11.3% of the total) and New York City received \$252.8 million (8.7% of the total). In 2004, New York State and New York City received only \$192.47 million and \$125.45 million respectively, which is only 6.5% and 4.3% of the total, respectively. The percentage of all Homeland Security funds sent to New York State fell by nearly half from 2003 to 2004, and the percentage New York City received fell by more than half. Much of this change is attributable to the fact the DHS added about 30 cities to the list of places eligible for High Threat Urban Area funding, greatly diluting the funds available for the most-at risk city, New York..
- As has been widely reported, when Homeland Security funds are examined on a per-capita basis, New York does relatively poorly. In FY04, under the Office of Domestic Preparedness Homeland Security Grant program, Wyoming led the pack, receiving \$38.31 per person. The next in the top six were Vermont (\$31.96), Alaska (\$31.23), North Dakota (\$30.42), South Dakota (\$26.65). New York rated 49th for these grants at \$5.47.
- Based on this and other data, the 9/11 Commission demanded that Homeland Security funding be distributed based on threat assessment only. But the chances of this happening appear to be slim.
- The future does not look any brighter. For 2005, the White House has proposed spending a total of \$2.646 billion in Homeland Security Funding, the House has proposed \$2.750 billion, and the Senate \$2.540 billion. All of these amounts are hundreds of millions less than either the 2003 or the 2004 total funding.

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