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Schumer Homeland Security Report

One Year Later: Is the Federal Government Doing Enough to Make New York Safer? Grading the Federal Homeland Security Effort in New York and the Nation

Port/Border Security: Inspections of cargo transported on boats and trucks remain lax and poor radiation detection technology leave ports and border crossings vulnerable to terrorist groups trying to smuggle dirty bombs into the country. Underscoring the problem, a news crew successfully smuggled 15 pounds of uranium into the New York Harbor in late July. The uranium went undetected because the shipping manifest of its cargo container said it held "household goods," failing to arouse the suspicion of Customs officials.

- Clearly, the effort to improve port and border security remains spotty. Six months ago, Customs launched a plan to inspect cargo at the 20 largest foreign ports before it gets to the US. To date, however, Customs has placed agents at only four foreign ports – Singapore, Rotterdam, Le Havre and Antwerp. Even worse, no special security measures have been put in place at the largest container ports in the country, including New York which is the largest on the East Coast.
- There has also been little movement on funding research to develop devices that could effectively detect radioactive material stored in cargo containers transported on boats and trucks, even though scientists at Brookhaven national labs say such devices can be developed. Schumer has introduced legislation that would provide \$250 million for such an effort, impose stricter cargo reporting standards, increased penalties for unreported cargo, more manual inspections of cargo and merchandise, and the purchase of over 100 new mobile X-ray scanning devices.
- The House and Senate have not been able to agree on how to pay for a \$600-800 million plan to improve security at US ports whereby small user fees would be taken on all port shipments. With the Port of New York the largest and busiest port complex on the East Coast – housing nearly 10,000 ships per year – New York would receive a large portion of this funding.

Grade: D

Rail Security: Post September 11th, security experts agree that our rail system is highly vulnerable to attack and yet the Bush Administration has done next to nothing on rail security. Significant sections of Amtrak's infrastructure remain completely unprotected and Amtrak's continuing financial difficulties have made it clear that the Federal government has to step in and provide the funds for vital security upgrades.

- The antiquated and overcrowded tunnels throughout the Northeast remain a special concern, as they

could easily be attacked, which would cause massive damage and loss of life. Further, Amtrak is in charge of policing all of their property including many of their passenger rail stations. Amtrak's police force currently employs roughly 325 officers for the entire system. Over 400,000 people use Pennsylvania Station daily, but often times Amtrak has fewer than 7 officers to guard most of the facility. To compare, John F. Kennedy airport in Queens is used by 80,000 passengers a day and has between 50 and 100 Port Authority Police on duty, as well as many additional civilian guards.

- Senators Biden, Hollings and others, including Schumer, have introduced legislation that allocates over \$3 billion to improve security across the Amtrak system. Approximately \$1.5 billion would be used for an aggressive, nationwide security upgrade, featuring a host of new security measures and requirements, potentially including adding more police officers, security personnel, and new K-9 units patrolling railway facilities, and instituting stringent ID checks for all rail passengers. Most of the rest of this money would be used to upgrade the rail tunnels throughout the Northeast. Unfortunately, the Administration has demonstrated no support for these security measures and even continues to fight funding Amtrak at all.

Grade: D-

Aviation Security: Although Congress passed a major overhaul of the nation's aviation security system, a number of holes remain in aviation system. Just last week, for example, a passenger boarded a flight with a loaded handgun before being stopped at the connecting airport by a random gate check. There have also been a number of security breaches at airports in New York, demonstrating that the Transportation Security Administration (TSA) still has a long way to go before the aviation system can be declared completely safe.

- With the November deadline for federalizing the aviation security workforce fast approaching, the TSA has deployed Federal screeners at only 93 of the country's 429 commercial airports. In New York, the TSA has fully federalized Albany, Binghamton and Syracuse airports and has partially federalized New York's LaGuardia and John F. Kennedy International airports, as well as at Long Island's Islip airport. Buffalo and all other major New York airports still have private screeners.

- No New York airport is currently complying with the requirement to screen all checked baggage, and only three airports nationwide are meeting the requirement. With a baggage screening equipment shortage and many airports needing renovations to install the screening machinery, it is unlikely that all New York airports will meet the December 31, 2002 deadline for doing so. Nevertheless, the TSA believes about 90% of all airports will be able to meet the baggage screening deadline.

- The FAA has mandated that all aircraft have new secure cockpit doors installed by the end of this year, but currently less than 50% of all planes have installed the new blast resistant doors.

- Significant challenges still remain in the area of charter/general aviation flights since they do not have to meet the same security standards imposed on commercial flights. Until TSA regulations on these types of aircraft are implemented, a significant hole will remain in our aviation security.

Grade: C+

Northern Border Security: The Administration's implementation of Congressional measures to beef up

security along the porous, 4,000-mile Northern Border over the last year have been incomplete. Although Congress authorized the deployment of over 6,400 border inspectors, guards, and agents, the Bush Administration has only budgeted enough money to hire about 4,000 Northern border personnel, a shortfall of just under 2,400.

- These staffing shortages mean heavy traffic delays at busy crossings like those in Upstate New York, disrupting commerce and – even worse – adding to the burden of overworked officials charged with keeping an eye out for suspicious activity and people on terrorist watchlists trying to enter the nation.
- Although the US and Canada signed a Smart Border agreement to improve security and expedite cross-border commerce last December, key parts of the plan are not being implemented at those areas that have the greatest need to be upgraded. For example, New York and Michigan are home to three of the most heavily trafficked northern border crossings, but none of these ports of entry have qualified to be test sites for joint US-Canadian facilities that would expedite cargo inspections and cross-border traffic.

Grade: C-

Nuclear Plant Security: With the knowledge that Al-Qaeda considered striking U.S. nuclear facilities as it planned its September 11th attacks and has not ruled out nuclear attacks in the future, the security of nuclear power plants must be one of our nation's top concerns. Although over one year has passed since the attacks, the Nuclear Regulatory Commission (NRC) has yet to finish revising its design basis threat to account for previously unforeseen terrorist actions and does not plan to fully resume force-on-force security exercises until early next year.

- Following the attacks, the NRC advised nuclear facilities to go to the highest level of security. Security actions have included requirements for increased patrols, increased numbers of security guards, additional security posts, installation of additional physical barriers, vehicle checks at greater stand-off distances, enhanced coordination with law enforcement and military authorities, and more restrictive site access controls for personnel.
- 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, a New York Naval militia boat is stationed in the Hudson River to patrol for water-borne attacks. However, concerns have been raised that this patrol has not been provided with adequate equipment or defensive capabilities.
- The 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, and NRC studies designed to assess the vulnerability of nuclear facilities to aerial attacks remain unfinished.
- Spent fuel storage facilities at nuclear power plants continue to be housed in unhardened structures that are highly susceptible to aerial and other attacks. 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.

Grade: B-

Immigration: Much of the post 9/11 focus by the Immigration and Naturalization Service (INS) has been focused on tracking foreigners after they enter the country. Most experts agree that once terrorists are inside the country, it is too late and that the INS should focus on not letting the terrorists enter the country in the first place.

- According to recent news articles, the Student and Exchange Visitor Information System (SEVIS) will not be fully operational by January 2003, a deadline set by Congress in response to the discovery that the 9/11 hijackers entered the country on temporary visas. SEVIS enables schools to transmit information to the INS and the State Department about foreign student or exchange visitors in the United States.
- New York schools like Columbia, NYU, and Cornell who have large populations of foreign students, have not yet received updated SEVIS software from the INS. As a result, they are unable test it and integrate it into their system. Without sufficient time, these schools agree that they could have problems meeting the January 2003 deadline.
- The Justice Department recently announced that it would begin enforcing a law that requires foreigners who are here for more than a month to report any change of address. INS spokesmen have been quoted as saying that one should not expect any sort of "national roundup" of people who fail to report in, because it would be impossible to track down all those foreigners.
- The State Department's Office of Consular Affairs, which issues foreigners visas, has been making efforts to become more vigilant in not giving visas to suspected terrorists. The number of suspected terrorist in its database has doubled and some of the programs that made it easy to obtain visas, such as U.S. Visa Express, have been shut down. Furthermore, the waiting period for visas for certain individuals has been increased so more thorough background checks can be made.

Grade: C-

Defending the Water Supply: In his State of the Union speech last year, the President said diagrams of public water systems were discovered in al-Qaeda camps in Afghanistan. In January, the FBI issued a warning that America's public water supply systems were among potential targets and in July, officials seized water supply diagrams from suspected Al-Qaeda members in Denver.

- Despite these threats and the fact that it would cost an estimated \$550 million to conduct vulnerability assessments for all drinking water systems nationwide, the Environmental Protection Agency is providing only \$89 million to help municipal water systems develop security plans, with the maximum individual grant capped at \$115,000. But according to the Association of Metropolitan Water Agencies, it would cost at least \$500,000 to \$750,000 for a city with over one million people to conduct such an assessment. Seventeen New York water systems have received these grants, including the cities of Buffalo, Syracuse, Rochester, Albany, and the New York City Department of Environmental Protection.
- Although New York City has received \$345,000 to evaluate its three water systems, those grants do not come close to meeting the estimated cost of the city's \$5-10 million vulnerability assessment. With the city facing a \$5 billion budget gap, the meager federal assistance is a drop in the bucket to help New York conduct a thorough analysis of its water system's security needs.

- Even more troubling is the fact that there is no uniform federal effort underway to help pay for and implement specific security upgrades, like equipping water security systems with video cameras, fences, and other measures. To get funding for these kinds of upgrades, cities need to apply to the EPA's State Revolving funds program where no preference is given to security applications.
- Last August, President Bush refused to release \$50 million for the EPA to help small and medium water systems increase their defenses and evaluate their vulnerabilities. This funding was part of the \$5.1 billion emergency package the President vetoed last month.

Grade: D-

Combating Bioterrorism: After last fall's 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 with additional funding to improve the response to public health emergencies. But the American Hospital Association (AHA) has concluded that hospitals need at least \$10 billion more for bioterrorism preparedness and that only \$125 million of the \$700 million approved by Congress for hospitals and local health departments has been distributed.

- In New York, hospitals have received just under \$8 million of the funding, with \$3.3 million going to New York City and \$4.5 million going to the rest of the state. This amounts to about \$35,000 per NYC hospital, nowhere near the \$3 million per hospital that the AHA recommended last fall.
- The CDC deserves credit for adding 1 billion additional doses of antibiotics and spending \$650 million on increasing its stocks of smallpox and anthrax vaccines. It also increased the number of portable push-packs that contain 50 tons of emergency supplies, which can be rushed to any location in the country within 12 hours, in the event of a biological or chemical attack.
- Although last fall's anthrax attacks killed five people, sickened at least 17 more and caused widespread disruption in mail services, the Post Office still has no mechanism in place to quickly check mail for the presence of anthrax, bubonic plague or other pathogens. The Post Office plans to spend \$200 million this fall to install detection systems at its facilities and will spend \$245 million on a large network of exhaust vents and vacuums to draw dust out of sorting machines and trap any particles in filters.

Grade: B+

Preventing a dirty bomb: Although there is evidence that terrorist groups want to obtain nuclear materials to build a dirty-bomb, the federal government has yet to put a comprehensive system in place to keep track of radioactive material inventories.

- Some devices used for industrial and medical purposes contain radioactive material. Every year in the US there are over 200 reports of lost, stolen, or abandoned radioactive sources. These uncontrolled radioactive sources are public safety risks since they can be used to make a dirty bomb.
- Radioactive materials – including weapons-grade plutonium, uranium, radioactive waste from power

plants, radium, cesium, and americium – are currently in use at 103 nuclear power facilities and are contained in several million medical and industrial devices across New York and the nation. Amazingly, there is no national database to keep track of radioactive materials.

- The detonation of a radiological dispersal device or dirty-bomb in New York City would contaminate an area of about 300 city blocks and render most of the city uninhabitable for decades.
- To make it more difficult for terrorists to construct a "dirty bomb" from radioactive materials in the US, Schumer wants Congress to mandate increased security measures for nuclear facilities and to require the tracking of radioactive materials.

Grade: D

Cyber-Security: 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. Despite the fact that such an attack could disrupt the stock market, result in rolling blackouts, dead phone lines, and sudden subway, train and air traffic control shutdowns, the federal government has taken over a year to develop a plan to respond to attacks on the physical infrastructures protecting cyber-networks as well as those attacks coming from within the cyber-world itself (i.e hacking).

- Over a year after 9/11, the Administration's Office of Cyberspace Security reneged on its promise to produce a final plan for shoring up the nation's cyber defenses. Instead, they released a draft proposal last week that will now be subject to a 60 day comment period. While the need for public commentary is understood, the next several months we could be waiting for a final version of the report only increases our vulnerabilities.
- All 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.
- In 1998, the Melissa virus infected over 1 million computer systems and caused \$80 million in damage. Estimated costs in damage as a result of the 2000 "I Love You" virus run from \$8 to \$10 million. Last year, the Code Red virus infected 150,000 computers in 14 hours, causing billions of dollars in losses. And, a week after September 11th, the NIMDA virus attacked 86,000 computers, shutting down the entire online operations of firms- forcing some to completely rebuild their systems. Current rates report over 110,000 cyber attacks in 2002.
- Protection of cyber-networks from hack attacks depends on government and industry cooperation. Given the extra time that the Administration has given itself to produce its final report, a consensus must be reached between the government and industry on how the nation's cyber infrastructure will be protected.
- In March, Schumer introduced legislation that would create a public sector-private sector team to identify segments of Internet infrastructure vulnerable to terrorist attack, and recommend to both government and private entities possible defenses.



Grade: C

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