

Two 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: Efforts to improve passenger and passenger-held luggage screening have gone well overall, with federal air screeners working considerably more quickly and effectively than their private-sector predecessors. But there are still many holes in the aviation system, and there have also been a number of security breaches at airports in New York, demonstrating that the Transportation Security Administration still has a long way to go before the aviation system can be declared completely safe.

1. In May, Schumer found that over 950,000 people a month were flying into or out of New York City-area airports on flights that were also carrying unscreened mail or cargo. Despite the Administration's knowledge of similar national statistics, the Department of Homeland Security asked Congress to cut its air screener budget next year.
2. While additional funds for Airport Perimeter Security have been appropriated, huge gaps remain. In August, Brooklynite Joel Phagoo, his younger brother, and his young cousin were fishing in an inflatable raft and were blown ashore at JFK airport at the end of Runway 4R after running into rough water in Jamaica Bay. They wandered the runways and taxiways of JFK – with jets were taxiing right past them – for an hour, entirely unchallenged. They looked for airport security but couldn't find any until they walked across the airport to Port Authority Police Headquarters. There is still no fund of federal money specifically for improving perimeter security at airports. The Transportation Security Administration has not offered to help financially with the cost of patrolling the perimeter, and airports cannot afford the cost of armed guards surrounding airports.
3. General aviation flights are still not screened prior to loading, and screening equipment does not exist at the vast majority of general aviation airports. Just last week a Bronx man shipped himself to Texas on an air cargo plane, and was only apprehended because the local delivery truck driver saw the man kick his way out of the crate once it was delivered. In addition to there being no screening of air cargo, the government has not implemented steps to improve access to cargo areas of airports. It has not implemented uniform procedures to background check employees who handle air cargo.
4. The shoulder-fired missile attack on an Israeli airliner in November of 2002 and the August arrests of arms dealers in New York who were trying to provide shoulder-fired missiles to terrorists for use against a commercial airliner shows the need to equip commercial airlines with technology capable of defending against surface-to air missiles. 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 that would not allow commercial aircraft to begin to be protected before the end of 2005. The Department of Homeland Security 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.

5. The FAA has mandated that all aircraft have new secure cockpit doors installed by the end of last year, but currently one in five planes still don't have the new blast resistant doors.

GRADE: C-

Port 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 – as well as the possibility of terrorists themselves entering New York. Last summer, a news crew successfully smuggled 15 pounds of uranium into New York Harbor. This week, the Coast Guard launched a SWAT Team-like 94-member Maritime Safety and Security Team in New York Harbor that is specially trained and equipped to provide quick responses to terror threats. But the news team successfully repeated their uranium importation this week in Los Angeles, shipping 15 pounds of uranium from Indonesia past Customs officials by simply not declaring it. Some progress has been made, but the remaining risks leave New York vulnerable to weapons of mass destruction and even terrorist stowaways.

- 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. The latest figures show that just 1 or 2 percent of the 5.7 million cargo containers that come through American ports are screened for contraband materials. In addition, it continues to be extremely easy to forge shipping documents, which are the principal documents used by Customs to decide which containers to inspect. This year, Schumer attempted to amend the Homeland Security Appropriations bill to add money for the development of Geiger counters to be mounted on the top of port cranes, but with a Republican majority lost the vote 45 - 51. Had Geiger counters been installed on the port cranes, it most likely would have caught the incoming radioactive uranium in New York and Los Angeles.
- Congress and the Administration 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. In June, the Port of New York, the City of New York, and private-sector companies that operate boat services in New York Harbor received \$20.2 million in port security grants. While this was an important down payment, it represents only a fraction of the funds needed to secure the Port of New York and New York Harbor.
- In the spring, the Administration attempted to redirect \$56 million that was earmarked for high-risk ports like New York to cover other homeland security funding shortfalls, but abandoned this plan after Senator Schumer and Senator Patty Murray of Washington blocked it.

GRADE: D

Rail Security: Despite marked improvements in security at New York's Pennsylvania Station, more work needs to be done there, and significant sections of Amtrak's infrastructure remain completely unprotected. 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. In the spring, an investigative team from a New York City television station found that a chain-link fence was the only security protecting the major tunnel entrance north of Pennsylvania Station on the west side of Manhattan – and that fence has been cut apart for weeks until the reporters inquired about it.
- In June, Schumer announced that Amtrak has spent \$77 million of an original \$100 million allocated for the Pennsylvania Station improvements in New York City, which bought increased policing, new K-9 bomb teams, sensors to detect chemical, biological, and radioactive materials, Explosive Trace Detection devices that scan the air for traces of bomb materials, bomb-resistant trash cans, intrusion alarms, and vehicle barricades. Schumer also reported that some of the remaining funds will go toward Amtrak's Life Safety Program to construct three major air ventilation structures for Penn Station, install a fire standpipe system, and complete other projects to improve the infrastructure beneath the station over the next five years. But after inspecting the Penn Station improvements with the top US Transportation Security official, Schumer said that an additional \$350 million is needed to complete the ventilation systems and make other improvements to Penn Station, which serves over 400,000 people a day. This funding level is consistent with internal Amtrak analyses, but the Office of Management and Budget has refused to request these funds from Congress.

GRADE: C-

Truck Security: In June, an Ohio-based truck driver admitted to conspiring with Al Qaeda to attempt to destroy American bridges and chemical and fuel laden trucks were used in three terrorist attacks worldwide in the last 18 months. Still, the federal government has done virtually nothing to protect New Yorkers from unsecured trucks.

- 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 into Rochester.
- 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 deserted gas station. Experts say that chemicals present an even greater risk, particularly those like chlorine or cyanide, which can form clouds of deadly fumes. No federal money

has been spent on truck security other than \$500,000 nationwide on driver-training courses.

- To bolster our truck security, Schumer has proposed federal background check's for truck drivers, tracking technology for all trucks, a nationwide HAZMAT database, and increased research into new technologies that could bolster the safety of the nation's truck fleet. Such technologies would include panic buttons in case a truck is hijacked, and automatic engine kill switches that could be triggered remotely if a truck were stolen or veered off its intended delivery route. Such technology is already in place in Brazil and has resulted in the recovery of \$500 million worth of stolen freight.

GRADE: F

Northern Border Security: Over the past year, the government successfully implemented new border crossing programs in order to speed the clearance of low-risk passengers and cargo crossing from Canada into the United States. This year, the new U.S./Canada FAST Commercial Driver Program began operating within New York State at the Peace Bridge, Lewiston-Queenston, and Champlain-Lacolle border crossings, and the NEXUS alternative inspection program for passenger vehicles is currently in place at the Peace Bridge. This effort helps streamline the inspection process, facilitating the continued free flow of goods and people across our border – all a result of more attention to this issue from Washington.

- Nonetheless, the Administration has not hired enough personnel to protect this porous, 5,500-mile expanse of land. In September 2001, the United States had about 2300 personnel covering the Northern Border. Under the President's budget request, in September 2004, there will be just over 5,000 men and women there, instead of the 6,900 people authorized by the USA PATRIOT Act – a shortfall of 27 percent.

GRADE: B

Nuclear Power Plant Security. Although it is widely known that Al-Qaeda has considered striking US nuclear facilities, the federal government has taken some steps toward addressing nuclear power plant security, but not enough. There have been improvements – for example, the 94-member US Coast Guard SWAT Team for New York Harbor launched this week will quickly respond to threats at Westchester's Indian Point Power Plant. And the Nuclear Regulatory Commission has ordered facilities to protect against a revised "design basis threat" (the type of attack the Nuclear Regulatory Commission terrorists would make on a nuclear facility), 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. But the Nuclear Regulatory Commission studies of nuclear plant vulnerabilities to land-based, water-borne, and airborne attacks will not be completed until fall of this year, over a full two years after the attacks of September 11th, and experts are concerned that the revised "design-basis threat" does not adequately incorporate the potential for airborne or September 11th-scale attacks. 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.

- 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: C+

Immigration: 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 Department of Homeland Security. Border-control functions of INS are housed in separate directorate, Border and Transportation Security.

- State, BCIS and FBI do not have procedures for notifying the appropriate personnel to take action on visas revoked by State. If a visa holder is identified as a suspected terrorist after the visa is issued there is no procedure for transmitting that information to either border personnel to prevent that person's entry or to the FBI to secure the person's location once in the country. In the GAO's review of 240 visa revocations, at least 30 individuals whose visas were revoked on terrorism grounds had entered the United States and may still remain.
- The Department of Homeland Security has announced a new entry-exit tracking system for foreign visitors, US-VISIT. It is scheduled to be fully implemented by October 2004, but agency officials have expressed skepticism that the date can be met. Until the program is fully operational, the efforts to control the visa issuance, entry and exit system will lack coordination.
- 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 SEVIS system prevented approximately 200 students from entering the country, it remains to be seen whether those students were improperly identified or actually attempted to enter without proper visas.
- 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: D

Defending the Water Supply: 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, but federal help in this area has been minimal.

- Despite these risks, the EPA has provided only \$111 million of the \$500 million needed to help municipal water systems develop security plans for all drinking water systems nationwide. Even worse, the Administration has 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 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 an enormous 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.

GRADE: B-

Combating Bioterrorism: Bioterror protection is probably the area of homeland security where the most progress has been reached. 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 - for states and direct grants to hospitals - to counter potential biological, disease, chemical and radiological threats.

- The bulk of the federal funds to combat bioterrorism have focused on the development of state and community bioterrorism preparedness plans. Only a small amount of funding has gone directly to local hospitals and public health entities to implement the plans, and the distribution of funds has been greatly delayed, leaving them wholly unprepared in the event of an attack. According to health experts, hospitals will need at least \$10 billion to enhance bioterrorism preparedness and ensure that they are ready in the event of an attack.
- In New York, hospitals received just under \$8 million in the first round of funding, with \$3.3

million going to New York City and \$4.5 million going to the rest of the state. In round two funding, the state is slated to receive an additional \$18 million and New York City will receive \$12.9 million. This amounts to a total of approximately \$125,000 per NYC hospital. City hospitals have only seen \$40,000 so far and the total is nowhere near the \$3 million per hospital that the Greater New York Hospital Association estimates each hospital will spend in 2003 alone.

- Although the anthrax attacks of October 2001 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 check mail for the presence of anthrax, bubonic plague or other pathogens. The Post Office has completed the installation of exhaust vents and vacuums with HEPA filters designed to draw dust out of sorting machines and away from employees. Although it has obligated \$280 million for the creation of a biohazard detection system, however, it has only recently completed the testing of the system in 14 sites across the country and will not fully deploy the system until 2004.

GRADE: B+

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 took 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).

- The General Accounting Office reports that the administration's efforts to secure cyberspace have been badly coordinated and underfunded. The lack of coordination may result from a lack of leadership and authority. The administration did not appoint a new federal cyber-security chief after Richard Clarke resigned in early 2003. The position was ultimately moved to a mid-level slot at the Department of Homeland Security.
- Eighteen months after 9/11, and the Administration released its National Strategy to Secure Cyberspace Security. Unfortunately, the strategy provides no regulations, mandates or even standards to protect against cyber attacks. Instead, it merely encourages private companies and individuals to secure their own hardware and software. The Government Accounting Office reports that the strategy fails to: indicate how the efforts will be coordinated; define roles, responsibilities and relationships between key layers; provide time frames for implementation; and establish performance measures to hold entities responsible.
- 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.

- Schumer will introduce legislation that would create a public sector-private sector task force to identify segments of Internet infrastructure vulnerable to terrorist attack, and recommend solutions to the Department of Homeland Security's newly created National Cyber Security Division.

GRADE: C

Chemical Plant Security 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, security at these plants remains lax and no federal security standards govern these facilities. The Department of Homeland Security 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.

GRADE: F

Overall Homeland Security Funding. Over the last year, the Administration has continued to shortchange first responders. In a recent study, the Council on Foreign Relations calculated that first responders will require approximately \$125 billion over the next 5 years or \$25 billion a year - not including overtime costs for training or needs of several high threat areas. Based on the Administration's FY04 budget request, total federal support for emergency response amounts to about \$5.4 billion a year or \$27 billion over 5 years. This number falls almost \$100 billion short.

- While the Administration claims that it is providing new money to keep our first responders properly trained and equipt, the numbers prove just the opposite. Instead of increasing the number of police, fire and FBI agents watching over America's citizens, this number is decreasing.
- The total number of firefighters and officers in the New York City Fire Department on Sept. 10, 2001, was 11,327. A year ago, the count was 11,270. Today, it is 10,751. According to the mayor's office, the Police Department head count at the end of July 2001 was 39,895. In the same period last year, it was 38,900. This July, it was 37,354. And in May, Schumer revealed new data showing that the New York City FBI field office had a net loss of 90 FBI agents since 1999, when there were 1,164 FBI agents in the New York City field office. According data Schumer obtained from the FBI, there were only 1,074 FBI agents stationed there in May 2003.

GRADE: D- and sliding into failure

Two Years Later: Is the Federal Government Doing Enough to Protect New York?

Schumer Grades on the Federal Homeland Security Effort in New York

Air Security: C-

Port Security: D

Rail Security: C-

Truck Security: F

Northern Border Security: B

Nuclear Power Plant Security: C+

Immigration: D

Defending the Water Supply: B-

Combating Bioterrorism: B+

Cyber-Security: C

Chemical Plant Security: F

Overall Homeland Security Funding: D- and sliding into failure

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