



Backgroundnder

Executive Summary

No. 1563

June 25, 2002

FEDERAL HOMELAND SECURITY POLICY: A NINE-MONTH ASSESSMENT

MICHAEL SCARDAVILLE AND JACK SPENCER

The terrorist attacks on the World Trade Center and the Pentagon in September 2001 placed homeland security at the top of the government's priority list. Since then, the President and Congress have done much to meet the daunting challenges facing the nation, which include a bold proposal to create a Cabinet-level Department of Homeland Security (DHS), increasing security at the borders, and enhancing cooperation and communication with state and local governments and civic institutions.

Several key policy areas that have not received enough attention since the attacks are more important today in light of the proposal to create a new federal department for homeland security. Specifically, to remedy remaining vulnerabilities and further strengthen homeland security this year, the Administration and Congress should:

- **Create a better federal fusion system for intelligence.** Such a center should gather, analyze, and share information as needed to appropriate agencies at the federal, state, and local levels. It should work closely with the Federal Bureau of Investigation (FBI) and the Central Intelligence Agency (CIA), which should remain independent of the new department since their broad missions extend beyond counterterrorism.

- **Consolidate first responder programs and develop a national training network for state and local first responders.** The President's First Responder Initiative is a good first step in improving federal efforts to prepare the nation's first responders for terrorist incidents. More should be done, such as developing a national system of hands-on educational facilities that consolidate federal assistance programs in their region and function as a "one-stop shop" for training, information on federal grants, and distance learning programs.

- **Develop a comprehensive program of terrorism response exercises.** Exercises that simulate WMD (weapons of mass destruction) events are central to preparing for terrorist strikes. Such exercises should be included in a

Produced by the
Kathryn and Shelby Cullom Davis
Institute for International Studies

Published by
The Heritage Foundation
214 Massachusetts Ave., NE
Washington, D.C.
20002-4999
(202) 546-4400
<http://www.heritage.org>



This paper, in its entirety, can be found at: www.heritage.org/library/backgroundnder/bg1563es.html

national strategy for first responders developed by a task force, under the auspices of the new DHS, with representatives from the Office of Homeland Security (OHS), the Department of Defense, state and National Guard units, the Centers for Disease Control and Prevention (CDC), and other agencies.

- **Expedite the development of a national health surveillance network.** Since September 11, concerns about the ability of terrorists to harm large numbers of civilians with chemical, biological, or radiological (CBRN) agents have focused public attention on the lack of local preparedness in this area. To mobilize a rapid response to such attacks, officials must be able to recognize early outbreaks of catastrophic illnesses or attacks on food and water supplies. A nationwide network of local surveillance systems must be established to monitor and rapidly disseminate information about such occurrences across all levels of government.
- **Develop a specific policy for smallpox vaccinations.** The U.S. will soon have more than enough smallpox vaccine to protect every American. Determining whether each should be vaccinated is the next step. A recent University of Michigan study estimates that such a campaign could result in up to 300 deaths and thousands of illnesses. But it could also save millions of lives should a terrorist attack occur in high-density areas. The Administration should develop an effective vaccination program against smallpox, beginning with first responders and members of the public health community.
- **Expand the role of the National Guard.** As a first responder in domestic emergencies, the Guard is well-positioned to assume the lead military role in homeland security. Moreover, much of the administrative and command infrastructure that is needed to enable the Guard to take on such a role is in place. But Title 32, Section 102 of the U.S. Code forces the Guard to focus on providing support services to active forces, and the Pentagon cannot easily extract it from these duties and redeploy units for homeland security without affecting those active forces. Either the active forces' roster will have to expand to cover those services, or their com-

mitments decrease. Steps must also be taken to redefine the Guard's mission.

- **Establish a federal team to facilitate state and local strategies that complement the national homeland security strategy.** Homeland security transcends all levels of government and depends on the willing cooperation of all involved. Helping state and local officials make their counterterrorism plans compatible with the federal strategy will be vital to its success and require close coordination between the new DHS and state and local government officials. OHS Director Tom Ridge should establish a team of staff members who can travel around the country to help local homeland security officials develop and implement plans that complement the national strategy.
- **Establish standing committees on homeland security in both houses of Congress.** Today, homeland security and terrorism-related programs traverse congressional committee jurisdictions. The House alone has at least 14 full committees and 25 subcommittees that claim jurisdiction over aspects of the programs. To complement the creation of a DHS and facilitate Congress's legislative and budgetary role in homeland security, each house should form a standing committee on homeland security with sole jurisdiction for the functions assumed by DHS. Subcommittees should be established to address the departmental divisions proposed by the President: border and transportation security, emergency preparedness and response, CBRN countermeasures, and intelligence analysis and infrastructure protection.

In light of the President's proposal for a new Department of Homeland Security, it is more important than ever that Washington make the right decisions in a timely manner. In this time of war, it is essential that the focus remain on national security and not be distorted by political manipulation and agency workplace fears. Though Washington has done much to increase security, it is time to take these next very important steps.

—Michael Scardaville is Policy Analyst for Homeland Defense and Jack Spencer is Policy Analyst for Defense and National Security in the Kathryn and Shelby Cullom Davis Institute for International Studies at The Heritage Foundation.

FEDERAL HOMELAND SECURITY POLICY: A NINE-MONTH ASSESSMENT

MICHAEL SCARDAVILLE AND JACK SPENCER¹

On June 6, President George W. Bush called for creation of a Cabinet-level Department of Homeland Security (DHS) to consolidate many of the federal agencies with homeland security missions. This is the most extensive homeland security proposal advanced so far during his Administration.

The President had already established the White House Office of Homeland Security (OHS) to fill a much-needed coordinating role for those agency activities. In addition, the Administration worked with Congress to pass strong homeland security measures in the USA PATRIOT Act (P.L. 107-56) and the Aviation Security Act (P.L. 107-71); and the White House released the nation's first homeland security budget to focus Washington's energies on a number of long-neglected policies.

Despite such progress, however, a number of key policy areas and vulnerabilities present on September 11 still need to be addressed this year. For example, federal agencies continue to compartmentalize terror-related intelligence information and block rapid access to it. America's police, emergency medical services, fire departments, and public health workers are not adequately prepared to respond to mass casualty terrorist attacks of any

type, let alone those using a weapon of mass destruction. Federally sponsored training exercises should be conducted for federal, state, and local personnel to help them prepare for all types of contingencies. And because there are only very limited means of detecting the beginning stages of a bioterrorist attack, a nationwide health surveillance network should be set up to enable local, state, and federal decision-makers to respond in the early stages when rapid responses are most critical.

The role of the National Guard in homeland security has not yet been adequately defined, despite the Guard's being uniquely positioned to assist state and local efforts during and after such attacks. The Department of Defense will need to address the

Produced by the
Kathryn and Shelby Cullom Davis
Institute for International Studies

Published by
The Heritage Foundation
214 Massachusetts Ave., NE
Washington, D.C.
20002-4999
(202) 546-4400
<http://www.heritage.org>



This paper, in its entirety, can be
found at: [www.heritage.org/library/
backgrounder/bg1563.html](http://www.heritage.org/library/backgrounder/bg1563.html)

1. The authors would like to thank Melissa Glass, Research Assistant for Homeland Security, for her assistance in researching and drafting this report.

Guard's current support role for the active forces so that Guard units are better able to respond to homeland emergencies without seriously affecting the military. Finally, Congress lacks efficient mechanisms to provide legislative and budgetary oversight of federal homeland security efforts. It should restructure its committees, with new standing committees to complement the establishment of the new Department of Homeland Security.

All of these areas should be top priorities in 2002 to focus the federal government's resources more directly on homeland security.

FEDERAL HOMELAND SECURITY: A PROGRESS REPORT

After September 11, the immediate focus of the Bush Administration was to protect the country from further terrorist threats, to assess the resources available for protecting the homeland, and to establish a budget for homeland security. Since the establishment of the Office of Homeland Security last October, the Administration and Congress have sought to address a number of serious concerns. The President included innovative proposals in his first homeland security budget, for example, to improve the way Washington assists first responders and improve the nation's stockpile of medications. New customs initiatives and agreements with America's trade partners sought to improve commercial security. State and local governments were integrated more fully into federal security strategies for everyday concerns and special events. And a new warning system was developed to communicate information about potential terrorist threats.

It is President Bush's proposal for the creation of a Department of Homeland Security, however, that will have the greatest effect by funneling federal resources more effectively to the mission of homeland defense. Consolidating most of the 100 federal agencies with homeland security responsibilities into one department represents the most massive restructuring of the federal government since World War II. The Office of Homeland Security, which has become an important advisory body for the President on reorganizing the government, should con-

tinue to serve this function, working independently from and cooperatively with the new department to coordinate federal homeland security policy among the remaining agencies.² Nevertheless, until Congress addresses the specific details of such a reorganization, it remains to be seen how successful the President's reorganization will be in preventing other attacks on America.

Congress has also contributed to homeland security. In the days after September 11, Members proposed scores of bills, amendments, and resolutions related to the attacks,³ but enacted only a small percentage of them. Congress passed and the President signed the USA PATRIOT Act and the Aviation Security Act last fall, and the Enhanced Border Security and Visa Entry Reform Act (P.L. 107-173) earlier this year. Each of these laws is designed to address fundamental security challenges facing the country. The USA PATRIOT Act gives law enforcement the ability to combat terrorists with 21st century technology. The Aviation Security Act and the Border Security Act seek to make it more difficult for terrorists and their weapons to enter the country.

Meanwhile, OHS Director Tom Ridge is planning to deliver a national strategy for homeland security to the President by early July, and Congress will soon begin to work out the details of the new department proposed by the President. But these efforts, as well-intentioned as they are, are still only the first steps the federal government must take to improve homeland security. Understanding what needs to be done next requires a closer look at what has been done to date.

Coherent Budget Priorities for Homeland Security

Last February, before announcing his intention to create a new Cabinet-level Department of Homeland Security, the President released his fiscal year (FY) 2003 budget request, which included funding for homeland security. This is the first budget proposal ever submitted by a President that seeks to coordinate and prioritize the homeland security

2. See Michael Scardaville, "Principles for Creating an Effective U.S. Department of Homeland Security," Heritage Foundation *Background* No. 1559, June 12, 2002.

3. See <http://thomas.loc.gov/home/terrorleg.htm>.

policy, and it will be the starting point against which future budgets are measured.

For 2003, the President has outlined four new initiatives to address areas where federal policies before September 11 were particularly weak:

- **Using** 21st century technology to secure the homeland of the future,
- **Supporting** first responders,
- **Defending** against bioterrorism, and
- **Securing** America's borders.

These four areas account for approximately 55 percent of the \$37.7 billion homeland security budget request. They include a tenfold increase in assistance for first responders and a 319 percent increase in bioterrorism preparedness.⁴

The President's FY 2002 Emergency Supplemental Appropriations request supports and accelerates the implementation of these initiatives. He has requested \$327 million for Federal Emergency Management Agency (FEMA) first responder programs⁵ and over \$40 million for Department of Justice border security programs. This type of planning and funding would begin to remedy the traditional lack of resources or uniformity in these core areas.

President Bush and OHS Director Ridge have demonstrated their willingness to tackle the most difficult homeland security problems facing the United States. For example, over a half dozen federal agencies currently operate grant and training programs to support first responders, but these programs are neither coordinated nor driven by a common goal. As the Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction (Gilmore Commission) reported last December, this disjointed

approach reduces the effectiveness of federal assistance.⁶

Rather than request more money for a dysfunctional program, the President's First Responder Initiative provides focus for federal first responder assistance. The Administration wants to consolidate federal assistance for first responders within FEMA.⁷ The Office of National Preparedness has been created in FEMA to manage this initiative and is in the process of developing guidelines for more efficient implementation. The newly organized and improved FEMA would also come under the authority of the new DHS, further consolidating and streamlining federal assistance programs for first responders. The President's proposal for DHS also recommends the transfer of the Office of Domestic Preparedness (ODP) from the Department of Justice to FEMA.

The Department of Justice has not actively fought this proposal, despite the potential loss of \$3.5 billion in the FY 2003 budget. One reason may be the role OHS Director Tom Ridge is providing in advising the President on homeland security. Many skeptics had predicted that the entrenched federal bureaucracies and their Senate-confirmed leaders would resist initiatives developed by a presidential appointee who lacks statutory authority. Even critics now admit, however, that Ridge "has had his greatest success in the budget and personnel process,"⁸ the very areas where they thought he would fail. While the creation of DHS may foster fierce turf battles in Washington, the end result may demonstrate that the OHS Director can effectively direct federal homeland security money as well as the efficient reorganization of the federal government to enhance security.

4. The White House, "Securing the Homeland, Strengthening the Nation," at http://www.whitehouse.gov/homeland/homeland_security_book.html.

5. This is more than was provided in the entire first three years of the Nunn-Lugar-Domenici program, which was established in 1996 to improve the domestic preparedness of America's 120 largest cities. See U.S. General Accounting Office, *Combating Terrorism: Opportunities to Improve Domestic Preparedness Program Focus and Efficiency*, GAO/NSIAD-99-3, November 1998, p. 32.

6. Gilmore Commission, *The Third Annual Report to the President and Congress of the Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction*, December 15, 2001, p. 10.

7. For a detailed discussion of the need to consolidate first responder training, see Michael Scardaville and Jack Spencer, "Meeting the Needs of America's Crucial First Responders," Heritage Foundation *Backgrounder* No. 1548, May 13, 2002.

8. Bob Graham and Paul C. Light, "A New Job for Tom Ridge," *The Washington Post*, April 24, 2002.

The FY 2003 budget request for homeland security also illustrates the Administration's priorities, such as working with state and local governments to address the concerns of America's communities. While the federal government can do many things to make the nation more secure, many essential tasks remain the responsibilities of state and local governments and the private sector. Instead of dictating what they must do, the Administration is encouraging an active partnership based on cooperation.

This focus on state and local partnerships should result in tighter implementation, more innovation, and long-term attention to the mission. The establishment of a division within the Department of Homeland Security that is committed to working with state and local governments, as the President proposes, would encourage this process, giving communication across the levels of government a high priority. It would facilitate first responder exercises, strategic planning, vulnerability assessments, prevention, and other homeland security efforts.

Stockpiling Pharmaceuticals

In the wake of the September 11 and anthrax attacks, the Administration made clear that America's lack of preparedness for biological terrorism is an unacceptable vulnerability. In less than two months, the Administration requested an additional \$1.5 billion for FY 2002 to decrease that vulnerability. These funds are being used to build up federal and state pharmaceutical stockpiles, expand America's smallpox vaccine supplies, expedite the Food and Drug Administration's pharmaceutical development activities, increase bioterrorism preparedness at the local level, expand the response capabilities of the Department of Health and Human Services (HHS), and improve food safety.⁹ The Administration should be applauded for quickly laying the groundwork in this important area.

Stockpiling vaccines is a vital part of the nation's anti-bioterrorism strategy. Early treatment is vital, as the anthrax strike showed. The Administration

has been most successful thus far in building up the nation's stockpile of smallpox vaccine.

On September 11, the national stockpile contained 15.4 million doses, which is woefully inadequate for a population of nearly 300 million people. In November 2001, HHS awarded a contract of \$428 million to Acambis Inc. to produce 209 million doses by the end of 2002. On March 28, 2002, HHS Secretary Tommy Thompson announced that the existing U.S. supply of the vaccine could be diluted up to five times and still retain its potency—essentially expanding the existing vaccine supply from 77 million doses to up to 150 million doses. The next day, the French firm of Aventis Pasteur announced that it would donate more than 75 million doses stockpiled in its Pennsylvania facility for the past 30 years.

Thus, thanks to the establishment of reducing America's vulnerability to smallpox as a national priority, by the end of 2002 there will be more than enough vaccine available to protect all Americans from a smallpox attack.

In the event that future terrorists use contagious agents such as smallpox, such an approach will be instrumental in limiting the outbreak. The new Department of Homeland Security must play an important role in executing such a strategy for early treatment, as well as maintaining pharmaceutical stockpiles.

Strengthening America's Borders

The old axiom that the Atlantic and Pacific Oceans secured the United States from many foreign threats was disproved on September 11. The 19 terrorists involved that day were able to enter the United States legally (though three had overstayed their visas). It became clear that the U.S. border is porous not only to terrorists wishing to enter, but to their weapons, including weapons of mass destruction (WMD). One easy mode of entry has been the nation's seaports: As of early this year, less than 2 percent of the over 11 million cargo containers entering the United States every year were inspected.¹⁰

9. For a detailed breakdown of how these funds are being spent, see U.S. Department of Health and Human Services, "Additional \$1.5 Billion Proposed to Combat Bioterrorism," *HHS News*, October 17, 2001.

10. Stephen E. Flynn, "America the Vulnerable," *Foreign Affairs*, January/February 2002, pp. 60–74.

The United States cannot completely close its borders, and stifling immigration and travel contradicts the free and open nature of America's democracy. Moreover, conducting comprehensive inspections of every person and cargo container entering the United States would be extraordinarily expensive and damaging to the economy. The Administration has faced a daunting task in making the borders more secure against those wishing to cause the country harm while remaining open to legitimate travel and trade. It has adopted a multi-pronged approach, relying on both traditional means (such as new immigration regulations and additional border security officers) and innovative approaches (such as using advanced technology, signing new international agreements, and establishing public-private partnerships on security issues).

One of the hallmarks of the Administration's border security policy since September 11 is the signing of Smart Border Agreements with Canada and Mexico in December 2001 and March 2002, respectively. These agreements, negotiated in large part by Governor Ridge, include all of the traditional and innovative measures mentioned above and serve the unique economic and security relationships that the United States has established with its two neighbors. Immediately after September 11, economic relations with these North American Free Trade Agreement (NAFTA) partners—valued at nearly \$1 trillion—appeared in jeopardy as long lines grew at America's ports of entry. In fact, since September 11, Mexico has seen a 20 percent decline in trade with the United States.¹¹

The Smart Border Agreements attempt to alleviate that pressure. First and foremost, both agreements include new intergovernmental customs standards and public-private partnerships to speed non-threatening people and products across the border and allow border security officials to focus on less secure travelers and goods. Companies that enter the program will be permitted on the accelerated inspection lanes at enhanced ports of entry. They must first satisfy the government that their entire supply chain, from manufacturing to the showroom floor, is secure. The first such operational port is in Detroit near the border with Wind-

sor, Ontario. At least 100 companies have already applied to be part of this program.

While improved security at points of entry will make transporting personnel or material over the northern and southern borders more difficult, terrorists can still use points along America's unguarded borders. To address this, the Smart Border Agreements also include provisions for sharing intelligence and immigration information and coordinating visa and asylum policies.

The specific provisions of these agreements are in varying degrees of implementation, but significant progress has been made, and Governor Ridge continues to work with his Canadian and Mexican counterparts. Having a similar security standard in all three countries will make it more difficult for terrorists and their weapons to enter each one.

The Smart Border Agreements also can serve as a model for securing global trade and commerce. Point-of-origin inspections of cargo and travel documents that cannot be easily forged will help secure trade and travel with all of America's friends and allies. The U.S. Customs Service recently unveiled the Customs-Trade Partnership Against Terrorism (C-TPAT) to provide similar advantages to security-minded foreign companies from nations that trade with the United States. C-TPAT rewards companies that ensure the security of their supply chain, regardless of their location, by accelerating processing of their products at Customs inspections stations at the ports of entry. This enhanced point-of-origin inspection system would allow Customs inspectors to focus on cargo originating from sources that are a greater risk because their security measures are not known.

The Administration also has sought to strengthen federal agencies responsible for securing the border. The President's FY 2003 budget request seeks a substantial increase in border security personnel (1,160 Immigration and Naturalization Service inspectors and 570 Border Patrol agents) as well as a tenfold increase in the federal investment in developing an entry-exit monitoring system.

Congress has made border security a priority as well after September 11. The USA PATRIOT Act, passed last October, provides additional personnel

11. Intellibridge, "The Homeland Security Monitor," e-mail alert dated January 31, 2002.

for securing the northern border, includes a sense of Congress that a mechanism is needed to monitor entry and exit of visa holders, requires the FBI to share more information with the Department of State, and makes it more difficult for terrorists to enter the country and easier to deport them by redefining the definition of terrorist activity for immigration purposes.

On May 14, the President signed the Enhanced Border Security and Visa Reform Act of 2002, which takes the next step in improving border security. Specifically, it authorizes appropriations for additional border security personnel and technology, requires that the law enforcement and intelligence community better share terror-related information with the Consular Affairs division of the State Department and INS, establishes additional requirements for INS implementation of an entry and exit monitoring system, restricts visas to citizens of countries designated as state sponsors of terrorism, reforms the visa waiver program, and establishes a program for monitoring foreign students studying in the United States.

Consolidating all agencies responsible for securing the nation's borders—including the services of the Border Patrol, INS, the new Transportation Security Agency, and Visa Processing—under a new DHS would help to ensure that border security personnel are more adequately prepared and better organized to deal with terrorist incidents.

Developing a Partnership with State and Local Governments

As noted above, both the President and the OHS Director consider the involvement of state and local governments in the development of a coherent homeland security strategy a priority.

Improving communications between local, state, and federal authorities, as well as the private sector, will foster the development of a coherent national strategy and educate officials about what each sector can expect of the other. How a fireman in Nebraska views homeland security may be quite different from how a Washington bureaucrat sees it. An agreed upon, or at least a recognized, vision or

definition is necessary before a strategy can be implemented across all jurisdictional boundaries.

To facilitate communication and coordination among the federal, state, and local governments, the Administration has established the Office of National Preparedness under FEMA. This is an important first step in creating the framework by which local authorities can consult with and receive support from the federal government. A key component of the President's proposed Cabinet-level DHS is an intergovernmental affairs office that would consolidate and streamline relations and coordinate federal programs with state or local governments. Having one primary contact at the federal level would greatly facilitate the dissemination of information to the states and local authorities.

Such lines of communication are already being put in place. FEMA recently sought input from state and local authorities, for example, on how it should spend the \$3.5 billion set aside for the First Responder Initiative. It held a listening session with over 50 representatives from the first responder community and relevant federal agencies.¹²

In a similar outreach effort, the OHS had provided a 45-day comment period to get feedback for its terror alert system. The office has held less formal meetings with members of the homeland security community and also has addressed numerous state and local associations, such as the National Governors' Association and the U.S. Conference of Mayors.

The burden of preparedness ultimately falls to the political leaders of each city and state in the United States. Leaders such as those in Baltimore and New York who have taken the initiative to increase the security of the citizens they represent have found that there are federal tools available to help them. The new department, once established, would be able to improve these tools and make them more available, in addition to facilitating communication among all levels of government.

Securing America's Public Gatherings

In 1998, President Bill Clinton issued a presidential decision directive (PDD 62) to, among other things, address "National Special Security

12. Federal Emergency Management Agency, "FEMA Seeks Input on First Responder Grants Program," Press Release No. 02-036, April 23, 2002.

Events.”¹³ These are high-profile events of national interest that attract national and international media and often thousands of people and are considered high security risks. The presidential directive established a framework for the coordination of federal, state, and local counterterrorism efforts at these events. Once an event is assigned this designation, the Secret Service becomes the lead federal agency working with local and state authorities to develop and execute a security strategy.

Since September 11, the “Special Event” designation has taken on new importance. In two recent cases, the Administration has had success in working with local and state authorities to ensure the public safety. The 2001 Super Bowl and the 2002 Winter Olympics provided especially complex security environments. In both instances, good planning, willing cooperation, and proper training resulted in safe events. A total of 5,000 to 7,000 local, state, and federal security personnel were on duty at the Winter Olympics, while at the Super Bowl, about 3,000 individuals,¹⁴ including representatives of the National Football League, the FBI, the Environmental Protection Agency (EPA), the Centers for Disease Control and Prevention (CDC), the Louisiana State Police, the Louisiana National Guard, the New Orleans police, and private individuals, cooperated on security.¹⁵ By all accounts, security was stellar.

These successes show the homeland security community, across all levels of government and the private sector, how to train and prepare for large-scale events. Further, they demonstrate the importance of having a guiding framework, such as PDD 62, that delegates responsibilities among the agencies involved. The creation of a Cabinet-level Department of Homeland Security would streamline this framework by placing the Secret Service under the direct authority of the Secretary of Homeland Security. The Secret Service would retain its primary mission—the protection of the Presi-

dent and key government leaders—while allowing its unique and highly specialized expertise to complement the activities of the new DHS.

Improving Communication and Warning

The new Homeland Security Advisory System (HSAS) announced by Governor Ridge in March should greatly improve communication between the federal government, state and local officials, and the public once it is fully implemented. Though frequently ridiculed, this system will fill a major communications void once it is tied to specific actions.

The warnings themselves highlight the need for such a well-defined categorization of threats. Late last year, the FBI issued a warning to Governor Gray Davis of California that it had uncovered a “credible” threat to a number of bridges in that state. The governor took the threat warning to be more severe than the FBI had intended and, in the view of some observers, overreacted. The failure was not in Governor Davis’s response, but in the miscommunication. Similarly, in April, after the FBI had warned banks in the Northeast of potential terrorist attacks, the response was not uniform; some banks closed while others remained open. The FBI failed to coordinate its warning to the banks with a public relations strategy to ensure that the public knew what was happening and how seriously the warning was to be taken. The HSAS should provide detailed mobilization plans and a coordinated public relations strategy when it considers releasing a general warning.

The FBI, in coordination with OHS, should continue to work on this system. However, with its specific homeland security mission, the new Department of Homeland Security would be better positioned to operate it. The system should be incorporated into DHS operations, and a permanent office should be established to manage it.

13. U.S. Department of the Treasury, United States Secret Service, *National Special Security Events*, at <http://www.secretservice.gov/nsse/shtml> (May 7, 2002).

14. Michael Vigh, “Superbowl a Dry Run for Law Enforcement,” *The Salt Lake Tribune*, February 1, 2002, at <http://www.sltrib.com/2002/feb/02012002/utah/172522.htm> (May 8, 2002).

15. NFL Internet Network, “Security Is Job 1 with NFL’s Ahlerich,” at <http://www.superbowl.com/xxxvi/ce/feature/0,3892,4897815,00.html> (May 8, 2002).

TOP PRIORITIES FOR THE REMAINDER OF 2002

Improving the Dissemination of Intelligence

The intelligence community has been the object of increased scrutiny since September 11, with criticism focused largely on the inability of the agencies to predict the attacks. However, even if substantial information were available, unless agencies within the intelligence community can share information across departmental and agency boundaries, an accurate assessment of threats to national security is not possible.

Before September 11, various intelligence agencies had identified specific al-Qaeda operatives as possible terrorists. But the breakdown in inter-agency communication allowed two people on the Central Intelligence Agency (CIA) watch list to board commercial planes and hijack them. The CIA's intelligence on Khalid Almihdhar and Nawaf Alhazmi was not collated with that of other agencies (Alhazmi was in the United States on an expired visa) or made available to the end user, in this case the airline reservation system. None of this information was linked because no single agency was tasked with piecing together the bits of information on potential terrorists into a single recognizable picture.

There are numerous agencies and departments at the federal level that either monitor terrorist activity or respond to terrorist attacks. The Department of Justice controls the FBI, INS, and Drug Enforcement Administration (DEA). At the CIA, there is an all-source intelligence collection agency, the Counter Terrorism Center (CTC), which is restricted to collecting foreign intelligence. FEMA and the CDC in HHS are essential first responders in the event of an attack. The Department of the Treasury and the Coast Guard also have pieces of the counterterrorism intelligence puzzle.

If U.S. intelligence gathering is to be effective, the federal government must be able to look at all available pieces of the terrorist puzzle and provide the President with a comprehensive and timely analysis. Intelligence fusion for the country is currently

the responsibility of the Director of Central Intelligence (DCI), who has the resources of a Community Management Staff (CMS), a dedicated Deputy for Collection, and a dedicated Deputy for Production. Although the CMS is responsible for making organizations share intelligence, before September 11, the CMS and the primary agencies of the intelligence community (the CIA, the FBI, and the Departments of Defense, Treasury, Energy, and State) failed to ensure intelligence sharing. With the Office of Homeland Security, the proposed DHS would be responsible for ensuring that homeland security-related intelligence is shared.

The President has proposed a number of new policies to promote such information sharing. The most important is a new center to fuse and analyze terrorism-related intelligence within the Department of Homeland Security. The fusion aspect of this center would remedy part of the problem of compartmentalization that still characterizes the collection of intelligence. The fusion center should ensure that intelligence is not only collected and analyzed, but also disseminated to appropriate federal, state, and local agencies with homeland security missions, including the FBI and CIA. If DHS's intelligence office does not further the sharing of information, it will likely create another stovepipe that further compartmentalizes the intelligence.¹⁶

Other steps taken after September 11 include daily briefings of the President by FBI Director Robert Mueller and DCI George Tenet. Each now knows what is at the top of the other's agenda. In addition, federal intelligence agencies conduct two secure videoconferences each day to discuss information related to terrorist threats.

These are good first steps that will improve information sharing at a number of levels. However, they do not ensure that all necessary information will reach all decisionmakers in a timely fashion. Mid-level officials in the agencies frequently decide whether or not to pursue the recommendations of field agents and whether it is an issue that deserves a director's attention. This was the case with FBI Agent Kenneth Williams's July 2001 memo to FBI headquarters on the potential threat of terrorists attending American flight schools.¹⁷

16. See Scardaville, "Principles for Creating an Effective U.S. Department of Homeland Security."

17. For example, see Dan Eggen, "FBI Pigeonholed Agent's Request," *The Washington Post*, May 22, 2002, p. A1.

To ensure that all federal terrorism officials have access to the full scope of government information related to cases they are investigating, an institution that pulls together information from all pertinent intelligence agencies and makes it accessible on a need-to-know basis must be established. Such an institution must be independent of the intelligence community and free from the cultural limitations of the existing bureaucracy within these agencies. The establishment of an intelligence fusion center within the new DHS should serve this purpose.

Conducting First Responder Exercises

While the federal government has done a commendable job of laying the foundations for terrorism response capabilities, it should expand this effort to reach all levels of government. The funding of these initial activities is targeted to 122 of America's most vulnerable cities. The time has come to make sure that every American community is prepared to recognize and respond to terrorist attacks.

Part of the \$3.5 billion in anti-terrorism grant funding in the President's FY 2003 budget request has been earmarked to fund first responder exercises. What is lacking is a coherent strategy to get all appropriate elements of the local, state, and federal governments and the private sector involved. The proposed new department could clear up the confusion about the appropriate roles and responsibilities of the local, state, and federal governments in first responses by establishing a national policy and guidelines for states and local governments. The DHS should direct training exercises and drills for federal, state, and local response teams in case of an attack using chemical, biological, radiological, and nuclear (CBRN) weapons. A mechanism in DHS will be needed for reporting on the lessons learned from each exercise that can be shared with all communities. Conducting such exercises will be one of the most important aspects of domestic security.

First responder exercises will force authorities at all levels to analyze their capabilities, identify where

their responsibility lies, and critique the weaknesses in their response structure. When this information is juxtaposed with their goals and performance indicators, local, state, and federal authorities will establish more accurate baselines of preparedness that can be used to identify where future federal grant dollars should be focused.

Although last year's attacks were devastating, they were miniscule in comparison to what would occur during a chemical, biological, nuclear, or radiological event in which the entire first response community of a metropolitan area could be killed as well. Were that to occur, it will be up to the surrounding suburban and rural first response units to react. Cross-jurisdictional exercises must be included in the preparedness planning.

Establishing a Health Surveillance Capability

The community of health providers, including doctors, nurses, veterinarians, and public health workers, may be the first people in a position to detect an environmental contaminant or biological weapons attack using smallpox, anthrax, or some other agent. The damage of an attack could be reduced significantly if these officials know how to recognize, diagnose, and treat the early symptoms of an outbreak associated with those agents known to be possessed by terrorists and rogue states that support them.¹⁸ Such educated individuals would provide the basis for a national health surveillance network.

The Bush Administration has taken a few important steps to educate the public health community. Its FY 2003 budget request includes over \$500 million for preparing hospitals to respond to CBRN events and another \$100 million to train and prepare health care professionals for terrorism responses.¹⁹ However, the President's proposal for establishing the Department of Homeland Security fails to mention this important element. The new department would be a logical place to house such a surveillance system, since it would also have the important communication link with state and local

18. See the Hon. John Bolton, "Beyond the Axis of Evil: Additional Threats from Weapons of Mass Destruction," Heritage Foundation *Lecture* No. 793, May 6, 2002. See also Jack Spencer and Michael Scardaville, "Understanding the Bioterrorist Threat: Facts & Figures," Heritage Foundation *Backgrounder* No. 1488, October 11, 2001.

19. U.S. Department of Health and Human Services, "HHS Bioterrorism Preparedness Funding Proposal Includes \$518 Million for Hospitals, Up 284 Percent," *HHS News*, February 5, 2002.

governments mentioned above. Congress should include such a health surveillance system in the legislation establishing the Department of Homeland Security and give the health community the proper recognition as a key component of preparedness for CBRN attacks.

Early detection and treatment is vital to mitigate the consequences of a biological attack. A biological incident, unlike other terrorist incidents, is not likely to be marked by a visible or audible event because the delivery of a biological agent does not rely on explosives or other distinguishable means of delivery. Instead, a biological attack is more likely to occur by nondescript means, such as through the mail or covert release of an aerosol agent. In fact, in 28 percent of the previous terrorist attacks using chemical or biological agents,²⁰ the means of dissemination was not identified.²¹ Recognition that an attack has occurred happens only after a significant number of people start to become sick and an investigation is begun. By this time, many Americans may have been exposed to the pathogen.

To be able to recognize early on that such an attack has occurred, a number of states, cities, and communities have established municipal or regional health surveillance networks. Kansas City, Missouri; Baltimore, Maryland; Allegheny County, Pennsylvania; and the states of Florida and New Mexico all have established or are developing monitoring and reporting systems. But there is no effective way to connect all of these systems into a single national network, and even if there were, there is no guarantee of compatibility. Each system is based on different techniques of data collection and distribution.²² It is therefore essential that the federal government develop monitoring standards for state and local health agencies and the health care community.

While governors and mayors should designate a top public health official to oversee development of health surveillance networks in their communities,

the Administration, working with the CDC, should develop and implement a strategy to link existing systems and establish a national system to collect and analyze relevant data. Once established, the Department of Homeland Security should be given the authority to oversee this system jointly with CDC and ensure its effectiveness and communication between the federal, state, and local levels of government and among all members of the health community.

Improve Enforcement of Immigration Laws

Though all 19 terrorists involved in the September 11 attacks had entered the United States legally, a number of them were on federal terrorist watch lists or had overstayed their visas. Since the attacks, the beleaguered immigration system continues to prove that it is not up to the task of monitoring those who cross our borders. Incredibly, in March 2002, the INS sent notification to two of the dead hijackers, Mohamed Atta and Marwan Alshehhi, that their student visas for flight training had been approved. By September 11, both men not only had completed that training, but had used their new skills to attack the World Trade Center.

To correct such glaring problems, Congress, the Department of Justice, and the Administration are all seeking to restructure the INS. The centerpiece of all three reorganization proposals is a separation of the INS's enforcement and service functions, which all INS officers perform simultaneously at this time. INS Commissioner James Ziglar has begun implementing internal reforms to streamline management and communications. His reforms will create two new bureaus for Immigration Services and Immigration Enforcement. Ziglar would still oversee both bureaus, but INS field offices would report directly to the appropriate bureau at headquarters instead of to dual-hatted district and regional directors.

20. For a discussion of past biological and chemical terrorist attacks, see Spencer and Scardaville, "Understanding the Bioterrorist Threat: Facts and Figures."

21. Abraham D. Sofaer, George D. Wilson, and Sidney D. Dell, *The New Terror: Facing the Threat of Biological and Chemical Weapons* (Stanford, Cal.: Hoover Institution, 1999), p. 45.

22. For a description of Kansas City's computer-based system, see Alan Bavley and Julius A. Karash, "KC Gets Computer System to Warn of Signs of Bioterror Attacks," *The Kansas City Star*, April 23, 2002. Baltimore, Maryland, has implemented a Web-based system; see <http://www.ci.baltimore.md.us/mayor/speeches/t020410.html>.

Removing layers of bureaucracy should increase the INS's ability to act more swiftly. Last November, Representative James Sensenbrenner (R-WI) offered legislation that would create a more dramatic distinction between immigration enforcement and services. The Immigration Reform and Accountability Act of 2002 (H.R. 3231) would abolish the INS and transfer its responsibilities to a Bureau of Citizenship and Immigration Services and Bureau of Immigration Enforcement within the Department of Justice. A new Associate Attorney General for Immigration Affairs would supervise these bureaus. Meanwhile, OHS Director Ridge has offered a proposal that would go even further. Governor Ridge has proposed removing immigration enforcement responsibility from the INS and establishing a border security agency composed of the Border Patrol, the U.S. Customs Service, and the U.S. Coast Guard. President Bush and Attorney General John Ashcroft have voiced their support for the Immigration Reform and Accountability Act.

The President's proposal for the new Department of Homeland Security calls for "an immigration services organization that would administer our immigration law in an efficient, fair, and humane manner" and "assume the legal authority to issue visas to foreign nationals and admit them into the country."²³ This important federal consolidation effort would help to improve communication and efficiency in the important task of issuing visas while maintaining a separation between immigration services and enforcement, consistent with Commissioner Ziglar's restructuring plan. As details emerge as to how the proposed INS reorganization will function once inside the new department, it will be important to make sure that the service cooperates and communicates with the State Department, which will continue to play a critical role in administering the visa application and issuance process.

As the proposals for the new DHS, the INS restructuring plan, and the Immigration Reform and Accountability Act all recognize, separating immigration enforcement from immigration services makes sense. Enforcing immigration laws is different from promoting citizenship and requires unique skills. However, merely separating these

two functions is not enough. New policies and technologies are also needed. For example, whether the INS Commissioner, a new Associate Attorney General, or a new agency head is responsible for managing immigration policy, accountability on the part of the enforcement arm must be enforced, and new technology must be obtained to combat terrorism more effectively.

One of the hallmarks of a strengthened immigration regime must be a mechanism to monitor the entry and exit of visa holders. Currently, once visa holders have entered the United States, the INS has no way to determine whether they leave the country before their visas expire. In 1996, Congress required the INS to establish an entry-exit monitoring system as part of the Illegal Immigration Reform and Immigrant Responsibility Act (P.L. 104-208). No such system was ever implemented.

Last year, Congress again called on the INS to establish an entry-exit monitoring system in the USA PATRIOT Act and this year in the Enhanced Border Security Act. The visa application and approval process is a vital element in the effort to protect Americans against terrorism. Properly empowered, consular affairs and immigration officials can use this process to determine whether an applicant may be a threat to national security. However, without the means to monitor a visa holder's entry and exit, this system can break down.

The visa renewal process offers immigration officials an important mechanism for continually checking that a visitor is not engaging in terrorist activities. When a terrorist can circumvent this process, appropriate law enforcement responses become more difficult. The new DHS and OHS, working with the Attorney General and Congress, should maintain active oversight of the INS or any successor organization to ensure that a comprehensive entry-exit monitoring system is implemented as swiftly as possible.

The INS currently maintains over 80 computer networks that are poorly connected with each other and rarely connected to other federal agencies. INS's information technology failings complicate accurate record-keeping on immigrants and visitors, as well as information sharing among offices

23. See White House proposal for the Department of Homeland Security, p. 11, at <http://www.whitehouse.gov/depto/homeland/book.pdf>.

and agencies, and make enforcing immigration law more difficult. INS enforcement officials frequently must sift through large paper files, which in some cases must be transferred between field offices before they can be reviewed.

Past efforts to improve INS's computer systems have had only moderate success. The U.S. General Accounting Office and the Office of the Inspector General have been critical of how INS manages technology upgrades.²⁴ Further, the INS has not taken measures to ensure that its staff are trained on and utilize the available technology. For example, Glenn Fine, Inspector General for the Department of Justice, testified before Congress that the Office of the Inspector General had

found that the INS was not enrolling all of the aliens apprehended along the U.S.–Mexico border into IDENT [Automated Biometric Identification System]²⁵ and had virtually no controls to ensure the quality of the data entered.... INS had not adequately trained its employees on the system.²⁶

Quick, reliable access to information is vital for making good decisions. INS must modernize and simplify its computer networks, ensure that they are linked to an all-source intelligence fusion center, and train employees in their uses to meet this objective. Since establishment of the DHS would require integrating over 20 unique federal networks, its creation presents a unique opportunity for the government to upgrade INS's outdated networks. Congress should authorize funds for this purpose as part of the DHS founding legislation.

Defining the Department of Defense's Role

The Department of Defense has a critical role in protecting Americans from foreign threats. Although reluctant to adopt the homeland security mission, the Defense Department does have a role to play in homeland security beyond fighting the war on terrorism. It possesses the domestic infrastructure, equipment, and experience to support and train state and local authorities to respond to large-scale attacks on U.S. soil. In addition, the Pentagon recently established a new force command structure to include the Northern Command (NORTHCOM), giving it responsibility for protecting North America from attack.

A Cabinet-level Department of Homeland Security would not take homeland security responsibilities away from the Department of Defense, which will play a crucial support role in the case of a catastrophic terrorist attack.²⁷ Adequate communications between the two departments, however, will be necessary.

The primary military conduit to facilitate the Defense Department's contribution will be the National Guard—the logical element of the armed forces to act as lead military agency for homeland security. By law and tradition, the Guard connects local communities to the federal and state governments. Units are located in every American community and have the capabilities, legal authority, and structure to respond to attacks on the homeland. The Army National Guard has over 3,000 armories around the nation, and the Air National Guard has 140 units throughout the United States and its territories. The close relationship between Guard units and their locales must be leveraged to ensure that local units are prepared and able to respond to an attack and that they help train other first responders in their communities.

24. U.S. General Accounting Office, *Information Technology: INS Needs to Better Manage the Development of Its Enterprise Architecture*, GAO/AIMD-00-212, August 2000. See also U.S. Department of Justice, Office of the Inspector General, Audit Division, *Follow-Up Review: Immigration and Naturalization Service Management of Automation Programs*, July 1999.

25. IDENT is a look-out database maintained by the INS to identify aliens who have been apprehended for violations of immigration law. The system uses a biometric identifier (fingerprint) to link aliens to an electronic file and is designed to give immigration enforcement officials rapid information on an apprehended individual.

26. Testimony of Glenn A. Fine, Inspector General, United States Department of Justice, before the Subcommittee on Immigration and Claims, Committee on the Judiciary, U.S. House of Representatives, October 11, 2001.

27. See White House proposal for the Department of Homeland Security, p. 11, at <http://www.whitehouse.gov/depto/homeland/book.pdf>.

The National Guard's State Area Commands (STARCs) are well-situated to oversee its contribution to such training for WMD consequence management. Currently, the Guard maintains approximately 30 Civil Support Teams (WMD-CSTs) of 22 Guardsmen trained and equipped to respond to CBRN events. These units could provide valuable training to state and local first responders.

The Guard also could help state and local authorities understand how to maintain vital equipment and sustain operations in a CBRN environment, and to plan for medical treatment after an attack (combat triage). Local health authorities are not adequately prepared to address the mass casualties that would result from CBRN events; many would not know, for example, when to enter an environment or stay away, or when to admit patients to a public facility or send them to an off-site secure facility.

To ensure the Guard's availability, however, its mission must be refocused on homeland security. The active force relies heavily on the National Guard and Reserves to carry out its missions. The reserve components cannot easily be extracted from support duties and redeployed for homeland security without expanding the active force rosters to provide that support. To alleviate the operational strain on the Guard, instead of deploying units to help active forces to meet the operational tempo of continuous deployments for nation-building and peacekeeping missions, President Bush should commit U.S. forces only to missions that advance America's vital national interests.²⁸

Crucially, the Defense Department's role in homeland security will largely be one of supporting civilian agencies and departments, so it must be able to work cooperatively with state and local officials who must manage the response to an incident. Defense assets will prove useful only if their inclusion has been considered as part of the local response plans. The federal government needs to approach homeland security with one voice and

one policy. The Defense Department, therefore, must ensure that its activities complement those of the Office of Homeland Security and the other federal civilian agencies with homeland security roles.

The Defense Department will have to work more closely with Canada and Mexico, as terrorist threats against the United States are likely to affect them as well, and vice versa. Such cooperation with Canada has a long history of success in the North American Aerospace Defense Command (NORAD). However, this cooperation must move beyond air attack and missile warning and into the areas of homeland security, such as mutual responses to attacks, coastal defense, and responses against weapons of mass destruction. Similar arrangements must be made with Mexico.

As NORTHCOM's structures, policies, and plans develop, these new relationships must be addressed. The Coast Guard (USCG), which is primarily responsible for defending the country's maritime approaches, has done an admirable job of adapting to the post-September 11 political environment. Its National Fleet Concept has enabled it to complement and support the Navy. The USCG should be recognized as the lead element in coastal security, with Northern Command's naval component detailed to support it, which is how the relationship has largely worked since the attacks. Arrangements must be made now to define Canada and Mexico's role in the Northern Command. Further, NORTHCOM must develop a close relationship with the governors of each state, the Adjutants General, and the State Area Commanders.²⁹

Since most states have designated an official responsible for homeland security, NORTHCOM may want to detail an official to each of those offices. But to ensure that planning is complementary, and to avoid miscommunications, divergent homeland security strategies, or overlapping responsibilities, a liaison element of the Northern Command should also be detailed to the new Department of Homeland Security.

28. For an in-depth discussion of the National Guard's role in homeland security, see Jack Spencer and Larry M. Wortzel, "The Role of the National Guard in Homeland Security," Heritage Foundation *Backgrounder* No. 1532, May 13, 2002.

29. National Guard State Area Commands (STARCs) are well-situated to oversee the training of state and local first responders in weapons of mass destruction (WMD) consequence management. They function as management and operational coordinating centers for the National Guard and are located in every U.S. state. Led by a State Area Commander and staff, they are a logical place to coordinate federal and state National Guard activities.

Improving the Congressional Committee System

No one congressional committee has responsibility for homeland security. Instead, responsibility is spread across 88 committees and subcommittees. As a result, it is difficult for the Administration to communicate its plans to Congress. OHS Director Ridge and his staff have to spend too much time meeting with committee staff, and the senior political leaders of the Cabinet departments are too heavily burdened with demands to provide testimony. With a new Department of Homeland Security on the horizon, communication could worsen or homeland security efforts languish, as many DHS officials would have to spend a significant amount of time testifying before the various committees and subcommittees. Congress should create standing committees in both the House and Senate for homeland security.

Clearly, the time of the Secretary of DHS and Director of OHS will be better spent developing solutions to security problems than delivering the same message to each congressional committee. The current structure needlessly slows the legislative process; concurrent referrals of legislation to multiple committees can keep bills from being brought to a vote.

The committee system in Congress complicates the development of homeland security policy even more than the division of authority for implementing policy among over dozens of federal agencies. Any congressional committee can hold a comprehensive hearing on homeland security budgets and policy, such as the one held recently by one of Governor Ridge's most ardent opponents, Senator Robert Byrd (D-WV). That two-day hearing included testimony from every federal agency and department head on their offices' homeland security programs. This model can work, but not if every committee with jurisdiction holds such a hearing.

Congress must develop a system that will allow agency heads and department secretaries to meet with just one committee to discuss their involvement in homeland security. Once the DHS is established, each house of Congress should create a standing committee for homeland security, and that committee should establish a subcommittee for each of the four missions described by the President in his proposal.

WHAT IS NEEDED NEXT

The President's proposal for a new department is a good step to reduce redundancy and excessive bureaucracy, establish accountability, and hone the focus of federal resources on homeland security. However, political opposition from civil service union leaders is already threatening the success of the new department. Territory battles are looming, with union and liberal forces in the affected agencies fearing that the reorganization under a new Department of Homeland Security may not follow traditional labor guidelines. The new department is a war-fighting agency; it is not another domestic civilian bureaucracy. In a time of war, of course, national security must remain the top priority of the President and the Congress. Department staff members are essential troops in the battle against terrorism and must be utilized in the most efficient and effective manner without regard to bureaucratic turf politics and conventional union agitation.

Despite the progress on homeland security thus far, much more needs to be done to eliminate blatant vulnerabilities, increase security, boost efficiencies, and facilitate preparedness and response capabilities in every community. To that end, the Administration and Congress should work together to:

- **Create a better federal fusion system for intelligence.** The new Department of Homeland Security should have an intelligence fusion center that brings together intelligence and law enforcement information from across the entire federal government, analyzes it, and shares it on an as-needed basis. That fusion center should work closely with the FBI and CIA, which should remain independent of the new department because of their broad missions that extend beyond counterterrorism.

To be effective, the fusion center must be able to maintain a combined intelligence database. Contributing agencies should be able to access this information at a level consistent with their mission and security clearance. The President should direct the Secretary of DHS—working with the Attorney General, the Secretary of the Treasury, the Secretary of Transportation, and the DCI—to create this fusion center. All information relevant to homeland security should be

sent to the center and made accessible to federal agencies, states, and local law enforcement agencies with homeland defense responsibilities as required.

- **Consolidate first responder programs and develop a national training network for state and local first responders.**³⁰ The President's First Responder Initiative is a good first step in boosting federal efforts to prepare first responders for terrorist incidents. The Administration should continue to build on this program to ensure that more first responders receive federal training through a national system of hands-on educational facilities. These facilities could be based on the Center for Domestic Preparedness in Anniston, Alabama. Each facility should consolidate federal assistance programs for two FEMA regions. FEMA should manage each facility, acting as lead federal agency for consequence management until the new DHS is established. Each facility should function as a "one-stop shop" where first responders in each region can go for training and information on distance learning programs and available federal grants.

All first responders, including local law enforcement and public health officials, Emergency Medical Services, fire departments, and HAZMAT squads, should be included in this initiative. This would further the President's goal of improving preparedness by increasing the number of first responders who could receive hands-on training almost fivefold while also promoting better coordination and consolidation. Instead of making all first responders go to Alabama for training, a regional-based network would provide facilities closer to home for those who are volunteers on limited budgets. To keep costs down, the Administration should transfer excess base infrastructure within the Defense Department to FEMA for this purpose and consider utilizing a portion of the Department of Energy's Nevada test site as a facility.

- **Develop a comprehensive program of terrorism response exercises.** It is not enough simply to earmark funds for exercises. Because exercises are central to learning how to respond to WMD events, understanding a jurisdiction's deficiencies, and developing mutual response models, training and response exercises should be part of the national homeland security strategy. The Office of Homeland Security should establish a task force to develop a national strategy that includes a more comprehensive exercise regime. The task force should include representatives from OHS, the Department of Defense, state and National Guards, the CDC, other relevant agencies, and representatives from local and state governments that have dealt with CBRN-type events, such as Oklahoma City; Arlington, Virginia; Baltimore; and New York. Once the new DHS begins operating, it should be responsible for implementing the policies developed by the task force. The task force should establish national standards for what constitutes "preparedness" for CBRN events to help officials identify what they must do to be prepared.

The first tool the task force should produce is a short checklist that local and state officials can use to assess their vulnerabilities and what they need to do to prepare for CBRN events. For example, the checklist could ask whether systems are in place to identify open hospital beds, recognize the symptoms of CBRN attacks, provide back-up communications in emergencies, and provide adequate medical supplies, among other prevention and precautionary measures.

Second, the task force should help local, state, and federal officials set up exercises that walk them through different scenarios of attack. These exercises, whether simulated in a classroom or in the field, would highlight key weaknesses in their civil defense and response systems and provide guidance on what they should do to improve. It also should offer guidance on how to request federal funds to address specific weaknesses and act as a measurement

30. For a detailed discussion of this issue, see Scardaville and Spencer, "Meeting the Needs of America's Crucial First Responders."

tool for the federal government to gauge the effectiveness of state and local initiatives.

The Department of Homeland Security, once established, should initiate CBRN response exercises with each state. States deemed most at risk should be among the first to undergo the exercises, and all states should participate in these exercises within the first five years. Over time, multi-state preparedness and cross-border exercises could be held. The governor's office in each state would be responsible for including state and local officials and private-sector or volunteer participants.

Finally, DHS should create a center that analyzes the lessons learned from these first responder exercises. Such a center could be modeled on the Army's Center for Army Lessons Learned, located at Fort Leavenworth, which analyzes Army operations and training exercises. It would have primary responsibility to evaluate all exercises for which federal assistance is given or in which federal assets participate. It should be prepared to observe and evaluate independent state and local exercises at their request. A library of lessons learned from exercises conducted by other public or private institutions should be created. All of these materials should be made available to all first responders so they can better prepare for any contingencies and avoid making similar mistakes during their own exercises. Copies of all of the lessons learned should be distributed to the chief homeland security official in each state and the largest 120 cities through FEMA's Federal Response Plan Exercise Planners Working Group.³¹

- **Expedite the development of a national health surveillance network.** Since September 11, concerns about the ability of terrorists to harm large numbers of civilians with a CBRN agent such as anthrax have focused attention on America's lack of preparedness in this area. To

mobilize a rapid response to such attacks, officials must be able to recognize the outbreak of a catastrophic CBRN-related illness or an attack on food and water supplies. Because no such system currently exists to detect such early signs, the United States lacks the necessary resources to coordinate and execute an immediate response plan.

A National Health Alert Network of local surveillance systems should be established to monitor and disseminate such information as it occurs across all levels of government. First, the federal government should develop a set of monitoring standards for state and local health care officials. Each state governor and the mayors of major cities should designate a top public health official to oversee the development of the surveillance network in their community. The monitoring and reporting standards should be implemented in accordance with the federal guidelines. Simultaneously, the CDC, in collaboration with the new DHS and the FBI, should develop a national system for collecting and analyzing relevant data from the state and local surveillance systems and federal health networks, such as the Poison Control Center. By monitoring and disseminating such information, all levels of government would be better prepared to recognize and respond to an attack in the earliest stages and therefore limit the catastrophic effects.

- **Develop a specific policy for smallpox vaccinations.** The United States will soon have stockpiled more than enough smallpox vaccine to protect every American citizen. The next step is to decide whether each American should be vaccinated. According to a recent University of Michigan study, such a vaccination campaign would lead to 200 to 300 deaths and thousands of illnesses.³² On the other hand, should the United States come under a smallpox attack, the vaccinations would save millions of lives.

31. An interagency forum for exercise planners from the federal government and national-level volunteer organizations to promote sharing of techniques and lessons learned.

32. Susan Okie, "Studies Cite Smallpox Vaccine Tradeoff," *The Washington Post*, May 8, 2002, p. A3.

The Administration should develop an effective vaccination program against smallpox. First responders and members of the public health community should be vaccinated, as they will face exposure to the virus while treating the affected community. Policies and strategies should also be developed for the general population. That could include further research on safer vaccines, possible voluntary vaccination, and legislative action to address the issue of liability if people become ill from the vaccine.

This approach has numerous benefits. It would minimize the panic that would ensue after the beginning stages of a smallpox attack are publicized, significantly decreasing the number of citizens who would be infected and the number who would need or want to be vaccinated. Each individual could calculate the risk involved in receiving or not receiving the vaccine.

- **Expand the role of the National Guard.** As a first responder in domestic emergencies, the National Guard is well-positioned to assume the lead military role in homeland security. The Guard, the Department of Defense, and the states already have in place much of the administrative and command infrastructure that is needed to enable the Guard to take on a greater role in homeland security. But as described in Title 32, Section 102 of the U.S. Code, the Guard's focus should be to support the active forces.³³ Today, Guard units are deployed to provide combat support and combat support services for the active duty forces. Additionally, they often make up substantial portions of the forces used for peacekeeping missions.

However, refocusing the Guard's mission on homeland security means that the active forces would be left with a shortfall of personnel to fill the requirements the Guard currently performs. Thus, the Guard cannot easily be extracted from its support duties and redeployed for homeland

security without either expanding the active force rosters to fill that support role or decreasing the commitments of that active force.

Moreover, when Guard resources are directed toward homeland security, it will be important to ensure that these resources are not wasted on missions better handled by the private sector or other government agencies. For example, the National Guard should not be guarding airports or the nation's borders. That job should be performed by trained police or security personnel. National Guard members have specialized training and legal standing that gives them a unique role in homeland security that should not be squandered.

Finally, because the federal government's primary purpose is to protect the people of America, the homeland is the most important theater of war. Active service in defense of the homeland should be given the same weight and respect as service abroad. Those serving in the homeland should receive appropriate benefits, and adequate resources should be dedicated to the mission.

- **Establish a federal team to facilitate state and local strategies that complement national homeland security strategy.** Homeland security transcends all levels of government and much of the private sector, and it depends on the willing cooperation of all involved. Helping state and local officials adapt their counterterrorism plans so that they are compatible with the federal homeland security strategy will be vital to the success of that strategy. It will require close coordination between the new Department of Homeland Security and state and local government officials.

A mass briefing with all 50 governors would not be sufficient to address the specific needs of each locality. OHS Director Ridge should estab-

33. Title 32, Section 102 of the law states that: "In accordance with the traditional military policy of the United States, it is essential that the strength and organization of the Army National Guard and the Air National Guard as an integral part of the first line defenses of the United States be maintained and assured at all times. Whenever Congress determines that more units and organizations are needed for the national security than are in the regular components of the ground and air forces, the Army National Guard of the United States and the Air National Guard of the United States...shall be ordered to active Federal duty and retained as long as so needed."

lish a team of staff members who can travel to the states and local communities to help the local homeland security officials develop and implement plans that complement the national strategy. The team members should be able to work with first responders, public health leaders, and law enforcement officials, in addition to political leaders. Once the DHS has been established, this team should be transferred to its state and local coordination arm.

- **Establish standing committees on homeland security in both houses of Congress.** Homeland security and terrorism transcend all aspects of congressional committee authority. In the House of Representatives, there are at least 14 full committees and 25 separate subcommittees that claim jurisdiction over some aspect of homeland security. To facilitate Congress's legislative and budgetary role in defending the homeland, both houses should form a standing committee on homeland security with sole jurisdiction for functions assumed by the Department of Homeland Security.

These committees should establish their own subcommittees that parallel the four divisions proposed for DHS. Existing committees and subcommittees that currently have authority for these areas should cede them to the new committees. In addition, the appropriations committees should establish their own subcommittees on homeland security to supplement the work of the standing authorizing committees.

Streamlining the legislative process and providing acute transparency of its workings should be Congress's top priorities in revising the committee structure. Establishing authorizing committees and appropriations subcommittees on homeland security would give the DHS a central committee in each house with which to discuss homeland security legislation. This new system would also make it more difficult for Members of Congress to attach non-homeland security earmarks to homeland security budgets.

Politically, however, this will be challenging because powerful committee chairmen are often reluctant to relinquish power, even in the name of national security. As Senator James Jeffords (I-VT) noted in describing his reluctance to give up oversight of nuclear power plant, dam, and drinking water security, "we're very jealous about these things."³⁴ But the jealousy of Members is never an acceptable reason to prevent necessary reform. All Members have a responsibility to conduct the people's business in an efficient manner and to develop policies that protect their constituents from international terrorism, even if doing so disrupts the hierarchy of power in Congress. House and Senate leaders should make clear that they intend to match the President's leadership in this matter by creating new committees for homeland security.

CONCLUSION

The terrorist attacks on the World Trade Center and the Pentagon on September 11, 2001, placed homeland security at the top of the nation's priorities. Since then, the President and Congress have done much to meet daunting new challenges to security, including a bold proposal to create a Cabinet-level Department of Homeland Security. They also have established budget priorities, quickly enhanced the nation's stockpile of smallpox vaccine, increased security on America's borders, and increased cooperation and communication with state and local government officials.

There are many areas, however, that require additional federal government commitment. In light of the proposal for a new department, it is more important than ever that the right decisions are made in a timely manner.

For example, Washington must do more to improve its ability to share intelligence between agencies and with state and local authorities. An intelligence fusion center must be created to collect, analyze, and disseminate intelligence on a need-to-know basis. The federal government should expand its CBRN training programs for first responders and establish a national health surveillance network that could detect the presence of a bioterrorism agent at the ground level. The Defense Department's role in

34. Jennifer A. Dlouhy, "Turf Battles Begin Over Homeland Security," *CQ Daily Monitor*, June 7, 2002, pp. 1-3.

homeland security should be better defined, especially with regard to the National Guard, which is well-positioned to assume the lead military role in homeland security. Finally, Congress must reform its committee structure to enhance its budgetary, legislative and oversight functions.

Nearly a year has passed since September 11, and while the federal government has done much

to increase America's security, still more remains to be done. The time is now to take these next very important steps.

—*Michael Scardaville is Policy Analyst for Homeland Defense and Jack Spencer is Policy Analyst for Defense and National Security in the Kathryn and Shelby Cullom Davis Institute for International Studies at The Heritage Foundation.*