

State and Federal Initiatives in Homeland Security: Meeting the Challenges of Emergency Management and Information Sharing

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Most Americans believe the government should be able to do more to protect the country from terrorist threats according to a recent survey by the Council for Excellence in Government. The main areas of improvement, according to citizens polled, include information sharing, systems interoperability, and border security. Many Americans are willing to help, but are unsure of how to be involved and what their state's emergency management protocols entail.

Millions of federal dollars are allocated towards emergency management in the states, but standards have yet to be set for equipment necessary to respond to bioterrorism attacks. A lack of precedence and an absence of federal guidelines has left many state and local officials confused and concerned as they scramble to identify their local security needs.

As a result, several new alliances and strategies have emerged among states to streamline and improve information management and emergency response systems.

Intrastate Initiatives

Model Intrastate Legislation

The National Emergency Management Association (NEMA), an affiliate of the Council of State Governments, is the professional association of state emergency management directors. NEMA, in conjunction with the US Department of Homeland Security (DHS), the Federal Emergency Management Agency (FEMA), and various emergency responders, has released a model intrastate mutual aid agreement in order to aid local communities in disaster response.

The model is a blueprint for legislation that would streamline the sharing of assistance and resources between communities during a disaster by providing guidelines for mutual aid agreements. The legislation is mod-

eled to work in concurrence with National Incident Management System (NIMS) guidelines. According to the Emergency Management Assistance Compact (EMAC) Coordinator, V. Lavoyed Hudgins, "both programs (NIMS and the model intrastate legislation) push the mutual aid concept" and will work together.

Homeland Security Information Network (HSIN)

The Bush administration has urged the creation of an "interstate communications expressway" for homeland security.

The DHS envisions a communications system similar in structure to the nation's interstate highway system. This bold plan is still in its conceptual stages, with \$3 million requested for an analysis of the nation's existing information structure.

Preliminary steps have already been taken. For the first time, federal, state, and local agencies will be linked with the HSIN, which is a landmark step towards cooperation among different levels of government. HSIN expands the Joint Regional Information Exchange System (JRIES), a collaborative effort between government officials and the Defense Intelligence Agency which has been used in New York and California for the past several years. The first phase of HSIN, scheduled for completion this summer, will provide real-time instant messaging, email, and live chat for authorized users across 300 agencies in all states. The definition of authorized users has raised concerns among the law enforcement community.

Homeland Security Secretary Tom Ridge said, in a recent press conference, that he anticipates "a philosophy of shared responsibility, shared leadership and shared accountability," conceding that "the federal government cannot micromanage the protection of America."

JRIES has already proven successful in one emergency incident. During last August's

East Coast power failure, Washington officials lost telephone contact with New York City. Using the network, New York officials, within minutes, ruled out terrorism and permitted colleagues across the country to "stand down," said Ed Manavian, chairman of the executive board of JRIES, in a press conference.

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National Incident Management System

In March 2004, Secretary Ridge announced his approval of NIMS, the nation's first standardized unification of the federal, state, and local lines of government emergency response. "NIMS gives our Nation's responders the same framework for incident management and fully puts into practice the concept of, 'One plan, one team, one fight,'" according to Ridge.

NIMS contains five major components:

- ◆ The Incident Command System (ICS) functions as the chain of command for operations, planning, logistics, and administration during major incidents.
- ◆ Standardized communications system, including similarly structured information systems.
- ◆ Preparedness measures, including standardized planning, training, exercises, qualification and certification, equipment acquisition and certification, public outreach, and publication management.
- ◆ Joint Information System (JIS), which will enhance the public outreach effort by providing timely, accurate, and unified public messages across all levels of government.
- ◆ NIMS Integration Center (NIC), to assess the effectiveness of NIMS, investigate proposed changes, and employ best practices using the collaborative process under which NIMS was developed.

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Challenges To Integration

Programs streamlining and standardizing information sharing and emergency response, both on the federal and state level, have confronted several roadblocks. Last year, 13 states had signed on to the Multistate Anti-Terrorism Information Exchange (MATRIX) initiative. Touted as the future of law enforcement, MATRIX provides a database of information on criminals and publicly available records for use by law enforcement officials. However, many concerns, particularly privacy, have led to the departure of all but five states - Florida, Pennsylvania, Michigan, Connecticut, and Ohio - from the system. For more information, please visit: <http://www.matrix-at.org/>

Maine's Director of Special Projects for Emergency Management, Lynette Miller, raised concerns shared by other states - federal involvement disrupting already organized state systems.

"Pre-existing relationships may be affected, and the DHS may trample on relationships," said Miller.

Information sharing also presents legal barriers. Previously, certain documents labeled as "law enforcement sensitive" were only visible by law enforcement officials, such as FBI or local police. Now, with the creation of homeland security divisions, privacy issues arise when non-law enforcement personnel view sensitive material.

Another major worry among officials on the state level is adaptability. Each state approaches security and emergency preparedness differently based on individual needs. For example, Maine focuses heavily on international border issues and waterway safety, while Pennsylvania concentrates on protecting its large and populated cities.

"It's good to have general overall strategy - but there has to be flexibility in there for individual differences and individual challenges," said Peter Judge, the Public Information Officer for NEMA (MA).

Hudgins calls NEMA's model legislation "adaptable because it encourages individual states to tailor the guidelines to meet their needs."

Spotlight: State Guards

The increasing need for troops for homeland security, coupled with the thousands of troops abroad in Iraq, has strained the nation's military resources. As a result, state guards (also known as state militias) have become instrumental in bridging the resource gap. For example, the guard in Delaware has been vital in providing support during some of this past winter's more violent storms.

The State Guard Association of the United States (www.sgaus.org) seeks to preserve and maintain the tradition of militia, or state defense forces. Increasingly, these groups are becoming better organized in order to meet new standards of homeland safety. A new bill, HR2797, has been introduced in the House to increase state guard funding. While some welcome the much-needed additions, others resent the federal and state intrusion on a previously autonomous entity.

States Respond to Security Demands

Connecticut: Governor Rowland is proposing that \$20 million be included in the state bond package over the next two years to pay for the upgrade of all eight first responder training centers. Additional funding will be necessary in subsequent years.

In response to the anthrax cases of 2002, the Connecticut Department of Public Health (DPH) was made the lead state agency to deploy a system to coordinate public health communications to respond to a bioterrorism event or other health emergency. The system, coined "MEDSAT" by the DPH, is funded through the state's Center for Disease Control Public Health Bioterrorism Preparedness and Response grant. MEDSAT connects the DPH Command Post to all 32 Connecticut-based hospitals, the State of Connecticut Emergency Operations Center, and the Connecticut Hospital Association.

Delaware: According to Delaware's Director of Emergency Management, Jamie Turner, the state is in a unique position protecting its large bridges and extensive Amtrak lines, while keeping alert to its proximity to the nation's capital. Turner believes the largest challenges faced by the state in emergency management are time, people, and the ability to have states coordinate and interact. To approach this last concern, the state has implemented an intrastate mutual aid agreement and is currently reviewing and revising the NEMA model legislation. Mutual aid agreements have worked fairly well in the past, with individual municipality approval and transport

being the largest concerns during Tropical Storm Henri and Hurricane Isabel.

Maine: The Maine Marine Patrol and the Coast Guard have signed an agreement officially making the Patrol a part of the national Homeland Security forces. Maine's security issues lie mainly with waterways and the border, which many claim is lacking. Maine has recently received \$22.4 million for border security and other initiatives from the federal government.

Miller, listed the top concerns for homeland security as "funding, funding, funding" followed by coordination of local, state and federal agencies.

Massachusetts: Boston was one of the stops on the tour of the national Homeland Security from the Citizens Perspective Initiative. This program seeks to increase citizen involvement and awareness of national homeland security issues. Boston's liquefied gas tankers, historic buildings, renowned universities, and its hosting of the Democratic National Convention render it a potential target. Massachusetts is also addressing the water security issue by becoming a member of the Coast Guard's Model Port Program.

The main security tasks for the state are meeting the diverse needs of the state's urban and rural areas, and providing safety for the large transient tourist population, according to Judge.

New Hampshire: The state has recently received a \$360,000 federal homeland security grant, which will be shared by nine regional planning commissions and 36

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Department of Homeland Security Funding for FY 2004

State	Allocation	Per Capita
California	\$382,588,359	\$10.78
New York	\$215,892,793	\$11.25
Texas	\$211,393,781	\$9.56
Florida	\$157,445,959	\$9.25
Illinois	\$142,612,509	\$11.27
Pennsylvania	\$137,798,842	\$11.14
Ohio	\$125,338,768	\$10.96
New Jersey	\$114,044,006	\$13.20
Michigan	\$92,577,919	\$9.18
Massachusetts	\$87,159,178	\$13.55
Louisiana	\$84,063,628	\$18.70
Georgia	\$82,690,473	\$9.52
North Carolina	\$82,656,839	\$9.83
Missouri	\$77,829,275	\$13.64
Maryland	\$74,254,574	\$13.48
Washington	\$71,713,917	\$11.70
Minnesota	\$70,655,002	\$13.97
Indiana	\$69,760,232	\$11.26
Virginia	\$68,519,646	\$9.28
Tennessee	\$65,475,197	\$11.21
Wisconsin	\$63,036,461	\$11.52
Arizona	\$61,531,903	\$11.03
Kentucky	\$59,181,392	\$14.37

Source:
USA Today

State	Allocation	Per Capita
Connecticut	\$56,634,132	\$16.26
Alabama	\$53,426,095	\$11.87
District of Columbia	\$52,558,964	\$93.29
Colorado	\$51,753,008	\$11.37
South Carolina	\$49,805,124	\$12.01
Oregon	\$49,242,762	\$13.83
Puerto Rico	\$41,537,421	
Nevada	\$41,364,239	\$18.46
Mississippi	\$40,892,903	\$14.19
Oklahoma	\$40,871,128	\$11.64
Iowa	\$39,859,153	\$13.54
Arkansas	\$36,534,598	\$13.40
Kansas	\$35,733,616	\$13.12
West Virginia	\$34,482,176	\$19.05
Utah	\$31,531,718	\$13.41
New Mexico	\$29,621,768	\$15.80
Maine	\$29,358,305	\$22.48
Nebraska	\$29,143,022	\$16.76
Hawaii	\$29,123,105	\$23.16
New Hampshire	\$28,422,179	\$22.07
Idaho	\$27,506,376	\$20.13
Rhode Island	\$26,342,837	\$24.48
Montana	\$25,377,543	\$27.66
Alaska	\$24,878,195	\$38.34
Vermont	\$24,133,136	\$38.98
South Dakota	\$23,532,824	\$30.79
Wyoming	\$22,664,810	\$45.22
Delaware	\$22,372,322	\$27.37
North Dakota	\$20,945,180	\$33.05
Northern Mariana Islands	\$8,180,917	
Virgin Islands	\$7,422,935	
Guam	\$7,325,250	
American Samoa	\$6,229,357	

Spotlight on CSG Homeland Security Policy Area

CSG has been active in the areas of homeland security and emergency response. The newest initiative, "Joining the Fight: Terrorism Implications for State Law Enforcement and Criminal Justice Systems", is available online at <http://www.csg.org/>. The study aims to inform state leaders about the new roles and responsibilities of state-level agencies and the implications for communications, resources, governance, and training.

The CSG homeland security division has been active since September 11, 2001 in facilitating discussions and organizing seminars to better educate state leaders on the issues of security. Recent seminars include "Information War: Right to Know vs. Need to Know", "Color-Coding Security: State Homeland Security Advisory Systems", and "Bridging the Public and Private Gap: Infrastructure Security in the States."

Recent Resources from NEMA

- National Model Intrastate Mutual Aid Legislation produced by NEMA in concert with DHS, FEMA and a broad cross section of emergency responders is now available at www.emacweb.org.
- Edward F. Jacoby, Jr., President, NEMA, and Director, NYS Emergency Management Office: Testimony to Senate Appropriations Cttee. on Homeland Security: www.nemaweb.org.

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counties statewide. Maine and New Hampshire are also eyeing a new security pact bill that would provide reciprocal law enforcement authority to marine patrol officers from New Hampshire engaged in the investigation of potential terrorist threats in Maine waters.

Providing for the variety of potential targets, such as the nuclear power plant, liquid natural gas reserves, and international border, is one of the Granite state's main challenges, according to Bruce Cheney, Director of Emergency Management for NH.

New Jersey: Railway safety is also the focus of new legislation, as New Jersey's \$102 million transportation security plan provides for surveillance cameras on bridges, increased police patrols on trains and extra bomb-sniffing dogs. The funds would also be used to increase the NJ Transit security force and allow for the purchase of new equipment, such as radiation detectors.

New York: Following the Madrid bombing, New York has increased rail security in its subways to fend off potential attacks. New York had 2,800 transit police officers protecting transit, primarily guarding the subways and conducting station and train sweeps. The city has created hot lines for passengers to report anything suspicious.



A Coast Guard security team surveys the scene on the Hudson River while the Parade of Ships passes through New York Harbor for Fleet Week May 22, 2002. - USCG photo by PA2 Tom Sperduto

Pennsylvania: Also in response to the Madrid bombing, state officials are trying to pass legislation to allocate funds for transit security. HB 173 would appropriate \$5 million to expand the emergency system that monitors railroad crossings, and HB 1117 toughens penalties for people trespassing on railroad property. The bills also would create a Pennsylvania Railroad Authority, which would assist short-line and small passenger rail companies in acquiring improvement bonds and leasing locomotives.

Canada: The first national security policy was recently released. Ottawa wants to boost its security budget by \$500 million to be administered by the new department run by Deputy Prime Minister Anne McLellan. The new policy seeks to improve maritime security, passport control and communication between intelligence agencies.

Federal Legislation, Funding and Implications for the States

President Bush's FY 2005 budget proposes \$3.5 billion for the DHS, a 10% increase in homeland security funding. But state formula grants for "first responders" are targeted for a \$1 billion reduction (\$1.7 billion in 2004 to \$750 million in 2005), with those funds re-directed to high-threat urban areas with high populations.

In March 2004, the House Select Cttee. on Homeland Security approved (37- 0) the Faster and Smarter Funding for First Responders Act of 2003 (H.R. 3266). The bill would change the formulas for funding, distributing dollars to departments that need it most based on a threat analysis with more weight on population, known threats, and critical buildings. This may mean smaller states, cities and rural areas would receive less first responder funding in the long run. The President's plan, however, calls for the elimination of the formula and shifts the funding priorities to population and terrorism risk factors as determined by Ridge.

HR 3266 requires that DHS set minimum standards for emergency preparedness that states and cities would have to meet before receiving anti-terrorism grants. The bill also changes the rules for the nation's color-coded alert system to allow for warnings to be tailored to specific geographical areas and industrial sectors facing a threat.

The Judiciary Committee is expected to reinsert language into HR 3266 guaranteeing that small states receive a minimum allocation when it marks up the bill. Sen. Susan Collins (ME) who chairs the Governmental Affairs Committee, is proposing legislation that would continue to guarantee small states, like Maine, at least 0.75 percent of total funding. And Senator Patrick Leahy (VT) is lobbying for an amendment to President Bush's proposal that would maintain the minimum all-state formula. Police Commissioner Ray Kelly (NYC), however, believes the current formula should be eliminated contending that it is diverting funds from areas that are likely to be high on terrorists' list of targets.

The funding process is also in need of reform. The Office of Inspector General recently issued a report saying there were numerous reasons for first responder funding logjams at the federal and state levels. This report supports Congressional claims that federal legislation to streamline the first responder funding process is needed.

Many state officials concur. When the DHS raises the terrorism threat level, local governments often run up bills for police overtime. This year, 40 American cities will split \$675 million in grants under the Urban Areas Security Initiative program. New York, Chicago, and DC are the biggest beneficiaries. However, both Boston and New York, host cities to the National Democratic and Republican conventions, respectively, will probably have to stretch their urban-protection grant money for security measures at these events later this summer.

In the wake of the recent rail bombings in Madrid and Moscow, Secretary Ridge announced that DHS will implement additional security initiatives. These include a rapid deployment mass-transit K-9 program to assist state, local and transit authorities in the event of a special explosive threat situation. Also, the department's Transportation Security Administration will begin to implement a pilot program to test the feasibility of screening luggage and carry-on bags at rail stations and aboard trains. ■

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