

CRS Report for Congress

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State and Urban Area Homeland Security Plans and Exercises: Issues for the 109th Congress

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Summary

As Congress continues to address state and urban area homeland security matters, it might opt to review activities funded with federal homeland security assistance to ensure readiness for both terrorist attacks and natural disasters. Two potential activities that Congress might choose to focus on are the certification of state and urban area homeland security plans and the conduct of exercises to test the plans. The Department of Homeland Security requires some plans, but does not certify them, nor does it require regular testing of the plans with exercises. This report addresses possible policy questions associated with homeland security plans and exercises. These questions might be considered important by Congress because they address issues that go beyond the federal allocation of homeland security assistance to how states and urban areas use federal funding to prepare for terrorist attacks and natural disasters.

This report will be updated as congressional or executive branch actions warrant.

The Department of Homeland Security (DHS) provides assistance programs — such as the State Homeland Security Grant Program (SHSGP) and the Urban Area Security Initiative (UASI) — to states and localities to assure readiness for both terrorist attacks and natural and man-made disasters. Among the eligible activities for which states and localities may use DHS assistance are (1) state and local planning to respond to terrorist attacks and catastrophic events, and (2) conducting exercises to test these plans. DHS does not currently certify state and local plans and does not require regularly scheduled state and local exercises.

Because of the lack of such requirements, Congress might opt to address possible policy questions in its continuing oversight of DHS activities and identify possible steps to strengthen the nation's homeland security. Some of the policy questions might include the following:

- Should DHS certify state and urban area emergency operations and homeland security plans as a condition of assistance?

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- Should DHS require specific activities to be part of state and urban area homeland security plans?
- Should DHS require and administer state and urban area homeland security exercises?

State and Urban Area Plans

Since DHS's inception, its requirements for state and local planning have evolved. Prior to FY2006, DHS required states and urban areas — identified as Urban Area Security Initiative (UASI) recipients — to provide a homeland security strategy as a condition of assistance. The strategy consisted of a summary of the states' and urban areas' plans to address such issues as interoperable communications, first responder protective equipment, and capabilities to respond to the use of weapons of mass destruction. States and urban areas were required to provide, along with the strategy, an implementation plan that outlined how federal homeland security assistance funds would be used to address the issues identified in the strategy document.¹

In addition to the homeland security strategy, DHS now, in FY2006, requires states and UASI urban areas to develop a Capability Enhancement Plan that outlines how they intend to achieve the capabilities identified in the National Preparedness Goal.² In conjunction with this effort, states and UASI recipients are required to submit an Investment Justification that explains the need for federal homeland security assistance funding and how the funding would be used to address the state's or urban area's Capability Enhancement Plan.³

Additionally, DHS requires states and urban areas to assess their own evacuation plans to be eligible for FY2006 homeland security funding. Once the assessments have been conducted, DHS is to have a team of former state and local emergency management and homeland security personnel visit each state and urban area to review homeland security plans, including the evacuation plans, and determine individual state and urban area needs for planning assistance. The state and urban area self-assessment is to include information on the current capability for mass evacuations, catastrophic event planning, the status of emergency operations plans, the identification of short-term actions to correct critical problems, and a description of long-term actions to build capability to address the identified critical problems. States and urban areas are also required to self-certify these homeland security plans, including evacuation plans, through a checklist provided by DHS.⁴

¹ U.S. Department of Homeland Security, Office for Domestic Preparedness, *Fiscal Year 2005 Homeland Security Grant Program: Program Guidance and Application Kit* (Washington: Nov. 2004).

² For information on the National Preparedness Goal, see CRS Report RL32803, *The National Preparedness System: Issues in the 109th Congress*, by Keith Bea.

³ U.S. Department of Homeland Security, Office for Domestic Preparedness, *Fiscal Year 2006 Homeland Security Grant Program: Program Guidance and Application Kit* (Washington: Dec. 2005), p. 52.

⁴ U.S. Department of Homeland Security, Office for Grants and Training, "Nationwide Plan (continued...)"

Policy Questions. Two policy questions that Congress might choose to address are whether to require DHS to certify state and urban area homeland security plans, and whether DHS should require the plans to deal with specific homeland security activities. Although DHS now requires a review of state and local plans and requires states and localities to provide a Capability Enhancement Plan and an Investment Justification, DHS does not now certify state and urban area homeland security plans. Some might argue that without a certification or accreditation of the plans, DHS can not confirm the ability of states or urban areas to respond to terrorist attacks or natural disasters. Moreover, the lack of a federal certification process might result in states and urban areas having inadequate plans, which in turn might result in the federal government having to bear a greater share of the burden following a terrorist attack or natural disaster.

Along with not certifying state and urban area plans, DHS does not identify what homeland security plans a state or urban area should have. DHS does provide terrorism and natural disaster scenarios that states and urban areas should be capable of responding to, and also a list of capabilities that are required in responding to the scenarios.⁵ Arguably, without guidance on what plans to develop, states and urban areas might have an inadequate response to terrorist attacks and natural disasters.

Besides self-assessing and self-certifying the plans, as required, states and urban areas are encouraged to use the Emergency Management Accreditation Program (EMAP) to assess and accredit their plans voluntarily. EMAP is an independent, non-profit organization that administers a voluntary assessment and accreditation process for state, U.S. insular area, tribal, and local government emergency management programs. EMAP conducts the accreditation and assessment with the state and local governments by providing support such as the following:

- an evaluation of a jurisdiction's emergency preparedness and response system with voluntary, but nationally recognized, standards;
- a system for identifying areas in need of improvement and benchmarks for progress; and
- a methodology for organizing strategic planning and corrective actions and accountability in prioritizing resources.⁶

This EMAP voluntary self-assessment and self-accreditation might provide adequate guidance for emergency response planning. Without a list of required plans, however, states and localities may not assess and accredit the necessary plans for preparing for and responding to terrorist incidents and catastrophic events. On the other hand, this voluntary assessment and accreditation may result in guidance and assistance that is tailored to each individual state and urban area, and thus avoid the possibility of DHS

⁴ (...continued)

Review," Preparedness Directorate Information Bulletin No. 197, Nov. 23, 2005.

⁵ U.S. Department of Homeland Security, Office for Grants and Training, *National Preparedness Goal* (Washington: Mar. 2005), available at [<http://www.ojp.usdoj.gov/odp/assessments/hspd8.htm>], visited Jan. 11, 2006.

⁶ Emergency Management Accreditation Program, "EMAP Basics," available at [<http://www.emaponline.org/?113>], visited Jan. 11, 2006.

developing a national template that does not take into account the specific needs of each state and urban area.

State and Urban Area Exercises

The DHS Office of Grants and Training (G&T) provides exercise assistance to the nation and to individual states and urban areas. G&T administers a National Exercise Program (NEP), based on Homeland Security Presidential Directive 8 (HSPD 8), which directed DHS to establish a program to identify and integrate national-level exercise activities and to ensure that they serve the nation as a whole.⁷ NEP provides exercise support, guidance, and training for national homeland security staff. The primary national exercise administered by DHS is Top Officials (TOPOFF), a national performance-based exercise that includes international partners like Canada and Great Britain. The NEP, however, does not require states and localities to conduct homeland security exercises regularly, nor does it identify what types of exercises to conduct.

Additionally, DHS administers the Homeland Security Exercise and Evaluation Program (HSEEP) to assist states and urban areas in designing, developing, conducting, and evaluating homeland security exercises. HSEEP is a threat- and performance-based exercise program that includes varying degrees of complexity and interaction. The program is intended to assist states and localities in establishing exercise programs and in designing, developing, executing, and evaluating exercises.⁸

In FY2006, DHS intends to require states to become National Incident Management System (NIMS) compliant. NIMS is a response system that is meant to improve response operations through the use of the Incident Command System (ICS) and other standard procedures and preparedness measures. NIMS is designed to promote development of cross-jurisdictional, statewide, and interstate mechanisms for coordinating incident management and obtaining assistance during large-scale terrorist incidents and natural disasters. As part of the required NIMS compliance, states must participate in an all-hazard exercise based on NIMS that involves responders from multiple emergency response disciplines and multiple jurisdictions.⁹

Policy Question. Should states and urban areas be required to conduct exercises to test and refine their homeland security plans? Other than requiring states to exercise NIMS to be eligible for federal homeland security assistance, DHS does not require states and urban areas to exercise any other homeland security plan. Although DHS does require an abbreviated self-assessment and review of homeland security plans — separate from the voluntary EMAP assessment and accreditation — as a condition to receive FY2006 federal homeland security assistance, there is no requirement to test the plans at any regular interval. DHS has established no procedure for ensuring that states and urban

⁷ Office of the President, “National Preparedness,” Homeland Security Presidential Directive 8, Dec. 17, 2003.

⁸ U.S. Department of Homeland Security, Office for Domestic Preparedness, “Exercises,” available at [<http://www.ojp.usdoj.gov/odp/exercises.htm>], visited Jan. 11, 2006.

⁹ U.S. Department of Homeland Security, Office for Domestic Preparedness, *Fiscal Year 2006 Homeland Security Grant Program: Program Guidance and Application Kit*, pp. G1-G10.

areas conduct homeland security exercises, and then address any shortcomings that the exercises may identify. The lack of an exercise requirement could possibly result in states and urban areas being inadequately prepared to prevent and respond to terrorist attacks and natural disasters. Although states and urban areas presently conduct various homeland security exercises, the frequency and caliber of any exercises they may conduct are not known.

DHS does authorize states and urban areas to use federal homeland security assistance to develop and conduct homeland security exercises. Exercises conducted with this assistance are required to be threat- and performance-based and to evaluate performance of critical tasks in responding to the exercise scenario. Following an exercise, states and urban areas are required to submit an After Action Report (AAR) to G&T, and the AAR must document the performance of the exercise and make recommendations for improvement.¹⁰

¹⁰ U.S. Department of Homeland Security, Office for Domestic Preparedness, *Fiscal Year 2006 Homeland Security Grant Program: Program Guidance and Application Kit*, p. 66.