

# CRS Report for Congress

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## **Terrorism: Key Recommendations of the 9/11 Commission and Recent Major Commissions and Inquiries**

**August 11, 2004**

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# Terrorism: Key Recommendations of the 9/11 Commission and Recent Major Commissions and Inquiries

## Summary

This report highlights key recommendations set out in the report of the 9/11 Commission organized by the following major thematic areas: (1) Focus of U.S. International Anti-Terrorism Policy; (2) Institutional Steps to Protect Against and Prepare for Terrorist Attacks; (3) Intelligence Issues; and (4) Congress and Oversight Issues. A bulleted summary is made, under each of these major thematic headings, of the key recommendations of the 9/11 Commission, the Gilmore Commission, the Bremer Commission, the Joint Inquiry of the House and Senate Intelligence Committees, and the Hart-Rudman Commission.

What is provided here is a structured road map to the most important recommendations of the 9/11 Commission, to those recommendations of the three other Commissions, and to those of the Joint Inquiry of the House and Senate Intelligence Committees that are *directly related* to the recommendations made by the 9/11 Commission set out within each of the stipulated four thematic areas. Links are also provided to the texts of the original reports prepared by these entities. This will facilitate access to the detailed commentaries of each of these entities, providing direct access to the rationales for each of the respective recommendations. Background details on the formation and mandates of the Commissions reviewed are set out in Appendix 1 of this report, as are the links to the pertinent websites where the full texts of the individual reports may be found.

This report will not be updated.

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# Anti-Terrorism: Key Recommendations of the 9/11 Commission and Recent Major Commissions and Inquiries

## Introduction

This report highlights key recommendations set out in the report of the 9/11 Commission organized by the following major thematic areas: (1) Focus of U.S. International Anti-Terrorism Policy; (2) Institutional Steps to Protect Against and Prepare for Terrorist Attacks; (3) Intelligence Issues; (4) Congress and Oversight Issues. Key recommendations made by other major commissions sponsored by the United States Government since 1999, and those of the Joint Inquiry by the House and Senate Select Committees on Intelligence, are also set out within each of the above four thematic areas. A bulleted summary is made, under each of these major headings, of the key recommendations of the 9/11 Commission, followed by bulleted summaries of key recommendations made by the Gilmore Commission, the Bremer Commission, the Joint Inquiry of the House and Senate Intelligence Committees, and the Hart-Rudman Commission. What is provided here is a structured road map to the most important recommendations of the 9/11 Commission, and to those recommendations of the three other Commissions, and to those of the Joint Inquiry of the House and Senate Intelligence Committees that are *directly related* to those made by the 9/11 Commission.<sup>1</sup> Background details on the origins and mandates of the Commissions whose recommendations are discussed are set out in Appendix 1 of this report, as are links to the pertinent websites where the full texts of the reports of these entities may be found.

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<sup>1</sup> The National Commission on Terrorist Attacks Upon the United States (known as the 9/11 Commission) was established by Title VI of P.L. 107-306, 107<sup>th</sup> Cong., 2<sup>nd</sup> Sess., November 27, 2002. It made its report public on July 22, 2004. Its charter (Sec. 602 of P.L. 107-306) called for it, among other things, to: examine and report on the facts and causes relating to the terrorist attacks of September 11, 2001 on the United States, evaluate and report on the evidence developed by all relevant governmental agencies regarding the facts and circumstances surrounding the attacks; to build upon the investigations of other entities, and avoid unnecessary duplication, by reviewing the findings, conclusions, and recommendations of the Joint Inquiry of the Select Intelligence Committees of the House and Senate, and other executive branch, congressional or independent commission investigations into the terrorist attacks of September 11, 2001, other terrorist attacks, and terrorism generally; to make a full and complete accounting of the circumstances surrounding the attacks, and the extent of the United States' preparedness for, and the immediate response to, the attacks; and to investigate and report to the President and Congress on its findings, conclusions, and recommendations for corrective measures that can be taken to prevent acts of terrorism.

## **Focus of United States International Anti-Terrorism Policy**

### **Key 9/11 Commission Recommendations**

- The U.S. government must attack terrorists and their organizations by identifying and prioritizing actual or potential sanctuaries for terrorists, and have a realistic strategy to keep possible terrorists insecure and on the run, using all elements of national power. The U.S. should reach out, listen to, and work with other countries that can help in this regard.
- The United States should be willing to make the difficult long-term commitment to the future of Pakistan. Sustaining the current scale of aid to Pakistan, the United States should support Pakistan's government in its struggle against extremists with a comprehensive effort that extends from military aid to support for better education, so long as Pakistan's leaders remain willing to make difficult choices of their own.
- The United States and the international community should make a long-term commitment to a secure and stable Afghanistan, in order to give the government a reasonable opportunity to improve the life of the Afghan people. Afghanistan must not again become a sanctuary for international crime and terrorism. The United States and the international community should help the Afghan government extend its authority over the country, with a strategy and nation-by-nation commitments to achieve their objectives.
- The problems in the U.S.-Saudi relationship must be confronted, openly. The United States and Saudi Arabia must determine if they can build a relationship that political leaders on both sides are prepared to publicly defend — a relationship about more than oil. It should include a shared commitment to political and economic reform, as Saudis make common cause with the outside world. It should include a shared interest in greater tolerance and cultural respect, translating into a commitment to fight the violent extremists who foment hatred.
- We should offer an example of moral leadership in the world, committed to treat people humanely, abide by the rule of law, and be generous and caring to our neighbors. America and Muslim friends can agree on respect for human dignity and opportunity. Where Muslim governments, even those who are friends, do not respect these principles, the United States must stand for a better future.
- Just as we did in the Cold War, we need to defend our ideals abroad vigorously. America does stand up for its values. The United States defended, and still defends, Muslims against tyrants and criminals

in Somalia, Bosnia, Kosovo, Afghanistan, and Iraq. If the United States does not act aggressively to define itself in the Islamic world, the extremists will gladly do the job for us.

- The U.S. government should offer to join with other nations in generously supporting a new International Youth Opportunity Fund. Funds will be spent directly for building and operating primary and secondary schools in those Muslim states that commit to sensibly investing their own money in public education.
- A comprehensive U.S. strategy to counter terrorism should include economic policies that encourage development, more open societies, and opportunities for people to improve the lives of their families and to enhance prospects for their children's future.
- The U.S. should counter the continued growth of Islamist terrorism by engaging other nations in developing a comprehensive coalition strategy against Islamist terrorism. There are several multilateral institutions in which such issues should be addressed. But the most important policies should be discussed and coordinated in a flexible contact group of leading coalition governments.
- The United States should engage its friends to develop a common coalition approach toward the detention and humane treatment of captured terrorists. New principles might draw upon Article 3 of the Geneva Conventions on the law of armed conflict.
- The U.S. should make a maximum effort to strengthen counter-proliferation efforts against weapons of mass destruction by expanding the Proliferation Security Initiative and the Cooperative Threat Reduction program.
- The U.S. should engage in vigorous efforts to track terrorist financing. This should be a central part of U.S. counterterrorism efforts.

### **Key Gilmore Commission Recommendations**

- The President should develop a national strategy for combating terrorism.
- The United States should negotiate more comprehensive treaties and agreements for combating terrorism with Canada and Mexico.

### **Key Bremer Commission Recommendations**

- The President should not make further concessions toward Iran and should keep Iran on the list of state sponsors of terrorism until

Tehran demonstrates it has stopped supporting terrorism and cooperates fully in the Khobar Towers investigation.

- The President should actively seek support from U.S. allies to compel Iran to cooperate in the Khobar Towers bombing investigation.
- The President should make clear to Syria that it will remain on the list of state sponsors of terrorism until it shuts down training camps and other facilities in Syria and the Bekaa Valley and prohibits the resupply of terrorist groups through Syrian-controlled territory.
- The Secretary of State should designate Afghanistan as a sponsor of terrorism and impose all the sanctions that apply to state sponsor.
- The President should make more effective use of authority to designate foreign governments as “Not Cooperating Fully” with U.S. counterterrorism efforts to deter all state support for terrorism. Specifically, the President should direct the Secretary of State to: Consider Greece and Pakistan, among others, as candidates for this designation.
- Review the current list of state sponsors and recommend that certain states be moved to the “Not Cooperating Fully” designation after they have undertaken specified measures to cease sponsorship of terrorism.
- Increase publicity of the activities of state sponsors and countries designated as “Not Cooperating Fully” through special reports, making extensive use of the Internet.
- The Secretary of State should ensure the list of Foreign Terrorist Organizations (FTO) designations is credible and frequently updated.
- The Secretary of State, in concert with other departments and agencies, should take the lead in developing an international convention aimed at harmonizing national laws, sharing information, providing early warning, and establishing accepted procedures for conducting international investigations of cyber crime.

### **Key Recommendations of the Joint Inquiry of House and Senate Intelligence Committees**

- The National Security Council, in conjunction with the Director of National Intelligence, and in consultation with the Secretary of the Department of Homeland Security, the Secretary of State and Secretary of Defense, should prepare, for the President’s approval, a U.S. government-wide strategy for combating terrorism, both at



home and abroad, including the growing terrorism threat posed by the proliferation of weapons of mass destruction and associated technologies. This strategy should identify and fully engage those foreign policy, economic, military, intelligence, and law enforcement elements that are critical to a comprehensive blueprint for success in the war against terrorism. As part of that effort, the Director of National Intelligence shall develop the Intelligence Community component of the strategy, identifying specific programs and budgets including plans to address the threats posed by Osama Bin Laden and al Qaeda, Hezbollah, Hamas, and other significant terrorist groups. Consistent with applicable law, the strategy should effectively employ and integrate all capabilities available to the Intelligence Community against those threats and should encompass specific efforts to:

- develop human sources to penetrate terrorist organizations and networks both overseas and within the United States; fully utilize existing and future technologies to better exploit terrorist communications; to improve and expand the use of data mining and other cutting edge analytical tools; and to develop a multi-level security capability to facilitate the timely and complete sharing of relevant intelligence information both within the Intelligence Community and with other appropriate federal, state, and local authorities;
  - maximize the effective use of covert action in counterterrorist efforts;
  - develop programs to deal with financial support for international terrorism;
  - facilitate the ability of CIA paramilitary units and military special operations forces to conduct joint operations against terrorist targets.
- The State Department, in consultation with the Department of Justice, should review and report to the President and the Congress by June 30, 2003 on the extent to which revisions in bilateral and multilateral agreements, including extradition and mutual assistance treaties, would strengthen U.S. counterterrorism efforts. The review should address the degree to which current categories of extraditable offenses should be expanded to cover offenses, such as visa and immigration fraud, which may be particularly useful against terrorists and those who support them.
  - The Intelligence Community, and particularly the FBI and the CIA, should aggressively address the possibility that foreign governments are providing support to or are involved in terrorist activity targeting the United States and U.S. interests. State-sponsored terrorism substantially increases the likelihood of successful and more lethal attacks within the United States. This issue must be addressed from a national standpoint and should not be limited in focus by the

geographical and factual boundaries of individual cases. The FBI and CIA should aggressively and thoroughly pursue related matters developed through this Joint Inquiry that have been referred to them for further investigation by these Committees.

### **Key Hart-Rudman Commission Recommendations**

- The President should develop a comprehensive strategy to heighten America's ability to prevent and protect against all forms of attack on the homeland, and to respond to such attacks if prevention and protection fail.

## **Institutional Steps to Protect Against and Prepare for Terrorist Attacks**

### **Key 9/11 Commission Recommendations**

- The United States should combine terrorist travel intelligence, operations, and law enforcement in a strategy to intercept terrorists, find terrorist travel facilitators, and constrain terrorist mobility.
- The U. S. border security system should be integrated into a larger network of screening points that includes our transportation system and access to vital facilities, such as nuclear reactors. The President should direct the Department of Homeland Security [DHS] to lead the effort to design a comprehensive screening system, addressing common problems and setting common standards with systemwide goals in mind. Extending those standards among other governments could dramatically strengthen America and the world's collective ability to intercept individuals who pose catastrophic threats.
- The Department of Homeland Security, properly supported by the Congress, should complete, as quickly as possible, a biometric entry-exit screening system, including a single system for speeding qualified travelers. It should be integrated with the system that provides benefits to foreigners seeking to stay in the United States. Linking biometric passports to good data systems and decision making is a fundamental goal.
- We should do more to exchange terrorist information with trusted allies, and raise U.S. and global border security standards for travel and border crossing over the medium and long term through extensive international cooperation.
- Secure identification should begin in the United States. The federal government should set standards for the issuance of birth certificates and sources of identification, such as drivers licenses.

- The U.S. government should identify and evaluate the transportation assets that need to be protected, set risk-based priorities for defending them, select the most practical and cost-effective ways of doing so, and then develop a plan, budget, and funding to implement the effort. The plan should assign roles and missions to the relevant authorities (federal, state, regional, and local) and to private stakeholders.
- Improved use of “no-fly” and “automatic selectee” lists should not be delayed while the argument about a successor to CAPPs continues. This screening function should be performed by the TSA [Transportation Security Administration], and it should utilize the larger set of watch lists maintained by the federal government. Air carriers should be required to supply the information needed to test and implement this new system.
- The TSA and the Congress must give priority attention to improving the ability of screening checkpoints to detect explosives on passengers. As a start, each individual selected for special screening should be screened for explosives. Further, the TSA should conduct a human factors study, a method often used in the private sector, to understand problems in screener performance and set attainable objectives for individual screeners and for the checkpoints where screening takes place.
- As the President determines the guidelines for information sharing among government agencies and by those agencies with the private sector, he should safeguard the privacy of individuals about whom information is shared.
- The burden of proof for retaining a particular governmental power should be on the executive, to explain (a) that the power actually materially enhances security and (b) that there is adequate supervision of the executive’s use of the powers to ensure protection of civil liberties. If the power is granted, there must be adequate guidelines and oversight to properly confine its use.
- At this time of increased and consolidated government authority, there should be a board within the executive branch to oversee adherence to the guidelines we recommend and the commitment the government makes to defend our civil liberties.
- Homeland security assistance should be based strictly on an assessment of risks and vulnerabilities. Now, in 2004, Washington, D.C., and New York City are certainly at the top of any such list. We understand the contention that every state and city needs to have some minimum infrastructure for emergency response. But federal homeland security assistance should not remain a program for general revenue sharing. It should supplement state and local

resources based on the risks or vulnerabilities that merit additional support.

- Emergency response agencies nationwide should adopt the Incident Command System (ICS). When multiple agencies or multiple jurisdictions are involved, they should adopt a unified command. Both are proven frameworks for emergency response. We strongly support the decision that federal homeland security funding will be contingent, as of October 1, 2004, upon the adoption and regular use of ICS and unified command procedures. In the future, the Department of Homeland Security should consider making funding contingent on aggressive and realistic training in accordance with ICS and unified command procedures.
- Congress should support pending legislation which provides for the expedited and increased assignment of radio spectrum for public safety purposes. Furthermore, high-risk urban areas such as New York City and Washington, D.C., should establish signal corps units to ensure communications connectivity between and among civilian authorities, local first responders, and the National Guard. Federal funding of such units should be given high priority by Congress.
- We endorse the American National Standards Institute's [ANSI] recommended standard for private preparedness. We were encouraged by Secretary Tom Ridge's praise of the standard, and urge the Department of Homeland Security to promote its adoption. We also encourage the insurance and credit-rating industries to look closely at a company's compliance with the ANSI standard in assessing its insurability and creditworthiness. We believe that compliance with the standard should define the standard of care owed by a company to its employees and the public for legal purposes.
- We recommend the establishment of a National Counterterrorism Center (NCTC), built on the foundation of the existing Terrorist Threat Integration Center (TTIC). Breaking the older mold of national government organization, this NCTC should be a center for joint operational planning and joint intelligence, staffed by personnel from the various agencies. The head of the NCTC should have authority to evaluate the performance of the people assigned to the Center.

## **Key Gilmore Commission Recommendations**

- There should be a national level strategy on combating terrorism that clearly delineates and distinguishes Federal, state, and local roles and responsibilities and articulates clear direction for Federal priorities and programs to support local responders; and a comprehensive, parallel public education effort.

- More needs to be done and can be done to obtain and share information on potential terrorist threats at all levels of government, to provide more effective deterrence, prevention, interdiction or response, using modern information technology. Efforts should be accelerated to develop and to test agreed-on templates for command and control under a wide variety of terrorist threat scenarios.
- Create a “National Office for Combating Terrorism” with the Director appointed by the President, confirmed by the Senate, located in the Executive Office of the President. To have no operational control, but specified control of Federal programs and budgets. To have responsibility for strategy formulation and review of plans. To have Assistants for Domestic Preparedness, Intelligence, Health and Medical, RDT&E/National Standards, and Management and Budget. To serve as the point of contact for the Congress.
- **Enhance Intelligence/Threat Assessments/Information Sharing**

**NOTE:** (the entity/person indicated in parentheses is expected to take the lead in carrying out the given recommendation).

— Improve human intelligence by rescinding CIA guidelines on certain foreign informants (DCI).

— Improve measurement and signature intelligence through enhanced RDT&E (Intelligence Community).

— Review/modify guidelines and procedures for domestic investigations (Review Panel/Attorney General).

— Review/modify authorities on certain CBRN [Chemical, Biological, Radiological, Nuclear] precursors and equipment (Executive and Congress).

— Improve forensics technology/analysis, and enhance indications and warnings systems (National Office for Combating Terrorism— hereafter National Office).

— Provide security clearances and more information to designated State and local entities (National Office).

— Develop single-source, protected, web-based, integrated information system (National Office).

— Develop a training program for State, local, and private sector for interpreting intelligence products (DHS).

— Establish comprehensive procedures for sharing information with relevant State and local officials (DHS).

- **Foster Better Planning/Coordination/Operations**

- Designate Federal Response Plan as single-source “all hazards” planning document (National Office).

- Develop “model” State plan (NEMA [National Emergency Management Association] and FEMA [Federal Emergency Management Agency]).

- Conduct inventories of State and local programs for nationwide application (National Office).

- Promote/facilitate the adoption of multi-jurisdiction/multi-state mutual aid compacts (National Office).

- Promote/facilitate adoption of standard ICS [Incident Command System], UCS [Unified Command System], and EOC [Emergency Operations Center] (National Office).

- Designate agency other than DoD as “Lead Federal Agency” (President).

- **Enhance Training, Equipping, and Exercising**

- Develop input to strategy and plans in close coordination with State and local entities (National Office).

- Restructure education and training opportunities to account for volunteers in critical response disciplines.

- Develop realistic exercise scenarios that meet State and local needs (National Office).

- **Improve Health and Medical Capabilities**

- Obtain strategy input/ program advice from public health/medical care representatives (National Office).

- Promote certification programs for training and facilities (National Office).

- Clarify authorities and procedures for health and medical response (All jurisdictions).

- Improve surge capacity and stockpiles (All jurisdictions).

- Evaluate and test response capabilities (All public health and medical entities).

- Establish standards for communications/mandatory reporting (All public health/medical entities).

— Establish laboratory standards and protocols (All public health/medical entities).

- **Promote Better Research and Development and Developing National Standards**

— Develop, with OSTP [Office of Science and Technology Policy], equipment testing protocols and long-range research plan (National Office).

— Establish national standards program with NIST [National Institute of Standards and Technology] and NIOSH [National Institute for Occupational Safety and Health] as co-leads (National Office).

- **Civil Liberties**

— Establish a civil liberties oversight board to provide advice on any statutory, regulatory, or procedural change that may have civil liberties implications.

- **State and Local Response Capabilities**

— Increase and accelerate the sharing of terrorism-related intelligence and threat assessments.

— Design training and equipment programs for all-hazards preparedness.

— Redesign Federal training and equipment grant programs to include sustainment components.

— Increase funding to States and localities for combating terrorism.

— Consolidate Federal grant program information and application procedures.

— Design Federal preparedness programs to ensure first responder participation, especially volunteers.

— Establish an information clearinghouse on Federal programs, assets, and agencies.

— Configure Federal military response assets to support and reinforce existing structures and systems.

— Combine all departmental grant making programs into a single entity in DHS (DHS).

— Establish an interagency mechanism for homeland security grants (President).

— Develop a comprehensive process for establishing training and exercise standards for responders (DHS).

— Revise the Homeland Security Advisory System to include (1) a regional alert system (2) training to emergency responders about preventive actions; and (3) specific guidance to potentially affected regions (DHS).

— Establish sustained funding to enhance EMS [Emergency Medical Services] response capacity for acts of terrorism (Congress).

— Reestablish a Federal office specifically to support EMS operational and systems issues (Congress).

— Establish a “Matrix” of Mutual Aid in coordination with local, State, and other Federal agencies, for a nationwide system of mutually supporting capabilities (DHS).

— Adopt the Business Roundtable’s Principles of Corporate Governance security component (DHS and private sector).

- **Improving Health and Medical Capabilities**

— Implement the AMA [American Medical Association] Recommendations on Medical Preparedness for Terrorism.

— Implement the JCAHO [Joint Commission on Accreditation of Healthcare Organizations] Revised Emergency Standards.

— Fully resource the CDC [Centers for Disease Control and Prevention] Biological and Chemical Terrorism Strategic Plan.

— Fully resource the CDC Laboratory Response Network for Bioterrorism.

— Fully resource the CDC Secure and Rapid Communications Networks.

— Develop standard medical response models for Federal, State, and local levels.

— Reestablish a pre-hospital Emergency Medical Service Program Office.

— Revise current EMT [Emergency Medical Technician] and PNST [Paramedic National Standardized Training] training and refresher curricula.

— Increase Federal resources for exercises for State and local health and medical entities.

— Establish a government-owned, contractor-operated national vaccine and therapeutics facility.

— Review and recommend changes to plans for vaccine stockpiles and critical supplies.



- Develop a comprehensive plan for research on terrorism-related health and medical issues.
- Review MMRS [Metropolitan Medical Response System] and NDMS [National Disaster Medical System] authorities, structures, and capabilities.
- Develop an education plan on the legal and procedural issues for health and medical response to terrorism.
- Develop on-going public education programs on terrorism causes and effects.
- Strengthen the public health system with support on the order of \$1 billion per year for five years.
- Coordinate and centralize funding information from various agencies and simplify the application process.
- Implement a formal process for evaluating the effectiveness of investments in preparedness.
- Fund studies on health care and public health workforce requirements.
- Assess the resources required by the nation's hospital system to respond to terrorism.
- Strengthen the Health Alert Network and other secure and rapid communications systems.
- Increase resources for public health and medical emergencies.
- Articulate and integrate the roles, missions, capabilities and limitations of, and effectively train special response teams.
- Improve system for providing required technical assistance to States and localities.
- Develop an electronic, continuously updated handbook on best terrorism response practices.
- Strengthen and prioritize basic medical and applied public health research.
- Adopt the Model Health Powers Emergency Act or develop and adopt an alternative.
- Clarify the special conditions under which HIPAA [Health Insurance Portability and Accountability Act] information can be shared; and require State plans for enhanced cooperation between law enforcement and public health, EMS and hospital officials.

— Educate the public on health and medical information before, during and after an event.

— Enhance research into the short and long-term psychological consequences of terrorist attacks.

- **Immigration and Border Control**

- Create an intergovernmental border advisory group.

- Fully integrate all affected entities into local or regional “port security committees.”

- Ensure that all border agencies are partners in intelligence collection, analysis, and dissemination.

- Create, provide resources for, and mandate participation in a “Border Security Awareness” database system.

- Require shippers to submit cargo manifest information simultaneously with shipments transiting U.S. borders.

- Establish “Trusted Shipper” programs.

- Expand Coast Guard search authority to include U.S. owned— not just “flagged”— vessels.

- Expand and consolidate research, development, and integration of sensor, detection, and warning systems.

- Increase resources for the U.S. Coast Guard for homeland security missions.

- Negotiate more comprehensive treaties and agreements for combating terrorism with Canada and Mexico.

- **Improving Cyber Security Against Terrorism**

- Include private and State and local representatives on the interagency critical infrastructure advisory panel.

- Create a commission to assess and make recommendations on programs for cyber security.

- Establish a government funded, not-for-profit entity for cyber detection, alert, and warning functions.

- Convene a “summit” to address Federal statutory changes that would enhance cyber assurance.

- Create a special “Cyber Court” patterned after the court established in FISA [Federal Intelligence Surveillance Act].

— Develop and implement a comprehensive plan for cyber security research, development, test, and evaluation.

- **Use of the Military in Homeland Security**

— Establish a homeland security Under Secretary position in the Department of Defense.

— Establish a single unified command and control structure to execute all military support to civil authorities.

— Develop detailed plans for the use of the military domestically across the spectrum of potential activities.

— Expand training and exercises in relevant military units and with Federal, State, and local responders.

— Direct new mission areas for the National Guard to provide support to civil authorities.

— Publish a compendium of statutory authorities for using the military domestically to combat terrorism.

— Improve the military full-time liaison elements in the ten Federal Emergency Management Agency regions.

- **Organizing the National Effort**

— Produce continuing, comprehensive “strategic” assessments of threats inside the United States.

— Ensure DHS authority to levy direct intelligence requirements, and robust DHS capability for combining threat and vulnerability information.

— Clearly define DHS and other Federal agency responsibilities before, during, and after an attack.

— Designate DHS as lead, and DHHS [Department of Health and Human Services] as principal supporting agency, for bioterrorism attack.

— Perform a comprehensive National Intelligence Estimate on the threats to infrastructure.

— Restructure interagency mechanisms for better coordination.

— Thoroughly review applicable law and regulations; propose legislative changes.

— Establish separate Congressional authorizing committee and appropriation subcommittee for homeland security.

— Establish a Federal Interagency Homeland Security Research and Development Council (President).

— Improve capacity in the Intelligence Community for health and medical analysis.

— Enhance technical assistance to states to develop plans and procedures for distributing the NPS [National Pharmaceutical Stockpile].

— Establish a national strategy for vaccine development.

— Implement the smallpox vaccination plan incrementally; and raise the priority on research for a safer smallpox vaccine.

— Implement IOM [Institute of Medicine] Committee's recommendations on psychological preparedness (DHS and DHHS).

— Provide increased funding and DHS and DHHS monitor State and local compliance of incorporating in plans an appropriate focus on psychological and behavioral consequence preparedness and management (Congress, DHS and DHHS).

— Create a Federal task force on psychological issues, jointly led by DHHS and DHS (President).

- **Defending Against Agricultural Terrorism**

— Designate DHS as the lead and USDA [United States Department of Agriculture] as the technical advisor on food safety and agriculture and emergency preparedness (President).

— Include an Emergency Support Function for Agriculture and Food in the Federal Response Plan and the National Incident Response Plan.

— Allow specially designated laboratories to perform tests for foreign agricultural diseases.

— Institute a standard system for fair compensation for agriculture and food losses.

— Improve and provide incentives for veterinary medicine education in foreign animal diseases; and improve education, training, and exercises between government and the agricultural private sector.

## **Key Bremer Commission Recommendations**

- Neither the Department of Justice [DoJ] nor the FBI has attempted to clarify the FI [Foreign Intelligence Collection and Foreign Counterintelligence Investigations] guidelines for international terrorism investigations, and the Attorney General guidelines on

General Crimes Racketeering Enterprise and Domestic Security/Terrorism Investigations [which govern domestic terrorism], the Attorney General and the Director of the Federal Bureau of Investigation should develop guidance to clarify the application of both sets of guidelines. This guidance should specify what facts and circumstances merit the opening of a preliminary inquiry or full investigation and should direct agents in the field to investigate terrorist activity vigorously, using the full extent of their authority.

- During the period leading up to the millennium, the FISA [Foreign Intelligence Surveillance Act] application process was streamlined. Without lowering the FISA standards, applications were submitted to the FISA Court by DoJ promptly and with enough information to establish probable cause. The Attorney General should direct that the Office of Intelligence Policy and Review not require information in excess of that actually mandated by the probable cause standard in the Foreign Intelligence Surveillance Act statute.
- To ensure timely review of the Foreign Intelligence Surveillance Act applications, the Attorney General should substantially expand the Office of Intelligence Policy and Review staff and direct it to cooperate with the Federal Bureau of Investigation.
- The Director of the Federal Bureau of Investigation should establish and equip a dedicated staff of reports officers to develop terrorism and foreign intelligence information obtained at field offices and headquarters for prompt dissemination to other agencies, especially those within the intelligence community, while protecting privacy and pending criminal cases.
- The Attorney General should clarify what information can be shared and direct maximum dissemination of terrorist-related information to policymakers and intelligence analysts consistent with the law.
- The President should direct the creation of a joint task force consisting of all the agencies in the U.S. Government that possess information or authority relevant to terrorist fundraising. The task force should develop and implement a broad approach toward disrupting the financial activities of terrorists. This approach should use all available criminal, civil, and administrative sanctions, including those for money laundering, tax and fraud violations, or conspiracy charges.
- The Secretary of the Treasury should create a unit within the Office of Foreign Assets Control dedicated to the issue of terrorist fundraising.

- The President and Congress should work together to create an effective system for monitoring the status of foreign students nationwide.
- The Attorney General should direct the Department of Justice to pursue vigorously the criminal prosecution of terrorists in an open court whenever possible.
- The Attorney General should further direct that where national security requires the use of secret evidence in administrative immigration cases, procedures for cleared counsel and unclassified summaries, such as those provided in the Alien Terrorist Removal Court (ATRC), should be used.
- The President should require the Director of the Office of Management and Budget and the national counterterrorism coordinator to agree on all budget guidance to the agencies, including the response to initial budget submissions, and both officials should be involved in presenting agencies' counterterrorism budget appeals to the President.
- The President should direct the preparation of a manual on the implementation of existing legal authority necessary to address effectively a catastrophic terrorist threat or attack. The manual should be distributed to the appropriate federal, state, and local officials and be used in training, exercises, and educational programs.
- The President should determine whether any additional legal authority is needed to deal with catastrophic terrorism and make recommendations to Congress if necessary.
- The President should direct the Assistant to the President for National Security Affairs, in coordination with the Secretary of Defense and the Attorney General, to develop and adopt detailed contingency plans that would transfer lead federal agency authority to the Department of Defense if necessary during a catastrophic terrorist attack or prior to an imminent attack.
- The Secretary of Defense should establish a unified command structure that would integrate all catastrophic terrorism capabilities and conduct detailed planning and exercises with relevant federal, state, and local authorities.
- The President should direct (1) the Exercise Subgroup, under the direction of the national coordinator for counterterrorism, to exercise annually the government's response to a catastrophic terrorism crisis, including consequence management; and (2) all relevant federal agencies to plan, budget and participate in counterterrorism and consequence management exercises coordinated by the Exercise

Subgroup and ensure senior officer level participation, particularly in the annual exercises.

- The President should establish a comprehensive and coordinated long-term Research and Development program to counter catastrophic terrorism.
- The Secretary of Health and Human Services should strengthen physical security standards applicable to the storage, creation, and transport of pathogens in research laboratories and other certified facilities in order to protect against theft or diversion. These standards should be as rigorous as the physical protection and security measures applicable to critical nuclear materials.
- The Secretary of Health and Human Services, working with the Department of State, should develop an international monitoring program to provide early warning of infectious disease outbreaks and possible terrorist experimentation with biological substances.

## **Key Recommendations of the Joint Inquiry of House and Senate Intelligence Committees**

- Enhance the depth and quality of domestic intelligence collection and analysis by, for example, modernizing current intelligence reporting formats through the use of existing information technology to emphasize the existence and the significance of links between new and previously acquired information.
- Congress and the Administration should ensure the full development within the Department of Homeland Security of an effective all-source terrorism information fusion center that will dramatically improve the focus and quality of counterterrorism analysis and facilitate the timely dissemination of relevant intelligence information, both within and beyond the boundaries of the Intelligence Community. Congress and the Administration should ensure that this fusion center has all the authority and the resources needed to:
  - have full and timely access to all counterterrorism-related intelligence information, including “raw” supporting data as needed;
  - have the ability to participate fully in the existing requirements process for tasking the Intelligence Community to gather information on foreign individuals, entities and threats;
  - integrate such information in order to identify and assess the nature and scope of terrorist threats to the United States in light of actual and potential vulnerabilities;

- implement and fully utilize data mining and other advanced analytical tools, consistent with applicable law;
  - retain a permanent staff of experienced and highly skilled analysts, supplemented on a regular basis by personnel on “joint tours” from the various Intelligence Community agencies;
  - institute a reporting mechanism that enables analysts at all the intelligence and law enforcement agencies to post lead information for use by analysts at other agencies without waiting for dissemination of a formal report;
  - maintain excellence and creativity in staff analytic skills through regular use of analysis and language training programs; and
  - establish and sustain effective channels for the exchange of counterterrorism related information with federal agencies outside the Intelligence Community as well as with state and local authorities.
- Given the FBI’s history of repeated shortcomings within its current responsibility for domestic intelligence, and in the face of grave and immediate threats to our homeland, the FBI should strengthen and improve its domestic capability as fully and expeditiously as possible by immediately instituting measures to:
    - strengthen counterterrorism as a national FBI program by clearly designating national counterterrorism priorities and enforcing field office adherence to those priorities;
    - establish and sustain independent career tracks within the FBI that recognize and provide incentives for demonstrated skills and performance of counterterrorism agents and analysts;
    - significantly improve strategic analytical capabilities by assuring the qualification, training, and independence of analysts, coupled with sufficient access to necessary information and resources;
    - establish a strong reports officer cadre at FBI Headquarters and field offices to facilitate timely dissemination of intelligence from agents to analysts within the FBI and other agencies within the Intelligence Community;
    - implement training for agents in the effective use of analysts and analysis in their work;
    - expand and sustain the recruitment of agents and analysts with the linguistic skills needed in counterterrorism efforts;
    - increase substantially efforts to penetrate terrorist organizations operating in the United States through all available means of collection;
    - improve the national security law training of FBI personnel;



- implement mechanisms to maximize the exchange of counterterrorism-related information between the FBI and other federal, state and local agencies; and
- finally solve the FBI's persistent and incapacitating information technology problems.
- The Attorney General and the Director of the FBI should take action necessary to ensure that:
  - the Office of Intelligence Policy and Review and other Department of Justice components provide in-depth training to the FBI and other members of the Intelligence Community regarding the use of the Foreign Intelligence Surveillance Act (FISA) to address terrorist threats to the United States;
  - the FBI disseminates results of searches and surveillances authorized under FISA to appropriate personnel within the FBI and the Intelligence Community on a timely basis so they may be used for analysis and operations that address terrorist threats to the United States; and
  - the FBI develops and implements a plan to use authorities provided by FISA to assess the threat of international terrorist groups within the United States fully, including the extent to which such groups are funded or otherwise supported by foreign governments.
- The President should review and consider amendments to the Executive Orders, policies and procedures that govern the national security classification of intelligence information, in an effort to expand access to relevant information for federal agencies outside the Intelligence Community, for state and local authorities, which are critical to the fight against terrorism, and for the American public. In addition, the President and the heads of federal agencies should ensure that the policies and procedures to protect against the unauthorized disclosure of classified intelligence information are well understood, fully implemented and vigorously enforced.
- Congress and the Administration should ensure the full development of a national watchlist center that will be responsible for coordinating and integrating all terrorist related watchlist systems; promoting awareness and use of the center by all relevant government agencies and elements of the private sector; and ensuring a consistent and comprehensive flow of terrorist names into the center from all relevant points of collection.

## **Key Hart-Rudman Commission Recommendations**

- The President should propose, and Congress should agree to create, a National Homeland Security Agency (NHSA) with responsibility for planning, coordinating, and integrating various U.S. government

activities involved in homeland security. The Federal Emergency Management Agency (FEMA) should be a key building block in this effort.

- The President should propose to Congress the transfer of the Customs Service, the Border Patrol, and Coast Guard to the National Homeland Security Agency, while preserving them as distinct entities.
- The President should propose to Congress the establishment of an Assistant Secretary of Defense for Homeland Security within the Office of the Secretary of Defense, reporting directly to the Secretary.
- The Secretary of Defense, at the President's direction, should make homeland security a primary mission of the National Guard, and the Guard should be organized, properly trained, and adequately equipped to undertake that mission.
- The National Security Council (NSC) should be responsible for advising the President and for coordinating the multiplicity of national security activities, broadly defined to include economic and domestic law enforcement activities as well as the traditional national security agenda. The NSC Advisor and staff should resist the temptation to assume a central policymaking and operational role.
- The President should create an implementing mechanism to ensure that the major recommendations of this Commission result in the critical reforms necessary to ensure American national security and global leadership over the next quarter century.

## **Intelligence Issues**

### **Key 9/11 Commission Recommendations**

- The current position of Director of Central Intelligence should be replaced by a National Intelligence Director with two main areas of responsibility: (1) to oversee national intelligence centers on specific subjects of interest across the U.S. government and (2) to manage the national intelligence program and oversee the agencies that contribute to it.
- The CIA Director should emphasize (a) rebuilding the CIA's analytic capabilities; (b) transforming the clandestine service by building its human intelligence capabilities; (c) developing a stronger language program, with high standards and sufficient financial incentives; (d) renewing emphasis on recruiting diversity

among operations officers so they can blend more easily in foreign cities; (e) ensuring a seamless relationship between human source collection and signals collection at the operational level; and (f) stressing a better balance between unilateral and liaison operations.

- Lead responsibility for directing and executing paramilitary operations, whether clandestine or covert, should shift to the Defense Department. There it should be consolidated with the capabilities for training, direction, and execution of such operations already being developed in the Special Operations Command.
- The overall amounts of money being appropriated for national intelligence and to its component agencies should no longer be kept secret. Congress should pass a separate appropriations act for intelligence, defining the broad allocation of how these tens of billions of dollars have been assigned among the varieties of intelligence work.
- Information procedures should provide incentives for sharing, to restore a better balance between security and shared knowledge.
- The president should lead the government-wide effort to bring the major national security institutions into the information revolution. He should coordinate the resolution of the legal, policy, and technical issues across agencies to create a “trusted information network.”
- A specialized and integrated national security workforce should be established at the FBI consisting of agents, analysts, linguists, and surveillance specialists who are recruited, trained, rewarded, and retained to ensure the development of an institutional culture imbued with a deep expertise in intelligence and national security.

## **Key Gilmore Commission Recommendations**

- Establish a National Counter Terrorism Center (NCTC).
- Transfer the collection of terrorism related intelligence inside the United States to the NCTC.
- Establish the Terrorist Threat Integration Center as an independent agency and require TTIC to have permanent staff from representative State and local entities (Congress).
- Produce continuing, comprehensive “strategic” assessments of threats inside the United States.
- Develop and disseminate continuing comprehensive strategic threat assessments (Intelligence Community and DHS).

- Ensure DHS authority to levy direct intelligence requirements, and robust DHS capability for combining threat and vulnerability information.
- Perform a comprehensive National Intelligence Estimate on the threats to infrastructure.
- Perform a National Intelligence Estimate on the threat to agriculture and food.

### **Key Bremer Commission Recommendations**

- The Director of Central Intelligence should make it clear to the Central Intelligence Agency that the aggressive recruitment of human intelligence sources on terrorism is one of the intelligence community's highest priorities.
- The Director of Central Intelligence should issue a directive that the 1995 guidelines will no longer apply to recruiting terrorist informants. That directive should notify officers in the field that the pre-existing process of assessing such informants will apply.
- The President should direct the Director of Central Intelligence, the Secretary of Defense, and the Director of the Federal Bureau of Investigation to work with Congress to ensure that adequate resources are devoted to meet essential technology requirements of the National Security Agency and the Federal Bureau of Investigation and to expand and accelerate the DCI's Counterterrorist Center's activities.
- The Director of Central Intelligence should authorize the Foreign Language Executive Committee to develop a larger pool of linguists and an interagency strategy for employing them, including flexible approaches to reduce problems related to handling of classified material.

### **Key Recommendations of the Joint Inquiry of House and Senate Intelligence Committees**

- The National Security Act of 1947 should be amended to create and sufficiently staff a statutory Director of National Intelligence who shall be the President's principal advisor on intelligence and shall have the full range of management, budgetary and personnel responsibilities needed to make the entire U.S. Intelligence Community operate as a coherent whole. These responsibilities should include:

- establishment and enforcement of consistent priorities for the collection, analysis, and dissemination of intelligence throughout the Intelligence Community;
  - setting of policy and the ability to move personnel between elements of the Intelligence Community;
  - review, approval, modification, and primary management and oversight of the execution of Intelligence Community budgets;
  - review, approval, modification, and primary management and oversight of the execution of Intelligence Community personnel and resource allocations;
  - review, approval, modification, and primary management and oversight of the execution of Intelligence Community research and development efforts;
  - review, approval, and coordination of relationships between the Intelligence Community agencies and foreign intelligence and law enforcement services; and
  - exercise of statutory authority to insure that Intelligence Community agencies and components fully comply with Community-wide policy, management, spending, and administrative guidance and priorities.
- The Director of National Intelligence should be a Cabinet level position, appointed by the President and subject to Senate confirmation. Congress and the President should also work to insure that the Director of National Intelligence effectively exercises these authorities.
  - To insure focused and consistent Intelligence Community leadership, Congress should require that no person may simultaneously serve as both the Director of National Intelligence and the Director of the Central Intelligence Agency, or as the director of any other specific intelligence agency.
  - Current efforts by the National Security Council to examine and revamp existing intelligence priorities should be expedited, given the immediate need for clear guidance in intelligence and counterterrorism efforts. The President should take action to ensure that clear, consistent, and current priorities are established and enforced throughout the Intelligence Community. Once established, these priorities should be reviewed and updated on at least an annual basis to ensure that the allocation of Intelligence Community resources reflects and effectively addresses the continually evolving threat environment.
  - The position of National Intelligence Officer for Terrorism should be created on the National Intelligence Council and a highly

qualified individual appointed to prepare intelligence estimates on terrorism for the use of Congress and policymakers in the Executive Branch and to assist the Intelligence Community in developing a program for strategic analysis and assessments.

- Recognizing that the Intelligence Community's employees remain its greatest resource, the Director of National Intelligence should require that measures be implemented to greatly enhance the recruitment and development of a workforce with the intelligence skills and expertise needed for success in counterterrorist efforts, including:
  - the agencies of the Intelligence Community should act promptly to expand and improve counterterrorism training programs within the Community, insuring coverage of such critical areas as information sharing among law enforcement and intelligence personnel; language capabilities; the use of the Foreign Intelligence Surveillance Act; and watchlisting;
  - the Intelligence Community should build on the provisions of the Intelligence Authorization Act for Fiscal Year 2003 regarding the development of language capabilities, including the Act's requirement for a report on the feasibility of establishing a Civilian Linguist Reserve Corps, and implement expeditiously measures to identify and recruit linguists outside the Community whose abilities are relevant to the needs of counterterrorism;
  - the existing Intelligence Community Reserve Corps should be expanded to ensure the use of relevant personnel and expertise from outside the Community as special needs arise;
- The Director of National Intelligence should require more extensive use of "joint tours" for intelligence and appropriate law enforcement personnel to broaden their experience and help bridge existing organizational and cultural divides through service in other agencies. These joint tours should include not only service at Intelligence Community agencies, but also service in those agencies that are users or consumers of intelligence products. Serious incentives for joint service should be established throughout the Intelligence Community and personnel should be rewarded for joint service with career advancement credit at individual agencies. The Director of National Intelligence should also require Intelligence Community agencies to participate in joint exercises.
- The Intelligence Community should enhance recruitment of a more ethnically and culturally diverse workforce and devise a strategy to capitalize upon the unique cultural and linguistic capabilities of first-generation Americans, a strategy designed to utilize their skills to the greatest practical effect while recognizing the potential counterintelligence challenges such hiring decisions might pose.

- Steps should be taken to increase and ensure the greatest return on this nation's substantial investment in intelligence, including:
  - the President should submit budget recommendations, and Congress should enact budget authority, for sustained, long-term investment in counterterrorism capabilities that avoid dependence on repeated stop-gap supplemental appropriations;
  - in making such budget recommendations, the President should provide for the consideration of a separate classified Intelligence Community budget;
  - long-term counterterrorism investment should be accompanied by sufficient flexibility, subject to congressional oversight, to enable the Intelligence Community to rapidly respond to altered or unanticipated needs;
  - the Director of National Intelligence should insure that Intelligence Community budgeting practices and procedures are revised to better identify the levels and nature of counterterrorism funding within the Community;
  - counterterrorism funding should be allocated in accordance with the program requirements of the national counterterrorism strategy; and
  - due consideration should be given to directing an outside agency or entity to conduct a thorough and rigorous cost-benefit analysis of the resources spent on intelligence.
- Assured standards of accountability are critical to developing the personal responsibility, urgency, and diligence which our counterterrorism responsibility requires. Given the absence of any substantial efforts within the Intelligence Community to impose accountability in relation to the events of September 11, 2001, the Director of Central Intelligence and the heads of Intelligence Community agencies should require that measures designed to ensure accountability are implemented throughout the Community. To underscore the need for accountability:
  - The Director of Central Intelligence should report to the House and Senate Intelligence Committees no later than June 30, 2003 as to the steps taken to implement a system of accountability throughout the Intelligence Community, to include processes for identifying poor performance and affixing responsibility for it, and for recognizing and rewarding excellence in performance;
- As part of the confirmation process for Intelligence Community officials, Congress should require from those officials an affirmative commitment to the implementation and use of strong accountability mechanisms throughout the Intelligence Community;

- The Inspectors General at the Central Intelligence Agency, the Department of Defense, the Department of Justice, and the Department of State should review the factual findings and the record of this Inquiry and conduct investigations and reviews as necessary to determine whether and to what extent personnel at all levels should be held accountable for any omission, commission, or failure to meet professional standards in regard to the identification, prevention, or disruption of terrorist attacks, including the events of September 11, 2001. These reviews should also address those individuals who performed in a stellar or exceptional manner, and the degree to which the quality of their performance was rewarded or otherwise impacted their careers. Based on those investigations and reviews, agency heads should take appropriate disciplinary and other action and the President and the House and Senate Intelligence Committees should be advised of such action.
- The Administration should review and report to the House and Senate Intelligence Committees by June 30, 2003 regarding what progress has been made in reducing the inappropriate and obsolete barriers among intelligence and law enforcement agencies engaged in counterterrorism, what remains to be done to reduce those barriers, and what legislative actions may be advisable in that regard. In particular, this report should address what steps are being taken to insure that perceptions within the Intelligence Community about the scope and limits of current law and policy with respect to restrictions on collection and information sharing are, in fact, accurate and well-founded.

### **Key Hart-Rudman Commission Recommendations**

- The President should ensure that the National Intelligence Council: include homeland security and asymmetric threats as an area of analysis; assign that portfolio to a National Intelligence Officer; and produce National Intelligence Estimates on these threats.
- The President should order the setting of national intelligence priorities through National Security Council guidance to the Director of Central Intelligence.
- The Director of Central Intelligence should emphasize the recruitment of human intelligence sources on terrorism as one of the intelligence community's highest priorities, and ensure that operational guidelines are balanced between security needs and respect for American values and principles.
- The intelligence community should place new emphasis on collection and analysis of economic and science/technology security concerns, and incorporate more open source intelligence into analytical products. Congress should support this new emphasis by



increasing significantly the National Foreign Intelligence Program (NFIP) budget for collection and analysis.

## **Congress and Oversight Issues**

### **Key 9/11 Commission Recommendations**

- Congressional oversight for intelligence and counterterrorism is now dysfunctional. Congress should address this problem. We have considered various alternatives: A joint committee on the old model of the Joint Committee on Atomic Energy is one. A single committee in each house of Congress, combining authorizing and appropriating authorities, is another.
- Congress should create a single, principal point of oversight and review for homeland security. Congressional leaders are best able to judge what committee should have jurisdiction over this department and its duties. But we believe that Congress does have the obligation to choose one in the House and one in the Senate, and that this committee should be a permanent standing committee with a nonpartisan staff.
- Since a catastrophic attack could occur with little or no notice, we should minimize as much as possible the disruption of national security policymaking during the change of administrations by accelerating the process for national security appointments. We think the process could be improved significantly so transitions can work more effectively and allow new officials to assume their new responsibilities as quickly as possible. The Department of Defense and its oversight committees should regularly assess the adequacy of Northern Command's strategies and planning to defend the United States against military threats to the homeland. The Department of Homeland Security and its oversight committees should regularly assess the types of threats the country faces to determine (a) the adequacy of the government's plans—and the progress against those plans—to protect America's critical infrastructure and (b) the readiness of the government to respond to the threats that the United States might face.

### **Key Gilmore Commission Recommendations**

- Concentrate oversight of the NCTC [National Counter Terrorism Center] in the intelligence committee in each House.
- Establish separate Congressional authorizing committee and appropriation subcommittee for homeland security.

## Key Bremer Commission Recommendations

- Congress should promptly ratify the International Convention for the Suppression of the Financing of Terrorism and pass any legislation necessary for full implementation.
- Congress should enact legislation to make countries designated as “Not Cooperating Fully” ineligible for the Visa Waiver Program.
- Congress should review the status of the Foreign Terrorist Organizations (FTO) statute within five years to determine whether changes are appropriate.
- Congress should develop a mechanism for reviewing the President’s counterterrorism policy and budget as a whole. The executive branch should commit to full consultation with Congress on counterterrorism issues.
- House and Senate Appropriations Committees should immediately direct full-committee staff to conduct a cross-subcommittee review of counterterrorism budgets.
- The Congress should:
  - Make possession of designated critical pathogens illegal for anyone who is not properly certified.
  - Control domestic sale and transfer of equipment critical to the development or use of biological agents by certifying legitimate users of critical equipment and prohibiting sales of such equipment to non-certified entities.
  - Require tagging of critical equipment to enable law enforcement to identify its location.
  - By recent statute, federal agencies must reimburse up to one half of the cost of personal liability insurance to law enforcement officers and managers or supervisors. Congress should amend the statute to mandate full reimbursement of the costs of personal liability insurance for Federal Bureau of Investigation special agents and Central Intelligence Agency officers in the field who are combating terrorism.

## Key Recommendations of the Joint Inquiry of House and Senate Intelligence Committees

- The establishment of Intelligence Community priorities, and the justification for such priorities, should be reported to both the House and Senate Intelligence Committees on an annual basis.

- The Intelligence Community should fully inform the House and Senate Intelligence Committees of significant developments in these efforts, through regular reports and additional communications as necessary, and the Committees should, in turn, exercise vigorous and continuing oversight of the Community's work in this critically important area.
- Congress and the Administration should carefully consider how best to structure and manage U.S. domestic intelligence responsibilities. Congress should review the scope of domestic intelligence authorities to determine their adequacy in pursuing counterterrorism at home and ensuring the protection of privacy and other rights guaranteed under the Constitution. This review should include, for example, such questions as whether the range of persons subject to searches and surveillances authorized under the Foreign Intelligence Surveillance Act (FISA) should be expanded.
- Based on their oversight responsibilities, the Intelligence and Judiciary Committees of the Congress, as appropriate, should consider promptly, in consultation with the Administration, whether the FBI should continue to perform the domestic intelligence functions of the United States Government or whether legislation is necessary to remedy this problem, including the possibility of creating a new agency to perform those functions.
- Congress should require that the new Director of National Intelligence, the Attorney General, and the Secretary of the Department of Homeland Security report to the President and the Congress on a date certain concerning:
  - the FBI's progress since September 11, 2001 in implementing the reforms required to conduct an effective domestic intelligence program, including the measures recommended above;
  - the experience of other democratic nations in organizing the conduct of domestic intelligence;
  - the specific manner in which a new domestic intelligence service could be established in the United States, recognizing the need to enhance national security while fully protecting civil liberties; and
  - their recommendations on how to best fulfill the nation's need for an effective domestic intelligence capability, including necessary legislation.
- The House and Senate Intelligence and Judiciary Committees should continue to examine the Foreign Intelligence Surveillance Act and its implementation thoroughly, particularly with respect to changes made as a result of the USA PATRIOT Act and the subsequent decision of the United States Foreign Intelligence Court of Review, to determine whether its provisions adequately address present and

emerging terrorist threats to the United States. Legislation should be proposed by those Committees to remedy any deficiencies identified as a result of that review.

- The Director of the National Security Agency should present to the Director of National Intelligence and the Secretary of Defense by June 30, 2003, and report to the House and Senate Intelligence Committees, a detailed plan that:
  - describes solutions for the technological challenges for signals intelligence;
  - requires a review, on a quarterly basis, of the goals, products to be delivered, funding levels and schedules for every technology development program;
  - ensures strict accounting for program expenditures;
  - within their jurisdiction as established by current law, makes NSA a full collaborating partner with the Central Intelligence Agency and the Federal Bureau of Investigation in the war on terrorism, including fully integrating the collection and analytic capabilities of NSA, CIA, and the FBI; and makes recommendations for legislation needed to facilitate these goals.
- In evaluating the plan, the Committees should also consider issues pertaining to whether civilians should be appointed to the position of Director of the National Security Agency and whether the term of service for the position should be longer than it has been in the recent past.
- Congress should consider enacting legislation, modeled on the Goldwater-Nichols Act of 1986, to instill the concept of “jointness” throughout the Intelligence Community. By emphasizing such things as joint education, a joint career specialty, increased authority for regional commanders, and joint exercises, that act greatly enhanced the joint warfighting capabilities of the individual military services. Legislation to instill similar concepts throughout the Intelligence Community could help improve management of Community resources and priorities and insure a far more effective “team” effort by all the intelligence agencies.
- Congress should expand and improve existing educational grant programs focused on intelligence-related fields, similar to military scholarship programs and others that provide financial assistance in return for a commitment to serve in the Intelligence Community.
- Recognizing the importance of intelligence in this nation’s struggle against terrorism, Congress should maintain vigorous, informed, and constructive oversight of the Intelligence Community. To best achieve that goal, the National Commission on Terrorist Attacks

Upon the United States should study and make recommendations concerning how Congress may improve its oversight of the Intelligence Community, including consideration of such areas as:

- changes in the budgetary process;
  - changes in the rules regarding membership on the oversight committees;
  - whether oversight responsibility should be vested in a joint House-Senate Committee or, as currently exists, in separate Committees in each house;
  - the extent to which classification decisions impair congressional oversight; and how Congressional oversight can best contribute to the continuing need of the Intelligence Community to evolve and adapt to changes in the subject matter of intelligence and the needs of policy makers.
- Congress should also review the statutes, policies and procedures that govern the national security classification of intelligence information and its protection from unauthorized disclosure. Among other matters, Congress should consider the degree to which excessive classification has been used in the past and the extent to which the emerging threat environment has greatly increased the need for real-time sharing of sensitive information.
  - The Director of National Intelligence, in consultation with the Secretary of Defense, the Secretary of State, the Secretary of Homeland Security, and the Attorney General, should review and report to the House and Senate Intelligence Committees on proposals for a new and more realistic approach to the processes and structures that have governed the designation of sensitive and classified information. The report should include proposals to protect against the use of the classification process as a shield to protect agency self-interest.
  - The Director of Central Intelligence should report to the House and Senate Intelligence Committees no later than June 30, 2003 as to the steps taken to implement a system of accountability throughout the Intelligence Community, to include processes for identifying poor performance and affixing responsibility for it, and for recognizing and rewarding excellence in performance.
  - As part of the confirmation process for Intelligence Community officials, Congress should require from those officials an affirmative commitment to the implementation and use of strong accountability mechanisms throughout the Intelligence Community.

## Key Hart-Rudman Commission Recommendations

- Congress should establish a special body to deal with homeland security issues, as has been done with intelligence oversight. Members should be chosen for their expertise in foreign policy, defense, intelligence, law enforcement, and appropriations. This body should also include members of all relevant Congressional committees as well as ex-officio members from the leadership of both Houses of Congress.
- Congress should rationalize its current committee structure so that it best serves U.S. national security objectives; specifically, it should merge the current authorizing committees with the relevant appropriations subcommittees.
- The Executive Branch must ensure a sustained focus on foreign policy and national security consultation with Congress and devote resources to it. For its part, Congress must make consultation a higher priority and form a permanent consultative group of Congressional leaders as part of this effort.
- The Congressional leadership should conduct a thorough bicameral, bipartisan review of the Legislative Branch relationship to national security and foreign policy.

## **Appendix: Origins and Mandates of Commissions Reviewed in this Report**

### **The National Commission on Terrorist Attacks Upon the United States (9/11 Commission)**

Its website is [<http://www.9-11commission.gov/>].

Popularly referred to as the “9/11 Commission” it was established by Title VI of P.L. 107-306, 107<sup>th</sup> Congress, 2<sup>nd</sup> session (November 27, 2002). It released its report on July 22, 2004. This Commission was charged with:

- examining and reporting on the facts and causes relating to the terrorist attacks of September 11, 2001 on the United States;
- evaluating and reporting on the evidence developed by all relevant governmental agencies regarding the facts and circumstances surrounding the attacks;
- to build upon the investigations of other entities, and avoid unnecessary duplication, by reviewing the findings, conclusions, and recommendations of the Joint Inquiry of the Select Intelligence Committees of the House and Senate, and other executive branch, congressional or independent commission investigations into the terrorist attacks of September 11, 2001, other terrorist attacks, and terrorism generally;
- to make a full and complete accounting of the circumstances surrounding the attacks, and the extent of the United States’ preparedness for, and the immediate response to, the attacks; and
- to investigate and report to the President and Congress on its findings, conclusions, and recommendations for corrective measures that can be taken to prevent acts of terrorism.

### **The Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction (Gilmore Commission)**

Its reports can be found at this website: [<http://www.rand.org/nsrd/terrpanel/>].

Popularly known as the Gilmore Commission it was created pursuant to section 1405 of P.L. 105-241 105<sup>th</sup> Congress, 2<sup>nd</sup> session (October 17, 1998), and whose authorities were extended for two additional years by section 1514 of P.L. 107-107, 107<sup>th</sup> Congress, 1<sup>st</sup> session (December 28, 2001). Produced an annual report each year from 1999-2003 in December of every year. Its final report was released December 15, 2003. This Commission was charged with:

- assessing Federal agency efforts to enhance domestic preparedness for incidents involving weapons of mass destruction;
- assessing the progress of Federal training programs for local emergency responses to incidents involving weapons of mass destruction;
- assessing deficiencies in programs for response to incidents involving weapons of mass destruction, including a review of unfunded communications, equipment, and planning requirements, and the needs of maritime regions;
- recommending strategies for ensuring effective coordination with respect to Federal agency weapons of mass destruction response efforts, and for ensuring fully effective local response capabilities for weapons of mass destruction incidents; and
- assessing the appropriate roles of State and local governments in funding effective local response capabilities.

Each of the annual reports of the Commission, submitted to the President and to Congress, was to set forth the Commission's findings, conclusions and recommendations for improving Federal, State, and local domestic emergency preparedness to respond to incidents involving weapons of mass destruction.

### **The National Commission on Terrorism (Bremer Commission)**

Its report is at this website: [<http://w3.access.gpo.gov/nct/>].

Popularly known as the Bremer Commission it was created pursuant to section 591 of P.L. 105-277, 105<sup>th</sup> Congress, 2<sup>nd</sup> Session (October 21, 1998). Its final report was released on June 5, 2000. This Commission was charged with:

- reviewing the laws, regulations, policies, directives, and practices relating to counter-terrorism in the prevention and punishment of international terrorism directed towards the United States;
- assessing the extent to which, laws, regulations, policies, directives, and practices relating to counter-terrorism have been effective in preventing or punishing international terrorism directed towards the United States. This assessment was to include a review of:
  - (1) Evidence that terrorist organizations have established an infrastructure in the western hemisphere for the support and conduct of terrorist activities;
  - (2) Executive branch efforts to coordinate counterterrorism activities among Federal, State, and local agencies and with other nations to determine the effectiveness of such coordination efforts;



(3) Executive branch efforts to prevent the use of nuclear, biological, and chemical weapons by terrorists.

The Commission was to recommend changes to counterterrorism policy in preventing and punishing international terrorism directed toward the United States not later than six months after the date the Commission first met, providing a final report to the President and the Congress.

## **The U.S. Commission on National Security/21st Century (Hart-Rudman Commission)**

The final report is found at this website: [[http://www.crs.gov/staff/911/pdf/rmap\\_ns1.pdf](http://www.crs.gov/staff/911/pdf/rmap_ns1.pdf)].

Popularly known as the Hart-Rudman Commission it was authorized by Secretary of Defense William S. Cohen on September 2, 1999. It produced and submitted three separate reports. The first: *New World Coming: American Security in the 21<sup>st</sup> Century* on September 15, 1999; the second: *Seeking A National Strategy: A Concert for Preserving Security and Promoting Freedom* on April 15, 2000; the third: *Road Map for National Security: Imperative for Change* was submitted on March 15, 2001. This Commission was charged with:

- conducting a comprehensive review of the early 21<sup>st</sup> Century global security environment;
- developing a comprehensive overview of American strategic interests and objectives for the security environment likely to be encountered in the 21<sup>st</sup> Century;
- delineating a national security strategy appropriate to that environment and the nation's character;
- identifying a range of alternatives to implement the national security strategy, by defining the security goals for American society, and by describing the internal and external policy instruments required to apply American resources in the 21<sup>st</sup> Century;
- developing a detailed plan to implement the range of alternatives by describing the sequence of measures necessary to attain the national security strategy, to include recommending concomitant changes to the national security apparatus as necessary.

## **The Joint Inquiry of the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence**

The report can be found at the following website, which includes the report and the recommendations and findings which are printed separately as an errata compilation as noted on the homepage:

[<http://www.gpoaccess.gov/serialset/creports/911.html>].

The two Congressional Committees responsible for oversight of the U.S. intelligence community agreed in February 2002 during the 2<sup>nd</sup> session of the 107<sup>th</sup> Congress to conduct a “Joint Inquiry” into a range of issues related to the terrorist attacks on the United States on September 11, 2001 with the focus on the activities of the U.S. Intelligence Community. The committees issued a final report on December 15, 2002, entitled “Intelligence Community Activities Before and After the Terrorist Attacks on September 11, 2001,” H.Rept. 107-792 and S.Rept. 107-351, printed jointly, 107<sup>th</sup> Congress, 2<sup>nd</sup> session. The goals of the Joint Inquiry were to:

- conduct a factual review of what the Intelligence Community knew or should have known prior to September 11, 2001, regarding the international terrorist threat to the United States, include the scope and nature of any possible international terrorist attacks against the United States and its interests;
- identify and examine any systemic problems that may have impeded the Intelligence Community in learning of or preventing these attacks in advance; and
- make recommendations to improve the Intelligence Community’s ability to identify and prevent future international terrorist attacks.

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