

ADVANCE RECOMMENDATIONS ON STRATEGY AND STRUCTURE

**FOR THE FOURTH ANNUAL REPORT TO
THE PRESIDENT AND THE CONGRESS
OF THE ADVISORY PANEL TO ASSESS
DOMESTIC RESPONSE CAPABILITIES
FOR TERRORISM INVOLVING
WEAPONS OF MASS DESTRUCTION**

IV. IMPLEMENTING THE NATIONAL STRATEGY



15 NOVEMBER 2002

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THE ADVISORY PANEL TO ASSESS DOMESTIC RESPONSE CAPABILITIES FOR TERRORISM INVOLVING WEAPONS OF MASS DESTRUCTION

November 15, 2002

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To Our Readers:

We are now past the first anniversary of the tragic attacks of September 11, 2001, and the subsequent anthrax attacks in the fall of last year. In those intervening months, we have seen some important changes in law dealing with terrorism, most notably at the Federal level the USA PATRIOT Act of 2002. With the publication in July of the first *National Strategy for Homeland Security*, we now have an initial, focused approach for dealing with terrorism inside the United States.

Federal, State and local agencies, as well as key segments of the private sector, have improved planning and enhanced response capabilities for terrorist attacks. Yet, much remains to be done. Congress has, for example, not completed action on legislation to create a new Department of Homeland Security. It will apparently take up that issue as a matter of priority during the "lame duck" session that began this week.

With that in mind, I am pleased to provide, on behalf of the Advisory Panel, certain advance recommendations that will be contained in the Fourth Annual Report of the Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction, entitled *IV. Implementing the National Strategy*. We are releasing these recommendations in advance in the hope that they will assist in informing the current Congressional and public debate.

The Fourth Annual Report will include more detailed information on the Panel's findings as well as background information and explanations that inform the recommendations in this document. It will also contain major policy recommendations in each of the following areas:

- Use of the Military
- Health and Medical
- Critical Infrastructure Protection
- Agroterrorism

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In addition, that report will contain an update of the comprehensive threat assessment contained in the Panel's First Annual Report, as well as a set of recommendations on the nature and sources of the resources necessary to fund the national efforts to combat terrorism.

That Fourth Annual Report will be delivered to the President and the Congress by 15 December 2002.

Sincerely,

A handwritten signature in black ink, reading "James S. Gilmore, III". The signature is written in a cursive style with a prominent flourish at the end.

James S. Gilmore, III
Chairman

Preface

In its enabling legislation, the Congress required the Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction to submit five separate reports to the President and the Congress—on December 15 in each of the years 1999 through 2003.

At its regular quarterly meeting held on September 12 and 13, and at a special meeting held on September 30, 2002, the Advisory Panel adopted certain recommendations for its Fourth Annual Report to the President and the Congress. The recommendations set forth in this document are the principal recommendations that will be included in that report in a chapter entitled “Strategy and Structure.” A “lame duck” session of the current session of Congress will apparently resume consideration of Senate and House bills to create a new Department of Homeland Security. The panel decided to publish this interim document to assist in informing the current Congressional and public debate, specifically on those issues that are reflected in this document.

Full copies of the Advisory Panel’s Annual Reports, as well as copies of minutes of all Advisory Panel meetings, its enabling legislation, its current membership, and related information are available online at <http://www.rand.org/nsrd/terrpanel>, or in hard copy by written request to:

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STRATEGY AND STRUCTURE RECOMMENDATIONS

Intelligence Collection, Analysis, and Dissemination

Dealing with the Terrorists Among Us

It is now clear, from contemporaneous reports and recent arrests, that potential terrorists are inside the United States. Many of them may have received training in foreign camps. They may seek to carry out attacks against U.S. citizens and property. This new aspect of the terrorist threat requires a new approach in two key areas:

- The need for a focused and comprehensive analysis of threats of potential attacks inside the United States; and
- The need to address the gaps in collecting intelligence on foreign terrorists threats inside this country

The U.S. government's organization reflects an artificial distinction between "foreign" and "domestic" terrorist threats. The new threat environment, where those distinctions are increasingly blurred, requires a more robust and focused approach to all aspects of intelligence – collection, analysis and dissemination – whether it is collected at home or abroad. And this must be done in a way that respects American civil rights and liberties.

The CIA, FBI, other members of the Intelligence Community, and the proposed Department of Homeland Security (DHS) will all have roles for intelligence-related functions. DHS will have responsibility only for vulnerability assessments for critical infrastructure protection, as well as for providing nationwide alerts. As things now stand, the FBI and CIA will each continue to have its own domain for terrorism intelligence with only marginal direct coordination between those entities, and no direct, formal relationship with the proposed DHS. Yet, large, multi-mission agencies like the FBI and the CIA are incapable of changing direction quickly enough, and should not be tasked further, to respond to current dangers. There is a risk of duplication, overlap, and bureaucratic "stovepiping" in this vital area. So a consolidation of certain activities is required.

Recommendation: That the President direct the establishment of a National Counter Terrorism Center (NCTC)

That entity should be a "stand-alone" organization outside of the FBI, CIA, or the proposed DHS. The objective is to consolidate in one entity the analysis of foreign-collected and domestically-collected intelligence and information on international terrorists and terrorist organizations threatening attacks against the United States. This would be accomplished by permanently transferring (not "detailing") analysts currently performing those functions within the CIA (i.e., the core analytic capability within the CIA's Counter Terrorism Center), the FBI (the newly-expanded analytical section), other appropriate

members of the Intelligence Community, representation from DHS (when formed), and supplementing with new hires as necessary.

The NCTC should be an Independent Agency of the Federal Executive Branch, similar to the standing of the Environmental Protection Agency, the Federal Emergency Management Agency, NASA, or the General Services Administration. The new entity should be a full member of the U.S. Intelligence Community. The agency head should be appointed by the President with the advice and consent of the U.S. Senate.

Advantages and Disadvantages of an Independent Agency

The members of the Advisory Panel discussed at length whether the NCTC should be placed within an existing department or agency or within the proposed Department of Homeland Security.

The panel discounted its placement in the Central Intelligence Agency for legal, policy, perception, and cultural reasons. The panel discussed and rejected the notion that this entity could be part of the FBI or an agency within the Department of Justice. Panel members felt that such placement would cause the entity to have too much law enforcement focus—building cases for prosecution—rather than detection and prevention.

The panel considered the prospect of placing the entity in the proposed Department of Homeland Security (DHS). While many panel members agree that such placement is a viable option, that alternative was eventually rejected for several reasons. First and most important, DHS will not be the only “customer” of the products of the NCTC. Other key Federal entities—notably the Department of Justice and its agencies, the Department of Health and Human Services, the Department of Defense, the Department of State, and the Department of Agriculture—will all require significant intelligence products from the NCTC. States, localities, and elements of the private sector will all be considerable consumers of NCTC products. Moreover, it would be viewed by other Federal agencies as being more responsive to DHS activities and priorities at the expense of other agencies’ requirements. As a DHS entity, the NCTC would have to compete for resources with other DHS functions.

The panel concluded that a stand-alone entity, with its own funding, would be more likely to set priorities for its activities more objectively—an “honest broker” for competing requirements—and would not be viewed as tied to any single agency’s mission.

The disadvantage to a stand-alone agency is that may simply create more bureaucracy. That argument will be neither more nor less valid than the suggestion that DHS will create new bureaucracy. Moving existing resources and responsibilities from the FBI and from other entities in the Intelligence Community will minimize any real growth of government. The advantages gained in this structure outweigh any such impact, in the panel’s view.

The NCTC would be responsible for the fusion of intelligence, from all sources, foreign and domestic, on potential terrorist attacks inside the United States. It would be responsible for the production and dissemination of analytical products to all appropriate “customers,” including the Departments of Justice, Homeland Security, State, Health and Human Services, Agriculture, and Defense, and in coordination with those agencies, to designated and cleared officials in States, localities, and the private sector. It would have the authority to levy direct intelligence requirements on the Intelligence Community for the collection of intelligence on potential threats inside the United States. (See further discussion on collection below.)

The NCTC should be the entity that manages the “Collaborative Classified Enterprise” outlined in the National Strategy for Homeland Security, which links Federal, State, and local efforts in analyzing the activities of persons who have links to foreign states or to foreign terrorist organizations. The intelligence and information sharing functions currently being developed through the U.S. Attorney Antiterrorism Task Forces and slated to be moved to the proposed DHS should instead be imbedded in the NCTC.

The Critical Role of States, Localities, and the Private Sector

State and local entities, as well as key segments of the private sector, currently develop important intelligence and related information on potential terrorist threats to the homeland. There is currently no comprehensive system for consolidating all of that information into coherent threat analyses. In order to accomplish these functions and to establish other important coordination with States, localities, and the private sector, the NCTC staff should include significant representation from each of those segments. The panel envisions the NCTC hiring personnel with related experience at the State and local level and in the private sector, either on a permanent or rotational basis or a combination of the two. In addition, functions for developing guidance and for improving procedures should be informed by an advisory council comprised of senior officials from States (governors, state emergency managers, state police, state public health) localities (mayors, city managers, law enforcement, emergency managers, fire services, emergency medical technicians, and other local responders) and appropriate private sector entities (especially representatives from critical infrastructures). Moreover, formal operational relationships should be established with States and localities that have created structures and processes with similar missions that can be used as models for other areas of the country. Examples include the California Terrorism Information Center (CATIC), the Los Angeles Operational Area Terrorism Early Warning Group, and New York City.

It is clear that the Federal government is far from perfecting a system of sharing national security intelligence and other information, developed at the Federal level, with States,

localities, and certain segments of the private sector. While important progress has been made, the flow of intelligence and information is still not completely a “two-way street.” The prevailing view continues to be that the “Feds” like to receive information but are too reticent to share completely. Not all officials at every level of government need to be cleared for classified information. The Federal government must do a better job of designating “trusted agents” at the State and local level and in the private sector, and move forward with clearing those trusted agents—at Federal expense. This should not be a case of the Federal government allowing those agents access and then giving them the “privilege” of paying for it. This is a national requirement—not Federal on the one hand, and States, localities and the private sector on the other. Additional Federal resources are required, and soon, to make this process work.

Improving the Collection Function

Recommendation: That the collection of intelligence and other information on international terrorist activities inside the United States, including the authorities, responsibilities and safeguards under the Foreign Intelligence Surveillance Act (FISA), which are currently in the FBI, be transferred to the NCTC.

This collection function would be functionally separate from, but physically co-located with, the analytical fusion component.

The Panel makes this recommendation for two reasons. First, while the FBI remains the world’s preeminent law enforcement agency, there is a big difference between dealing with a terrorist act as a crime to be punished and dealing with it as an attack to be prevented. We commend the FBI leadership for its efforts to make these changes. But the Bureau’s long standing tradition and organizational culture persuade us that, even with the best of intentions, the FBI cannot soon be made over into an organization dedicated to detecting and preventing attacks rather than one dedicated to punishing them.

Second, even if the FBI could be remade, the Panel believes it important to separate the intelligence collection function from the law enforcement function to avoid the impression that the U.S. is establishing a kind of “secret police.”

The collection component of the NCTC should be based on the concept of the Foreign Terrorist Tracking Task Force created by the Attorney General in the Fall of 2002—multiple agency representation and robust technological capabilities—but with authority to collect intelligence and information within the United States. It would be authorized to collect intelligence only on international terrorism threats. It could not lawfully collect any other intelligence. Counter terrorism intelligence collection outside the United States would continue to be accomplished by the CIA, NSA, and other foreign IC components.

The NCTC would have no “sanction” authority. It would not have arrest powers—that authority will continue to rest with the FBI, other Federal law enforcement agencies, and state and local law enforcement. The NCTC would have no authority to engage in

deportations or other actions with respect to immigration issues, to seize the assets of foreign terrorists or their supporters, or to conduct any other punitive activities against persons suspected of being terrorists or supporters of terrorism. The NCTC will provide information that can be “actionable” to those agencies that do have the authority to take action.

This new collection component of the NCTC would operate under significant judicial, policy, and administrative restraints. It will be subject to the requirements of the Foreign Intelligence Surveillance Act (FISA)¹ and the Attorney General’s Guidelines for terrorism investigations. This component would be required to seek legal authority from the Foreign Intelligence Surveillance Court (FISC) for intrusive (surveillance or search) activities. Moreover, the NCTC would not require any expansion of the authority under FISA or the conditions and strictures that apply thereto, or additional authority beyond that contained in the USA PATRIOT Act. The FBI would continue to have responsibility for purely domestic terrorist organizations and for non-terrorism related organized crime. Title III wiretap responsibilities would remain with the FBI for criminal activities.

To ensure that the NCTC remained within these guidelines, a Policy and Program Steering Committee for the new agency should be established, comprised of the new agency’s director, the Director of Central Intelligence, the Attorney General, and the new Secretary of DHS (when appointed and confirmed). The functions of the Office of Intelligence and Policy Review currently in DoJ would move to the new NCTC to staff this Steering Committee, to assist in ensuring that the entity adheres to all relevant constitutional, statutory, regulatory, and policy requirements, and to assist in coordinating the activities of the new entity with the FBI, and other law enforcement agencies.

In addition, there could be more focused and effective Congressional oversight of the domestic collection and analysis functions. Currently, the oversight of the FBI’s FISA and other domestic intelligence activities is split between the Judiciary and Intelligence committees in each House of Congress. Creation of the NCTC would clearly place the primary responsibility for oversight of that agency under the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence. Such a structure and improved oversight would likely provide an even better mechanism for protecting civil rights and liberties than do current structure and processes. For that reason, the panel makes the following, related

Recommendation: That the Congress ensure that oversight of the NCTC be concentrated in the intelligence committee in each House

How will the NCTC enhance civil rights protections?

- It will have no “sanction” authorities—law enforcement, prosecution, deportation, asset seizures, etc.
- It will improve Congressional oversight
- It will create more effective oversight mechanisms within the Executive Branch

¹ 50 U.S. Code, Chapter 36 (50 USC Sections 1801-1863) (PL 105-511, October 25, 1978)

The panel recognizes that the creation of this new entity, the NCTC, cannot happen over night, nonetheless, its creation should begin immediately. Some may argue that we should not attempt to make this change in the midst of the “war on terrorism.” But that war may continue for many years, and the danger now posed by terrorists underscores the need for moving ahead on an urgent basis. In the near term, the FBI will continue to have FISA and other domestic collection responsibilities. Deliberate and thoughtful planning will be required in order to ensure continuity and to transfer effectively and as seamlessly as possible the capabilities and functions required for the NCTC. But, to underline the point, the NCTC should be established right away.²

² Panel Chairman Jim Gilmore filed the following statement, in which he was joined by Panel Member Ellen Gordon, concurring in the recommendation with reservations:

"The Commission has devoted much time to the discussion of a new agency to collect information on international terrorist activities inside the U.S. My approach has been to maintain these functions within the FBI, and to build upon their considerable structures, sources and resources to upgrade and improve this function. After great discussion and testimony, the Commission has decided to recommend the creation of a new agency. I will support this recommendation, but only with the oversight provisions and legal requirements contained and described in the report, to ensure no diminution of the civil liberties of the People of the United States."

Panel Member Jim Greenleaf filed the following dissent:

"I am in favor of the creation of the NCTC but only for the analytical ‘fusion’ function. I am opposed to the creation of an independent organization within the NCTC that would collect intelligence and other information on international terrorists activities inside the United States.

"I believe that the FBI is fully capable of collecting the needed information in an effective, efficient, and lawful manner. The Bureau is like most bureaucracies and change comes slowly. However, knowing the caliber and dedication of the men and woman in the organization, they can meet these new challenges and make the appropriate adjustments to counter the terrorist threat.

"It will take years for a new organization to be created and become an effective resource in the fight against terrorism. The FBI already has agents in the field with the proper contacts to collect much of the needed intelligence. More certainly needs to be done. I am concerned about creating an organization that places detection and prevention ahead of prosecution. The FBI culture as a law enforcement agency provides a backdrop and check and balance against any abuse of civil liberties.

"Terrorism is a crime and needs to be addressed in that fashion following the current AG Guidelines and the Constitution. An organization designed to detect and prevent will not by definition be as sensitive and cautious in carrying out their mandate to protect civil liberties. I fully understand the restrictions that will be placed on the new agency, but doubt they can do the job required of them by operating in a very murky area of law and governmental guidelines. The issue of "secret police" becomes more of a factor for the new organization rather than with the FBI.

"Although the new organization would only collect intelligence on international terrorism threats, I find it difficult to visualize how they would carry out that mandate without involving domestic persons and organizations, since many cases involve both domestic subjects as well as international subjects. Many of the cases would evolve into complex relationships between domestic and international people and organizations, thus creating a difficult problem of jurisdiction and further concerns about ‘stovepiping’ between agencies.

"I am concerned about any agency that doesn't have to be held accountable for their actions by not having to defend their investigation by use of ‘sanctions’. The ultimate arrest and prosecution of a subject acts as a logical process for the organization to demonstrate that they have operated within the law in conducting their business. Decisions made as to what course of action should be followed in order to ‘detect and prevent’ may very well result in a situation where the subject or subjects could not be prosecuted, thereby leaving the system with the question of what to do with them once the case becomes public knowledge. Certainly the prevention of a terrorist attack is of the highest priority, but what do we sacrifice in the process? [continued]

The panel also recognizes that other agencies may continue to require some limited analytical capability. The NCTC will be responsible for strategic level intelligence analysis, and for creating intelligence products that will inform operational decisions. Individual agencies, such as the FBI and the new DHS when formed, may need some internal analytical capability to take NCTC product and convert it from the operational level into tactical, actionable intelligence. It will be necessary, however, to ensure that other agencies do not seek to duplicate the NCTC intelligence analytical fusion function, as has been the case in certain other historical contexts within the Intelligence Community. The President will have to ensure that the NCTC is the primary fusion center for all domestic intelligence. It must not be allowed to become a “coordinator of coordinators.”

The panel is aware of other recent proposals that appear to be designed to address the collection problem. One was made by “The Task Force on National Security in the Information Age” of the Markle Foundation.³ That proposal would place certain information collection functions in the proposed DHS, but would leave domestic intelligence collection with the FBI. We believe that that proposal does not go far enough in resolving the problem.

We are also aware of proposals similar to ours that are being made by U.S. Senators John Edwards (NC) and Bob Graham (FL).⁴ The major distinction is that those proposals, while creating a separate collection entity, would leave that entity in the Department of Justice. For reasons stated above, we believe that the new entity must stand alone and clearly separated from law enforcement.

Apparently, the Executive Branch is also considering some alternative to address the problem, reportedly including the establishment of something like an American version of the British MI5.⁵ The panel has, however, avoided any comparison between our proposal and MI5. Our Constitution, our laws, our history, and our culture require a United States solution.

“I would prefer to see the FBI given additional resources especially in the area of computer support. They should place an increased emphasis on building a robust analytical capability to do a better job of recognizing and connecting the ‘elusive dots’ so they can provide valuable input to the NCTC. The AG Guidelines should also be revisited with the view of making them more ‘user-friendly’ and identify areas where lines can be drawn clearly and distinctly for aggressive investigative activity. Agents shouldn’t have to worry about interpreting the rules. They need to know what is expected of them so they can go forward with an aggressive intelligence collecting process that is carried out in a way the American people would expect, and in a manner that the Constitution demands.”

³ *Protecting America’s Freedom in the Information Age*, New York: Markle Foundation, October 2002.

⁴ “Spies in the Ointment? Experts Debate Whether U.S. Should Launch Domestic Espionage Agency,” CQ Homeland Security bulletin, *Congressional Quarterly*, Oct. 14, 2002.

⁵ “U.S. may set up MI5-style spy agency in security shake-up.” *The Telegraph* (U.K.), October 31, 2002.

Collection Function—Summary of Key Points

- Would not *create* a domestic intelligence function; that function is already being performed by the FBI
- Would transfer that function to an entity with a detection and prevention, not law enforcement, focus and culture
- Would execute FISA and other foreign terrorist legal authorities inside the United States
- Would only effect persons with connections to foreign terrorists or terrorist entities, not purely domestic organizations or persons
- Would have no responsibility for non-terrorism-related criminal activity
- Would *not* have arrest powers or other “sanction” authority
- Would be subject to requirements and restrictions in FISA (including application to the Foreign Intelligence Surveillance Court) and in the AG Guidelines
- Would not require new or expanded authority
- Would *not* have Title III wiretap authority
- Would be monitored by a steering committee and staff verification function (OIPR)
- Would likely provide better civil rights and liberties protection
- Would have direct and significant relationships with States, localities, and the private sector

The Importance of Threat and Vulnerability Assessments

The National Strategy for Homeland Security appropriately notes the requirement for both strategic and tactical analysis and vulnerability assessments, and designates various lead or co-lead agencies for those functions. The proposed DHS is only responsible for disseminating “real time actionable” information to others. It apparently has sole responsibility only for vulnerability assessments for critical infrastructure protection. There is no indication that strategic assessments of threats inside the U.S. will receive dissemination to state and local agencies.

Recommendation: That the President direct that the NCTC produce continuing, comprehensive “strategic” assessments of threats inside the United States, to be provided to policymakers at all levels, to help ensure appropriate planning and allocation of preparedness and response resources.

The Role of the Department of Homeland Security in Intelligence Functions

It appears that the new DHS will have no authority for intelligence collection, limited capability for intelligence analysis, and significant responsibility for threat warnings.

Recommendations: That the Congress and the President ensure that the DHS has the authority to levy direct intelligence requirements on the Intelligence Community for the collection or additional analysis of intelligence of potential threats inside the United States to aid in the execution of its specific responsibilities in the area of critical infrastructure protection vulnerability assessments.

That the Congress and the President ensure that the DHS has robust capability for combining threat information generated by the Intelligence Community and the NCTC with vulnerability information the Department generates in cooperation with the private sector to provide comprehensive and continuing assessments on potential risks to U.S. critical infrastructure.

These capabilities will be important not only for the DHS specified missions but also for the DHS role in the NCTC.

Managing Operations

The National Strategy for Homeland Security has eliminated the distinction between “crisis” and “consequence” management. This will help remove certain ambiguities in the responsibilities and authority for planning and response. The creation of an overarching National Incident Response Plan to replace the Federal Response Plan and numerous other federal plans can also clarify responsibilities. With the merger of USCS, USCG, and INS (and others) into the new DHS, that agency will have control over some but not all Federal law enforcement capability. The National Strategy provides that the Secretary of DHS will have the responsibility for “coordination and integration” of Federal, state, local, and private” activities for critical infrastructure protection (CIP). But it does not provide any vision about the extent to which DHS will be “in charge” of executing a response during or after an attack on some CIP sector; nor does it specify which federal agency is in charge for the federal sector for other types of attacks, especially a biological one.

Recommendations: That the President and the Congress clearly define the responsibilities of DHS and other federal entities before, during, and after an attack has occurred, especially any authority for directing the activities of other federal agencies.

That situation is especially problematic when it comes to a bioterrorism attack. No one in the federal structure can currently identify who is or after DHS is formed will be in charge in the event of a biological attack.

Recommendation: That the President specifically designate the DHS as the Lead Federal Agency for response to a bioterrorism attack, and specify its responsibilities and authority before, during, and after an attack; and designate the DHHS as the Principal Supporting Agency to DHS to provide

technical support and provide the interface with State and local public health entities and related private sector organizations.

Interagency Coordination

There are numerous federal interagency coordination structures and several combined federal/state/local structures. As examples of the later, the Joint Terrorism Tasks Forces (JTTF) (FBI) will remain with the FBI and a new National JTTF (FBI) will be formed. But JTTFs are organized differently in various jurisdictions. And according to the national strategy, the responsibilities (for intelligence/information sharing with state and local law enforcement) of the U.S. Attorney Antiterrorism Task Forces (ATTFs) will shift to the DHS. The proliferation of such mechanisms will likely cause unnecessary duplication of effort. More importantly, the National Strategy calls on the Governors of the several states “to establish a single Homeland Security Task Force. . .to serve as [the] primary coordinating body with the federal government.” But there is no similar single mechanism at the federal end.

Recommendation: That the Assistant to the President for Homeland Security review and recommend to the President, and that the President direct, a restructuring of interagency mechanisms to ensure better coordination within the federal government, and with states, localities, and the private sector, to avoid confusion and to reduce unnecessary expenditure of limited resources at all levels.

Legal Authorities

With the formation of the new DHS and other initiatives envisioned in the National Strategy, various statutory, regulatory, and other authorities (e.g., PDDs 37, 62, and 63) will be directly implicated. The Strategy appropriately calls for a review of legal authority for use of the military domestically. But there are other legal and regulatory issues that must be addressed, not the least of which are quarantine, isolation, mandatory vaccinations, and other prescriptive measures that may be called for in the event of a biological attack.

Recommendation: That the President direct the Attorney General to conduct a thorough review of applicable laws and regulations and recommend legislative changes before the opening of the next Congress.

The Congress

The Congress is still poorly organized to address issues involving homeland security in a cohesive way. The House recently took the bold, necessary, but unfortunately only

temporary step of creating a special committee just to consider the proposal to create the Department of Homeland Security. Structures of that nature are required on a longer-term basis. Jurisdiction for various aspects of this issue continues to be scattered over dozens of committees and subcommittees. We therefore restate our prior recommendation with a modification:

Recommendation: That each House of the Congress establish a separate authorizing committee and related appropriation subcommittee with jurisdiction over Federal programs and authority for Combating Terrorism/Homeland Security.

Advisory Panel Members

The Honorable James S. Gilmore, III, Chair

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