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# TESTIMONY

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## Empowering State and Local Emergency Preparedness

### Recommendations of the Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction

MICHAEL A. WERMUTH

CT-216

February 2004

Testimony presented to the Committee on the Judiciary, Council of the District of  
Columbia on February 6, 2004

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**Testimony of  
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for Terrorism Involving Weapons of Mass Destruction  
Before the  
Committee on the Judiciary  
Council of the District of Columbia**

**February 6, 2004**

Madam Chair, thank you for giving me the opportunity to come before you today to discuss findings and recommendations of the Congressionally-mandated Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction.

I applaud the leadership that the Chair has played in providing the District better capabilities for emergency preparedness and tools for law enforcement in combating terrorism—most notably the drafting of the Omnibus Anti-Terrorism Act of 2002, which now makes terrorism a crime in the District, and defines crimes associated with the manufacture, possession, or use of a weapon of mass destruction. The law also recognized terrorism’s threat to firefighters and emergency medical personnel by mandating severe penalties for anyone who causes the death of such persons in the line of duty, as well as mandating the cooperation of private sector health professionals in a public health emergency, and for stronger regional coordination.

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## CONGRESSIONAL MANDATE

The Advisory Panel was established by Section 1405 of the National Defense Authorization Act for Fiscal Year 1999, Public Law 105–261 (H.R. 3616, 105<sup>th</sup> Congress, 2nd Session) (October 17, 1998). That Act directed the Advisory Panel to accomplish several specific tasks. It said:

The panel shall--

1. assess Federal agency efforts to enhance domestic preparedness for incidents involving weapons of mass destruction;
2. assess the progress of Federal training programs for local emergency responses to incidents involving weapons of mass destruction;
3. assess 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;
4. assess the appropriate roles of State and local government in funding effective local response capabilities.

That Act required the Advisory Panel to report its findings, conclusions, and recommendations for improving Federal, State, and local domestic emergency preparedness to respond to incidents involving weapons of mass destruction to the President and the Congress three times during the course of the Advisory Panel's deliberations—on December 15 in 1999, 2000, and 2001.

The Advisory Panel's tenure was extended for two years in accordance with Section 1514 of the National Defense Authorization Act for Fiscal Year 2002 (S. 1358, Public Law 107-107, 107<sup>th</sup> Congress, First Session), which was signed into law by the President on December 28, 2001. By virtue of that legislation, the panel was required to submit two additional reports—one on December 15 of 2002, and one on December 15 of this year.

## ADVISORY PANEL COMPOSITION

Madam Chair, please allow me to pay special tribute to the men and women who served on that panel.

This Advisory Panel was unique in one very important way. It was not the typical national “blue ribbon” panel, which in most cases historically have been composed almost exclusively of what I will refer to as “Washington Insiders”—people who have spent most of their professional careers inside the Beltway. This panel had a sprinkling of that kind of experience—a former Member of Congress and Secretary of the Army, a former State Department Ambassador-at-Large for Counterterrorism, a former senior executive from the CIA and the FBI, a former senior member of the Intelligence Community, the former head of a national academy on health and medicine, two retired flag-rank military officers, a former senior executive in a non-governmental charitable organization, and the head of a national law enforcement foundation. But what truly makes this panel special and, therefore, causes its pronouncement to carry significantly more weight, is the added contribution from the members of the panel from the rest of the country:

- Three directors of state emergency management agencies, from California, Iowa, and Indiana, two of whom now also serve their Governors as Homeland Security Advisors
- The deputy director of a state homeland security agency
- A state epidemiologist and director of a state public health agency
- A former city manager of a mid-size city
- The chief of police of a suburban city in a major metropolitan area
- Senior professional and volunteer fire fighters
- A senior emergency medical services officer of a major metropolitan area
- And, of course—in the person of the Chairman—a former State governor

These are representatives of the true “first responders”—those heroic men and women who put their lives on the line every day for the public health and safety of all Americans. Moreover, so many of these panel members are also national leaders in their professions: the EMS member

is a past president of the national association of emergency medical technicians; one of the emergency managers is the past president of her national association; the law officer is president of the international association of chiefs of police; the epidemiologist is past president of her professional organization; one of the local firefighters is chair of the terrorism committee of the international association of fire chiefs; the other is chair of the prestigious national Interagency Board for Equipment Standardization and InterOperability.

Those attacks continue to carry much poignancy for us, because of the direct loss to the panel. Ray Downey, Department Deputy Chief and chief-in-charge of Special Operations Command, Fire Department of the City of New York, died in the collapse of the second tower in the September 11 attack on the New York World Trade Center.

### **OBSERVATIONS ABOUT TERRORISM PREPAREDNESS**

In the course of its deliberations, the Advisory Panel has been guided by several basic observations and assumptions that have helped to inform the conclusions and policy recommendations for improving our preparedness to combat terrorism.

First, all terrorism is “local,” or at least will start locally. That fact has a lot to do, in our view, with the emphasis, the priorities, and the allocation of resources to address requirements. September 11 and the subsequent anthrax attacks were further proof of that basic assumption.

Second, a major attack anywhere inside our borders will likely be beyond the response capabilities of a local jurisdiction, and will, therefore, require outside help—perhaps from other local jurisdictions, from that jurisdiction’s state government or multiple state resources, perhaps from the Federal government, if the attack is significant enough to exhaust other resources. That principle was likewise validated last September.

Given those two factors, our approach to combating terrorism should be from the “bottom up”—with the requirements of State and local response entities foremost in mind.

We note that we have many existing capabilities that we can build on in an “all-hazards” approach, which can include capabilities for combating terrorism.

Our thorough research and deliberations have also led us to observe that there is great apprehension among States and localities that some Federal entity will attempt to come in and take charge of all activities and displace local response efforts and expertise. That was not and likely could not, because of the actual circumstances in New York, have been the case in September of 2001. But all events may not unfold in that fashion.

Based on a significant amount of analysis and discussion, we have been of the view that few if any major structural or legal changes are required to improve our collective efforts; and that the “first order” challenges are policy and better organization—not simply more money or new technology.

## **PANEL REPORTS**

In its first three reports, the advisory panel, through its assessments and recommendations, laid a firm foundation for actions that must be taken across a broad spectrum of threats in a number of strategic and functional contexts to address this problem more effectively.

### **First Report (1999)—Assessing the Threat**

The Advisory Panel produced a comprehensive assessment in its first report of the terrorist threat inside our borders, with a focus on chemical, biological, radiological, and nuclear (CBRN) weapons. The very thorough analysis in that report can be summarized:

The Panel concludes that the Nation must be prepared for the entire spectrum of potential terrorist threats – both the unprecedented higher-consequence attack, as well as the historically more frequent, lesser-consequence terrorist attack, which the Panel believes is more likely in the near term. Conventional explosives, traditionally a favorite tool of the terrorist, will likely remain the terrorist weapon of choice in the near term as well. Whether smaller-scale CBRN or conventional, any such lower-consequence event—at least in terms of casualties or destruction—could, nevertheless, accomplish one or more terrorist objectives: exhausting response capabilities, instilling fear, undermining government credibility, or provoking an overreaction by the government. With that in mind, the Panel’s report urges a more balanced approach, so that not only higher-consequence scenarios will be considered, but that increasing attention must now also be paid to the historically more frequent, more probable, lesser-consequence attack, especially in terms of policy implications for budget priorities or the

allocation of other resources, to optimize local response capabilities. A singular focus on preparing for an event potentially affecting thousands or tens of thousands may result in a smaller, but nevertheless lethal attack involving dozens failing to receive an appropriate response in the first critical minutes and hours.

While noting that the technology currently exists that would allow terrorists to produce one of several lethal CBRN weapons, the report also describes the current difficulties in acquiring or developing and in maintaining, handling, testing, transporting, and delivering a device that truly has the capability to cause “mass casualties.”

I suggest that that analysis is still fully valid today.

### **Second Report (2000)—Toward a National Strategy for Combating Terrorism**

By the second year, the Advisory Panel shifted its emphasis to specific policy recommendations for the Executive and the Congress and a broad programmatic assessment and functional recommendations for consideration in developing an effective national strategy.

The capstone recommendation in the second report was the need for a comprehensive, coherent, functional national strategy: *The President should develop and present to the Congress a national strategy for combating terrorism within one year of assuming office.* As part of that recommendation, the panel identified the essential characteristics for a national strategy:

- It must be truly *national* in scope, not just Federal.
- It must be comprehensive, encompassing the full spectrum of *deterrence, prevention, preparedness, and response* against domestic and international threats.
- For domestic programs, it must be *responsive to* requirements from and fully *coordinated with state and local officials* as partners throughout the development and implementation process.
- It should be *built on existing emergency response systems.*
- It must *include all key functional domains*—intelligence, law enforcement, fire services, emergency medical services, public health, medical care providers, emergency management, and the military.
- It must be *fully resourced* and based on *measurable performance.*

Of course, the Panel recognized that, in light of September 11, 2001, this objective has been difficult to achieve. However, the principles contained within this strategy and their requirements remain the same.

The Second Annual Report included a discussion of more effective Federal structures to address the national efforts to combat terrorism. It determined that the solutions offered by others who have studied the problem provided only partial answers. The Advisory Panel attempted to craft recommendations to address the full spectrum of issues. Therefore, the panel submitted the following recommendation: ***The President should establish a senior level coordination entity in the Executive Office of the President.*** The characteristics of the office identified in that recommendation included:

- Director appointed by the President, by and with the advice and consent of the Senate, at “cabinet-level” rank
- Located in the Executive Office of the President
- Authority to exercise certain program and budget controls over those agencies with responsibilities for combating terrorism
- Responsibility for intelligence coordination and analysis
- Tasking for strategy formulation and implementation
- Responsibility for reviewing State and local plans and to serve as an information clearinghouse
- An interdisciplinary Advisory Board to assist in strategy development
- Multidisciplinary staff (including Federal, State, and local expertise)
- No operational control

The panel included a thorough explanation of each characteristic in its *Second Annual Report*. For instance, the panel determined that this office should have the authority to direct the creation, modification, or cessation of programs within the Federal Interagency, and that it have authority to direct modifications to agency budgets and the application of resources. It also recommended that the new entity have authority to review State and geographical area strategic plans and, at the request of State entities, to review local plans or programs for combating terrorism for consistency with the national strategy.

Although not completely structured around those recommendations, the model for the creation of the Office of Homeland Security came from this recommendation.

To complement the recommendations for the federal executive structure, the panel also included the following recommendation for the Congress: *The Congress should establish a Special Committee for Combating Terrorism—either a joint committee between the Houses or separate committees in each House—to address authority and funding, and to provide congressional oversight, for Federal programs and authority for combating terrorism.* The philosophy behind this recommendation is much the same as it is for the creation of the office in the Executive Office of the President. There needs to be a focal point in the Congress for the Administration to present its strategy and supporting plans, programs, and budgets, as well as a legislative “clearinghouse” where relevant measures are considered. The U.S. House of Representatives has now created a Select Committee on Homeland Security. Both the House and Senate have created Homeland Security Appropriations Subcommittees.

In conjunction with these structural recommendations, the Advisory Panel made a number of recommendations addressing functional requirements for the implementation of an effective strategy for combating terrorism. The recommendations listed below are discussed thoroughly in the Second Annual Report:

**Enhance Intelligence/Threat Assessments/Information Sharing**

- Improve human intelligence by the rescission of that portion of the 1995 guidelines, promulgated by the Director of Central Intelligence, which prohibits the engagement of certain foreign intelligence informants who may have previously been involved in human rights violations
- Improve Measurement and Signature Intelligence (MASINT) through an expansion in research, development, test, and evaluation (RDT&E) of reliable sensors and rapid readout capability and the subsequent fielding of a new generation of MASINT technology based on enhanced RDT&E efforts
- Review statutory and regulatory authorities in an effort to strengthen investigative and enforcement processes

- Improve forensics capabilities to identify and warn of terrorist use of unconventional weapons
- Expand information sharing and improve threat assessments

#### **Foster Better Planning/Coordination/Operations**

- Designate the senior emergency management entity in each State as the *focal point* for that State for coordination with the Federal government for preparedness for terrorism
- Improve collective planning among Federal, State, and local entities
- Enhance coordination of programs and activities
- Improve operational command and control of domestic responses
- The President should always designate a Federal civilian agency other than the Department of Defense (DoD) as the Lead Federal Agency

#### **Enhance Training, Equipping, and Exercising**

- Improve training through better coordination with State and local jurisdictions
- Make exercise programs more realistic and responsive

#### **Improve Health and Medical Capabilities**

- Establish a national advisory board composed of Federal, State, and local public health officials and representatives of public and private medical care providers as an adjunct to the new office, to ensure that such issues are an important part of the national strategy
- Improve health and medical education and training programs through actions that include licensing and certification requirements
- Establish standards and protocols for treatment facilities, laboratories, and reporting mechanisms
- Clarify authorities and procedures for health and medical response
- Medical entities, such as the Joint Commission on Accreditation of Healthcare Organizations, should conduct periodic assessments of medical facilities and capabilities

#### **Promote Better Research and Development and Create National Standards**

- That the new office, in coordination with the Office of Science and Technology Policy, develop a comprehensive plan for RDT&E, as a major component of the national strategy
- That the new office, in coordination with the National Institute for Standards and Technology (NIST) and the National Institute for Occupational Safety and Health (NIOSH) establish a national standards program for combating terrorism, focusing on equipment, training, and laboratory processes

### **Third Report (2001)—For Ray Downey**

The panel's *Third Annual Report to the President and the Congress* was built on findings and recommendations in its *First* and *Second Annual Reports* delivered in 1999 and 2000. It reflected a national strategic perspective that encompasses the needs of all three levels of government and the private sector. Its recommendations fall into five categories:

- ✓ *Empowering State and Local Response* by ensuring the men and women on the front line of the war against terrorism inside our borders have the tools and resources needed to counter the murderous actions of terrorists;
- ✓ *Enhancing Health and Medical Capacities*, both public and private, to help ensure our collective ability to identify attacks quickly and correctly, and to treat the full scope of potential casualties from all forms of terrorist attacks;
- ✓ *Strengthening Immigration and Border Controls* to enhance our ability to restrict the movement into this country, by all modes of transportation, of potential terrorists and their weapons and to limit severely their ability to operate within our borders;
- ✓ *Improving Security Against Cyber Attacks* and enhancing related critical infrastructure protection to guard essential government, financial, energy, and other critical sector operations against attack; and
- ✓ *Clarifying the Roles and Missions for Use of the Military* for providing critical and appropriate emergency response and law enforcement related support to civilian authorities.

Madam Chair, I should note that the substance of all of the recommendations contained in the third report were approved by the panel at its regular meeting held on August 27 and 28, 2001—Tuesday the 28<sup>th</sup> being exactly two weeks prior to the attacks of September 11. Although the panel thoroughly reviewed those recommendations subsequently, panel members unanimously agreed that all were valid and required no supplementation prior to publication.

The recommendations contained in that report, listed below in summary form, are discussed in detail in the body of the report, and further supported by material in the report appendices, especially the information from the nationwide survey of State and local responders covering an array of preparedness and response issues.

#### **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

### **Health and Medical Capabilities**

- Implement the AMA Recommendations on Medical Preparedness for Terrorism
- Implement the JCAHO Revised Emergency Standards
- Fully resource the CDC 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 and PNST 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 and NDMS 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

### **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

## **Cyber Security**

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

## **Use of the Military**

- 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 region

### **Fourth Report (2002)—Implementing the National Strategy**

Madam Chair, as I mentioned earlier, the Advisory Panel released its fourth report to the President and the Congress on December 15, 2002. In addition to a critique in that report on the *National Strategy for Homeland Security*, the panel made 59 new policy recommendations in five key areas. I will summarize the rationale for each of those recommendations for the record. (Advisory Panel recommendations are highlighted below in *bold italics*).

## **Organizing the National Effort**

The new threat environment requires the consolidation in one entity of the fusion and analysis of foreign-collected and domestically-collected intelligence and information on international terrorists and terrorist organizations threatening attacks against the United States.

***We recommend that the President direct the establishment of a National Counter Terrorism Center (NCTC).*** In his State of the Union Address a little over a month after that recommendation was made, the President announced the formation of the Terrorist Threat Integration Center, closely resembling the this recommendation.

The FBI's long standing law enforcement tradition and organizational culture persuade us that, even with the best of intentions, the FBI cannot soon be transformed into an organization dedicated to detecting and preventing terrorist attacks. It is also 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." ***We recommend 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.***

Focused and effective Congressional oversight of the domestic collection and analysis functions is required. 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. ***We recommend that the Congress ensure that oversight of the NCTC be concentrated in the intelligence committee in each House.***

The *National Strategy for Homeland Security* designates various lead or co-lead agencies to perform both strategic and tactical analysis and vulnerability assessments. There is no indication that strategic assessments of threats inside the U.S. will receive dissemination to State and local agencies. ***We recommend 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.*

It appears that the new DHS will have no authority for intelligence collection, limited capability for intelligence analysis, but significant responsibility for threat warnings. *We recommend 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. We further recommend 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.*

The *National Strategy for Homeland Security* does not provide any clarity 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. *We recommend 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.*

The question of who is in charge is especially problematic when it comes to a bioterrorism attack. No one in the Federal structure can currently identify who is or, even after DHS is formed, will be in charge in the event of a biological attack. *We recommend 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.*

There are numerous Federal interagency coordination structures and several combined Federal/ State/local structures. The proliferation of such mechanisms will likely cause unnecessary duplication of effort. *We recommend 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.*

The creation of DHS and the implementation of the *National Strategy* raise several legal and regulatory issues, not the least of which are quarantine, isolation, mandatory vaccinations, and other prescriptive measures. *We recommend 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 is still not well organized to address issues involving homeland security in a cohesive way. 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 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.*

## **Improving Health and Medical Capabilities**

Officials in public health have indicated that it will take at least a five-year commitment from DHHS, at approximately \$1 billion per year, to have a material impact on States and local government preparedness to respond to bioterrorist events. ***We recommend that DHHS continue to provide financial support on the order of \$1 billion per year over the next five years to strengthen the public health system in the United States.***

The centralization and simplification of grants processes for public health and medical funds is essential to eliminate confusion and unnecessary redundancies. ***We recommend that DHS coordinate and centralize the access to information regarding funding from various agencies such as DHHS (including CDC), EPA, USDA, and others and simplify the application process.***

There is currently no framework in place for monitoring the States' progress in meeting the objectives of the bioterrorism preparedness cooperative agreements program and for evaluating States' performance with respect to various outcomes. Moreover, there is a general lack of understanding on the part of representatives from State and local governments on precisely what they will be held accountable for and how their programs will be evaluated. ***We recommend that DHHS, in consultation with State, local, and private sector stakeholders, establish and implement a formal process for evaluating the effectiveness of investment in State, local, and private preparedness for responses to terrorist attacks, especially bioterrorism.***

There are not yet widely agreed upon metrics by which to assess levels of preparedness among the medical and public health workforce. Without baseline data, it is impossible to quantify the gap between the current workforce and a workforce "prepared" to address these issues. ***We recommend that DHHS fund studies aimed at modeling the size and scope of the***

***healthcare and public health workforce needed to respond to a range of public health emergencies and day-to-day public health issues.***

Federal officials requested almost \$600 million to improve hospital preparedness for FY03. This level of funding is not sufficient to prepare the nation's 5,000 hospitals to handle mass casualty events, mainly because hospitals, like public health agencies, have responded to fiscal pressures by cutting back on staff and other resources and otherwise reducing "excess capacity." ***We recommend that DHHS conduct a comprehensive assessment of the resources required by the nation's hospital system to respond to terrorism, and recommend appropriate Federal-State-Local-Private funding strategies.***

The CDC needs to provide assistance in coordinating and connecting some of its own laboratory and disease surveillance information systems initiatives. These information systems should be connected to provide circular information flow. ***We recommend that DHHS continue to strengthen the Health Alert Network and other secure and rapid communications systems, as well as public health information systems that generate surveillance, epidemiologic and laboratory information.***

Exercises are critical to ensure adequate training, to measure readiness, and to improve coordination. Resources directed to State and local entities to conduct these exercises have been limited and incentives for cross discipline coordination require strengthening. ***We restate a previous recommendation with a follow on that the Congress increase Federal resources for appropriately designed exercises to be implemented by State, local, private sector medical, and public health and emergency medical response entities.***

There is an urgent need to clarify the role and functions of the various Federal and State emergency response teams and the extent to which their roles will be coordinated at the Federal,

State, and local levels. ***We recommend that DHHS clearly articulate the roles, missions, capabilities, and limitations of special response teams; that a plan be developed for the effective integration of such teams; and that focused training for special teams emphasize integration as well as coordination with States and localities.***

State and local officials require technical assistance from the Federal government to select among competing technologies, develop templates for communicating risks and information on actual events to the public, develop plans for surge capacity and pharmaceutical distribution, and provide adequate training to staff. ***We recommend that DHHS evaluate current processes for providing required technical assistance to States and localities, and implement changes to make the system more responsive.***

Some State public health officials are unclear about their role in assisting with planning for the staffing of hospital beds in the state and otherwise becoming involved in surge capacity issues. States are implementing a wide range of preparedness activities but have had little opportunity to share this information with colleagues in other States. ***We recommend that DHHS develop an electronic, continuously updated handbook on best practices in order to help States and localities more effectively manage surge capacity, the distribution of the National Pharmaceutical Stockpile, and other preparedness goals.***

In addition to the substantial research NIH is performing on prevention, treatment, and cures for bioterrorism agents, additional basic research and further research on the application of new technologies is urgently needed. ***We recommend that NIH, in collaboration with CDC, strengthen programs focusing on both basic medical research and applied public health research, including the application of new technologies or devices in public health; and that DHS and OHS, in cooperation, prioritize and coordinate research among NIAID, other NIH***

*entities, and other agencies conducting or sponsoring medical and health research, including DoD, DOE, and USDA, to avoid unnecessary duplication.*

The Model Health Powers Emergency Act would give State authorities certain important powers in a public health emergency. *We recommend that each State that has not done so either adopt the Model Health Powers Emergency Act, as modified to conform to any single State's special requirements, or develop legislation of its own that accomplishes the same fundamental purposes; and work to operationalize laws and regulations that apply to CBRN incidents—naturally occurring, accidental or intentional, especially those that may require isolation, quarantine, emergency vaccination of large segments of the population, or other significant emergency authorities.*

During investigations into potential bioterror events, there is often a conflict between the goals and operating procedures of health and medical officials on the one hand and public safety officials on the other. The Federal Health Insurance Portability and Accountability Act (HIPAA) is in part designed to keep information about patients confidential and defines narrowly the information and the circumstances under which that information can be released. *We recommend that the Congress clarify the conditions under which public health agencies, EMS, and hospitals can share information with law enforcement officials in special emergency circumstances under HIPAA. We further recommend, as a prerequisite for receiving Federal law enforcement and health and medical funds from the Federal government, that States and localities be required to develop comprehensive plans for legally appropriate cooperation between law enforcement and public health, EMS and hospital officials.*

The development of a clear Federal strategic communications strategy, in coordination with State and local medical, public health, and elected officials, is not evident. ***We recommend that DHHS, in coordination with DHS, develop an on-going, well coordinated strategy for education of the public on the prevention, risks, signs, symptoms, treatments, and other important health and medical information before, during and after an attack or large-scale naturally occurring outbreak occurs.***

There is still a lot to learn about the most effective ways to treat people with mental or emotional problems following a terrorist attack. ***We recommend that DHHS, through the National Institute of Mental Health, and in collaboration with CDC, enhance funding for research into the prevention and treatment of the short and long-term psychological consequences of terrorist attacks.***

In-house health and medical expertise in the Intelligence Community is not sufficiently robust to provide for continuing strategic assessments of bioterrorism cause and effect. ***We recommend that the Intelligence Community improve its capacity for health and medical analysis by obtaining additional expertise in the medical and health implications of various terrorist threats.***

A number of States came up short in their cooperative agreement proposals with respect to their plans for National Pharmaceutical Stockpile receipt and distribution. Federal technical assistance is needed by State and local health officials to develop and exercise these plans. ***We recommend that DHHS significantly enhance technical assistance to States to help develop plans and procedures for distributing the NPS, continue to require exercises that demonstrate the States' ability to employ the NPS, and use specific metrics for evaluating States' capabilities.***

The timely research, development, production, and distribution of certain critical vaccines and other medical supplies continue to be perplexing problems. ***We recommend that DHHS, in collaboration with DHS and DoD, establish a national strategy for vaccine development for bioterrorism that will be consistent with the nation's needs for other vaccines.***

Recently, Federal health officials recommended a multiphase smallpox vaccination program for at-risk emergency medical personnel, with the Federal government assuming liability for adverse events related to vaccination. ***We recommend that the smallpox vaccination plan be implemented in incremental stages with careful analysis and continuous assessment of the risks of the vaccine. We further recommend that DHHS place a high priority on research for a safer smallpox vaccine.***

#### ***Defending Against Agricultural Terrorism***

There is a lack of an overarching appreciation of the true threat to America's agriculture. Without a broad threat assessment, it is difficult to prioritize resources to counter the terrorist threat. ***We recommend that the President direct that the National Intelligence Council, in coordination with DHS, USDA and DHHS, perform a National Intelligence Estimate on the potential terrorist threat to agriculture and food.***

The Animal Health Emergency Preparedness Plan provides a guide for comprehensive emergency management plans for the response to emergencies involving animals and the animal industry segment of production agriculture. The Emergency Support Function (ESF) in the Animal Health Emergency Preparedness Plan is not currently applicable to any ESF in the Federal Response Plan. ***We recommend that the Assistant to the President for Homeland Security ensure that an Emergency Support Function for Agriculture and Food, consistent with the intent of the ESF described in the Animal Health Emergency Preparedness Plan, be***

*included in the Federal Response Plan and the National Incident Response Plan under development.*

There are only two existing civilian bio-safety level 4 (BSL 4) laboratories for working with and diagnosing the most hazardous animal pathogens. If a large-scale outbreak of a foreign animal disease occurs in the United States, these would provide insufficient capacity.

Capabilities at the State level would increase the ability to detect foreign animal diseases early.

***We recommend that the President propose and that the Congress enact statutory provisions for the certification under rigid standards of additional laboratories to test for Foot and Mouth Disease and other highly dangerous animal pathogens.***

Without advance training, and the appropriate equipment and security in place prior to an outbreak, it is not likely that State veterinary labs will be adequately prepared to respond to a crisis. ***We recommend that the Secretaries of Homeland Security and Agriculture (consistent with the November 2001 resolution of the United States Animal Health Association) jointly publish regulations implementing a program to train, equip, and support specially designated, equipped, secure, and geographically distributed veterinary diagnostic laboratories to perform tests and enhance surveillance for agricultural diseases that are foreign to the United States.***

To encourage reporting of diseases and to ensure the stability of the agricultural sector, it is critical that a consistent scheme of national compensation is in place to provide financial assistance to producers and other agribusiness interests impacted by an animal disease outbreak.

***We recommend that the Secretary of Agriculture, in consultation with State and local governments and the private sector, institute a standard system for fair compensation for agriculture and food losses following an agroterrorism attack; and that the Secretary of Health and Human Services should develop a parallel system for non-meat or poultry food.***

There are not enough appropriately trained veterinarians capable of recognizing and treating exotic livestock diseases in the United States. Other types of expertise required for dealing with agricultural diseases are lacking. *We recommend that the Secretary of Agriculture develop and that the Congress fund programs to improve higher education in veterinary medicine to include focused training on intentional attacks, and to provide additional incentives for professional tracks in that discipline. We further recommend that the Secretary of Agriculture, in coordination with States, improve education, training, and exercises between government and the agricultural private sector, for better understanding the agroterrorism threat, and for the identification and treatment of intentional introduction of animal diseases and other agricultural attacks.*

### **Improving the Protection of Our Critical Infrastructure**

Physical and cyber infrastructure protection contains many very sensitive issues of great importance about which objective research and proposals are very difficult to conduct and develop within the political process. The panel modified the recommendation in its *Third Report* to cover all infrastructures, both physical and cyber. *We recommend that the Congress establish and that the President support an Independent Commission to suggest strategies for the protection of the nation's critical infrastructures.*

The lack of a comprehensive assessment of threats to U.S. infrastructures significantly hampers defensive measures and preparedness activities. *We recommend that the President direct that the National Intelligence Council perform a comprehensive National Intelligence Estimate on the threats to the nation's critical infrastructure.*

The continuing bifurcation of policy for the physical and cyber components of CIP has created confusion and resulted in less than effective policy formulation. *We recommend that the*

***President direct the merger of physical and cyber security policy development into a single policy entity in the White House.***

Progress in meeting airline passenger baggage-screening goals has been slow, and no screening technology will ever be foolproof. Perhaps equally important is the fact that much of the non-passenger cargo on commercial passenger aircraft is not being screened. ***We recommend that DHS elevate the priority of measures necessary for baggage and cargo screening on commercial passenger aircraft, especially non-passenger cargo.***

The security of general aviation aircraft and facilities is thin, where it exists at all. ***We recommend that that DHS, in conjunction with the airline industry, develop comprehensive guidelines for improving the security of general aviation.***

Hydroelectric and other dams on various watercourses present a significant hazard if terrorists find ways to exploit their controls. ***We recommend that DHS make dam security a priority and consider establishing regulations for more effective security of dam facilities.***

One of the critical shortcomings in structuring programs and securing funds to protect critical infrastructures is the lack of risk-based models and metrics that help explain the value of protective measures in terms that public and private sector decision makers understand. ***We recommend that DHS use the NISAC modeling and analytic capabilities to develop metrics for describing infrastructure security in meaningful terms, and to determine the adequacy of preparedness of various critical infrastructure components.***

#### ***Establishing Appropriate Structures, Roles, and Missions for the Department of Defense***

NORTHCOM is in a transitional phase between initial operational capability and full operational capability. In its initial structure, NORTHCOM has few permanently assigned forces, and most of them serve as part of its homeland security command structure. The creation

of NORTHCOM is an important step toward enhanced civil-military integration for homeland security planning and operations, and could result in an enhancement of homeland security response capabilities. ***We recommend that the Secretary of Defense clarify the NORTHCOM mission to ensure that the Command is developing plans across the full spectrum of potential activities to provide military support to civil authorities, including circumstances when other national assets are fully engaged or otherwise unable to respond, or when the mission requires additional or different military support. NORTHCOM should plan and train for such missions accordingly.***

In its *Third Report*, the panel recommended that a unified command be created “to execute all functions for providing military support or assistance to civil authorities”—an all-hazards approach. The Advisory Panel is pleased that NORTHCOM will apparently execute *most* of these functions, and further ***we recommend that the NORTHCOM combatant commander have, at a minimum, operational control of all Federal military forces engaged in missions within the command’s area of responsibility for support to civil authorities.***

To achieve that clarity, the laws governing domestic use of the military should be consolidated and the Federal government should publish a document that clearly explains these laws. ***We recommend that the President and the Congress amend existing statutes to ensure that sufficient authorities and safeguards exist for use of the military across the entire spectrum of potential terrorist attacks (including conventional, chemical, biological, radiological, and nuclear threats as well as cyber); that the authorities be consolidated in a single chapter of Title 10; and that DoD prepare a legal “handbook” to ensure that military and civilian authorities better understand the legal authorities governing the use of the military domestically in support of civilian authorities for all hazards—natural and manmade.***

No process is clearly in place to identify among the full scope of requirements for military support to civil authorities. *We recommend that the President direct the DHS to coordinate a comprehensive effort among DoD (including NORTHCOM) and Federal, State, and local authorities to identify the types and levels of Federal support, including military support, that may be required to assist civil authorities in homeland security efforts and to articulate those requirements in the National Incident Response Plan*

Insufficient attention has been devoted to planning and conducting military training specifically for the civil support mission. *We recommend that the Secretary of Defense direct that all military personnel and units under NORTHCOM, or designated for NORTHCOM use in any contingency, receive special training for domestic missions. Furthermore, in those cases where military personnel support civil law enforcement, special training programs should be established and executed.*

There is a question about whether NORTHCOM's commander "combatant command" (COCOM) relationship with the various service component commands is only for the purpose of unity of *homeland defense* authority and responsibility or applies more broadly to all *homeland security* missions, including NORTHCOM's civil support mission. Thus, at this writing, the extent to which the new command will be able to direct new and expanded civil support training and exercises remains unclear. *We recommend that the Secretary of Defense clarify NORTHCOM's combatant command authority to ensure that Commander NORTHCOM can direct subordinate commands to conduct pre-incident planning, training, and exercising of forces required to conduct civil support missions.*

Rapid response-type capabilities should arguably be tailored to deal with homeland terrorist events that overwhelm State and local capabilities. *We recommend that the Combatant*

*Commander, NORTHCOM, have dedicated, rapid-reaction units with a wide range of response capabilities such as an ability to support implementation of a quarantine, support crowd control activities, provide CBRNE detection and decontamination, provide emergency medical response, perform engineering, and provide communication support to and among the leadership of civil authorities in the event of a terrorist attack.*

States may have difficulty funding homeland security training and operations of the National Guard in State Active Duty status, especially if their missions are conducted for extended periods. Commanders are not clearly authorized under Title 32 to expend Federal funds for training for civil support tasks. *We recommend that the Congress expressly authorize the Secretary of Defense to provide funds to the governor of a State when such funds are requested for civil support planning, training, exercising and operations by National Guard personnel acting in Title 32 duty status and that the Secretary of Defense collaborate with State governors to develop agreed lists of National Guard civil support activities for which the Defense Department will provide funds.*

The States' existing National Guard military support arrangements must be enhanced to provide for more effective response capabilities in Title 32 duty status. *We recommend that the President and governors of the several States establish a collaborative process for deploying National Guard forces in Title 32 duty status to support missions of national significance at the President's request; and that the Congress provide new authority under Title 32 to employ the National Guard (in non-Title 10 status) on a multi-State basis, and with governors' consent to conduct homeland security missions, and that the Secretary of Defense define clearly the appropriate command relationships between DoD and the National Guard. We further recommend that the Congress and DoD promote and support the development of a*

*system for National Guard civil support activities that can deploy forces regionally--in coordination with DoD--to respond to incidents that overwhelm the resources of an individual State.*

Further enhancement of the National Guard's civil support capability and responsibility is necessary. In the *Third Report*, the panel recommended "that the Secretary of Defense ... direct that National Guard units with priority homeland security missions plan, train, and exercise with State and local agencies," be expanded. *We recommend that the Secretary of Defense direct that certain National Guard units be trained for and assigned homeland security missions as their exclusive missions (rather than primary missions as stated in our Third Report) and provide resources consistent with the designated priority of their homeland missions.*

#### **FIFTH REPORT (2003)—FORGING AMERICA'S NEW NORMALCY: PROTECTING OUR HOMELAND, PRESERVING OUR LIBERTY**

Madam Chair, the Advisory Panel released its fifth and final report on December 15, 2003. In that report, the strategic vision, themes, and recommendations were motivated by the unanimous view of the panel that its final report should attempt to define a future state of security against terrorism—one that the panel has chosen to call "America's New Normalcy."

That *strategic vision* offered by the panel reflects the guiding principles that the panel has consistently enumerated throughout its reports:

- It must be truly national in scope, not just Federal.
- It should build on the existing emergency response system within an all-hazards framework.
- It should be fully resourced with priorities based on risk.
- It should be based on measurable performance.
- It should be truly comprehensive, encompassing the full spectrum of awareness, prevention, preparedness, response, and recovery against domestic and international threats against our physical, economic and societal well-being.
- It should include psychological preparedness.
- It should be institutionalized and sustained.

- It should be responsive to requirements from and fully coordinated with State and local officials and the private sector as partners throughout the development, implementation, and sustainment process.
- It should include a clear process for strategic communications and community involvement.
- It must preserve civil liberties.

In developing the report, panel members all agreed at the outset that it could not postulate, as part of its vision, a return to a pre-September 11 “normal.” The threats from terrorism are now recognized to be a condition that we must face far into the future. It was the panel’s firm intention to articulate a vision of the future that subjects terrorism to a logical place in the array of threats from other sources that the American people face every day—from natural diseases and other illnesses to crime and traffic and other accidents, to mention a few. The panel firmly believes that terrorism must be put in the context of the other risks we face, and that resources should be prioritized and allocated to that variety of risks in logical fashion.

The panel has proffered a view of the future—five years hence—that it believes offers a reasonable, measurable, and attainable benchmark. It believes that, in the current absence of longer-term measurable goals, this benchmark can provide government at all levels, the private sector, and our citizens a set of objectives for readiness and preparedness. The panel did not claim that the objectives presented in this future view are all encompassing. Neither do they necessarily reflect the full continuum of advances that America may accomplish or the successes that its enemies may realize in the next five years. The view is a snapshot in time for the purpose of guiding the actions of today and a roadmap for the future.

The panel said that America’s new normalcy in January of 2009 should reflect:

- Both the sustainment and further **empowerment of individual freedoms** in the context of measurable advances that secure the homeland.
- Consistent **commitment of resources** that improve the ability of all levels of government, the private sector, and our citizens to prevent terrorist attacks and, if warranted, to respond and recover effectively to the full range of threats faced by the nation.

- A standardized and effective process for **sharing information and intelligence** among all stakeholders—one built on moving actionable information to the broadest possible audience rapidly, and allowing for heightened security with minimal undesirable economic and societal consequences.
- Strong **preparedness and readiness across State and local government and the private sector** with corresponding processes that provide an enterprise-wide national capacity to plan, equip, train, and exercise against measurable standards.
- Clear definition about the roles, responsibilities, and **acceptable uses of the military domestically**—that strengthens the role of the National Guard and Federal Reserve Components for any domestic mission and ensures that America’s leaders will never be confronted with competing choices of using the military to respond to a domestic emergency versus the need to project our strength globally to defeat those who would seek to do us harm.
- Clear processes for engaging academia, business, all levels of government, and others in rapidly developing and implementing **research, development, and standards** across technology, public policy, and other areas needed to secure the homeland—a process that focuses efforts on real versus perceived needs.  
Well-understood and shared process, plans, and incentives for **protecting the nation’s critical infrastructures** of government and in the private sector—a unified approach to managing our risks.

The panel’s *Future Vision 2009* included specifics details involving:

- *State, Local, and Private Sector Empowerment*
- *Intelligence*
- *Information Sharing*
- *Training, Exercising, Equipping, and Related Standards*
- *Enhanced Critical Infrastructure Protection*
- *Research and Development, and Related Standards*
- *Role of the Military*

To support its strategic vision, the panel offered a “Roadmap for the Future,” in which it made 20 substantive recommendations in six areas. (Advisory Panel recommendations are highlighted below in *bold italics*).

### **Civil Liberties at the Foundation**

The panel addressed the on-going debate in the United States about the tradeoffs between security and civil liberties. It concluded that history teaches, however, that the debate about finding the right “balance” between security and civil liberties is misleading, that the traditional debate implies that security and liberty are competing values and are mutually exclusive. It

assumes that our liberties make us vulnerable and if we will give up some of these liberties, at least temporarily, we will be more secure. It concluded that civil liberties and security are mutually reinforcing. The panel said that we must, therefore, evaluate each initiative along with the combined effect of *all* initiatives to combat terrorism in terms of how well they preserve all of the “unalienable rights” that the founders believed were essential to the strength and security of our nation—rights that have become so imbedded in our society and ingrained in our psyche that we must take special precautions, take extra steps, to ensure that we do not cross the line. It is more than the clearly defined protections in the Constitution—protections against unreasonable search and seizure; and against self-incrimination. It is also that less well-defined but nevertheless exceptionally important “right to privacy” that we have come to expect and that our judicial system has come increasingly to recognize. ***We recommend that the President establish an independent, bipartisan civil liberties oversight board to provide advice on any change to statutory or regulatory authority or implementing procedures for combating terrorism that has or may have civil liberties implications (even from unintended consequences).***

### **Strategy and Structure**

State and local governments should have a one-stop clearinghouse for grants, training programs, and other types of terrorist and disaster preparedness assistance. Perhaps more seriously, the absence of coordinated preparedness efforts makes it difficult to develop training and exercised standards that are agreed on and utilized by all relevant training centers. Some current funding processes have DHS and other agencies awarding preparedness grants directly to public and private recipient organizations with no pre-award coordination with the States. Recognizing that some of the current programs inevitably will not “flow through” the States,

there should, at a minimum, be vertical coordination requirements among Federal agencies and local governments with States on all funding allocations, to ensure consistency with statewide strategies. DHS and other Federal agencies may be required to make some awards directly to local entities, but that does not negate the need and appropriateness of engaging States in the process. ***We recommend that DHS combine all departmental grant-making programs into a single entity in DHS.*** Currently, grant programs are scattered through several departmental units. One alternative is an expansion of ODP (renamed) with that office reporting directly to the Secretary. ***We also recommend that the President establish an interagency mechanism for homeland security grants, led by the Secretary of DHS, to streamline and consolidate the grant application and decision process throughout the Federal government.*** The creation of such a process will reduce confusion among grant applicants and relieve them of some of the burden of multiple—and different—application processes. ***We further recommend (again) that DHS develop a comprehensive process for establishing training and exercise standards for responders.*** That process must be involved in the development of training and exercise curricula and materials. It must include State and local response organization representation on a continuous, full-time basis.

The Homeland Security Advisory System has become largely marginalized. This may be attributed to a lack of understanding of its intended use as well as the absence of a well-orchestrated plan to guide its implementation at all levels of government. The Governor of Hawaii chose to maintain a blue level in February 2003 when the Federal government raised the level to orange, and the Governor of Arizona announced that his State might do the same based on the particular threat or lack thereof to Arizona. Organizations surveyed by RAND for the panel had a number of suggestions for improving the Homeland Security Advisory System. In

the survey conducted by RAND for the panel, between 60 and 70 percent of State and local organizations suggested providing additional information about the threat (type of incident likely to occur, where the threat is likely to occur, and during what time period) to help guide them in responding to changes in the threat level. *We recommend that DHS revise the Homeland Security Advisory System to include (1) using a regional alert system to notify emergency responders about threats specific to their jurisdiction/State; (2) providing training to emergency responders about what preventive actions are necessary at different threat levels; and (3) creating a process for providing specific guidance to potentially affected regions when threat levels are changed.*

Prehospital care—emergency medical services (EMS)—plays a crucial role in the response to and recovery natural and manmade disasters, including terrorism. The Emergency Medical Technicians and Paramedics who comprise EMS in the United States, unlike their fellow responders in fire services and law enforcement, have no designated EMS Federal funds and no one single Federal agency for coordination on State and local EMS operational matters. As was cited in earlier panel reports, the lack of any fiscal assistance to enhance EMS response capacity, especially for combating terrorism, must be addressed. To reduce mortality and morbidity, especially in the aftermath of a CBRNE terrorist attack, investment in the response component that is tasked with turning victims into patients is critical. Concurrent with the lack of specific funding is the continuing absence of a Federal entity that provides guidance and assistance on a daily basis to EMS responders nationwide. *We recommend:*

- *That the Congress establish sustained funding to enhance EMS response capacity for acts of terrorism.* Such funding must address personal protective equipment, training, antidotes, technology transfer, EMS interoperability issues, threat assessments, and other operational and training doctrine issues.
- *That the Congress reestablish a Federal office specifically to support EMS operational and systems issues.*

## State and Local Empowerment

There continues to be a lack of understanding about the roles of State and local government in a national strategy. The Terrorist Threat Integration Center (TTIC) is a pointed example. It is essentially an entity created by and for the Federal government, not (yet) for State and local government. National strategy and concomitant resources need to be designed and executed in a way most likely to empower State and local governments to maintain awareness and to deter, prevent, respond to, and recover from terrorist events. Conversely, State and particularly local organizations and officials may not be fully aware of the “big picture” and simply do not have the resources to equip and train every locality to perform every mission across the spectrum of preparedness. Moreover, as salutary as many efforts by States and localities have been, absent a standard system and processes for activities nationwide, the potential for significant incompatibility and lack of interoperability looms large. ***We recommend the development of a system of a “Matrix” of Mutual Aid. In coordination with local, State, and other Federal agencies, DHS must develop a plan for a nationwide system of mutually supporting capabilities to respond to and recover from the full spectrum of hazards.*** Unlike the suggestion of other entities that have addressed the issue, the system need not be built on the premise that every community in America must have the same type and same level—based almost exclusively on population considerations—of response capabilities. The panel firmly believes that one size does *not* fit all. The panel envisions a much more comprehensive system of mutual aid than generally exists today. This expanded system would catalog and display, at any point in time, the capabilities resident anywhere in the country to respond to various types of emergency. It would be built, at its foundations, on capabilities that already exist. Capabilities would constantly be mapped geographically to identify gaps in coverage.

## **Private Sector Engagement**

The important role of the private sector in homeland security has not been fully recognized and articulated. As noted by the panel in its 2002 report:

The private sector controls approximately 85 percent of the infrastructure in this country and employs approximately 85 percent of the national workforce. It is also critical to innovations to protect and defend against terrorism.

Enhancing coordination with the private sector is obviously critical for ensuring the preparedness of States and localities and for protecting vital physical and economic infrastructure. The business community believes that it has an obligation and wants to be better integrated into planning and preparedness activities than it has been. *We recommend the adoption and full implementation of the security component of the Business Roundtable's Principles of Corporate Governance.* (See testimony of C. Michael Armstrong, The Business Roundtable, at Appendix N of the *Fifth Report*, including an executive summary of those principles.)

## **Intelligence and Information Sharing**

Acknowledging the important step of establishing the Terrorist Threat Integration Center, the panel continued to express concern about both its structure and its location in the Intelligence Community. Further, to address several of the challenges discussed above, *we recommend that the Congress establish the Terrorist Threat Integration Center as an independent agency and that the TTIC be required to have permanent staff from representative State and local entities.*

The panel noted a number of concerns about getting critical information, including classified intelligence, to State and local officials and appropriate representatives in the private sector. *We recommend*

- *That the Federal government develop and disseminate continuing comprehensive strategic threat assessments on the character, magnitude, and objectives of terrorists and their organizations.* As the panel has said consistently in previous reports, these assessments must be more than current, actionable information to be helpful in longer-

term planning and prioritization of resources. They must be strategic, comprehensive assessments of terrorist organizational structures, motivations, and capabilities.

- ***That the President designate one or more security clearance-granting authorities, which can grant clearances Federal government wide that are recognized by all Federal agencies.*** It is incomprehensible that the security clearances of one Federal agency are not recognized by other Federal agencies. Agency-specific requirements may indicate who can have access to certain information (the “need to know”), and certain information will logically fall into the special categories (e.g., Special Access Programs and Special Compartmented Information). Nevertheless, basic clearances—once granted by a competent authority—should be “portable” to the maximum extent possible.
- ***That the President direct the development of a new regime of clearances and classification of intelligence and other information for dissemination to States, localities, and the private sector.*** This new regime would remove some of the specific elements that raise the data to a traditional “national security” classification (e.g., sources and methods information) to provide the widest possible distribution to local and State responders and in a form that conveys meaningful and useful information. Such a process could also prove less expensive and less time-consuming for background investigations and the grant of clearances, as well as more effective in disseminating valuable intelligence. Furthermore, States could be empowered as managing partners by being “certified” to conduct background investigations. During his recent appearance before the panel, the Attorney General was asked if any thought had been given to such a new regime. He answered candidly that he did not know. With the urgent requirement to get information into the right hands in the most timely and effective way, the panel strongly believes that it is time for such a new system.
- ***That DHS develop a training program for State and local officials and elements of the private sector for interpreting intelligence products.*** Many State, local, and private-sector officials have had limited if any practical experience in how to best use intelligence information. Most of these same officials, while not meteorologists, understand how to make operational decisions based on weather forecasts because they understand the inherent variables in the data. The same needs to be true with shared intelligence. How best to utilize important intelligence product is just as important as the product itself for sound decisionmaking.
- ***That DHS establish comprehensive procedures with definitive standards for the equipment and software vehicles for sharing information with relevant State and local officials.*** No central repository and clearinghouse exist for information related to combating terrorism. Legacy systems should be integrated and new ones should be established.

## **Research and Development and Related Standards**

Although DHS is given some R&D coordinating authority under the Homeland Security Act of 2002, that coordinating mechanism needs to be specified. *We recommend the formal establishment, by Executive Order or Presidential Decision Directive, of a Federal Interagency Homeland Security Research and Development Council, chaired by the Secretary of Homeland Security (or his designee) and with representatives of Federal R&D entities as well as end users.* Within that process, R&D should be categorized and prioritized across the entire Federal government, for internal (Federal laboratory) and external (contract and grant) programs. That process must also include input from end-users at the State and local levels, and from the private sector, both on requirements and on the utility of developed and emerging technologies. Moreover, that process must include procedures for establishing national standards for equipment and technology with government and private sector involvement.

## **Psychological Preparedness**

Preparing the nation for the psychological and behavioral consequences associated with terrorism involves more than just a strategic communication plan. Individuals not only need information and resources to help them understand and interpret the risks associated with terrorism, they need tools to help them prepare for and cope with the potential physical, psychological, and behavioral consequences associated with threatened and real acts of terrorism. This requires a broad model based in public health and education not only to inform and educate but also to create community-based resources for support or treatment. Such a community-based approach should involve not only public health officials and agencies, but must also involve as active partners the private health care providers and non-traditional health care and psychological support providers, including schools, local civic organizations, and the

faith-based community. To address these issues and create comprehensive preparedness and response plans at all levels, Federal leadership is needed to indicate the importance of the psychological and behavioral readiness component by creating the funding opportunities for resiliency building and requiring accountability for State and local public health agencies to design and implement programs based on evidence. In a recent report, an Institute of Medicine (IOM) committee established specifically to consider these issues made several cogent recommendations for limiting the psychological consequences of terrorism during all phases of a terrorism event, including before an event occurs. *We recommend*

- *Implementation of the IOM Committee recommendations.*
- *That Congress provide increased funding to DHS and DHHS for States and local agencies and that DHS and DHHS require and monitor State and local compliance of incorporating plans for an appropriate focus on psychological and behavioral consequence preparedness and management.*
- *That DHS and DHHS create a Federal joint task force on these issues.*

### **Agroterrorism**

The panel has been both consistent and insistent that this area requires more attention. Although recent efforts represent important first steps, several areas require increased emphasis. Measures need to be undertaken to create a partnership of Federal, State, local and private sector entities to secure the industry from deliberate disruption and sabotage. These initiatives would also have the dual-use benefit of strengthening overall prevention and response efforts in relation to naturally occurring disease outbreaks. While USDA is increasing personnel, a one-percent increase in inspectors is unlikely to make a significant difference given the thousands of agricultural facilities in the United States. Other issues include insufficient personnel and laboratory capacity, such as appropriately secured disease research laboratories (the USDA still lacks any BSL-4 facilities), and too few veterinarians trained to diagnose and treat foreign or exotic animal pathogens. Coordination and standardization with State, local, and private

participants in the agricultural sector is still lacking and forensic and information collaboration with relevant members of the intelligence and criminal justice communities remains inadequate. Added to these problems is inconsistent food surveillance and inspections at processing and packing plants and an emergency response program limited by an unreliable passive disease-reporting system and a lack of trust between regulators and producers. *We recommend that the President designate DHS as the lead and USDA as the technical advisor on all homeland security issues regarding food safety and agriculture and emergency preparedness across the full spectrum of activities from awareness through response and recovery.*

#### **STATUS OF ADVISORY PANEL RECOMMENDATIONS**

Madam Chair, I can tell you that, according to our most recent count, of the 144 major policy recommendations made by the Advisory Panel in its first four reports, 125 have now been adopted in whole or in major part. Having said that, there are others that continue to need to be addressed, and some that could still use additional resources or policy direction. Appended to this testimony is a matrix of those recommendations with detailed information on the status of each.

#### **CONCLUSION**

Madam Chair, once again thank you for the opportunity to appear before you. You will have continuing challenges in addressing these difficult issues, and best wishes to you in your endeavors. If RAND, in any of its components, can assist you in any way, please let us know.

**APPENDIX K—STATUS OF PREVIOUS ADVISORY PANEL RECOMMENDATIONS**

CATEGORY	RECOMMENDATION	1999	2000	2001	2002	OUTCOME
<i>Border</i>	That the Office of Homeland Security create an intergovernmental border advisory group, with representatives of the responsible Federal agencies and with State, local, and private sector partners from jurisdictions with significant ports of entry			X		This recommendation has been partially implemented. A border advisory group has been established within the DHS' Directorate for Border and Transportation Security. The coordination of Federal border security activities has been strengthened by the consolidation of border security organizations and authorities within DHS. A Policy Coordination Committee of the Homeland Security Council has been established to cover border security, territorial waters, and airspace security.
<i>Border</i>	That the Office of Homeland Security facilitate the full integration of affected Federal, State and local entities, including U.S. Coast Guard "Captains of the Port," representatives of airports of entry, and border crossing communities, into local or regional "port security committees," as well as into any adjacent Joint Terrorism Task Force (coordinated by the FBI) or other interagency mechanisms			X		This recommendation is being implemented in the maritime domain. According to DHS, as of 2002 "port security committees [had] already been informally established around the country and [new regulations] establish Area Maritime Security Committees that will address the complex and diverse security needs of each of our 361 ports." The Committees consist of representatives from "federal, state and local agencies, industry" and other organizations.
<i>Border</i>	That the Office of Homeland Security ensure that all agencies with border responsibilities are included as full partners in the intelligence collection, analysis, and dissemination process, as related to border issues			X		Border agencies under DHS collect information and participate in analysis at DHS as well as contributing to intelligence activities at the TTIC.
<i>Border</i>	That the Office of Homeland Security create a "Border Security Awareness" database system to collect and disseminate information about immigration and border control; and that the Congress mandate participation of relevant Federal agencies and provide adequate resources to fund it			X		The Enhanced Border Security Act of 2001 includes a plan to "develop and implement a unified electronic data system to provide real-time access to relevant law enforcement and intelligence database information." It also includes a plan for an Entry and Exit (E/E) Data System to be used in confirming identities.
<i>Border</i>	That the Congress enact legislation requiring all shippers to submit cargo manifest information on any shipment transiting U.S. borders at a minimum simultaneous with the arrival of such goods at any U.S. port of entry, with the imposition of severe penalties for noncompliance			X		U.S. Customs Service's Container Security Initiative (CSI) went into effect in February 2003. CSI tightens reporting requirements for cargo coming into the United States. The initiative includes a 24-hour Advance Cargo Manifest Declaration Rule, affecting ocean-going cargo. Land and air shipments are subject to the regulations as of October 1, 2003. Under the CSI plan, Customs is also enlisting international ports to comply with tighter security practices and will set rules for maintaining the integrity of cargo at a later date.
<i>Border</i>	That the President direct the establishment of "Trusted Shipper" programs within the relevant agencies of government			X		FAA strengthened the Known Shipper Program on October 9, 2001. TSA further strengthened this program. Passenger air carriers, all-cargo carriers, and freight forwarders are now responsible for verifying a customer's status. TSA is also moving forward with the Known Shipper Database and automated Indirect Air Carrier certification/recertification and plans full deployment of the database in FY04. A 'trusted shipper' program was also implemented by U.S. Customs. It is known as the Importer Compliance Monitoring Program. When Customs is satisfied that a shipper is 'low-risk', after both self-audits and examination by Customs, it is issued a 'trusted shipper' designation. This year Secretary Ridge also announced the extension of the FAST program, which has been in place on the Canadian border, to the southern U.S. border. The FAST program is a 'trusted shipper' program for trucks that can navigate the borders more quickly through preregistration and screening.
<i>Border</i>	That the Congress, in consultation with appropriate Executive Branch agencies, expand Coast Guard authority to include vessels that are owned in a majority percentage by U.S. persons			X		Under the Customs Enforcement Statute (19 USC. §1581a), which applies to the so-called "customs waters" of the United States, the Coast Guard may "...go on board any vessel and examine, inspect, and search the vessel and examine every part thereof and any person...or cargo on board, and to this end may...stop such vessel." This applies to both U.S. and foreign vessels without regard to whether the vessel is bound for the U.S. The Maritime Transportation Anti-Terrorism Act of 2002 (HR 3983) establishes a requirement for the Coast Guard to assess the effectiveness of security systems in certain foreign ports and to deny entry to vessels from ports that do not maintain effective security.

CATEGORY	RECOMMENDATION	1999	2000	2001	2002	OUTCOME
<i>Border</i>	That the Congress increase resources for the U.S. Coast Guard for homeland security missions			X		The President's FY03 Budget enacted the largest budget ever for the Coast Guard (an increase of \$1 billion over FY02). The President's FY04 Budget requests an additional \$500 million, a 10% increase over the FY03 enacted level. Since 2001 the Coast Guard has seen the largest increase in its operating expenses since World War II. These new dollars will fund the hiring of 2,200 active-duty personnel, including 160 Sea Marshals for armed escort of high-interest vessels. The increase includes funding for an enhanced Coast Guard presence and response, including support for 44 port security response boats, six new maritime SWAT teams, and increased armed boardings, escorts, and patrols. There are \$105 million available in grants for ports across the country to improve security.
<i>Border</i>	That the U.S. government negotiate more comprehensive treaties and agreements for combating terrorism with Canada and Mexico			X		New security arrangements have been established with Canada. The U.S.-Mexico Border Partnership Action Plan was established in March 2002. The plan is a 22-point agreement to build a smart border for the 21st century that will better secure the U.S.-Mexican border while simultaneously speeding the legitimate flow of goods and people across it.
<i>Critical Infrastructure Protection</i>	That the President direct that the interagency policymaking panel on critical infrastructure include representatives from State and local governments, as well as the private sector			X		An advisory panel has not been created. However, DHS (National Cyber Security Division) is considering options for interagency and outside expert advisory organizations. In addition, DHS convened a national "Cyber Security Summit" in December 2003 to bring together representatives from across the critical infrastructures, industry, government and academia to collaborate on solutions for security challenges identified in the White House National Strategy to Secure Cyberspace.
<i>Critical Infrastructure Protection</i>	That the Congress create an independent commission, tasked to evaluate programs designed to promote cyber security, to identify areas where requirements are not being met, to recommend strategies for better security, and to report its finding to the President and the Congress			X		The recommended commission has not been created.
<i>Critical Infrastructure Protection</i>	That the President establish a government-funded, not-for-profit entity that can represent the interests of all stakeholders, public and private---national security, law enforcement, other government functions, and business and industry concerns---to provide cyber detection, alert, and warning functions			X		To counter cyber attacks across the internet, the DHS (National Cyber Security Division) established in 2003 a partnership with Carnegie Mellon University's CERT Coordination Center to create U.S.-CERT, a not-for-profit organization coordinating prevention, protection, and response. U.S.-CERT plans to expand to include partnerships with private sector security vendors and domestic and international organizations. These groups will cooperate to prevent and respond to cyber attacks.
<i>Critical Infrastructure Protection</i>	That the Congress and the Executive Branch convene a "summit" to address, on an urgent basis, necessary changes to a wide range of federal statutes in order to provide necessary protection and incentive changes that would enhance cyber assurance			X		In December 2003, DHS convened a National Cyber Security Summit, which focused on establishing common criteria for detecting and reporting threats as an optimal incident response.
<i>Critical Infrastructure Protection</i>	That the Congress create a special "Cyber Court" patterned after the court established in the Foreign Intelligence Surveillance Act FISA			X		A Cyber Court has not been created.
<i>Critical Infrastructure Protection</i>	That the Office of Homeland Security develop and implement a comprehensive plan for RDT&E to enhance cyber security			X		In January 2003, the Institute for Information Infrastructure Protection (I3P) unveiled its Cyber Security Research and Development Agenda, which identifies critical areas that require significant research and development to help secure the nation's information infrastructure. The I3P, a consortium of 23 leading cybersecurity research institutions, is funded by the Commerce Department's National Institute of Standards and Technology. On November 27, 2002, President Bush signed into law the Cyber Security Research and Development Act (P.L. 107-305), authorizing nearly \$903 million over five years to NSF and NIST. The funding will go towards an array of programs to improve basic research in computer security, encourage partnerships between industry and academia, as well as to generate a new cybersecurity workforce.

CATEGORY	RECOMMENDATION	1999	2000	2001	2002	OUTCOME
<i>Critical Infrastructure Protection</i>	That the President direct that the National Intelligence Council, in coordination with DHS, USDA and DHHS, perform a National Intelligence Estimate on the potential terrorist threat to agriculture and food				X	There are no NIEs underway or planned on this subject. However, the National Intelligence Council is completing an NIE on worldwide biological weapon threats, which covers certain aspects of the terrorist threat to U.S. agriculture. USDA has conducted a comprehensive assessment of threats posed by terrorists and vulnerabilities of domestic and imported food. The FBI is conducting a comprehensive assessment of the terrorist threat to the U.S. homeland.
<i>Critical Infrastructure Protection</i>	That the Assistant to the President for Homeland Security ensure that an Emergency Support Function for Agriculture and Food, consistent with the intent of the ESF described in the Animal Health Emergency Preparedness Plan, be included in the Federal Response Plan and the National Incident Response Plan under development				X	The National Strategy for Homeland Security designates agriculture as a critical infrastructure. Agricultural production and food are represented in the NRP.
<i>Critical Infrastructure Protection</i>	That the Secretaries of Homeland Security and Agriculture (consistent with the November 2001 resolution of the United States Animal Health Association) jointly publish regulations implementing a program to train, equip, and support specially designated, equipped, secure, and geographically distributed veterinary diagnostic laboratories to perform tests and enhance surveillance for agricultural diseases that are foreign to the United States				X	The USDA is expanding its training of lab personnel and testing capabilities. USDA has established the National Animal Health Laboratory Network -- a network of Federal and State resources that expands lab capacity and permits a rapid response to animal health diseases. Certain labs operated by States and universities will cooperate in disease surveillance.
<i>Critical Infrastructure Protection</i>	That the Secretary of Agriculture, in consultation with State and local governments and the private sector, institute a standard system for fair compensation for agriculture and food losses following an agroterrorism attack; and that the Secretary of Health and Human Services should develop a parallel system for non-meat or poultry food				X	This recommendation has not been implemented. There is no clear path to Federal relief for agricultural and food producers who suffer losses caused by an agroterrorism attack. Such losses are not clearly covered in the Agricultural Assistance Act of 2003, which was established primarily to aid producers who suffer losses caused by drought. The Terrorism Risk Insurance Act of 2002 excludes crop and livestock operations from Federal compensation programs for insured losses resulting from acts of terrorism.
<i>Critical Infrastructure Protection</i>	That the Secretary of Agriculture develop and that the Congress fund programs to improve higher education in veterinary medicine to include focused training on intentional attacks, and to provide additional incentives for professional tracks in that discipline and that the Secretary of Agriculture, in coordination with States, improve education, training and exercises between government and the agricultural private sector, for better understanding the agroterrorism threat, and for the identification and treatment of intentional introduction of animal diseases and other agricultural attacks				X	USDA has developed new guidance documents on preparedness; it is distributing them to industry and posting them on the internet. USDA is conducting training seminars to boost awareness of foreign animal diseases. USDA is conducting exercises with Federal and State organizations as well as attack simulations.
<i>Critical Infrastructure Protection</i>	That the Congress establish and that the President support an Independent Commission to suggest strategies for the protection of the nation's critical infrastructures				X	The National Infrastructure Advisory Council (NIAC) met on Wednesday, January 8, 2003. The Council advises the President on the security of information systems for critical infrastructure supporting other sectors of the economy, including banking and finance, transportation, energy, manufacturing, and emergency government services. At this meeting, the Council continued its deliberations on comments to be delivered to President Bush concerning the draft National Strategy to Secure Cyberspace.
<i>Critical Infrastructure Protection</i>	That the President direct that the National Intelligence Council perform a comprehensive National Intelligence Estimate on the threats to the nation's critical infrastructure				X	There are no NIEs underway or planned on these subjects; however, the National Intelligence Council is completing an NIE on worldwide biological weapon threats, which covers certain aspects of the terrorist threat to infrastructure in the U.S. homeland. The FBI is conducting a comprehensive assessment of the terrorist threat to the U.S. homeland. IAIP is responsible for vulnerability assessments for CIP.
<i>Critical Infrastructure Protection</i>	That DHS elevate the priority of measures necessary for baggage and cargo screening on commercial passenger aircraft, especially non-passenger cargo				X	New screening measures are being implemented or developed by DHS.
<i>Critical Infrastructure Protection</i>	That DHS, in conjunction with the airline industry, develop comprehensive guidelines for improving the security of general aviation				X	TSA plans to issue formal guidelines early next year for improving security at more than 18,000 airports and landing strips used by about 214,000 general aviation aircraft. In November 2003 an aviation industry group advising DHS proposed guidelines for the Department's review and consideration.

CATEGORY	RECOMMENDATION	1999	2000	2001	2002	OUTCOME
<i>Critical Infrastructure Protection</i>	That DHS make dam security a priority, and consider establishing regulations for more effective security of dam facilities				X	Many state laws protect dams. FERC has worked with the FBI and DHS to assess vulnerabilities, develop a comprehensive security plan and has obtained security clearances for some dam officials. In September 2002, FERC issued a notice of proposed rules 18 CFR parts 375 and 388, which would restrict public information about FERC's critical infrastructure. The Bureau of Reclamation issued Directives and Standards FAC 01-06, to establish the requirements for performing an annual Reclamation-wide assessment of dam safety, security, and related operations and maintenance activities. The annual reporting requirements are intended to promote the collection of factual input and objective evidence to assess the effectiveness of dam safety, security, and related operations.
<i>Critical Infrastructure Protection</i>	That the President direct the merger of physical and cyber security policy development into a single policy entity in the White House				X	The White House's Homeland Security Council develops and coordinates policy on physical and cyber security issues.
<i>Critical Infrastructure Protection</i>	That DHS use NISAC modeling and analytic capabilities to develop metrics for describing infrastructure security in meaningful terms, and to determine the adequacy of preparedness of various critical infrastructure components				X	This recommendation has not been implemented.
<i>Health and Medical</i>	That the Assistant Director for Health and Medical Programs seek advice and input from Federal, State, and local public health officials, and from representatives of public and private medical care providers, to ensure that such issues are an important part of the national strategy		X			The President's Homeland Security Council Executive Order (March 2002) established the Homeland Security Advisory Panel and several Senior Advisory Committees, including one on Emergency Services, Law Enforcement, and Public Health and Hospitals.
<i>Health and Medical</i>	That the National Office for Combating Terrorism consult with the professional organizations, especially those with licensing or certification requirements, to find acceptable methods to implement such programs, including the prospect of providing Federal resources to support certified training programs			X		Several organizations both not-for-profit and for-profit now offer continuing medical education and training. For instance, the American College of Radiology, the American Medical Association, the CDC, the Emergency Management Institute, the Office of Emergency Preparedness in DHHS, and the American Institute of Homeland Defense offer such training. These are just a few and do not suggest an endorsement. However, there is no unified, agreed upon overall certification for medical preparedness for terrorism. DHHS announced \$26.6 million in new grants to strengthen bioterrorism training and education for the nation's health professions workforce as part of DHHS' Bioterrorism Training and Curriculum Development Program, created with the passage of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002.
<i>Health and Medical</i>	Medical authorities must establish standards for hospital facilities that include minimum capabilities in every hospital to treat victims of a terrorist attack				X	As part of the National Bioterrorism Hospital Preparedness Program that was funded at a level of \$498 million in FY03, HRSA grant awardees are to develop a work plan that includes six priority areas, each with critical benchmarks, which must be implemented. Measurable milestones and a proposed budget must also be provided. Under Priority Area #2: Regional Surge Capacity for the Care of Adult and Pediatric Victims Critical Benchmark #2-1: the awardee must establish a system that allows the triage, treatment and disposition of 500 adult and pediatric patients per 1,000,000 population, with acute illness or trauma requiring hospitalization from a biological, chemical, radiological or explosive terrorist incident. Such facilities must be able to support the initial evaluation and treatment of 10 adult and pediatric patients with clinical contagious syndrome suggestive of smallpox, plague or hemorrhagic fever, prior to movement to a definitive isolation facility.
<i>Health and Medical</i>	The National Office should review existing Federal and State authorities for mandatory or prescriptive activities such as vaccination and quarantine. It should provide reports that will ensure that Federal, State, and local response entities have a mutual understanding of the authorities and procedures at all levels of government			X		The Model State Health Emergency Powers Act was introduced or adopted in 43 states or territories as of August 11, 2003. CDC established a website dedicated to protocols for preparation for, and response to, catastrophic events. This site contains information for clinicians, health departments and other decision makers.

CATEGORY	RECOMMENDATION	1999	2000	2001	2002	OUTCOME
<i>Health and Medical</i>	Adequate stockpiles of vaccines should be created and made accessible for rapid response to a terrorist biological attack		X			In 1999 the CDC and DVA started the National Pharmaceutical Stockpile. NPS originally had 8 push packages of pharmaceuticals and medical supplies and currently has 12. In 2003, NPS was transferred to DHS and renamed the Strategic National Stockpile. DHHS designated surge capacity for 500 patients in each state or region as critical benchmark of its Bioterrorism Hospital Preparedness Plan in 2002. In July 2002, the Bush administration purchased \$428 million of smallpox vaccine and now there are 286 million doses available. In June 2002 DoD and DHHS officials announced a cooperative effort for response to anthrax incidents. DoD made available the anthrax vaccine to stockpile for civilian use.
<i>Health and Medical</i>	Medical entities such as the Joint Commission on Accreditation of Healthcare Organizations should conduct periodic assessments of medical facilities and capabilities. Evaluation criteria should include a comprehensive, clear, coordinated, and testable response plan. Medical facilities should test their plans, preferably annually, and ideally through a multi-disciplinary exercise with all response disciplines		X			HRSA established the Hospital Preparedness Program, which is dedicated to upgrading the preparedness of the Nation's hospitals and public health entities to respond to bioterrorism and other outbreaks of infectious disease. This programs works to develop and implement regional plans to improve the capacity of hospitals, their emergency departments, outpatient centers, EMS systems, and other collaborating health care entities for responding to incidents requiring mass immunizations, treatment, isolation and quarantine in the aftermath of bioterrorism of other outbreaks of infectious disease. The first year of this program (2002) was dedicated to conducting a needs assessment.
<i>Health and Medical</i>	Medical and health authorities should establish critical information gathering and dissemination, especially for CBRN attacks. They should simplify and standardize mandatory reporting		X			CDC's Health Alert Network was established to provide communications capabilities at all State and local public health laboratories. Connecting public health and clinical laboratories is a Critical Benchmark of DHHS' 2002 Emergency Supplemental Funding.
<i>Health and Medical</i>	That Federal, State, and local entities as well as affected private-sector medical organizations fully implement the American Medical Association (AMA) "Report and Recommendations on Medical Preparedness for Terrorism and Other Disasters"			X		A unified public-private entity at the federal level has not been created; however, some of the sub recommendations have been implemented in part. As noted above, several organizations are providing education and training, the CDC and others also provide on-line informational resources, the CDC disseminated the model plan for mass smallpox vaccination and several pilot programs are ongoing with respect to improving surveillance and reporting of diseases.
<i>Health and Medical</i>	That medical systems fully implement the JCAHO Revised Emergency Management Standard			X		The new Emergency Management standards for hospitals, long term care, behavioral health, and ambulatory care were implemented on January 1, 2001, introducing new concepts into existing standards and infusing the concept of community involvement into the management process. The revised standards broaden the framework provided in the standards to assist organizations in preparing for and managing a variety of potential emergencies.
<i>Health and Medical</i>	That the Congress provide sufficient resources to the DHHS for full implementation of related CDC and public health preparedness programs including Biological and Chemical Terrorism: Strategic Plan for Preparedness and Response			X		FY02, 03, and 04 budgets allocated \$940 million for State and local bioterrorism preparedness. A portion of this amount was made available to support disease detection and outbreak control, including epidemiological and medical response; State, local and regional preparedness planning and coordination; and the conduct of training exercises that included State public health and hospital systems.
<i>Health and Medical</i>	That the Congress provide sufficient resources to the DHHS for full implementation of related CDC and public health preparedness programs including fully resource the CDC Laboratory Response Network for Bioterrorism			X		FY02, 03, and 04 budgets allocated \$940 million for State and local bioterrorism preparedness. Within this amount, funds were made available to support and enhance the Laboratory Response Network.
<i>Health and Medical</i>	That the Congress provide sufficient resources to the DHHS for full implementation of related CDC and public health preparedness programs including fully resource the CDC Secure and Rapid Communications Networks			X		FY02, 03, and 04 budgets allocated \$940 million for State and local bioterrorism preparedness. Within this amount, funds were made available to expand the rapid and secure communications networks.
<i>Health and Medical</i>	That DHHS, in coordination with the Office of Homeland Security, develop standard models for health and medical responses to a variety of hazards for use at Federal, State, and local levels and in conjunction with the private sector			X		CDC and NIOSH have large amounts of information on their web pages for response to chemical and biological agents ( <a href="http://www.cdc.gov/niosh/topics/emres/">http://www.cdc.gov/niosh/topics/emres/</a> ). The National Disaster Medical System under DHS has developed Standard Patient Treatment Forms. However comprehensive models from a single source are not available. The Association of State and Territorial Directors of Health Promotion and Public Health Education have developed the Model Emergency Response Communications Planning for Infectious Disease Outbreaks and Bioterrorist Events - Second Edition.

CATEGORY	RECOMMENDATION	1999	2000	2001	2002	OUTCOME
<i>Health and Medical</i>	That the Secretary of DHHS reestablish a pre-hospital Emergency Medical Services (EMS) program office			X		This recommendation has not been implemented.
<i>Health and Medical</i>	That the Secretary of Transportation direct the National Highway Traffic Safety Administration's Office of Emergency Medical Service to revise the existing Emergency Medical Technician (EMT) and Paramedic National Standardized Training Curricula, and corresponding Refresher Curricula			X		The U.S. Department of Justice and the Federal Emergency Management Agency have created a self-study program designed to provide the basic awareness training to prepare first responders to respond to incidents of terrorism safely and effectively. This training is designed for fire, emergency medical, hazmat, incident command and law enforcement responders.
<i>Health and Medical</i>	That the Congress increase Federal resources for exercises that are informed by and targeted at State and local health and medical entities			X		FY02 budget allocated \$940 million for State and local bioterrorism preparedness. A portion of these funds was used to conduct training exercises that included State public health and hospital systems.
<i>Health and Medical</i>	That the Office of Homeland Security, with advice from its related national advisory board and in coordination with DHHS and DVA, review and recommend appropriate changes to plans for the stockpile of vaccines and critical supplies			X		Since September 11, 2001, the stockpile has been transferred to DHS, renamed the Strategic National Stockpile and enhanced as follows: supplemental funds have been appropriated to expand the stockpile and to acquire additional antibiotics and pediatric-related supplies; blast, burn and trauma supplies have been added to the stockpile; the number of deployable "push packages" that are located at 10 sites across the United States has increased from 8 to 12; the SNS program has increased the technical assistance that it provides to State and local emergency response planners and developed and disseminated a guidance document to prepare planning officials to receive and distribute materials in the event of an emergency. Additionally, SNS staff conduct site visits where they assess state and local SNS preparedness plans, conduct classroom training, and provide hands-on training by supporting State and local emergency response exercises. The SNS program is now responsible for storing and transporting anthrax and smallpox vaccines.
<i>Health and Medical</i>	That the Office of Homeland Security, on the advice of its related national advisory board, and in coordination with the responsible Federal agencies, develop a comprehensive plan for the full spectrum of medical and health research for terrorism-related medical issues, including the psychological repercussions of terrorism and pre-hospital interventions			X		The bioterrorism research initiative represents the largest single increase in resources for any initiative in the history of NIH. The funding level requested for FY04 would support an estimated 1,000 biodefense research awards. NIH is also establishing a new network of 8 regional extramural Centers of Excellence for Biodefense and Emerging Infectious Diseases. The new centers will help bring together and stimulate the best work in the biodefense field, as well as helping to develop the base of scientific expertise needed for aggressive ongoing research.
<i>Health and Medical</i>	That the Secretary of DHHS, in conjunction with the Office of Homeland Security and its related advisory board, conduct a thorough review of the authorities, structures, and capabilities under MMRS and NDMS			X		On Jan. 24, 2003 DHHS Secretary Thompson announced more than \$200 million in funding for the first installment in the \$1 billion designed to rebuild state and local public health infrastructure including the Metropolitan Medical Response System. The MMRS funding added 25 cities to those that had already received funding in past years so that 80 percent of the U.S. population is covered by an MMRS plan. On March 1st, 2003, MMRS joined the Federal Emergency Management Agency and other programs from the DHHS, DOE, and DOJ to become the Emergency Preparedness and Response Directorate of DHS.
<i>Health and Medical</i>	That the Office of Homeland Security develop an information and education program on the legal and procedural problems involved in a health and medical response to terrorism, and in coordination with the Department of Justice and the American Bar Association, consider the efficacy of model laws or other programs to enhance future responses to such events			X		To unify and update the laws relating to health and medical response to terrorism DHHS commissioned Larry Goston to draft the Model State Emergency Health Powers Act. On December 11, 2002, CDC's Public Health Law Program, ASTHO and NACCHO sponsored a workshop on selected legal and policy issues related to public health legal preparedness for bioterrorism.
<i>Health and Medical</i>	That DHHS continue to provide financial support on the order of \$1 billion per year over the next five years to strengthen the public health system in the United States				X	Support on the order of \$1 billion per year was budgeted for 2002 and 2003.

CATEGORY	RECOMMENDATION	1999	2000	2001	2002	OUTCOME
<i>Health and Medical</i>	That DHS coordinate and centralize the access to information regarding funding from various agencies such as DHHS (including CDC), EPA, USDA, and others and simplify the application process				X	On September 2, 2003, DHS announced plans to create a system that would result in "One Access Point for State and Local Grants". With the implementation of this plan, State and local governments will only have to contact one office in DHS for information related to funding opportunities, as well as to receive grant guidance, coordination, and oversight.
<i>Health and Medical</i>	That DHHS, in consultation with the State, local, and private sector stakeholders, establish and implement a formal process for evaluating the effectiveness of investment in State, local, and private preparedness for responses to terrorist attacks, especially bioterrorism				X	DHHS is currently funding (FY04) several efforts to develop measures and evaluation tools for public health and hospital preparedness.
<i>Health and Medical</i>	That DHHS fund studies aimed at modeling the size and scope of the healthcare and public health workforce needed to respond to a range of public health emergencies and day-to-day public health issues				X	There are several models for local workforce needs, but no specific federal model for terrorism response has been developed.
<i>Health and Medical</i>	That DHHS conduct a comprehensive assessment of the resources required by the nation's hospital system to respond to terrorism, and recommend appropriate Federal-State-Local-Private funding strategies				X	In August 2002, DHHS created the Secretary's Council on Public Health Preparedness. The Council's responsibilities include assessing the nation's hospitals' preparedness for terrorist attacks. As a result of this assessment, \$135 million was allocated for hospital preparedness in FY02; \$518 million was allocated in FY03. The Hospital Preparedness program was initiated in 2003 to help States, territories, and municipalities develop and implement biological and chemical preparedness plans focused on hospitals. Funds are being used to set up hospital preparedness offices with bioterrorism coordinators and medical advisors, complete needs assessments, develop and implement regional hospital plans to manage a large scale epidemic, and to focus on four first priority areas: medication and vaccine distribution, isolation and decontamination, communication, and biological disaster drills.
<i>Health and Medical</i>	That DHHS continue to strengthen the Health Alert Network and other secure and rapid communications systems, as well as public health information systems that generate surveillance, epidemiologic and laboratory information				X	On April 1, 2003, the CDC dedicated the Marcus Emergency Operations Center, a new facility that strengthens the agency's response to health crises and promotes faster, better-coordinated responses to public health emergencies across the United States. The secure communications hub supports, organizes and manages all emergency operations between CDC, DHHS, as well as Federal intelligence and emergency response officials, other DHS components, and State and local public health officials.
<i>Health and Medical</i>	That Congress increase Federal resources for appropriately designed exercises to be implemented by State, local, private sector medical and public health and emergency medical response entities				X	DHHS's FY04 budget allocated \$518 million for public health and medical emergencies.
<i>Health and Medical</i>	That DHHS clearly articulate the roles, missions, capabilities and limitations of special response teams; that a plan be developed for the effective integration of such teams; and that focused training for special teams emphasize integration as well as coordination with States and localities				X	This recommendation has not yet been implemented.
<i>Health and Medical</i>	That DHHS evaluate current processes for providing required technical assistance to States and localities, and implement changes to make the system more responsive				X	In early 2003, Recently, the SNS prepared specific guidance and provided technical assistance to states to help them effectively manage the deployment of the SNS within their jurisdictions. In September 2003, CDC issued guidelines on how state and local public health officials should respond to a smallpox outbreak including technical assistance with respect to mass vaccination. CDC is working to strengthen its internal Emergency Preparedness and Response infrastructure to provide enhanced technical and programmatic assistance to state and local health agencies.
<i>Health and Medical</i>	That DHHS develop an electronic, continuously updated handbook on best practices in order to help States and localities more effectively manage surge capacity, the distribution of the NPS, and other preparedness goals				X	This recommendation has not yet been implemented.

CATEGORY	RECOMMENDATION	1999	2000	2001	2002	OUTCOME
<i>Health and Medical</i>	That NIH, in collaboration with CDC, strengthen programs focusing on both basic medical research and applied public health research, and the application of new technologies or devices in public health; and that DHS and OHS, in cooperation, prioritize and coordinate research among NIAID, other NIH entities, and other agencies conducting or sponsoring medical and health research, including DoD, DOE, and USDA, to avoid unnecessary duplication				X	In 2002, NIAID developed a strategic plan for counter-bioterrorism research. The NIAID biodefense research agenda focuses on studies of microbial biology and host responses to microbes; the development of new vaccines, therapies, and diagnostic tools; and the development of research resources such as appropriate laboratory facilities. NIAID is receiving significantly more resources - \$1.6 billion in FY03. NIAID is coordinating genome sequencing for biological agents in Categories A-C with USDA, DOE, and the CDC. NIAID also established a cooperative program with the U.S. Army Research Institute for Infectious Diseases and is working with DoD on the development of therapeutics and vaccines.
<i>Health and Medical</i>	That each State that has not done so either adopt the Model Health Powers Emergency Act, as modified to conform to any single State's special requirements, or develop legislations of its own that accomplishes the same fundamental purposes; and work to operationalize laws and regulations that apply to CBRN incidents---naturally occurring, accidental or intentional, especially those that may require isolation, quarantine, emergency vaccination of large segments of the population, or other significant emergency authorities				X	As of August 11, 2003, the Act has been introduced in whole or part through bills or resolutions in 43 state legislatures, the District of Columbia, and the Northern Mariannas Islands. Thirty-two states [AL, AZ, CT, DE, FL, GA, HI, IA, ID, IL, LA, ME, MD, MN, MO, MT, NV, NH, NM, NC, OK, OR, PA, RI, SC, SD, TN, UT, VT, VA, WI, and WY] and DC have passed bills or resolutions that include provisions from or are closely related to the Act.
<i>Health and Medical</i>	That the Congress clarify the conditions under which public health agencies, EMS and hospitals can share information with law enforcement officials in special emergency circumstances under HIPAA. As a prerequisite for receiving Federal law enforcement and health and medical funds from the Federal government, that States and localities be required to develop comprehensive plans for legally-appropriate cooperation between law enforcement and public health, EMS, and hospital officials				X	HIPAA permits covered entities to disclose protected health information to law enforcement in certain circumstances.
<i>Health and Medical</i>	That DHHS, in coordination with DHS, develop an on-going, well-coordinated strategy for education of the public on the prevention, risks, signs, symptoms, treatments, and other important health and medical information before, during and after an attack or large-scale naturally occurring outbreak occurs				X	DHS has a number of initiatives aimed at public education and information sharing. Examples include the "Ready.gov" program (see <a href="http://www.ready.gov/">http://www.ready.gov/</a> ), projects undertaken via the Citizen Corps (see <a href="http://www.citizen corps.gov/">http://www.citizen corps.gov/</a> ), and work with the American Red Cross' national network of citizen volunteers.
<i>Health and Medical</i>	That DHHS, through the National Institute of Mental Health, and in collaboration with CDC, enhance funding for research into the prevention and treatment of the short and long-term psychological consequences of terrorist attacks				X	NIMH is conducting and supporting research relevant to preparation for and response to the psychosocial sequelae of terrorism and mass emergencies. It integrates basic science, clinical practice and health care system factors in two broad groups: 1. Terror Victim Research and 2. Terrorism Related Research.
<i>Health and Medical</i>	That the Intelligence Community improve its capacity for health and medical analysis by obtaining additional expertise in the medical and health implications of various terrorist threats				X	The Intelligence Community has enhanced its ability with respect to bioterrorism threats.
<i>Health and Medical</i>	That DHHS significantly enhance technical assistance to States to help develop plans and procedures for distributing the NPS, continue to require exercises that demonstrate the States' ability to employ the NPS, and use specific metrics for evaluating States' capabilities				X	Deployment of the Strategic National Stockpile is Critical Capacity #4 defined in the CDC cooperative agreements to improve emergency public health preparedness including bioterrorism. As such plans, training and testing are expected. These critical capacities are required in the State plans and are to be implemented in the budget period. The consequence for not doing so is unclear. The CDC is working on measuring readiness by transitioning from critical capacities to readiness goals and readiness indicators.
<i>Health and Medical</i>	That DHHS, in collaboration with DHS and DoD, establish a national strategy for vaccine development for bioterrorism, which will be consistent with the nations needs for other vaccines				X	An overall vaccine strategy that covers basic research through manufacturing and post marketing surveillance has not been developed, but NIAID in cooperation with DoD has developed a research strategy and agenda that includes vaccines. In addition the President announced Project BioShield, which is meant to encourage industry participation in bioterrorism defenses.

CATEGORY	RECOMMENDATION	1999	2000	2001	2002	OUTCOME
<i>Health and Medical</i>	That the smallpox vaccination plan be implemented in incremental stages with careful analysis and continuous assessment of the risks of the vaccine; and that DHHS place a high priority on research for safer smallpox vaccine				X	In December 2002, President Bush, announced plans to vaccinate 500,000 key workers against the disease and an intention that by mid-2003 10 million U.S. citizens would be vaccinated. In February 2003, DHHS announced the award of two contracts totaling up to \$20 million in first-year funding to develop safer smallpox vaccines. Because of the urgent need for safer smallpox vaccines, the new contract emphasizes timely completion of predetermined objectives.
<i>Intelligence</i>	Undertake continuing, comprehensive and articulate assessments of potential, credible, terrorist threats within the United States, and the ensuing risk and vulnerability assessments	X				In 2003, the FBI established the position of Executive Assistant Director for Intelligence and an Office of Intelligence. The new office is completing a near-term threat assessment and has begun work on a longer-term assessment of domestic threats from terrorism, foreign intelligence, cybercrime, and organized crime.
<i>Intelligence</i>	That more attention be paid to assessments of the higher-probability/lower-consequence threats—not at the expense of, but in addition to, assessments of the lower-probability/higher-consequence threats	X				The FBI is making a comprehensive assessment of the terrorist threat to U.S. territory. It is not clear that higher probability/lower consequence threats will be a focus of the Bureau's analysis.
<i>Intelligence</i>	That more needs to be 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			X		Modest improvements in intelligence sharing have been achieved. IAI coordinates and analyzes information on terrorist threats, assesses vulnerabilities, and disseminates information. The TTIC was created in May 2003 to coordinate and provide terrorism-related threat analysis to the President, DHS, and other federal agencies. The DCI oversees TTIC. TTIC will house a database of terrorists that officials across the country will be able to access and act upon. TTIC is staffed by representatives of the CIA, NSA, FBI, DHS, DOD, and DHS. In August 2003, the GAO determined that improvement is required to establish processes and procedures for sharing information at all levels of government. In August 2003, DHS Secretary Ridge announced that governors and other state-level officials would be granted security clearances to receive classified information on homeland security developments and activities. Ridge stated that DHS would work through governors to reach local officials. The White House has directed DHS to develop by March 2004, a revamped system for information sharing between all government agencies and the private sector.
<i>Intelligence</i>	The rescission of that portion of the 1995 guidelines, promulgated by the Director of Central Intelligence, which prohibits the engagement of certain foreign intelligence informants who may have previously been involved in human rights violations		X			The FY02 Intelligence bill (Section 403) directed that the guidelines be rescinded. The CIA formally rescinded the 1995 recruiting guidelines just after the July 2002 release of the House Permanent Select Committee on Intelligence, subcommittee on Terrorism and Homeland Security report on Counterterrorism Intelligence Capabilities and Performance Prior to 9-11.
<i>Intelligence</i>	An expansion and improvement in research, development, test, and evaluation (RDT&E) of reliable sensors and rapid readout capability, and the subsequent fielding of a new generation of measurement and signature intelligence (MASINT) technology based on enhanced RDT&E efforts			X		According to the intelligence community's Central MASINT Office, enhanced RDT&E efforts have been pursued and have already led to the deployment of improved MASINT technologies. The MASINT Office is also expanding the number of personnel focusing on chemical and biological terrorism threats.
<i>Intelligence</i>	A thorough review, by a panel of DOJ officials and knowledgeable citizens outside the Federal government, of the terrorism portion of the Attorney General's "Domestic Guidelines." We recommend that the panel review the domestic guidelines for clarity, in the interests of strengthening them, while providing for the protection of civil rights and liberties			X		After September 11, 2001, AG Ashcroft authorized the FBI to waive the AG guidelines, with headquarters approval, in extraordinary cases to prevent and investigate terrorism and directed a top-to-bottom review of the guidelines to ensure that they provide field agents with the legal authority to prevent terrorist attacks. On May 30, 2002 new AG's Guidelines went into effect.
<i>Intelligence</i>	That the Attorney General direct the Office of Intelligence Policy and Review to modify its procedures to conform to the Foreign Intelligence Surveillance Act statutory requirements			X		Internal policy changes have resulted in processes in line with FISA.
<i>Intelligence</i>	That the National Office for Combating Terrorism foster research and development in forensics technology and analysis and implement an Indications and Warning System for the rapid dissemination of information developed by enhanced forensics			X		According to the Intelligence Community's Central MASINT Office, forensics technology is being improved. A database of microbial agent signatures has been established. The DHS also has a biological forensics research program. DHS is sponsoring research on a national microbial forensics system and has partnered with the FBI to develop the National Bioforensics Analysis Center (BFAC). Details of the Indications and Warning system are classified.

CATEGORY	RECOMMENDATION	1999	2000	2001	2002	OUTCOME
<i>Intelligence</i>	That the National Office promote a system for providing some form of security clearance to selected State and local officials nationwide, and methods of disseminating classified information to these officials in near real time		X			In 2002, DoJ sponsored and OHS participated in a forum on "Justice Information Sharing" that was co-hosted by the National Governors Association. Key initiatives discussed included the National Homeland Security Advisory System, Homeland Security Notices, a new center for two-way information sharing, and a future, uniform system for information sharing. In August 2003, DHS Secretary Ridge announced that governors and other state-level officials would be granted security clearances to receive classified information on homeland security developments and activities. Ridge stated that DHS would work through governors to reach local officials with critical information. However, there is still a lack of necessary clearances, clearances do not transfer from one Federal agency to another, and information sharing is still insufficient.
<i>Intelligence</i>	That the FBI consider implementing a "Reports Officer" or similar system, analogous to the process used by the CIA, for tracking and analyzing terrorism indicators and warning					The FBI has implemented a "Reports Officer" system.
<i>Intelligence</i>	That agencies of the Federal government increase and accelerate the sharing of terrorism-related threat assessments and intelligence with appropriate State and local officials and response organizations			X		In 2002, the initial integration of collaboration networks for the FBI, local law enforcement, the intelligence community, and the State Department was completed. This initiative enables a range a functions, from secure e-mail exchange to searches of one another's databases. The intelligence community's Open Source Information System (OSIS) now serves as a central hub connecting State's intranet (called Opened) and the FBI's LEO. LEO also serves as the backbone for Joint Terrorism Task Force Information Sharing Initiative pilots, which integrate Federal, State and local databases. In addition, the TTIC commenced operations in May 2003.
<i>Intelligence</i>	That the President direct the establishment of a National Counter Terrorism Center (NCTC)				X	The NCTC was not created. The Terrorist Threat Integration Center was announced by President Bush in his 2003 State of the Union Address and started on May 1, 2003. The TTIC has certain authorities and planned capabilities that had been recommended for the NCTC.
<i>Intelligence</i>	That the collection of intelligence and other information on terrorist activities inside the United States, including authorities, responsibilities and safeguards under FISA, which are currently in the FBI, be transferred to the NCTC				X	The NCTC was not created. DoJ, working through the FBI, maintains lead responsibility for intelligence collection activities within the United States.
<i>Intelligence</i>	That the Congress ensure that oversight of the NCTC be concentrated in the intelligence committee in each House				X	The TTIC will presumably be principally within the oversight of the intelligence committees.
<i>Intelligence</i>	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 of preparedness and response resources				X	In 2003, the FBI established the position of Executive Assistant Director for Intelligence and an Office of Intelligence. The new office is completing a near term threat assessment and has begun work on a longer-term assessment of domestic threats from terrorism, foreign intelligence, cybercrime, and organized crime.
<i>Intelligence</i>	That the Congress and 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				X	The DHS does not have authority to direct intelligence requirements. Through its participation in the TTIC, the DHS can contribute to an interagency process for establishing such requirements. DHS has a limited organic capability for intelligence analysis.
<i>Research and Development</i>	That the TSWG become an adjunct to the National Office for Combating Terrorism in the same manner that it now serves in the NSC process and that it expand its coordination role for technical aspects of RDT&E for combating terrorism		X			While TSWG is still fundamentally a joint DOS-DOD effort, it is now conducting R&D directly for DHS.
<i>Research and Development</i>	That the Assistant Director for RDT&E and National Standards of the National Office for Combating Terrorism either enter into a formal relationship with OSTP or have appropriate members of the OSTP staff detailed to the National Office for Combating Terrorism on a rotational basis		X			OSTP staff are dual-hatted or detailed to DHS and the HSC staff.

CATEGORY	RECOMMENDATION	1999	2000	2001	2002	OUTCOME
<i>Research and Development</i>	That the Assistant for RDT&E for National Standards develop equipment testing protocols and continue to explore the prospect of financial support from vendors for equipment live agent test and evaluation, leading to Federal certification		X			There is a multi-agency collaborative effort to develop a suite of 37 standards for emergency response equipment to be implemented over the next 5 years.
<i>Research and Development</i>	That the Assistant Director for RDT&E and National Standards develop, as part of the national strategy, a comprehensive plan for long-range research for combating terrorism		X			HSARPA has developed both a short and long-term research agenda for combating terrorism.
<i>Research and Development</i>	Expand and consolidate research, development, and integration of sensor, detector and warning systems			X		Expanded research in DHS S&T on sensor technologies.
<i>Role of Military</i>	Configure Federal military response assets to support and reinforce existing structures and systems			X		A number of Federal military units—with varying levels of specialized training and equipment—are prepared to provide military support to civil authorities. However, none of these assets are dedicated to the MSCA mission and they could be deployed abroad. The Federal government does fund, and the states control, National Guard Weapons of Mass Destruction Civil Support Teams, small units (22 uniformed military personnel) that deploy to assess incidents and coordinate additional Federal and state response activities.
<i>Role of Military</i>	That the Secretary of Defense seek and that the Congress approve the authority to establish a new under secretary position for homeland security			X		In the FY03 National Defense Authorization Act, the Congress approved the creation of the position of ASD (HD). On 25 March 2003, Deputy Secretary Wolfowitz issued a memo describing the duties of the ASD (HD) as follows: "His principal duty is the overall supervision of the homeland defense activities of the Department under the authority, direction and control of the Under Secretary of Defense for Policy (USD (P)) and, as appropriate, in coordination with the CJCS. As such, he will oversee HD activities, develop policies, conduct analyses, provide advice, and make recommendations on HD, support to civil authorities, emergency preparedness and domestic crisis management matters within the Department." The ASD (HD) has direct access to the Secretary of Defense because of his Executive Agent responsibilities for military support to civil authorities.
<i>Role of Military</i>	That the National Command Authority establish a single, unified command and control structure to execute all functions for providing military support or assistance to civil authorities			X		This recommendation has been implemented nearly in full. On 1 October 2002, U.S. Northern Command was formed. The command will reach full operational capability on 1 October 2003 and assume unified command and control of nearly all Federal military forces providing support to civil authorities within the continental United States. Commander, U.S. Pacific Command is responsible for providing similar civil support to Alaska, Hawaii and the Pacific U.S. Territories. Commander, U.S. Special Operations Command will control counterterrorist operations by Federal military forces within U.S. territory.
<i>Role of Military</i>	That the Secretary of Defense direct the development of more detailed plans for the use of the military domestically across the spectrum of potential activities, and coordinate with State and other Federal agencies in the creation of more State- or regional-specific plans. We further recommend that the Secretary direct the military departments to institute specific training in military units most likely to be involved in military support to civil authorities and to expand military involvement in related exercises with Federal, State, and local agencies			X		This recommendation has not been fully implemented. Prior to the Panel's 2001 report, DoD had established numerous plans for the use of the military domestically (e.g., "Garden Plot" in response to domestic disturbances and "Graphic Hand" in response to postal emergencies). Since the initiation of Operation Noble Eagle on 12 September 2001, DoD has developed additional plans for homeland defense activities; that is, military combat operations for the air, land, and maritime defense of the United States. According to DoD, it is constrained in developing detailed plans to support DHS until DHS identifies specific requirements for Federal military support.

CATEGORY	RECOMMENDATION	1999	2000	2001	2002	OUTCOME
<i>Role of Military</i>	Expand training and exercises in relevant military units and with Federal, State and local responders			X		NORTHCOM has established response and training requirements for newly created Quick Reaction Forces (QRFs). DoD has for many years conducted programs to prepare military forces for domestic operations. For example, the MACDIS mission is assigned on a rotating basis to state National Guard and selected active Army units, which then train for the mission. According to DoD, numerous interagency agreements provide for civil-military emergency response training. For example, the National Disaster Medical System is a public/private sector partnership that supplements state and local medical resources during disasters or major emergencies. The Federal partners are the DHS, DHHS, DVA, and DoD. NORTHCOM, and its component commands, conduct periodic exercises with civil authorities. Military installations throughout the country routinely participate in disaster response exercises. DoD resourced the 32 National Guard WMD-CSTs to conduct monthly exercises with state and local emergency response teams.
<i>Role of Military</i>	That the Secretary of Defense direct specific mission areas for the use of the National Guard for providing support to civil authorities for combating terrorism.			X		To date, there have been no requirements established by DHS for the military to support homeland security missions. On 9 July 2003, the Secretary of Defense issued a memorandum directing studies on rebalancing the U.S. armed forces' mix. The Secretary's memo directs a specific study on the Reserve Component's Role in homeland defense. Based upon the established DOD requirements, ASD (RA) prepare a report on Reserve Component Contributions to HD and CS that will recommend the appropriate roles, force mix, priorities, command relationships, and resources required for conducting these missions. In May 2003, LTG Steven Blum, NGB Chief, unveiled a proposal to convert certain NG medical and engineering units into incident response teams. These teams may be based by region. They will not be dedicated to homeland operations. On 21 May 2003, the NGB issued a written description of LTG Blum's plan. According to NGB, Blum's proposal will add to the units' mission essential task lists. LTG Blum has proposed a one-year test of his concept in FY04.
<i>Role of Military</i>	That the Secretary of Defense publish a compendium, in layman's terms, of the statutory authorities for using the military domestically to combat terrorism, with detailed explanations about the procedures for implementing those authorities			X		This recommendation has not been implemented. There is no indication that DoD sees a need to develop the recommended compendium at this time. According to DoD, the National Command Authority will make the decision on which statutory authority will be used to deploy Guard forces to meet domestic emergencies, other than State Active Duty. Therefore, DoD does not support the need for a layman's legal primer. Defense Coordinating Officers (DCO), installation commanders, and domestic Joint Task Force commanders are trained in the legal aspects of military assistance to civil authorities, according to DoD.
<i>Role of Military</i>	That the Secretary of Defense improve the full-time liaison elements located in the 10 FEMA regions and assign those elements expanded missions to enhance coordination with State and local agencies in planning, training, and exercising emergency response missions			X		This recommendation has been partially implemented. According to DoD, its liaison activities have been strengthened since the Panel's recommendation, but there are currently no plans to expand the missions of the Emergency Preparedness Liaison Officer Regional Teams, which currently require the commitment of some 200 military personnel.
<i>Role of Military</i>	That the Secretary of Defense clarify the NORTHCOM mission to ensure that the Command is developing plans across the full spectrum of potential activities to provide military support to civil authorities, including circumstances when other national assets are fully engaged or otherwise unable to respond, or the mission requires additional or different military support. NORTHCOM should plan and train for such missions accordingly			X		According to DoD, NORTHCOM cannot conduct comprehensive planning for civil support until DHS establishes civil support requirements. Moreover, according to DoD, NORTHCOM's mission is clearly stated as follows: "United States Northern Command will conduct operations to deter, prevent, preempt, and defeat threats and aggression aimed at the United States, its territories, and interests within the assigned area of responsibility; as directed by the President or Secretary of Defense, provide military assistance to civil authorities including consequence management operations." This mission statement is broad enough to cover the full spectrum of potential activities that would require the provision of military support to civil authorities (MSCA). DoD says.
<i>Role of Military</i>	That the NORTHCOM combatant commander have, at a minimum, operational control of all Federal military forces engaged in missions within the command's area of responsibility for support to civil authorities			X		This recommendation has been partially implemented. Commander NORTHCOM will acquire operational control as required over the forces needed to execute missions in NORTHCOM's area of responsibility. NORTHCOM has no assigned forces, other than certain command elements (e.g., JTF-6 and JTF-CS). Commander, U.S. Special Operations Command will control counterterrorist operations by military forces operating within U.S. territory.

CATEGORY	RECOMMENDATION	1999	2000	2001	2002	OUTCOME
<i>Role of Military</i>	That the President and the Congress amend existing statutes to ensure that sufficient authorities and safeguards exist for use of the military across the entire spectrum of potential terrorist attacks (including conventional, chemical, biological, radiological, and nuclear threats as well as cyber); that the authorities be consolidated in a single chapter of the Title 10; and the DoD prepare a legal "handbook" to ensure that military and civilian authorities better understand the legal authorities governing the use of the military domestically in support of civilian authorities for all hazards--natural and manmade				X	This recommendation has not been implemented. However, the DoD has worked with Congress to revise title 10 USC, Section 12304, to permit Reserve component mobilization for response to terrorist incidents. DoD is working with the Congress to further clarify title 10 to permit the President to mobilize all Reserve components, not just the National Guard, in response to domestic "all hazards" disasters. Congress has not consolidated in a single title 10 section the homeland security-related authorities for the use of the military domestically. DoD has no plans to develop a "handbook" on the legal authorities governing the domestic use of the military.
<i>Role of Military</i>	That the President direct the DHS to coordinate a comprehensive effort among DoD (including NORTHCOM) and Federal, State, and local authorities to identify the types and levels of Federal support, including military support, that may be required to assist civil authorities in homeland security efforts and to articulate those requirements in the National Incident Response Plan				X	This recommendation is currently being implemented. The DHS is coordinating a national effort to identify homeland security requirements. The DHS is coordinating with DoD on this effort. Within DoD, the ASD (HD) will establish civil support requirements and direct the Joint Staff and Commander, NORTHCOM to develop plans to meet these requirements.
<i>Role of Military</i>	That the Secretary of Defense direct that all military personnel and units under NORTHCOM, or designated for NORTHCOM use in any contingency, receive special training for domestic missions. Furthermore, in those cases where military personnel support civil law enforcement, special training programs should be established and executed				X	Commander NORTHCOM has operational control, as required, over Quick Reaction Forces. Commander NORTHCOM establishes training requirements for the QRFs. However, Commander NORTHCOM does not fund civil support training; thus, he must request that Services fund training to meet his requirements for civil support. Beyond the QRFs, other military units with specialized training are made available to Commander NORTHCOM, as required. NG units within the several states also undergo MACDIS training. It is possible that civil support mission training will be expanded. On 9 July 2003, the Secretary of Defense issued a memorandum (see details above) directing a number of studies on rebalancing the U.S. armed forces' mix of Active and Reserve component personnel. A study on RC civil support training requirements was also completed for ASD Reserve Affairs in May 2003. The Chief of the National Guard Bureau has proposed (see details above) to train and equip certain NG units to provide specialized civil support following a domestic WMD event. This initiative could lead to the creation of dual-missioned NG units.
<i>Role of Military</i>	That the Secretary of Defense clarify NORTHCOM combatant command authority to ensure that Commander NORTHCOM can direct subordinate commands to conduct pre-incident planning, training, and exercising of forces required to conduct civil support missions				X	This recommendation has been partially implemented. Commander, NORTHCOM submits his civil support training requirements to the Chairman, Joint Chiefs of Staff. The Chairman validates them and passes them on to the Services to develop the capabilities to meet those requirements. However, as mentioned previously, Commander, NORTHCOM does not maintain funds to support this training.
<i>Role of Military</i>	That the Combatant Commander, NORTHCOM, have dedicated, rapid reaction units with a wide range of response capabilities such as an ability to support implementation of quarantine, support crowd control activities, provide CBRNE detection and decontamination, provide emergency medical response, perform engineering, and provide communication support to and among the leadership of civil authorities in the event a terrorist attack				X	This recommendation has been partially implemented. In response to potential terrorist threats to the United States during Operation Iraqi Freedom, NORTHCOM established a requirement for Quick Reaction Forces. They are not solely dedicated to domestic operations; they can be deployed abroad.
<i>Role of Military</i>	That the Congress expressly authorize the Secretary of Defense to provide funds to the governor of a State when such funds are requested for civil support planning, training, exercising and operations by National Guard personnel acting in Title 32 duty status and that the Secretary of Defense collaborate with State governors to develop agreed lists of National guard civil support activities for which the Defense Department will provide funds				X	Existing title 32 USC authority applies to required National Guard training and selected operational missions. According to DoD, it reviews state requests for title 32 funding of National Guard personnel performing operational missions on a case-by-case basis. In general, requests that support National Guard execution of Federal missions are considered for title 32 funding. It is the DoD position that DHS grants, not DoD funding, should be the channel used to finance the planning, training, and exercises needed by governors to support their individual state homeland security plans. In addition, DoD is opposed to changes in existing procedures. As DoD sees it, these procedures ensure that Federal agency requests for military assistance are evaluated and, if approved, fulfilled by military forces in federal status.

CATEGORY	RECOMMENDATION	1999	2000	2001	2002	OUTCOME
<i>Role of Military</i>	That the President and governors of the several States establish a collaborative process for deploying National Guard forces in Title 32 duty status to support missions of national significance at the President's request That the Congress provide new authority under Title 32 to employ the National Guard (in non-title 10 status) on a multi-State basis, and with governors' consent to conduct homeland security missions, and that the Secretary of Defense define clearly the appropriate command relationships between DoD and the National Guard. That Congress and DoD promote and support the development of a system for National Guard civil support activities that can deploy forces regionally--in coordination with DoD--to respond to incidents that overwhelm the resources of an individual State				X	This recommendation has not been implemented. Congress has not provided new title 32 authorities for employing the National Guard on a multi-state basis. Federal DoD funds cannot be expended to perform state activities. DoD has no plan to recommend changes to existing Interstate Compact agreements, which have provisions for the interstate deployment of National Guard forces. (Guardsmen deployed under Interstate Compacts do so in a State Active Duty status, where the requesting state reimburses the supporting states.) Finally, it is DoD's position that numerous other Federal agencies have responsibility for responding to domestic emergencies that may involve multiple states. Their considerable resources should be exhausted prior to turning to DoD assets.
<i>Role of Military</i>	That the Secretary of Defense direct that certain National Guard units be trained for and assigned homeland security missions as their exclusive missions (rather than "primary missions" as stated in our <i>Third Report</i> ) and provide resources consistent with the designated priority of their homeland missions				X	This recommendation has not been implemented. As we noted above, new Reserve component roles in Homeland Defense and Military Assistance to Civil Authorities are now under study, as directed by the Secretary of Defense on 9 July 2003. However, it is DoD's position that, before dedicating force structure to any homeland security mission, DHS must establish what missions need to be performed as well as the Federal, State, or local entities that should perform them.
<i>Strategy and Structure</i>	Develop a national strategy to address the issues of domestic preparedness and response to terrorist incidents	X				On 16 July 2002, President George Bush released his "National Strategy for Homeland Security." The Strategy is comprehensive; it covers preparedness and response issues from a national perspective.
<i>Strategy and Structure</i>	There needs to be a "Federal Government Strategy" component of the national strategy—one which clearly articulates Federal responsibilities, roles, and missions, and distinguishes those from state and local ones	X				Federal strategy continues to evolve. Key elements in the strategy are currently established in the National Strategy for Homeland Security, Homeland Security Presidential Directive 5, and the National Response Plan.
<i>Strategy and Structure</i>	That national strategy must have a "bottom-up" approach—that it be developed in close consultation and collaboration with state and local officials, and the law enforcement and emergency response communities from across the country	X				The <i>National Strategy for Homeland Security</i> was developed principally by the White House. However, State and local input is assisting in the development of the NRP and NIMS.
<i>Strategy and Structure</i>	The national strategy must have the direct leadership, guidance, and imprimatur of the President	X				The President is directing initiatives through the National Strategy for Homeland Security, Presidential Directives, and other instruments.
<i>Strategy and Structure</i>	Comprehensive public education and information programs must be developed, programs that will provide straight-forward, timely information and advice both prior to any terrorist incident and in the immediate aftermath of any attack	X				DHS has a number of initiatives aimed at public education and information sharing. Examples include the "Ready.gov" program (see <a href="http://www.ready.gov/">http://www.ready.gov/</a> ), projects undertaken via the Citizen Corps (see <a href="http://www.citizen corps.gov/">http://www.citizen corps.gov/</a> ), and work with the American Red Cross' national network of citizen volunteers.
<i>Strategy and Structure</i>	The national strategy should include incidents involving conventional weapons that have the potential to cause significant casualties or physical damage; as well as incidents involving CBRN devices that may not be capable of producing "mass casualties" but that can, nevertheless, produce considerable fear, panic, or other major disruptions to the infrastructure or economy of the potential domestic target	X				The National Strategy for Homeland Security is an all-hazards strategy.
<i>Strategy and Structure</i>	Further support and develop the NDPO as a focal point for related preparedness information and for directing state and local entities to the appropriate agency of the Federal government for obtaining information, assistance and support	X				In accordance with the Homeland Security Act of 2002, the National Domestic Preparedness Office was transferred to DHS' Directorate for Emergency Preparedness and Response. Current DHS structure suffers from a duplication of emergency preparedness and response efforts. In particular, the existence of the Directorate of Emergency Preparedness and Response and the Office of Domestic Preparedness in separate directorates is confusing for state and local officials and has created problems with interdepartmental coordination, performance accountability, and fiscal accountability. In August 2003, DHS Secretary Ridge informed the National Governors Association that DHS was working to establish a "one stop shop" for Federal homeland security grants and assistance.

CATEGORY	RECOMMENDATION	1999	2000	2001	2002	OUTCOME
Strategy and Structure	That the Congress consider forming an ad hoc Joint Special or Select Committee, composed of representatives of the various committees with oversight and funding responsibilities for domestic preparedness and response, and give such an entity the authority to make determinations that will result in more coherent efforts at the Federal level	X				Three new committees have been established in the Congress for oversight and appropriations: the House Select Committee on Homeland Security, the House Appropriations Committee, Subcommittee on Homeland Security, and the Senate Committee on Appropriations, Subcommittee on Homeland Security. These committees commenced operations in 2003.
Strategy and Structure	That there be a revision and codification of universal, unambiguous, and easily understandable definitions of the various terms related to combating terrorism and the terrorist threat	X				Homeland Security-related terms and definitions are increasingly becoming standardized with the release of the National Strategy for Homeland Security and the development of the NRP and NIMS.
Strategy and Structure	Standardize equipment and communications systems between the different levels of first responders to ensure better compatibility and inter-operability between potential responders	X				DHS has established Project SAFECOM to promote wireless communications interoperability at the Federal, State, and local levels. A number of Federal agencies are pursuing standardization programs (e.g., such as those conducted by the National Fire Protection Association), but these are limited in scope. A comprehensive, national approach to equipment standardization has not been established. Several states have increased investments in inter-operability and some report significant progress that will enhance their response capabilities. Additional coordination with Federal responders is required to support a comprehensive national effort.
Strategy and Structure	That the next President develop and present to the Congress a national strategy for combating terrorism within one year of assuming office		X			The President released his National Strategy for Homeland Security in July 2002. In his remarks, the President noted that the document is a "national, not a Federal strategy."
Strategy and Structure	The establishment of a senior level coordination entity in the Executive Office of the President, entitled the "National Office for Combating Terrorism, " with the responsibility for developing domestic and international policy an for coordination the program and budget of the Federal government's activities for combating terrorism		X			October 8, 2002 President Bush established the Office of Homeland Security in the White House.
Strategy and Structure	The establishment of a Special Committee for Combating Terrorism---either a joint committee between the Houses or separate committees in each House---to address authority and funding, and to provide Congressional oversight, for Federal programs and authority for combating terrorism		X			Three new committees have been established in the Congress for oversight and appropriations: the House Select Committee on Homeland Security, the House Appropriations Committee, Subcommittee on Homeland Security, and the Senate Committee on Appropriations, Subcommittee on Homeland Security. These committees commenced operations in 2003. In addition, the House Armed Services Committee created a special oversight panel on terrorism and the House Permanent Select Committee on Intelligence created a subcommittee on Terrorism and Homeland Security.
Strategy and Structure	That the Department of Justice, in consultation with the appropriate committees of Congress as well as knowledgeable members of the scientific, health and medical communities, and State and local government, continually review existing statutory authorities and regulations. The purpose would be propose specific prohibitions, or at least mandatory reporting procedures, on the domestic sale and purchase of precursors and special equipment that pose a direct, significant risk of being used to make and deliver CBRN weapons or agents		X			The CDC issued 42 CFR Part 1003 the Possession Use and Transfer of Select Agents and Toxins: Interim Final Rule December 13, 2002, which implements part of Public Health Security and Bioterrorism Prevention and Response Act of 2002 , and the USDA established similar protections under CFR Part 331 and 9 CFR Part 121 the Agricultural Bioterrorism Prevention Act of 2002: Possession, Use, and Transfer of Biological Agents and Toxins. Regulations regarding radiological sources have not changed.
Strategy and Structure	That the National Office for Combating Terrorism foster the development of a protected, single-source web page system, linking appropriate combating terrorism information and databases across all functional disciplines		X			The Federal Government has not established a comprehensive, web-based information clearinghouse.
Strategy and Structure	That the senior emergency management entity in each State function as the prime <i>Focal Point</i> for that State for domestic preparedness for terrorism		X			Each State has created a Homeland Security Agency or designated the senior emergency management entity as the <i>Focal Point</i> for interacting with the Federal government.
Strategy and Structure	That the FRP be the single source Federal document for "all-hazards" response planning. All applicable Federal departments and agencies should include their plans to respond to terrorist attacks as annexes to the FRP, in accordance with a specific FRP template. The FRP and the relevant Federal agency plans should include input from State and local entities		X			HSPD-5 directs the DHS Secretary to develop and establish a National Incident Management System and a National Response Plan. According to the HSPD, the NRP will "integrate Federal Government domestic prevention, preparedness, response, and recovery plans into one all-discipline, all-hazards plan."

CATEGORY	RECOMMENDATION	1999	2000	2001	2002	OUTCOME
<i>Strategy and Structure</i>	That the National Emergency Management Association, in conjunction with the Federal Emergency Management Agency, develop a "model" State plan, flexible enough to fit any State's specific circumstances, but with certain standard features		X			ABS and NEMA developed a strategic plan for Iowa for terrorist incident preparedness. NEMA used the Iowa plan as a model for other States.
<i>Strategy and Structure</i>	That the National Office for Combating Terrorism conduct inventories of State and local programs for capabilities that can be utilized in a national context, especially training and exercise programs		X			This recommendation has been partially implemented. The DHS is currently working with the several States to access their level of preparedness and to identify capability gaps that require Federal assistance to mitigate. DHS has conducted an inventory of state and local training programs. States are also conducting their own inventories of homeland security-related programs.
<i>Strategy and Structure</i>	That the National Office for Combating Terrorism promote multijurisdictional mutual assistance compacts, using the FBI Joint Terrorism Task Forces as one model, and facilitate the implementation of interstate mutual assistance compacts among states, through FEMA Regional Offices		X			FEMA supports the EMAC program and promotes it by providing resources. Multi-state programs are also supported by the NIMS. The evolving NIMS will require all jurisdictions to join mutual aid compacts as a condition for receiving Federal homeland security grants.
<i>Strategy and Structure</i>	More intense tactical and operational planning to facilitate "second wave" capabilities from outside entities after the depletion of local resources					"Second- wave" considerations are included in EMACs.
<i>Strategy and Structure</i>	That States utilize one of the standardized multi-state compacts either the Emergency Management Assistance Compact or the States Compact					47 states and 4 territories have adopted the EMAC endorsed by NEMA and FEMA. CA has the States Compact with surrounding states.
<i>Strategy and Structure</i>	That the National Office for Combating Terrorism identify and promote a standardized ICS model for tactical operations for response to terrorist incidents that is part of an all-hazards approach. We recommend the identification and promotion, by the National Office for Combating Terrorism, of a standardized Unified Command System (UCS) model for operations and multi-agency, multijurisdictional coordination above the tactical operations level. When significant Federal resources are employed that involve two or more Federal agencies, we recommend a single Federal EOC be established as part of the UCS. Further that each jurisdiction with an ICS and UCS develop operational templates to provide for alignment of decision-making structures based on the weapon, means of delivery, and severity of the attack		X			Homeland Security Presidential Decision Directive/HSPD-5 directs the Secretary of DHS to establish NIMS, a comprehensive incident response system for the Nation. According to the Directive, the "system will provide a consistent nationwide approach for Federal, State, and local governments to work effectively and efficiently together to prepare for, respond to, and recover from domestic incidents, regardless of cause, size, or complexity. To provide for interoperability and compatibility among Federal, State, and local capabilities, the NIMS will include a core set of concepts, principles, terminology, and technologies covering the incident command system; multi-agency coordination systems; unified command; training; identification and management of resources (including systems for classifying types of resources); qualifications and certification; and the collection, tracking, and reporting of incident information and incident resources."
<i>Strategy and Structure</i>	That the President always designate a Federal civilian agency other than the Department of Defense as the Lead Federal Agency		X			According to Homeland Security Presidential Decision Directive/HSPD-5, "The Secretary of Homeland Security is the principal Federal official for domestic incident management. Pursuant to the Homeland Security Act of 2002, the Secretary is responsible for coordinating Federal operations within the United States to prepare for, respond to, and recover from terrorist attacks, major disasters, and other emergencies."
<i>Strategy and Structure</i>	Restructuring education and training opportunities to account for the high number of volunteer personnel in key "first responder" disciplines		X			In 2003, DHS provided \$19 million in grant money to train citizens to be better prepared to respond to emergency situations in their communities through local Community Emergency Response Teams. This amount is in addition to \$17 million distributed through the FY02 supplemental appropriation.
<i>Strategy and Structure</i>	That the Assistant Director for Domestic Programs in the National Office develop exercise scenarios that are realistic and meet the needs of the State and local response entities and that all major exercises include an independent evaluation		X			The U.S. Congress directed Department of State and Department of Justice to conduct a series of challenging, role-playing exercises involving the senior Federal, State, and local officials who would direct a national response to an actual WMD attack. The result was TOPOFF, a national-level domestic and international exercise series designed to produce a more effective, coordinated, global response to WMD terrorism.
<i>Strategy and Structure</i>	That the Assistant Director for RDT&E and National Standards of the National Office for Combating Terrorism establish a national standards program for combating terrorism, focusing on equipment, training, and laboratory processes and that the National Institute for Standards and Technology and the National Institute for Occupational Safety and Health be designated as Federal "co-lead" agencies for the technical aspects of standards development		X			Numerous government agencies currently develop homeland security-related equipment standards. Coordination of the various activities is insufficient. The IAB for Equipment Standardization and Interoperability Working Group was established in 1998, but it does not lead for all relevant activities. NIOSH, NIST, National Fire Protection Association, and the Occupational Safety and Health Administration have entered into a Memorandum of Understanding defining each agency or organization's role in developing, establishing, and enforcing standards or guidelines for responders' respiratory protective devices.

CATEGORY	RECOMMENDATION	1999	2000	2001	2002	OUTCOME
<i>Strategy and Structure</i>	That Federal agencies design related training and equipment programs as part of all-hazards preparedness			X		In FY02 FEMA funded (\$100 million) governments to update their all-hazards EOPs, to include a focus on WMD incidents. DOJ's OJP provided funds to the states in FY02 for the purchase of specialized equipment to enhance the capability of state and local agencies to respond to incidents of terrorism involving the use of weapons of mass destruction, for the protection of critical infrastructure, and for costs related to the development and conduct of WMD exercises. The ODP equipment grant funds enhanced WMD response. The Compendium of Federal Terrorism Training lists courses for federal WMD training.
<i>Strategy and Structure</i>	That Federal agencies with training and equipment programs design or redesign those programs to include sustainment components			X		This recommendation has not been implemented. To meet a number of requirements, DHS is reviewing and assessing relevant Federal training and equipment programs. Among Federal agencies, there are overlapping responsibilities for relevant training courses.
<i>Strategy and Structure</i>	That the Congress increase that level of funding to States and local government for combating terrorism			X		Equipment for first responders funding increased from \$15 million in FY 1998 to \$102 million in FY01; medical responder from \$0 to \$2 million; special response units from \$99 to \$191 million. The First Responder Initiative in 2003 is intended to help state and local governments assess their needs and apply for resources directly related to responding to terrorist incidents. While the bill passed by the Congress does not fully support the kind of broad, needs-based grant program requested by the President, the Department has made it a top priority to quickly get the money to states and localities. Part of this funding includes \$745 million to help fund local first responders through the Firefighters Grant Program. There is a much-needed \$25 million for interoperability improvements, so that first responders of all types, including fire fighters, police, and emergency medical technicians, can communicate on the same frequencies. \$25 million will help states and localities modernize their emergency operations centers, and \$20 million is allocated for the Community Emergency Response Training Program.
<i>Strategy and Structure</i>	Consolidating information and application procedures for Federal grant programs for terrorism preparedness in the Office of Homeland Security and that all funding and grant programs be coordinated through the States			X		In November 2003, DHS Secretary Ridge announced a "one-stop shopping" web site - dhs.gov/grants. The site provides information on homeland security and public safety grant opportunities including public health preparedness grants under DHHS, counter-terrorism grants under DOJ and water-security grants from EPA. It also lists Federal anti-terrorism related training for state and local officials.
<i>Strategy and Structure</i>	Designing and scheduling Federal preparedness programs so that first responders, particularly those in volunteer-based fire and EMS organizations, can participate			X		FEMA trained a record number of leaders from volunteer fire departments for its Volunteer Incentive Program in 2003. This reflects a 42% rise in admissions for the program.
<i>Strategy and Structure</i>	That the Office Homeland Security serve as a clearinghouse for information about Federal programs, assets, and agencies with responsibilities for combating terrorism			X		ODP established a Helpline in October 2001. The Helpline is a non-emergency resource for State and local emergency responders on all of the ODP's programs. It provides information on the characteristics and control of WMD materials, defensive equipment, mitigation techniques, and available Federal assets. ODP also established a Domestic Preparedness Equipment Technical Support Program, which provides technical support to jurisdictions in the utilization, sustainment, and calibration of detection equipment. It also started the Domestic Preparedness Support Information Clearinghouse, which is a clearinghouse of information on domestic preparedness, counter terrorism, and WMD information.
<i>Strategy and Structure</i>	That the Office of Homeland Security develop ongoing programs, as part of the implementation of national strategy, for public education prior to terrorist events about the causes and effects of terrorism and for coordinating public pronouncements during and following an attack			X		DHS has created a website (www.ready.gov) dedicated exclusively to educating the general public on issues related to the causes and effects of terrorism as well as what to do in case of a terrorist attack.
<i>Strategy and Structure</i>	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			X		These responsibilities are defined in the National Strategy for Homeland Security, the NRP, the NIMS, and HSPD-5.

CATEGORY	RECOMMENDATION	1999	2000	2001	2002	OUTCOME
<i>Strategy and Structure</i>	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				X	This recommendation has not been implemented. Both DHS and DHHS continue to maintain key authorities for bioterrorism response.
<i>Strategy and Structure</i>	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				X	The Homeland Security Council has been established for interagency coordination.
<i>Strategy and Structure</i>	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				X	Accomplished through the Homeland Security Act of 2002, the USA PATRIOT Act, and other related legislation, as well as through specific Executive Orders and Homeland Security Presidential Directives.
<i>Strategy and Structure</i>	That each House of Congress establish a separate authorizing committee and related appropriation subcommittee with jurisdiction over Federal programs and authority for Combating Terrorism/Homeland Security				X	Three new committees have been established in the Congress for oversight and appropriations: the House Select Committee on Homeland Security, the House Appropriations Committee, Subcommittee on Homeland Security, and the Senate Committee on Appropriations, Subcommittee on Homeland Security. These committees commenced operations in 2003. In addition, the House Armed Services Committee created a special oversight panel on terrorism and the House Permanent Select Committee on Intelligence created a subcommittee on Terrorism and Homeland Security.