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THE REPORT OF THE NATIONAL COMMISSION ON TERRORISM

COMMUNICATION

FROM

THE COMMISSIONERS, THE NATIONAL COMMISSION ON TERRORISM

TRANSMITTING

A REPORT ENTITLED, "COUNTERING THE CHANGING THREAT OF INTERNATIONAL TERRORISM", PURSUANT TO PUB. L. 105–277

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NATIONAL COMMISSION ON TERRORISM,
Washington, DC, June 7, 2000.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: In accordance with the Omnibus Consolidated and Emergency Supplemental Appropriations Act of 1999 (P.L. 105–277), we hereby submit the report of the National Commission on Terrorism.

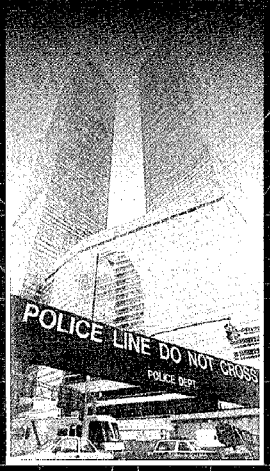
The Commission was established to review and assess the laws, regulations, policies, directives, and practices relating to combating international terrorism directed against the United States and recommend changes to improve U.S. counterterrorism performance.

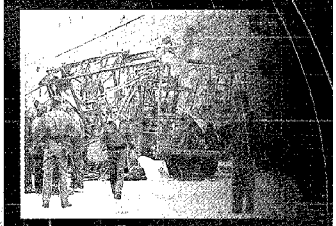
It has been an honor to serve.

Respectfully submitted,

Ambassador L. Paul Bremer, III, Chairman; Maurice Sonnenberg, Vice Chairman; Richard K. Betts; Wayne A. Downing; Jane Harman; Fred C. Ikle; Juliette N. Kayyem; John F. Lewis, Jr.; Gardner Peckham; R. James Woolsey.

Countering The Changing Threat





Of International Terrorism

Report from the
National Commission on Terrorism

"Surprise, when it happens to a government, is likely to be a complicated, diffuse, bureaucratic thing. It includes neglect of responsbility but also responsibility so poorly defined or so ambiguously delegated that action gets lost. It includes gaps in intelligence, but also intelligence that, like a string of pearls too precious to wear, is too sensitive to give to those who need it. It includes the alarm that fails to work, but also the alarm that has gone off so often it has been disconnected. It includes the unalert watchman, but also the one who knows he'll be chewed out by his superior if he gets higher authority out of bed. It includes the contingencies that occur to no one, but also those that everyone assumes somebody else is taking care of. It includes straightforward procrastination, but also decisions protracted by internal disagreement. It includes, in addition, the inability of individual human beings to rise to the occasion until they are sure it *is* the occasion—which is usually too late. (Unlike movies, real life provides no musical background to tip us off to the climax.) Finally, as at Pearl Harbor, surprise may include some measure of genuine novelty introduced by the enemy, and possibly some sheer bad luck.

The results, at Pearl Harbor, were sudden, concentrated, and dramatic. The failure, however, was cumulative, widespread, and rather drearily familiar. This is why surprise, when it happens to a government, cannot be described just in terms of startled people. Whether at Pearl Harbor or at the Berlin Wall, surprise is everything involved in a government's (or in an alliance's) failure to anticipate effectively."

Thomas C. Schelling,
Forward to ***Pearl Harbor; Warning and Decision****,*
by Roberta Wohlstetter

COUNTERING THE CHANGING THREAT OF INTERNATIONAL TERRORISM

Report of the National Commission on Terrorism

Pursuant to Public Law 277,
105th Congress

FOREWORD

Six months ago, the National Commission on Terrorism began its Congressionally mandated evaluation of America's laws, policies, and practices for preventing and punishing terrorism directed at American citizens. After a thorough review, the Commission concluded that, although American strategies and policies are basically on the right track, significant aspects of implementation are seriously deficient. Thus, this report does not attempt to describe all American counterterrorism activities, but instead concentrates on problem areas and recommended changes. We wish to note, however, that in the course of our assessment we gained renewed confidence in the abilities and dedication of the Americans who stand on the front lines in the fight against terrorism.

Each of the 10 commissioners approached these issues from a different perspective. If any one commissioner had written the report on his or her own, it might not be identical to that which we are presenting today. However, through a process of careful deliberation, we reached the consensus reflected in this report.

Throughout our deliberations, we were mindful of several important points:

- The imperative to find terrorists and prevent their attacks requires energetic use of all the legal authorities and instruments available.
- Terrorist attacks against America threaten more than the tragic loss of individual lives. Some terrorists hope to provoke a response that undermines our Constitutional system of government. So U.S. leaders must find the appropriate balance by adopting counterterrorism policies which are effective but also respect the democratic traditions which are the bedrock of America's strength.

- Combating terrorism should not be used as a pretext for discrimination against any segment of society. Terrorists often claim to act on behalf of ethnic groups, religions, or even entire nations. These claims are false. Terrorists represent only a minuscule faction of any such group.
- People turn to terrorism for various reasons. Many terrorists act from political, ideological, or religious convictions. Some are simply criminals for hire. Others become terrorists because of perceived oppression or economic deprivation. An astute American foreign policy must take into account the reasons people turn to terror and, where appropriate and feasible, address them. No cause, however, justifies terrorism.

Terrorists attack American targets more often than those of any other country. America's pre-eminent role in the world guarantees that this will continue to be the case, and the threat of attacks creating massive casualties is growing. If the United States is to protect itself, if it is to remain a world leader, this nation must develop and continuously refine sound counterterrorism policies appropriate to the rapidly changing world around us.

L Paul Bremer III
Ambassador L. Paul Bremer III
Chairman

Maurice Sonnenberg
Maurice Sonnenberg
Vice Chairman

EXECUTIVE SUMMARY

International terrorism poses an increasingly dangerous and difficult threat to America. This was underscored by the December 1999 arrests in Jordan and at the U.S./Canadian border of foreign nationals who were allegedly planning to attack crowded millennium celebrations. Today's terrorists seek to inflict mass casualties, and they are attempting to do so both overseas and on American soil. They are less dependent on state sponsorship and are, instead, forming loose, transnational affiliations based on religious or ideological affinity and a common hatred of the United States. This makes terrorist attacks more difficult to detect and prevent.

Countering the growing danger of the terrorist threat requires significantly stepping up U.S. efforts. The government must immediately take steps to reinvigorate the collection of intelligence about terrorists' plans, use all available legal avenues to disrupt and prosecute terrorist activities and private sources of support, convince other nations to cease all support for terrorists, and ensure that federal, state, and local officials are prepared for attacks that may result in mass casualties. The Commission has made a number of recommendations to accomplish these objectives:

Priority one is to prevent terrorist attacks. U.S. intelligence and law enforcement communities must use the full scope of their authority to collect intelligence regarding terrorist plans and methods.

- CIA guidelines adopted in 1995 restricting recruitment of unsavory sources should not apply when recruiting counterterrorism sources.
- The Attorney General should ensure that FBI is exercising fully its authority for investigating suspected terrorist groups or individuals, including authority for electronic surveillance.
- Funding for counterterrorism efforts by CIA, NSA, and FBI must be given higher priority to ensure continuation of important operational activity and to close the technology gap that threatens their ability to collect and exploit terrorist communications.
- FBI should establish a cadre of reports officers to distill and disseminate terrorism-related information once it is collected.

U.S. policies must firmly target all states that support terrorists.

- Iran and Syria should be kept on the list of state sponsors until they stop supporting terrorists.
- Afghanistan should be designated a sponsor of terrorism and subjected to all the sanctions applicable to state sponsors.
- The President should impose sanctions on countries that, while not direct sponsors of terrorism, are nevertheless not cooperating fully on counterterrorism. Candidates for consideration include Pakistan and Greece.

Private sources of financial and logistical support for terrorists must be subjected to the full force and sweep of U.S. and international laws.

- All relevant agencies should use every available means, including the full array of criminal, civil, and administrative sanctions to block or disrupt nongovernmental sources of support for international terrorism.
- Congress should promptly ratify and implement the International Convention for the Suppression of the Financing of Terrorism to enhance international cooperative efforts.
- Where criminal prosecution is not possible, the Attorney General should vigorously pursue the expulsion of terrorists from the United States through proceedings which protect both the national security interest in safeguarding classified evidence and the right of the accused to challenge that evidence.

A terrorist attack involving a biological agent, deadly chemicals, or nuclear or radiological material, even if it succeeds only partially, could profoundly affect the entire nation. The government must do more to prepare for such an event.

- The President should direct the preparation of a manual to guide the implementation of existing legal authority in the event of a catastrophic terrorist threat or attack. The President and Congress should determine whether additional legal authority is needed to deal with catastrophic terrorism.
- The Department of Defense must have detailed plans for its role in the event of a catastrophic terrorist attack, including criteria for decisions on transfer of command authority to DoD in extraordinary circumstances.
- Senior officials of all government agencies involved in responding to a catastrophic terrorism threat or crisis should be required to participate in national exercises every year to test capabilities and coordination.
- Congress should make it illegal for anyone not properly certified to possess certain critical pathogens and should enact laws to control the transfer of equipment critical to the development or use of biological agents.
- The President should establish a comprehensive and coordinated long-term research and development program for catastrophic terrorism.
- The Secretary of State should press for an international convention to improve multilateral cooperation on preventing or responding to cyber attacks by terrorists.

The President and Congress should reform the system for reviewing and funding departmental counterterrorism programs to ensure that the activities and programs of various agencies are part of a comprehensive plan.

- The executive branch official responsible for coordinating counterterrorism efforts across the government should be given a stronger hand in the budget process.
- Congress should develop mechanisms for a comprehensive review of the President's counterterrorism policy and budget.

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THE INTERNATIONAL TERRORISM THREAT IS CHANGING

- Who are the international terrorists?
- What are their motives and how do they get their support?
- How can we stop them?

The answers to these questions have changed significantly over the last 25 years. There are dramatically fewer international terrorist incidents than in the mid-eighties. Many of the groups that targeted America's interests, friends, and allies have disappeared. The Soviet bloc, which once provided support to terrorist groups, no longer exists. Countries that once excused terrorism now condemn it. This changed international attitude has led to 12 United Nations conventions targeting terrorist activity and, more importantly, growing, practical international cooperation.

However, if most of the world's countries are firmer in opposing terrorism, some still support terrorists or use terrorism as an element of state policy. Iran is the clearest case. The Revolutionary Guard Corps and the Ministry of Intelligence and Security carry out terrorist activities and give direction and support to other terrorists. The regimes of Syria, Sudan, and Afghanistan provide funding, refuge, training bases, and weapons to terrorists. Libya continues to provide support to some Palestinian terrorist groups and to harass expatriate dissidents, and North Korea may still provide weapons to terrorists. Cuba provides safehaven to a number of terrorists. Other states allow terrorist groups to operate on their soil or provide support which, while falling short of state sponsorship, nonetheless gives terrorists important assistance.

The terrorist threat is also changing in ways that make it more dangerous and difficult to counter.

International terrorism once threatened Americans only when they were outside the country. Today international terrorists attack us on our own soil. Just before the millennium, an alert U.S. Customs Service official

stopped Ahmad Ressam as he attempted to enter the United States from Canada—apparently to conduct a terrorist attack. This fortuitous arrest should not inspire complacency, however. On an average day, over one million people enter the United States legally and thousands more enter illegally. As the World Trade Center bombing demonstrated, we cannot rely solely on existing border controls and procedures to keep foreign terrorists out of the United States.

"Terrorists want a lot of people watching, not a lot of people dead."

Brian Jenkins, 1974

"Today's terrorists don't want a seat at the table, they want to destroy the table and everyone sitting at it."

R. James Woolsey, 1994

Terrorist attacks are becoming more lethal. Most terrorist organizations active in the 1970s and 1980s had clear political objectives. They tried to calibrate their attacks to produce just enough bloodshed to get attention for their cause, but not so much as to alienate public support. Groups like the Irish Republican Army and the Palestine Liberation Organization often sought specific political concessions.

Now, a growing percentage of terrorist attacks are designed to kill as many people as possible. In the 1990s a terrorist incident was almost 20 percent more likely to result in death or injury than an incident two decades ago. The World Trade Center bombing in New York killed six and wounded about 1,000, but the terrorists' goal was to topple the twin towers, killing tens of thousands of people. The thwarted attacks against New York City's infrastructure in 1993—which included plans to bomb the Lincoln and Holland tunnels—also were intended to cause mass casualties. In 1995, Philippine authorities uncovered a terrorist plot to bring down 11 U.S. airliners in Asia. The circumstances surrounding the millennium border arrests of foreign nationals suggest that the suspects planned to target a large group assembled for a New Year's celebration. Overseas attacks against the United States in recent years have followed the same trend. The bombs that destroyed the military barracks in Saudi Arabia and two U.S. Embassies in Africa inflicted 6,059 casualties. Those arrested in Jordan in late December had also planned attacks designed to kill large numbers.

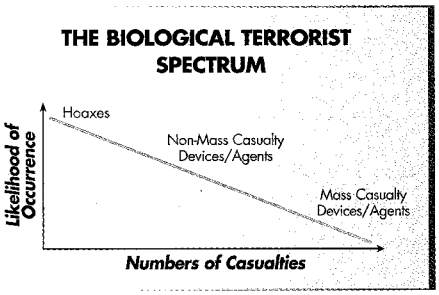
The trend toward higher casualties reflects, in part, the changing motivation of today's terrorists. Religiously motivated terrorist groups, such as Usama bin Ladin's group, al-Qaida, which is believed to have bombed the U.S. Embassies in Africa, represent a growing trend toward hatred of the United States. Other terrorist groups are driven by visions of a post-apocalyptic future or by ethnic hatred. Such groups may lack a concrete political goal other than to punish their enemies by killing as many of them as possible, seemingly without concern about alienating sympathizers. Increasingly, attacks are less likely to be followed by claims of responsibility or lists of political demands.

The shift in terrorist motives has contributed to a change in the way some international terrorist groups are structured. Because groups based on ideological or religious motives may lack a specific political or nationalistic agenda, they have less need for a hierarchical structure. Instead, they can rely on loose affiliations with like-minded groups from a variety of countries to support their common cause against the United States.

Al-Qaida is the best-known transnational terrorist organization. In addition to pursuing its own terrorist campaign, it calls on numerous militant groups that share some of its ideological beliefs to support its violent campaign against the United States. But neither al-Qaida's extremist politico-religious beliefs nor its leader, Usama bin Ladin, is unique. If al-Qaida and Usama bin Ladin were to disappear tomorrow, the United States would still face potential terrorist threats from a growing number of groups opposed to perceived American hegemony. Moreover, new terrorist threats can suddenly emerge from isolated conspiracies or obscure cults with no previous history of violence.

These more loosely affiliated, transnational terrorist networks are difficult to predict, track, and penetrate. They rely on a variety of sources for funding and logistical support, including self-financing criminal activities such as kidnapping, narcotics, and petty crimes. Their networks of support include both front organizations and legitimate business and nongovernment organizations. They use the Internet as an effective communications channel.

Guns and conventional explosives have so far remained the weapons of choice for most terrorists. Such weapons can cause many casualties and are relatively easy to acquire and use. But some terrorist groups now show interest in acquiring the capability to use chemical, biological, radiological, or nuclear (CBRN) materials. It is difficult to predict the likelihood of a CBRN attack, but most experts agree that today's terrorists are seeking the ability to use such agents in order to cause mass casualties.



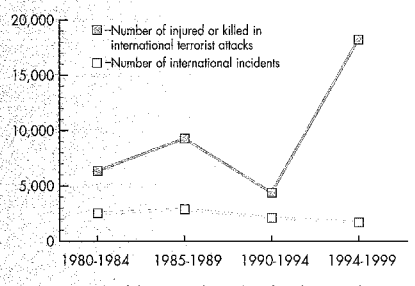
Still, these kinds of weapons and materials confront a non-state sponsored terrorist group with significant technical challenges. While lethal chemicals are easy to come by, getting large quantities and weaponizing them for mass casualties is difficult, and only nation states have succeeded in doing so. Biological agents can be acquired in nature or from medical supply houses, but important aspects of handling and dispersion are daunting. To date, only nation states have demonstrated the capability to build radiological and nuclear weapons.

The 1995 release of a chemical agent in the Tokyo subway by the apocalyptic Aum Shinrikyo group demonstrated the difficulties that terrorists face in attempting to use CBRN weapons to produce mass casualties. The group used scores of highly skilled technicians and spent tens of millions of dollars developing a chemical attack that killed fewer people than conventional explosives could have. The same group failed totally in a separate attempt to launch an anthrax attack in Tokyo.

However, if the terrorists' goal is to challenge significantly Americans' sense of safety and confidence, even a small CBRN attack could be successful.

Moreover, terrorists could acquire more deadly CBRN capabilities from a state. Five of the seven nations the United States identifies as state sponsors of terrorism have programs to develop weapons of mass destruction. A state that knowingly provides agents of mass destruction or technology to a terrorist group should worry about losing control of the terrorists' activities and, if the weapons could be traced back to that state, the near certainty of massive retaliation. However, it is always difficult and sometimes dangerous to attempt to predict the actions of a state. Moreover, a state in chaos, or elements within such a state, might run these risks, especially if the United States were engaged in military conflict with that state or if the United States were distracted by a major conflict in another area of the world.

TERRORISM BECOMING MORE DANGEROUS



Despite a general decrease in the number of incidents over the past two decades, there is a strong trend toward greater numbers of casualties.

The Commission was particularly concerned about the persistent lack of adequate security and safeguards for the nuclear material in the former Soviet Union (FSU). A Center for Strategic International Studies panel chaired by former Senator Sam Nunn concluded that, despite a decade of effort, the risk of "loose nukes" is greater than ever. Another ominous warning was given in 1995 when Chechen rebels, many of whom fight side-by-side with Islamic terrorists from bin Ladin's camps sympathetic to the Chechen cause, placed radioactive material in a Moscow park.

Cyber attacks are often considered in the same context with CBRN. Respectable experts have published sobering scenarios about the potential impact of a successful cyber attack on the United States. Already, hackers and criminals have exploited some of our vulnerabilities.

Certainly, terrorists are making extensive use of the new information technologies, and a conventional terrorist attack along with a coordinated cyber attack could exponentially compound the damage. While the Commission considers cyber security a matter of grave importance, it also notes that the measures needed to protect the United States from cyber attack by terrorists are largely identical to those necessary to protect us from such an attack by a hostile foreign country, criminals, or vandals.

Not all terrorists are the same, but the groups most dangerous to the United States share some characteristics not seen 10 or 20 years ago:

- They operate in the United States as well as abroad.
- Their funding and logistical networks cross borders, are less dependent on state sponsors, and are harder to disrupt with economic sanctions.
- They make use of widely available technologies to communicate quickly and securely.
- Their objectives are more deadly.

This changing nature of the terrorist threat raises the stakes in getting American counterterrorist policies and practices right.

GOOD INTELLIGENCE IS THE BEST WEAPON AGAINST INTERNATIONAL TERRORISM

Obtaining information about the identity, goals, plans, and vulnerabilities of terrorists is extremely difficult. Yet, no other single policy effort is more important for preventing, preempting, and responding to attacks.

The Commission has identified significant obstacles to the collection and distribution of reliable information on terrorism to analysts and policymakers. These obstacles must be removed.

In addition, this information, often collected at great risk to agents and officers in the field, must be safeguarded. Leaks of intelligence and law enforcement information reduce its value, endanger sources, alienate friendly nations and inhibit their cooperation, and jeopardize the U.S. Government's ability to obtain further information.

"Nothing should be as favorably regarded as intelligence; nothing should be as generously rewarded as intelligence; nothing should be as confidential as the work of intelligence."
Sun Tzu

Eliminate Barriers to Aggressive Collection of Information on Terrorists

Complex bureaucratic procedures now in place send an unmistakable message to Central Intelligence Agency (CIA) officers in the field that recruiting clandestine sources of terrorist information is encouraged in theory but discouraged in practice.

Inside information is the key to preventing attacks by terrorists. The CIA must aggressively recruit informants with unique access to terrorists' plans. That sometimes requires recruiting those who have committed terrorist acts or related crimes, just as domestic law enforcement agencies routinely recruit criminal informants in order to pursue major criminal figures.

CIA has always had a process for assessing a potential informant's reliability, access, and value. However, the CIA issued new guidelines in 1995 in response to concern about alleged serious acts of violence by Agency sources. The guidelines set up complex procedures for seeking approval to recruit informants who may have been involved in human rights violations. In practice, these procedures have deterred and delayed vigorous efforts to recruit potentially useful informants. The CIA has created a climate that is overly risk averse. This has inhibited the recruitment of essential, if sometimes unsavory, terrorist informants and forced the United States to rely too heavily on foreign intelligence services. The adoption of the guidelines contributed to a marked decline in Agency morale unparalleled since the 1970s, and a significant number of case officers retired early or resigned.

Recruiting informants is not tantamount to condoning their prior crimes, nor does it imply support for crimes they may yet commit. The long-standing process in place before 1995 provided managers with adequate guidance to judge the risks of going forward with any particular recruitment.

Recommendations:

- The Director of Central Intelligence should make it clear to the Central Intelligence Agency that the aggressive recruitment of human intelligence sources on terrorism is one of the intelligence community's highest priorities.
- The Director of Central Intelligence should issue a directive that the 1995 guidelines will no longer apply to recruiting terrorist informants. That directive should notify officers in the field that the pre-existing process of assessing such informants will apply.

The Federal Bureau of Investigation (FBI), which is responsible for investigating terrorism in the United States, also suffers from bureaucratic and cultural obstacles to obtaining terrorism information.

The World Trade Center bombers and the foreign nationals arrested before the millennium sought to inflict mass casualties on the American people. These incidents highlight the importance of ensuring that the FBI's investigations of international terrorism are as vigorous as the Constitution allows.

The FBI's terrorism investigations are governed by two sets of Attorney General guidelines. The guidelines for Foreign Intelligence Collection and Foreign Counterintelligence Investigations (FI guidelines), which are classified, cover the FBI's investigations of international terrorism, defined as terrorism occurring outside the United States or transcending national boundaries. Domestic terrorism is governed by the Attorney General guidelines on General Crimes, Racketeering Enterprise and Domestic Security/Terrorism Investigations (domestic guidelines). The domestic guidelines would apply, for example, to an investigation of a foreign terrorist group's activities in the United States if the FBI does not yet have information to make the international connection required for the FI guidelines.

"The FBI has a right, indeed a duty, to keep itself informed with respect to the possible commission of crimes; it is not obliged to wear blinders until it may be too late for prevention."

U.S. Court of Appeals for the 2nd Circuit, Socialist Workers Party vs Attorney General, 510 F.2d 253, 256 (2d Cir. 1974).

Both guidelines set forth the standards that must be met before the FBI can open a preliminary inquiry or full investigation. The domestic guidelines authorize a preliminary inquiry where there is information or an allegation indicating possible criminal activity. A full investigation may be opened where there is a reasonable indication of a criminal violation, which is described as a standard "substantially lower than probable cause."

The domestic and FI guidelines provide the FBI with sufficient legal authority to conduct its investigations. In many situations, however, agents are unsure as to whether the circumstances of a particular case allow the authority to be invoked. This lack of clarity contributes to a risk-averse

culture that causes some agents to refrain from taking prompt action against suspected terrorists.

In 1995, largely in response to the Oklahoma City bombing and indications that confusion was inhibiting investigations, the Department of Justice (DoJ) issued a memorandum to the FBI field offices attempting to clarify the circumstances that would merit opening a preliminary inquiry and full investigation under the domestic guidelines. Nonetheless, there is still considerable confusion among the FBI field agents about the application of the guidelines. Neither the DoJ nor the FBI has attempted to clarify the FI guidelines for international terrorism investigations.

Recommendation:

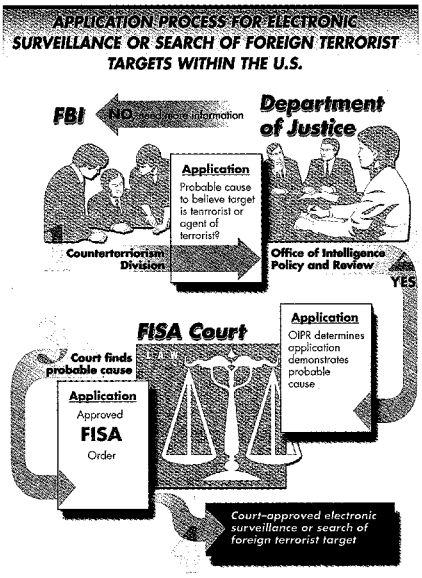
- The Attorney General and the Director of the Federal Bureau of Investigation should develop guidance to clarify the application of both sets of guidelines. This guidance should specify what facts and circumstances merit the opening of a preliminary inquiry or full investigation and should direct agents in the field to investigate terrorist activity vigorously, using the full extent of their authority.

The Department of Justice applies the statute governing electronic surveillance and physical searches of international terrorists in a cumbersome and overly cautious manner.[1]

Pursuant to the Foreign Intelligence Surveillance Act (FISA), the FBI can obtain a court order for electronic surveillance and physical searches of foreign powers, including groups engaged in international terrorism, and agents of foreign powers.

[1] Commissioner Kayyem did not concur with the content of this section.

Applications from the FBI for FISA orders are first approved by the Office of Intelligence Policy and Review (OIPR) in the Department of Justice before being presented to a judge of the FISA Court for approval. OIPR has not traditionally viewed its role as assisting the FBI to meet the standards for FISA applications in the same way that the Criminal Division of DoJ assists the FBI investigators to meet the standards for a wiretap. For instance, the Criminal Division works with the investigating agents to identify and develop ways to obtain the type of information needed for a particular application to satisfy statutory requirements. OIPR has traditionally not been that proactive.



The Commission heard testimony that, under ordinary circumstances, the FISA process can be slow and burdensome, requiring information beyond the minimum required by the statute. For example, to obtain a FISA order, the statute requires only probable cause to believe that someone who is not a citizen or legal permanent resident of the United States is a member of an international terrorist organization. In practice, however, OIPR requires evidence of wrongdoing or specific knowledge of the group's terrorist intentions in addition to the person's membership in the organization before forwarding the application to the FISA Court. Also, OIPR does not generally consider the past activities of the surveillance target relevant in determining whether the FISA probable cause test is met.

During the period leading up to the millennium, the FISA application process was streamlined. Without lowering the FISA standards, applications were submitted to the FISA Court by DoJ promptly and with enough information to establish probable cause.

Recommendations:

- The Attorney General should direct that the Office of Intelligence Policy and Review not require information in excess of that actually mandated by the probable cause standard in the Foreign Intelligence Surveillance Act statute.
- To ensure timely review of the Foreign Intelligence Surveillance Act applications, the Attorney General should substantially expand the Office of Intelligence Policy and Review staff and direct it to cooperate with the Federal Bureau of Investigation.

The risk of personal liability arising from actions taken in an official capacity discourages law enforcement and intelligence personnel from taking bold actions to combat terrorism.

FBI special agents and CIA officers in the field should be encouraged to take reasonable risks to combat terrorism without fear of being sued individually for officially authorized activities. However, government representation is not always available to such agents and officers when they are sued. As a result, FBI special agents and CIA officers are buying personal liability insurance, which provides for private representation in such suits.

By recent statute, federal agencies must reimburse up to one half of the cost of personal liability insurance to law enforcement officers and managers or supervisors.

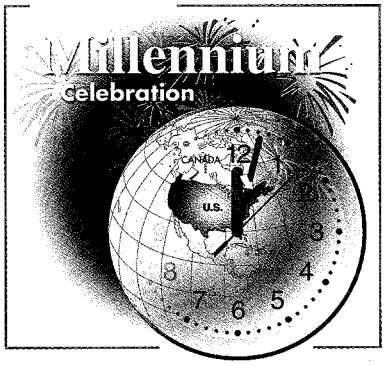
Recommendation:

- Congress should amend the statute to mandate full reimbursement of the costs of personal liability insurance for Federal Bureau of Investigation special agents and Central Intelligence Agency officers in the field who are combating terrorism.

Provide Resources and Capabilities to Exploit Fully Information on Terrorists

U.S. intelligence and law enforcement communities lack the ability to prioritize, translate, and understand in a timely fashion all of the information to which they have access.

Terrorists are using the same modern computer and communications technology as the rest of us, resulting in more information being collected. For example, a raid on a terrorist hideout is increasingly likely to result in the seizure of their computers. Instead of just finding a few handwritten notebooks and address books, counterterrorism authorities are faced with dozens of CD-Roms and hard drives. While there may well be information stored away in an encrypted file that could prevent the next terrorist attack, it is far more difficult to find that one file quickly out of the hundreds that may be stored on the terrorists' computers. To determine what is relevant, counterterrorism agencies must be able to process volumes of information—this can mean decrypting it, translating it, and perhaps making sense of conversations using code words. Until the information is in plain English, it is almost impossible to determine whether it is relevant to a terrorism operation.



We prevented this attack—can we prevent the next?

The ability to exploit information collected—process it into understandable information and prioritize it—is essential to an effective global counterterrorist program. Intelligence derived from modern communications sources can provide indispensable warning and supports all aspects of the government's counterterrorism program, including military and law enforcement operations. Such intelligence is a necessary complement to that derived from human sources.

Unfortunately, this is an area where the United States, like other nations, is having trouble keeping pace with the information revolution. The National Security Agency (NSA) is America's most important asset for technical collection of terrorism information, yet it is losing its capability to target and exploit the modern communications systems used by terrorists, seriously weakening the NSA's ability to warn of possible attacks. The Senate Select Committee on Intelligence established a Technical Advisory Group whose recent report on NSA cites significant and expanding technology gaps.

Similarly, the FBI's ability to exploit the increasing volume of terrorism information has been hampered by aging technology. To address these deficiencies, the FBI has identified specific technology needs including improved technical means for using legal wiretap authorities; enhanced data storage and retrieval systems; and counterencryption equipment.

The Counterterrorist Center (CTC) in CIA is also suffering from inadequate resources. As a result, the Center has had to cut back or eliminate plans for an increased operational tempo to meet the globalization of terrorism and for development and acquisition of technology designed to assist in combating terrorists.

All U.S. Government agencies face a drastic shortage of linguists to translate raw data into useful information. This shortage has a direct impact on counterterrorism efforts. The process is further complicated by initially affording all data collected under FISA or pursuant to ongoing terrorist investigations the highest level of classification, thereby restricting access to personnel possessing the necessary security clearance. In many instances involving unique dialects, this requirement leaves material unprocessed while a worldwide search is conducted to identify the single appropriately cleared linguist.

The difficulty faced by the U.S. Government in coordinating linguistic capabilities with operational requirements highlights the need for a centralized coordinating and policy oversight body to mobilize linguists to prepare for an emergency surge requirement. The Foreign Language Executive Committee (FLEXCOM), located within the Community Management Staff of the Director of Central Intelligence (DCI), possesses the capability but lacks the designated authority to carry out these functions.

Recommendations:

- The President should direct the Director of Central Intelligence, the Secretary of Defense, and the Director of the Federal Bureau of Investigation to work with Congress to ensure that adequate resources are devoted to meet essential technology requirements of the National Security Agency and the Federal Bureau of Investigation and to expand and accelerate the DCI's Counterterrorist Center's activities.
- The Director of Central Intelligence should authorize the Foreign Language Executive Committee to develop a larger pool of linguists and an interagency strategy for employing them, including flexible approaches to reduce problems related to handling of classified material.

Promote the Flow of Terrorism Information From Law Enforcement to Policymakers and Analysts

The law enforcement community is neither fully exploiting the growing amount of information it collects during the course of terrorism investigations nor distributing that information effectively to analysts and policymakers.

As the federal law enforcement community becomes more involved in the response to international terrorism, it is collecting information that is important to policymakers and to intelligence community analysts. For a variety of reasons, the information is not always shared.

Law enforcement agencies are traditionally reluctant to share information outside of their circles so as not to jeopardize any potential prosecution. The FBI does promptly share information warning about specific terrorist threats with the CIA and other agencies. But the FBI is far less likely to disseminate terrorist information that may not relate to an immediate threat even though this could be of immense long-term or

cumulative value to the intelligence community, in part because investigators lack the training or time to make such assessments. The problem is particularly pronounced with respect to information collected in the FBI's field offices in the United States, most of which never reaches the FBI headquarters, let alone other U.S. Government agencies or departments.

Moreover, certain laws limit the sharing of law enforcement information, such as grand jury or criminal wiretap information, with the intelligence community. These laws are subject to differing interpretations, so that in some cases it is unclear whether the restrictions apply.

The CIA, which faces the same challenge to disseminate useful information rapidly, has dedicated personnel, called reports officers, located overseas and at its headquarters. Their primary mission is to review, prioritize, and distill collected information for timely distribution.

The FBI should have its own reports officers who can provide usable and timely terrorist-related information to the U.S. intelligence community and policymakers consistent with statutory restrictions. The FBI reports officers could concentrate exclusively on real-time review and dissemination of intelligence generated by the FBI investigations. To develop an understanding of the needs of the intelligence community, these officers should be rotated through appropriate agencies regularly.

Recommendations:

- The Director of the Federal Bureau of Investigation should establish and equip a dedicated staff of reports officers to develop terrorism and foreign intelligence information obtained at field offices and headquarters for prompt dissemination to other agencies, especially those within the intelligence community, while protecting privacy and pending criminal cases.
- The Attorney General should clarify what information can be shared and direct maximum dissemination of terrorist-related information to policymakers and intelligence analysts consistent with the law.

PURSUE A MORE AGGRESSIVE STRATEGY AGAINST TERRORISM

Since the 1980s, the United States has based its counterterrorism policy on four pillars:

- Make no concessions to terrorists and strike no deals;
- Bring terrorists to justice for their crimes;
- Isolate and apply pressure on states that sponsor terrorism to force them to change their behavior; and,
- Bolster the counterterrorism capabilities of countries that work with the United States and require assistance.

The government uses multiple tools to pursue this strategy. Diplomacy is an important instrument, both in gaining the assistance of other nations in particular cases and convincing the international community to condemn and outlaw egregious terrorist practices. Law enforcement is often invaluable in the investigation and apprehension of terrorists. Military force and covert action can often preempt or disrupt terrorist attacks. But meeting the changing terrorist threat requires more aggressive use of these tools and the development of new policies and practices.

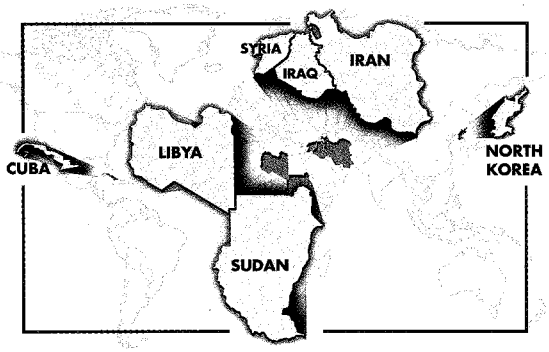
Pan Am 103: Pros and Cons of the Law Enforcement Approach

Law enforcement is designed to put individuals behind bars, but is not a particularly useful tool for addressing actions by states. The Pan Am 103 case demonstrates the advantages and limitations of the law enforcement approach to achieve national security objectives. The effort to seek extradition of the two intelligence operatives implicated most directly in the bombing gained international support for economic sanctions that a more political approach may have failed to achieve. The sanctions and the resulting isolation of Libya may have contributed to the reduction of Libya's terrorist activities. On the other hand, prosecuting and punishing two low-level operatives for an act almost certainly directed by Qadafi is a hollow victory, particularly if the trial results in his implicit exoneration.

Strengthen Efforts to Discourage All State Support for Terrorism

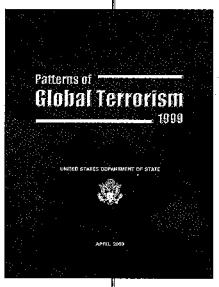
The United States should strengthen its efforts to discourage the broad range of assistance that states provide to international terrorists. A key focus of this initiative must be to reduce terrorists' freedom of movement by encouraging countries to stop admitting and tolerating the presence of terrorists within their borders. Nations should bar terrorist groups from activities such as training, recruiting, raising funds, or hiding behind political asylum.

Iran's support for terrorism conducted against American interests remains a serious national security concern. U.S. efforts to signal support for political reform in Iran could be misinterpreted in Iran or by U.S. allies as signaling a weakening resolve on counterterrorism.



DESIGNATED STATE SPONSORS OF TERRORISM

Iran remains the most active state supporter of terrorism. Despite the election of reformist President Khatami in 1997, the Iranian Revolutionary Guard Corps and Ministry of Intelligence and Security have continued to be involved in the planning and execution of terrorist acts. They also provide funding, training, weapons, logistical resources, and guidance to a variety of terrorist groups. In 1999, organizations in Tehran increased support to terrorist groups opposed to the Middle East peace process, including Lebanese Hizballah and Palestinian rejectionist groups such as the Islamic Resistance Movement (HAMAS), the Palestine Islamic Jihad (PIJ), and the Popular Front for the Liberation of Palestine-General Command (PFLP-GC). Iran continues to assassinate political dissidents at home and abroad. The Iranians responsible for terrorism abroad are often also responsible for political oppression and violence against reformers within Iran. So a firm stance against Iranian-sponsored terrorism abroad could assist the reformers.



The Department of State's 1999 "Patterns of Global Terrorism" provides the following account of Iranian support for terrorism:

- Iran's security forces conducted several bombings against Iranian dissidents abroad.
- Iran has increasingly encouraged and supported—with money, training, and weapons—terrorist groups such as Hizballah, HAMAS, the PIJ, and Ahmed Jibril's PFLP-GC.
- Iran continues to provide a safehaven to elements of PKK, a Kurdish terrorist group that has conducted numerous terrorist attacks in Turkey and against Turkish targets in Europe.
- Iran also provides support to terrorist groups in North Africa and South and Central Asia, including financial assistance and training.

There are indications of Iranian involvement in the 1996 Khobar Towers bombing in Saudi Arabia, in which 19 U.S. citizens were killed and more than 500 were injured. In October 1999, President Clinton officially requested cooperation from Iran in the investigation. Thus far, Iran has not responded.

International pressure in the Pan Am 103 case ultimately succeeded in getting some degree of cooperation from Libya. The U.S. Government has not sought similar multilateral action to bring pressure on Iran to cooperate in the Khobar Towers bombing investigation.

Recommendations:

- The President should not make further concessions toward Iran and should keep Iran on the list of state sponsors of terrorism until Tehran demonstrates it has stopped supporting terrorism and cooperates fully in the Khobar Towers investigation.
- The President should actively seek support from U.S. allies to compel Iran to cooperate in the Khobar Towers bombing investigation.

Syria has not ceased its support for terrorists.

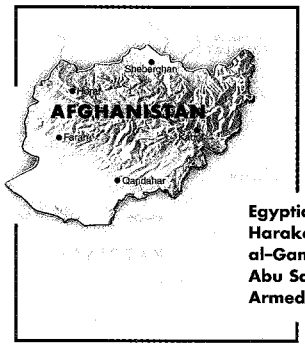
The Syrian Government still provides terrorists with safehaven, allows them to operate over a dozen terrorist training camps in the Syrian-controlled Bekaa Valley in Lebanon, and permits the Iranian Government to resupply these camps. Since its designation as a state sponsor of terrorism, Syria has expelled a few terrorist groups from Damascus, such as the Japanese Red Army, but these groups already were of marginal value to Syrian foreign policy. Meanwhile, Damascus continues to support terrorist groups opposed to the peace process. Although Syria recently made a show of "instructing" terrorists based in Damascus not to engage in certain types of attacks, it did not expel the groups or cease supporting them. This suggests Syria's determination to maintain rather than abandon terrorism.

Recommendation:

- The President should make clear to Syria that it will remain on the list of state sponsors of terrorism until it shuts down training camps and other facilities in Syria and the Bekaa Valley and prohibits the resupply of terrorist groups through Syrian-controlled territory.

The U.S. Government has not designated Afghanistan as a state sponsor of terrorism because it does not recognize the Taliban regime as the Government of Afghanistan.

In 1996, the Taliban regime gained control of the capital of Afghanistan and began asserting its control over much of the country. Since then it has provided a safehaven to terrorist groups and terrorist fugitives wanted by U.S. law enforcement, including Usama bin Ladin—who is under indictment for his role in the bombings of U.S. Embassies in Kenya and Tanzania in 1998. The Taliban also supports the training camps of many of these terrorist groups.



Egyptian Islamic Jihad
Harakat ul-Mujahidin
al-Gama'at al-Islamiyya
Abu Sayyaf Group
Armed Islamic Group

SAFEHAVEN FOR FOREIGN TERRORIST ORGANIZATIONS

Recommendation:

- The Secretary of State should designate Afghanistan as a sponsor of terrorism and impose all the sanctions that apply to state sponsors.

In 1996, Congress enacted a law that authorizes the President to designate as "not cooperating fully" states whose behavior is objectionable but not so egregious as to warrant designation as a "state sponsor of terrorism." This law has not been effectively used.

Some countries use the rhetoric of counterterrorist cooperation but are unwilling to shoulder their responsibilities in practice, such as restricting the travel of terrorists through their territory or ratifying United Nations conventions on terrorism. Other states have relations with terrorists that fall short of the extensive criteria for designation as a state sponsor, but their failure to act against terrorists perpetuates terrorist activities. Newer terrorist groups, many of which are transnational in composition and less influenced by state agendas, can take advantage of such states for safehaven.

To address these categories of countries, in 1996 Congress authorized the President to designate countries as "not cooperating fully with U.S. antiterrorism efforts" and to embargo defense sales to such states. To date, only Afghanistan has been so designated, and that designation arose from the legal difficulty of putting Afghanistan on the state sponsor list without appearing to recognize the Taliban as the legitimate government.

"We must 'drain the swamp' in which terrorists operate. Terrorists can only exist if they have space in which they can operate.... We must ensure that terrorists have no place to hide, to plan, and to prepare for further attacks."

Michael Sheehan,
Coordinator for Counterterrorism,
Department of State

Two other countries that present difficulties for U.S. counterterrorism policy are Pakistan and Greece. Both are friendly nations and Greece is a NATO ally.

Pakistan has cooperated on counterterrorism at times, but not consistently. In 1995, for example, Pakistan arrested and extradited to the United States Ramzi Ahmed Yousef, who masterminded the World Trade Center bombing in 1993. In December 1999, Pakistan's cooperation was vital in warding off terrorist attacks planned for the millennium. Even so, Pakistan provides safehaven, transit, and moral, political, and diplomatic support to several groups engaged in terrorism including Harakat ul-Mujahidin (HUM), which has been designated by the United States as a Foreign Terrorist Organization (FTO). HUM is responsible for kidnapping and murdering tourists in Indian-controlled Kashmir. Moreover, as part of its support for Usama bin Ladin, HUM has threatened to kill U.S. citizens.

Greece has been disturbingly passive in response to terrorist activities. It is identified by the U.S. Government as "one of the weakest links in Europe's effort against terrorism" (Patterns of Global Terrorism, 1999. U.S. Department of State.) Since 1975 there have been 146 terrorist attacks against Americans or American interests in Greece. Only one case has been solved and there is no indication of any meaningful investigation into the remaining cases. Among the unresolved cases are the attacks by the Revolutionary Organization 17 November which has claimed responsibility for the deaths of 20 people, including four Americans, since 1975. Greek authorities have never arrested a member of 17 November, which is a designated FTO. The Turkish leftist group, the Revolutionary People's Liberation Party/Front (DHKP-C), also an FTO, has murdered four Americans since 1979 and maintains an office in Athens despite United States protests. Last year, senior Greek Government officials gave assistance and refuge to the leader of the Kurdish terrorist group, the Kurdish Workers Party (PKK).

The U.S. Government should vigorously use the "Not Cooperating Fully" category, naming countries—even friends and allies—whose behavior is objectionable but does not justify designation as a state sponsor of terrorism. This designation could be used to warn countries that may be moving toward designation as a state sponsor.

To give this threat teeth, the U.S. Government should adopt more stringent sanctions for states in this category. For example, the Department of State's Visa Waiver Program (VWP) permits citizens of qualifying countries to travel to the United States for tourism or business for 90 days without obtaining a U.S. visa. Today there are 29 countries participating in the VWP. Countries that are "Not Cooperating Fully" with U.S. antiterrorism efforts should be barred from participation in the VWP.

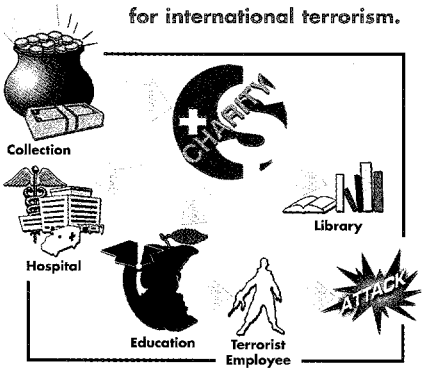
The "Not Cooperating Fully" category could also be used as a "halfway house" for states that have reduced support for terrorism enough to justify removal from the state sponsors list but do not yet deserve to be completely exonerated.

Recommendations:

- The President should make more effective use of authority to designate foreign governments as "Not Cooperating Fully" with U.S. counterterrorism efforts to deter all state support for terrorism. Specifically, the President should direct the Secretary of State to:
  - Consider Greece and Pakistan, among others, as candidates for this designation.
  - Review the current list of state sponsors and recommend that certain states be moved to the "Not Cooperating Fully" designation after they have undertaken specified measures to cease sponsorship of terrorism.
  - Increase publicity of the activities of state sponsors and countries designated as "Not Cooperating Fully" through special reports, making extensive use of the Internet.
- Congress should enact legislation to make countries designated as "Not Cooperating Fully" ineligible for the Visa Waiver Program.

Implement a Broader Approach to Stop Non-State Support for Terrorists

The United States should use all the tools at its disposal to stop or disrupt non-state sources of support for international terrorism.



Today's terrorists rely less on direct state sponsorship and more on private financial and logistical support. Many terrorist groups secretly exploit the resources of international nongovernmental organizations (NGOs), companies, and wealthy individuals. For example, bin Ladin and other extremists have used the Afghanistan-based NGO Maktab al-Khidamat for financial and logistical support. By penetrating an NGO, terrorists gain not only access to funding and international logistics networks, but also the legitimacy of cover employment with a humanitarian organization.

To date, the focus of the U.S. Government's efforts to disrupt private support to terrorists has been on prosecutions under provisions of the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA). This law requires the Secretary of State to designate groups that threaten U.S. interests and security as Foreign Terrorist Organizations. There are 28 organizations on the most recent list, issued in October of 1999 by the Secretary of State. Current practice is to update the FTO list every two years, although the threat from terrorist groups can change at a faster pace.

The FTO designation makes it a crime for a person in the United States to provide funds or other material support (including equipment, weapons, lodging, training, etc.) to such a group. There is no requirement that the

FOREIGN TERRORIST ORGANIZATIONS AS OF OCTOBER 8, 1999

- Abu Nidal Organization (ANO)
- Abu Sayyaf Group (ASG)
- Armed Islamic Group (GIA)
- Aum Shinriykyo
- Basque Fatherland and Liberty (ETA)
- HAMAS (Islamic Resistance Movement)
- Harakat ul-Mujahidin (HUM)
- Hizballah (Party of God)
- Gama'a al-Islamiyya (Islamic Group, IG)
- Japanese Red Army (JRA)
- al-Jihad
- Kach
- Kahane Chai
- Kurdistan Workers' Party (PKK)
- Liberation Tigers of Tamil Elam (LTTE)
- Mujahedin-e Khalq Organization (MEK, MKO, NCR, and many others)
- National Liberation Army (ELN)
- Palestine Islamic Jihad-Shaqaqi Faction (PIJ)
- Palestine Liberation Front-Abu Abbas Faction (PLF)
- Popular Front for the Liberation of Palestine (PFLP)
- Popular Front for the Liberation of Palestine-General Command (PFLP-GC)
- al-Qa'ida
- Revolutionary Armed Forces of Colombia (FARC)
- Revolutionary Organization 17 November (17 November)
- Revolutionary People's Liberation Army/Front (DHKP/C)
- Revolutionary People's Struggle (ELA)
- Shining Path (Sendero Luminoso, SL)
- Tupac Amaru Revolutionary Movement (MRTA)

contributor know that the specific resources provided will be used for terrorism. In addition, American financial institutions are required under the law to block funds of FTOs and their agents and report them to the government.

The FTO designation process correctly recognizes that the current threat is increasingly from groups of terrorists rather than state sponsors. In addition to deterring contributions to terrorist organizations, FTO designation serves as a diplomatic tool. It provides the State Department with the ability to use a "carrot and stick" approach to these groups, providing public condemnation and a potential for redemption if the groups renounce terrorism.

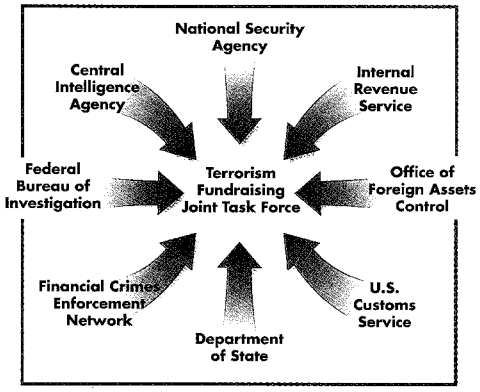
There is little doubt that all groups currently on the list belong there. But the exclusion, for example, of the Real Irish Republican Army, which carried out the Omagh car bombing in Northern Ireland in 1998 killing 29 people and injuring more than 200, raises questions about completeness of the list. This diminishes the credibility of the FTO list by giving the impression that political or ethnic considerations can keep a group off the list.

Rather than relying heavily on the FTO process, the U.S. Government should take a broader approach to cutting off the flow of financial support for terrorism from within the United States. Anyone providing funds to

terrorist organizations or activities should be investigated with the full vigor of the law and, where possible, prosecuted under relevant statutes, including those covering money laundering, conspiracy, tax or fraud violations. In such cases, assets may also be made subject to civil and criminal forfeiture.

"The president should direct the creation of a joint task force...."

–Commission Recommendation



In addition, the Department of the Treasury could use its Office of Foreign Assets Control (OFAC) more effectively. OFAC administers and enforces economic sanctions. For example, any U.S. financial institution holding funds belonging to a terrorist organization or one of its agents must report those assets to OFAC. Under OFAC's regulations, the transfer of such assets can be blocked. OFAC's capabilities and expertise are underutilized in part because of resource constraints.

Other government agencies, such as the Internal Revenue Service and Customs, also possess information and authority that could be used to thwart terrorist fundraising. For instance, the IRS has information on nongovernmental organizations that may be collecting donations to support terrorism, and Customs has data on large currency transactions. But there is no single entity that tracks and analyzes all the data available to the various agencies on terrorist fundraising in the United States.

In addition to domestic efforts, disrupting fundraising for terrorist groups requires international cooperation. A new United Nations convention, the International Convention for the Suppression of the Financing of Terrorism, provides a framework for improved cooperation. Each signing party is to enact domestic legislation to criminalize fundraising for terrorism and provide for the seizure and forfeiture of funds intended to support

terrorism. The parties are to cooperate in the criminal investigation and prosecution of terrorism fundraising, and in extraditing suspects.

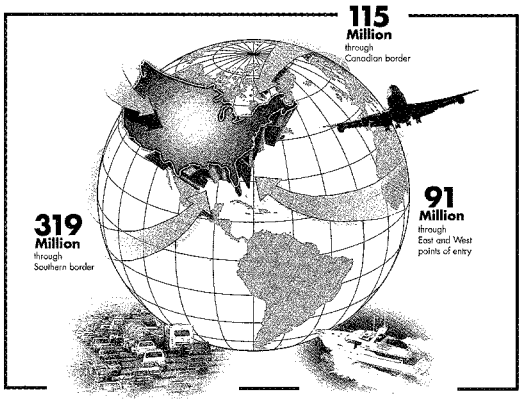
Recommendations:

- The President should direct the creation of a joint task force consisting of all the agencies in the U.S. Government that possess information or authority relevant to terrorist fundraising. The task force should develop and implement a broad approach toward disrupting the financial activities of terrorists. This approach should use all available criminal, civil, and administrative sanctions, including those for money laundering, tax and fraud violations, or conspiracy charges.
- The Secretary of the Treasury should create a unit within the Office of Foreign Assets Control dedicated to the issue of terrorist fundraising.
- The Congress should promptly ratify the International Convention for the Suppression of the Financing of Terrorism and pass any legislation necessary for full implementation.
- The Secretary of State should ensure the list of FTO designations is credible and frequently updated.
- Congress should review the status of the FTO statute within five years to determine whether changes are appropriate.

Of the large number of foreign students who come to this country to study, there is a risk that a small minority may exploit their student status to support terrorist activity. The United States lacks the nationwide ability to monitor the immigration status of these students.

In spite of elaborate immigration laws and the efforts of the Immigration and Naturalization Service, the United States is, de facto, a country of open

borders. The Commission found that the massive flows of people across U.S. borders make exclusion of all foreign terrorists impossible. There are more than 300 million legal crossings each year at the U.S./Mexican land border alone. Millions more stream through our airports.



APPLICANTS FOR ENTRY INTO THE U.S. IN 1999

Beyond the millions who legally come and go, over four million persons reside illegally in the United States. About half of them entered the country without inspection, meaning they crossed U.S. borders between inspection stations or entered by small boat or aircraft. Roughly another two million people entered the United States with a valid visitor's visa, but overstayed their visa and remained here to live. That said, of the millions who come here to live or visit only a minuscule portion of all foreigners in the United States attempt to harm the country in any way.

While the problems of controlling America's borders are far broader than just keeping out terrorists, the Commission found this an area of special concern. For example, thousands of people from countries officially designated as state sponsors of terrorism currently study in the United States. This is not objectionable in itself as the vast majority of these students contribute to America's diversity while here and return home with no adverse impact on U.S. national security. However, experience has shown the importance of monitoring the status of foreign students. Seven years ago, investigators discovered that one of the terrorists involved in bombing the World Trade

Center had entered the United States on a student visa, dropped out, and remained illegally. Today, there is still no mechanism for ensuring the same thing won't happen again.

One program holds promise as a means of addressing the issue. The Coordinated Interagency Partnership Regulating International Students (CIPRIS), a regional pilot program mandated by the 1996 Illegal Immigration Reform and Immigrant Responsibility Act (IIR/IRA) collects and makes readily available useful and current information about foreign student visa holders in the United States. For example, CIPRIS would record a foreign student's change in major from English literature to nuclear physics. The CIPRIS pilot program was implemented in 20 southern universities and is being considered for nationwide implementation after an opportunity for notice and comment. The Commission believes that CIPRIS could become a model for a nationwide program monitoring the status of foreign students.

Recommendation:

- The President and Congress should work together to create an effective system for monitoring the status of foreign students nationwide.

Congress provided for the expedited expulsion of terrorists with procedures for the use of secret evidence. The protections contained in these procedures have not been used.[2]

The 1993 World Trade Center bombing brought to light the problem of international terrorists entering and operating in the United States and illustrated the importance of removing suspected terrorists from the United States.

[2] Due to his *pro bono publico* representation in certain cases, Commissioner Woolsey did not participate in the deliberations on this recommendation.

In 1996, Congress established the Alien Terrorist Removal Court (ATRC). The legislation authorized use of classified information in cases involving the expulsion of suspected terrorists, but the law provided several protections for the accused, including the requirement that the alien be provided an unclassified summary of the classified evidence and appellate review by federal courts. For aliens legally admitted for permanent residence, the law allowed the use of special attorneys who hold security clearances (cleared counsel) who are permitted to review secret evidence on behalf of an alien and challenge its veracity.

The ATRC has never been used. Rather, pursuant to other statutes and case law, the Immigration and Naturalization Service (INS) has acted to remove aliens based on classified evidence presented to an immigration judge without disclosure to the alien or defense counsel.

The U.S. Government should not be confronted with the dilemma of unconditionally disclosing classified evidence or allowing a suspected terrorist to remain at liberty in the United States. At the same time, resort to use of secret evidence without disclosure even to cleared counsel should be discontinued, especially when criminal prosecution through an open court proceeding is an option.

Recommendations:

- The Attorney General should direct the Department of Justice to pursue vigorously the criminal prosecution of terrorists in an open court whenever possible.
- The Attorney General should further direct that where national security requires the use of secret evidence in administrative immigration cases, procedures for cleared counsel and unclassified summaries, such as those provided in the ATRC, should be used.

Without international cooperation, the United States cannot protect its national infrastructure from the cyber threat.

Cyber crime already has been recognized as a serious and growing problem. In response, the government has passed new laws, set new security requirements, established new centers, promoted partnerships with the private sector, and supported the exchange of information and research.

In addition to domestic efforts, the United States must seek international cooperation. Cyber criminals and terrorists using the Internet are unrestrained by national borders. Therefore, the U.S. Government must make every effort to establish international agreements and cooperation to prevent or respond to a cyber-terrorist attack.

Recommendation:

- The Secretary of State, in concert with other departments and agencies, should take the lead in developing an international convention aimed at harmonizing national laws, sharing information, providing early warning, and establishing accepted procedures for conducting international investigations of cyber crime.

Improve Executive and Legislative Branch Review of Counterterrorism Activities

The senior official responsible for coordinating all U.S. counterterrorism efforts does not have sufficient authority to ensure that the President's priorities on counterterrorism are reflected in agencies' budgets.

The United States does not have a single counterterrorism budget. Instead, counterterrorism programs exist in the individual budgets of 45 departments and agencies of the Federal Government. The National Coordinator for Security, Infrastructure, and Counterterrorism (currently a member of the President's staff) is responsible for ensuring that the counterterrorism programs in these departments and agencies meet the President's overall counterterrorism objectives. To discharge this responsibility, the National Coordinator established a process to set priorities, develop counterterrorism initiatives and review their funding in agency budgets. This process is an efficient means of balancing counterterrorism program requirements against other agency priorities, but it has a significant drawback. The National Coordinator has no role in the critical step when the Office of Management and Budget (OMB) decides what agency programs will be funded and at what levels. This decision is conveyed to the agencies when budget revisions are passed back to the agencies (called passbacks).

The Commission believes that whoever coordinates the national counterterrorism effort on behalf of the President should also have the authority to ensure that the President's counterterrorism objectives are reflected in agency budgets. That means the coordinator should participate with OMB in the passback of counterterrorism budget submissions, as well as in the final phase of the budget process when agencies appeal OMB's decisions.

Recommendation:

- The President should require the Director of the Office of Management and Budget and the national counterterrorism coordinator to agree on all budget guidance to the agencies, including the response to initial budget submissions, and both officials should be involved in presenting agencies' counterterrorism budget appeals to the President.

Congressional responsibility for reviewing the President's counterterrorism budget is divided among several committees and sub-committees, making coordinated review more difficult.

One of the essential tasks for the national counterterrorism coordinator is to prepare a comprehensive counterterrorism plan and budget. Similarly, Congress should develop mechanisms for coordinated review of the President's counterterrorism policy and budget, rather than having each of the many relevant committees moving in different directions without regard to the overall strategy.

KEY CONGRESSIONAL COMMITTEES WITH OVERSIGHT RESPONSIBILITY FOR COUNTERTERRORISM

SENATE	HOUSE OF REPRESENTATIVES
Appropriations	Appropriations
Armed Services	Armed Services
Foreign Relations	Government Reform
Governmental Affairs	International Relations
Judiciary	Judiciary
Intelligence	Intelligence

As a first step, the Commission urges Congress to consider holding joint hearings of two or more committees on counterterrorism matters. In addition, to facilitate executive-legislative discussion of terrorism budget issues, the House and Senate Appropriations committees should each assign to senior staff responsibility for cross-appropriations review of counterterrorism programs.

Finally, the Commission notes the importance of bipartisanship both in Congress and in the executive branch when considering counterterrorism policy and funding issues.

Recommendations:

- Congress should develop a mechanism for reviewing the President's counterterrorism policy and budget as a whole. The executive branch should commit to full consultation with Congress on counterterrorism issues.
- House and Senate Appropriations Committees should immediately direct full-committee staff to conduct a cross-subcommittee review of counterterrorism budgets.

PREPARE TO PREVENT OR RESPOND TO CATASTROPHIC TERRORIST ATTACKS

A terrorist attack in the United States using a biological agent, deadly chemicals, or nuclear or radiological material, even if only partially successful, would profoundly affect the entire nation, as would a series of conventional attacks or a single bombing that caused thousands of deaths. Given the trend toward more deadly terrorist attacks and indications that mass casualties are an objective of many of today's terrorists, it is essential that America be fully prepared to prevent and respond to this kind of catastrophic terrorism.

Over the past few years, the U.S. Government has taken a number of positive steps. Several Presidential Directives have effected major changes in organizational responsibilities and improved cooperation. The Department of Health and Human Services' Strategic Plan, the Attorney General's Five-Year Plan, the establishment of a military Joint Task Force for Civil Support, and improvement in first responders' capabilities are valuable efforts, but there is still more to do.

There is a risk that, in preventing or responding to a catastrophic terrorist attack, officials may hesitate or act improperly because they do not fully understand their legal authority or because there are gaps in that authority.

There is some statutory authority that does not now exist that should be considered for catastrophic conditions. For example:

- Federal quarantine authority cannot be used in a situation that is confined to a single state.
- Not all cities or states have their own quarantine authority.

- There is no clear federal authority with regard to compelling vaccinations, or rationing scarce vaccinations, or requiring autopsies when necessary for a terrorism investigation.

"In addition to the potentially massive numbers of physical casualties or deaths, bioterrorism, by threat or in fact, will create a devastating number of psychological casualties. A bioterrorist event is different from all other forms of terrorism in its potential to precipitate mass behavior responses such as panic, civil disorder and pandemonium."

Dr. Margaret Hamburg,
Department of Health and Human Services

The Constitution permits extraordinary measures in the face of extraordinary threats. To prevent or respond to catastrophic terrorism, law enforcement and public health officials have the authority to conduct investigations and implement measures that temporarily exceed measures applicable under non-emergency conditions. These may include cordoning off of areas, vehicle searches, certain medical measures, and sweep searches through areas believed to contain weapons or terrorists.

Determining whether a particular measure is reasonable requires balancing privacy and other rights against the public interest in coping with a terrorist threat which may lead to massive casualties. Advance preparation is the best way to deal successfully with a terrorist incident without jeopardizing individuals' Constitutional rights.

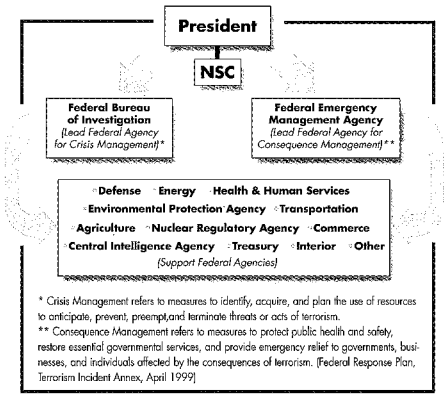
Recommendations:

- The President should direct the preparation of a manual on the implementation of existing legal authority necessary to address effectively a catastrophic terrorist threat or attack. The manual should be distributed to the appropriate federal, state, and local officials and be used in training, exercises, and educational programs.
- The President should determine whether any additional legal authority is needed to deal with catastrophic terrorism and make recommendations to Congress if necessary.

The U.S. Government's plans for a catastrophic terrorist attack on the United States do not employ the full range of the Department of Defense's (DoD's) capabilities for managing large operations. Additionally, the interagency coordination and cooperation required to integrate the DoD properly into counterterrorism planning has not been accomplished.

The Department of Defense's ability to command and control vast resources for dangerous, unstructured situations is unmatched by any other department or agency. According to current plans, DoD involvement is limited to supporting the agencies that are currently designated as having the lead in a terrorism crisis, the FBI and the Federal Emergency Management Agency (FEMA). But, in extraordinary circumstances, when a catastrophe is beyond the capabilities of local, state, and other federal agencies, or is directly related to an armed conflict overseas, the President may want to designate DoD as a lead federal agency. This may become a critical operational consideration in planning for future conflicts. Current plans and exercises do not consider this possibility.

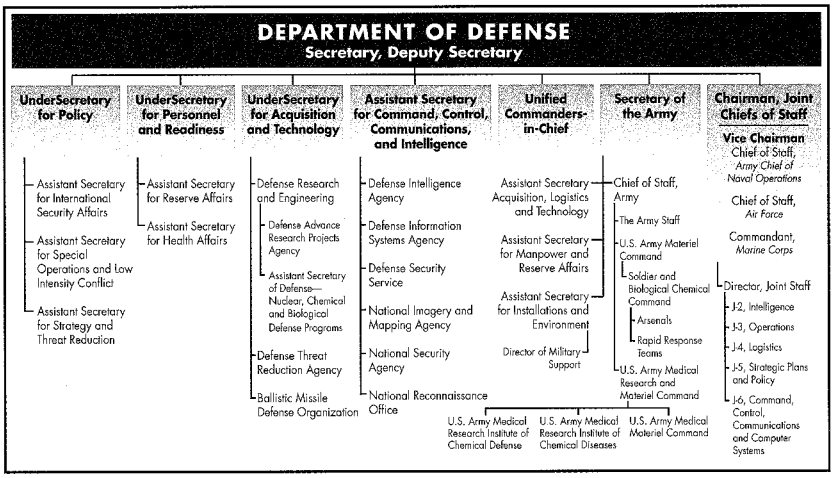
LEAD FEDERAL AGENCIES (LFA) FOR TERRORIST ATTACKS



* Crisis Management refers to measures to identify, acquire, and plan the use of resources to anticipate, prevent, preempt,and terminate threats or acts of terrorism.
** Consequence Management refers to measures to protect public health and safety, restore essential governmental services, and provide emergency relief to governments, businesses, and individuals affected by the consequences of terrorism. (Federal Response Plan, Terrorism Incident Annex, April 1999)

An expanded role for the DoD in a catastrophic terrorist attack will have policy and legal implications. Other federal agencies, the states, and local communities will have major concerns. In preparing for such a contingency, there will also be internal DoD issues on resources and possible conflicts with traditional military contingency plans. These issues should be addressed beforehand.

Effective preparation also requires effective organization. The DoD is not optimally organized to respond to the wide range of missions that would likely arise from the threat of a catastrophic terrorist attack. For example, within DoD several offices, departments, Unified Commands, the Army, and the National Guard have



overlapping responsibilities to plan and execute operations in case of a catastrophic terrorist attack. These operations will require an unprecedented degree of interagency coordination and communication in order to be successful.

There are neither plans for the DoD to assume a lead agency role nor exercises rehearsing this capability. Hence, these demanding tasks would have to be accomplished on an ad hoc basis by the military.

Recommendations:

- The President should direct the Assistant to the President for National Security Affairs, in coordination with the Secretary of Defense and the Attorney General, to develop and adopt detailed contingency plans that would transfer lead federal agency authority to the Department of Defense if necessary during a catastrophic terrorist attack or prior to an imminent attack.
- The Secretary of Defense should establish a unified command structure that would integrate all catastrophic terrorism capabilities and conduct detailed planning and exercises with relevant federal, state, and local authorities.

The interagency program and plan for exercising the government's preparedness to respond to a catastrophic terrorist attack is inadequate.

In addition to DoD exercises, a realistic interagency exercise program, with full participation by all relevant federal agencies and their leaders, is essential for national preparedness to counter a catastrophic terrorist attack. In June 1995, the President established an interagency counterterrorist Exercise Subgroup and program which included preparation for a catastrophic terrorist attack. However, not all federal agencies have participated in or budgeted for these exercises.

Additionally, in September 1998, Congress funded and mandated the Department of Justice and the Federal Emergency Management Agency to conduct a counterterrorism and consequence management exercise, called TOPOFF, involving relevant federal agencies and their senior leadership, with select state and local governments participating, to evaluate the U.S. Government's preparedness for a catastrophic terrorist incident. However, sufficient funding was not provided and there is no requirement to exercise on a regular schedule.

Recommendation:

- The President should direct (1) the Exercise Subgroup, under the direction of the national coordinator for counterterrorism, to exercise annually the government's response to a catastrophic terrorism crisis, including consequence management; and (2) all relevant federal agencies to plan, budget and participate in counterterrorism and consequence management exercises coordinated by the Exercise Subgroup and ensure senior officer level participation, particularly in the annual exercises.

Given the urgency of near-term needs, long-term research and development (R&D) projects on technologies useful to fighting terrorism will be short-changed unless Congress and the President can agree on special procedures and institutional arrangements to work on research that is risky and has more distant payoffs.

Research and Development spending for new technologies to cope with catastrophic terrorism has significantly increased over the past three years. Most of the funds, however, are targeted on near-term improvements to meet immediate needs for better detectors, more vaccines, and requirements of first responders.

To prevent or cope with terrorist attacks in the future, in particular attacks using CBRN agents, the U.S. Government must make greater use of America's dominance in science and technology. No other country, much less any sub-national organization, can match U.S. scientific and technological prowess in biotechnology and pharmaceutical production and quality control, electronics, computer science and other domains that could help overcome and defeat the technologies used by future terrorists. But this kind of R&D requires time—five to ten years or more–to develop new ideas, test hypotheses, craft preliminary applications, and test them. Developing mass production for successful applications further delays getting products into the hands of users.

The following list illustrates, but by no means exhausts, the type of projects that could constitute a long-term R&D program:

- New sensors to detect nuclear weapons in transit (e.g., gamma-ray imaging systems, including stimulation to elicit detectable emissions).
- High power ultraviolet beams to destroy BW agents and to clean up contaminated areas.
- New types of "tripwires" suitable for many different entry-points (e.g., explosive-sniffers, body-scanner), and their prototyping for mass-production.
- Advanced development of anti-virals for smallpox.

The Commission considered several institutional arrangements to manage long-term R&D. One option is establishing a large program at one of the Department of Energy (DoE) or other national laboratories to conduct in-house research, contract for external research, initiate prototyping for production, and involve qualified outside experts. This last task is particularly important in the fields of biotechnology and pharmaceutical production techniques. The goal would be to attract talented biotechnology and pharmaceutical industry scientists and engineers to work with the government for one or two years on high priority projects.

Recommendation:

- The President should establish a comprehensive and coordinated long-term Research and Development program to counter catastrophic terrorism.

Current controls on transfers of pathogens that could be used in biological terrorism are inadequate and controls on related equipment are nonexistent. In addition, current programs of the Department of Health and Human Services are not adequate to ensure physical security of pathogens or to monitor disease outbreaks overseas.

Terrorists, without serious risk of detection, could obtain pathogens from domestic natural sources, steal them, or import them into the United States. Most pathogens in the United States are tightly controlled, but regulation of laboratories as well as of dangerous agents during transport are designed to prevent accidents, not theft. Moreover, these controls are not as rigorous as controls over nuclear material.

Creating pathogens small and sturdy enough to disperse broadly over a target population for an effective period of time remains, fortunately, a complex process. Thus, regulating the sophisticated equipment required to turn pathogens into weapons could hamper terrorist efforts to acquire this capability.

However, no regulatory scheme is foolproof. Moreover, contagious diseases do not require sophisticated dispersion devices. Thus, it is important to have the ability to detect outbreaks of infectious diseases and to distinguish bioterrorist attacks from natural outbreaks. Some detection and analytical systems are in place domestically, but the international community's ability to distinguish natural disease from terrorism lags far behind even these modest U.S. efforts.

Recommendations:

- The Secretary of Health and Human Services should strengthen physical security standards applicable to the storage, creation, and transport of pathogens in research laboratories and other certified facilities in order to protect against theft or diversion. These standards should be as rigorous as the physical protection and security measures applicable to critical nuclear materials.
- The Congress should:
  - Make possession of designated critical pathogens illegal for anyone who is not properly certified.
  - Control domestic sale and transfer of equipment critical to the development or use of biological agents by certifying legitimate users of critical equipment and prohibiting sales of such equipment to non-certified entities.
  - Require tagging of critical equipment to enable law enforcement to identify its location.
- The Secretary of Health and Human Services, working with the Department of State, should develop an international monitoring program to provide early warning of infectious disease outbreaks and possible terrorist experimentation with biological substances.

APPENDIX A: TRANSMITTAL LETTERS

National Commission on Terrorism

P.O. Box 18205
Washington, D.C. 20036-8205
(202) 331-4060
Fax (202) 296-5545

Commissioners

Chairman
Amb. L. Paul Bremer, III

Vice Chairman
Mr. Maurice Sonnenberg

Dr. Richard K. Betts
Gen. Wayne A. Downing
Hon. Jane Harman
Dr. Fred C. Iklé
Ms. Juliette N. Kayyem
Mr. John F. Lewis, Jr.
Mr. Gardner G. Peckham
Hon. R. James Woolsey

Executive Director
Suzanne E. Spaulding

June 7, 2000

The President of the United States
The White House
Washington, D.C.

Dear Mr. President:

In accordance with the Omnibus Consolidated and Emergency Supplemental Appropriations Act of 1999 (P.L. 105-277), we hereby submit the report of the National Commission on Terrorism.

The Commission was established to review and assess the laws, regulations, policies, directives, and practices relating to combating international terrorism directed against the United States and recommend changes to improve U.S. counterterrorism performance.

It has been an honor to serve.

Respectfully submitted,

Ambassador L. Paul Bremer, III
Chairman

Maurice Sonnenberg
Vice Chairman

Richard K. Betts

Wayne A. Downing

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Mr. Gardner G. Peckham
Hon. R. James Woolsey

Executive Director
Suzanne E. Spaulding

June 7, 2000

The Honorable Albert Gore, Jr.
The President of the Senate
Washington, D.C. 20510

Dear Mr. President:

In accordance with the Omnibus Consolidated and Emergency Supplemental Appropriations Act of 1999 (P.L. 105-277), we hereby submit the report of the National Commission on Terrorism.

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Hon. R. James Woolsey

Executive Director
Suzanne E. Spaulding

June 7, 2000

The Honorable J. Dennis Hastert
Speaker of the House of Representatives
Washington, D.C. 20515

Dear Mr. Speaker:

In accordance with the Omnibus Consolidated and Emergency Supplemental Appropriations Act of 1999 (P.L. 105-277), we hereby submit the report of the National Commission on Terrorism.

The Commission was established to review and assess the laws, regulations, policies, directives, and practices relating to combating international terrorism directed against the United States and recommend changes to improve U.S. counterterrorism performance.

It has been an honor to serve.

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Wayne A. Downing

Jane Harman

Fred C. Iklé

Juliette N. Kayyem

John F. Lewis, Jr.

Gardner Peckham

R. James Woolsey

Original letters of transmittal were also sent to the following.

The Honorable Strom Thurmond
The President Pro Tempore
United States Senate
Washington, D.C. 20510

The Honorable Trent Lott
Republican Leader
United States Senate
Washington, D.C. 20510

The Honorable Tom Daschle
Democratic Leader
United States Senate
Washington, D.C. 20510

The Honorable Richard A. Gephardt
Democratic Leader
United States House of Representatives
Washington, D.C. 20515

APPENDIX B: COMMISSION CHARTER AND PROCESS

Commission History

The National Commission on Terrorism was established by Section 591 of the Foreign Operations, Export Financing, and Related Programs Appropriation Act, 1999 (as contained in the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (P.L. 105-277). The legislation called for the appointment of 10 commissioners, three selected by the Majority Leader of the Senate, three by the Speaker of the House of Representatives, and two each by the Minority Leaders of the Senate and House of Representatives.

Congress gave the Commission six months to review the laws, regulations, directives, policies and practices for preventing and punishing international terrorism directed against the United States, assess their effectiveness, and recommend changes. The Commission held 14 plenary meetings, generally meeting twice per month. During its meetings, the Commission was briefed by both government witnesses and outside experts. A number of Commissioners met with representatives of the governments of Canada, Egypt, France, Israel, Jordan, Poland, and the United Kingdom to address various international terrorism issues, including cooperation between those countries and the United States. Several Commissioners participated in non-plenary meetings dealing with particular issues, and Commission staff interviewed additional witnesses. (See List of Witnesses at Appendix D)

Charter Legislation

PUBLIC LAW 105-277 - OCT 21, 1998
(Page 112 STAT. 2681-210; H.R. 4328)

NATIONAL COMMISSION ON TERRORISM
SEC. 591.

(a) Establishment of National Commission on Terrorism.

(1) Establishment. –There is established a national commission on terrorism to review counter-terrorism policies regarding the prevention and punishment of international acts of terrorism directed at the United States. The commission shall be known as "The National Commission on Terrorism".

(2) Composition.—The commission shall be composed of 10 members appointed as follows:

(A) Three members shall be appointed by the Majority Leader of the Senate.

(B) Three members shall be appointed by the Speaker of the House of Representatives.

(C) Two members shall be appointed by the Minority Leader of the Senate.

(D) Two members shall be appointed by the Minority Leader of the House of Representatives.

(E) The appointments of the members of the commission should be made no later than 3 months after the date of the enactment of this Act.

(3) Qualifications.—The members should have a knowledge and expertise in matters to be studied by the commission.

(4) Chair.—The Speaker of the House of Representatives, after consultation with the majority leader of the Senate and the minority leaders of the House of Representatives and the Senate, shall designate one of the members of the Commission to serve as chair of the Commission.

(5) Period of appointment: vacancies.— Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(6) Security clearances.—All Members of the Commission should hold appropriate security clearances.

(b) Duties.—

(1) In general.—The commission shall consider issues relating to international terrorism directed at the United States as follows:

(A) Review the laws, regulations, policies, directives, and practices relating to counterterrorism in the prevention and punishment of international terrorism directed towards the United States.

(B) Assess the extent to which laws, regulations, policies, directives, and practices relating to counterterrorism have been effective in preventing or punishing international terrorism directed towards the United States. At a minimum, the assessment should include a review of the following:

(i) Evidence that terrorist organizations have established an infrastructure in the western hemisphere for the support and conduct of terrorist activities.

(ii) Executive branch efforts to coordinate counterterrorism activities among Federal, State, and local agencies and with other nations to determine the effectiveness of such coordination efforts.

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

(C) Recommend changes to counterterrorism policy in preventing and punishing international terrorism directed toward the United States.

(2) Report.—Not later than 6 months after the date on which the Commission first meets, the Commission shall submit to the President and the Congress a final report of the findings and conclusions of the commission, together with any recommendations.

(c) Administrative Matters.—

(1) Meetings.—

(A) The commission shall hold its first meeting on a date designated by the Speaker of the House which is not later than 30 days after the date on which all members have been appointed.

(B) After the first meeting, the commission shall meet upon the call of the chair.

(C) A majority of the members of the commission shall constitute a quorum, but a lesser number may hold meetings.

(2) Authority of individuals to act for commission.—Any member or agent of the commission may, if authorized by the commission, take any action which the commission is authorized to take under this section.

(3) Powers.—

(A) The commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the commission considers advisable to carry out its duties.

(B) The commission may secure directly from any agency of the Federal Government such information as the commission considers necessary to carry out its duties. Upon the request of the chair of the commission, the head of a department or agency shall furnish the requested information expeditiously to the commission.

(C) The commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(4) Pay and expenses of commission members.—

(A) Subject to appropriations, each member of the commission who is not an employee of the government shall be paid at a rate not to exceed the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code for each day (including travel time) during which such member is engaged in performing the duties of the commission.

(B) Members and personnel for the commission may travel on aircraft, vehicles, or other conveyances of the Armed Forces of the United States when travel is necessary in the performance of a duty of the commission except when the cost of commercial transportation is less expensive.

(C) The members of the commission may be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the commission.

(D) (i) A member of the commission who is an annuitant otherwise covered by section 8344 of 8468 of title 5, United States Code, by reason of membership on the commission shall not be subject to the provisions of such section with respect to membership on the commission.

(ii) A member of the commission who is a member or former member of a uniformed service shall not be subject to the provisions of subsections (b) and (c) of section 5532 of such title with respect to membership on the commission.

(5) Staff and administrative support.—

(A) The chairman of the commission may, without regard to civil service laws and regulations, appoint and terminate an executive director and up to three additional staff members as necessary to enable the commission to perform its duties. The chairman of the commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51, and subchapter III of chapter 53, of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay may not exceed the maximum rate of pay for GS-15 under the General Schedule.

(B) Upon the request of the chairman of the commission, the head of any department or agency of the Federal Government may detail, without reimbursement, any personnel of the department or agency to the commission to assist in carrying out its duties. The detail of an employee shall be without interruption or loss of civil service status or privilege.

(d) Termination of Commission.—The commission shall terminate 30 days after the date on which the commission submits a final report.

(e) Funding.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

APPENDIX C: COMMISSION MEMBERS AND STAFF

Commissioners

L. Paul Bremer III, Chairman, is the Managing Director of Kissinger Associates. During a 23-year career in the American diplomatic service, Ambassador Bremer served in Asia, Africa, Europe and Washington, D.C. He was Ambassador to the Netherlands from 1983 to 1986. From 1986-1989, he served as Ambassador-at-Large for Counter-Terrorism, where he was responsible for developing and implementing America's global polices to combat terrorism.

Maurice Sonnenberg, Vice Chairman, is the senior international advisor to the investment banking firm of Bear, Stearns & Co. Inc. and the senior international advisor to the law firm of Manatt, Phelps & Phillips, LLP. He is a member of the President's Foreign Intelligence Advisory Board. He recently served as a member of the U.S. Commission on Reducing and Protecting Government Secrecy and as the senior advisor to the U.S. Commission on the Roles and Capabilities of the U.S. Intelligence Community.

Richard K. Betts is Leo A. Shifrin Professor of War and Peace Studies in the political science department, Director of the Institute of War and Peace Studies, and Director of the International Security Policy program in the School of International and Public Affairs at Columbia University. He is also Director of National Security Studies and Senior Fellow at the Council on Foreign Relations, and author of *Surprise Attack: Lesson for Defense Planning*.

Wayne A. Downing, General, U.S. Army, retired in 1996 after a 34-year career, where he served in a variety of command assignments in infantry, armored, special operations and joint units culminating in his appointment as the Commander-in-Chief of the U.S. Special Operations Command. Since retirement, he was appointed to assess the 1996 terrorist attack on the U.S. base at Khobar Towers, Saudi Arabia, and to make recommendations to protect people and facilities world wide from terrorist attack. General Downing serves on several boards and panels in both the private and government sectors.

Jane Harman just completed a year as Regents Professor at U.C.L.A. where she taught at the Department of Political Science and Center for International Relations. Harman represented California's 36th Congressional District from

1992-1998 where she served on the National Security, Science and Intelligence Committees. Prior government experience includes Senate Counsel, White House Deputy Cabinet Secretary and DoD Special Counsel. Harman is currently seeking election to her former seat.

Fred C. Iklé is a Distinguished Scholar, Center for Strategic & International Studies. Dr. Iklé is Chairman of the Board of Telos Corporation and a Director of the Zurich-American Insurance Companies and of CMC Energy Services. Prior to joining the Center, Dr. Iklé served as Undersecretary of Defense for Policy and Director for the U.S. Arms Control and Disarmament Agency.

Juliette N. Kayyem is an Associate of the Executive Session on Domestic Preparedness, John F. Kennedy School of Government, Harvard University. She writes and teaches courses on counter-terrorism policy and the law. Ms. Kayyem has most recently served as a legal advisor to the Attorney General at the U.S. Department of Justice and as Counsel to the Assistant Attorney General for Civil Rights.

John F. Lewis, Jr. is Director of Global Security for Goldman, Sachs & Co., New York. Previously, he was Assistant Director-in-Charge of the National Security Division of the Federal Bureau of Investigation. Mr. Lewis managed the FBI's national counterintelligence and counterterrorism programs. Mr. Lewis has held a variety of positions, including an appointment as Director of Intelligence and CI Programs, National Security Staff and previous Chairman of the International Association of Chiefs of Police Committee on Terrorism.

Gardner Peckham is Managing Director of the government relations firm of Black, Kelly, Scruggs & Healey with a practice focused on international trade, defense and foreign policy issues. Prior to joining the firm, Mr. Peckham served as Senior Policy Advisor to the Speaker of the United States House of Representatives. He also held several other senior positions in Congress and during the Bush Administration served as Deputy Assistant Secretary for Legislative Affairs at the U.S. Department of State and Director for Legislative Affairs at the National Security Council Staff.

R. James Woolsey is a partner at the law firm of Shea & Gardner with a practice in the fields of civil litigation, alternative dispute resolution, and corporate transactions; he also serves on several corporate boards. Previous to returning to the firm, Mr. Woolsey served as Director of Central Intelligence. His U.S. Government service includes Ambassador to the Negotiations on CFE, Under Secretary of the Navy, and General Counsel of the U.S. Senate Committee on Armed Services. He has served on many Presidential and Congressional delegations, boards, and commissions.

Staff

Suzanne E. Spaulding, Executive Director
Margaret A. Glatz, Executive Assistant
Hyon J. Kim, General Counsel
Barbara Barnes
Gina M. Bennett
LTC Rudolph R. Cohen, Jr., USA
Goldie R. Flowers
Burley P. Fuselier, Jr.
Kevin P. Giblin
John W. Ivicic
Philip S. Kosnett

Advisors

Donald R. Hamilton
Bonnie Jenkins
Brian M. Jenkins
Barry Kellman
William M. Wise
Mona Yacoubian

APPENDIX D: Individuals Interviewed by the Commission

The following is a list of individuals interviewed by Commission members or staff. The Commission also met with officials of the governments of Canada, France, Israel, Jordan, Poland, and the United Kingdom.

Ambassador Morton Abramowitz
Carnegie Foundation

Yonah Alexander
Director and Senior Fellow
Center for Counter Terrorism
Potomac Institute for Policy Studies

Charles E. Allen
Assistant Director of Central Intelligence for Collection
Central Intelligence Agency

David Argoff
Associate Dean
Foreign Service Institute
Department of State

Richard Armitage
Former Assistant Secretary of Defense
Department of Defense

Andrew Arthur
Associate General Counsel
Immigration and Naturalization Service

James A. Baker
Deputy Counsel, Operations
Office of Intelligence Policy and Review
Department of Justice

Steve L. Basha
Associate Chief Counsel (Enforcement)
U.S. Customs Service

Peter Bass
Deputy Assistant Secretary for Energy Sanctions and Commodities
Department of State

John Bellinger, III
Counsel for National Security Matters
Criminal Division
Department of Justice

Pam Berkowski
Special Assistant to the Secretary of Defense for Consequence Management
Department of Defense

Nicole Bibbins
Special Assistant
Office of the Counter-Terrorism Coordinator
Department of State

Robert Blitzer
Former Section Chief
Domestic Terrorism
Federal Bureau of Investigation

Douglas O. Bowman
Associate General Counsel
Central Intelligence Agency

M. E. (Spike) Bowman
Associate General Counsel
Federal Bureau of Investigation

Lisa Burnett
Associate Director
Office of International Affairs
Criminal Division
Department of Justice

Ambassador Morris Busby
Former Counter-Terrorism Coordinator
Department of State

Stephen L. Caldwell
National Security & International Affairs Division
General Accounting Office

Stephen A. Cambone
Director of Research
Institute of National Strategic Studies
National Defense University

W. Seth Carus
Senior Research Professor
Center for Counterproliferation
National Defense University
Department of Defense

James Castello
Associate Deputy Attorney General
Department of Justice

Frank J. Cilluffo
Center for Strategic and International Studies

William E. Clark
Office of Management and Budget
Department of Health and Human Services

Floyd Clarke
Vice President for Corporate Compliance
McAndrews & Forbes

Richard A. Clarke
National Coordinator for Security, Infrastructure Protection, and Counterterrorism
National Security Council

Patrick Clawson
Washington Institute for Near East Policy

Owen B.(Bill) Cooper
General Counsel
Immigration and Naturalization Service

A. Heather Coyne
Program Examiner
Office and Management and Budget

Martha Crenshaw
Professor
Wesleyan University

M. Deborah Cryan
Terrorism Analyst
Federal Bureau of Investigation

Harvey Dalton
Legal Counsel
Office of General Counsel
Department of Defense

Robert O. Davis
Deputy Counsel, Policy
Office of Intelligence Policy and Review
Department of Justice

Todd M. Davis
Assistant General Counsel
Office of General Counsel
Federal Bureau of Investigation

Raymond J. Decker,
National Security & International Affairs Division
General Accounting Office

James X. Dempsey
Senior Staff Counsel
Center for Democracy and Technology

Dorothy E. Denning
Professor
Georgetown University

Sidney D. Drell
Hoover Institute
Stanford University

Ronnie L. Edelman
Principal Deputy Chief
Terrorism and Violent Crime Section
Criminal Division
Department of Justice

Dr. Edward Eitzen, COL, USA
Chief, Operational Medicine Division
U.S. Army Medical Research Institute for Infectious Disease
Department of Defense

Steve Emerson
Journalist

Gerald L. Epstein
Senior Policy Analyst
Office of Science and Technology Policy
National Security Council

Ambassador Nabil Fahmy
Egyptian Ambassador to the United States

Richard A. Falkenrath
John F. Kennedy School of Government
Harvard University

George C. Fidas
Deputy National Intelligence Officer for Economic and Global Issues
Central Intelligence Agency

Louis Freeh
Director
Federal Bureau of Investigation

Stephen B. French
Department of Defense

Robert M. (Bob) Gates
Former Director of Central Intelligence

John Gearson
Kings College, UK

Lisa Gordon-Hagerty
Director for Weapons of Mass Destruction Preparedness
National Security Council

Margaret Gullota
Section Chief, Language Services
Federal Bureau of Investigation

Dr. Margaret A. Hamburg
Assistant Secretary for Plans and Evaluations
Department of Health and Human Services

Philip Heymann
James Barr Ames Professor of Law
Harvard Law School
Harvard University

Bruce R. Hoffman
RAND Corporation

Michael Jakub
Office of the Counter-Terrorism Coordinator
Department of State

Stephen Jennings
Assistant Section Chief
International Terrorism
Federal Bureau of Investigation

Larry Johnson
Former Terrorism Analyst
Department of State

Steven B. Kashkett
Office of the Counter-Terrorism Coordinator
Department of State

Thomas Knowles,
Section Chief, International Relations Branch
Federal Bureau of Investigation

Michael B. Kraft
Office of the Counter-Terrorism Coordinator
Department of State

Ellen Laipson
Vice Chairperson
National Intelligence Council
Central Intelligence Agency

Judge Royce C. Lamberth
Presiding Judge
U.S. Foreign Intelligence Surveillance Court

Dr. John LaMontange
Deputy Director
National Institute of Allergy and Infectious Diseases
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Richard H. Solomon
President
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Mr. Salan Al-Marayati
Executive Director
Muslim Public Affairs Council

Kit Gage
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David A. Harris
Executive Director
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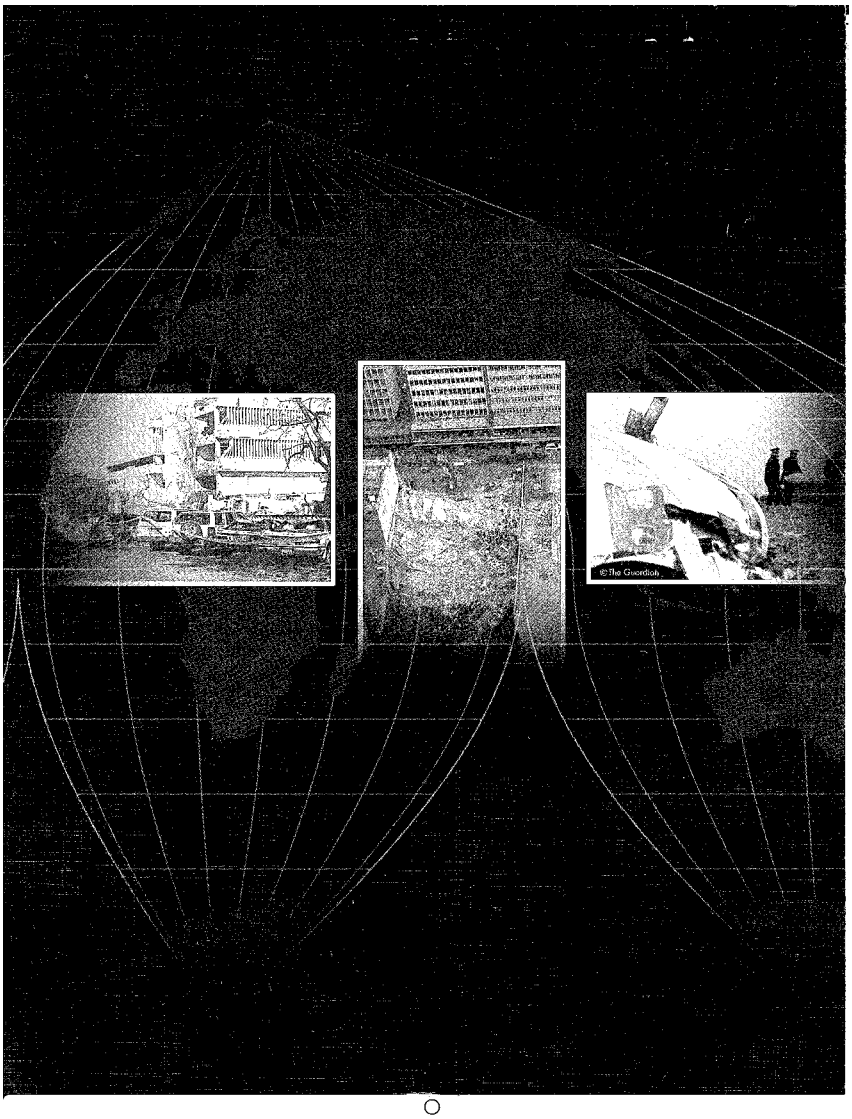
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