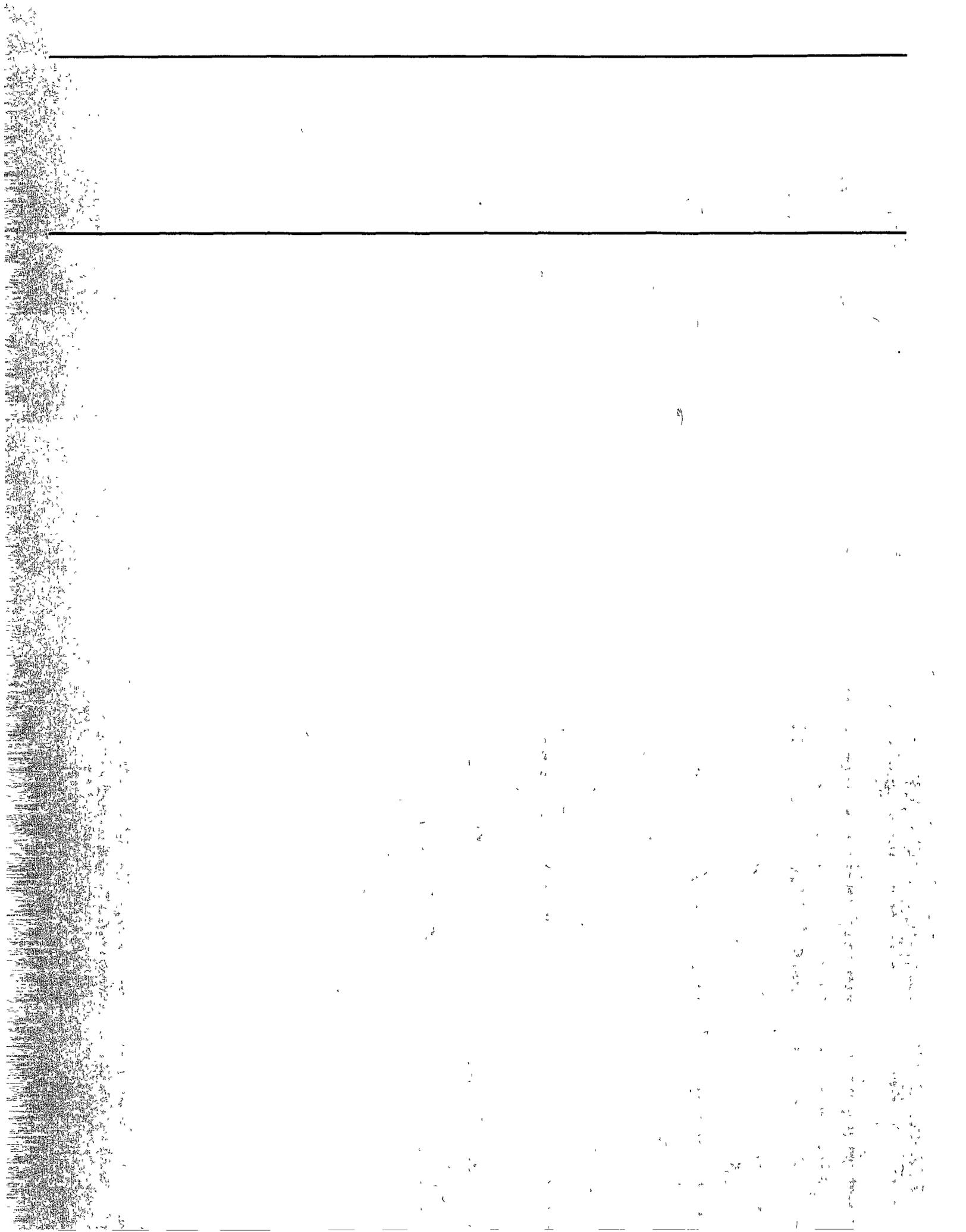

GAO

Report to Congressional Requesters

September 1997**COMBATING
TERRORISM****Federal Agencies'
Efforts to Implement
National Policy and
Strategy**





United States
General Accounting Office
Washington, D.C. 20548

**National Security and
International Affairs Division**

B-276818

September 26, 1997

The Honorable Ike Skelton
House of Representatives

The Honorable John Glenn
Ranking Minority Member
Committee on Governmental Affairs
United States Senate

The threat of terrorist attacks against U.S. citizens and property both at home and abroad has been an issue of growing national concern. As you requested, we reviewed U.S. efforts to combat terrorism. This report provides information on national policy and strategy to combat terrorism and federal agencies' roles and responsibilities in implementing them. Specifically, the report discusses agencies' programs and activities to (1) prevent and deter terrorism; (2) respond to terrorist threats or incidents; and (3) manage the consequences of a terrorist act, especially involving weapons of mass destruction. The report also provides information on interagency coordination mechanisms intended to facilitate information sharing and enhance operational links. We plan to discuss issues concerning the funding of federal agencies' terrorism-related programs and activities in a separate report. Our related work on Department of Defense programs was reported to you separately in Combating Terrorism: Status of DOD Efforts to Protect Its Forces Overseas (GAO/NSIAD-97-207, July 21, 1997).

We are sending copies of this report to appropriate congressional committees, federal agencies discussed in the report, and other interested parties. If you have any questions about this report, please contact me at (202)-512-3504. Major contributors are listed in appendix XIII.

Richard Davis
Director, National Security
Analysis

Executive Summary

Purpose

The threat of terrorist attacks against U.S. citizens and property is a high-priority U.S. national security and criminal concern. The bombings of the New York City World Trade Center, a federal building in Oklahoma City, and a U.S. military facility in Saudi Arabia, among others, prompted increased emphasis on the need to strengthen the federal government's ability to effectively combat terrorism, both at home and abroad. The terrorist attack in the Tokyo subway system using a nerve agent raised additional concern over major U.S. cities' preparedness for incidents involving weapons of mass destruction—weapons using nuclear, biological, or chemical agents. At the requests of Congressman Ike Skelton and Senator John Glenn, Ranking Minority Member, Senate Governmental Affairs Committee, GAO reviewed U.S. efforts to combat terrorism. Specifically, GAO identified federal agencies' programs and activities to (1) prevent and deter terrorism; (2) respond to terrorist threats or incidents; and (3) manage the consequences of a terrorist act, especially involving weapons of mass destruction. GAO also identified interagency coordination processes and groups intended to facilitate information sharing and enhance operational links. GAO was also asked to identify interagency processes intended to ensure efficient allocation of funding and resources. These matters will be discussed in a report to be issued later.

Background

U.S. policy on combating terrorism has been evolving for about 25 years. In June 1995, the President issued Presidential Decision Directive 39 (PDD 39), the central blueprint for the U.S. counterterrorism strategy. PDD 39 restated standing U.S. policy and elaborated a strategy for combating terrorism and measures to implement it. The U.S. strategy consists of three main elements: (1) reduce vulnerabilities and prevent and deter terrorist acts before they occur; (2) respond to terrorist acts that do occur, including managing crises and apprehending and punishing terrorist perpetrators; and (3) manage the consequences of terrorist attacks. The strategy also incorporates consideration of weapons of mass destruction across the three elements.

In addition, Congress passed legislation stating that certain acts of terrorism are federal crimes no matter where they are committed, requiring or permitting sanctions on countries that support or sponsor terrorism, delineating agency roles and responsibilities, and authorizing and/or appropriating funds. Congress has appropriated funds to enhance federal agencies and local capabilities to prevent, deter, counter, and

manage the consequences of terrorist attacks, including those involving weapons of mass destruction.

Results in Brief

Under sponsorship of the National Security Council (NSC), various interagency groups have been formed to coordinate the efforts of the more than 40 federal agencies, bureaus, and offices that combat terrorism. The intelligence community also has an Interagency Intelligence Committee on Terrorism. These interagency groups and committees meet to coordinate policy, plan interagency activities, share intelligence and other information, and coordinate responses to certain crises.

Many programs and activities have been developed or used to carry out the three elements of the U.S. strategy for combating terrorism. Key federal efforts to prevent and deter terrorist acts include gathering, sharing, and disseminating intelligence information on terrorist threats and keeping foreign terrorists and materials from entering the United States. Federal efforts to respond to terrorist incidents and to manage the consequences of terrorist incidents include designating lead agencies for crisis response, establishing interagency quick-reaction support teams, creating special operational teams or units, developing contingency plans, and conducting interagency or single agency training and exercises. For both crisis management and consequence management, federal efforts include special teams and units to deal with weapons of mass destruction, whether they are nuclear, biological, or chemical weapons. Federal agencies are also involved in programs to assess the capabilities of state and local jurisdictions to immediately respond to and manage the consequences of domestic terrorist incidents involving weapons of mass destruction and provide them training and assistance.

GAO's Analysis

Formal Coordination for Federal Policy Issues and Activities

More than 40 federal departments, agencies, and bureaus have some role in combating terrorism. The NSC is the overall interagency coordinator for U.S. policy issues on combating terrorism for federal efforts to respond to terrorist incidents abroad or domestic incidents with foreign involvement. The NSC sponsors an Interagency Working Group on Counterterrorism, led by the State Department. The working group oversees subgroups coordinating certain terrorism-related research and development

activities, exercises, international consequence management, and transportation security. The NSC also has a link with interagency forums to coordinate intelligence information sharing within the intelligence community. The Director of Central Intelligence coordinates intelligence community issues and information sharing through a Counterterrorist Center and an Interagency Intelligence Committee on Terrorism. The Federal Emergency Management Agency also recently established a separate Senior Interagency Coordination Group on Terrorism to deal with interagency domestic consequence management issues.

Federal Efforts to Reduce Vulnerabilities, Prevent and Deter Terrorist Acts

Under PDD 39, the Attorney General led a study to examine possible terrorist threats to the critical U.S. infrastructures, which include the banking and finance system, the water supply, telecommunications, and five other infrastructures. An executive order established a government-private sector presidential commission to identify ways and means to protect these critical national infrastructures from physical and cyber attack, with participation from 10 federal agencies and the private sector.

Other federal efforts to prevent and deter terrorism include (1) protecting and enhancing the security of personnel and buildings, (2) disrupting terrorist activities through various programs and approaches, (3) preventing terrorists and their materials from entering the United States, (4) training and assisting U.S. and foreign personnel to combat terrorism, and (5) promoting international cooperation in fighting terrorism. Specific examples of federal programs include: the Department of State's efforts to protect U.S. diplomatic posts and persons overseas, the Federal Aviation Administration's efforts to ensure the security of civilian aviation, and the Treasury Department Office of Foreign Assets Control's efforts to administer economic sanctions against state sponsors of terrorism and foreign terrorist organizations.

Managing Terrorist Crises and Conducting Criminal Investigations

Operationally, federal efforts to combat terrorism are organized along a lead agency concept. Regarding crisis response to terrorist attacks, the Department of Justice, through the Federal Bureau of Investigation (FBI), has the lead for crisis management of domestic terrorist incidents in the United States and for forming a Domestic Emergency Support Team. The Department of State has the lead role for managing terrorist incidents abroad and for forming a Foreign Emergency Support Team. Depending on the nature of the threat or incident, numerous other agencies, including

specially trained U.S. military forces, the FBI's Critical Incident Response Group, the Department of Energy's Nuclear Emergency Search Team, the Department of the Treasury's Bureau of Alcohol, Tobacco, and Firearms, and others, may be called upon to provide support as needed. For example, in the event of a nuclear terrorist threat or incident, the Department of Energy deploys one of several teams to provide expert advice and assistance in dealing with the device. The domestic and foreign emergency support teams are designed to rapidly deploy key federal personnel and equipment to the scene of a terrorist incident. The teams operate under sets of draft guidelines that detail each agency's roles and responsibilities during an incident, including command and control of operations. While the Foreign Emergency Support Team has operated, trained, and exercised for 11 years, the Domestic Emergency Support Team is newly formed and is now beginning to organize, train, and exercise. In cases of terrorist activity perpetrated against U.S. individuals or interests, the Attorney General and Department of Justice leads federal efforts to pursue, apprehend, and prosecute terrorists, generally through the appropriate U.S. Attorney's Office and the FBI. Other federal law enforcement agencies (e.g., various Treasury Department elements), also have investigative jurisdiction over a number of terrorism-related areas and would work with FBI in the investigation.

Managing the Consequences of Terrorist Incidents

Unlike crisis management of terrorist incidents, the federal government does not have primary responsibility for consequence management, but it supports state and local governments in domestic incidents and host governments in international incidents. As some federal agencies respond to a crisis and seek to bring the perpetrators to justice, other agencies manage the consequences of an incident. In domestic incidents, the Federal Emergency Management Agency takes the lead to marshal and coordinate federal emergency assistance to state and local authorities. The Federal Response Plan, which has an annex on terrorist incidents, outlines the roles, responsibilities, and emergency support functions of various federal agencies for consequence management. For example, the Department of Health and Human Services may be called upon to support a locality with a medical response team, and the Environmental Protection Agency may be asked to help deal with certain chemical contaminants and to clean up a site. In international terrorist incidents, the State Department is the lead agency, assisted by the Agency for International Development. Other agencies may also provide support, including the Department of Defense and other agencies that would provide consequence management support domestically, such as the Department of Health and Human

Services, the Environmental Protection Agency, and the Department of Energy. A series of interagency exercises are used to test and improve consequence management response capabilities, with recent emphasis on dealing with terrorist incidents involving weapons of mass destruction. In response to legislative requirements, the Department of Defense and other agencies are preparing to provide local first responders in numerous U.S. cities with training and assistance to manage the consequences of weapons of mass destruction.

Recommendations

GAO is making no recommendations in this report.

Agency Comments

The Departments of State, Justice, Treasury, Health and Human Services and Energy; FBI; Federal Emergency Management Agency; the Central Intelligence Agency; and the Agency for International Development reviewed a draft of this report and provided written comments. Their comments, and GAO's responses, appear in appendixes IV to XII. The Department of Defense also provided written comments, but the department requested that GAO not print them due to references to classified material. The National Security Council, Environmental Protection Agency, and Department of Transportation also reviewed a draft of this report and discussed it with GAO staff but did not provide written comments. In general, these agencies stated that the report accurately portrays U.S. policy on combating terrorism and the roles and missions of the various federal agencies involved. For example, the Department of Defense stated that the report "is a concise, well-written document that fully encompasses the National process for combating terrorism." These agencies also provided technical corrections, which GAO made as appropriate.

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Abbreviations

ATF	Bureau of Alcohol, Tobacco, and Firearms
BC	biological or chemical
CIA	Central Intelligence Agency
DEST	Domestic Emergency Response Team
DOD	Department of Defense
DOE	Department of Energy
EPA	Environmental Protection Agency
EST	Emergency Support Team
FAA	Federal Aviation Administration
FBI	Federal Bureau of Investigation
FEMA	Federal Emergency Management Agency
FEST	Foreign Emergency Response Team
GAO	General Accounting Office
HHS	Health and Human Services
INS	Immigration and Naturalization Service
NBC	nuclear, biological, and chemical
NSC	National Security Council
OFDA	Office of Foreign Disaster Assistance
OMB	Office of Management and Budget
PDD	Presidential Decision Directive
SWAT	Special Weapons and Tactics
USAID	U.S. Agency for International Development
WMD	Weapons of Mass Destruction

Introduction

As the Cold War era ended, the threat of terrorism became a high-priority U.S. national security and criminal concern, both at home and abroad. The federal government does not have a single definition of terrorism, and agencies use different terms to describe protective and deterrent programs and activities and countermeasures against the threat of terrorist attack.¹ U.S. policy and strategy for dealing with terrorism, along with the nature and perception of the terrorist threat, has been evolving since the 1970s. A variety of presidential directives, implementing guidance, executive orders, interagency agreements, and legislation provide the complex framework for the programs and activities to combat terrorism in more than 40 federal agencies, bureaus, and offices. Formal interagency coordination is managed at the National Security Council (NSC), which also sponsors a number of interagency working groups on certain terrorism matters. For intelligence issues related to terrorism, the Community Counterterrorism Board's Interagency Intelligence Committee on Terrorism is the mechanism for interagency coordination among U.S. military, regulatory, law enforcement, and intelligence agencies.

The Threat of Terrorism at Home and Abroad

While the number of terrorist incidents both worldwide and in the United States has declined in recent years, the level of violence and lethality of attacks has increased. The State Department reported that the number of international terrorist incidents has fallen from a peak of 665 in 1987 to 296 in 1996, a 25-year low.² Of the 296 international incidents during 1996, 73 were against U.S. persons and facilities overseas. But casualties resulting from international terrorist incidents during 1996 were among the highest ever recorded—311 persons killed and 2,652 wounded.³ Of those, 24 Americans were killed and 250 Americans were wounded. Similarly, between 1989 and the end of 1993, there were 23 recorded acts of terrorism in the United States, and for 1995, the Federal Bureau of Investigation (FBI) reported only one domestic terrorist incident in the United States—the bombing of a federal building in Oklahoma City. That incident—the most destructive ever on U.S. soil—killed 168 and wounded 500 persons. Figure 1.1 shows State Department statistics on U.S. casualties of international terrorism from 1991 through 1996, and figure 1.2

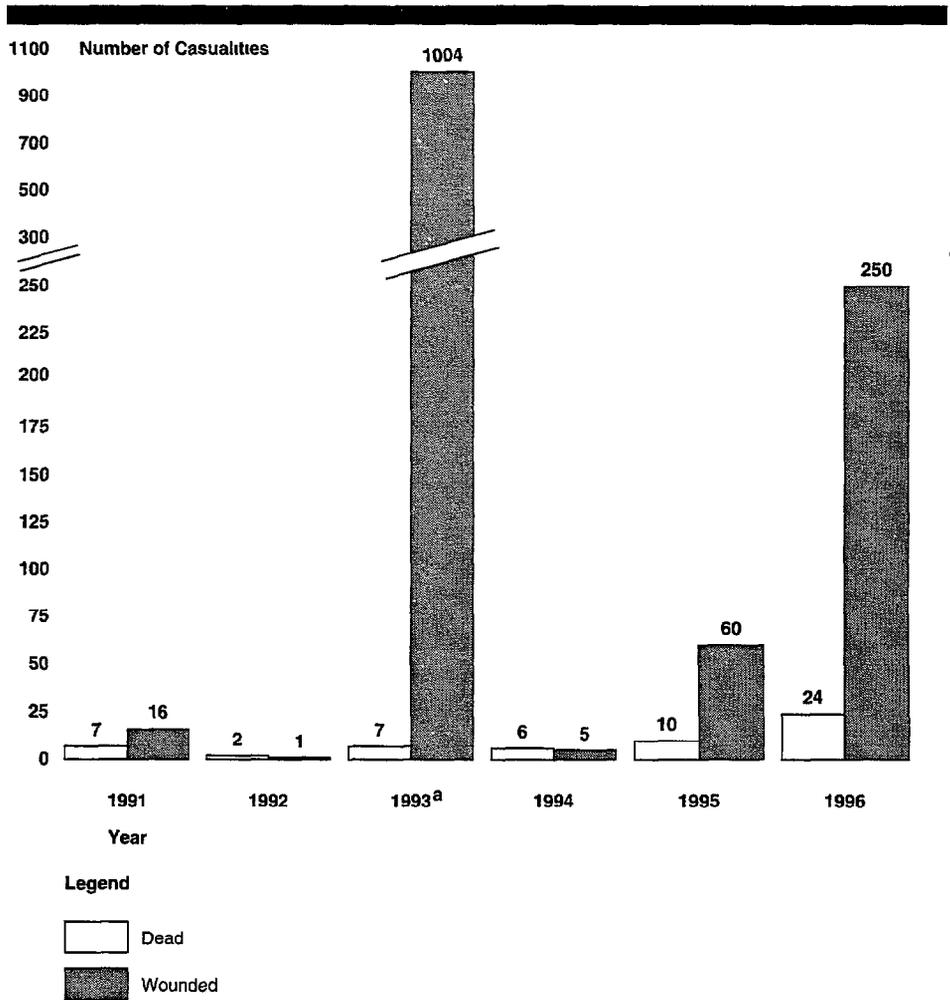
¹In addition, Congress has defined the term terrorism in several federal statutes. The definitions vary somewhat depending on the particular context.

²State Department statistics only include terrorism involving citizens or the territory of more than one country. As a result, these numbers do not include incidents of domestic terrorism worldwide.

³The deaths of 90 people and injuries of 1,400 people in 1996 were caused by a single truck bombing in Sri Lanka. Because the bombing wounded some U.S., Japanese, and Dutch citizens, this was counted as an international terrorist incident.

shows FBI statistics on domestic terrorist incidents in the United States from 1980 through 1995.

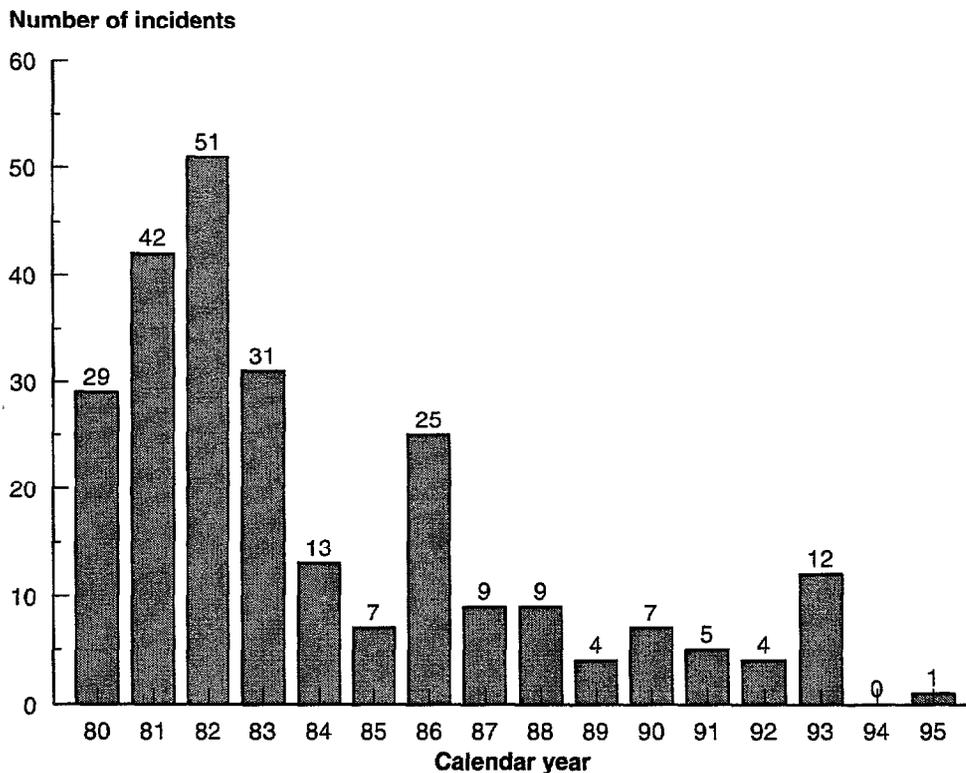
Figure 1.1: U.S. Casualties of International Terrorism Attacks, 1991-96



^aThese are casualties from the World Trade Center bombing in New York City

Source U S Department of State

Figure 1.2: Terrorist Incidents in the United States, 1980-95



Note As of September 1997, FBI officials said that 1996 data was not available

Source FBI

In its annual report on international terrorism, the State Department noted a continuing trend toward more ruthless attacks on mass civilian targets and the use of more powerful bombs.⁴ State also noted that finding clear patterns in terrorism is becoming more difficult. The FBI's most recent report discussing domestic U.S. terrorism notes an upsurge in rhetoric from domestic right-wing extremist groups, many members of which believe they are being displaced by the rapidly changing U.S. culture, or hate or fear of the federal government.⁵ Also, the intelligence community

⁴Patterns of Global Terrorism 1996, U.S. Department of State, April 1997

⁵Terrorism in the United States 1995, Department of Justice, Federal Bureau of Investigation. As of September 1997, FBI officials told GAO that the 1996 version had not been published yet

has issued classified National Intelligence Estimates on the terrorist threat.⁶

In 1995 and 1996, about one-fourth of international terrorist attacks were against U.S. targets, and historically, the United States has not been immune from terrorist acts. However, certain key, large-scale incidents at home and abroad since 1993 have dramatically raised the profile of U.S. vulnerability to terrorist attack. For example, the February 1993 bombing of the World Trade Center in New York City raised the specter of foreign terrorism in the United States. The April 1995 bombing of the federal building in Oklahoma City turned attention to domestic sources of terrorist threats and violence. The June 1996 truck bombing of a U.S. military housing facility near Dhahran, Saudi Arabia, prompted a reexamination of DOD programs to protect its forces and installations overseas.⁷ The 1995 terrorist use of a nerve agent in the Tokyo subway elevated concerns about the greater likelihood of terrorist's use of weapons of mass destruction (nuclear, biological, and chemical) and the need to shore up U.S. federal and cities' capabilities to respond to and manage such incidents.

One expert noted there are three schools of thought on the terrorist threat: (1) some believe the threat and likelihood of terrorist attack is very low and does not pose a serious risk; (2) others believe the threat and likelihood of terrorist attack is high and could seriously disrupt the U.S. national and economic security; and (3) still others believe assessments of the threat and vulnerability to terrorist attack need to be accompanied by risk assessments to rationally guide the allocation of resources and attention. The expert further stated that such risk assessments would include analyses of vulnerability and susceptibility to terrorist attack and the severity of potential damage.

According to U.S. intelligence agencies, conventional explosives continue to be the weapon of choice for terrorists. Although the probability of their use may increase over time, chemical and biological materials are less

⁶The intelligence community includes the Office of the Director of Central Intelligence, the Central Intelligence Agency, the National Security Agency, the National Imagery and Mapping Agency, the National Reconnaissance Office, the Defense Intelligence Agency, other offices within the Department of Defense (DOD) for the collection of specialized national intelligence through reconnaissance programs, the intelligence elements of the Army, the Navy, the Air Force, the Marine Corps, the FBI, the Department of the Treasury, the Department of Energy, the Bureau of Intelligence and Research of the Department of State, and such other elements of any department or agency as may be designated by the President or jointly by the Director of Central Intelligence and the head of the department or agency concerned

⁷For more information, see our recent report Combating Terrorism: Status of DOD Efforts to Protect Its Forces Overseas (GAO/NSIAD-97-207, June 21, 1997)

likely terrorist weapons because they are more difficult to weaponize and the results are unpredictable. Agency officials also noted that terrorist's use of nuclear weapons is the least likely scenario, although the consequences could be disastrous.

Federal Agencies Define Terrorism Differently

Federal agencies use different definitions of terrorism. The State Department uses a statutory definition of terrorism: premeditated, politically motivated violence against noncombatant targets by subnational groups or clandestine agents, usually intended to influence an audience.⁸ The FBI more broadly defines terrorism as "the unlawful use of violence, committed by a group of two or more individuals against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives." FBI's definition of terrorism is broader than State's definition, in that the terrorist act can be done by a group of two or more individuals for social as well as political objectives. Because of this broader definition, the FBI includes in its annual reports on terrorism in the United States acts such as bombings, arson, kidnapping, assaults, and hijackings committed by persons who may be suspected of associating with militia groups, animal rights groups, and others.

Federal agencies also use different terms to describe their programs and activities for combating terrorism. For example, FBI uses "counterterrorism" to refer to the full range of its activities directed against terrorism, including preventive and crisis management efforts. On the other hand, DOD uses the term "counterterrorism" to refer to offensive measures to prevent, deter, and respond to terrorist attack and "antiterrorism" to cover defensive measures to reduce the vulnerability of individuals and property to terrorist acts. For purposes of this report, we use the term "combat terrorism" to refer to the full range of federal programs and activities applied against terrorism, domestically and abroad, regardless of the source or motive.

⁸See 22 U.S.C. Sec. 2656f(d). The term noncombatant includes military personnel who at the time of the incident are unarmed and/or not on duty. This legislation also requires the State Department to submit annual reports to Congress on international terrorism.

U.S. Policy and Implementing Guidelines on Combating Terrorism

U.S. policy to combat terrorism has been evolving since the 1970s but became formalized in 1986 with the Reagan administration's issuance of National Security Decision Directive 207. This directive resulted from the findings of the 1985 Vice President's Task Force on Terrorism, which highlighted the need for improved, centralized interagency coordination of the federal government's significant assets to respond to terrorist incidents. The directive was primarily focused on crisis response to terrorist incidents abroad. It tasked an NSC sponsored Interagency Working Group to coordinate the national response and designated lead federal agencies to respond to and resolve terrorist incidents overseas and domestically. The State Department was reaffirmed as the lead agency for international terrorism policy, procedures, and programs, and the FBI, through the Department of Justice, was reaffirmed as the lead agency for dealing with acts of domestic terrorism.

National Level Executive Branch Policy and Strategy

Presidential Decision Directive 39 (PDD 39), signed in June 1995, built upon the previous directive and elaborated a national policy, a strategy, and an interagency coordination mechanism and management structure to combat terrorism. It also expanded on roles, responsibilities, and mechanisms to combat domestic terrorism. PDD 39 continues the basic U.S. policy of no concessions to terrorists, pressure on state sponsors of terrorism, and application of the rule of law to terrorists as criminals. It also states that the U.S. policy is to deter, defeat, and respond vigorously to all terrorist attacks on U.S. territory and against U.S. citizens, whether they occur domestically, in international waters or airspace, or on foreign territory.

The strategy consists of three main elements: (1) reduce vulnerabilities and prevent and deter terrorist acts before they occur; (2) respond to terrorist acts that do occur—crisis management—and apprehend and punish terrorists; and (3) manage the consequences of terrorist acts, including restoration of capabilities to protect public health and safety, essential government services, and emergency relief. The strategy incorporates the need to deal with terrorist's use of weapons of mass destruction (WMD) with nuclear, chemical, and biological substances across the three main elements.

PDD 39 directs agencies to undertake specific measures regarding each element of the strategy. It also reaffirms lead agency responsibilities for responding to domestic (FBI, through the Department of Justice) and international (State Department) terrorist incidents, and for managing the

consequences of domestic terrorist attacks (Federal Emergency Management Agency (FEMA)). PDD 39 further charges the State Department to work closely with other governments to carry out U.S. policy to combat terrorist threats. The PDD also states that agencies directed to participate in operations and activities to combat terrorism shall bear the cost of their participation, unless otherwise directed by the President. It further directs the Director, Office of Management and Budget (OMB), to report on the adequacy of funding for programs related to combating terrorism and assigns OMB ongoing responsibility to ensure that certain technology research, development, and acquisition efforts associated with efforts to combat terrorism are adequately funded.

On reducing vulnerabilities, PDD 39 directed the Attorney General to identify and review the vulnerability to terrorist attack of critical national infrastructures, such as telecommunications, transportation, and banking and financial institutions. The Attorney General identified eight critical infrastructures that, if attacked, could significantly affect the national and/or economic security. This review resulted in Executive Order 13010 on protection of the critical infrastructure, which formed a government-private sector commission to further review vulnerabilities and propose solutions, as appropriate. In addition, all department and agency heads have been directed to ensure that their personnel and facilities are protected against terrorism. These efforts to identify vulnerabilities and protect persons and facilities are further discussed in chapter 2.

For crisis management, the PDD also discusses interagency, multidisciplinary Domestic and Foreign Emergency Support Teams, DEST and FEST. These quick-response teams are to include expertise and capabilities that are tailored to the specific conditions of the threat or incident, including WMD. For domestic terrorist incidents, the Attorney General, through the FBI, is to lead the operational response, while also performing law enforcement and investigative efforts to pursue, apprehend, and punish the terrorist perpetrators as criminals. The goal is to terminate terrorist attacks before the terrorists can accomplish their objectives or to capture them, while seeking to minimize damage and loss of life and provide emergency assistance. For international terrorist incidents, the Secretary of State is to lead U.S. crisis management abroad. These interagency teams and the federal role in responding to and managing terrorist crises are further discussed in chapter 3.

The PDD also directed FEMA to ensure the Federal Response Plan is adequate for consequence management activities in response to terrorist attacks against large U.S. populations, including those in which weapons of mass destruction are involved. FEMA is also to ensure that state's response plans and capabilities are adequate and tested. These efforts to manage the consequences of terrorist incidents are further discussed in chapter 4.

Appendix I contains an unclassified abstract of PDD 39.

Implementing Guidance on Combating Terrorism

The FBI and State Department have drafted but not finalized detailed implementing and operational guidelines for domestic and international crisis management of terrorist incidents. FEMA coordinated an annex to the Federal Response Plan that deals with how the federal government will assist state and local authorities in managing the consequences of a terrorist attack in the United States. In addition, key agencies such as DOD, FBI, and the State Department have drafted or are drafting various concepts of operations and guidelines to deal with terrorist incidents at home and abroad, including those involving WMD. Further, numerous interagency agreements have been formulated over the years on operational and other matters relating to terrorism. For example, the FBI, the Department of Energy (DOE), and DOD have an agreement defining specific areas of responsibility and procedures for responding to emergencies involving improvised nuclear devices within the United States, and the Departments of Justice and Transportation have a memorandum of understanding on notification of terrorist threats to domestic transportation entities.

Legislation on Combating Terrorism

While there is no single, comprehensive federal law explicitly dealing with terrorism, Congress has passed a series of laws dealing with various aspects of terrorism. These laws were enacted to ensure that the perpetrators of certain terrorist acts are subject to punishment no matter where the acts occur; require or permit sanctions on countries supporting or sponsoring terrorism; delineate agency roles and responsibilities; and authorize and/or appropriate funding for agencies to carry out their responsibilities.⁹ Congress recently passed legislation with significant terrorism components, such as the Antiterrorism and Effective Death

⁹For more information on historical and recent terrorism-related legislation and proposals, see Terrorism Background and Issues for Congress, Congressional Research Service Issue Brief for Congress, 95086, Updated January 13, 1997

Penalty Act of 1996,¹⁰ which includes provisions prohibiting terrorists' fund-raising and financial transactions and other assistance to terrorists, procedures for removing alien terrorists from the United States, and expanded and strengthened criminal prohibitions and penalties pertaining to terrorism. In addition, Title XIV of the National Defense Authorization Act for Fiscal Year 1997¹¹ (commonly called Nunn-Lugar-Domenici) directs the Secretary of Defense to assist federal, state, and local government agencies with training, advice, equipment, and other actions to shore up domestic local capabilities to respond to and manage consequences of a terrorist incident with WMD. For example, DOD is to provide expert advice to assist federal, state, and local agencies to develop chemical and biological defense programs and assist the Public Health Service to organize Metropolitan Medical Strike Teams. Appendix II provides citations of selected legislation pertaining to terrorism.

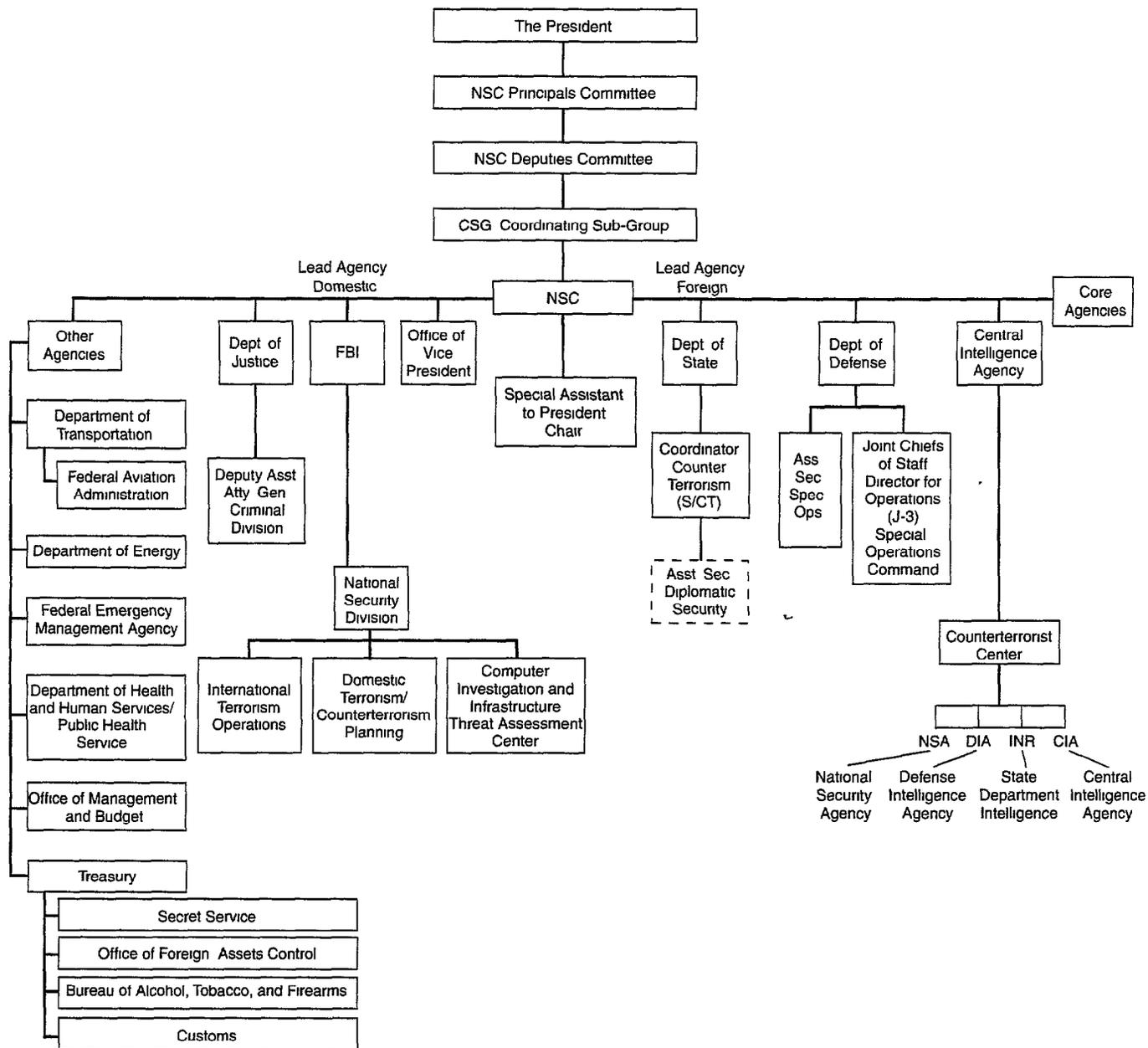
Key Federal Agencies Involved in Combating Terrorism

Many intelligence, policy-making, law enforcement, defense, and regulatory agencies are involved in implementing the national policy to combat terrorism. Figure 1.3 is adapted from NSC's overview of the U.S. government structure to combat terrorism and illustrates the key federal agencies and offices with roles and missions in that effort. Chapters 2, 3, and 4 of this report further discuss the agency roles, responsibilities, programs, and activities along the functional lines of PDD-39's strategy for combating terrorism.

¹⁰PL 104-132, April 24, 1996

¹¹PL 104-201, September 23, 1996

Figure 1.3: Overview of U.S. Government Structure to Combat Terrorism



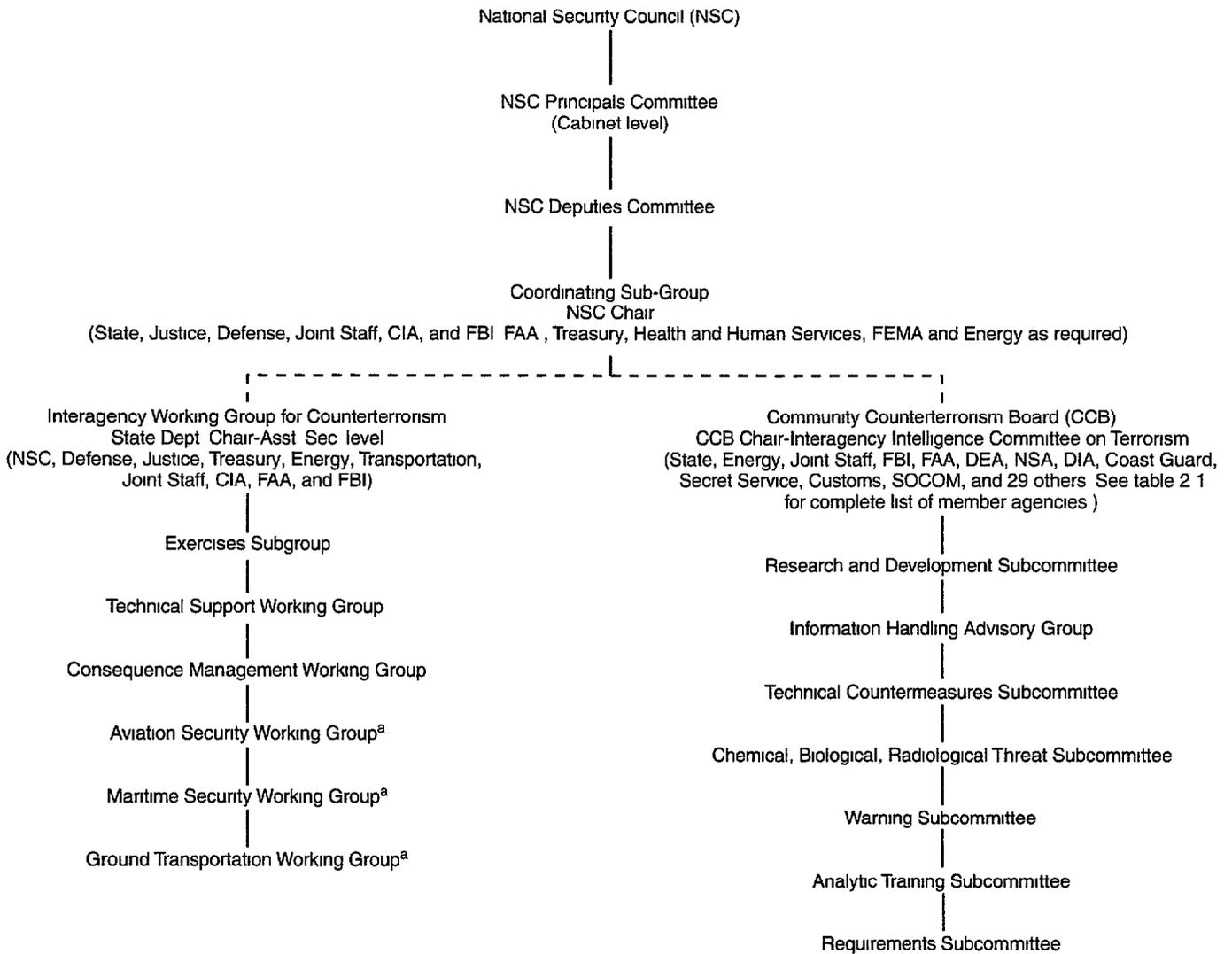
Source NSC, Office of Global Issues and Multilateral Affairs

Interagency Coordination That Occurs Through the NSC and in the Intelligence Community

Formal interagency coordination of national policy and operational issues to combat terrorism occurs through the NSC. The NSC's Coordinating Sub-Group of the Deputies Committee is comprised of representatives from State, Justice, DOD, Joint Chiefs of Staff, Central Intelligence Agency (CIA), and FBI. Any single member can call a session of the Coordinating Sub-Group. By invitation, depending on the issue or incident, representatives from Transportation, Treasury, Health and Human Services, Energy, and FEMA may attend meetings of the Coordinating Sub-Group. The Coordinating Sub-Group deals with and tries to reach consensus on terrorism policy and operational matters and makes recommendations to the Deputies Committee or through the National Security Advisor to the President.

As shown in figure 1.4, a standing Interagency Working Group for Counterterrorism, a policy group chaired by State Department's Coordinator for Counterterrorism, is to oversee the activities of several interagency subgroups. CIA's Counterterrorist Center is NSC's link to the Interagency Intelligence Committee on Terrorism, which operates under the oversight of the Community Counterterrorism Board, which is part of the Counterterrorist Center. The Interagency Intelligence Committee on Terrorism is to advise and assist the Director of Central Intelligence in coordinating national intelligence on terrorism issues and to promote effective use of intelligence resources for this purpose. This Committee is composed of representatives of the intelligence, law enforcement, and regulatory communities and oversees several subcommittees. As figure 1.4 illustrates, the Interagency Intelligence Committee on Terrorism has seven subcommittees or groups.

Figure 1.4: National Security Council Organization to Coordinate Federal Efforts to Combat Terrorism



^aMeet as required

Source Agency information and documents

We did not evaluate the operation of the groups or subcommittees or the effectiveness of the coordination mechanisms, but we obtained information on them and the scope of their functions. Under the Interagency Working Group on Counterterrorism, the Exercises Subgroup is co-chaired by State and FBI. The Subgroup's quarterly meetings are attended by representatives from the 20 agencies that participate in major counterterrorism exercises. The group deals with issues relating to each agency's exercise objectives, discusses after-action report items and lessons learned that have an impact on interagency operations, and plans future exercises. The Technical Support Working Group coordinates certain research and development activities across the antiterrorism/counterterrorism community in seven categories of terrorism-related products. The seven categories are: (1) assault support, (2) explosive detection and disposal, (3) investigative support and forensics, (4) personnel protection, (5) physical security and infrastructure protection, (6) surveillance collection and operations support, and (7) WMD countermeasures. While the group is to coordinate and ensure against duplication of about \$30 million¹² in terrorism-related projects, it is not responsible for oversight, coordination, or ensuring against duplication of the full range of research and development efforts in these fields governmentwide. Projects in the Technical Support Working Group's purview represent a minor share of all terrorism-related research and development being conducted across the federal government. Recently, a Consequence Management Working Group focused on international incidents was formed, and State Department officials expect this standing group to be very active in the future. The Aviation Security, Maritime Security, and Ground Transportation Security Working Groups meet on an as-needed basis, particularly to coordinate and establish the U.S. positions on matters to be discussed in multilateral forums such as summits of The Eight.¹³

Operationally, NSC serves as the focal point for immediate emergency interagency coordination under the following conditions: to activate a State Department-led FEST in the event of a terrorist incident overseas and to establish an FBI-led DEST to respond to domestic terrorist incidents with an international or foreign connection. In these cases, a special NSC group feeds critical information to the NSC Deputies Committee, which in turn

¹²According to participants in the Technical Support Working Group, DOD is the largest contributor of funds to the projects under the group's purview. Planned funding for these projects increases from \$19.3 million in fiscal year 1997 to \$31.5 million in 1998 and to \$41.3 million in fiscal year 2002.

¹³This group, formerly known as the "Group of Seven" Western industrial countries (or G7), now includes Russia and is known as "The Eight." Members other than Russia include Canada, France, Germany, Italy, Japan, the United Kingdom, and the United States.

makes recommendations to the President. However, if domestic terrorism incidents involve U.S. perpetrators, the FBI Director, in coordination with the Attorney General, is responsible for authorizing an FBI-led DEST and the crisis response. Such cases are not coordinated through the NSC mechanism.

Objectives, Scope, and Methodology

Our objectives were to review U.S. efforts to combat terrorism by specifically looking at programs and activities to (1) prevent and deter terrorism; (2) respond to terrorist threats or incidents; and (3) manage the consequences of a terrorist act, especially involving weapons of mass destruction. In reviewing these activities, we used PDD-39 to scope our effort. We obtained information through documentation and interviews of officials at the Departments of State, Treasury, Justice, Defense, Energy, Transportation, and Health and Human Services; the CIA; Environmental Protection Agency; and FEMA. We also identified interagency coordination processes and groups intended to facilitate information sharing and enhance operational links. To ascertain the interagency coordinating mechanisms and their scopes, we met with NSC, the Department of State, FBI, and intelligence community officials. We also discussed the coordinating mechanisms with participating agency officials.

We met with former government officials from the counterterrorism community and attended congressional briefings, conferences, and symposiums on terrorism issues. We did not evaluate the effectiveness of the programs or activities discussed in this report. We performed a separate review of DOD's force protection efforts and have reported separately on these matters.¹⁴ We also did not include in our scope issues pertaining to information security.

Some of the information we obtained was classified and could not be incorporated in this report. We used this information, however, to help corroborate unclassified data we obtained and our analyses. We did not independently verify agencies' statistical data. We performed our work in accordance with generally accepted government auditing standards between October 1996 and July 1997.

¹⁴Combating Terrorism: Status of DOD Efforts to Protect Its Forces Overseas (GAO/NSIAD-97-207, July 21, 1997).

Efforts to Prevent and Deter Terrorism

One of the most important goals of U.S. national policy is to reduce its citizens' and properties' vulnerability to terrorism, at home and abroad, and to prevent and deter terrorist incidents. The federal government has a number of initiatives intended to reduce the vulnerability of its domestic and overseas facilities to accomplish this goal. In recognition of the importance of certain national infrastructures to the defense, economic security, and public welfare of the United States, a presidential commission was created to develop a national strategy to protect the nation's critical infrastructures.

To disrupt terrorist activities before they occur and prevent terrorists from entering the United States, the federal government has programs to reduce the capabilities and support available to terrorists. Federal agencies have programs to gather intelligence on and monitor the activities of terrorists and to coordinate their information and efforts, to impose economic sanctions and embargoes to disrupt the ability of terrorists to raise funds, and to scrutinize persons crossing U.S. borders for possible affiliation with terrorist groups.

A number of U.S. agencies offer training and technical assistance in combating terrorism for U.S. and/or foreign law enforcement and other personnel, often as part of broader law enforcement or other curricula. U.S. counterproliferation programs and activities are intended to help prevent terrorists' access to WMD.

Vulnerability of Critical National Infrastructure to Be Assessed

PDD 39 chartered an interagency group, chaired by the Attorney General, to study the vulnerabilities of government facilities and critical national infrastructure to terrorist threats. These threats were divided into two categories: (1) bombings and other physical threats to tangible property and (2) computer-based electronic attacks on the information or communications components that control the infrastructures. The group determined that the incapacity or destruction of any of the following eight critical infrastructures would have a debilitating impact on the defense or economic security of the United States: telecommunications; transportation; electric power systems; water supply systems; banking and financial systems; gas and oil supplies (storage and transportation); emergency services systems (including medical, police, fire and rescue); and continuity of government and government operations.

The group recommended that a follow-on task force be established to examine ways to reduce the vulnerability of these critical national

infrastructures, much of which are owned and/or operated by the private sector. In July 1996, the President signed an executive order¹ establishing a joint government and private sector Commission to develop a national strategy to protect the country's critical infrastructures from a spectrum of threats, including terrorism. The Commission is to have representatives from 10 government agencies and the private sector. The Commission encountered delays as the private sector Chairman was not appointed until December 1996. As of September 1997, Commission staff told us that 18 of the 20 commissioners had been appointed, and the Commission's deadline for submitting its recommendations to the President had been extended to October 1997.

The executive order recognized the need to improve coordination of existing infrastructure protection efforts while the Commission is conducting its analysis and the President is considering its recommendations. As a result, the President established an interagency Infrastructure Protection Task Force to undertake this interim mission. The FBI chairs this Task Force, which complements its existing mission to operate the Infrastructure Vulnerability/Key Asset Protection Program, the origins of which date to 1985 in response to a continuing threat of terrorism directed at U.S. critical facilities. The program is designed to maintain information on critical facilities throughout the United States to assist in contingency planning should these facilities become terrorist targets.

Federal Agencies' Roles and Responsibilities to Protect U.S. Persons and Facilities

PDD 39 directs federal agencies to ensure that the people and facilities under their jurisdiction are protected against terrorism. The PDD specifies certain agency roles and responsibilities for enhancing security. In addition, various federal agencies are involved in protective and preventive measures for major special events, such as multilateral economic conferences.

In PDD 39, the President charged the Secretary of Transportation to reduce vulnerabilities affecting the security of airports in the United States; all aircraft, aviation, maritime shipping under U.S. control²; and rail, highway, mass transit, and pipeline facilities. For example, the Federal Aviation Administration (FAA), through the Department of Transportation, is

¹Executive Order 13010, Critical Infrastructure Protection, July 15, 1996

²The U.S. Coast Guard is responsible for domestic ships' and port facilities' security to reduce their vulnerability to terrorist attack and for assessing the vulnerability to terrorist attack of foreign ports frequented by U.S. cruise ship passengers

charged with reducing vulnerabilities to terrorism pertaining to civil aviation. This includes not only U.S. airports and U.S.-flagged carriers, but also foreign airports served by U.S. carriers and foreign-flagged carriers with routes to the United States. For example, FAA educates and advises commercial carriers on methods to prevent and deter terrorism. In addition, FAA assesses the adequacy of U.S. and foreign carriers' security programs, makes recommendations, and provides assistance to enhance security at U.S. and foreign airports.³

In the aftermath of the destruction of Trans World Airlines Flight 800, President Clinton created the White House Commission on Aviation Safety and Security, known as the Gore Commission, to examine ways to enhance aviation security overall, including measures to protect against terrorism. Some of the Commission's recommendations reported to the President in February 1997 focused on terrorism. For example, they called for (1) developing an automated passenger profiling system, (2) increasing the frequency of passenger inspections, and (3) increasing reliance on canine teams and equipment to detect explosives likely to be used by terrorists.

The FAA; intelligence community; Bureau of Alcohol, Tobacco, and Firearms (ATF); Customs; and the airlines are now implementing the Commission's recommendations. For example, by the end of fiscal year 1997, 98 additional Customs inspectors are to be stationed at 14 major U.S. airports that have heavy international passenger traffic. Equipped with X-ray vans, radiation detectors, and other anomaly-detection equipment, these Customs officials are expected to increase searches of passengers, baggage, and cargo leaving the United States. Similarly, FAA plans to procure 54 certified explosives detection devices. In addition, both FAA and ATF are expanding their canine programs for explosives detection.⁴

PDD 39 directed the Secretary of State to reduce vulnerabilities affecting the security of all personnel and facilities at nonmilitary U.S. government installations abroad as well as the general safety of American citizens abroad. As part of the State Department's overall responsibility to directly and indirectly protect U.S. personnel and facilities at diplomatic posts, its Bureau of Diplomatic Security develops security construction and protection standards. The Bureau also develops security procedures for

³In addition, civil aviation security liaison officers in 16 locations worldwide are the primary contact between U.S. embassies and foreign governments on civil aviation security matters

⁴For additional information on detection technologies, see Terrorism and Drug Trafficking Responsibilities for Developing Explosives and Narcotics Detection Devices (GAO/NSIAD-97-95, Apr 15, 1997)

U.S. overseas embassies and missions and monitors their implementation. The security standards incorporate an array of programs pertaining to terrorism and other threats, including the use of armored vehicles, emergency plans and exercises, and transit security. The Bureau manages the many overseas regional security officers and has its own intelligence unit, which assesses the threat for U.S. posts overseas. Worldwide, about 1,400 Marine Corps security guards and 13,000 local guards provide around-the-clock security for U.S. diplomatic missions abroad.

Also, State's Bureau of Diplomatic Security maintains relationships and communications with U.S. corporations with operations overseas, and in some countries, U.S. business concerns have established forums to work with the regional security officers on security matters, including terrorism. In addition, while the Secret Service typically protects visiting heads of state, the Bureau of Diplomatic Security is to protect lower-level foreign dignitaries visiting the United States. Because these officials frequently travel together, the two agencies coordinate their missions during these visits.

The Secretary of Defense is to reduce vulnerabilities affecting the security of all U.S. military personnel (except those assigned to diplomatic posts abroad, who are the responsibility of the State Department) and facilities both abroad and within the United States. According to PDD 39 and by directive, all DOD personnel and their families and facilities are to be protected against terrorist acts.⁵ Specific security standards are left to the discretion of the regional military commander, recognizing that the mission, threat level, and specific circumstances would determine the level of force protection at each facility. In response to a Downing Assessment Task Force⁶ recommendation concerning the Khobar Towers bombing, DOD and the State Department are reviewing their responsibilities to protect U.S. military personnel assigned overseas.

PDD 39 also directed the Secretary of the Treasury to reduce vulnerabilities by preventing unlawful traffic in firearms and explosives, by protecting the President and other officials against terrorist attack and by enforcing laws controlling the movement of assets, and imports and exports of goods and services under Treasury's jurisdiction.

⁵DOD Directive 2000 12, DOD Combating Terrorism Program, September 15, 1996

⁶The Downing Assessment Task Force was created by Secretary of Defense Perry to examine the facts and circumstances surrounding the June 25, 1996, bombing of Khobar Towers, Dhahran, Saudi Arabia, in which 19 U.S. personnel were killed and about 500 were wounded. The Task Force reported its findings in an August 30, 1996, report.

The federal government also provides protection at special events held within the United States and abroad. Federal agency responsibilities to prepare for special events will vary based upon the venue and the officials that attend. Such events may include presidential inaugurations, political conventions, sporting events, and international conferences. In general, primary responsibilities for event security rest with the local authorities in domestic events and host governments in events abroad. For domestic events, the FBI plays a major role in crisis management planning, preparation, and implementation, in coordination with state and local authorities and other federal agencies. For example, DOD, DOE, FEMA, Department of Health and Human Services (HHS), and the Environmental Protection Agency (EPA) sent personnel and advisors to prepare for and monitor the 1996 Olympics in Atlanta, Georgia. For events abroad, the State Department is the lead agency to coordinate federal agency assistance for overseas events in which the United States participates, such as the 1992 Olympics in Barcelona, Spain. If the President or other U.S. officials, as defined by statute,⁷ attend the event, the Secret Service has primary responsibilities for security planning and implementation in the areas specifically visited by such persons, again, in coordination with local, state, and other federal agencies like FBI, DOD, and others. Responsibility to protect foreign officials visiting the United States is split: the Secret Service protects heads of state, and State's Bureau of Diplomatic Security protects other foreign dignitaries.

Federal Agencies Use Various Approaches to Disrupt Terrorist Activities

The federal government disrupts terrorist activities in several ways. Intelligence and law enforcement agencies collect and disseminate information about suspected terrorists and their activities. Recent U.S. laws make it more difficult for terrorist organizations to raise funds in the United States, and under certain circumstances, the government has frozen or confiscated terrorist financial assets. In addition, the government can take covert and military action against terrorist groups or countries that sponsor them.

FBI and CIA Gather Intelligence on Terrorist Groups and Threats

Intelligence is a crucial component of the federal government's efforts to combat terrorism, and the collection and analysis of intelligence on terrorist threats is among the highest priorities. In accordance with PDD 39, the FBI is the principal agency that monitors the activities of terrorist groups operating within the United States. The CIA is responsible for gathering intelligence overseas.

⁷18 U.S.C. 3056 specifies who the Secret Service protects

The FBI is expanding its counterterrorism programs. In addition to hiring additional agents, in January 1996, the FBI restructured its approach to deal with terrorism. Three sections in FBI's National Security Division manage counterterrorism programs: one focused on foreign threats, another focused on domestic threats in the United States, and another focused on computer investigations and infrastructure protection. These sections are designed to provide real-time operational and analytical capabilities to enhance the federal government's ability to prevent acts of terrorism in the United States. According to the FBI, its program, among other things, supports ongoing field investigations, formulates threat warnings and alerts based on intelligence information, and disseminates this information to other law enforcement agencies.

The FBI monitors domestic groups and individuals that it believes pose a terrorist threat and collects intelligence on suspected foreign terrorists operating within the United States. According to Justice officials, the FBI's program focused on suspected foreign terrorists frequently involves surveillance under the Foreign Intelligence Surveillance Act. To safeguard individuals' rights, Justice Department prosecutors are not to be privy to information obtained during the surveillance. However, if an investigation reveals the occurrence of or plans for significant criminal activity—terrorism-related or otherwise—this information can be provided to federal prosecutors. For example, plots to bomb the Holland and Lincoln tunnels and the George Washington Bridge in New York and a federal building in New York City were detected during an investigation initiated under the Foreign Intelligence Surveillance Act.

The Director for Central Intelligence's Counterterrorist Center at the CIA was established in 1986 to collect, analyze, and distribute national intelligence on terrorism, and use this information to support U.S. efforts to penetrate, disrupt, and ultimately destroy terrorist organizations worldwide. In addition, the Center prepares intelligence reports on terrorist groups and countries that support terrorism that are made available to other intelligence and law enforcement agencies. For example, the Center issues a monthly classified review of international terrorism developments and provides other analysis on terrorist groups, capabilities, or incidents as needed.

Intelligence Agency Cooperation

To enhance the processing, analyzing, and distributing of intelligence information, more than 40 federal agencies, bureaus, and offices have joined the Interagency Intelligence Committee on Terrorism

(see table 2.1). Members of this Committee share information on the activities of terrorist groups and countries that sponsor terrorism and assess indications of terrorist threats.

Table 2-1: Members of the Interagency Intelligence Committee on Terrorism

Advanced Research Projects Agency	National Reconnaissance Office
Bureau of Alcohol, Tobacco, and Firearms	National Security Agency
Central Intelligence Agency	National Security Council
Drug Enforcement Agency	Office of the Secretary of Defense
Defense Intelligence Agency	Office of the Vice President
Defense Information Systems Agency	U S Special Operations Command
Defense Special Weapons Agency	U S Army
Department of Commerce	U S Air Force
Department of Energy	U S Capitol Police
Department of Health and Human Services	U S Coast Guard
Department of Justice	U S Customs Service
Department of State	U S Central Command
Department of Transportation	U S Information Agency
Department of Treasury	U S Marshals Service
Environmental Protection Agency	U S Marine Corps
Federal Aviation Administration	U S Navy
Federal Emergency Management Agency	U S Postal Service
Federal Bureau of Investigation	U S Supreme Court Marshal's Office
Immigration and Naturalization Service	U S Secret Service
Joint Chiefs of Staff	White House Communications Agency
Nuclear Regulatory Commission	White House Military Office

Source: Agency documents

The sharing of terrorism-related intelligence is expected to be facilitated by agencies' detailing staff to one another's organizations. The counterterrorism units located at the FBI and CIA have representatives from numerous other federal agencies. For example, more than a dozen agencies have representatives at the CIA Counterterrorist Center. Moreover, the FBI manages standing joint terrorism task forces to facilitate an exchange of intelligence and coordinate activities across the law enforcement community within a specific geographic area. Conceived in the 1980s, these task forces are currently located in 13 metropolitan areas throughout the country and are staffed by federal, state, and local law enforcement officers.

The intelligence community disseminates threat warnings through various channels. CIA's Counterterrorist Center has created a new Threat Warning Group in the Community Counterterrorism Board. This group analyzes threat reports, coordinates them with the intelligence community, and distributes them to senior U.S. policymakers. In addition, the FBI cooperates with federal, state, and local law enforcement through its threat and warning channels. The FBI manages the Terrorist Threat Warning System, which communicates terrorism-related information to other law enforcement agencies. The FBI told us it also disseminates unclassified terrorism threat and warning information to law enforcement agencies nationwide through its teletype National Law Enforcement Telecommunications System. According to FBI, in 1996, 13 such messages were delivered. FBI also transmits information to U.S. businesses on the potential for terrorism through its Awareness of National Security Issues and Response Program. Established in 1996, this program is a facsimile network linking FBI field offices to more than 5,000 businesses.

U.S. Sanctions Can Disrupt Terrorists' Financial Operations

The Department of the Treasury's Office of Foreign Assets Control develops, administers, and, along with the Customs Service, enforces economic sanctions and embargo programs against state sponsors of terrorism, foreign terrorist organizations and their supporters, and attempts to deny them access to U.S. economic and financial markets.⁸ The Office has administered economic sanctions programs against state sponsors of terrorism beginning in 1950 when sanctions against North Korea were declared. The Office currently administers sanctions programs against North Korea, Cuba, Iran, Iraq, Libya, Sudan, and Syria. More than \$3 billion in assets are blocked as a result of these sanctions programs.⁹ The Office's ability to block in-process transactions depends largely on privately owned financial institutions adhering to the terms of blocking orders and the ability to impose civil penalties for failure to comply.

Recent legislation¹⁰ expands on existing prohibitions pertaining to financing terrorists. For example, it prohibits U.S. persons from lending financial support to foreign terrorist organizations and requires domestic financial institutions to freeze the funds of designated foreign terrorist organizations and their supporters.

⁸The Office does not have a domestic terrorism role, it focuses exclusively on foreign-based terrorism

⁹For more information on sanctions, see Economic Sanctions Effectiveness as Tools of Foreign Policy (GAO/NSIAD-92-106, Feb 19, 1992).

¹⁰The Antiterrorism and Effective Death Penalty Act of 1996 (P.L. 104-132)

Covert and Military Actions Can Be Used Against Terrorists

Another means of preventing and deterring future terrorist activity is to strike directly at terrorist organizations through covert action. CIA covert action is the execution of operations to influence events in another country in which it is deemed important to mask the U.S. government's involvement. Congress has supported such action in recent legislation, urging the President to "use all necessary means, including covert action and military force, to disrupt, dismantle, and destroy international infrastructure used by international terrorists, including overseas terrorist training facilities and safe havens."¹¹

Military action is also used to disrupt terrorist activities. Special Operations Forces have a statutory counterterrorism mission, which may include preemptive military attacks on terrorist targets. The United States has also taken retaliatory military action against state sponsors of terrorism. For example, in 1986 the United States attacked targets in Libya in retaliation for several Libyan terrorist actions, including the bombing of a discotheque in Germany that killed several off-duty U.S. servicemembers. In 1993, the United States used military force against Iraqi targets when it became clear that Iraq was responsible for a foiled plot to assassinate former President Bush when he visited Kuwait.

Government Agencies Attempt to Prevent Terrorists From Entering the United States

The federal government leverages existing functions of the State Department, U.S. Customs Service, and the Immigration and Naturalization Service (INS) to prevent terrorists and terrorist materials from entering the United States.

First, the State Department is responsible for denying terrorists and their supporters entry visas.¹² State Department's Bureau of Intelligence and Research has a "TIPOFF" program to declassify sensitive intelligence and law enforcement information and enter it into State's Consular Lookout and Support System. The Bureau of Consular Affairs and overseas consular officers use this information to monitor visa applications and detect known or suspected terrorists as they apply for visas overseas.

¹¹The Antiterrorism and Effective Death Penalty Act of 1996 (P L 104-132), Section 324.

¹²The Immigration and Nationality Act, as recently amended by the Antiterrorism and Effective Death Penalty Act of 1996, allows the State Department to deny a visa (i.e., exclude entry) to a foreigner who is a known or suspected terrorist or is a representative or member of a designated foreign terrorist organization. Congress requires that a report be submitted each time the Department denies a visa on terrorist grounds.

According to State Department statistics, since 1987, the TIPOFF program has detected 722 suspected terrorists as they applied for visas.¹³

Second, terrorists and terrorist materials might be also prevented from entering the United States through border controls manned by the INS and the U.S. Customs Service. Customs is responsible for enforcing compliance on behalf of 60 different agencies with more than 660 U.S. laws that govern goods and persons entering and exiting the United States.¹⁴ According to Customs officials, programs to combat terrorism complement Customs' other missions. Generally, Customs inspectors look for contraband, such as illegal drugs, currency, and explosives, whether or not the contraband is intended for terrorism. While most of Customs' inspection equipment was developed and acquired to detect drugs, the majority of this equipment does not detect specific substances but detects anomalies in general. For example, X-ray machines may alert an inspector to something unusual about an item being examined, and therefore the possible concealment of contraband.

The State Department's TIPOFF program also assists INS and Customs by providing intelligence and law enforcement information for their automated Interagency Border Inspection System. This information helps INS and Customs detect suspected terrorists as they attempt to pass through any of 350 U.S. border entry points. According to State Department statistics, since 1991, the TIPOFF program has allowed INS and Customs to intercept 196 suspected terrorists from 56 countries at 44 different U.S. border points.

Training and Assistance Programs to Combat Terrorism

Training and technical assistance relevant to combating terrorism is available through a variety of sources. While some of this training covers more than antiterrorism or counterterrorism, many of the principles and techniques, such as evidence collection and bomb site analysis, are also applicable to terrorism investigations. Domestic law enforcement and intelligence agency personnel receive training to combat terrorism at the Treasury Department's Federal Law Enforcement Training Center,¹⁵ which offers an array of terrorism-related courses and has a physical security and

¹³For related GAO work on passports and visas, see State Department Efforts to Reduce Visa Fraud (GAO/T-NSIAD-97-167, May 20, 1997) and Passports and Visas: Status of Efforts to Reduce Fraud (GAO/NSIAD-96-99, May 9, 1996)

¹⁴By regulation, Customs and INS evenly share responsibility for inspecting persons at the land borders between the United States and Mexico and Canada.

¹⁵The Federal Law Enforcement Training Center is the largest law enforcement training organization in the United States. Since its inception in 1970, over 330,000 people have received training.

antiterrorism training complex. Terrorism-related training is also conducted at the FBI Academy in Virginia and the FAA Technical Center in New Jersey. These latter two venues are used primarily by FBI and FAA personnel, respectively. Domestic training is conducted on an agency-by-agency basis.

Several federal agencies participate in foreign counterterrorism and counterproliferation training and assistance programs. These programs are designed to aid other countries to deter and manage their terrorist threats, including making it more difficult for terrorists to acquire and transport WMD. A major portion of this assistance is funded and coordinated by the State Department and delivered through its Antiterrorism Assistance Program. Since its inception in 1983, more than 18,000 students, representing 87 countries, have received counterterrorism training through the Antiterrorism Assistance Program. Table 2.2 indicates available domestic and foreign counterterrorism and antiterrorism training and assistance programs, as well as relevant counterproliferation training programs.

**Chapter 2
Efforts to Prevent and Deter Terrorism**

Table 2.2: Terrorism-Related Training and Assistance Programs

Sponsoring agency	Type		Program
	Combating terrorism	Counter-proliferation	
State	X		Administers the Antiterrorism Assistance Program. Other participants include the Departments of Justice, Treasury, and Transportation.
FAA	X		Trains federal air marshals at the FAA Technical Center. Conducts terrorism-related training at the FAA Academy and other locations. At the FAA Academy or on site, trains airport managers from countries where U.S. carriers are establishing service.
FBI	X		Provides training through the International Association of Chiefs of Police. Trains foreign police under the National Academy Program at the FBI Training Academy. Trains FBI officials and agents at FBI training facilities and trains local law enforcement personnel who will work with the FBI at special events.
State, Justice, Treasury	X		The International Law Enforcement Academy in Budapest, Hungary, is funded by the State Department. Training programs are geared toward improving the investigative capabilities of foreign law enforcement agencies. Other U.S. participants include FBI, Secret Service, Customs, ATF, and the Federal Law Enforcement Training Center.
Treasury	X		The Federal Law Enforcement Training Center offers courses in antiterrorism contingency planning, antiterrorism management, seaport security/ antiterrorism, and surviving hostage situations.
ATF	X		Trains domestic and foreign law enforcement officials in firearms and explosives identification and tracing and post-blast investigations.
Secret Service	X		Trains Secret Service, as well as local, state, federal, and foreign law enforcement personnel in special event management and physical protection countermeasures.
Justice	X		Trains foreign law enforcement officers on criminal justice matters through the International Criminal Investigative Training Assistance Program.
FBI and DOD		X	Train and equip law enforcement officials, judges, and prosecutors from the former Soviet Union and Eastern Europe to counter nuclear material smuggling and trafficking and chemical and biological weapons proliferation.
Multiple		X	The FBI, along with the State Department, Department of Energy, and Customs, train personnel from six former Soviet Union countries on investigating and prosecuting nuclear-related crimes.
DOD		X	Under the Nunn-Lugar/Cooperative Threat Reduction Program, enhances the security of former Soviet nuclear weapons and material during their storage and transport.
Energy		X	Focuses on reducing the opportunity for terrorists to acquire nuclear materials. A draft memorandum of understanding being developed between the United States and Russia discusses U.S. assistance in the event of a nuclear terrorist incident in Russia.
Customs		X	Trains customs service personnel of former Soviet Union countries on detecting nuclear materials.

Source: Agency documents.

International Community Has Actively Worked to Combat Terrorism

The United States has been actively trying to enlist multilateral organizations in the fight against terrorism.¹⁶ These efforts include multilateral agreements and conventions, U.N. resolutions, and international summits.

Nine key international treaties and conventions, promoted by the United States and foreign governments, expand the legal basis for deterring terrorists from committing acts of terrorism and bringing them to justice. Examples of these conventions include the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, International Convention Against the Taking of Hostages, and Convention on the Marking of Plastic Explosives for the Purpose of Detection.

The United States has also relied on the United Nations and other multilateral organizations to promote international cooperation against terrorism. The United Nations has adopted resolutions on measures to eliminate international terrorism, and passed resolutions that impose sanctions on Libya for its involvement in the destruction of Pan Am flight 103 and Union of Transportation Air flight 772. These sanctions against Libya represent the first time the United Nations has imposed sanctions on a nation solely because it supports terrorism.

The group of industrialized countries known as The Eight has also been an active forum for discussing terrorism. Several of the group's summits have resulted in joint declarations that condemn terrorism and pledge to improve member-countries' individual and collective efforts to combat terrorism. In addition, ministerial-level and expert-level meetings have been devoted entirely to terrorism. Other forums that have also promoted cooperation in combating terrorism include the 1994 Summit of the Americas Conference in Miami, Florida, the 1996 Summit of Peacemakers in Egypt, and a 1996 conference on counterterrorism that was held in the Philippines.

¹⁶Congress has supported such efforts for a number of years. For example, Congress has urged the President to pursue multilateral cooperation in counterterrorism in the Omnibus Diplomatic Security and Antiterrorism Act of 1986 and the Antiterrorism and Effective Death Penalty Act of 1996.

Crisis Management in Terrorist Incidents

Crisis management includes measures to identify, acquire, and plan the use of resources needed to anticipate, prevent, and/or resolve a specific threat or act of terrorism. Specific crisis management response activities emphasize prevention, crisis mitigation efforts, and criminal prosecution of terrorists. The federal government has the primary role to respond to acts of terrorism; state and local governments provide assistance as required. The United States regards terrorist attacks against its territory, citizens, or facilities as a national security threat and a criminal act, wherever the attack may occur. Therefore, the U.S. policy is to react rapidly and decisively to terrorism directed at the United States, whether it occurs domestically or internationally and whether it involves the use of conventional weapons or WMD involving nuclear, biological, or chemical devices. Specifically, in PDD 39, the President stated that the objectives of U.S. policy to combat terrorism are to protect Americans, minimize damage and loss of life, terminate terrorist attacks, defeat or arrest terrorists, and pursue and apprehend terrorists and bring them to trial for their crimes.

The FBI and Department of State are responsible for crisis management and marshal the federal assets required to defeat or punish terrorists involved with domestic and international incidents, respectively. Rapidly deployable, trained, and equipped interagency emergency support teams—a DEST and a FEST—assist them to manage the crises on site. The FEST is well-developed and has operated for 11 years. The DEST concept and organization, however, is relatively new, and its guidelines were only recently drafted. To build and maintain a quick and effective response capability, the interagency teams exercise crisis management scenarios.

FBI Leads Crisis Management for Domestic Incidents

Since 1982, the Department of Justice, acting through the FBI, has been responsible for responding to terrorist incidents that occur domestically.¹ The Department of Justice and the FBI not only are to resolve and manage a crisis caused by a terrorist incident but are also to conduct the criminal investigation and pursue, arrest, and prosecute the terrorists. An incident may involve U.S. citizens or foreign individuals or groups engaging in terrorist acts or threats on U.S. soil. When threats are communicated, particularly involving the use of WMD, the FBI is to initiate threat credibility assessments in accordance with its chemical/biological or nuclear incident contingency plans. These assessments are to entail close coordination

¹In aircraft hijackings, the FAA is to coordinate law enforcement activity affecting the safety of passengers aboard aircraft within the special aircraft jurisdiction of the United States. FAA's federal air marshals have counterterrorism responsibilities aboard an aircraft. On the ground in U.S. territory, once the door of the aircraft is open, the FBI is responsible for the resolution of terrorist hijackings.

with experts from other agencies—DOE, HHS, EPA, DOD, and FEMA—to assess the viability of the threat from a technical, operational, and behavioral standpoint. The FBI would direct an operational response, if warranted, based on the assessment. The FBI's contingency plans for crisis management of nuclear or chemical/biological incidents call for drawing appropriate tactical, technical, scientific, and medical resources from the federal community to bolster the FBI's investigative and crisis management capabilities. The FBI considers all three WMD possibilities—nuclear, biological, and chemical—to be equally serious. The nuclear threat is considered the least likely.

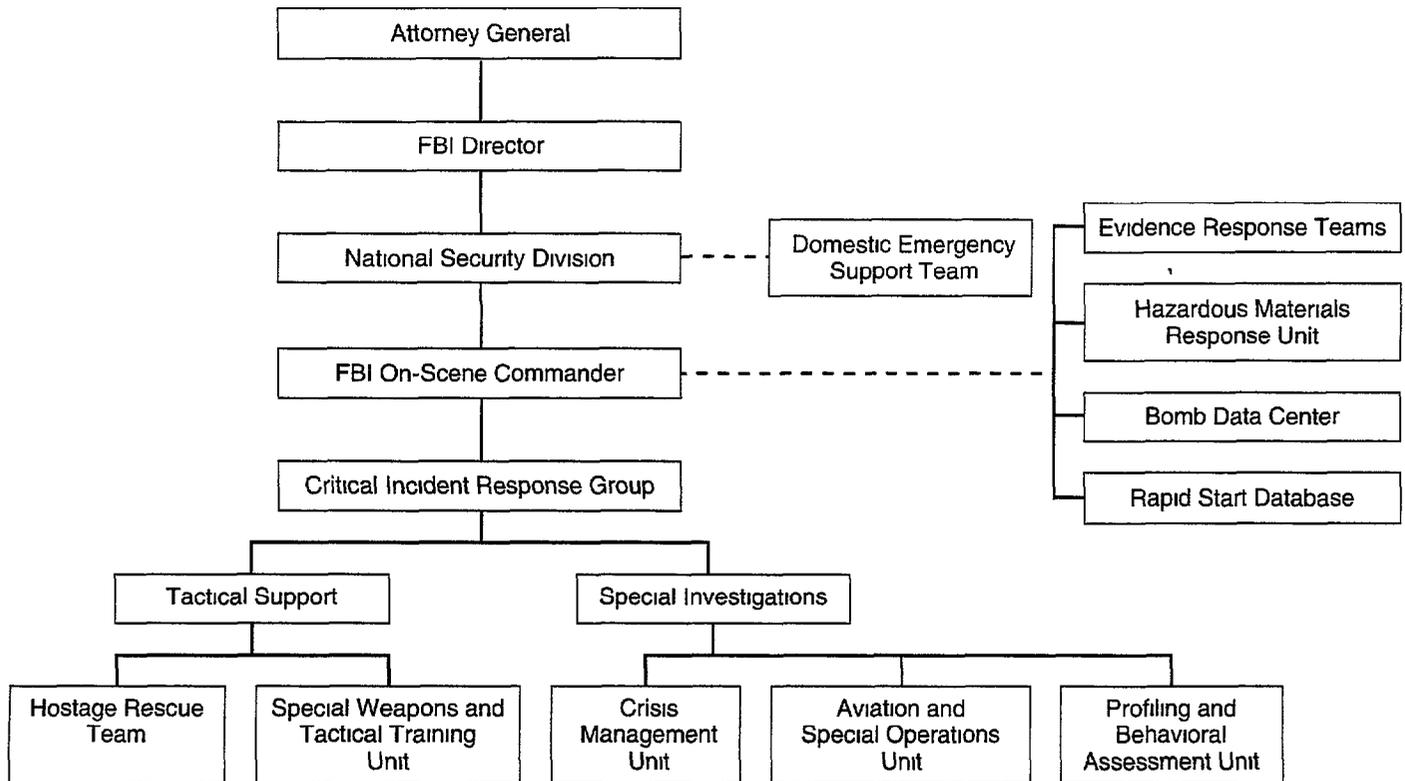
Each of the FBI's 56 field offices is developing contingency plans for WMD incidents, identifying key facilities that might be attacked in such incidents, and coordinating a response with local authorities. If there is no warning of a terrorist threat or event, the FBI is expected to provide a rapid on-scene response, typically in coordination with local law enforcement authorities or other federal agencies.

The FBI Has a Variety of Operational Response Capabilities

In the event of a terrorist incident, the on-scene FBI commander is to establish a command post to manage the crisis based upon the premise of a graduated and flexible response. However, the FBI acknowledges that the first priority in a crisis is public safety and the preservation of life. According to FBI officials, when a threat or incident exceeds the capabilities of a local FBI field office, the FBI Critical Incident Response Group will deploy necessary resources to assist that office. The Group was established in 1994 as a separate field entity to integrate the tactical and investigative expertise needed for terrorist and other critical incidents that require an immediate law enforcement response. The Group has crisis managers, hostage negotiators, behaviorists, surveillance assets and agents, and a trained and exercised tactical team—the Hostage Rescue Team—that can operate in a chemical or a biological environment.² Figure 3.1 shows the FBI's crisis management structure.

²Among Hostage Rescue Team skills are hostage rescue tactics, precision shooting, advanced medical support, and tactical site surveys. The team receives frequent specialized training to maintain high levels of expertise and skills.

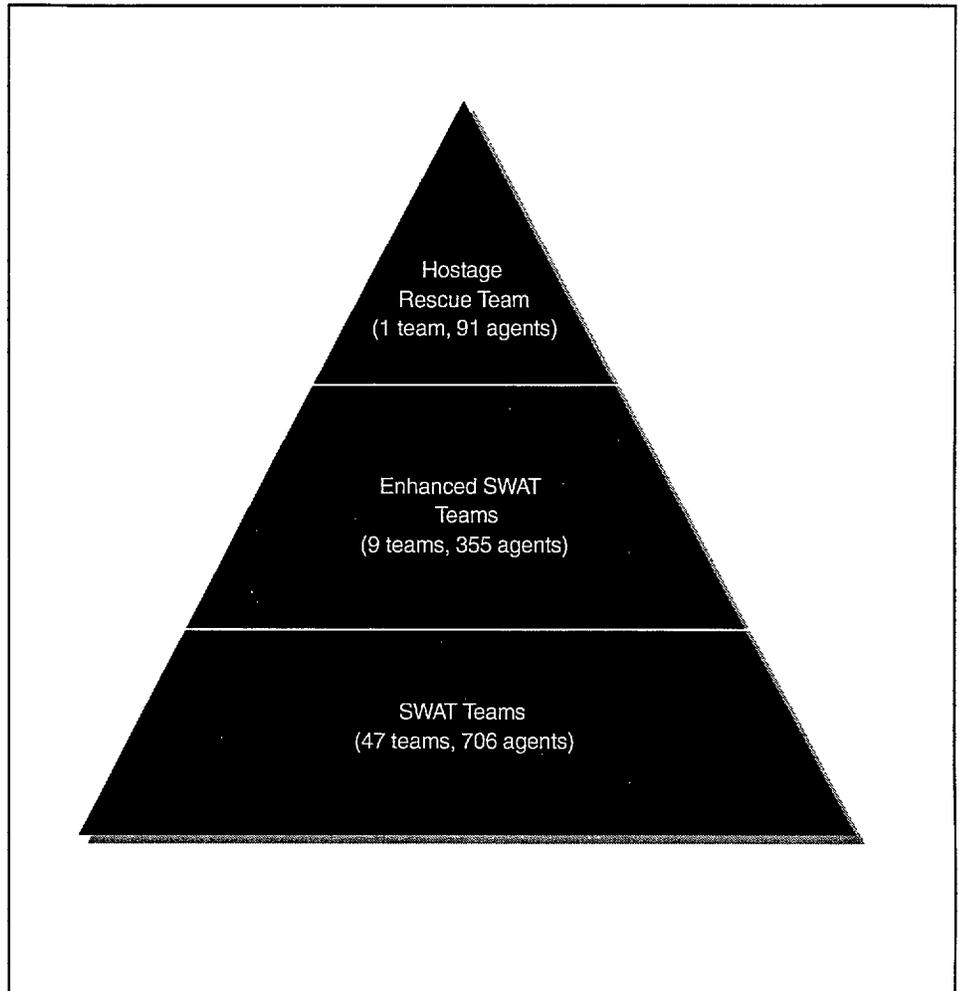
Figure 3.1: FBI Crisis Management



Source FBI

The FBI has a number of tactical response assets that it can employ. The Hostage Rescue Team, which is authorized 90 special agents, is expected to deploy rapidly upon notice of the FBI Director's authorization to rescue individuals who are held illegally by a hostile force or to engage in other law enforcement activities as directed. The FBI also has over 1,000 agents in Special Weapons and Tactics (SWAT) teams located in its field offices, with enhanced SWAT teams in 9 of the offices. FBI SWAT teams are capable of planning and executing high-risk tactical operations that exceed the capabilities of field office investigative resources. Figure 3.2 summarizes the FBI's tactical response assets.

Figure 3.2: FBI Tactical Assets



Source: FBI

FBI case management and evidence specialists can deploy with or otherwise support the Critical Incident Response Group shown in figure 3.1 to investigate an incident for the arrest and prosecution of the terrorists. FBI forensic and evidence capabilities are being enhanced

through the establishment of the Hazardous Materials Response Unit within the Laboratory Division.³

Domestic Emergency Support Team Designed to Support FBI Response

Based on a preliminary threat assessment, the FBI Director, through the Attorney General, may authorize the deployment of a DEST comprised of those agencies that can advise or provide assistance to the FBI on-scene commander as circumstances dictate. No higher level coordination or approvals (e.g., from the NSC Deputies Committee) are required unless the FBI's capability to deal with an extreme crisis, such as that potentially resulting from some types of WMD incidents or multiple incidents, proves insufficient.

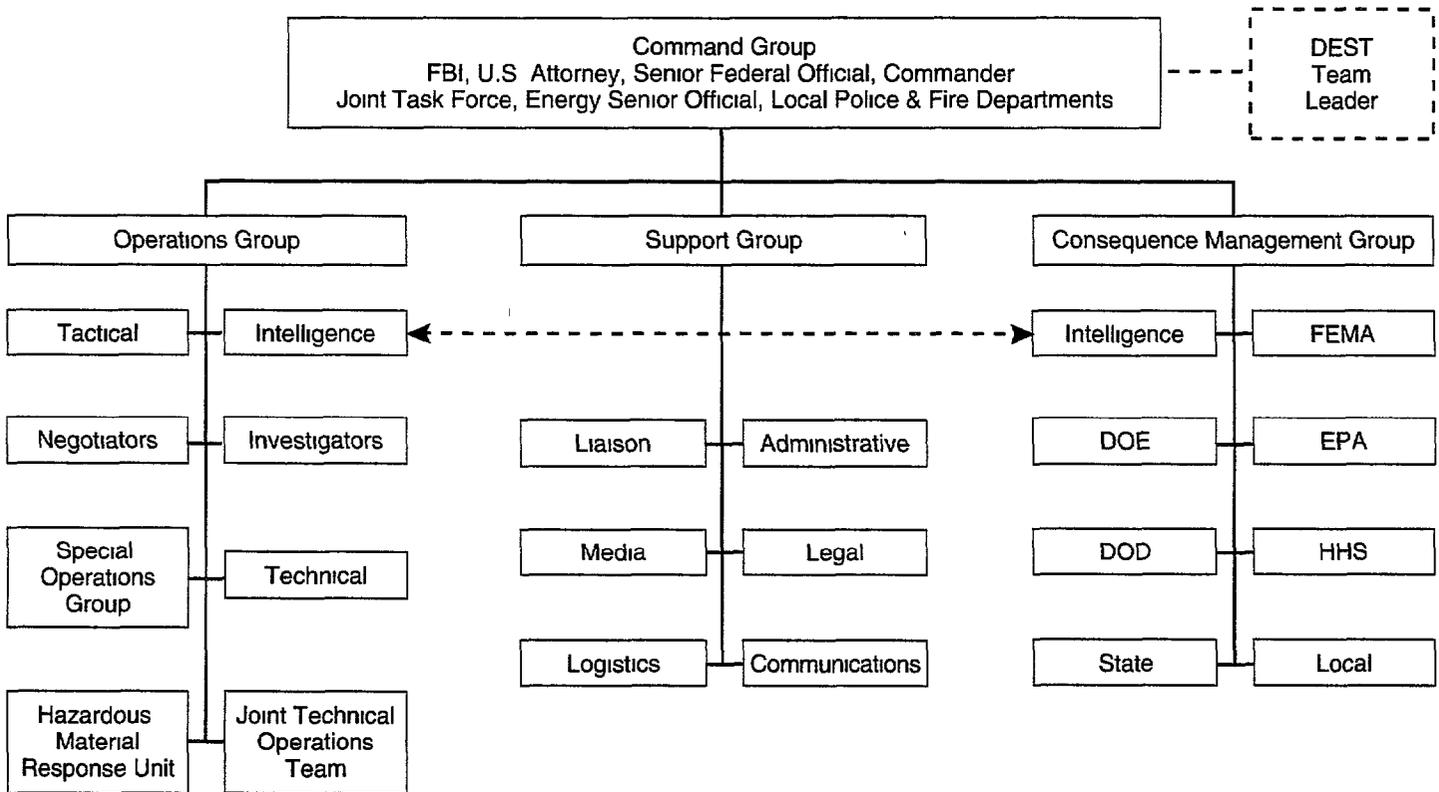
Upon the Attorney General's approval of the FBI's request for a DEST, each agency's representatives are expected to be ready to deploy quickly. The FBI determines the composition of the team and communicates that to the appropriate agencies. For example, a DEST may include nuclear, chemical, or biological experts to provide advice or support to the FBI in dealing with a specific type of incident involving WMD. The FBI incorporates the DEST into its existing crisis management structure. The FBI Director designates a DEST team leader from the FBI to advise the on-scene commander about other federal agencies' capabilities. The team leader conducts an initial situation assessment, develops courses of action, assesses potential consequences, and makes recommendations to the on-scene commander. The team leader is then to assign tasks for the commander's selected courses of action, supervise the evaluation of changes in the situation, and ensure information is disseminated in a timely manner.

The FBI command post can then be converted to a Joint Operations Center for decisions involving the interagency response to the incident. The center would have four groups: command, operations, consequence management, and support. The command group would include the on-scene principals of the DEST agencies, such as the DOE, HHS, EPA, DOD, FEMA, and any other federal, state, or local agency officials that are critical to successful resolution of the crisis, particularly incidents involving WMD. For example, specialized assistance may also be requested from the Departments of Transportation, Agriculture, Treasury, and State; the

³Other agencies may assist the FBI in its terrorism investigations. For example, although the FBI has a Bomb Data Center, the Treasury Department's ATF also has significant explosives investigation capability and can support FBI investigations of bombings. ATF is forming critical incident management response teams to draw resources from across the Bureau in response to critical incidents, and it has national response teams to help gather evidence and identify the cause and origin of an explosion or fire. ATF also has a special response team for situations that may be violent or in which surveillance or other nontraditional operations are required.

Nuclear Regulatory Commission; and the intelligence community. The agencies then support the FBI's response to the incident by providing the required expertise, staffing, and equipment. The operations group includes the following functions: intelligence, investigations, tactical operations, technical support, surveillance, and negotiations. The consequence management group monitors and provides advice on dealing with destruction and mass casualties. And the support group provides logistical, legal, media, administrative, and liaison services. Figure 3.3 shows the structure of an FBI Joint Operations Center.

Figure 3.3: FBI's Joint Operations Center



Source FBI

As of September 1997, a DEST had not been deployed in response to an actual incident. However, DEST components have been deployed as a precaution for special events, such as the 1996 Democratic National Convention, the 1996 Summer Olympic Games, and the 1997 presidential inauguration.

Other Federal Agencies May Support FBI in WMD Incident

For chemical or biological incidents, several agencies support the FBI's crisis management efforts, including HHS, EPA, and DOD. The HHS on-scene representative through a number of HHS entities,⁴ can provide services such as (1) threat assessment, (2) consultation, (3) agent identification, (4) epidemiological investigation, (5) hazard detection and reduction, (6) decontamination, (7) public health support, (8) medical support, and (9) pharmaceutical support operations. For example, public health and medical care response activities coordinated through HHS include assessment, triage, treatment, transportation, hospitalization, and mental health services for victims of a chemical or biological incident. Through its on-scene coordinator and response teams, the EPA can provide technical advice and assistance, such as identification of contaminants; sample collection and analysis; monitoring of contaminants; and on-site safety, prevention, and decontamination activities.⁵ EPA also issues any permits required for the custody, transportation, and transfer of chemical materials. DOD has technical organizations and tactical units, including the Chemical, Biological Defense Command; the U.S. Army Explosive Ordnance Disposal group; the Defense Technical Response Group; and the U.S. Army Technical Escort Unit; that can similarly assist the FBI on site in dealing with chemical and biological incidents, through identification of contaminants, sample collection and analysis, limited decontamination, air monitoring, medical diagnosis and treatment of casualties, and by render safe procedures for WMD devices. DOD can also provide for the custody, transportation, and disposal of chemical/biological materials when EPA lacks the capability to do so.

⁴These entities include the Office of Emergency Preparedness/Office of Public Health Service, Federal Interagency Chemical/Biological Rapid Deployment Team, Medical Management Support Unit, Medical Response Teams and specialty teams, Centers for Disease Control and Prevention, Food and Drug Administration, Agency for Toxic Substances and Disease Registry, National Institutes of Health, Substance Abuse and Mental Health Services Administration, and Health Resources and Services Administration.

⁵EPA provides its support through a number of local, regional, and national entities, including federal On-Scene Coordinators supported by contractors for sampling, monitoring, cleanup, and disposal, National Response Team, Regional Response Teams, Office of Radiation and Indoor Air, Center for Risk Modeling and Emergency Response, Radiological Emergency Response Team, National Enforcement Investigations Center, and laboratory support. National headquarters components include the Environmental Response Team and the Office of the Emergency Coordinator.

In the event of a nuclear incident—which terrorism experts view as the least likely of possible events—DOE would activate a nuclear incident team to monitor the crisis and coordinate the requested deployment of its crisis management teams for the DEST.⁶ Specifically, DOE provides scientific and technical assistance regarding (1) threat assessments; (2) search operations; (3) access operations; (4) diagnostic and device assessments; (5) disablement and render safe operations; (6) hazard assessments; (7) containment, relocation, and storage of special nuclear material evidence; and (8) post-incident cleanup.⁷ In providing these types of support, DOE emergency response teams do not enter hostile environments. In such environments, DOD provides personnel trained to disarm and dismantle an explosive device and any booby traps surrounding the device. Once DOD renders the device safe for movement or transportation and the environment is not hostile, DOE personnel can assist in further render-safe procedures, disassembly, and final disposition of the device. As with other types of WMD materials, DOD can provide for the custody, transportation, and disposal of nuclear materials if DOE is unable to do so.

Appendix III provides a profile of DOD, HHS, EPA, and DOE capabilities for dealing with aspects of terrorist incidents involving WMD.

Military Forces Could Be Used in Unusual Crisis Situations

If an exceptionally grave terrorist threat or incident is beyond FBI capabilities to resolve, a military joint special operations task force may be established to respond in accordance with contingency plans developed by DOD. As a general principle, the Posse Comitatus Act⁸ and DOD regulations prohibit the armed forces from being employed to enforce domestic law. The Posse Comitatus Act, however, is subject to a number of statutory exceptions, which permit the use of the armed forces in dealing with domestic terrorist incidents in special situations.⁹ According to Justice

⁶These crisis management teams consist of the Nuclear/Radiological Advisory Team, the Nuclear Emergency Search Team, the Joint Technical Operations Team, and the Lincoln Gold Augmentation Team. Almost 800 contractor personnel are to be available to provide the scientific and technical expertise in support of DOE crisis management teams. These contractor personnel normally work in DOE facilities as weapons designers, engineers, and physicists. In addition, to deal with terrorist incidents occurring at DOE facilities, DOE Special Response Teams would be the first to respond.

⁷The Nuclear Regulatory Commission will be included in the DEST if the incident involves a facility it has licensed.

⁸See 18 U.S.C. section 1385.

⁹For example, 18 U.S.C. section 1751 (i) (presidential assassination); 18 U.S.C. section 2332e (emergencies involving chemical WMD), 18 U.S.C. section 1116 (murder) and 18 U.S.C. section 112(f) authorize the Attorney General to request the assistance of military authorities for enforcement purposes when the victim is a foreign official, official guest, or internationally protected person.

Department officials, these statutory exceptions often require a request from the Attorney General and concurrence by the Secretary of Defense. Justice officials added that, in most instances, as a matter of policy, approval by the President will also be sought whenever possible. Further, Justice officials said that when military force is needed to restore order in an act of domestic terrorism and renders ordinary means of enforcement unworkable or hinders the ability of civilian law enforcement authorities, the President must issue an executive order and a proclamation. These documents are maintained in draft form and are ready for the President's signature if needed.

If military force is required and approved, the on-scene FBI commander passes operational control of the incident site to the military commander. The military commander develops and submits courses of action to the National Command Authority. If the incident cannot be resolved peacefully, the National Command Authority may order a military operation, including the disablement of a WMD. Once this is accomplished, the military commander returns operational control of the site to the FBI. To date, military action has never been required to resolve a domestic terrorist incident. Further, FBI officials stated that the FBI's own tactical skills to resolve a terrorist incident are generally equal to the military's, although technical assistance would be required in certain WMD incidents.

Domestic Crisis Response Exercises

Under PDD 39, supporting agencies are to provide trained personnel to the DEST, and the FBI is to design and coordinate an overall DEST exercise program. Although the FBI participated in 30 interagency exercises from October 1994 through March 1997, the FBI had not yet led a full-field DEST exercise. Exercises to date have included tabletop, command post, field training, and joint readiness exercises. These exercises involved conventional, chemical, biological, and nuclear incident scenarios. The FBI sponsored 10 of the exercises. Through March of 1999, 25 more exercises are scheduled.

The October 1994 Mirage Gold field exercise involved several agencies with nearly 1,000 participants and was designed to test the interagency crisis management capabilities for a nuclear incident. The exercise helped the FBI and other agencies, such as DOE, identify needed improvements in interagency coordination and intelligence flow, interagency coordination of forensic matters, and information management and technical support. FBI officials said they revised their crisis management plans accordingly and took other steps based on the lessons learned from the exercise. For

example, the Critical Incident Response Group implemented a crisis management training program for senior FBI officials that emphasized the Joint Operations Center concept.

Several interagency operational opportunities have arisen while preparing for special events. In preparing for the 1996 Summer Olympic Games in Atlanta, the FBI conducted WMD counterterrorism exercises, including tabletop, leadership, command post, and full-field exercises. According to an HHS official, participation in major events has been especially instructive. For example, preparations for special events have helped HHS identify needed improvements in communications equipment, the distribution system for antidotes for WMD agents, and the surveillance system for reporting illnesses associated with a chemical or biological attack.

Individual agencies also have internal exercises related to crisis management. For example, DOE has exercises that focus on crisis management of a nuclear terrorist incident and include national policy-level exercises to test interagency coordination and command and control procedures; bilateral exercises with the FBI and other interagency participants; various command post, field, and joint exercises with DOD; team-level drills to test DOE personnel's call-up and deployment response capabilities; and frequent tabletop drills using a nuclear incident scenario involving the development of appropriate emergency response strategies to deal with the incident.¹⁰

State Department Leads Crisis Management in International Incidents

For an international terrorist incident, the State Department is to lead U.S. crisis management efforts. A number of contingency arrangements are already in place to respond to a terrorist crisis. For example each diplomatic post has an Emergency Action Committee and an Emergency Action Plan. In addition, State's Bureau of Diplomatic Security has advance teams that can deploy to enhance a post's security posture if the threat level increases. In an actual incident, crisis management would be managed at a post by the Emergency Action Committee, led by the ambassador, and at headquarters by a task force led by the Coordinator for Counterterrorism. In addition, with permission from the host country, a State-led FEST can deploy to support the ambassador at a post. The FEST is tailored to the terrorist act and may include personnel with expertise to deal with specific types of WMD incidents. Other agencies may also

¹⁰According to DOE officials, DOE has also instituted an exercise after-action tracking system to evaluate whether exercise objectives were met and to identify significant deficiencies in need of corrective action

participate in U.S. crisis management overseas. For example, DOD, FBI, ATF, HHS, EPA, or DOE teams could support overseas operations involving WMD. The State Department and other agencies test their crisis management capabilities through exercises at the interagency or individual agency level.

**State Department
Responsible for
Management and
Contingency Arrangements**

The State Department generally is the lead agency in terrorist incidents that take place outside the United States. PDD 39 reaffirmed the State Department's lead for interagency coordination of international terrorist incidents. State Department has a variety of contingency arrangements and plans in case of a terrorist attack on U.S. interests overseas. State's Emergency Planning Handbook serves as a consolidated source of guidance for overseas posts on how to plan for and deal with emergencies abroad. The handbook identifies post emergency management responsibilities; discusses emergency and crisis management mechanisms within State and with other U.S. government agencies; highlights the kinds of information the post will need to plan for specific emergencies; and provides action-oriented checklists that posts may use to ensure rapid, clear, and complete responses in emergencies.

The Emergency Planning Handbook explains post mechanisms for crisis management, including the Emergency Action Committee and the Emergency Action Plan. Every U.S. diplomatic post is required to have an Emergency Action Committee. In organizing for emergency action, the ambassador establishes the committee and designates personnel responsible for 19 specific crisis-related functions. Every post is also required to have an operative Emergency Action Plan designed to provide procedures to deal with foreseeable contingencies specific to the post. The post plan is written by members of the post Emergency Action Committee to implement department-level guidance (as contained in the Emergency Planning Handbook) in conjunction with post-specific information. The post plan translates worldwide guidance into a post-specific action plan for dealing with a crisis.

State also maintains security response teams that can deploy in anticipation of a crisis. The Bureau of Diplomatic Security has Mobile Training Teams and Security Support Teams to respond to increased threats or critical security needs at posts. These teams can provide special training or assistance to plan or implement a drawdown or evacuate post personnel. These teams are to provide supplemental support to Regional Security Officers and stand ready for immediate deployment to any post.

Task Forces and Foreign Emergency Support Teams

Headquarters-level crisis management begins in the State Department's Operations Center, in coordination with the NSC. State's Operations Center maintains a 24-hour global watch and crisis management support staff. The watch is the initial point of contact for posts experiencing emergency crises, including terrorism. In a crisis, the Operations Center would establish a 24-hour task force to coordinate the flow of communications and instructions between the Department, other involved agencies, overseas posts, and foreign governments. In a terrorist incident, this task force would be chaired by the Coordinator for Counterterrorism and, in addition to relevant State bureaus, may include other U.S. government agencies with action responsibilities. Past task forces related to terrorism include those for hijackings, the takeover of the cruise ship Achille Lauro, the Pan Am flight 103 bombing, and the recent hostage crisis in Lima, Peru.

In coordination with NSC, State would lead an interagency FEST to assist the ambassador—the on-scene coordinator for the U.S. government. The purpose of a FEST is to assist the ambassador and host government to manage a terrorist incident. The FEST is advisory and will not enter the host country unless requested by the ambassador, with the host country's permission. The FEST also provides the ambassador a single point of contact to coordinate all U.S. government on-scene support during a terrorist incident.

Each FEST is tailored to the type of incident, the capabilities of the host government, and the desires of the host government and the ambassador. For example, the FEST can provide (1) guidance on terrorist policy and incident management; (2) dedicated secure communications to support the embassy throughout the incident; and (3) special expertise and equipment not otherwise available, including a professional hostage negotiations adviser. The FEST could include experts on managing specific types of WMD incidents, such as nuclear, biological, and chemical threats. Depending on the situation, the size of a FEST may range from a few individuals to more than 30 people.

Other Agencies Support State Department

In addition to providing advisers on the FEST, several other agencies, most notably DOD, support the State Department with operational units. DOD has forces from all the military services trained to cope with terrorist incidents. Command and control elements for these forces exist and have participated in exercises. State and DOD also have memorandums of understanding on the coordination and implementation of plans for the protection of U.S. citizens abroad in emergencies, and on the protection

and evacuation of U.S. citizens and designated aliens abroad. A pending or actual terrorist crisis may require the evacuation of U.S. government employees and other Americans from the affected area. Such evacuations (known in the military as Noncombatant Evacuation Operations) might be necessary in the face of continued terrorist attacks, or in an attack involving WMD. DOD has considerable assets with which to respond to all three types of WMD incidents, including on-call rapid response teams, equipment and vaccines, medical treatment personnel, and decontamination capabilities.

In responding to a terrorist incident overseas, other agencies also support the State Department. For example, ATF provides immediate response and support teams related to explosives investigations. In WMD incidents, other agencies already discussed under domestic WMD incidents could also participate in crisis management of an international WMD incident. For example, DOE, EPA, and HHS special teams could provide support in terrorist incidents involving nuclear, chemical, or biological agents respectively.

International Crisis Management Exercises

In PDD 39, the President directed the heads of several agencies (including State, DOD, and DOE) to ensure that their organizations' capabilities to combat terrorism are, among other things, well exercised. The State Department coordinates the interagency exercise program for counterterrorism overseas. This program is coordinated with other departments through the Interagency Working Group on Counterterrorism's Subgroup on Exercises. The exercise program is designed to strengthen the U.S. government's ability to deal with terrorist attacks. Four to six full-scale interagency overseas exercises are conducted annually. These involve the actual movement of response teams in a scenario that simulates a realistic overseas terrorist incident. In addition, tabletop exercises are held periodically to practice the coordination and management of a terrorism crisis without the expense of actually deploying special teams of people. The scenarios and agencies differ from exercise to exercise to develop and improve U.S. capabilities to deal with a variety of situations. Some exercises are conducted in overseas locations with host government participation.

DOD runs several interagency field exercises. The Chairman of the Joint Chiefs of Staff sponsors the Eligible Receiver exercises each year. These are no-notice interoperability exercises that involve not only DOD forces but also representatives from State, Justice, FBI, CIA and potentially DOE, EPA, and HHS. These exercises also require regional commanders in chief to

execute their own response plans and test agency interoperability. In addition, the regional commanders in chief conduct the Ellipse exercises, which involve interagency participation.

Interagency tabletop exercises are conducted under the Interagency Terrorism Response Awareness Program. Some of these senior-level interagency exercises have been hosted by DOD's Assistant Secretary of Defense for Special Operations and Low Intensity Conflict. In these exercises, officials practice interagency coordination for terrorist crises and special events, such as terrorists' use of WMD, or the presidential inaugurations. These exercises, now in their seventh iteration, have been conducted for Coordinating Sub-Group officials at the Assistant Secretary level, and were designed to exercise policy issues in combating terrorism.

Individual agencies also have internal terrorism exercises for international incidents. For example, some of DOD's Ellipse exercises are done internally, without major participation by other agencies. These exercises require the regional commanders in chief to exercise all levels of their response capabilities—tabletop sessions with their staff, response forces, and interagency crisis management cells and integration with Special Operations Forces. In addition, DOD also runs exercises related to evacuations of U.S. diplomatic personnel and other Americans. Some of these may include some participation by other agencies. For example, since 1991, the State Department has participated in the U.S. Marine Corps' special operations capable exercise program (i.e., SOCEX) to help train Marine Expeditionary Units in Noncombatant Evacuation Operations.

The State Department also runs internal exercises at overseas posts to test their Emergency Action Committees and Emergency Action Plans, and to generally prepare them for crisis management. The Department conducts exercises designed to expose posts to issues of decision-making, contingency planning, implementation of plans and formulation, and interpretation and coordination of policy. These exercises may cover a wide range of contingencies related to terrorism, such as hostage barricades, terrorist threats, and bombings. The State Department has been running these at-post exercises since 1983. In addition to these Department-led exercises, the post-level Emergency Action Committee is to prepare, execute, and evaluate post-level crisis exercises. These exercises are designed to test individuals' understanding of their roles under all foreseeable crises. They seek to identify gaps or ambiguities in the plan or in departmental guidance.

Arrest and Criminal Prosecution of Terrorists

U.S. policy for combating terrorism calls for the investigation of terrorism-related crimes and the apprehension and prosecution of terrorists. Arresting terrorists and bringing them to justice entails the application of U.S. criminal statutes and, in some cases, international treaties or agreements to obtain custody of the terrorists overseas and deliver them to the United States for prosecution. The Department of Justice (and the State Department involving the extradition or rendition of terrorists overseas) leads the federal government's efforts to apprehend terrorists for prosecution.

As the principal investigative agency of the federal government for terrorism matters, the FBI is to detect and investigate acts of terrorism against U.S. persons and property, both in the United States and abroad. The FBI's investigative authority is broad and its counterterrorism investigations involve a variety of potential incidents. Such incidents include domestic terrorism, bombings or attempted bombings, hostage-taking, homicides or attempted homicides of U.S. citizens overseas, sabotage, and extortion by threatening to use WMD. Table 3.1 shows that, depending upon the nature of a terrorist incident, other federal agencies may also participate in or support terrorism investigations.¹¹

¹¹For more information on the specific investigative authorities of different agencies, see Federal Law Enforcement Investigative Authority and Personnel at 13 Agencies (GAO/GGD-96-154, Sept 30, 1996)

Table 3.1: Federal Agencies' Involvement in Investigations Related to Terrorism

Federal agency	Involvement
FBI	Acts as lead federal agency for all domestic and overseas terrorism investigations
State Department, Bureau of Diplomatic Security	Diplomatic lead for overseas terrorism investigations Participates in investigations of terrorist incidents against U S diplomatic personnel and other persons under its protection State also investigates passport and visa fraud
Bureau of Alcohol, Tobacco, and Firearms	Investigates terrorist bombings and explosive blast scenes, both domestic and international
Secret Service	Investigates terrorist threats against officials under its protective mission, including the President and Vice President, and economic crimes committed by terrorists
Customs Service	Investigates foreign and domestic cases of terrorists and terrorist materials crossing U S borders, violations of economic sanctions and embargoes, and money laundering related to financing designated international terrorist organizations
Financial Crimes Enforcement Network (Treasury)	Supports lead investigative agencies in determining actual or suspected terrorists' financial transactions and money laundering
Immigration and Naturalization Service	Investigates cases of terrorists crossing U S borders
Environmental Protection Agency	Supports lead investigative agency in terrorist cases involving the actual or potential release of hazardous materials
Postal Inspection Service	Investigates terrorist attacks involving U S Postal Service property or functions

Source: Agency documents

The FBI is to arrest individuals who commit terrorist acts, and the Department of Justice is responsible for prosecuting them. The U.S. Attorney's office of the federal district in which a terrorist crime occurs leads the prosecution for terrorist acts committed within the United States. For terrorism-related crimes committed overseas, the U.S. Attorney for the District of Columbia, together with the Department of Justice Criminal Division's Terrorism and Violent Crime Section, ordinarily prosecutes the offense. When terrorist suspects are located overseas, an indictment is usually obtained in a U.S. court before their apprehension, if possible.

Where terrorists operate abroad, the federal government applies extraterritorial statutes to prosecute them. PDD 39 states that, if terrorists are wanted for violation of U.S. laws and are at large overseas, their return

for prosecution is a matter of the highest priority and is a central issue in bilateral relations with any country that harbors or assists terrorists. The United States has extradition treaties with a number of countries, and since 1993, it has obtained two terrorist suspects through extradition. The State Department is currently working to renegotiate a number of extradition treaties to extend their application to terrorist-related crimes. In some instances, the United States has obtained custody over a suspected terrorist by agreement with the asylum nation to render the individual to the United States for trial without resort to the formalities of an extradition treaty. Since 1993, the United States has obtained custody over six terrorists in this manner.

Another tool for arresting and prosecuting terrorist suspects is the State Department's Counterterrorism Rewards Program. The program will pay up to \$2 million for information that leads to the arrest or conviction in any country of any individual involved in an act of international terrorism or information that averts an act of international terrorism against U.S. persons or property. Since 1991, the program has paid over \$5 million in more than 20 cases.

Managing the Consequences of Terrorist Incidents

Consequence management is the preparation for and response to the consequences of a terrorist incident. Specific consequence management activities include measures to alleviate damage, loss of life, or suffering; protect public health and safety; restore essential government services; and provide emergency assistance. Consequence management can follow crisis management, but these two activities usually occur simultaneously or overlap, depending on the nature of the terrorist incident.

Unlike crisis management, the federal government does not have primary responsibility for consequence management, but it supports state and local governments in domestic incidents or host governments in international incidents. Federal capabilities that would support state and local governments in any disaster would be leveraged to also assist them in terrorist incidents. FEMA, using the Federal Response Plan, coordinates all federal efforts to manage consequences in domestic incidents for which the President has declared, or expressed an intent to declare, an emergency. The State Department, in coordination with the Agency for International Development, coordinates all federal consequence management efforts overseas. Terrorist attacks that successfully employ WMD would be particularly dangerous and complex, and several federal agencies might provide highly specialized consequence management capabilities under either FEMA or State Department leadership. Federal agencies conduct a variety of exercises to prepare to manage the consequences of terrorist incidents. Because of the Nunn-Lugar-Domenici legislation, federal agencies, led by FEMA and DOD, have increased their focus on training local authorities who would first respond to terrorist incidents.

Managing the Consequences of Domestic Incidents

State governments have primary responsibility for managing the consequences of domestic disasters, including major terrorist incidents. Through the Stafford Act and PDD 39, the federal government can support state and local authorities if they lack the capabilities to respond adequately. In the transition from crisis management to consequence management, the lead federal agency shifts from FBI to FEMA. FEMA manages the support provided by other federal agencies and coordination with state and local authorities. FEMA coordinates such federal assistance in accordance with an existing contingency plan. FEMA, as directed by the President in PDD 39, evaluated the adequacy of this plan and issued a separate annex on terrorism.

At the policy level, the FEMA-led Senior Interagency Coordination Group on Terrorism serves as the interagency forum for domestic terrorism-related consequence management issues. This group, established in November 1996, meets monthly, or as needed, and consists of FEMA, DOD, Justice, FBI, DOE, HHS, EPA, Transportation, Agriculture, the General Services Administration and the National Communications System. This group was established by the director of FEMA and focuses on domestic consequence management only. It is separate from the NSC-sponsored Interagency Working Group on Counterterrorism and its subgroup on consequence management (which focuses on international consequence management). The coordination group sponsors multiagency working groups to address specific issues, initially focused on training.

FEMA Coordinates Federal Response to Domestic Incidents

The Robert T. Stafford Disaster Relief and Emergency Assistance Act authorizes the President to issue emergency and major disaster declarations in response to a governor's request.¹ Such a declaration can be made without a governor's request in rare emergencies, including some acts of terrorism, for which the federal government is assigned the exclusive or preeminent responsibility and authority to respond.² The Stafford Act provides FEMA with authority to assign missions to any federal agency in the event of a disaster or emergency declared by the President.

For a terrorist incident, PDD 39 directs FEMA to (1) appoint an officer to direct the federal consequence management response, (2) issue and track the status of consequence management actions assigned to federal agencies, (3) establish the primary federal operations centers, (4) establish the primary federal centers for information, (5) designate appropriate liaisons, (6) determine when consequences are imminent that warrant consultations with the White House and governor's office, (7) consult with the White House and governor's office, and (8) coordinate the federal consequence management response with the lead state and local consequence management agencies.³

FEMA coordinates the federal response through a generic disaster contingency plan known as the Federal Response Plan. The plan, which

¹42 U.S.C. section 5121 et seq

²As an example of this, the President made such a declaration after the bombing of a federal building in Oklahoma City under subsection 501(b) of the Stafford Act

³Several other federal agencies, such as EPA and HHS, also have protocols and experience coordinating with state and local governments in emergency responses. For example, EPA, works with local governments on chemical releases through Local Emergency Planning Committees

implements the authorities of the Stafford Act, is used to respond to incidents or situations requiring federal emergency disaster assistance and to facilitate the delivery of that assistance. The plan outlines the planning assumptions, policies, concepts of operations, organizational structures, and specific assignment of responsibilities to lead departments and agencies in providing federal assistance. The plan categorizes types of federal assistance into specific emergency support functions (e.g., information and planning, health and medical services, urban search and rescue).

**Transition From Crisis
Management to
Consequence Management**

The transition from crisis management to consequence management can occur in a variety of ways. In general, crisis management and consequence management activities may occur concurrently. If consequences become imminent or actually occur, state and local authorities would initiate consequence management actions, while FEMA would monitor the situation in consultation with the President and the governor. If state and local capabilities are overwhelmed, the President could then direct FEMA, with the support of appropriate federal agencies, to assist the state, in coordination with FBI. When the Attorney General, in consultation with the directors of FBI and FEMA, determines that the FBI no longer needs to function as the lead agency, the Attorney General may transfer the lead agency role from FBI to FEMA. Table 4.1 compares the federal government's organization for crisis management and consequence management in a domestic terrorist incident.

**Chapter 4
Managing the Consequences of Terrorist
Incidents**

Table 4.1: the Federal Government's Organizations for Crisis Management and Consequence Management of a Domestic Terrorist Incident.

Function or Structure	Crisis Management	Consequence Management
Lead agency	FBI	FEMA
Headquarters coordination group	FBI-led Strategic Information Operations Center monitors situation	FEMA-led Catastrophic Disaster Response Group monitors situation
Regional/local coordination	FBI Field Office	FEMA Regional Operations Center
On-scene coordination center	FBI Command Post If interagency, FBI-led Joint Operations Center	FEMA-led Disaster Field Office
On-scene coordinator	FBI Special Agent in Charge	FEMA Federal Coordinating Officer
Interagency augmentation team	FBI-led DEST	FEMA-led Emergency Support Team
Policy guidance	PDD 39, domestic guidelines	Stafford Act, PDD 39, FEMA Federal Response Plan and Terrorism Incident Annex
Other relevant guidance	FBI Nuclear Incident Contingency Plan, FBI Chemical/Biological Incident Contingency Plan	Federal Radiological Emergency Response Plan, HHS Health and Medical Services Support Plan, EPA National Contingency Plan
Local/site guidance	Site-specific plans (e.g., nuclear power plant site contingency plan)	FEMA Regional Office's regional response plans, state or local response plans

Source: GAO analysis of documents from FBI and FEMA

Advance planning or other consequence management activities may occur during the crisis management phase. The on-scene Joint Operations Center, discussed in chapter 3, includes an interagency consequence management group, led by FEMA, to monitor a crisis and provide advice and continuity of leadership should consequence management be necessary. If an incident occurs without warning and immediately produces major consequences that appear to be caused by an act of terrorism, FEMA and the FBI would initiate consequence management and crisis management concurrently. In some cases, planning and preparation for consequence management occurs without any crisis at all. For example, at special events within the United States (e.g., the Olympics or inauguration), the President may direct federal agencies to take precautionary actions, due to a general concern or an actual threat of terrorism.

Other Agencies Support the Federal Response

FEMA's Federal Response Plan outlines the roles of other federal agencies in consequence management. The plan covers a wide variety of contingencies, involving both conventional or WMD terrorist attacks.

In WMD terrorist incidents, FEMA would lead consequence management activities, with support from other federal agencies, to assist people and to dismantle, transfer, dispose of, and decontaminate property exposed to WMD material. FEMA's Terrorism Annex to the Federal Response Plan deals specifically with WMD terrorist incidents. For nuclear incidents, FEMA also coordinates federal support using the framework defined in the Federal Radiological Emergency Response Plan. Together, these plans lay out the support responsibilities of specific federal agencies.

Table 4.2 displays the consequence management roles and missions of different federal agencies to support FEMA in consequence management. As shown in this table (and also in app. III), several federal agencies have similar capabilities to provide consequence management in WMD incidents.

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Table 4.2: Consequence Management Roles and Missions of Federal Agencies That Support FEMA in a Domestic Terrorist Incident.

HHS	The Office of Emergency Preparedness coordinates HHS efforts to provide medical and health care support. For any type of incident, HHS can activate Disaster Medical Assistance Teams to provide triage and medical care at the incident site. HHS (with FEMA, DOD and the Department of Veterans Administration) can also activate the National Disaster Medical System to track hospital beds for mass casualties. Further, HHS can activate Disaster Mortuary Teams to assist localities with the identification and processing of deceased victims. For all WMD incidents, HHS is developing three National Medical Response Teams and regionally located Metropolitan Medical Strike Teams. For biological incidents, HHS can help provide agent identification through its laboratories at the Centers for Disease Control and Prevention, the National Institutes of Health, the Agency for Toxic Substance and Disease Registry, and the Food and Drug Administration. In addition, the HHS counterterrorism plan covers administering appropriate antidotes and vaccines and decontaminating victims.
DOD	The Secretary of the Army directs DOD efforts to provide a wide range of support services. For biological incidents, response teams and laboratories at the U.S. Army Medical Research Institute of Infectious Diseases and the U.S. Naval Medical Research Institute can help identify biological agents and has limited capability to administer appropriate antidotes and vaccines. For chemical and biological incidents, the Marine Corps Chemical Biological Incident Response Force can provide agent identification, triage, decontamination, and medical care for victims. For both chemical and nuclear incidents, the Defense Special Weapons Agency could project potential plume sizes and directions for planning evacuations and other remedial activities. For nuclear incidents, the Army's Technical Escort Unit could package and transport a nuclear device.
EPA	The Office of the Emergency and Deputy Emergency Coordinator coordinates EPA support in chemical and nuclear incidents. For chemical incidents, EPA's On-Scene Coordinators, Environmental Response Teams, research laboratories, and EPA-led interagency National Response Team could identify, contain, clean up, and dispose of chemical agents. Five of EPA's research labs have mobile units that could analyze chemical and some biological agents. For nuclear incidents, in accordance with the Federal Radiological Emergency Response Plan, EPA could activate its Radiological Emergency Response Teams, Radiation Environmental Laboratories, and Environmental Radiation Ambient Monitoring System to monitor and assess radiation sources and provide protective action guidance.
DOE	The Office of Emergency Response (within the Office of Defense Programs) manages DOE support in nuclear incidents. In accordance with the Federal Radiological Emergency Response Plan, DOE could activate a number of units, such as the Federal Radiological Monitoring and Assessment Center, Accident Response Group, Aerial Measuring System, Radiological Assistance Program, Atmospheric Release Advisory Capability, and Radiation Emergency Assistance Center and Training Site. These units could provide a number of services, to include prediction of the consequences of high-explosive nuclear detonations, advice on medical and health impacts, monitor radiation, aerial radiological surveys, projection of plume sizes and directions, and decontamination. DOE could also package and transport a nuclear device.

Source: GAO analysis of documents from HHS, DOD, EPA, and DOE.

HHS can provide medical and public health support to local authorities in any type of terrorist incident. Through its Office of Emergency Preparedness, HHS has developed a Strategic National Counterterrorism Plan, with goals to improve local health and medical capabilities for a rapid and effective response and to improve the federal capability to quickly augment the state and local response. To implement this plan, the office is developing a concept of operations plan with individual cities. In

addition, HHS recently developed a Health and Medical Service Support Plan for the federal response to acts of chemical and biological terrorism. HHS may draw upon a number of resources both inside and outside the Department to respond to a terrorist incident, as shown above in table 4.2 and appendix III.

DOD has considerable assets with which to support consequence management in any type of terrorist incident.⁴ The Nunn-Lugar-Domenici legislation requires the Secretary of Defense to develop and maintain at least one domestic terrorism rapid response team that can aid federal, state, and local officials to detect, neutralize, contain, dismantle, and dispose of chemical and biological weapons. DOD has designated the Chemical Biological Quick Response Force to meet this requirement. This force is not a specific unit but a number of task-organized units that could participate under the leadership of the Army's Chemical, Biological, and Decontamination Command.⁵ The role of these units is described above in table 4.2, and in appendix III.

EPA has many assets to respond to a terrorist incident involving WMD. EPA's Office of the Emergency and Deputy Emergency Coordinator is to lead EPA's preparedness and response activities to combat terrorism, and to coordinate EPA's actions. EPA technicians and supporting equipment have the capability to identify contaminants, collect and analyze samples, monitor contaminants, and decontaminate equipment or sites. EPA helped plan for a federal consequence management response to potential terrorist incidents at the 1996 Olympics and deployed personnel and equipment to Atlanta during the entire event. Specific EPA units and their roles are described above in table 4.2, and in appendix III.

DOE has several assets that could be used to assist the interagency effort during the consequence management phase of a nuclear or radiological terrorist incident. These programs deal primarily with radiological containment and mitigation of the effects of radiation, such as plume and dose projections and aerial radiological survey results. Under the Federal Radiological Emergency Response Plan, DOE is to coordinate federal radiological monitoring and assessment; act as a technical liaison to

⁴DOD Directive 3025.15 outlines conditions of military support during both crisis management and consequence management. The Secretary of the Army serves as the DOD executive agent for civil emergencies and is assisted in this role by the Director of Military Support. This office reviews requests for civil disaster response and recommends an appropriate course of action.

⁵These task-organized units include the U S Army Technical Escort Unit, the Marine Corps Chemical Biological Incident Response Force, the U S Army Medical Command, and the Naval Medical Research Institute.

federal, state, and local authorities; maintain a common set of monitoring data; assisting with technical and medical advice; assist in decontamination and recovery planning; and aid in the transition of the incident to EPA management. As part of consequence management, DOE also develops and implements methods to contain high-explosive detonations and predict the consequences of mitigated and unmitigated high-explosive and nuclear detonations. Specific DOE units and their roles are described above in table 4.2, and in appendix III.

Other federal agencies could also provide assistance with consequence management, depending on the circumstances. For example, if a chemical incident occurred in a port, the U.S. Coast Guard has capabilities to assist with decontamination.

FEMA Assesses Federal, State, and Local Capabilities

In PDD 39, the President tasked FEMA to review the adequacy of the Federal Response Plan to deal with a terrorist incident, including those involving WMD. FEMA and other agencies (i.e., DOD, HHS, FBI, DOE, and EPA) reviewed the Federal Response Plan and, in February 1997, published a supplemental Terrorism Incident Annex to provide guidance for responding to terrorist incidents within the United States.

FEMA, in coordination with other federal departments and agencies, also assessed the capabilities of federal agencies to provide consequence management in a WMD incident. As part of these assessments, FEMA developed five detailed scenarios, describing various WMD incidents which were used by federal officials to assess their current capabilities to meet response requirements.⁶ As a result of the assessment, FEMA and the other agencies identified 12 critical areas that needed to be addressed, including the need for baseline information on capabilities; combined federal/state/local planning; and timely federal augmentation of local authorities.⁷ Since the assessment, a number of agencies have started initiatives to improve federal capabilities.

FEMA also assessed the capabilities of state and local governments to deal with the immediate effects of a terrorist event, including one involving

⁶These five scenarios were a (1) terrorist exploding a plutonium device, (2) terrorist exploding a nuclear uranium device, (3) terrorist using anthrax, (4) terrorist using nonpersistent nerve agents (Sarin), and (5) terrorist using persistent nerve agents (VX)

⁷The results of this assessment were documented in the Report to the President An Assessment of Federal Consequence Management Capabilities for Response to Nuclear, Biological, or Chemical Terrorism, dated February 1997, and Report to Congress on Response to Threats of Terrorist Use of Weapons of Mass Destruction, dated January 31, 1997.

WMD. The President and Congress have tasked FEMA and other agencies to assess the capabilities of state and local authorities to respond to terrorist incidents. For example, PDD 39 tasked FEMA to ensure that state response plans and capabilities are adequate and tested. Consequently, FEMA and other agencies worked with state and local authorities to assess the needs of local first responders. FEMA surveyed state terrorism response capabilities through the National Governor's Association and held focus group discussions with emergency first responders from four metropolitan areas on the capabilities and needs of local governments to respond to terrorist incidents. In making these assessments, FEMA again used its five detailed WMD scenarios for state and local officials to assess their current capabilities.

Managing the Consequences of International Incidents

While host governments are to manage the consequences of terrorist incidents overseas, the United States may provide assistance under certain circumstances. When the United States provides consequence management overseas, the State Department is the lead agency, and the U.S. Agency for International Development (USAID) plays a key role by assessing requirements in a given country. To date, U.S. government contingency plans for overseas consequence management have focused on WMD incidents, which are those most likely to overwhelm host government capabilities. The same federal agencies that have specialized capabilities to deal with domestic WMD incidents might also support efforts overseas.

State Department Leads Consequence Management Activities

Unlike domestic incidents, there is no transfer of leadership in international terrorist incidents—the State Department leads both crisis management and consequence management. The U.S. government provides consequence management overseas when an ambassador has determined that the host government is unable to cope with the problem without outside help, that it wants assistance, and that it is in U.S. interests to provide it. U.S. government disaster assistance is designed to complement host country efforts, not to replace them.

In addition to its leadership role, the State Department has operational responsibilities for consequence management. For example, State Department consular officers are to assist American victims with medical care as well as identify the remains, notify the next of kin, and ship the remains of deceased victims.

USAID Has Key Role in Disaster Relief

USAID's Office of Foreign Disaster Assistance (OFDA) is the lead agency for coordinating the U.S. government humanitarian relief and rehabilitation activities. OFDA might respond to virtually any disaster abroad, with emphasis on humanitarian relief in the form of equipment and funds. OFDA can provide damage and needs assessment specialists and a wide variety of disaster management consultants, should the post require them. OFDA has four stockpiles of basic disaster relief items, such as tents, plastic sheeting, and blankets. These stockpiles are strategically located around the world and could be used to provide humanitarian assistance in the wake of a terrorist incident. These stockpiles are used frequently, and due to changing stock levels, OFDA determines how to best support a specific disaster and when to release stockpile material.

State Department Is to Plan Response to Incidents Involving WMD

U.S. government efforts to provide consequence management overseas have focused on WMD incidents, which are the most likely to overwhelm host nation capabilities. In PDD 39, the President directed the State Department, in coordination with OFDA and DOD, to develop a plan to provide assistance to foreign populations that are victims of terrorist WMD attacks. The State Department's Bureau of Political and Military Affairs has written draft guidelines for a consequence management response to an international WMD incident. The guidelines provide instructions, within the framework of counterterrorism policy documents, to provide U.S. government assistance. These guidelines require that State (along with OFDA, DOD, DOE, and HHS) maintain the capability to respond rapidly to any incident when approved by the NSC. The response would be authorized subject to concurrences of the ambassador and host government.

The guidelines identify various response teams and detail their deployment and employment considerations. For example, State and OFDA are to provide a standing Consequence Management Response Team designed to help manage the consequences of an WMD emergency overseas. This team would be tailored to meet the specific emergency situation or conditions, and would deploy as an integral part of the NSC-directed FEST. The team leader would normally be from State's Bureau of Political Military Affairs and would coordinate consequence management activities, ensure that the ambassador is kept informed, and ensure the proper integration of all relief activities. The team leader would also serve as primary liaison between the ambassador, FEST, and team technical experts. The Consequence Management Response Team, through its OFDA representative, would coordinate all U.S. government consequence management activities with appropriate authorities of the affected country

as well as the international organizations, private voluntary organizations, and nongovernment organizations that may be involved in the emergency. The same federal agencies that would provide consequence management in a domestic WMD incident (e.g., HHS, DOD, EPA, and DOE) could also respond overseas.

Consequence Management Exercises

U.S. government agencies participate in exercises to prepare for consequence management. Consequence management exercises are usually tied into crisis management exercises and often involve federal, state, and local authorities. The Nunn-Lugar-Domenici legislation has put additional emphasis on and funding for federal efforts to train local first responders in selected cities to deal with domestic WMD incidents.

Interagency Exercises Enhance Preparedness

In PDD 39, the President directed several agency heads to exercise their capabilities to combat terrorism. Several interagency exercises are dedicated to, or include consequence management in terrorist incidents. For domestic incidents, FEMA has developed an interagency national exercise schedule to document and disseminate information on planned, unclassified exercises related to WMD terrorist incidents and involve multiple agencies and/or levels of government. Exercises included in the schedule include the FEMA-led Ill Wind series, which is designed to test coordination at the federal, state, and local level in response to a terrorist incident involving biological and chemical weapons. For fiscal year 1997, the emphasis of this program was on tabletop exercises in each FEMA regional office to familiarize regional and state responders with the new Terrorism Incident Annex to the Federal Response Plan. For international incidents, DOD's Eligible Receiver and Ellipse exercises, discussed in chapter 3, have also included cells that plan consequence management deployments.⁸ DOD officials said that recent and planned Eligible Receiver and Ellipse exercises have more emphasis on consequence management. Agencies participating in these interagency exercises include FEMA, FBI, State, HHS, DOD, EPA, DOE, USAID, and the Department of Transportation.

Agencies have also taken part in consequence management exercises related to several special events, such as presidential inaugurations, economic summits, and the Olympic Games. During the 1996 Atlanta

⁸DOD officials told us that while these exercises have consequence management planning cells, they do not always include the actual deployment of troops to conduct consequence management activities (e.g., setting up mess halls, building field hospitals, purifying water). They were not concerned about the lack of consequence management field exercises because they said their units were already well trained in these activities.

Olympic Games, for example, DOD supported civil agencies by planning to respond to terrorist attacks involving conventional high explosives and WMD. The Director of HHS' Office of Emergency Preparedness said that these types of events are among the most valuable exercises. HHS' participation in exercises related to the Atlanta Olympics was their agency's first large-scale interagency exercise, and it helped HHS identify a number of areas that needed improvement, such as secure communications equipment, the distribution system for antidotes, and the surveillance system to associate reported illnesses with a potential chemical or biological release.

Individual Agencies Conduct Exercises

HHS has sponsored exercises with Disaster Medical Assistance Teams and specialty teams and is working with DOD to identify training needs for the local Metropolitan Medical Strike Teams. HHS places great emphasis on improving the capabilities of local emergency medical systems, since they will be the first on the scene of a terrorist incident.

Much of the State Department's crisis management exercises (discussed in ch. 3) would be applicable to consequence management as well. For example, exercises related to the evacuation of an embassy in the Emergency Planning Handbook could be directly relevant in the aftermath of an overseas terrorist WMD incident.

FEMA and DOD Have Key Roles in Training First Responders

Federal training efforts for local first responders for WMD incidents are being coordinated by the FEMA-led Senior Interagency Coordination Group on Terrorism. This Group and its associated Training Task Group provide policy-level guidance in the development of a governmentwide terrorism training strategy. These groups also develop and oversee the interagency training strategy.⁹ The strategy includes the following elements: prioritize Nunn-Lugar-Domenici training, continue to analyze training needs, compile a compendium of existing training, deliver training in nontraditional ways, develop training for unmet needs, and work better with states and cities.

DOD has a major role in training first responders due to the Nunn-Lugar-Domenici legislation. This act directed DOD, in coordination with FEMA and other agencies, to assist state and local agencies to train and prepare for the consequences of a terrorist WMD incident. In

⁹An Integrated Approach to Federal Training Regarding Terrorist Use of Weapons of Mass Destruction, Report of the Training Task Group of the Senior Interagency Coordination Group on Terrorism, December 11, 1996

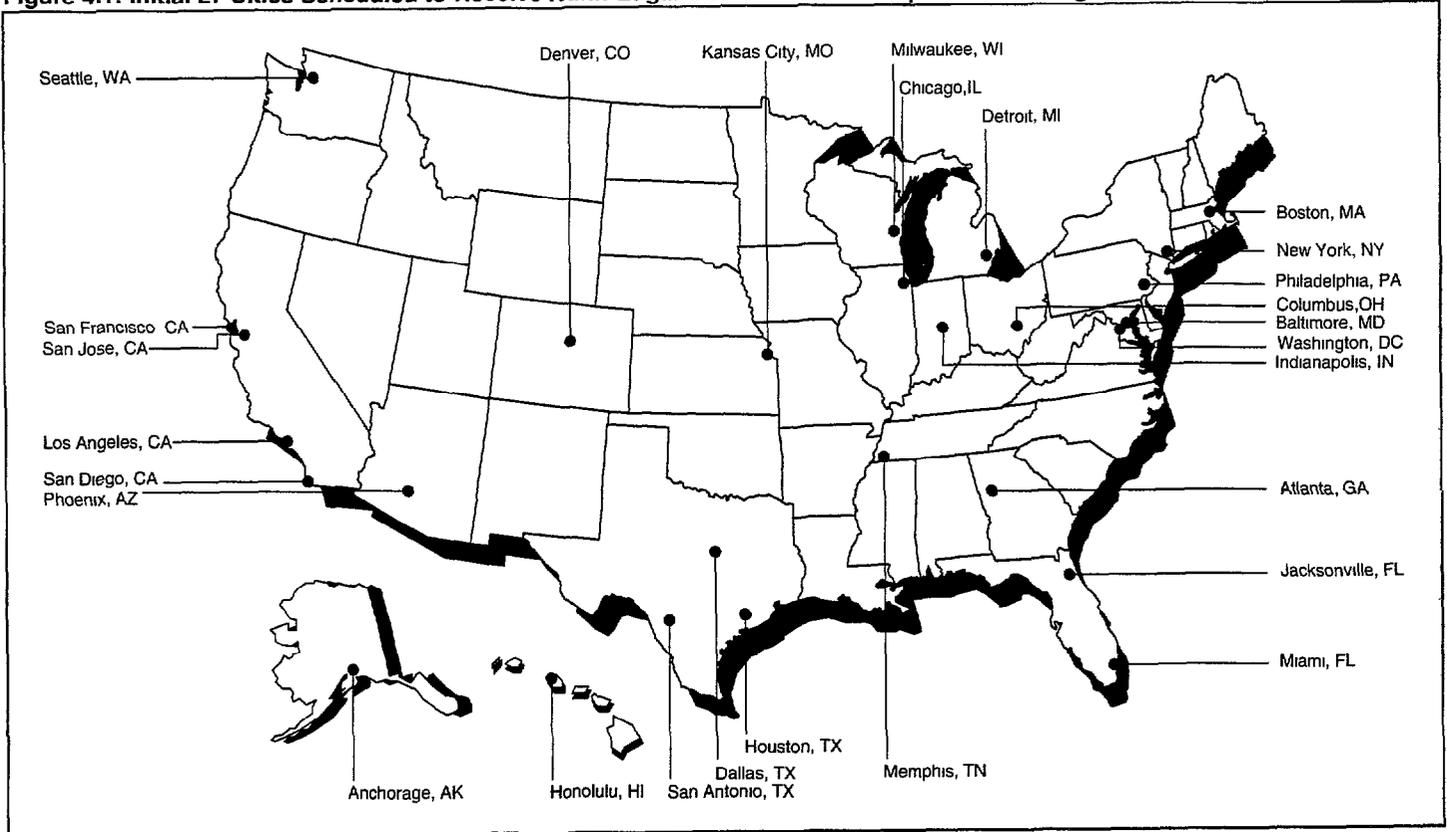
accordance with DOD Directive 3025.15, the Director of Military Support is the action office for implementing DOD's Nunn-Lugar-Domenici responsibilities for training.

Before providing targeted training, FEMA and DOD assessed the general training needs of local first responders. FEMA/DOD-led assessments have found several areas where additional training was needed. Specific needs included (1) training for first responders on incidents in which the WMD agent is unknown, (2) training on how to use the media, (3) training on planning and managing victim and family assistance, (4) training on medical triage and decontamination, and (5) multiagency and multijurisdictional training and exercises. Assessments of specific state and local training needs are ongoing to prepare for initial training.

DOD, through the Director of Military Support, plans to concentrate training resources initially on first responders from 27 cities and metropolitan areas. The training will be provided by multiagency teams of experts and generally be provided to local authorities' training organizations. The original 27 communities were selected based on their population, risk, and geographic dispersion. Federal training could thereby reach the largest number of people in the shortest time. DOD has plans to eventually expand the number of cities reached to 120. DOD will "train the trainers" in these local organizations so that they, in turn, can train others throughout their communities. Figure 4.1 shows the initial 27 cities scheduled to receive Nunn-Lugar-Domenici first responder training.

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Figure 4.1: Initial 27 Cities Scheduled to Receive Nunn-Lugar-Domenici First Responder Training.



Source DOD, Director of Military Support

Other agencies are also involved in providing Nunn-Lugar-Domenici or related training to first responders. For example, EPA is training first responders on hazardous material identification and handling. DOE is also involved in first responder training through the First Responder Focus Group sessions sponsored by the Army's Chemical and Biological Defense Command, and developed first responder training objectives and curriculum.

U.S. Policy on Combating Terrorism

This unclassified abstract of Presidential Decision Directive 39 (PDD 39) is reproduced verbatim. The National Security Council (NSC) reviewed and approved it for distribution to federal, state, and local emergency response and consequence management personnel.

1. General. Terrorism is both a threat to our national security as well as a criminal act. The Administration has stated that it is the policy of the United States to use all appropriate means to deter, defeat and respond to all terrorist attacks on our territory and resources, both people and facilities, wherever they occur. In support of these efforts, the United States will:

- Employ efforts to deter, preempt, apprehend and prosecute terrorists.
- Work closely with other governments to carry our counterterrorism policy and combat terrorist threats against them.
- Identify sponsors of terrorists, isolate them, and ensure they pay for their actions.
- Make no concessions to terrorists.

2. Measures to Combat Terrorism. To ensure that the United States is prepared to combat terrorism in all its forms, a number of measures have been directed. These include reducing vulnerabilities to terrorism, deterring and responding to terrorist acts, and having capabilities to prevent and manage the consequences of terrorist use of nuclear, biological, and chemical (NBC) weapons, including those of mass destruction.

a. Reduce Vulnerabilities. In order to reduce our vulnerabilities to terrorism, both at home and abroad, all department/agency heads have been directed to ensure that their personnel and facilities are fully protected against terrorism. Specific efforts that will be conducted to ensure our security against terrorist acts include the following:

- Review the vulnerability of government facilities and critical national infrastructure.
- Expand the program of counterterrorism.
- Reduce vulnerabilities affecting civilian personnel/facilities abroad and military personnel/facilities.
- Reduce vulnerabilities affecting U.S. airports, aircraft/passengers and shipping, and provide appropriate security measures for other modes of transportation.

- Exclude/deport persons who pose a terrorist threat.
- Prevent unlawful traffic in firearms and explosives, and protect the President and other officials against terrorist attack.
- Reduce U.S. vulnerabilities to international terrorism through intelligence collection/analysis, counterintelligence, and covert action.

b. Deter. To deter terrorism, it is necessary to provide a clear public position that our policies will not be affected by terrorist acts and we will vigorously deal with terrorist/sponsors to reduce terrorist capabilities and support. In this regard, we must make it clear that we will not allow terrorism to succeed and that the pursuit, arrest, and prosecution of terrorists is of the highest priority. Our goals include the disruption of terrorist-sponsored activity including termination of financial support, arrest and punishment of terrorists as criminals, application of U.S. laws and new legislation to prevent terrorist groups from operating in the United States, and application of extraterritorial statutes to counter acts of terrorism and apprehend terrorists outside of the United States. Return of terrorists overseas, who are wanted for violation of U.S. law, is of the highest priority and a central issue in bilateral relations with any state that harbors or assists them.

c. Respond. To respond to terrorism, we must have a rapid and decisive capability to protect Americans, defeat or arrest terrorists, respond against terrorist sponsors, and provide relief to the victims of terrorists. The goal during the immediate response phase of an incident is to terminate terrorist attacks so that the terrorists do not accomplish their objectives or maintain their freedom, while seeking to minimize damage and loss of life and provide emergency assistance. After an incident has occurred, a rapidly deployable interagency Emergency Support Team (EST) will provide required capabilities on scene: a Foreign Emergency Support Team (FEST) for foreign incidents and a Domestic Emergency Support Team (DEST) for domestic incidents. DEST membership will be limited to those agencies required to respond to the specific incident. Both teams will include elements for specific types of incidents such as nuclear, biological or chemical threats.

The Director, Federal Emergency Management Agency (FEMA), will ensure that the Federal Response Plan is adequate for consequence management activities in response to terrorist attacks against large U.S. populations, including those where weapons of mass destruction are involved. FEMA will also ensure that State response plans and capabilities are adequate and tested. FEMA, supported by all Federal Response Plan signatories, will

assume the Lead Agency role for consequence management in Washington, D.C., and on scene. If large scale casualties and infrastructure damage occur, the President may appoint a Personal Representative for consequence management as the on scene Federal authority during recovery. A roster of senior and former government officials willing to perform these functions will be created and the rostered individuals will be provided training and information necessary to allow them to be called upon on short notice.

Agencies will bear the costs of their participation in terrorist incidents and counterterrorist operations, unless otherwise directed.

d. NBC Consequence Management. The development of effective capabilities for preventing and managing the consequences of terrorist use of nuclear, biological or chemical (BC) materials or weapons is of the highest priority. Terrorist acquisition of weapons of mass destruction is not acceptable and there is no higher priority than preventing the acquisition of such materials/weapons or removing this capability from terrorist groups. FEMA will review the Federal Response plan on an urgent basis, in coordination with supporting agencies, to determine its adequacy in responding to an NBC-related terrorist incident; identify and remedy any shortfalls in stockpiles, capabilities or training; and report on the status of these efforts in 180 days.

Selected Laws Related to Terrorism

Trade and Foreign Assistance Legislation

Foreign Assistance Act of 1961, as Amended	Prohibited the provision of U. S. assistance to foreign countries whose governments support terrorism (22 U.S.C. 2371, as amended).
Arms Export Control Act, as Amended (Formerly the Foreign Military Sales Act of 1968)	Prohibited various transactions with foreign countries that support acts of terrorism, such as exports of any munition items or the provision of credits, guarantees, or other financial assistance to those countries (22 U.S.C. 2780, as amended).
International Financial Institutions Act (1977)	Directed that the U.S. government, while participating in enumerated international financial institutions, shall seek to channel assistance to countries other than those whose governments provide refuge to individuals that commit acts of international terrorism by hijacking aircraft (Title VII, P.L. 95-118).
1978 Amendments to the Bretton Woods Agreements Act	Required the U.S. Executive Director to the International Monetary Fund to oppose the extension of any financial or technical assistance to any country that supports terrorist activities (P.L. 95-435).
Export Administration Act of 1979	Listed compatibility with U.S. efforts to counter international terrorism as a factor in determining whether certain controls should be imposed for a particular export license on foreign policy grounds (P.L. 96-72, sec.6).
International Security and Development Cooperation Act of 1985	Authorized the President to ban the import into the United States of any good or service from any country that supports terrorism or terrorist organizations (Part A of Title V, P.L. 99-83).
Iraq Sanctions Act of 1990	Classified Iraq as a terrorism-supporting foreign country and imposed U.S. export controls and foreign assistance sanctions (P.L. 101-513, sec. 586).
Iran-Iraq Arms Non-Proliferation Act of 1992	Suspended foreign assistance military and dual-use sales to any foreign country whose government knowingly and materially contributes to Iran's

Appendix II
Selected Laws Related to Terrorism

or Iraq's efforts to acquire advanced conventional weapons (Title XVI, P.L. 102-484).

**1996 Amendment to
Export-Import Bank Act**

Restricted the President from granting special debt relief regarding any Export-Import Bank loan or guarantee to any country whose government has repeatedly supported acts of international terrorism (P.L. 103-87, sec. 570).

**Middle East Peace
Facilitation Act of 1994**

Allowed the President to suspend for 6-month periods, until July 1995, any previously passed restrictions on U. S. assistance to the Palestinian Liberation Organization (Part E of title V, P.L.103-236).

Spoils of War Act of 1994

Prohibited the transfer of spoils of war in the possession of the United States to any country that the Secretary of State has determined to be a nation whose government has repeatedly supported acts of international terrorism (Part B of title V, P.L. 103-236).

**Foreign Operations,
Export Financing, and
Related Programs
Appropriations Act for
Fiscal Year 1995**

Prohibited the direct funding of any assistance or reparations to certain terrorist countries such as Cuba, Iraq, Libya, Iran (Title V, P.L. 103-306).

**1996 Amendments to the
Foreign Assistance Act of
1961 and the Arms Export
Control Act**

Removed certain restrictions on the manner in which antiterrorism training assistance could be provided (Chapter 3 of title I, P.L. 104-164).

**1996 Amendments to the
Trade Act of 1974**

Required the President to withhold General System of Preferences designation as a beneficiary developing country entitled to duty free treatment, if the country is on the Export Administration Act's terrorist list, or if the country has assisted any individual or group that has committed an act of international terrorism (P.L. 104-295, sec. 35).

Appendix II
Selected Laws Related to Terrorism

Iran and Libya Sanctions Act of 1996	Required the President to impose sanctions against companies that make investments of more than \$40 million in developing Iran's or Libya's oil resources (P.L. 104-172, sec. 5).
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State Department and Related Foreign Relations Legislation	
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Act for the Protection of Foreign Officials and Official Guests of the United States (1972)	Established as a federal crime the murder or manslaughter of foreign officials and official foreign guests (Title I, P.L. 92-539).
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Act for the Prevention and Punishment of Crimes Against Internationally Protected Persons (1976)	Provided federal jurisdiction over assaults upon, threats against, murders of, or kidnapping of U.S. diplomats overseas (P.L. 94-467).
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Act for the Prevention and Punishment of the Crime of Hostage-Taking (1984)	Imposed punishment for taking a hostage, no matter where, if either the terrorist or the hostage is a U.S. citizen, or if the purpose is to influence the U.S. government (Part A of ch. XX, P.L. 98-473).
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1984 Act to Combat International Terrorism	Offered cash awards to anyone who furnishes information leading to the arrest or conviction of a terrorist in any country, if the terrorist's target was a U.S. person or U.S. property (Title I, P.L. 98-533).
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Omnibus Diplomatic Security and Antiterrorism Act of 1986	Provided extraterritorial criminal jurisdiction for acts of international terrorism against U.S. nationals (Title XII, P.L. 99-399).
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Antiterrorism Act of 1987	Prohibited U.S. citizens from receiving anything of value except information material from the Palestine Liberation Organization, which has been identified as a terrorist organization (Title X, P.L. 100-204).
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PLO Commitments Compliance Act of 1989	Reaffirmed a U.S. policy that any dialogue with the Palestinian Liberation Organization be contingent upon certain commitments, including the

organization's abstention from and renunciation of all acts of terrorism (Title VIII, P.L. 101-246).

Immigration Act of 1990 Required the exclusion or deportation from the U. S. any alien who the U. S. government knows or has reason to believe has engaged in terrorist activities (P.L. 101-649, sec. 601 and 602).

Federal Courts Administration Act of 1992 Provided civil remedies for U. S. nationals or their survivors for personal or property injury due to an international terrorism act; granted U. S. district courts jurisdiction to hear cases (Title X, P.L. 102-572).

Antiterrorism and Effective Death Penalty Act of 1996 Established procedures for removing alien terrorists from the United States; prohibited fundraising by terrorists; prohibited financial transactions with terrorists (Title IV, P.L.104-132).

Aviation Security

Federal Aviation Act of 1958 Authorized the Federal Aviation Administration (FAA) Administrator to prescribe such rules and regulations as necessary to provide adequately for national security and safety in air transportation; prohibited the air transportation of explosives and other dangerous articles in violation of a FAA rule or regulation (P.L. 85-726, sec. 601 and 902).

Anti-Hijacking Act of 1974 Established a general prohibition against aircraft piracy outside U.S. special aircraft jurisdiction; allowed the President to suspend air transportation between the United States and any foreign state that supports terrorism (Title I, P.L. 93-366).

Air Transportation Security Act of 1974 Authorized screening of passengers and their baggage for weapons (Title II, P.L. 93-366).

Aircraft Sabotage Act of 1984 Prohibited anyone from setting fire to, damaging, or destroying any U.S. aircraft (Part B of ch. XX, P.L. 98-473).

Foreign Airport Security Act of 1985	Required FAA to assess foreign airport security procedures and the security procedures used by foreign air carriers serving the United States. (Part B of title V, P.L. 99-83).
Aviation Security Improvements Act of 1990	Implemented many recommendations of the President's Commission on Aviation Security and Terrorism to improve aviation security and consular affairs assistance (Titles I and II of P.L. 101-604).
Federal Aviation Reauthorization Act of 1996	Mandated the performance of an employment investigation, including a criminal history record check, of airport security personnel (Title III, P.L. 104-264).

Other Legislation

International Security and Development Cooperation Act of 1981	Required the President to submit a report to Congress describing all legislation and all administrative remedies that can be employed to prevent the participation of U.S. citizens in activities supporting international terrorism (P.L. 97-113, sec. 719).
Convention on the Physical Protection of Nuclear Material Implementation Act of 1982	Prohibited a person from engaging in the unauthorized or improper use of nuclear materials (P.L. 97-351, sec. 2).
National Defense Authorization Act for Fiscal Year 1987	Required Department of Defense (DOD) officials to ensure that all credible, time-sensitive intelligence received concerning potential terrorist threats be promptly reported to DOD headquarters (P.L. 99-661, sec. 1353).
Undetectable Firearms Act of 1988	Prohibited the import, manufacture, sale, and shipment for civilian use of handguns that are made of largely nonmetallic substances (P.L. 100-649, sec. 3).
Biological Weapons Antiterrorism Act of 1989	Prohibited a person from knowingly producing or possessing any biological agent or toxin for use as a weapon or knowingly assisting a foreign state or organization to do so (P.L. 101-298, sec. 3).

Appendix II
Selected Laws Related to Terrorism

National Defense Authorization Act for Fiscal Year 1994	Required certain defense contractors to report to DOD each commercial transaction with a terrorist country; expressed the sense of Congress that FEMA should strengthen interagency emergency planning for potential terrorists' use of chemical or biological agents or weapons (P.L. 103-160, sec. 843 and 1704).
Violent Crime Control and Law Enforcement Act of 1994	Made it a federal crime to intentionally destroy or damage a ship or its cargo or to perform an act of violence against a person on board a ship (P.L. 103-322, sec. 60019).
Antiterrorism and Effective Death Penalty Act of 1996	Expanded and strengthened criminal prohibitions and penalties pertaining to terrorism; established restrictions on the transfer and use of nuclear, biological and chemical weapons, as well as plastic explosives (Titles II, III, V, and VII, P.L. 104-132).
National Defense Authorization Act for Fiscal Year 1997	Established the Domestic Preparedness Program to strengthen U.S. capabilities to prevent and respond to terrorist activities involving WMD; authorized DOD to take the lead role and provide necessary training and other assistance to federal, state, and local officials (Title XIV of P.L. 104-201, commonly known as Nunn-Lugar-Domenici).
Omnibus Consolidated Appropriations Act (1997)	Provided substantial funding for multiple federal agencies to combat terrorism, in response to the President's request (see individual agency appropriations acts within P.L. 104-208).
Emergency Supplemental Appropriations for Additional Disaster Assistance, for Antiterrorism Initiatives, for Assistance in the Recovery From the Tragedy That Occurred at Oklahoma City, and Rescissions Act (1995)	In response to the tragedy of the Oklahoma City federal building bombing, provided substantial emergency funding for various federal agencies to combat terrorism (Title III, P.L. 104-19).

Support Agencies' Capabilities Related to Weapons of Mass Destruction

Capability	DOD	HHS	EPA	DOE
Locate and examine unknown WMD device	<ul style="list-style-type: none"> •Army Technical Escort Unit •52nd Explosives Ordnance Disposal Unit •Other selected DOD units 	No capability	No capability	<ul style="list-style-type: none"> •Joint Technical Operations Team •Nuclear-Radiological Advisory Team •Nuclear Emergency Search Team •Lincoln Gold Augmentation Team
Render safe an armed WMD device	<ul style="list-style-type: none"> •Army Technical Escort Unit •52nd Explosives Ordnance Disposal Unit •Other selected DOD units 	No capability	No capability	<ul style="list-style-type: none"> •Joint Technical Operations Team •Nuclear-Radiological Advisory Team •Nuclear Emergency Search Team •Lincoln Gold Augmentation Team
Identify or evaluate WMD agents	<ul style="list-style-type: none"> •Army Technical Escort Unit •Marine Corps Chemical Biological Incident Response Force •U S Army Medical Research Institute for Infectious Diseases •U S Naval Medical Research Institute 	<ul style="list-style-type: none"> •Center for Disease Control and Prevention •National Institutes of Health •Agency for Toxic Substance Registry •Food and Drug Administration 	<ul style="list-style-type: none"> •Radiological Emergency Response Team •Environmental Response Team •Environmental Radiation Ambient Monitoring System •National Enforcement Investigations Center •EPA research laboratories •Contract laboratories 	<ul style="list-style-type: none"> •Joint Technical Operations Team •Nuclear-Radiological Advisory Team •Nuclear Emergency Search Team •Lincoln Gold Augmentation Team
Project dispersion of WMD agents	<ul style="list-style-type: none"> •Defense Special Weapons Agency 	<ul style="list-style-type: none"> •Center for Disease Control and Prevention •Agency for Toxic Substance Registry 	<ul style="list-style-type: none"> •Radiological Emergency Response Team •Environmental Response Team •Environmental Radiation Ambient Monitoring System 	<ul style="list-style-type: none"> •Federal Radiological Monitoring and Assessment Center (before handoff to EPA) •Aerial Measuring System •Atmospheric Release Advisory Capability
Track dispersion of WMD agents	<ul style="list-style-type: none"> •Defense Special Weapons Agency 	No capability	<ul style="list-style-type: none"> •Radiological Emergency Response Team •Environmental Radiation Ambient Monitoring System •Environmental Response Team •Federal Radiological Monitoring and Assessment Center (after handoff from DOE) 	<ul style="list-style-type: none"> •Federal Radiological Monitoring and Assessment Center (before handoff to EPA) •Aerial Measuring System •Atmospheric Release Advisory Capability

(continued)

**Appendix III
Support Agencies' Capabilities Related to
Weapons of Mass Destruction**

Capability	DOD	HHS	EPA	DOE
Provide medical advice on health impact of WMD	<ul style="list-style-type: none"> •U S Army Medical Research Institute for Infectious Diseases •Naval Medical Research Institute 	<ul style="list-style-type: none"> •Center for Disease Control and Prevention •National Institutes of Health •Agency for Toxic Substance Registry •Food and Drug Administration 	<ul style="list-style-type: none"> •Radiological Emergency Response Team •Environmental Radiation Ambient Monitoring System •Environmental Response Team •Federal Radiological Monitoring and Assessment Center (after handoff from DOE) 	<ul style="list-style-type: none"> •Federal Radiological Monitoring and Assessment Center (before handoff to EPA) •Atmospheric Release Advisory Capability •Radiation Emergency Assistance Center and Training Site
Provide triage and medical treatment	<ul style="list-style-type: none"> •Marine Corps Chemical Biological Incident Response Force •U S Army Medical Research Institute for Infectious Diseases •Naval Medical Research Institute 	<ul style="list-style-type: none"> •National Medical Response Teams •Disaster Medical Assistance Teams •Metropolitan Medical Strike Teams •Experts from Public Health Service agencies 	No capability	<ul style="list-style-type: none"> •Radiation Emergency Assistance Center and Training Site
Administer antidotes, vaccines, and chelating agents	<ul style="list-style-type: none"> •U S Army Medical Research Institute for Infectious Diseases •Naval Medical Research Institute 	<ul style="list-style-type: none"> •Variety of potential HHS units 	No capability	<ul style="list-style-type: none"> •Radiation Emergency Assistance Center and Training Site
Decontaminate victims	<ul style="list-style-type: none"> •Marine Corps Chemical Biological Incident Response Force 	<ul style="list-style-type: none"> •Variety of potential HHS units 	No capability	No capability
Decontaminate equipment and other materials	<ul style="list-style-type: none"> •Marine Corps Chemical Biological Incident Response Force 	No capability	<ul style="list-style-type: none"> •Environmental Response Team •Emergency Response Contract Services 	<ul style="list-style-type: none"> •Radiological Assistance Program
Package and transport WMD devices and agents	<ul style="list-style-type: none"> •Army Technical Escort Unit •52nd Explosives Ordnance Disposal Unit 	No capability	<ul style="list-style-type: none"> •Environmental Response Team •Emergency Response Contract Services 	<ul style="list-style-type: none"> •Joint Technical Operations Team

Note Includes crisis management and consequence management

Source Agency capabilities as stated in agency documents and discussions with agency officials

Comments From the Department of State



United States Department of State

Chief Financial Officer

Washington, D.C. 20520-7427

September 9, 1997

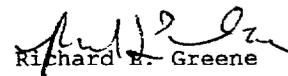
Dear Mr. Hinton:

We appreciate the opportunity to provide the enclosed Department of State comments on your draft report, "COMBATING TERRORISM: Federal Agencies' Efforts to Implement National Policy and Strategy," GAO Job Code 701103.

The overall report is an extremely well written, comprehensive document on the national strategy and U.S. Government's (USG) capabilities for combating terrorism. The Department of State has provided information for inclusion in the report through numerous briefs and documents and we are grateful to the drafters for incorporating these and minor changes.

If you have any questions concerning this response, please call Mr. Thomas Hastings, Office of the Coordinator for Counterterrorism (S/CT), at (202) 647-6491.

Sincerely,


Richard E. Greene

cc:

GAO - Mr. Davis
GAO - Ms. D'Agostino
STATE/S/CT - Mr. Hastings

Mr. Henry L. Hinton, Jr,
Assistant Comptroller General,
National Security and International Affairs,
U.S. General Accounting Office.

Comments From the Department of Justice

Note GAO comments supplementing those in the report text appear at the end of this appendix



U. S. Department of Justice

Washington, D.C. 20530

JUL 3 1997

Mr. Richard Davis
 Director, Security Analysis
 National Security
 and International Affairs Division
 General Accounting Office
 Washington, D.C. 20548

Dear Mr. Davis:

The Department of Justice appreciates the opportunity to comment on your agency's draft report entitled, COMBATTING TERRORISM: Federal Agencies' Efforts to Implement National Policy and Strategy. We appreciate the care which your staff has taken in preparing this document.

During a recent meeting between Ms. Davi D'Agostino and other members of your staff and representatives of several Department of Justice components, your office was furnished a number of minor editorial and technical proposals. Consequently, we will limit our formal comments to several more substantive matters concerning which we offered to provide our written views and proposed textual changes.

First, as we explained to your staff, under PDD 39, the Coordinating Subgroup (CSG) of the National Security Council serves as the focal point for coordinating the government's response to an act of terrorism in the event of a foreign terrorist incident or an act of terrorism within U.S. territory which has significant foreign involvement. The CSG's role is properly explicated at page 33 of the draft report. In advertent to the functions of the CSG elsewhere in the Report, however, the dichotomy between international and domestic terrorist acts is not as well defined. These references include the charts on pages 28 and 31, and the description of the NSC at page 29.

Second, Congress has not, as you state at page three of your report, enacted legislation specifically making terrorism a crime nor has it set up procedures specifically for the apprehension of terrorists. Rather, a number of federal statutes that have extraterritorial application make punishable crimes that are commonly considered acts of terrorism or can be applied to such acts. Accordingly, we recommend that you amend the following portions of the Report to reflect this understanding. On page 3,

Now on p 25

See comment 1
 Now on pp 21-23

Now on p 2

See comment 2

Now on p 12

See comment 2

Now on p 19

See comment 2

Now on pp 46-47

See comment 2

delete the phrase "clearly identifying terrorism as a crime, setting up procedures to apprehend and punish perpetrators worldwide," and substitute the phrase, "that ensures that certain acts of terrorism are Federal crimes no matter where they are committed." In the second sentence of page 15, delete the phrase "agreed upon." You may also wish to add a footnote at this location noting that Congress has defined the term "terrorism" in several different federal statutes, and that the definitions vary somewhat depending upon the particular context. See, e.g., 8 U.S.C. § 1182(a)(3)(B) (immigration); 18 U.S.C. § 2331(1) (defining "international terrorism" for purposes of authorizing civil actions against terrorists); 18 U.S.C. § 2332(d) (certification by Attorney General); 18 U.S.C. § 2332b(g)(5) (defining "federal crime of terrorism" for purposes of explaining federal investigative responsibilities); 18 U.S.C. § 3077(1) (defining an "act of terrorism" for purposes of the Attorney General's rewards program); 22 U.S.C. § 2656f(d) (defining "terrorism" for purposes of Secretary of State's annual country reports on terrorism); 50 U.S.C. § 1801(c) (defining terrorism for purpose of Foreign Intelligence Surveillance Act). Finally, on page 25, second paragraph, starting in the third line, we suggest that you delete the phrase, "clearly identifying terrorism as a crime, setting up procedures to apprehend and punish perpetrators worldwide," and substitute the phrase, "ensuring that the perpetrators of certain terrorist acts are subject to punishment no matter where the acts occur."

The Report is not completely accurate in its discussion at page 66 of the preliminary steps, required by statute and regulation, to employ the armed forces in a domestic terrorism incident. This is because a number of statutes authorizing such employment do not require a Presidential Proclamation and Executive Order. We suggest that the first four sentences of the paragraph appearing under the heading "Military Forces Could Be Used In Unusual Crisis Situations," be redrafted as follows:

If an exceptionally grave terrorist threat or incident is beyond FBI capabilities to resolve, a military joint special operations task force may be established to respond in accordance with contingency plans developed by DOD. As a general principle, the Posse Comitatus Act (PCA)¹ and DOD Regulations prohibit the armed forces from being employed to enforce domestic law. The PCA, however, is subject to a number of statutory exceptions, which permit the use of the armed forces in dealing with a domestic terrorist incident when its nature or scope is such that it is beyond the capability of civil law enforcement.² These statutory exceptions often require a request from the Attorney General, and concurrence by the Secretary of Defense. In most instances, as a matter of policy, approval by the President will also be sought whenever possible. Indeed, when military

force is needed to restore order in instances where an act of domestic terrorism renders ordinary means of enforcement unworkable or hinders the ability of civilian law enforcement authorities, the President must issue an Executive Order and a Proclamation.³ These documents are maintained in draft form and are ready for the President's signature if needed.

¹ See 18 U.S.C. § 1385.

² See, e.g., 18 U.S.C. § 351(g) (attacks upon cabinet members and other senior government officials); 18 U.S.C. § 1751 (a) (Presidential assassination); 18 U.S.C. § 831(e) (prohibited transactions involving nuclear materials); 18 U.S.C. § 2332e (emergencies involving chemical weapons of mass destruction); 10 U.S.C. § 382 (emergencies relating to biological weapons); 18 U.S.C. § 1201 (f) (kidnapping); 18 U.S.C. § 1116 (murder) and 18 U.S.C. § 112(f) authorize the Attorney General to request the assistance of military authorities for enforcement purposes when the victim is a foreign official, official guest, or internationally protected person.

³ See 10 U.S.C. §§ 331-334.

Finally, we believe that it is necessary to revise several statements appearing at page 77 concerning prosecutive responsibilities within the Department of Justice and the apprehension of terrorists. The first sentence on that page should be revised to read as follows:

The FBI has the responsibility of arresting individuals who commit terrorist acts and the Department of Justice is responsible for prosecuting them. The U.S. Attorney's office of the Federal district in which a terrorist crime occurs leads the prosecution for terrorist acts committed within the United States. For terrorism-related Federal crimes committed overseas, the U.S. Attorney for the District of Columbia, together with the Department of Justice Criminal Division's Terrorism and Violent Crime Section, ordinarily prosecutes the offense.

The following sentence should state:

Where terrorists operate abroad, the federal government applies extraterritorial statutes to prosecute them. PDD 39 states that, whenever terrorists are wanted for violation of U.S. laws and are at large overseas, their return for prosecution is a matter of the highest priority and will be a central issue in bilateral relations with any country that harbors or assists terrorists. The United States has extradition treaties with a number of countries, and since 1993, it has obtained two terrorist suspects through extradition.

Now on pp 54-55

See comment 2

See comment 2

Appendix V
Comments From the Department of Justice

The State Department is currently working to renegotiate a number of extradition treaties to extend their application to terrorist-related crimes. In some instances, the United States can obtain custody over a suspected terrorist by agreement with the asylum nation to render the individual to the United States for trial without resort to the formalities of an extradition treaty. Since 1993, the United States had obtained custody over six terrorists in this manner.

We hope that you will find these proposed revisions useful in the finalization of your Report. Should you have any questions concerning these or any other matters, please do not hesitate to contact us. Our telephone number at the Department of Justice is (202) 514-0849.

Sincerely,



James S. Reynolds, Chief
Terrorism and Violent Crime Section
Criminal Division

The following are GAO's comments on the Department of Justice's letter dated July 3, 1997.

GAO Comments

1. Our report does discuss the dichotomy between international and domestic terrorism, and the associated roles of NSC. Although we do not make this point every time the issue is addressed in our report, we have added emphasis where we refer to this dichotomy.
2. We modified the text to reflect Justice's comment.

Comments From the Federal Bureau of Investigation

Note GAO comments supplementing those in the report text appear at the end of this appendix



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D C 20535

August 4, 1997

Ms. Davi D'Agostino
Assistant Director
National Security and
International Affairs Division
441 G Street, N.W.
Washington, D.C. 20548

Dear Ms. D'Agostino:

This will follow up a telephone conversation this date, between members of our staffs, regarding Job Code 701103, "Implementation of the Federal Government's Counterterrorism Policy."

On July 22, 1997, a draft report entitled "Combating Terrorism: Federal Agencies' Efforts to Implement National Policy and Strategy" was received by the FBI for comment and security review. Subsequently, several telephone conversations took place between members of your staff and FBI personnel, during which, various technical corrections and changes to text were discussed.

Enclosure A provides an illustration of the suggested addition of the FBI's Counterterrorism Center to Figure 1.3, located between 1-10 and 1-11.

Enclosure B is in response to your staff's request for statutory or other authorities which identify the FBI as lead agency to address terrorism in the U.S. This request was in reference to Table 3.1, "Federal Agencies' Involvement in Terrorism Investigations." GAO has recommended that the block captioned "The following agencies act in support of the lead agencies above" be deleted from the table. **The FBI objects to this deletion** and is furnishing enclosure B with supporting data for GAO's reconsideration. The supporting documents are Presidential Decision Directive-39 (PDD-39) and Title 18, USC, Section 2332b (f) and (g)(1). The FBI acknowledges other Agency's statutory and mandated roles, highlighting the FBI's lead agency role, as noted in the enclosed material.

Our review of the draft report discloses no FBI classified information; however, the FBI defers to the National Security Council regarding classification decisions concerning

See comment 1
Now on p 21

See comment 2

**Appendix VI
Comments From the Federal Bureau of
Investigation**

See comment 3

Ms. Davi D'Agostino

all PDD-39 information. Also, the FBI has reservations regarding classification of the totality of the document in areas in which the FBI is involved but defers to the originating agency decisions concerning classification matters.

Sincerely yours,

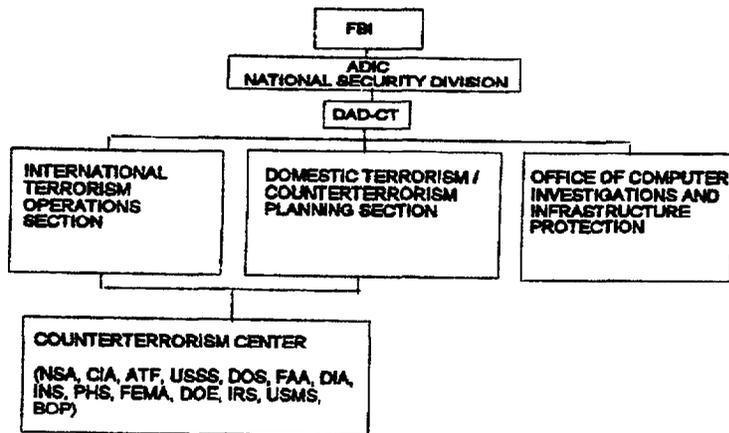


A. Robert Walsh
Unit Chief
Office of Public and
Congressional Affairs

Enclosures (2)

ENCLOSURE A

It is suggested that the FBI's Counterterrorism Center be listed on the unnumbered page between 1-10 and 1-11. The FBI's CTC should be included as indicated below. (ENCLOSURE A)



ENCLOSURE B

The following supporting documentation has been identified to the GAO for their review:

- 1) Presidential Decision Directive - 39 (PDD-39)
(U.S. Counterterrorism Strategy)
- 2) Title 18, USC, Section 2332b (f) and (g)(1)
(Terrorism/ Acts of Terrorism transcending national boundaries.)

"(f) Investigative authority. In addition to any other investigative authority with respect to violations of this title, the Attorney General shall have primary investigative responsibility for all Federal crimes of terrorism, and the Secretary of the Treasury shall assist the Attorney General at the request of the Attorney General. Nothing in this section shall be construed to interfere with the authority of the United States Secret Service under Section 3056."

"(g) Definitions- As used in this section

(1) the term "conduct transcending national boundaries" means conduct occurring outside of the United States in addition to the conduct occurring in the United States."

- 3) 28 Code of Federal Regulations (CFR)
Federal Bureau of Investigation (Page 50)

"(1) Exercise Lead Agency responsibility in investigating all crimes for which it has primary or concurrent jurisdiction and which involve terrorist activities or acts in preparation of terrorist activities within the statutory jurisdiction of the United States. This would include the collection, coordination, analysis, management and dissemination of intelligence and criminal information as appropriate. If another Federal agency identifies an individual who is engaged in terrorist activities or in acts in preparation of terrorist activities, that agency is requested to promptly notify the FBI."

- 4) President Clinton's February 26, 1997 "Report to Congress on Response to Threats of Terrorist Use of Weapons of Mass Destruction."

This document was in response to Section 1411 of the National Defense Authorization Act for Fiscal 1997 (Public Law 104-201) also published on February 26, 1997 in the Congressional Record-House, pages H651-H660; Congressional Record-Senate, pages S1658.

- 5) The "Terrorism Annex" to the Federal Response Plan.
- 6) "Guidelines For the Mobilization, Deployment and Employment of U.S. Government Agencies in response to a Domestic Terrorist Threat or Incident in Accordance with PDD-39."

This document is in final draft with the Department of Justice.

The following are GAO's comments on the Federal Bureau of Investigation's (FBI) letter dated August 4, 1997.

GAO Comments

1. We did not include FBI's suggested revisions to figure 1.3 because they exceeded the level of detail we were trying to portray in a figure providing an overview of the U.S. government structure for combating terrorism.
2. We did not include FBI's suggested revisions to table 3.1 for a variety of reasons. Our report, in table 3.1 and several other locations, already states that the FBI is the lead agency in investigating terrorist incidents. We modified the title of the table to read investigations "related to terrorism," since it is not clear that the FBI would be the lead agency in all possible terrorism-related investigations. While the documents cited by the FBI do indicate that FBI is the lead investigative agency in a general sense, other agencies also have special statutory and mandated roles, giving them substantial investigative jurisdiction and authority in particular areas. It is clear that FBI and the other law enforcement agencies need to work together in conducting any terrorism-related investigation.
3. We removed all classified material identified by FBI and other executive agencies to ensure that this report does not compromise national security information. Subsequently, NSC conducted a specific and detailed security review and ruled that the report is unclassified.

Comments From the Department of the Treasury

Note GAO comments supplementing those in the report text appear at the end of this appendix

See comment 1



UNDER SECRETARY

DEPARTMENT OF THE TREASURY
WASHINGTON D C

SEP 09 1997

Mr Richard Davis
Director, National Security Analysis
Government Accounting Office
Washington, D C 20548

Dear Mr Davis

After having reviewed the General Accounting Office's (GAO) draft report entitled Combating Terrorism, Federal Agencies' Efforts to Implement National Policy and Strategy (the Report), I would like to share some thoughts with you and request that you amend the Report to more accurately reflect the important role of the Department of the Treasury in preventing and combating terrorism

The Treasury Department's law enforcement bureaus have primary jurisdiction in a number of counter-terrorism areas and are particularly active in the prevention and deterrence of terrorism. For example, the U.S. Secret Service (Secret Service) is responsible for protecting the President, the Vice President, foreign dignitaries, and other designated protectees. Consequently, the Secret Service, in conjunction with state and local law enforcement, manages the overall security of special events in the United States that are attended by protectees or dignitaries. Recent examples include the Denver Summit, the Environmental Summit in New York, and the 50th Anniversary of the United Nations. As the lead agency responsible for enforcement of anti-smuggling laws, the U.S. Customs Service (Customs) is charged with preventing the illegal import or export of nuclear, hazardous, or otherwise illegal materials that can be used by terrorists. Customs actively inspects cargo entering or leaving the United States for contraband and, as noted in your Report, is "expected to prevent terrorists and terrorist materials from entering the United States through security and identity checks at ports of entry." In addition, Customs assets have been called upon to prevent air incursions at venues that are likely targets of terrorists, such as the Atlanta Olympics. The Bureau of Alcohol, Tobacco and Firearms (ATF) is the lead Federal agency in administering and enforcing laws that keep firearms and explosives, common instruments of terrorism, out of the hands of criminals. The Office of Foreign Assets Control (OFAC) enforces sanctions laws, including those directed at governments and persons that sponsor terrorism thereby working to prevent future acts of terrorism.

Treasury's prevention and deterrence role was reinforced in June 1995, when President Clinton signed Presidential Decision Directive 39, which sets forth the responsibilities of various Federal agencies for combating terrorism. In that directive, the President made explicit his intent to utilize Treasury Department expertise to the fullest extent in a major, multi-agency effort to counter-terrorism. Within this team effort, the Secretary of the Treasury is directed to exercise his authority to prevent unlawful traffic in firearms and explosives, to protect the President and other

Appendix VII
Comments From the Department of the
Treasury

officials, and to enforce laws controlling movement of assets, goods and services and export from or import into the United States.

Likewise, Treasury plays an important role in responding to terrorist incidents. ATF is not only responsible for enforcement of Federal firearms and explosives laws, but also conducts more than 90% of all Federal bombing investigations. ATF draws upon its National Response Teams, International Response Team and the explosives detection canines that it has trained to respond to an emergency. The Customs Service, which is authorized to enforce all Federal laws at the border, can, in the event of an emergency, close the ports of entry to persons or shipments seeking to enter or exit the United States, seize vessels seeking to enter a closed port, and refuse to clear for export vessels with suspect cargoes. Additionally, since individuals and organizations supporting terrorism can many times be traced by the trail of money that emanates from their supporters and flows to them as they purchase the tools of terrorism, Treasury's unrivaled expertise in financial crime investigations provides an invaluable mechanism for discovering and analyzing financial information about terrorists and their organizations, and sanctioning those who commit terrorist acts.

Thus, Treasury's enforcement bureaus provide immediate and effective responses to terrorist attacks, guard against the smuggling of weapons of mass destruction, enforce laws directed at the most common instruments of terror, protect terrorist targets, and enforce economic sanctions against countries and groups that promote terrorism. Treasury's bureaus are equipped not only to respond to specific threats and attacks, but also to conduct the proactive operations within their areas of expertise that help defeat terrorist plans.

Since June 1995, Congress and the Administration have reaffirmed the role of Treasury in fighting terrorism. The Antiterrorism and Effective Death Penalty Act of 1996 (Antiterrorism Act), Public Law 104-132, contained numerous provisions reaffirming the jurisdiction of Treasury. For instance, pursuant to the Antiterrorism Act, the Secretary of the Treasury received additional authority to study and regulate certain explosives. The Secretary also received new authority to block financial transactions with foreign terrorist organizations and to issue implementing regulations. Such actions are based on the recognition that the Treasury Department has contributed to our nation's antiterrorism fight in numerous unique and vital ways that cannot be duplicated by other law enforcement bureaus.

In short, Treasury's counter-terrorism activities are not new, but derive from authority that Treasury has exercised for decades, and from expertise developed in the course of Treasury's longstanding performance of its missions. Coordination among agencies is crucial to the fight against terrorism, and law enforcement agencies throughout the Federal government have always recognized and relied upon the essential work of Treasury's law enforcement bureaus.

The following sections set forth in more detail the roles of the Treasury law enforcement bureaus.

U.S. Secret Service

The Secret Service is responsible for protecting the nation's most visible potential targets,

Appendix VII
Comments From the Department of the
Treasury

including the President and First Family, the Vice President, visiting foreign dignitaries, and foreign embassies in the U S This requires not only the efforts of protective details, but also the maintenance of information about potential threats and liaison with the intelligence community and other law enforcement agencies

The Secret Service continues to enhance its protective intelligence capabilities and its efforts to assess the nature and scope of threats posed by domestic and foreign extremist groups that advocate force and violence

The Secret Service is the lead Federal agency responsible for the formulation and management of security plans at venues during major special events that are attended by protectees of the Secret Service The Secret Service provides security through the formation of partnerships with federal state and local agencies, as well as foreign governments, in order to protect our nation's leaders, visiting foreign dignitaries and the public

ATF

Terrorists commonly use firearms and explosives to commit crimes of violence. ATF is the lead Federal agency in administering and enforcing laws that keep these common instruments of terror out of the hands of criminals ATF enforces the Federal firearms, destructive devices and explosives laws and conducts over 90% of all Federal bombing investigations ATF currently is the only agency with the ability to trace explosives and track stolen explosives ATF's ability to investigate bombings and unlawful trafficking of explosives is greatly enhanced by its regulation of the explosives industry ATF is the only Federal agency with personnel trained and qualified to render an origin and cause determination for use in court proceedings.

Even where the FBI has primary jurisdiction in certain terrorism investigations, ATF maintains responsibility for matters falling within its expertise, and provides substantial assistance to the lead investigators and prosecutors For example, ATF special agents, bomb experts and laboratory personnel worked closely with the FBI in the bombings investigations involving the World Trade Center, the Oklahoma City Federal Building, the Unabomber and the Olympic Park ATF is the leading Federal expert in the tools of terrorism -- firearms and explosives -- acquired by years of experience. ATF's involvement in the investigation of terrorist bombings is inevitable because the motives behind these incidents may be unknown at the start of an investigation

Much of ATF's post incident counter-terrorism work is done through its internationally recognized National Response Teams (NRT) and an International Response Team (IRT) These teams respond to virtually every major explosive incident in the United States, assisting Federal, State and local authorities to overcome the difficulties inherent in any large-scale arson or explosives crime scene investigation By working alongside the local ATF agents and law enforcement personnel, an NRT can reconstruct the scene, identify the cause and origin of the fire or explosion, conduct interviews and gather relevant evidence For instance, after the Oklahoma bombing, two NRTs were deployed to help conduct the investigation and interviews and support intelligence gathering operations Furnished with state of the art equipment and vehicles, the NRTs are comprised of special agents with post-blast expertise, forensic chemists, and bomb

Appendix VII
Comments From the Department of the
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technicians. Since 1979, the NRTs have responded on 371 occasions to incidents that caused 477 deaths, 2449 injuries and \$5 billion in property damage. Upon State Department request, the IRT responds to international incidents, such as the 1992 bombing of the Israeli embassy in Buenos Aires, Argentina.

ATF's explosives incidents system data base (EXIS), will form the basis of the National Arson and Explosives Repository, which was authorized by Congress in October 1996. EXIS is the system of choice for Federal, state and local agencies seeking information to help solve explosives incidents. EXIS currently contains more than 230,000 detailed records from more than 68,000 individual explosives-related investigations and incidents. Additionally, ATF is conducting the Dipole Might study, a joint project of ATF, U.S. Army Corps of Engineers, and the Defense Nuclear Agency, funded by the National Security Council, to create a computerized data base and investigative protocol for the investigation of large-scale vehicle bombs. ATF is also conducting a study of taggants for explosives.

ATF has distinguished itself through its canine programs in connection with arson and bombing investigations. ATF is responsible for the training of bomb detection dogs for a host of state and local law enforcement agencies as well as foreign countries. It is expanding this program, increasing its own complement of bomb-sniffing canines, and preparing canine certification regulations for bomb detection dogs.

U.S. Customs Service

Customs has a long and distinguished history of investigating and prosecuting import and export cases involving violations by terrorists. These violations usually have involved the illegal international movement of arms, munitions, and components for weapons of mass destruction to further terrorist and related activities.

Customs has the authority and manpower to search and interdict shipments at the border. It supports this mission by gathering tactical intelligence and coordinating with domestic and foreign law enforcement and intelligence agencies. Customs has the responsibility for enforcing all U.S. laws at the border and, in support of its mission, is authorized to search any person, cargo or vehicle at the border without a search warrant or suspicion of criminality.

Customs has primary investigative jurisdiction over export violations under the Arms Export Control Act and the embargo provisions of the International Emergency Economic Powers Act and the Trading with the Enemy Act. Customs also has jurisdiction over illegal importations into the U.S.

In the event of a national emergency, such as a terrorist attack, Customs is authorized to close ports of entry, remove a customshouse to a secure place, seize and forfeit vessels seeking to enter a closed port, and refuse to clear for export vessels with suspect cargoes.

Customs' key role in the fight against terrorism was reaffirmed by the White House Commission on Aviation Safety and Security (the Gore Commission) when it recommended expanding the role

Appendix VII
Comments From the Department of the
Treasury

of Customs in preventing terrorist attacks. With its enforcement mission and presence at international airports, Customs is uniquely situated to perform a more important function in assuring aviation security. The Gore Commission proposed that Customs utilize additional explosives detection equipment, increase its outbound activities, and assist with the development of passenger and cargo screening regimes.

Office of Foreign Asset Control (OFAC)

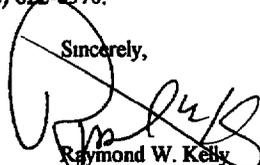
Under the International Emergency Economic Powers Act (IEEPA) the President may declare a state of emergency and impose economic sanctions against countries and persons that pose a threat to the United States' foreign policy, national security or economy. Among the targets of IEEPA and similar sanctions programs are foreign governments and foreign organizations that support terrorism. OFAC administers these sanction programs. This authority was expanded in the Antiterrorism and Effective Death Penalty Act of 1996, and is an important tool in fighting back against terrorists. OFAC is involved in the antiterrorist effort through five routes: Presidentially-imposed sanctions against five state sponsors of terrorism, implementation of an Executive Order targeting Middle Eastern terrorists, sanctions against Sudan and Syria, statutory sanctions against foreign terrorist organizations, and preparation of an annual report on terrorist assets.

International Training -- FLETC and the Treasury Bureaus

Treasury's law enforcement bureaus also combat terrorism through training that they provide to other nations' law enforcement officials. Chief among these efforts, of course, are those of the Federal Law Enforcement Training Center (FLETC), which trains personnel from over 50 nations as well as approximately 70 law enforcement agencies. FLETC provides direct international training on both an ongoing basis, as well as in response to additional threat areas that emerge. Customs, ATF, Secret Service and IRS also conduct international training in their respective areas of expertise, in partnership with the Department of State.

We appreciate your interest in recognizing the important role the Treasury Department and its law enforcement bureaus play in preventing and combating terrorism. Should your staff have any questions, please contact Anna Dickey at (202) 622-0370.

Sincerely,



Raymond W. Kelly
Under Secretary
(Enforcement)

**Appendix VII
Comments From the Department of the
Treasury**

The following are GAO's comments on the Department of Treasury's letter dated September 9, 1997.

GAO Comments

1. Based upon this letter, additional technical corrections supplied by Treasury, and various meetings with Treasury officials, we have revised the report to reflect the Treasury Department's role in combating terrorism.

Comments From the Federal Emergency Management Agency

Note GAO comments supplementing those in the report text appear at the end of this appendix



Federal Emergency Management Agency

Washington, D.C. 20472

JUL 22 1997

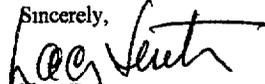
Mr. Richard Davis
Director, National Security Analysis
National Security and
International Affairs Division
United States General Accounting Office
Washington, DC 20548

Dear Mr. Davis.

On behalf of Director James L. Witt, I am responding to your letter of June 2, 1997, requesting review and comment of the draft report on Combating Terrorism (GAO job code 701103). In general, the report provides a good summary of programs and activities underway to deal with the terrorism threat and address requirements for effective response. Although the report deals with the Federal government's ability to combat terrorism both at home and abroad, the major focus of the report appears to be activities dealing with domestic planning and response activities. For proper emphasis, particularly in regard to consequence management activities, I recommend the narrative portion on domestic terrorism be placed in one section with a second section devoted to international terrorism activities.

While the report summarizes many aspects of terrorism prevention, readiness and response, I am concerned that some incorrect inferences may be drawn from the discussion of consequence management activities beginning on page 78, as well as in other portions of the report. I am enclosing more detailed comments on specific areas of the report that I believe will enhance the overall clarity and accuracy of the report contents.

Thank you for the opportunity to comment on the report.

Sincerely,

Lacy E. Suter
Executive Associate Director
Response and Recovery Directorate

Enclosure

See comment 1

Now on p 56

See comment 2

The following are GAO's comments on the Federal Emergency Management Agency's (FEMA) letter dated July 22, 1997

GAO Comments

1. Within PDD 39's functional framework of prevention and deterrence, crisis management and consequence management, we believe our report makes a clear distinction between domestic and international terrorist incidents
2. Based upon the written technical corrections supplied by FEMA, we have revised the report as appropriate.

Comments From the Department of Health and Human Services



DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Assistant Secretary for Health
Office of Public Health and Science
Washington D.C. 20201

June 30, 1997

Mr. Henry L. Hinton, Jr.
Assistant Comptroller General
National Security and International Affairs Division
United States General Accounting Office
Washington, D.C. 20548

Dear Mr. Hinton:

Thank you for the opportunity to review your draft report on combatting terrorism (GAO job code 701103)

We concur in general with the draft report. The report is an excellent effort to convey appropriate information on a very complex issue.

Technical comments have been transmitted separately.

A handwritten signature in cursive script, appearing to read "William E. Clark".

William E. Clark
Deputy Director
Office of Emergency Preparedness/
National Disaster Medical System

U.S. Public Health Service

Comments From the Department of Energy

Note GAO comments supplementing those in the report text appear at the end of this appendix

Now on p 37
See comment 1

Now on p 79
See comment 1



Department of Energy
Washington, DC 20585

July 2, 1997

Mr Henry L Hinton
Assistant Comptroller General
National Security and International Affairs Division
United States General Accounting Office
441 G Street, NW
Washington, D C 20548

Dear Mr Hinton

The Department of Energy's (DOE) Office of Emergency Response (DP-23) has reviewed the General Accounting Office's report on "Combating Terrorism-Federal Agencies' Efforts to Implement National Policy and Strategy "

There are only two recommendations for change:

- 1 On page 53 under the Program Chart section for the DOE, it should read "that a draft memorandum of understanding is being developed between the United States and Russia which discusses U S. assistance in the event of a nuclear terrorist incident in Russia "
- 2 On page 105 (Appendix III), "render safe an armed WMD," add "NEST, JTOT, LGAT, and NRAT has capability to give advice and technical support to DOD " This should be added for DOE instead of "No Capability "

Please contact me with any comments

Sincerely,

Lisa E Gordon-Hagerty
Director
Office of Emergency Response
Defense Programs

cc
Gary Weeter, GAO



Appendix X
Comments From the Department of Energy

The following are GAO's comments on the Department of Energy's (DOE) letter dated July 2, 1997.

GAO Comments

1. We modified the text to reflect DOE's comment.

Comments From the Central Intelligence Agency

Note GAO comments supplementing those in the report text appear at the end of this appendix

See comment 1

See comment 2



17 July 1997

Mr. Richard Davis
 Director, National Security Analysis
 National Security and
 International Affairs Division
 United States General Accounting Office
 Washington, D.C. 20548

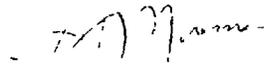
Dear Mr. Davis:

Thank you for providing the Central Intelligence Agency (CIA) an opportunity to comment on your draft report entitled: "COMBATING TERRORISM: Federal Agencies' Efforts to Implement National Policy and Strategy," July 1997.

CIA has reviewed the report as you requested. Overall, the report appears to be thorough and generally accurate. We do wish to point out, however that the report, as currently drafted, contains information that CIA considers to be classified; the report also contains some minor technical inaccuracies, which we believe can be easily corrected. Enclosed is a short paper, classified SECRET, that provides further details and offers suggested revisions.

If I can be of further assistance on this matter, please let me know.

Sincerely,



John H. Moseman
 Director of Congressional Affairs

Enclosure

UNCLASSIFIED When Separated
 From Enclosure

UNCLASSIFIED

~~SECRET~~

The following are GAO's comments on the Central Intelligence Agency's (CIA) letter dated July 17, 1997.

GAO Comments

1. We deleted all classified material identified by CIA and other executive agencies to ensure that this report does not compromise national security information. Subsequently, NSC conducted a specific and detailed security review and ruled that the report is unclassified.
2. Based upon the written technical corrections supplied by CIA, we revised the report as appropriate.

Comments From the U.S. Agency for International Development

Note GAO comments supplementing those in the report text appear at the end of this appendix



U.S. AGENCY FOR
INTERNATIONAL
DEVELOPMENT

JUN 26 1997

Mr. Henry L. Hinton, Jr.
Assistant Comptroller General
National Security and International Affairs Division
U.S. General Accounting Office
441 G Street, N.W. - Room 4039
Washington, D.C. 20548

Dear Mr. Hinton:

I am pleased to provide the U.S. Agency for International Development's (USAID's) formal response on the draft GAO report entitled "Combating Terrorism: Federal Agencies' Efforts to Implement National Policy and Strategy" (July 1997).

We have reviewed the draft and concur with its content. The following minor text modification is suggested:

On page 92 paragraph two, in the section titled "State Is to Plan Response to Incidents Involving WMD", delete sentences six and seven in their entirety and replace with the following:

"The CMRT, through its OFDA representative, would coordinate all U.S. Government consequence management activities with appropriate authorities of the affected country and other assisting countries as well as the international organizations, private voluntary organizations, and nongovernment organizations that may be involved in the emergency."

Thank you for the opportunity to respond to the GAO draft report and for the courtesies extended by your staff in the conduct of this review.

Sincerely,

Richard Nygard
Acting Assistant Administrator
Bureau for Management

320 TWENTY-FIRST STREET, N.W., WASHINGTON, D.C. 20523

Now on pp 65-66

See comment 1

**Appendix XII
Comments From the U.S. Agency for
International Development**

The following are GAO's comments on the Agency for International Development's (USAID) letter dated June 26, 1997.

GAO Comments

1. We modified the text to reflect USAID's comment.

Major Contributors to This Report

**National Security and
International Affairs
Division, Washington,
D.C.**

Stephen L. Caldwell
Davi M. D'Agostino
Richard A. McGeary
H. Lee Purdy
Marc J. Schwartz
Gary K. Weeter

**Office of General
Counsel, Washington,
D.C.**

Raymond J. Wyrsh

Appendix XIII
Major Contributors to This Report

Appendix XIII
Major Contributors to This Report

Appendix XIII
Major Contributors to This Report

Related GAO Products

Combating Terrorism: Status of DOD Efforts to Protect Its Forces Overseas (GAO/NSIAD-97-207, July 21, 1997).

Chemical Weapons Stockpile: Changes Needed in the Management Structure of Emergency Preparedness Program (GAO/NSIAD-97-91, June 11, 1997).

State Department: Efforts to Reduce Visa Fraud (GAO/T-NSIAD-97-167, May 20, 1997).

Aviation Security: FAA's Procurement of Explosives Detection Devices (GAO/RCED-97-111R, May 1, 1997).

Aviation Security: Commercially Available Advanced Explosives Detection Devices (GAO/RCED-97-119R, Apr. 24, 1997).

Terrorism and Drug Trafficking: Responsibilities for Developing Explosives and Narcotics Detection Technologies (GAO/NSIAD-97-95, Apr. 15, 1997).

Federal Law Enforcement: Investigative Authority and Personnel at 13 Agencies (GAO/GGD-96-154, Sept. 30, 1996).

Aviation Security: Urgent Issues Need to Be Addressed (GAO/T-RCED/NSIAD-96-151, Sept. 11, 1996).

Terrorism and Drug Trafficking: Technologies for Detecting Explosives and Narcotics (GAO/NSIAD/RCED-96-252, Sept. 4, 1996).

Aviation Security: Immediate Action Needed to Improve Security (GAO/T-RCED/NSIAD-96-237, Aug. 1, 1996).

Passports and Visas: Status of Efforts to Reduce Fraud (GAO/NSIAD-96-99, May 9, 1996)

Terrorism and Drug Trafficking: Threats and Roles of Explosives and Narcotics Detection Technology (GAO/NSIAD/RCED-96-76BR, Mar. 27, 1996).

Nuclear Nonproliferation: Status of U.S. Efforts to Improve Nuclear Material Controls in Newly Independent States (GAO/NSIAD/RCED-96-89, Mar. 8, 1996)

Aviation Security: Additional Actions Needed to Meet Domestic and International Challenges (GAO/RCED-94-38, Jan. 27, 1994).

Nuclear Security: Improving Correction of Security Deficiencies at DOE's Weapons Facilities (GAO/RCED-93-10, Nov. 16, 1992).

Nuclear Security: Weak Internal Controls Hamper Oversight of DOE's Security Program (GAO/RCED-92-146, June 29, 1992).

Electricity Supply: Efforts Underway to Improve Federal Electrical Disruption Preparedness (GAO/RCED-92-125, Apr. 20, 1992).

Economic Sanctions: Effectiveness as Tools of Foreign Policy (GAO/NSIAD-92-106, Feb. 19, 1992)

State Department: Management Weaknesses in the Security Construction Program (GAO/NSIAD-92-2, Nov. 29, 1991).

Chemical Weapons: Physical Security for the U.S. Chemical Stockpile (GAO/NSIAD-91-200, May 15, 1991).

State Department: Status of the Diplomatic Security Construction Program (GAO/NSIAD-91-143BR, Feb. 20, 1991).

International Terrorism: FBI Investigates Domestic Activities to Identify Terrorists (GAO/GGD-90-112, Sept. 9, 1990).

International Terrorism: Status of GAO's Review of the FBI's International Terrorism Program (GAO/T-GGD-89-31, June 22, 1989).

Embassy Security: Background Investigations of Foreign Employees (GAO/NSIAD-89-76, Jan. 5, 1989).

Aviation Security: FAA's Assessments of Foreign Airports (GAO/RCED-89-45, Dec. 7, 1988).

Domestic Terrorism: Prevention Efforts in Selected Federal Courts and Mass Transit Systems (GAO/PEMD-88-22, June 23, 1988).

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