

## 19. MOVING FORWARD TO SECURE AMERICA AT HOME

**W**e have found that almost five years after September 11, America is still substantially at risk of catastrophic terrorist attack. Significant vulnerabilities have not been mitigated. We concur with the 9/11 commissioners that further terrorist attacks in the United States are not a matter of if, but a matter of when. Nonetheless, we believe that there are ways to increase the likelihood that such attacks might be disrupted. We also believe that there are ways to improve government's capabilities to assist citizens during a crisis, and to recover after such attacks.

In the broadest terms, our review has three major conclusions. First, metropolitan areas should be the major focus of domestic security, including metropolitan response plans, medical systems, policing and intelligence efforts, and transportation security. Second, working with the private sector, government must increase security and reduce risk at privately owned facilities, attacks against which could create mass casualties or disrupt the operation of the economy. Third, there are certain functions that the federal government must perform better than it does today, including border and port security, aviation security, national-level intelligence, and catastrophic event response.

The steps to better security can be taken without additional governmental expenditures, and certainly at a cost lower than we have incurred to secure another nation, Iraq. The recommended measures will require, however, a reallocation of funding at the federal, and to a lesser extent, at the state and local level. They will also require that some regulated industries pass on additional security costs to consumers. The federal government must ignore regulatory options for ideological reasons when market forces have largely failed to provide necessary security risk management measures. By using smart regulation that specifies end-states rather than micromanaging means, the federal government can encourage innovation and reduce the cost of required security measures.

Securing America at home will involve tradeoffs within federal spending on security. Congress has required the Pentagon to perform a Quadrennial Defense Review to articulate a strategy, determine capability requirements, and plan funding for a multi-year program to achieve the necessary capabilities. So, too, Congress should require such an exercise for homeland security. The review should propose clearly articulated goals for achieving specific capabilities by precise dates, and the review process should be sufficiently transparent so that Congress may make choices, stretching out some programs and accelerating others.

The administration should then be required to perform a Synoptic Security Review encompassing both Pentagon programs and domestic security requirements. The review should present tradeoffs and choices so that Congress can determine, for example, whether the cost of maintaining three aircraft carrier battle groups (out of the current twelve) improves our security better than programs meant to enable us to control our maritime approaches, ports, and borders. We believe it is both intellectually dishonest and damaging to our nation's overall security to divide artificially Pentagon spending from other federal funding of security measures. The bottom line: Homeland security is national security.

The measures we propose also can be accomplished without infringing on constitutionally protected civil liberties. Indeed, they can be accomplished even as we reverse the erosion of civil liberties that has already occurred, including illegal wiretapping, declaring Americans to be enemy combatants, and extending the authority of federal agents to demand material without court review. We believe that civil liberties oversight should be incorporated at the program level in the federal government and should be present at the state and local levels of government.

Our recommendations can be accomplished with minimal further reorganization of federal departments and agencies. The creation of the Department of Homeland Security (DHS) and the director of national intelligence (DNI), as well as a plethora of new centers and task forces, caused bureaucratic confusion, diverted energies and attention from implementation, and often gave political appointees responsibilities that would have been served far better by professional managers. In the interest of consolidation, we are reluctant to propose further organizational turmoil. Therefore, we are recommending only one major change to reduce the size of DHS and an adjustment to the executive office of the

president to restore White House leadership in key areas. Specifically, we propose that the Federal Emergency Management Agency (FEMA) should once again be a separate agency, apart from DHS. Within the White House, we propose the elimination of the Homeland Security Council structure, merging it within the National Security Council system (NSC) as envisioned in the original legislation creating the NSC. Within the NSC, there would be a deputy national security adviser for homeland security, and subordinate to that official, a special assistant to the president for emergency preparedness and a special assistant to the president for cyber security. There would also be a deputy national security adviser for crisis management, for both domestic and international events.

In sum, we believe there is much to be done to secure America at home and that these measures should be considered neither optional nor deferrable. Fortunately, our domestic security agenda is well within our capabilities as a nation and pales by comparison to the challenges overcome by previous generations of Americans. Overall government security spending need not be increased. Nor do we need to trade liberty for security. For too long we have lacked a focused agenda, sustained presidential leadership, bipartisan cooperation, and competent professional management. Without those qualities, even as we “fight them over there,” we will continue to have a forgotten homeland.

## SUMMARY OF RECOMMENDATIONS

In this section we offer a summary of task force recommendations. Like the report itself, the recommendations are divided into three parts. The first set of recommendations highlights the efforts necessary to better prepare our cities for the lead role they must play in preventing and responding to acts of terrorism. The second set of recommendations focuses on how to engage the private sector in homeland security. These recommendations aim to create a different relationship between the public and private sectors to secure our infrastructure, leverage private sector resources for the homeland security mission, and show how individual industries have dealt with or must deal with the homeland security challenge. The third set of recommendations addresses the role of the federal government

in homeland security, including its role in protecting our civil liberties and paying for homeland security.

## **I. A METROPOLITAN APPROACH TO HOMELAND SECURITY**

### **METROPOLITAN AREAS SHOULD BECOME THE PRIMARY UNIT FOR PLANNING, FUNDING, AND TRAINING FOR HOMELAND SECURITY.**

Every metropolitan area must complete vulnerability and mitigation assessments for every major component of security: First responders must be supplied with and trained in the use of personal protective equipment; interoperable communications must be established for all major metropolitan areas; realistic training and preparedness exercises must be conducted; evacuation routes and shelter-in-place plans must be developed and tested.

**METROPOLITAN AREAS MUST MOVE FROM BEING FIRST RESPONDERS TO BEING FIRST PREVENTERS.** Congress should establish a COPS II first preventers program to hire and train local law enforcement to do counterterrorism and gather intelligence. Regional networks for information sharing must be established and integrated with state and local intelligence fusion centers for coordinating prevention, preparedness, and response activities with the states and municipal areas. All law enforcement officers and civilian analysts dedicated to counterterrorism and intelligence operations must be cleared at the top secret level to achieve adequate information exchange with their federal counterparts.

### **THE SECURITY OF PUBLIC TRANSPORTATION SYSTEMS MUST BE BOLSTERED WHILE MAINTAINING EASE OF USE FOR PASSENGERS.**

Increasing the visibility of security personnel and the use of closed-circuit television systems is essential; making the public part of security efforts, as in the “if you see something, say something” campaigns, can provide a substantial increase in security. Interoperable communication systems and robust command and control systems must be built to work in subway systems. Federal funds should be made available to support

capital improvements that would help prevent attacks, mitigate effects, and facilitate rapid post-attack recovery of the transit system.

**PUBLIC HEALTH AND HOSPITAL PLANS SHOULD BE DEVELOPED IN EVERY MAJOR METROPOLITAN AREA AND FUNDING SHOULD BE TARGETED TO OUR LARGEST CITIES FIRST.** Detection systems for chemical and biological releases must be installed in subways and metro stations, convention and athletic centers, and other public areas where large numbers of people congregate. A crash effort must be made to develop real-time biodetection sensors, and local agencies should have access to the data produced by the sensors. Syndromic surveillance systems should be established in all major metropolitan areas and linked to a federal network. Local agencies must have access to the SNS formulary, and the program should be expanded to include treatment for radiation sickness and additional all-hazards materials. The Vendor Managed Inventory should be extended to include food, water, and other basic supplies; and the distribution plans for SNS material must be developed and drilled on.

## II. A NEW APPROACH TO THE PRIVATE SECTOR

**THE OVERUSE OF “CRITICAL INFRASTRUCTURE” DESIGNATIONS MUST BE ELIMINATED AND NARROWER DEFINITIONS OF HIGH-IMPACT TARGETS AND ESSENTIAL SYSTEMS ADOPTED.** Different standards of security should be set within each category, and different levels of federal support are appropriate. Infrastructure security plans that specify the end-state to be achieved, goals and milestones for achieving it, standards for implementation and compliance, and timelines for accomplishing intermediate actions should be set. Congress should pass the Chemical Facility Anti-terrorism Act with the Infrastructure Protection Regional Security and Area Security framework intact with amendments that will encourage companies to invest in passive security and inherently safer technologies. The act should mandate a design basis threat for security requirements for highest risk tier facilities, and security personnel at these facilities must be authorized to use deadly force when necessary. Facilities compliant with the act should receive liability pro-

tection and reductions in their insurance premiums; Congress must provide sufficient funding to enforce the act. Smart regulation on a sector-by-sector basis can be used to encourage the development and implementation of appropriate security measures. Congress should revamp the Terrorism Risk Insurance Act (TRIA) to promote risk mitigation and create a safe harbor against litigation following a terrorist attack where targeted companies have complied with government-approved security standards.

**THE ENERGY INDUSTRY PROVIDES MANY EXAMPLES OF HOW SYSTEMS CAN BE MADE RESILIENT AND HOW COMPANIES CAN EFFICIENTLY RESPOND TO DISRUPTIONS.** However, too many energy facilities could be targeted by terrorists to bring harm to local communities. The industry must work to eliminate these facilities. Where it is not possible, they must invest in better physical security measures. Our ailing energy infrastructure must be rebuilt and expanded, including federal support and assistance for infrastructure investments that have nationally critical import, such as a stockpile of critical, hard-to-replace equipment to improve system resiliency and service restoration speed. We must invest more in research, development, and deployment of designs and technologies that can make energy infrastructures and networks more resilient and resistant to failure. Finally, we must make a dedicated effort to increase energy efficiency and reduce our dependence on foreign energy sources.

**CYBER SECURITY MUST BE MADE A NATIONAL PRIORITY, AND THE FEDERAL GOVERNMENT MUST USE ITS CONVENING POWER TO STANDARDIZE AND COORDINATE PRIVATE SECTOR EFFORTS.** The White House must develop a new national information assurance policy directive to establish a framework for protecting critical cyber systems, clarify roles and responsibilities, and eliminate overlap. The number of committees nominally in charge of cyber security policy should be reduced to one under the reinstated position of cyber czar; Department of Defense indications and warnings efforts should be expanded into a national cyber attack sensing, warning, and response capability. Research and development efforts should be focused on the deployment of resilient networks; and sentencing guidelines for cyber crimes should be increased to reflect the damage they cause to our society and economy.

### III. FIXING THE FEDERAL ROLE

**OUR DISASTER MANAGEMENT SYSTEM MUST BE REBUILT STARTING WITH THE REESTABLISHMENT OF FEMA AS AN INDEPENDENT CABINET-LEVEL AGENCY.** FEMA must be designated as the executive agent for federal disaster planning and liaison and coordination with state and local governments, and the lead agency for federal disaster crisis management in the field. FEMA must have the legal authority and capability to take over control and operations when local authorities are overwhelmed, disabled, or dispersed; it must help make cities “disaster-resistant” by invigorating Project Impact to ensure that local authorities have vital medical and interoperable mobile communications; and it must involve the private sector in planning and preparation for catastrophic events.

**A RENEWED EFFORT TO FIX THE PROBLEMS THAT CONTINUE TO PLAGUE OUR DOMESTIC INTELLIGENCE EFFORTS MUST BE MADE.** The president should establish an intelligence transformation group of the National Security Council, with delegation to the national security advisor, to include the secretary of defense, the secretary of homeland security, the attorney general, and the DNI. DHS should be given responsibility for assuring a two-way intelligence exchange with state and local governments; the FBI’s role in domestic intelligence must be clarified, particularly in relation to DHS and its legislated role as an analytic and fusion center; and the National Counterterrorism Center should become the center for all analytic production.

**WHILE AVIATION SECURITY HAS SEEN BETTER FUNDING AND MORE IMPROVEMENT THAN ANY OTHER HOMELAND SECURITY ACTIVITY, THERE IS STILL MUCH TO BE DONE.** The Transportation Security Administration (TSA) must bring Secure Flight online as rapidly as possible while providing protection for personal information; newer screening technologies like backscatter and multi-view X-ray must be employed to replace the first generation of technology purchased after September 11, which is rapidly reaching the end of its service life; the Threat Image Projection (TIP) program should be expanded to keep screeners alert; airports should be allowed to replace federal screeners with private contractor screeners, if doing so will increase efficiency and security; and in-line

explosive detection systems (EDS) should be built at the busiest passenger airports to screen checked baggage. All cargo that is shipped on passenger aircraft must be screened; continued reliance on known shipper methods is not sufficient. DHS research and development should focus on developing affordable and effective countermeasures against the threat of surface-to-air missiles; training flight crews in basic security measures and self-defense; expanding the transportation workers identification card to all passenger airports and major air cargo shipping ports.

**PORT SECURITY EFFORTS MUST GO WELL BEYOND CONCERN OVER THE OPERATION OF MARINE TERMINALS.** The security of the global intermodal transportation system must be bolstered and a national port plan developed that takes into account long-term trade and security trends. The Department of Defense and the Coast Guard joint operations centers should be set up in all major U.S. commercial ports for surveillance and data sharing and for training local, state, and federal participants. The navy salvage fleet should be doubled and the ships repositioned to the East and West coasts; Coast Guard fleet modernization annual funding should be increased to \$2 billion; and all duties and fees collected in seaports should be allocated to fund security upgrades and infrastructure improvements.

**OUR BORDER SECURITY CANNOT BE IGNORED WHILE THE POLITICS OF IMMIGRATION ARE SORTED OUT.** Amnesty and guest worker initiatives may be necessary tradeoffs in order to gain control of our borders. While a comprehensive assessment of the border is necessary, five imperatives are already clear: We must have strong physical barriers on the border with Mexico and the capability to monitor both the southern and northern border continually; agreement must be reached among the United States, Canada, and Mexico on asylum policies; counterfeit-proof visitor identification for guest workers and permanent aliens must be developed and deployed; workplace enforcement of immigration rules is essential; and radiation detection must be prioritized.

**WE MUST ENGAGE IN A STRUCTURED NATIONAL DISCUSSION ABOUT THE TRADEOFF BETWEEN SECURITY AND LIBERTY LED BY THE CIVIL LIBERTIES PROTECTION BOARD.** Governors and mayors should consider appointing regional civil liberty protection boards to

work with local police and other authorities; and outreach and educational activities in schools, civic organizations, places of worship, and local media should be undertaken. To ensure that the national Civil Liberties Protection Board is actively engaged in protecting civil liberties, it should issue a yearly report on its activities and on threats to civil liberties, brief Congress on the report, and hold an annual national conference to review its report. Moreover, the board should file a civil liberties impact statement with the executive branch and Congress on any proposed measure or program that may raise public concerns about potential abuses of liberty.

**SECURITY FUNDING SHOULD NOT BE SEGMENTED BETWEEN “NATIONAL SECURITY” AND “HOMELAND SECURITY.”** The administration should be required to perform a Synoptic Security Review (SSR) encompassing both Pentagon and domestic security. Tradeoffs should be made between traditional defense spending and homeland security. Pentagon programs including the F/A-22 Raptor, the Virginia Class submarine, the DD(X) destroyer, the V-22 Osprey, and ballistic missile defense can be eliminated or scaled back. This would generate \$23.7 billion for public health and first responders, transportation security, port security, chemical plant security, and other priorities.

