

TOM DAVIS, VIRGINIA,
CHAIRMAN

DAN BURTON, INDIANA
CHRISTOPHER SHAYS, CONNECTICUT
ILEANA ROS-LEHTINEN, FLORIDA
JOHN M. McHUGH, NEW YORK
JOHN L. MICA, FLORIDA
MARK E. SOUDER, INDIANA
STEVEN C. LATOURETTE, OHIO
DOUG OSE, CALIFORNIA
RON LEWIS, KENTUCKY
JO ANN DAVIS, VIRGINIA
TODD RUSSELL PLATTS, PENNSYLVANIA
CHRIS CANNON, UTAH
ADAM H. PUTNAM, FLORIDA
EDWARD L. SCHROCK, VIRGINIA
JOHN J. DUNCAN, JR., TENNESSEE
JOHN SULLIVAN, OKLAHOMA
NATHAN DEAL, GEORGIA
CANDICE MILLER, MICHIGAN
TIM MURPHY, PENNSYLVANIA
MICHAEL R. TURNER, OHIO
JOHN R. CARTER, TEXAS
WILLIAM J. JANKLOW, SOUTH DAKOTA
MARSHA BLACKBURN, TENNESSEE

ONE HUNDRED EIGHTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
FACSIMILE (202) 225-3974
MINORITY (202) 225-5051
TTY (202) 225-6852

www.house.gov/reform

HENRY A. WAXMAN, CALIFORNIA,
RANKING MINORITY MEMBER

TOM LANTOS, CALIFORNIA
MAJOR R. OWENS, NEW YORK
EDOLPHUS TOWNS, NEW YORK
PAUL E. KANJORSKI, PENNSYLVANIA
CAROLYN B. MALONEY, NEW YORK
ELIJAH E. CUMMINGS, MARYLAND
DENNIS J. KUCINICH, OHIO
DANNY K. DAVIS, ILLINOIS
JOHN F. TIERNEY, MASSACHUSETTS
WM. LACY CLAY, MISSOURI
DIANE E. WATSON, CALIFORNIA
STEPHEN F. LYNCH, MASSACHUSETTS
CHRIS VAN HOLLEN, MARYLAND
LINDA T. SANCHEZ, CALIFORNIA
C.A. DUTCH RUPPERSBERGER,
MARYLAND
ELEANOR HOLMES NORTON,
DISTRICT OF COLUMBIA
JIM COOPER, TENNESSEE
CHRIS BELL, TEXAS

BERNARD SANDERS, VERMONT,
INDEPENDENT

SUBCOMMITTEE ON NATIONAL SECURITY, EMERGING THREATS, AND INTERNATIONAL RELATIONS

Christopher Shays, Connecticut
Chairman

Room B-372 Rayburn Building
Washington, D.C. 20515
Tel: 202 225-2548
Fax: 202 225-2382
E-mail: hr.groc@mail.house.gov

March 24, 2004

The Hon. Thomas Kean
The Hon. Lee Hamilton
National Commission on Terrorist Attacks
Upon the United States
301 7th Street, N.W. Room 5125
Washington, D.C. 20407

To the Commission:

As Chairman of the House Government Reform Committee's National Security Subcommittee, I want to provide some information relevant to testimony today by Mr. Richard Clarke.

Before September 11, 2001, we held twenty hearings and two formal briefings on terrorism issues. Mr. Clarke was of little help in our oversight. When he briefed the Subcommittee, his answers were both evasive and derisive. He said a comprehensive threat assessment, as recommended by GAO, was too difficult.

Mr. Clarke said it would be "silly" to try to articulate a national strategy. In lieu of a threat assessment or strategy, he offered a laundry list of terrorist groups, as if the fight against global terrorism were nothing more than a hunt for common criminals.

Clarke was part of the problem before September 11 because he took too narrow a view of the terrorism threat. His approach was reactive and limited to swatting at the visible elements of al Qe'eda, not the hidden global network and its state sponsors.

The blind spots and vulnerabilities that contributed to the September 11, 2001 tragedy were apparent to many throughout the years Mr. Clarke was in a position to do something about them. Three national commissions – Bremer, Gilmore and Hart/Rudman – had concluded the U.S. needed a comprehensive threat assessment, a national strategy and a plan to reorganize the federal response to the new strategic menace of terrorism.

Yet no truly national strategy to combat terrorism was ever produced during Mr. Clarke's tenure. Instead, several presidential directives and a Justice Department five-year law enforcement plan were clumsily lashed together and called a strategy.

After his uninformative briefing, we wrote to Mr. Clarke asking for written answers to specific questions: Why was there no threat assessment? When would there be a strategy? Who was responsible for coordinating federal spending and the federal response? We never got a satisfactory answer. A copy of our letter to Mr. Clarke is enclosed.

On January 22, 2001, the Subcommittee wrote to Dr. Condoleeza Rice to express our concerns about Mr. Clarke's narrow view of the terrorist threat and the urgency of mounting a strategic response. A copy of that letter is enclosed as well.

I hope the Commission finds this information useful.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chris Shays', written over a horizontal line.

Christopher Shays
Chairman

DAN BURTON, INDIANA
CHAIRMAN

BENJAMIN A. GILMAN, NEW YORK
CONSTANCE A. MORELLA, MARYLAND
CHRISTOPHER SHAYS, CONNECTICUT
ILEANA ROS-LEHTINEN, FLORIDA
JOHN M. MCHUGH, NEW YORK
STEPHEN HORN, CALIFORNIA
JOHN L. MICA, FLORIDA
THOMAS M. DAVIS III, VIRGINIA
DAVID M. MCINTOSH, INDIANA
MARK E. SOUDER, INDIANA
JOE SCARBOROUGH, FLORIDA
STEVEN C. LATOURETTE, OHIO
MARSHALL "MARK" SANFORD, SOUTH CAROLINA
BOB BARR, GEORGIA
DAN MILLER, FLORIDA
ASA HUTCHINSON, ARKANSAS
LEE TERRY, NEBRASKA
JUDY BIGGERT, ILLINOIS
GREG WALDEN, OREGON
DOUG OSE, CALIFORNIA
PAUL RYAN, WISCONSIN
HELEN CHENOWETH-HAGE, IDAHO
DAVID VITTER, LOUISIANA

ONE HUNDRED SIXTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
MINORITY (202) 225-5051
TTY (202) 225-6852

HENRY A. WAXMAN, CALIFORNIA
RANKING MEMBER

TOM LANTOS, CALIFORNIA
ROBERT E. WISE, JR., WEST VIRGINIA
MAJOR R. OWENS, NEW YORK
EDDOLPHUS TOWNS, NEW YORK
PAUL E. KANJORSKI, PENNSYLVANIA
PATSY T. MINK, HAWAII
CAROLYN B. MALONEY, NEW YORK
ELEANOR HOLMES NORTON
DISTRICT OF COLUMBIA
CHAKA FATTAH, PENNSYLVANIA
ELIJAH E. CUMMINGS, MARYLAND
DENNIS J. KUCNICH, OHIO
ROD R. BLAGOJEVICH, ILLINOIS
DANNY K. DAVIS, ILLINOIS
JOHN F. TIERNEY, MASSACHUSETTS
JIM TURNER, TEXAS
THOMAS H. ALLEN, MAINE
HAROLD E. FORD, JR., TENNESSEE
JANICE D. SCHAKOWSKY, ILLINOIS

BERNARD SANDERS, VERMONT
INDEPENDENT

SUBCOMMITTEE ON NATIONAL SECURITY, VETERANS AFFAIRS, AND INTERNATIONAL RELATIONS

Christopher Shays, Connecticut
Chairman

Room B-372 Rayburn Building
Washington, D.C. 20515
Tel: 202 225-2548
Fax: 202 225-2382

July 5, 2000

Mr. Richard Clarke
National Coordinator for Security, Infrastructure
Protection, and Counterterrorism
National Security Council (Room 302)
Old Executive Office Building
Washington, D.C. 20504

Dear Mr. Clarke:

On behalf of the House Subcommittee on National Security, Veterans Affairs, and International Relations, Committee on Government Reform, I thank you for taking the time out of your busy schedule to brief us concerning government-wide efforts to combat terrorism.

The requested classified briefing was to focus on how the administration tracks terrorism-related spending within the government. The briefing should have allowed the Subcommittee the opportunity to discuss both procedural and substantive issues concerning government-wide efforts to detect, deter, prevent, and respond to terrorist acts. My staff and I found the information provided less than useful.

Your briefing slides (attached) state the "National Coordinator integrates agency efforts, identifies and insures resolution of issues, and provides for crisis management coordination." Based on this, we asked several questions:

We asked if there was an integrated threat assessment prepared. You responded this would be difficult to accomplish because of all the different threats faced by the United States. When asked if there is a comprehensive strategy to combat terrorism. You responded it was "silly" to believe a comprehensive strategy could be developed to combat terrorism. You did add a domestic preparedness plan would be developed. And

when asked how spending priorities are established, you responded by providing a list of terrorist organizations.

Saying it is difficult to prepare an integrated threat assessment, belittling a question about a comprehensive strategy, and providing a list of terrorist organizations does not answer our questions. If there are no clear requirements or plan, how does the administration prioritize the \$12.9 billion it intends to spend on combating terrorism, weapons of mass destruction preparedness, and critical infrastructure protection?

This Subcommittee has oversight responsibility and jurisdiction authority over matters affecting the "overall economy, efficiency and management of government operations and activities" (Rule X, clause 1(h)(6), Rules of the U.S. House of Representatives). As such, the Subcommittee requires information from the executive branch to accomplish oversight. The information provided was less than satisfactory.

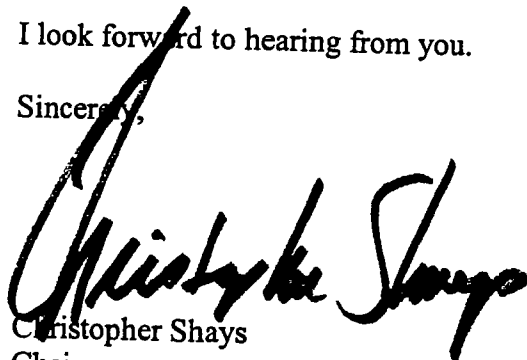
Specifically, the Subcommittee wants a written response to the following questions by July 21, 2000:

- Why is there no integrated terrorist threat assessment?
- When will a comprehensive strategic plan to combat terrorism be completed?
- How does the government prioritize government-wide spending to combat terrorism? More specifically, which office makes the final determination of how much money is given to an agency or program?

The written response can be unclassified or classified. Classified information should be provided separately to insure proper handling.

I look forward to hearing from you.

Sincerely,



Christopher Shays
Chairman

cc. Mr. Samuel R. Berger
Rep. Dan Burton
Rep. Henry Waxman
Rep. Mark Souder
Rep. Rod Blagojevich
Rep. John L. Mica
Rep. Tillie K. Fowler

ONE HUNDRED SEVENTH CONGRESS

Congress of the United States
House of Representatives

COMMITTEE ON GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6143

Majority (202) 225-5074

Minority (202) 225-5051

SUBCOMMITTEE ON NATIONAL SECURITY, VETERANS AFFAIRS,
AND INTERNATIONAL RELATIONS

Christopher Shays, Connecticut
Chairman

Room B-372 Rayburn Building
Washington, D.C. 20515

Tel: 202 225-2548

Fax: 202 225-2382

January 22, 2001

Dr. Condoleeza Rice
Assistant to the President
for National Security Affairs
The White House
Washington, D. C. 20500

Dear Dr. Rice:

In the 106th Congress, the House Subcommittee on National Security, Veterans Affairs, and International Relations, Committee on Government Reform, conducted a series of hearings on terrorism. These hearings brought out a number of issues for consideration. During the hearing entitled *Combating Terrorism: Assessing Threats, Risk Management, and Establishing Priorities*, held on July 26, 2000, several expert witnesses called for a centralized authority to counter terrorism, an integrated terrorist threat assessment, and development of a national strategy to counter terrorism.

Witnesses persuasively expressed the view that the current U.S. government organization to counter terrorism is flawed. The current focal point for terrorist related issues is the Special Assistant to the President and National Coordinator, Infrastructure and Counterterrorism, Mr. Richard Clarke. Mr. Clarke has stated his office lacks resources and has no authority over the 40 federal departments, agencies, and bureaus having a role in the effort to combat terrorism. As a result, agencies receive little guidance on funding priorities. Additionally, Mr. Clarke must be continually prompted before requests for information from this Subcommittee are answered. We assume he either does not have the resources to respond, or his office chose to turn a deaf ear to our requests. Coupled with this lack of leadership is the fact that Mr. Clarke's office is part of the National Security Council staff and beyond the purview of regular Congressional oversight.

Expert witnesses also stated analysis of the threat from terrorism lacks coordination. Currently, different agencies assess a myriad of threats making a national threat

assessment disjointed. For example, the Federal Bureau of Investigation assesses the domestic threat but cannot point to a single document providing an in-depth analysis prioritizing threats. The Central Intelligence Agency assesses international threats and works closely with the Defense Intelligence Agency to assess the threat to military forces, but even these resource-rich bureaucracies are having a myriad of problems predicting terrorist bomb attacks. This challenge was highlighted in the recent investigation of the USS Cole bombing which questions anti-terrorism intelligence gathering.

The hearings also indicated there is no coordinated national strategy. U.S. government agencies combating terrorism need a vision and mission statement, goals, and objectives. Several reports and experts in the field of countering terrorism agree there is a need for 1) a national office to coordinate agency efforts to counter terrorism and 2) a national strategy for agencies to use as an overarching guide to develop operational counterterrorism plans. These reports and experts include:

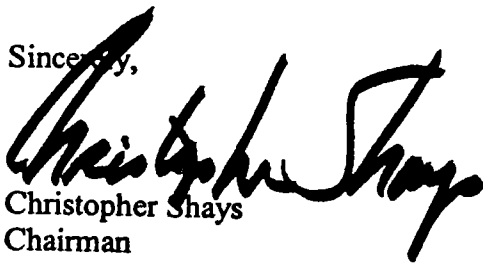
- *The Second Annual Report of the Advisory Panel to Assess Domestic Response Capabilities For Terrorism Involving Weapons of Mass Destruction* (Public Law 105-261) recommends, "the United States has no coherent, functional national strategy for combating terrorism, and the next President should establish a National Office for Combating Terrorism."
- *The National Commission on Terrorism* (Public Law 277) advocates enhancing planning and preparation to respond to terrorist attacks and creating stronger mechanisms to ensure that funding for individual agency counterterrorism programs reflects priorities integrated into a comprehensive national counterterrorism plan subject to congressional oversight.
- The report, *Combating Chemical, Biological, Radiological and Nuclear Terrorism: A Comprehensive Strategy* (Center for Strategic and International Studies (CSIS)) states, "The United States currently lacks a comprehensive strategy for countering the threat of terrorism...."
- Bruce Hoffman, Director of Rand Corporation's Washington office, and other experts on terrorism, have stated, "A prerequisite to ensuring that US resources are focused where they can have the most effect is a sober and empirical understanding of the terrorist threat, coupled with comprehensive and coherent strategy."

Given the amount of spending, over \$10 billion per year, and the large number of agencies involved, clear spending priorities must be established. Listing the threats, determining which are most likely, and establishing priorities will assist in determining which programs are most important and receive priority funding. Only then can the United States direct the resources into areas that will help prevent incidents such as the bombings of the Khobar Towers, U.S. embassies in Tanzania and Kenya, and USS Cole. During a briefing to this Subcommittee, Mr. Clarke stated there is no need for a national strategy. This Subcommittee, and others, disagree with Mr. Clarke's assessment that U.S. government agencies do not require a planning and preparation document to respond to terrorist attacks.

Last year Representative Tillie Fowler, Chairwoman, Transportation Subcommittee on Oversight, Investigations and Emergency Management, introduced legislation attempting to bring some organization to the administration's effort to combat terrorism. The bill (HR 4210) would have created the Office of Terrorism Preparedness (OTP), within the executive branch not captive to any single department or agency jurisdictional boundaries. The bill called for the OTP to take the lead in eliminating duplicative government functions and identify waste, fraud, and abuse through oversight of the agencies it coordinates. In addition, the OTP would exercise budgetary authority over agency's counterterrorism programs, basing funding decisions on accomplishing the goals of a defined national strategy.

As the new administration prepares to organize for the war on terrorism, I would welcome the opportunity to assist you and your staff. The Subcommittee has benefited from the series of hearings held on terrorism. The hearings provided a range of recommendations on specific steps to deter and prevent terrorist acts. I look forward to a close working relationship and an exchange of ideas. My staff and I are prepared to work with you on this challenge to the security of our nation. The points of contact on my Subcommittee staff working on this issue are Mr. Lawrence Halloran, Staff Director, and Mr. R. Nicholas Palarino, Senior Policy Analyst. Either can be contacted at 202-225-2548. I look forward to hearing from you.

Sincerely,



Christopher Shays
Chairman

cc: Rep Dan Burton

Hearings and Briefings on Terrorism Issues

Subcommittee on National Security, Emerging Threats
and International Relations

Hearings/Formal Briefings:

1. Combating Terrorism: Federal Counterterrorism Spending 3/11/99
2. Combating Terrorism: National Domestic Preparedness Office 5/26/99
3. Combating Terrorism: National Guard Response Teams 6/23/99
4. Combating Terrorism: Medical First Responders 9/22/99
5. Combating Terrorism: Assessing the Terrorist Threat 10/20/99
6. Combating Terrorism: Medical Stockpiles 3/8/00
7. Combating Terrorism: Research Coordination 3/22/00
8. Combating Terrorism: Domestic Preparedness (CT Field) 3/27/00
- *9. Force Protection: Khobar Towers and Lessons Learned 6/27/00
- *10. Combating Terrorism: Federal Coordination 6/28/00
11. Force Protection: DOD Chemical/Biological Defense Plan 5/24/00
12. Force Protection: Individual Protective Equipment 6/21/00
13. Combating Terrorism: Threats, Risk, and Priorities 7/20/00
14. Biological Weapons Convention Protocol 9/13/00
15. Combating Terrorism: National Strategy 3/26/01
16. Combating Terrorism: Protecting Interests Abroad 4/3/01
17. Combating Terrorism: Federal Response (Joint with Trans. Cmte.) 4/24/01
18. Combating Terrorism: Medical Stockpiles 5/1/01
19. Biological Weapons Convention Protocol 6/5/01
20. Biological Weapons Convention Protocol 7/10/01
21. Dark Winter 7/23/01
22. Inter Agency Data Sharing and National Security 7/24/01

September 11, 2001

- *23. GAO Findings and Recommendations on Terrorism 10/03/01
- *24. Combating Terrorism: Knowing the Enemy 10/11/01
25. Assessing the Threat of Biological Weapons Attack 10/12/01
26. Bio Defense Vaccines (Field Hearing at HHS) 10/23/01
27. DOD Medical Readiness Against CB Threats 11/7/01
28. Federal, State and Local Law Enforcement Data Sharing 11/13/01
29. Protecting the U.S. – I 03/12/02
30. Protecting the U.S. – II 03/21/02

31. Axis of Evil, Multilateral Containment or Unilateral Confrontation	04/16/02
32. Improving the Federal Response	06/11/02
33. Port Security-Strategic Ports	07/23/02
34. Keeping First Responders First (CT Field)	07/30/02
35. Port Security-Facilitating Trade (FL Field)	08/05/02
36. Preventing Nuclear Terrorism	09/24/02
37. DOD Chem/Bio Defense Equipment	10/01/02
38. Are We Listening to the Arab Street?	10/08/02
39. Port Security: Finding the Nuclear Needle in the Cargo Haystack	11/18/02
40. A Proliferation of Strategies	03/03/03
41. Security at Civilian Nuclear Power Facilities	03/10/03
42. Homeland Defense: Old Forces for New Missions?	04/29/03
43. Homeland Security: Improving Public Health Surveillance	05/05/03
44. Anthrax in Postal Facilities: Technologies for Bioagent Detection	05/19/03
45. Science and Assumptions in Plume Modeling	06/02/03
46. Visa Revocations: Catching the Terrorists Among Us	06/18/03
47. Assessing Nuclear Weapons Complex Security	06/24/03
*48. Strategies to Control Biological Weapons	07/14/03
49. Combating Terrorism: Preparing and Funding First Responders	09/09/03
50. Combating Terrorism: Assessing Federal Assistance (CT Field)	09/15/03
51. Counterterrorism Technology: Picking Winners and Losers	09/29/03
52. Assessing DOD Control of Surplus Chem/Bio Equipment	10/07/03
53. Assessing September 11th Health Effects	10/23/03
54. Public Safety Interoperability: Can you Hear Me Now?	11/06/03
55. Public Safety: Can you Hear Me Now? Federal Perspectives	11/06/03
56. Combating Terrorism: Development Effective Strategies?	02/03/04
57. Combating Terrorism: Chemical Plant Safety (PA Field)	02/23/04
58. Nonproliferation: Assessing Missile Technology Export Controls	03/09/04
59. Homeland Security Advisory System: Threat Codes and Public Responses	03/16/04

*Denotes Subcommittee briefing