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Transition From Terrorist Event Management to Consequence Management

Executive Summary

PREPARED FOR FEDERAL EMERGENCY MANAGEMENT AGENCY,
WASHINGTON, D.C.

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MARCH 31, 1982

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20. ABSTRACT

present situation vis-a-vis terrorist event and consequence management. The report also includes an assessment of the programmatic requirements and background necessary to develop a comprehensive and organized consequence management program for the pre-, trans-, and post-event phases of major terrorist incidents. This consequence management program includes procedures and options for the orderly transition from terrorist event management by lead agencies, such as the Department of Justice/Federal Bureau of Investigation, to FEMA, the lead coordinating agency for consequence management.

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FOREWORD

This document is a summary of a report which provided the Federal Emergency Management Agency (FEMA) with an analysis of the transition process from terrorist event management to consequence management. The analysis presented in the report is intended to provide FEMA with the background for developing a comprehensive and organized consequence management program at the Federal level. A proposed Federal response mechanism is presented along with a four year exercise program which could serve as a validation for a Federal management structure in responding to major terrorist events and resulting consequences.

This work was sponsored by FEMA under contract #EMW-C-0744 and assigned work unit #6461A. Mr. James McNeill (FEMA) was the designated project officer and provided technical supervision to the BDM research team. The BDM research team consisted of Mr. John C. Evans, Mr. Michael K. Pilgrim, and Mr. Charles J. Potter.

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CHAPTER I
INTRODUCTION AND BACKGROUND

A. INTRODUCTION

This is an Executive Summary of the report entitled, Transition From Terrorist Event Management to Consequence Management. Since this report included sensitive analyses, observations, and recommendations proprietary to FEMA, the purpose of this summary is to provide a vehicle suitable for wide distribution which presents the major issues contained in the full report. It is provided to facilitate the on-going discussion and development of FEMA's consequence management program for major terrorist events. To this end, much of the detail included in the report has been condensed into broad declaratory statements. Supporting examples and evidence, which illustrate the subtleties of the Federal Response mechanism, assist in clarifying many of the ambiguities relative to the transition problem, and buttress the broader statements that are contained in the full report.

This summary identifies the current Federal Response to major terrorist events. The problems of transition from event management to consequence management and various perceptions of FEMA's role in consequence management and event related support activities are also addressed. Finally, a discussion of potential solutions is presented.

B. BACKGROUND

The Federal Emergency Management Agency (FEMA) has been mandated to provide a single source to which the President can turn for information concerning the consequences of major terrorist incidents in the United States. The type of information includes reports of damage incurred, resources available to respond, and the relief actions underway following a major terrorist incident. The differentiation created by E.O. 12148, Sec. 2-103 between terrorist event management and consequence management

has resulted in a general ambiguity regarding the role of FEMA. The research effort presented in this summary provides an independent assessment of the FEMA role and responsibilities as the lead agency for preparation and planning to reduce the consequences of major domestic terrorist incidents thus assuring a more orderly transition from terrorist event management to consequence management.

C. TASKS

The overall study involved seven interrelated tasks. The sequence for the performance of these tasks follows a logical progression from the identification of potential threats and major consequences through the identification and delineation of the role of FEMA and other governmental agencies in responding to terrorist events, to the identification of procedures to insure the orderly transition and time phasing from terrorist event management to consequence management by FEMA. In addition, a plan for the development of simulations, exercises and games designed to minimize terrorist consequence management is developed. The seven tasks, with Tasks 2 and 5 deemed to be the most critical are as follows:

- Task 1 - Identify the type and scope of potential terrorist threats and incidents which may have major consequences.
- Task 2 - Identify the roles and responsibilities of other government agencies having terrorist emergency response, management and planning missions. Delineate these agencies' interrelationships with FEMA and their perception of FEMA's role in directing, assisting or supporting these agencies efforts.
- Task 3 - Define the FEMA guidance for initial response to terrorist events. Define FEMA's roles and responsibilities during the event management stage to include the establishment of alerting systems.
- Task 4 - Develop procedures to establish stand-by government and industry teams to support FEMA to insure that the technical

and professional expertise necessary to assist FEMA in consequence analysis, mitigation and management is available when needed.

- Task 5 - Identify and outline existing terrorist response procedures for the orderly transition from FEMA event management participation to consequence management direction by FEMA. Identify current interagency conflicts and potential resolutions. Identify what exists today and what needs to be accomplished.
- Task 6 - Develop alternative memoranda of understanding formats to be established between FEMA and other agencies to support terrorist event consequence management and mitigation.
- Task 7 - Develop a plan for simulations, exercises and games designed to optimize incident management.

D. SCOPE

The title of this research effort, "Transition from Terrorist Event Management to Consequence Management", contains some key words. These key words are amplified here to provide the readers of this report a common understanding of the primary elements of the overall study. First, "event management" includes the coordination and direction of actions taken in responding to a specific terrorist incident. The overall goal of event management is to contain and neutralize the situation. To achieve this goal, pre-event planning and preparedness are essential and must consider the entire spectrum of potential event related responsibilities. This spectrum of responsibility is normally divided into pre-event, trans-event, and post-event phases. The pre-event phase includes the development of plans to respond to the variety of potential terrorist events which may result in major consequences.

Trans-event activities can take many forms, but normally include a law enforcement or military response, negotiations with the perpetrators, and investigative activities. In general, it is the direct confrontation with

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the individuals (or group) who have committed, or have threatened to commit a terrorist act. Thirdly, "consequence management" is the coordination and direction of actions taken to overcome consequences of a terrorist act. These consequences are the effects of the incident that cannot, or are not, contained by event management. Included are actions that provide services and assistance to the public that allow return to normal. Examples of potential FEMA roles include coordination of Federal and State planning and preparedness, life saving actions, emergency evacuation, general recovery, and reconstitution. The pattern of these actions are often similar to those taken in responding to natural disasters.

Last, "transition" is a continuum along which overall control and coordination shifts from event management actions to consequence management actions. This concept of "transition" can also be perceived as being either functional, chronological or a combination of both. In the functional sense, transition can occur as one agency assumes more and more event related responsibility. This type of functional transition could include, for example, the change in responsibilities which occur during evacuation or recovery. Chronological "transitions" addresses a change which occurs as a result of the progression of occurrences or actions relevant to the terrorist event over time. FEMA sees its role as functional, more than chronological.

This study addresses the problem of the relationships between these three phases. At the outset of this study effort, guidance and direction were provided which formed the basis for developing a detailed work plan. This guidance is summarized here to provide a clear understanding of the initial direction and scope of this study.

The study examines planning and coordination at the Federal level only. It does not present how Federal level planning and coordination is passed or translated to State and local level governments and officials. This is not to imply that State and local level involvement was ignored. To have ignored that aspect would probably have resulted in unworkable solutions when developing a conceptual framework for the Federal level

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planning and response process. Care was taken to insure that results of this study can be extended to State and local levels.

Initial guidance stated concentration of effort should be placed on first identifying the roles and responsibilities of government agencies having terrorist emergency response, management and planning missions. Included in this task was defining the present situation in terms of the Federal ability to respond to one or more major terrorist events if they were to occur today. Secondly, the study team was to identify and outline procedures required for the orderly transition from event management to consequence management.

Almost immediately, the research team found that currently there is no "orderly transition". The process is not rigid and is difficult to define. For example, events may occur in reverse order with the consequence preceeding any activity conventionally considered to be an event.

E. UNIQUE ASPECTS

Several unique aspects of this study were essential to understanding the transition problem and deserve highlighting. The researchers were provided rare opportunities to gain insights to the problem that would not have been possible by merely researching and analyzing documentation related to the study objectives.

1. Interviews

By far, the most important part of the data gathering and concept formulation efforts was the interviewing of key individuals in key agencies and activities in the Executive Branch of the Federal government responsible for responding to terrorist events. It was also the single most time consuming element of the total technical effort. FEMA formally requested selected representations to assist the research team by allowing interviews to be conducted. All agencies provided full support and cooperation to this endeavor. The purpose of the interviews was to solicit candid views of the select interview group concerning both FEMA and the objective of this study. Candid views were provided. These views

materially assisted the research team in understanding the complexity of the transition problem and deriving a conceptual planning and response framework, which is presented in the report. While none of the interviewees expressed a concern regarding attribution of their remarks, it is only prudent to hold the conversations as privileged. Therefore, detailed results of the specific interviews are not contained in either the report or this summary. The important fact is that the interview results did influence the product of this study effort. To provide a perception of the magnitude of the interview process, sixteen interview sessions were conducted in approximately one month directly involving 34 interviewees at 16 Federal agencies and activities. The agencies and activities selected represent an ideal cross section to present varying, but valid, views concerning the issues addressed by this study. Interviews were conducted at the following agencies and activities:

- (1) Office of the President - The White House.
- (2) Office of the Vice President - The White House.
- (3) National Security Council.
- (4) Department of State.
- (5) Department of Justice.
- (6) Department of Energy.
- (7) Department of Transportation.
- (8) Department of Treasury.
- (9) Joint Chiefs of Staff.
- (10) Department of the Army.
- (11) Nuclear Regulatory Commission.
- (12) Federal Bureau of Investigation (FBI).
- (13) FBI Academy.
- (14) Central Intelligence Agency.
- (15) United States Coast Guard.
- (16) US Maritime Administration.

The results of these interviews form an essential component of several of the succeeding chapters. The perceptions of the interviewees regarding FEMA's role in consequence management and during the event itself

provided the study team with a unique understanding of the present Federal response activities to major terrorist events. There was by no means a unanimity of the Federal Government's current readiness to manage major terrorist events. The same can be said for the perceptions of FEMA's potential role. This runs the spectrum from no role at all, to no event role, through a major consequence management role, to a requirement for FEMA participation from "beginning to end." This divergence of opinion served to underscore the amorphous nature of the Federal response to terrorist events.

2. Internal FEMA Planning Sessions

On several occasions, the research team was invited to observe, and participate in, planning meetings and discussions internal to FEMA. This allowed the researchers to gain insights about FEMA direction, perceptions, and planning that otherwise would not have been available. At no time did FEMA personnel appear to be inhibited by the presence of the research team. As is the case with the interview process, nothing in this report is attributed to any FEMA personnel or any specific meeting or discussion. However, the background and insights gained provided an important ingredient to the study effort.

3. Objectivity

One significant feature that enhanced this study effort was the fact that the research team was permitted to maintain objectivity throughout the period of performance. At no time did the study sponsor attempt to influence the study process or the results presented in this report. Therefore, this effort should aid in discriminating among competing bureaucratic interests so that a reasonable degree of objectivity is brought to bear on the issues and problems identified in the tasks described earlier.

F. ORGANIZATION AND DESCRIPTION OF THE REPORT

1. General

This summary of the technical report of this effort is organized in a logical sequence which leads to the conceptualization of a Federal planning and response process which satisfies the basic objective of the study. The following paragraphs provide a general description of the subsequent chapters of this Executive Summary.

2. Chapter II Potential Terrorist Threats and Consequences

This chapter provides a brief overview of the general background of the current terrorist threat and the type consequences that threat could create. This background is important in that it can be used as a basis for both short and long range resource allocation, planning and programming activities. The chapter in the main body of the report is a summarization of more detailed information presented in the appendices.

3. Chapter III Current Federal Response Mechanism

This chapter provides a general description of current Federal level responsibilities and existing relationships. The description presented is derived from documentation provided in the form of missions and charters (e.g., Executive Orders) and the perceived responsibilities and relationships obtained during the interview process. This chapter also contains a summary of how Federal agencies would respond to major terrorist acts. It describes in general terms what mechanism is in place today. This description is derived from documentation reviewed and information obtained by interviews with key officials of the Federal government. This chapter also identifies problems and conflicts in the current planning and response structure.

4. Chapter IV Potential Resolutions

This chapter is considered a key portion of the overall report since it presents a conceptual Federal planning and response framework that would enhance the general preparedness of the Federal government in responding to major terrorist incidents that could produce major consequences. The chapter focuses on mitigation planning and coordination,

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event management and consequence management. The issue of transition from one phase to another is also addressed.

5. Chapter V Conclusions

This final chapter provides, in an outline format, the conclusions of the entire study effort.

CHAPTER II
POTENTIAL TERRORIST THREATS AND CONSEQUENCES

A. INTRODUCTION

This Chapter provides a general background of the threat and type consequences that the threats could create. This background is important since it can be used as a basis for both short and long range planning and programming activities and Federal resource allocation.

In the past, terrorist incidents in the United States have been isolated events with only local impact. Federal, State and local law enforcement agencies have developed arrangements that permit adequate response to these symbolic incidents. However, experts on terrorism predict, and indeed statistics for the last few years confirm, an increase in the frequency of symbolic incidents, and more importantly, an increase in the seriousness and scope of attacks by extremist groups. Terrorism could change from isolated events to coordinated attacks causing major property damage, extensive loss of life, severe disruptions to resources, disruptions to the continuity of government or situations of unique political significance. This new dimension of the threat is capable of causing serious and nationally significant social, economic and political consequences.

The Federal Government must be prepared to cope with both the management of terrorist incidents and the management of the resulting consequences. Incident management is being handled by the Department of Justice, the FBI, the Department of State, the FAA and others. The Federal Emergency Management Agency is responsible for coordination of the Federal response to the consequences of major terrorist attacks. Consequence management in terrorism requires a capability encompassing the broad all-risk, all-emergency functions of the Agency. FEMA, while acknowledging this responsibility, points out that consequence management is also the responsibility of every Department and Agency in the Executive Branch.

The first step in preparing to respond to the consequences of major terrorist events is to establish the potential operational environment. This requires identification of potential targets and vulnerabilities which if susceptible to terrorist attack, could result in major consequences. The vulnerability assessment activities must be directed toward identification of physical targets, and identification of areas and types of scenarios that will require consequence management. First, these targets and consequences must be identified.

The purpose of this chapter is to provide a catalogue of terrorist threats and potential consequences from which the priority of vulnerability and consequence analysis can be determined.

B. UNIQUE CHARACTERISTICS OF TERRORIST ACTS

Terrorist acts are unique in that they are done solely for effect (to terrorize), or as "theater" designed to attract attention to a cause. It is also important to remember that terrorists are no longer ill-trained radicals, but have highly sophisticated arsenals of weapons and propaganda at their disposal.

Terrorism is unique in several senses. Despite over 15 years of academic and intelligence community research, there is still no generally agreed upon definition of terrorism. Terrorism per se is not a defined crime and thus presents a unique problem. Over the last ten years, total deaths resulting from international terrorism, according to a recent Harris survey, is seen today as a very serious world problem by more than 90 percent of the American people. The unique nature of terrorism as theater is to a large extent directly responsible for this perception. While the terrorist's goal is most often social disruption of one form or another, their ability to create fear and disruption is maximized through media. Terrorists can adapt their tactics to insure disproportionate attention. If kidnapping is not possible, the terrorist can shift to assassination; if hijackings lose their "glamour appeal", terrorists can turn to more spectacular targets.

Because modern terrorism is of a clandestine nature, it is often difficult to identify the adversary. This is further complicated by terrorist groups having demonstrated the inclination and ability to function as sub-national entities or surrogates for foreign governments.

Another unique characteristic is that, in some cases, consequences may become apparent before the act is identified as terrorist related. In this scenario, there would be no warning of any activity. For example, a large dam is suddenly blown up and the consequences (flooding, population casualties, and interruption of water supplies or electric power) must be dealt with before the motive is clear. The event is over and the Federal response must concentrate on the mitigation of consequences and recovery programs. At this point, some terrorist group claims responsibility, states its objective(s), and threatens another similar act if their demands are not met then the event related investigation procedures commence.

C. POTENTIAL TARGETS

For this study, nine generic target categories were selected which are consistent throughout most recent terrorism study efforts. These categories were provided by FEMA as the basis for an earlier scoping study on the terrorism problem.* Similar subcategories have been presented in various vulnerability/survivability analyses of various industrial sectors. In their broader applications, these categories correspond to the essential duties of the Federal government prescribed by the Constitution and reflected in the cabinet-level duties of Executive Branch Departments and Agencies. These categories are: Energy (comprised of these subcategories; (1) nuclear, hydroelectric, solar, and synfuels, (2) fossil fuels, and (3) electric power systems), Transportation System, Financial System, Telecommunications Systems, Industrial Production, Public Health and Services, and Continuity of Government.

*State of the Art Report on the Vulnerability to Terrorism of US Resource Systems (U), Federal Emergency Management Agency, Washington, D.C., December 1980, (Confidential).

The cataloging of possible terrorist attacks, can serve as a guideline for identifying the targets that terrorists most likely would attack. Figure II-1 illustrates the likelihood (probability) of terrorist group attack against the nine general target categories used in this study. The attack potential probabilities are presented as high, medium, low, or combined, when capabilities of specific terrorist groups within one of the six threat types vary.

The high, medium, or low target attack potential is determined by looking at the goals, motivations, and capabilities of terrorist groups, and the types of targets that correlate to these groups.

The probabilities developed for each threat type and target category were aggregated from the target spectra presented and discussed in Appendix A of the main report.

A basic Delphi method of assigning probabilities was employed in the development of the values expressed in the matrices. Probabilities were established by a review of several previous studies on terrorist capabilities, goals, motivations, and operational histories. A review of four primary data bases was conducted to verify these initial analyses.

D. POTENTIAL CONSEQUENCES

Basically, two types of consequences are possible as a result of terrorist acts: (1) Those that may cause disruption of vital systems leading to widespread inconvenience, possible to some degree of public alarm, but do not threaten human life; (2) Acts that directly threaten or appear directly to threaten human life. Examples of the first type would be the interruption of telecommunications or the destruction of vital records stored in computers in an attempt to disrupt a country's financial system. Either act would certainly create serious problems, but would not imperil human life directly. An example of the second type would be the sabotage of liquefied natural gas facilities. Such activity could pose a real danger to public safety through panic or the direct threat to human life.

TARGET CATEGORIES		THREAT TYPES									
ENERGY		NUCLEAR, HYDRO, SOLAR, SYNUELS	FOSSIL FUELS	ELECTRIC POWER SYSTEMS	TRANSPORTATION SYSTEM	FINANCIAL SYSTEM	TELECOMMUNICATIONS SYSTEMS	INDUSTRIAL PRODUCTION	PUBLIC HEALTH AND SERVICES	CONTINUITY OF GOVERNMENT	
	REVOLUTIONARY TERRORIST	M	M	M	M	L	M	L/M	M	M	
	SEPARATIST	M	M	H	L	L	L	L	L	M	
	REACTIONARY	L	L	L	L	L	L	L	L	L	
	ANARCHIST	M	M	H	L	L	M	L	L	M/H	
	ISSUE ORIENTED	M	L	L	L	L	L	L	L	L	
	FOREIGN SURROGATE	M	M/H	L	M	L	M	L/M	L	M	

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Figure II-1. Probability of Terrorist Attacks on Target Categories

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The potential consequences are divided into six major categories; economic, social, political, national security, public health and safety and environment. The probable level (value) of consequences resulting from successful terrorist attacks against targets in the nine target categories are discussed in the main report.

The values were aggregated from the more detailed target spectra. The impact upon FEMA and Federal agencies involved in consequence activities was considered in each case.

Aggregating the prioritized target list with the consequences considered most sensitive, aids in the identification of areas which require in-depth vulnerability analyses. From a Federal perspective, these analyses will indicate where Federal consequence planning should be concentrated initially.

To briefly summarize potential targets of terrorist activities in the United States which could result in major consequences can be summarized as follows:

- (1) Electrical power installations
 - (a) Nuclear generating facilities
 - (b) Major conventional (fossil fuels) plants and generating facilities
 - (c) Hydroelectric plants (DAMS)
 - (d) Transfer and transmission stations
 - (e) Control centers
 - (f) Individual power facilities related to a single metropolitan area
 - (g) Transmission lines: 345 KV; 500 KV
 - (h) Major underground services routes
- (2) Oil and natural gas - liquified petroleum gas
 - (a) Natural gas transmission lines and mains
 - (b) Major oil pipelines
 - (c) Offshore platforms
 - (d) Distribution centers
 - (e) Refineries

- (f) Storage tanks (especially LP - propane)
- (g) Liquid natural gas (LNG) facilities and carriers
- (h) Regassing facilities
- (i) Railroad tank cars
- (3) Water supply - contamination
 - (a) Impoundments (dams and reservoirs)
 - (b) Delivery mains (36" - 96" lines)
- (4) Communication
 - (a) Broadcasting towers: AM - FM
 - (b) Local and regional exchange centers - telephone
 - (c) Microwave towers: telephone
 - (d) Television transmission towers
 - (e) Satellite receiving and microwave stations
- (5) Transportation
 - (a) Air route traffic control centers
 - (b) Major ports, channels and canals
 - (c) Unique rail equipment
- (6) Executive and local governmental officials and buildings
- (7) Financial System
 - (a) Regional check processing centers
 - (b) US Treasury check disbursing centers

CHAPTER III
THE CURRENT FEDERAL RESPONSE MECHANISM

A. INTRODUCTION

The purpose of this chapter is to identify and review the current responsibilities and relationships of the various Federal agencies involved in responding to major terrorist events and the conflicts and problems inherent in this mechanism.

The organizational structure and logistical preparedness of the Federal Government in dealing with major terrorist incidents which have national or international implications are complex and currently inadequate. This is especially true in dealing with the increasing complexities of modern terrorist incidents. These incidents often require more than one Federal agency to become heavily involved and each agency has independent responsibilities and procedures for responding. The problem currently faced by FEMA planners, is how these activities can be coordinated. If a major terrorist event occurred, which agency would be the "lead agency?" Who would be in charge? There are currently a number of major Federal agencies and coordinating bodies involved in making or implementing US policy on terrorism.

This chapter will present a brief overview of the roles and responsibilities of these agencies and a review of their perceptions of how they interact, with each other and with FEMA. A discussion of the conflicts in these perceptions and the system itself will follow this overview.

B. CURRENT RESPONSIBILITIES AND RELATIONSHIPS

Many terrorism experts believe that the Federal Government does not have the machinery and the focal point for bringing crisis management capabilities together on a continuing basis. There is an important need

for reassessment of both the extent and sufficiency of the preparedness and response capabilities, actions and policies of these government agencies.

1. Current Federal Government Organization and Functional Responsibilities for Combatting Terrorism

The current structure of the Executive civil response to terrorist events is outlined in a recent classified (SECRET) National Security Council Document. This Document is designed to remedy several of the problems of previous organization.

Previously, the Federal response mechanism was a bureaucracy within a bureaucracy. The Special Coordinating Committee of the National Security Council (NSC/SCC/WG) was charged with directing the Federal counterterrorism community. It was composed of representatives from twenty-nine different agencies and departments. This format was far too unwieldy to do anything except hold general discussions on matters of community wide concern. The NSC/SCC/WG was therefore forced to delegate. Much of the substantive efforts were delegated to the Executive Committee chaired by a State Department official of ambassadorial rank. Under the Executive Committee, were a proliferation of over seventeen subordinate committees, subcommittees and special working groups. Overall, this structure accomplished little since the officer in charge had little chance of managing the twenty-nine different agencies' activities, each concentrating on their own parochial and often conflicting interest.

A second factor impinging on the effectiveness of the organization, was the fact that the chairmanship of the Executive Committee changed five times in two years and the entire structure was reorganized with each administration. It was almost impossible to gain any real policy consensus, and as a result, the Federal response to potential terrorist events could be both limited and ineffective.

There is still some confusion within the federal counterterrorism community as to who the players are.

The current Executive Branch organization in this area consists of a series of committees and working groups. The President, as Chief Executive Officer, is, of course, the ultimate authority. The National Security Council (NSC) is responsible for providing advice to the President

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relevant to the integration of domestic foreign, and military policies relating to the national security. The statutory members of the NSC are the President, Vice President, Secretary of State and Secretary of Defense; the Director of the Central Intelligence Agency and the Chairman of the Joint Chiefs of Staff.

The Vice President serves as "crisis manager" for the President. In this capacity, he directs the Special Situation Group (SSG) which has been established to provide policy and decisions analysis assistance to the President during crises. This group has met once (during the early days of the Polish Crisis) since its inception. A recent NSC Directive establishes a new, classified, body responsible for providing advice and assistance in management of major terrorist events. The Interdepartmental Group on Terrorism (IG/T), which is chaired by the State Department, with the Justice Department serving as vice chairman, was established by the Reagan administration to replace the Executive Committee (which replaced the Cabinet Committee to combat terrorism in 1977). The Senior Interdepartmental Group (SIG) has been described as an "ad hoc" group of senior level officials including at a minimum the statutory members of the NSC and representatives from the Department of Justice and the Federal Bureau of Investigation. This group has also met once during the Dozier kidnapping. It is anticipated that depending upon the nature of the event, the SIG will be augmented with members from other agencies. For example, in the case of a major airline hijacking incident, representatives from the FAA and the Department of Transportation might be included.

The IG/T handles matters on government wide anti-terrorism policy formulation and coordination including such things as contingency planning, protective security, and international initiatives. It is comprised of representatives of federal agencies with direct responsibility for anti-terrorism policy or programs including the FBI, the Departments of State, Defense, Justice, Treasury and Energy, and the CIA, the FAA, the Joint Chiefs of Staff and the NSC. In addition to the Executive level mechanism, more than thirty different agencies and departments within the Federal

Government also exercise some responsibilities for terrorist event actions or support.

The results of the series of interviews conducted in conjunction with this study indicated that the SCC met infrequently.* The Executive Committee had little power, since it had neither any budget to speak of nor a clear mandate of authority, other than through the NSC. It also lacked jurisdictional power to demand cooperation from the other departmental members. Thus the committee had only the power to request, not to direct. In theory, the new structure imposed by a recent NSC Directive will rectify some of the previous problems of the SCC and the Executive Committee, at least as far as the operational response to terrorist events is concerned.

However, in reality and in practice, it still remains to be seen as to how effective these changes will be. The effectiveness of the new structure ultimately depends upon the resolve of the Executive Office of the President to support the new structure directly. It is possible that interagency rivalries will continue to exist and certain agencies will continue to claim event related jurisdictional authority where vacuums exist. In all probability, these conflicts will only be resolved through actual operational experience, trial and inevitably error, and hopefully, lessons learned.

C. FUNCTIONAL RESPONSIBILITIES FOR DOMESTIC TERRORISM

The functional responsibilities of the various agencies charged with responding to domestic terrorist events are less clear than that for international events. Under the Constitution, the protection of life and property, and the maintenance of public order, are primarily the responsibility of state and local governments. The Federal government may assume these responsibilities and authority only in certain specific circumstances.

*Several persons interviewed could not remember whether it was two or four times between 1978 and 1981.

Most terrorist acts are violations of both Federal and State laws and are therefore subject to concurrent criminal jurisdiction. This means that the Federal Government either can defer to State jurisdiction or assume jurisdictional control, depending on the circumstances and State and local capabilities. When State jurisdiction prevails, Federal forces provide support only upon request. In cases where Federal agencies assert their authority, State and local forces can be directed to provide assistance.

An important concept concerning jurisdiction is "incidents of duration". Terrorist crimes such as hijacking, hostage-taking, and extortion have been broadly construed as being "incidents of duration". These incidents are distinct in that by their very nature they are protracted events wherein crisis management activities are required. Because these events occur over an extended period of time, incidents of duration involve some sort of real-time or crisis interaction between the perpetrators and the government. Often these incidents will require state and local assistance. It is this requirement for both event and consequence management that leads to the establishment of lead agency authorities established by statute and executive order. Media attention will focus more accurately on this type of incident because of the time duration. This requires careful lead agency coordination with both Federal, State, local and civilian participants. The responsibility for responding to such incidents is distinct from the normal law enforcement response to other terrorist crimes not considered incidents of durations.

Responsibility for the management of the Federal level response to international terrorist acts of duration depends upon the location and nature of the incident. The responsibility for a specific terrorist incident is exercised by that agency which has the primary responsibility by virtue of constitutional or statutory authority or by Executive Branch directive or understanding.

The Department of State is the lead agency for response to international terrorist incidents that take place outside of the US (foreign incidents). Those that take place within the US (domestic incidents) are usually managed by the Department of Justice/FBI. An exception involves

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aircraft in flight. Title 49 USC 1357(e) directs that the Administrator of the Federal Aviation Administration (FAA) shall have exclusive responsibility for the direction of any law enforcement activity affecting the safety of persons aboard aircraft in flight. In these instances, the FBI support response is coordinated closely with the FAA. In reality, the FBI acts with a large degree of autonomy. This is as it should be. Most terrorist incidents are not major events and do not portend major consequences. In both foreign and domestic anti-terrorism operations, the Department of Defense may be requested to provide specialized military support.

The responsibility for managing the Federal response to domestic terrorist events ultimately rests with the Attorney General of the US. The Attorney General has delegated this function to the Deputy Attorney General. Response activities, on a day-to-day basis are the responsibility of the Department of Justice's Security Programs Staff.

The functional responsibilities of the various federal agencies vis-a-vis terrorism can be divided further into two categories, incident management and consequence management. This concept is supported by the separation called out in E.O. 12148, Section 2-103, in which FEMA is charged with the Federal Responsibility for coordination of consequence preparedness and management. Various executive departments and agencies have been assigned responsibilities within the areas of both event and consequence management.

While E.O. 12148 specifies the separation of responsibilities, the reality of the situation is more ambiguous. With the exception of civil defense, there is no clear allocation of actual responsibilities. Other than such statements as "coordinate" and "cooperate", there is little direction as to actual responsibilities and duties. While this structure is designed to facilitate open and adaptable working relationships, it also complicates the clear establishment of Agencies' authority to act as the uncontested lead agency. This relationship also changes from one administration to another as exemplified by the change in the role of the Justice Department from the Carter to the Reagan administrations, and the change

from PRM-30 to the current classified NSC Directive. As outlined above, the responsibilities can be divided into primary and secondary responsibilities.

1. Incident Management

It is generally agreed that the Department of Justice (with the Federal Bureau of Investigation) is the lead agency for federal terrorist incident management. While this is the manner in which incident management is designed on paper to function, this design is often not reflected in reality. Conflicts obviously arise. A recent example of such conflict surfaced during an exercise at a nuclear power generating facility. In this instance, both FBI and FEMA and perhaps DOE, all had valid claims to jurisdictional authority. NRC also had a role as incident manager until it was clearly established that a criminal offense had been committed. Then the FBI assumed operational control of the incident. However, under guidelines established in light of the Three Mile Island incident, FEMA also had authority to act as the lead Federal Agency for managing the off site consequences of nuclear power plant disasters. Obviously, there were conflicting views of authority.

2. Consequence Management

Under the authority of Executive Order 12148, the Director of the Federal Emergency Management Agency has been delegated the responsibility to plan and coordinate the Federal response to the consequences of terrorist incidents, a new emergency function, which prior to the President's Reorganization Plan No. 3, was not assigned to any specific Federal agency.

The Federal Emergency Management Agency now has the mandate to provide a single source for the President to which he can turn for reports of the damage incurred, the resources available to respond, and the relief actions underway following a major terrorist incident.

The relationships between FEMA and those agencies charged with the management of terrorist incidents are determined by a variety of statutes and Memoranda of Understanding (MOUs). The actual day-to-day functioning of these relationships currently suffers from a lack of clear understanding of what constitutes "consequences" and which agency has

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responsibilities for responding to these terrorist consequences. The lack of clear authority and understanding has in effect, created a vacuum. This vacuum is currently filled through informal operating understandings and the "old boy syndrome." This syndrome is endemic to the Federal bureaucracy. It also is a reflection of basic human nature. People would rather deal with and work with other people they know and have grown to trust. This network is reinforced by the structure of working groups and inter-departmental meetings where "all the same faces" continually appear. The "old boy network" works in opposition to changes in response and consequences mechanisms by "short circuiting" the most recent incarnation of the structure by calling their old friends. Often these old friends no longer occupy the action positions they used to, yet are more than willing to assume unofficial power and authority or serve as middle men for their old friends. This "short circuiting", of course, works against the formalized structure designed to facilitate smooth interagency activity and insure everyone is informed and all bases are touched. The old boy network often sees new formalized or complex structures as "too stifling". They believe they are doing a service by circumventing the system and employing the old boy network to "get things done." This again reflects a basic trait of human nature -people are uncomfortable with new situations since they, by definition, produce uncertainty. "This is the way we've always done it" is often heard as a rational for use of the "seat of the pants" response and is reinforced by the "old boy syndrome". Unfortunately, this approach does not incorporate lessons learned from past experience, nor does it benefit from enhanced cooperation, knowledge, and experience available from "outsiders". The old boy syndrome, more often than not, results in incomplete products and the lack of a fully coordinated response.

D. EXISTING RESPONSE PROCEDURES

The management of the Federal response to terrorism requires the coordination of a number of Federal agencies. This also requires coordination of the activities of these agencies with appropriate State and local

authorities. Essential to the understanding of the Federal response is the realization that there are two components to the response: event management and consequence management. No one Federal agency has the capability to respond effectively to both components alone; therefore, the responsibility is shared by a number of agencies. Interviews conducted by the research team were used to identify and provide information on Federal Agency response plans for terrorist incidents. The following discussion provides representative examples of Federal level responders to terrorist incidents. The examples are by no means complete and are offered only for illustrative purposes.

1. Event Response Procedures

Under the existing framework, event response can be characterized by the division of the initial response into three elements: notification procedures, alert procedures, and preliminary event management. The specific functioning of these elements varies depending on the type of incident, the resource area involved (nuclear, electric power, continuity of government, etc.), and such a simple issue as the location of the incident. The procedures for notification at the State and local level are, for the most part, still in their developmental stages. Therefore, initial Federal notification of a terrorist event could come from a variety of local sources ranging from the town sheriff to the state police or the Governor. It is important to remember that since terrorism, per se, is not a Federal crime, many states will not defer to, or request, Federal assistance.

However, once an event escalates to the Federal level, the Federal response mechanisms are somewhat more specific. These mechanisms and procedures are often specified in MOUs between the concerned agencies (e.g., the October 22, 1980 MOU between FEMA and the NRC). Other Federal agencies, however, rely on "judgement" and what the "event circumstances dictate" to direct much of their alert and notification procedures.

The basic elements of the Federal response mechanism, notification and alert procedures, and preliminary event management are discussed in the following sections.

2. Notification and Alert Procedures

As discussed earlier, the initial notification of a terrorist event may come from a variety of State or local governmental entities.

The responsibility for a specific incident is exercised by the agency or local jurisdiction which has the primary responsibility by virtue of constitutional or statutory authority, Executive Order, Executive Branch directive, or Memoranda of Understanding. Because of this, there is no central Federal contact point for reporting a terrorist incident. Depending on the type of event, there are five agencies which most probably will receive the first Federal notification of a domestic terrorist event. These agencies are: the NRC; DOE; FBI/DOJ; The White House; and the Coast Guard. Specific event notification and alert procedures which are the initial response for each of these agencies are discussed below.

In general, notification procedures function in a generic manner as follows. A watch office or emergency operations center receives a call from the state level. (Intelligence information from a Federal Agency might also begin the notification process.) The notification may be an alert or warning of a potential requirement for Federal action or it may specify immediate requirements for Federal assistance. This information will be verified by the emergency center receiving the initial notification. Next, the center (if it is not DOJ) will notify the Department of Justice.

Within the Department of Justice, the Deputy Attorney General and his immediate staff are responsible for overall coordination of the initial Federal response, including policy decisions and legal judgments. The lead agency for the actual event management of most domestic terrorist events is the FBI. The DOJ will make a determination based on available information, of which other agencies, if any, should be notified. This notification responsibility will then be transferred to the DOJ Emergency Programs Center (EPC).

3. Event Management Procedures

In all instances (with the exception of domestic maritime terrorism which is the purview of the Coast Guard) in which the Federal

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mechanism is brought into play, the FBI functions as the lead Federal law enforcement agency. The FBI will, as soon as it arrives on the event scene, assume control of event management (based on Public Law 83-703 and Titles 42 U.S.C., 18 U.S.C. and 50 U.S.C.). They will establish secure event perimeters where possible and control access to these areas. The FBI event management role would include, for example, establishing press areas, deploying special weapons and tactics (SWAT) teams, and coordinating all public information activities which deal with the event. An exception is NRC-related activities which are covered under a special procedure described earlier. A second exception to this general event management scheme would be necessitated by the requirement for the use of Federal troops.

Use of the military may occur when the Special Agent-In-Charge (SAC) and a representative of the Attorney General, after consultation with the Secretary of Defense's representative, conclude that military forces must be used. The Attorney General and Secretary of Defense jointly will advise the President concerning the use of military forces. If the President decides to approve the use of military forces, the Attorney General will provide the President a Proclamation, Executive Order, or other documents necessary to implement his decision. A waiver of posse comitatus is also required.

The Executive Order will authorize the Secretary of Defense to conduct military operations. The Secretary of the Army, as Executive Agent for the Secretary of Defense, is responsible for the necessary military decisions and for issuance of the appropriate orders to the Task Force Commander. Upon notification of a Presidential decision to use military force, the military Task Force Commander will advise the SAC and assume operational control of the event from the SAC. The military also will assume operation control of all Federal law enforcement personnel at the event site.

When the military commander has determined that he has resolved the terrorist incident, he will return command and control to civilian law enforcement authorities. Procedures for the orderly return of control to

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civilian law enforcement authorities will be determined by the military commander after consultation with the FBI SAC.

Upon termination of the incident and turnover of the site to civilian authorities, the military forces will be evacuated immediately from the site and the FBI will resume operational control of the event area and pursue its investigative responsibilities.

There are exceptions to this general event management process such as terrorist events occurring on either DOE or military facilities, at Federal Prisons or on Indian reservations. However, the FBI could assume control in these instances if requested. In either case, the basic event management procedures would remain the same.

4. Consequence Response Procedures

To date, the majority of emphasis vis-a-vis terrorism has been concentrated on event response and management. Other than the procedures outlined in various MOU between FEMA and the NRC and those radiological responsibilities (which could result from terrorist related events) called out in the National Radiological Emergency Preparedness/Response Plan for Commercial Nuclear Powerplant Accidents (Master Plan), the interviews conducted by the study team identified no consequence response procedures specifically addressed to terrorism.

Under the authority of Executive Order 12148, the Director of FEMA has been delegated the responsibility to plan and coordinate the Federal response to the consequences of terrorist events, a new emergency function, which prior to the President's Reorganization Plan No. 3, was not assigned to any specific Federal agency. Previously, each agency was responsible for dealing with consequences which affected its Executive area of responsibility. Therefore, few procedures exist for terrorist consequence management. Now FEMA has the mandate to provide a single source to which the President can turn for reports of the damage incurred, the resources available to respond, and the relief actions underway following a major terrorist incident.

E. CONFLICTS AND PROBLEMS IN THE FEDERAL RESPONSE MECHANISM AS IT NOW EXISTS

There are several areas of the Federal response mechanism to terrorist events and consequences in which problems currently exist. Prime among these problems are the definitions of "coordinate" and "consequences". As stated above, there is no Federal response mechanism dedicated solely to terrorism. Part of this problem centers on the fact that no guidelines exist which specify what actions are purely event management activities, and which are consequence management activities. The following paragraphs identify these problems and present a brief recap of some of the conflicts which exist in the Federal response procedures.

The basic problem in the Federal response system is that it is primarily event oriented. The current statutory requirements and guidelines for terrorist related consequence management activities are contained in E.O. 12148. This, however, complicates the current response mechanism in that there is no clear cut definition of alert and notification procedures. For this reason, FEMA is not currently a part of many agencies standard notification and/or alert scheme. It is only through MOU and informal understandings that FEMA is notified of terrorist events. The new organization under the recent National Security Council Directive may help to rectify this situation. In reality, the resolution to this problem will most probably result from actual event experience. MOUs and exercises, no matter how well developed or executed, simply do not reflect the way individuals and organizations react and perform under the stress of actual events.

It is important to note that no terrorist event response mechanism, regardless of how well it is documented and exercised, will be a static entity. The mechanism must be flexible enough to adapt to the unique aspects of each event. For FEMA to understand its requirements in both the event and consequence phases, requires participation in the full range of terrorist events. If FEMA is to fulfill its mission to coordinate the planning and preparedness to mitigate the consequences of terrorism, it must be involved in the incident from the beginning where appropriate.

This creates a conflict between the event managers (FBI) and the consequence managers (FEMA) as to which and what type of activities are event related and which are consequence related. This conflict could result in a situation where, through lack of technical or comprehensive information, the management of the event phase could increase or perhaps even contribute to major consequences simply by failing to assess adequately or to consider the potential consequences. This requirement leads to the second problem which currently exists. The natural disaster response network currently in effect provides an adequate, though not complete, interim mechanism for responding to terrorist event consequences. It is incomplete in the critical sense that it does not provide for responding to incidents of duration. There are no procedures for dealing with consequences which occur during the interim between event initiation and consequence resolution. By employing the Emergency Response Team approach, built around a basic resource skills requirement index, an interim "core team" of consequence managers and a network of various "specialized skills teams" could be established.

The first step in the resolution of responsibility is the identification of the type of consequences in which FEMA will not have a role. These incidents would include cases of localized or single, small scale events such as assassination, hijacking, hostage taking, bombing, arson, and armed attacks. Conversely, consequences in which FEMA could play a Federal level lead agency role include events at nuclear power facilities, nuclear, chemical or biological terrorist activities, and disruptions of the vital national resource systems (see Chapter II). The wide spectrum of potential consequences which could result requires a unique blend of expertise not currently available in any single agency or location. Assembling several such dedicated teams for regional or even national response is impractical. As an alternative, FEMA could employ a network of specialists available on a quick response basis for specific events. These personnel could be drawn from the various professional societies and organizations in each discipline or skill area. For example, the Institute of Nuclear Materials Management (INMM) could furnish locations and identities of volunteers to

be on call on an "as needed" basis. The same procedure could be employed through organizations like CHEMTREC, the International Association of Bomb Technicians and Investigators, and other professional societies. These personnel could be used on an event specific basis to supplement a Core Team with broad terrorist and disaster related experience. These Core Teams could be employed effectively on a regional basis and as an adjunct to the similar FEMA Emergency Response Teams.

This approach could offer an effective resolution enabling FEMA to respond to a wide variety of sophisticated potential consequences requiring a wide variety of data and unique skills.

Finally, a potentially useful approach for resolving the problem of the lack of a current Federal terrorist consequence management mechanism is "piggybacking" on the National Radiological Emergency Response Preparedness/Response Plan. This plan, designed for dealing with nuclear power plant incidents, defines FEMA as the coordinator of Federal agency support at the scene. All states with nuclear power facilities also must have a similar State Radiological Emergency Response Plan which could be used in the interim to facilitate state and local responses. The use of this plan as an interim vehicle to insure expeditious, efficient, and coordinated action by appropriate Federal agencies would fill the current void left by E.O. 12148 and E.O. 11490 until a total and integrated Federal Response Mechanism is established. A proposed Federal Response Mechanism is discussed in the following section.

F. THE TRANSITION ISSUE

At the beginning of this study, "transition" was defined as the continuum during which overall control and coordination shifts from event management actions to consequence management actions. This appeared to be a logical definition at the outset and, if accepted at face value, was properly perceived as a major issue. However, during the interview process and when developing the proposed Federal response mechanism presented in this chapter a different perspective of the transition question was

gained. The spectrum of pre-event, event management, and consequence management examined in isolation, logically assumes a sequential ordering with clear lines of distinction among the three phases. However, this study, as it progressed, has determined that event management and consequence management phases are unique unto themselves, each with lead agencies designated, and may occur sequentially, simultaneously, or consequence management could occur before event management. Transition is not a point in time, rather, it is a part of a continuum. Recognition of this possibility leads to the conclusion that there may be no transition, per se.

A simplistic example of the event management and consequence management phases occurring simultaneously would be a terrorist group's having penetrated a nuclear power facility and threatened to cause release of radioactivity unless certain demands are met. That is the event. The lead agency responds as described earlier in this chapter. During the event management, it is determined that the threat may be carried out and that public health and safety is threatened. A decision to evacuate the population is made. This becomes a consequence and the evacuation preparation and execution a part of consequence management. Now, event and consequence management are occurring simultaneously. This process would be further complicated by the fact that as a result of the Three Mile Island Accident, FEMA is the lead agency for off site consequences requiring Federal assistance. In a situation similar to this example, the transition occurs more in the way the agency functions as opposed to any single point in time at which a change is made. As the event progresses, FEMA's role would change from a concentration on providing event related support and a secondary concentration on planning and preparing for evacuation for example, to one of being the primary agency directing mitigation, recovery and reconstitution efforts.

A brief example of consequence management starting prior to event management would be a mass number of deaths and critical illnesses occurring in a major metropolitan area for unexplained reasons. State and local resources quickly are overwhelmed and Federal assistance is

requested. Consequence management begins. Some days later, a terrorist group issues a communique describing its actions in contaminating the potable water supply of the affected city. The group states that unless certain demands are met, another unnamed city will be attacked in the same manner. The communique is evaluated as being credible. Now, some period of time after the initial consequences, event management begins. As can be seen from these examples, transition can occur in various, often subtle, ways over a period of time. Events in which there would be a clear cut change in authority where, for example, the FBI fulfills its law enforcement and investigative functions and simply turns over authority to FEMA for recovery and restoration are extremely rare. More often than not, transition occurs in subtle changes in the degrees of responsibility each participant exercises. A clear understanding of agency roles and responsibilities can allow for concurrent event and consequence management activities with little or no conflict.

The current Federal response mechanism was developed with the above transition theory in mind. The Federal response mechanism must be flexible and able to respond to events and consequences regardless of the sequence in which they occur. The proposed Federal response mechanism presented in the next chapter provides this essential flexibility.

CHAPTER IV
POTENTIAL RESOLUTIONS

A. PARAMETERS AND PRINCIPLES

The success of any Federal response mechanism to cope with major terrorist incidents, both response to the event itself as well as the resulting consequences, depends on prior planning and preparedness. In developing an integrated Federal response mechanism, certain parameters and principles were established. These are based, to a large extent, on the results of interviews conducted as a part of this study effort. Not to identify and consider these parameters and principles probably would have resulted in a proposed response mechanism that represented the "ideal" solution but would not have worked in the "real world". The parameters and principles upon which the proposed Federal response mechanism is based are described below.

1. Agency Identity

One of the key problems to establishing a coordinated and integrated Federal response mechanism to major terrorist events is the inherent hubris of all agencies. Each Federal agency having a role in responding to terrorism must be expected to attempt to retain its identity and not be subordinate to another agency. In the real world, all agencies involved in each terrorist event want to function in an autonomous manner, regardless of the amount of pre-event planning and coordination established on paper but should be expected to operate in a coordinated manner. Of course, this is not simple protection of bureaucratic interests, rather, each of these agencies can be expected to honestly believe that it has a legitimate claim to primary responsibility and that it can do a better job than anyone else.

2. Expertise

It must be recognized that expertise and skill exists in Federal agencies (e.g., nuclear power experts in the Nuclear Regulatory Commission)

and is spread to accommodate the functional responsibilities of an agency. Concentration of all anticipated expertise requirements in a single agency is not efficient from a manpower standpoint; however, the lack of consolidation dictates that an effective coordination system is essential.

An analysis of the various skills and expertise required to respond to major terrorist events within each target system would assist in resolving this problem. These requirements could be matched with the capabilities available in the individual agencies which have event and/or consequence responsibilities. The expertise or skills which are not available within these agencies can be supplemented through an outside skills bank similar to the EARN and CHEMTREC systems.

3. Flexibility

Any Federal response mechanism must be flexible and not specific scenario based. This does not mean necessarily that "worst case" planning is the solution. Rather, planning should be generic in nature based on deliberate vulnerability analyses and planning guidance. If and when an emergency occurs, the response structure must be sufficiently flexible so that the management mechanism can be "tailored" to meet the specific nature of the problem. Pre-planning and coordination must form the basis for meeting the broad range of possible events and resulting consequences.

4. Coordination

A Federal response mechanism depends on effective coordination. To effect the required coordination, lead agencies must be established and recognized. A military-like command structure must be avoided.

5. Resolution of Issues

Any coordination process must be expected to produce issues that cannot be resolved by coordination. A Federal response mechanism must incorporate a system for escalating conflicts for resolution by decision.

6. Existing Relationships

Existing relationships and procedures for the prevention and control of terrorist incidents must be recognized and exploited. What now works should be retained and incorporated into an integrated response mechanism rather than starting from a "zero base".

7. Uniqueness of the Problem

The unique characteristics of terrorist events must be recognized. What may be a traditional criminal act and a local event, can rapidly escalate to the highest interest levels when branded as terrorism. This escalation should be expected and anticipated. Such branding is usually accompanied by a media blitz and concerned fear on the part of the general public, and serves to place increased pressures and demands on the response mechanism. This escalation must be considered part of the uniqueness of the problem. When several agencies with either conflicting or overlapping jurisdictional authorities respond to such terrorist incidents, then both event management and consequence management become more complex. As discussed above, MOU drafted previously are often ignored or superseded during the heat of event or consequence management activities. This situation contributes to the breakdown of coordination and enforces the "old boy" and "ad hoc" syndromes. The political nature of terrorist crimes complicates any terrorist event, overlaying upon the response mechanism a series of politically sensitive issues and considerations which often serve to frustrate, contradict or contravene previously agreed upon procedures or working relationships. It is this political nature that contributes to the uniqueness of and the complexity of structuring any response. These political issues are unique to each terrorist event and often involve international ramifications of any response activities. The political problem also involves agency players who normally are not part of the response process and who have entirely different concerns from those of the event and consequence managers.

8. Validation

Once an integrated Federal response mechanism is established it should be validated, and adjusted as necessary, through a program of exercises of varying degree and complexity. This also serves to generate specific training requirements.

9. Executive Orders and Memoranda of Understanding

Generally, Executive Orders and implementing Memoranda of Understanding (MOU) are not essential to establishing an integrated response mechanism. It is more important to establish the system first, then after some form of validation, prepare necessary MOU which reflect the workable system.

B. PROPOSED FEDERAL RESPONSE MECHANISM

1. Phases

The proposed Federal response mechanism (hereafter referred to as "the mechanism") is divided into three separate and distinct phases. These are:

- (1) Pre-event activities,
- (2) Event management, and
- (3) Consequence management.

Each phase of the mechanism has descriptive characteristics which are illustrated in Figure IV-1 and described below.

a. Pre-Event Activities

In general, pre-event activities include planning and coordination for subsequent event and consequence management phases. It is during this phase where planning guidance is developed and, as planning is done, coordination is accomplished. While there is time for a methodical and deliberate planning process, there is also a need for a sense of urgency and establishment of a system of priorities and milestones. All planning and coordination accomplished during this phase will result in an increasing of Federal preparedness for response to major terrorist activities. Vulnerability analyses are conducted during this phase, the results of which should provide planning guidance for appropriate Federal Agencies. Other pre-event activities include exercises, training, and identification of expertise areas required. A very important part of the pre-event phase is some form of threat assessment that can provide indicators and warnings of potential terrorist activities. If successful,

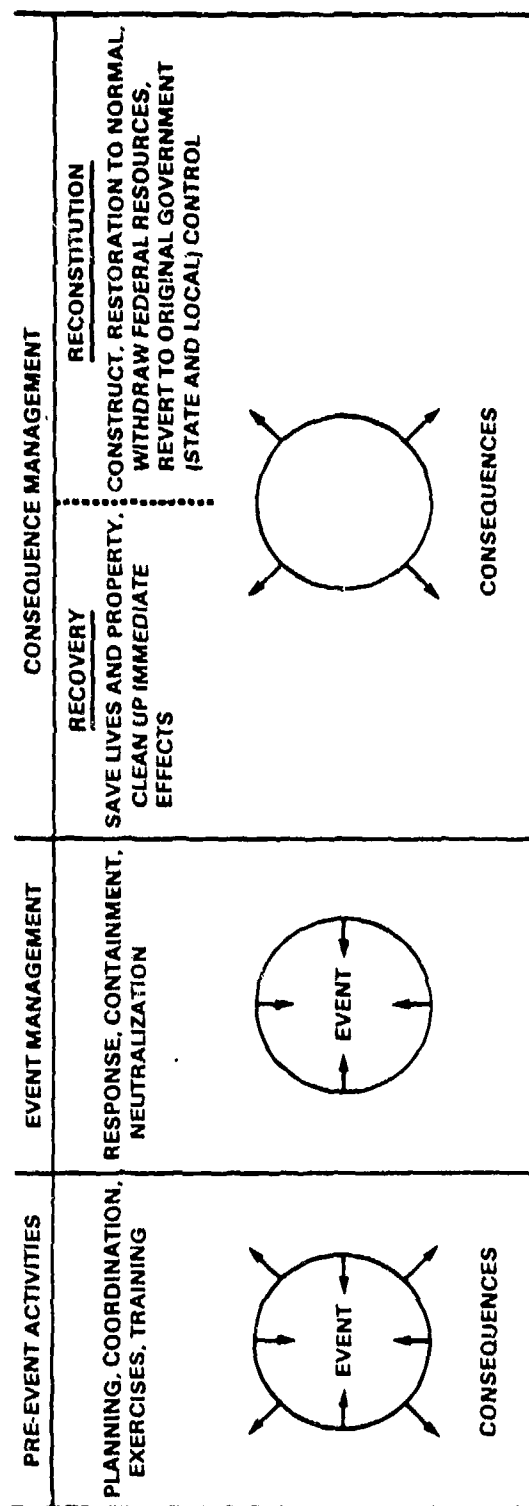


Figure IV-1. Phases of Federal Response Mechanism

this assessment would provide time to prepare specific plans to meet a specific threat. However, the mechanism should be flexible enough to respond to any given situation with little or no warning.

Another important aspect of pre-event activities is exercises and training development. While the Emergency Management Council (EMC) itself would not conduct exercises and training, it should be the body that develops and reviews exercise planning by member agencies. The EMC is an action group not a policy group, it implements policy rather than formulates it. Subsequent to the conduct of an exercise, the EMC should review the results. Exercise results, or "lessons learned", provide validated requirements for further planning and coordination by the EMC. These results also point out the need for new or additional training. Again, the EMC does not sponsor training; however, it should insure that required training is available and that appropriate Federal agencies are able to participate in the available training. The goal of all pre-event activities is to strengthen and maximize the effectiveness of actual response to terrorist events and potential or actual consequences.

b. Event Management

The basic objective of this phase is to respond physically to a specific terrorist incident, and to contain the event to the extent that there are no external consequences. Neutralization of the event with no external consequences is the ultimate goal. This is graphically illustrated in Figure IV-1. Most counterterrorism planning to date has concentrated on this phase of the mechanism. It is with this phase that the majority of the "real world" experience resides. Event management exercises have been conducted and some MOU exist addressing event management procedures and coordination. The event management phase is reactive in nature marked by fast moving and dynamic situations over a relatively short period of time. If, however, the event cannot be contained or neutralized, specific planning for consequence management must be accomplished.

There is general agreement within all agencies interviewed, that FEMA should, at a minimum, have the opportunity to monitor terrorist

incidents during the event phase. This broadly defined role should allow FEMA the opportunity to abstain from any event role where the local or regional officials or FEMA response team members feel major consequences requiring Federal assistance are unlikely. On the other hand, FEMA's event monitoring role should also be viewed as an active participation in providing event related materials, analysis and assistance where required. In events which portend possible major consequences, FEMA's event role might include consequence mitigation activities such as evacuation, providing field hospital and kitchen equipment, facilitating electrical power grid load shedding and sharing actions and assisting in the development of alternative event resolution scenarios to limit potential consequences.

c. Consequence Management

This phase of the mechanism can be divided into two elements: recovery and reconstitution. Each of these elements has its own characteristics although the fact that consequences external to the event have resulted is common to both as illustrated by Figure IV-1.

(1) Recovery

The recovery actions consisting of saving lives and property are immediate response activities in which time is of the essence. There is little room for mistakes. The recovery period can be expected to have added complexities. Timely actions are essential. Compounding the problem can be confusion, fear and panic, little accurate information or misinformation, all fueled by a media blitz. Planning should anticipate rapid escalation of interest to high levels. Coordination of response is absolutely essential.

(2) Reconstitution

The reconstitution element of consequence management can be described as a longer or prolonged period. It is analagous to natural disaster activities. Most in place planning, as well as real direct experience, can be applied to this element of consequence management.

The above descriptions of the phases of a Federal response mechanism are presented to provide a common understanding of the total spectrum of the Federal response problem. This is necessary before discussing the management structure and agency relationships of the proposed mechanism, which follows.

2. Management Structure

To manage the activities in the planning and response phases described above, a structure must be established which takes into consideration the parameters and principles discussed earlier in this chapter. A proposed management structure is illustrated graphically at Figure IV-2 and discussed below.

a. Executive Order 11490

The basic emergency responsibilities of Federal agencies are prescribed by E.O. 11490. Although outdated, this Executive Order has prompted emergency planning activities (to include countering terrorism) over the years. While this planning has been continuing, there is an apparent lack of total coordination and integration of effort. This is presented graphically at the top of Figure IV-2. A coordination structure must be established that will provide single direction and integration of the planning responsibilities outlined in E.O. 11490.

b. Pre-Event Activities

This phase is pro-active in nature. Each agency does independent planning based on planning guidance developed by the Federal Emergency Management Council (EMC). Each participating agency retains its identity but planning guidance is issued, and coordination effected, by the EMC. The EMC should also fund and conduct exercises and develop training requirements to support terrorism response planning. The EMC is not intended to replace existing intergovernmental committees dealing with the policies of combatting terrorism, but should concentrate on planning responses to terrorist acts and resulting consequences under established policies. The EMC does not act as a lead agency since, just as its name implies, it is a committee. However, lead agency roles for the response phase must be identified and recognized. Planning coordinated by the EMC

E.O. 11490 — FEDERAL "FAMILY" — MISSIONS AND FUNCTIONS

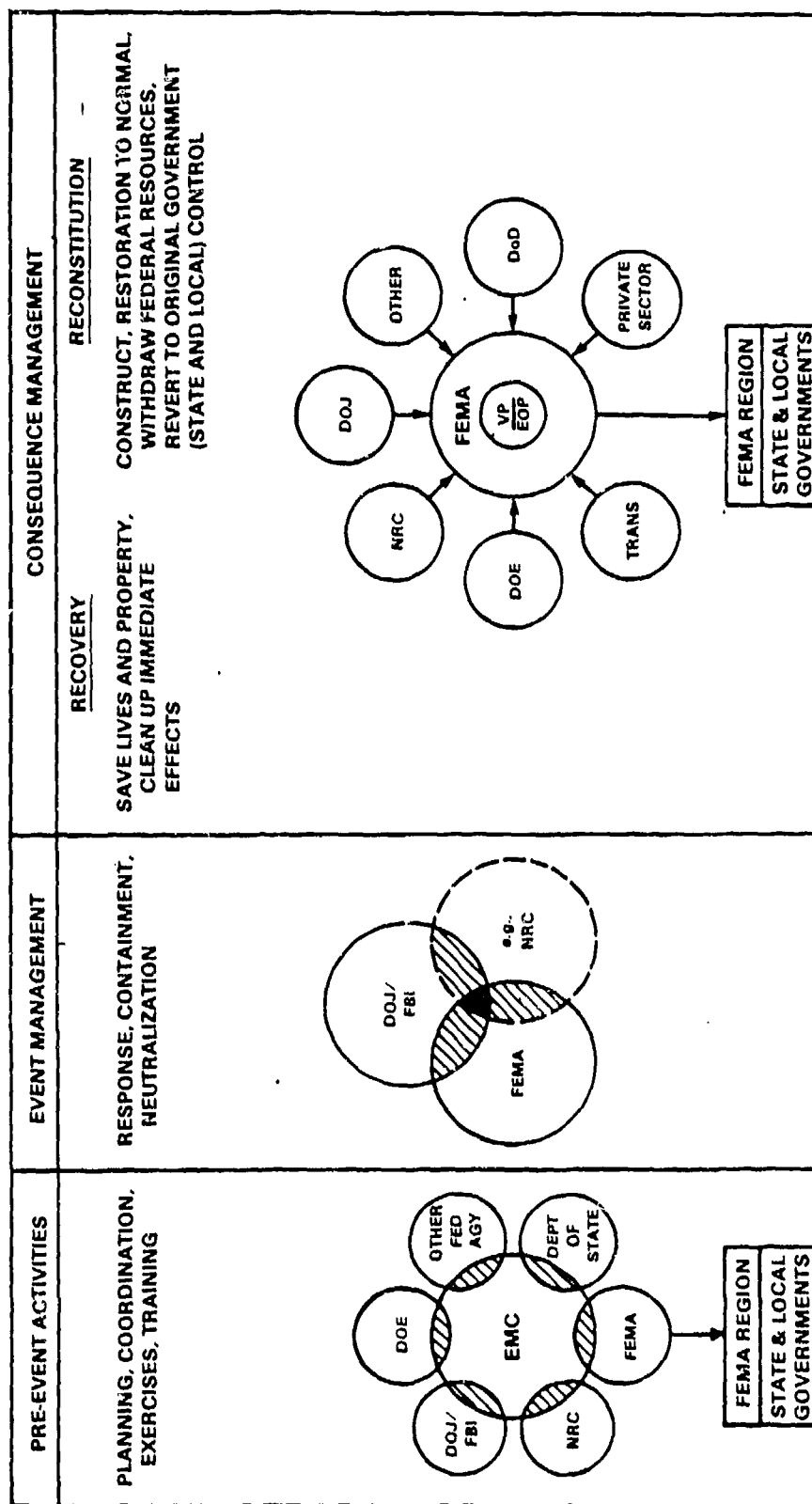
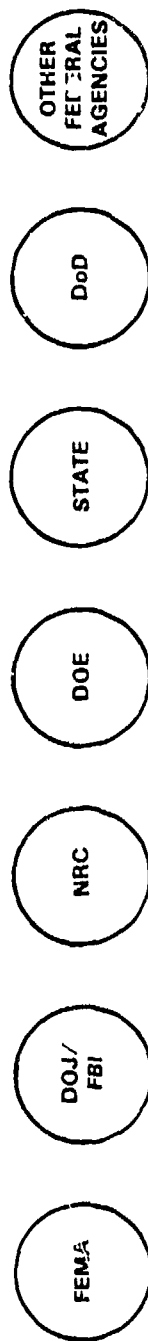


Figure IV-2. Federal Response Mechanism Management Structure

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must support the lead response agency. The EMC should identify planning already accomplished as well as voids and duplication. Its primary role is to act as a coordinating body as illustrated by Figure IV-2. Because of the critical role the EMC plays in the proposed Federal response mechanism, a more detailed discussion is provided in Section C below.

c. Event Management

Event management is reactive in nature. The Department of Justice/Federal Bureau of Investigation (DOJ/FBI) is the lead agency. All planning accomplished and coordinated during the pre-event phase should support the lead agency. While this proposed mechanism recognizes the DOJ/FBI as the lead agency for event management, other agencies have definite roles either as supporting the lead agency or monitoring the event management. Public affairs and media relations are important aspects of event management. Information must be provided to the media but well-intentioned reporting of actions during event management can, and has in the past, aggravated the situation. The lead agency should provide public affairs guidance that is consistent with plans and activities during this phase.

The illustration shown for event management in Figure IV-2 indicates that FEMA and NRC have a role during event management. It is shown as an illustrative example of the monitoring and support roles of agencies other than the lead agency. For example, an event could consist of a group of terrorist that have penetrated a nuclear power facility and taken over the control room. They are holding hostages and have threatened to force the hostages to take certain actions that would release lethal amounts of radioactivity unless certain demands are met. In this example, the NRC probably would be notified first because of the dedicated land lines to each nuclear power facility. The DOJ/FBI would be the lead agency at the Federal level and establishes an on-scene command post and a negotiating team. The NRC provides the communications link for the negotiating team and technical advice for developing negotiation strategies. This advice could include such things as determining the credibility of the threatened radioactivity release and, if credible, what would have to be

done technically and how long it would take. FEMA monitors the situation and begins developing consequences response actions in case of a radioactive release. The NRC advises FEMA that the threat is credible and evacuation of the public may be necessary. FEMA, through the FEMA region, advises State officials of the necessity for evacuation which again influences the negotiation strategy. The FBI determines the timing of the release of these planning activities to the media. Through imaginative thought processes, the reader can continue this scenario. However, this brief example points out the need for a lead agency as well as the roles of other agencies during event management.

d. Consequence Management

Consequence management is reactive in nature. The Federal Emergency Management Agency (FEMA) is the lead agency for coordinating the total Federal response. FEMA constantly must assess the situation and, where possible, anticipate requirements for Federal assistance. After requirements have been determined, FEMA coordinates with the appropriate Federal agency, or agencies, which has the resources or responsibilities to satisfy the requirements. FEMA acts as a clearing house to insure a total and integrated Federal response. FEMA, along with other appropriate Federal agencies, form the Federal response team. In this way FEMA carries out its assigned responsibilities for reducing the consequences of major terrorist incidents and insures a coordinated response for the recovery from the consequences of such incidents. The lead agency role of FEMA in coordinating the response to major consequences of terrorist incidents implies, more often than not, a quiet orchestration of the decisions of many to facilitate proper interface and to deal with issues and/or problems that transcend individual parties. A new classified NSC Directive could change how issues will be resolved past the EMC. If these issues or problems cannot be resolved, they should be escalated to the Vice President/Executive Office of the President* for resolution by decision

*The Executive Office of the President is used here in the generic sense to include all supporting councils and committees and their subordinates as reflected in the most recent National Security Decision Directive.

after consideration of the facts and circumstances concerning the issue. This provision has two advantages. First, it insures that a Federal agency or activity is not subordinated to FEMA, but rather acts as an equal with FEMA in its lead agency role of overall coordination. Secondly, it insures that only major problem areas are presented for "White House" decision. As an added note, effective planning and coordination during the pre-event activities may preclude the necessity for this procedure.

An additional, but important, FEMA role as lead agency for consequence management is to provide a single source to which the President or Vice President can turn for reports of the damage or consequences incurred, the resources available to respond, and the relief actions underway following a major terrorist incident. In this role, FEMA also acts as the lead activity in public affairs and media relations matters. Inquiries from members of Congress are accommodated by FEMA in this role. This provides for a single source of information which is consistent and credible. It also relieves other Federal agencies of this often difficult and time consuming task.

C. THE FEDERAL EMERGENCY MANAGEMENT COUNCIL

The Federal Emergency Management Council (EMC) plays a significant role in the proposed Federal response mechanism, as outlined in the previous section. It is not an activity that must be newly established although, to the extent that it can be determined by the research team, it has never been used. The EMC was established by E.O. 12148, dated July 20, 1979.

Membership should be designated considering agencies discussed in Chapter III of this report. An Executive Council should be established consisting of the Chairman and key agencies having major responsibilities for responding to terrorist acts and resulting consequences. While it would be desirable to have heads of agencies on the Executive Council, this may not be practicable. In any case, EMC members should be able to speak for their agency and make commitments with respect

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to their agencies' resources. The Executive Council also acts as the steering group in conducting EMC business. Committees, formed along functional lines, could be established. These committees would report to the Executive Council.

In order to resolve several of the problems which have plagued previous bodies, several issues must be resolved. Primary among these is a budget. Since E.O. 12148 calls for the Director of OMB to be a member of the council, it is suggested that the EMC budget be a line item in the FEMA budget or preferably a special item in the budget of the Executive Office of the President. This will insure sufficient staff resources and facilitate the long range planning and scheduling of major exercises necessary for insuring an integrated response to Federal emergencies resulting from terrorism. This will also insure that the EMC has the ways and means to carry out its assigned responsibilities.

A problem experienced by the SCC/WG and its successor, the Interdepartmental Group on Terrorism (IG/T), is one of authority to direct and demand the cooperation of other agencies and departments. Sections 3-201 and 3-202 of E.O. 12148 provide the mandate necessary to overcome this obstacle.

Personnel in the current FEMA organization could be designated, by name, to provide administrative and technical support to the EMC as appropriate. Conceivably, there will be times when these requirements could overload the FEMA staff. This probably would be true during the initial organization and functioning of the EMC. The required additional resources and expertise could be obtained by using personnel from other government agencies on a temporary basis, or by using contractor support to meet specific temporary demands.

D. FEMA REQUIREMENTS

The internal FEMA requirements to support its role in the Federal response mechanism were developed through a combination of three collection/evaluation means. First, the interviews conducted provided

insights as to what capabilities should exist within FEMA. Second, discussions with cognizant FEMA staff personnel generated ideas on internal FEMA requirements to cope with terrorism consequence management. Third, as the research team began conceptualizing the Federal response mechanism, certain internal FEMA capability requirements became apparent. It should be emphasized that the requirements and capabilities discussed in this section should be met within the existing FEMA organization and staffing. Individuals, or groups of individuals, need not be designated or organized solely to carry out these functions on a dedicated basis within FEMA. The FEMA internal requirements are discussed below.

1. Emergency Operations Center

FEMA has established, and is in the process of expanding, an Emergency Information Coordination Center (EICC). The EICC should function beyond solely information coordination, and consideration should be given to redesignating the EICC as the Emergency Operation Center (EOC). The EOC would become the focal point within FEMA for monitoring, screening, and notifying internal personnel of all information pertaining to emergency or non-routine matters. It should perform this function on a 24 hour a day basis. Emergency action data should be automated by use of a microprocessor thus providing a means of computer-assisted decision making for the EOC watch officer. For example, if information is received by the EOC from the NRC regarding an unusual event at a nuclear power facility, the watch officer enters key words into the microprocessor and a display appears indicating who should be notified and their telephone numbers (both for normal working hours and non-working hours). Additional prompters can be displayed to assist in calling up additional data files, which could include FEMA operations plans pertaining to the category of event for reproduction on a hard copy printer. The value of such an automated system cannot be overemphasized. Identifying needed data rapidly in a potential crisis situation is difficult and generates errors when done manually. The total FEMA notification system, for all categories of unusual events, can be stored in the microprocessor data bank. This would provide for prompt and proper initial notification of FEMA personnel. Once the initial

notifications are made, key designated individuals would make the decision for further notifications, depending on the situation. In addition, a decision to augment the EOC with a specifically tailored emergency management team would also be made depending on the type event. A system such as briefly described above is preferable over a written "cascade" type notification where all personnel are notified for all situations.

The EOC should have secure communications, both voice and hard copy, compatible with equipment in other Federal agency operations centers. Media monitors should be installed for both the major television networks and wire services. Recording equipment for both video and telephone is required to make a permanent record of information needed by the emergency management team. An automated data base is needed to support the FEMA emergency management team as well as other agencies, FEMA regions, and State/local authorities. Development of detailed data base requirements was not included within the scope of this study; however, its importance is emphasized. Action to develop an automated data base should receive a high priority.

2. Standby Teams

FEMA should not establish permanent standby teams for emergencies. To do so constitutes an inefficient use of manpower and would tend to be inflexible. A matrix management approach provides the means for the most efficient use of manpower. Within the current FEMA organization, individual expertise and skills must be identified. Upon notification of an emergency situation, expertise and skill requirements are determined to meet the specific emergency. The emergency management team is formed based on the specific skills required. Expertise external to FEMA should also be identified. For example, the NRC has specific expertise in nuclear power plant operations and this expertise need not be duplicated at FEMA. Knowing where the expertise lies and how to contact a specific expert are the vehicles to supplement the internal FEMA skill base. In conjunction with the development of the above concept for forming an emergency management team, a method for contacting experts from State/local governments and the private sector is needed.

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A successful response to a modern emergency depends, in large measure, on responsible officials having swift access to specialized data and the capability for complex and sophisticated evaluation and analysis of an evolving situation. Unfortunately, few if any local jurisdictions can afford the cost of assembling the necessary data base and retaining the necessary specialists for dealing with situations whose occurrence is infrequent but whose consequences can be catastrophic.

At present there is no clearing house which permits the public official rapid access to information about a particular emergency situation or general emergency data. Similarly, there is no centralized network where a jurisdiction confronted by an emergency situation can seek advice and insights from experts and specialists who have studied similar problems or dealt with them in the field.

CHAPTER V
CONCLUSIONS

A. INTRODUCTION

This chapter provides, in an outline format, the overall conclusions of the entire study effort. These conclusions were derived as work progressed throughout the technical period of performance and solidified during the development of the Final Report. They represent the major points for consideration and are substantiated in the previous chapters of this summary.

B. CONCLUSIONS

There presently exists no totally integrated Federal planning and response mechanism, with an associated management and coordination structure, for responding to the consequences of terrorism. This report provides recommendations for such a mechanism which should be considered for implementation on a priority basis.

The Federal Emergency Management Council (EMC) should be activated to provide essential planning and coordination for terrorism event management and consequence management. The EMC should not replace existing inter-governmental committees which address the policy issues of terrorism. The existing committees should provide the policy direction to be implemented by the EMC. The EMC will require technical support, which initially could be extensive.

The Department of Justice/Federal Bureau of Investigation should be reaffirmed and recognized as the lead Federal agency for terrorism event management.

The Federal Emergency Management Agency should be reaffirmed and recognized as the lead Federal agency for terrorism consequence management.

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It should be recognized that event management and consequence management activities are unique unto themselves, each having lead agencies, and may not necessarily occur in sequence. They could occur simultaneously, or consequence management could occur before event management.

The Federal Emergency Management Agency has a definite role in responding to domestic terrorism, primarily in coordinating the response to the consequences of terrorist acts. FEMA should, and is expected to, provide leadership in this regard.

There exists a variety of experience and planning for responding to terrorist events. The experience and planning should be incorporated into the Federal response mechanism.

Planning and experience in responding to consequences of terrorist events is lacking. A basic plan for vulnerability and consequence analyses should be developed by the EMC. A centralized data base for this type of information should be developed and implemented to support all designated EMC member agencies.

A deliberate exercise plan, culminating with a full scale national exercise involving State and local governments, should be developed. One of the objectives of the exercise plan should be validation of the Federal response mechanism and its associated management structure.

In general, Executive Orders and Memoranda of Understanding should be developed after the Federal response mechanism has been established and tested in principle. It is more important to establish the system first, then codify a workable system by E.O. and MOU.

The Federal Emergency Management Agency should place a high priority on establishing an emergency operations center, which would be an extension of the Emergency Information Coordination Center. This facility should have secure voice and message compatibility with other Federal agency operations centers. Similar communications lines should be established with FEMA regions.

It was apparent to the study team that personnel dealing with the problem of terrorism at the Federal level are true professionals dedicated to the task at hand. Motivation of individuals is not a problem.

C. PERCEPTIONS OF FEMA'S ROLES AND PARTICIPATION IN THE GOVERNMENT
COUNTERTERROR PROGRAM

During the course of this study, a series of sixteen (16) interviews were conducted. The results of the interviews show that there is general uncertainty within the Federal counter terrorism community as to FEMA's perception of its own role in event management and especially in consequence management. There was, however, a general expression that FEMA had no lead role in the event phase of a terrorist incident. There is general acceptance of FEMA's need to monitor the event stage of major terrorist events. In this area the uncertainty among the Federal community members interviewed seems to involve what FEMA can do for each agency. Several officials felt that there was a real need for FEMA to provide training and assistance to State and local emergency response and perhaps even law enforcement personnel. Often mentioned was the concept that FEMA should always be prepared to inform event managers of the potential consequences of the event and of the government-wide resources available. More than one official stated that there were many instances in which there were no clearcut points of transition from event management to consequence management. Attempts to establish such clearcut change over for this type of event were viewed as often creating more problems than they solved. All agencies agreed that what was needed was a spirit of cooperation and coordination not concentration on specific transitions occurring along clear lines. FEMA's main task in this area seems to be allaying the unfounded fears that FEMA wants to be the event manager as well as the consequence manager. Other points to be considered by FEMA planners and managers is the potential role of FEMA and the EOCC as event intelligence synthesizers and their role in supplying materials and aid during the event phase. Two different interviews mentioned the role played by the Dutch emergency services during the Moluccan incidents in both 1975 and 1977. These services had established a field hospital, evacuated the neighborhood and provided security for their homes. These services also provided for additional event related materials, medical stores and facilities. This capability was offered as a possible example of the type of agency coordination that the interviewees felt FEMA should become involved with.

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On the whole, the perception of the Federal Family is predicated on a "wait and see" attitude. Those agencies which had an opportunity to work with FEMA seemed to hold the operational personnel in high regard.

All of the agencies interviewed believed that there was a role for FEMA in consequence management. With few exceptions, most agencies expressed the belief that FEMA should monitor the event stage. Several expressed a desire to meet with FEMA representatives and involve them in their planning and exercises.

To summarize the results of these interviews, six (6) points seemed to predominate, they are:

- (1) FEMA has a limited event management role and responsibilities, and FEMA should monitor major terrorist events.
- (2) There is general agreement that Federal level planning and preparedness for major consequences resulting from terrorist events is lacking or inadequate.
- (3) There is a perception that there are relatively few terrorist incidents which are perceived to have consequences of a magnitude to warrant FEMA's involvement.
- (4) State and local governments are ill-prepared to respond to major consequences of terrorist acts. FEMA should take the lead in filling this void.
- (5) There is a need for coordination of Federal level consequence and vulnerability analyses and FEMA should be the lead agency in this area.
- (6) Most agencies are anxiously awaiting the opportunity to discuss their perceptions of FEMA's role in terrorist event response with FEMA officials and also to see FEMA's proposed Federal level plans for consequence management.