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**COUNTERTERRORISM AND INFRASTRUCTURE  
PROTECTION**

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**HEARING**  
BEFORE A  
SUBCOMMITTEE OF THE  
COMMITTEE ON APPROPRIATIONS  
UNITED STATES SENATE  
ONE HUNDRED SIXTH CONGRESS  
FIRST SESSION

**SPECIAL HEARING**

Printed for the use of the Committee on Appropriations



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# COUNTERTERRORISM AND INFRASTRUCTURE PROTECTION

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THURSDAY, FEBRUARY 4, 1999

U.S. SENATE,  
SUBCOMMITTEE ON COMMERCE, JUSTICE, AND STATE,  
THE JUDICIARY, AND RELATED AGENCIES,  
COMMITTEE ON APPROPRIATIONS,  
*Washington, DC.*

The subcommittee met at 10 a.m., in room SD-192, Dirksen Senate Office Building, Hon. Judd Gregg (chairman) presiding.

Present: Senators Gregg, Campbell, Gorton, Hollings, Mikulski, and Leahy.

DEPARTMENT OF STATE

SECRETARY OF STATE

STATEMENT OF HON. MADELEINE K. ALBRIGHT, SECRETARY OF STATE

Senator GREGG. We will get started. I know the Secretary of State is on her way. Since a number of the members did want to make opening statements, we will make the opening statements and then by that time the Secretary will be here. She was at the prayer breakfast and is wandering over.

I want to thank the Attorney General, the Director, and the Secretary of State for being willing to participate in this hearing, the purpose of which is the ongoing effort that this subcommittee has made and the Congress has made to address the issue of terrorism, and make sure that the manner in which we are approaching the terrorism issue is a coordinated one, so that we have a plan as to what we are going to do relative to the three elements that I think are essential. One is the international issue of intelligence. Second is the threat to American facilities both abroad and in the United States. And third is the question of coordination with the local communities and State agencies that are going to be responsible should an incident occur.

We have, I believe, as a Nation made great progress on all three of these accounts as a result of the hard work of the people who are at the table today, but there is still a long way to go. We are on a learning curve, and we are still in the growth stages. We began as newborns and we are maybe adolescents now. We are certainly not mature in our ability to address terrorism, but progress has been made and it has been considerable.

(1)

Certainly, the Attorney General's 5-year interagency counter-terrorism plan, which was put together after a great deal of thought and effort, is, I think, a superb blueprint of how we should be approaching the issue of terrorism. The State Department's review process, which was done after the bombings in Africa, is also an excellent proposal that we can use as an outline as to how we try to bring our facilities overseas up to speed to address the concerns which we are confronting.

The issue, however, comes back to one of coordination within the different agencies and that is why I want to hold this hearing today. I have to state right at the outset that I was extremely discouraged—that is a conservative word, being a conservative—relative to the President's press conference that he held on terrorism. It appeared to me to be a press conference which had been written out on the back of an envelope.

The proposals put forward in that press conference, first, they did not exist as far as I could tell, or as far as this committee can determine, and second, the funding directed toward them was arbitrary and really not relevant to addressing the game plan which has been laid out by organizations like the Attorney General's interagency task force efforts. It appeared to be a press conference for the purposes of promoting a press conference rather than an event directed at actually addressing the issue of terrorism.

Now, I recognize that in this business, we all hold political press conferences and we do that fairly regularly and, sometimes, we do not expect much to come of them, but I do think the issue of terrorism is a little different. I do not think it should be trifled with. I think that we, as a government, have an extraordinary obligation. This represents a real threat to America and it should not be used for the purposes of promoting political events. Anything that we do in this area should be substantive, and unfortunately, that press conference was not.

Secondly, I have a very serious concern about the budget that was sent up, especially relative to the State Department. Under the advisory committee review, the review committee, they suggested that we would have to spend about \$1 billion a year, more than \$1 billion a year, to get the State Department's physical facilities in a position to where we could avoid the type of situation that occurred in Africa.

Regrettably, the President's budget does not have anywhere near that number in it. It has \$300 million for the coming year in this account. I do not know where the State Department is going to be asked to get the additional \$700 million to meet the obligations of the plan which was put forward. I know this was not State's request. I know this was done by the Office of Management and Budget (OMB).

But it still puts this committee, and I suspect that is why it was done, in a very serious situation, because for us to meet the obligations of protecting our people abroad, which this White House has said it was going to do, we are going to have to come up with the money even though the White House is not willing to come up with the money. That is, to me, again, playing games with the issue of terrorism for political purposes, and it is wrong.

So I will hope to get some thoughts from the witnesses today on those two thematic concerns that I have. But the primary concern that I want to talk about today is this issue of coordination and making sure we are making progress on this at all levels.

Now I yield to the Senator from South Carolina, who has been such a force in this area, a positive force.

Senator HOLLINGS. Mr. Chairman, let me thank you for your leadership and attention to this problem and thank Attorney General Reno and Judge Freeh and, of course, Secretary of State Albright. Your approach is sound. It has got to be a comprehensive approach.

I must note certain misgivings. I am not sanguine about the ability of the Government to really get a proof positive protection against terrorism. We looked at the Government buildings and everything else of that kind. You cannot barrier the buildings. If you did, they could go in as they did in the World Trade Tower, so you cannot barrier all buildings.

More specifically, looking at the individual extremes, Judge Freeh, you can see our friends in Israel. Terrorism occurs over there about every week as long as you have got suicidal agents, individuals who are willing to just go down into a public square and blow themselves up with other people.

So you have got to look at this thing in a deliberate, studied way. We have gone the Inman approach way and we got rid of a lot of good, valuable property, built fortress America, and it has not worked in the State Department. I will have lots of time with Secretary Albright to go over that, but I can identify the buildings and the properties lost and everything else of that kind, the money wasted.

On the other hand, having served in the intelligence field, I go back to the 1950s on the Hoover Commission, when we investigated the CIA and the emphasis was on human intelligence, and we knew what was going on in these countries. I then relate back to the role on the Senate Intelligence Committee when we had the Gulf War, and we went at it in Iraq and Kuwait, and we did not have anybody in the CIA that could brief us. We had to go over and get somebody from the Department of Defense to tell us what was going on in Iraq.

We have gotten all the toys and the satellites and everything else of that kind and we would spend \$1 billion more getting good human intelligence, finding out what is going on or hiring the New York Times reporters to tell us what is going on. You can mostly find out from them what is happening and guard against certain attacks.

I want to express those views with you because, while we have got the three, we need the fourth—the CIA itself—to really do a better job, particularly in countries like in Africa that they do not have any activity whatever and cannot tell us what is going on.

So with that in mind, I do not think we are going to appropriate \$1 billion for a bunch of new buildings. We have been there, done that. We have had the Inman report, which started spending the billions. It did not work and there is no absolute protection against this. We cannot just throw up our hands and say, well, it cannot

be done, and I commend you, Mr. Chairman, on having the hearing, and let us hear from the witnesses.

Senator GREGG. I did say that I would like to limit opening statements, but I know that Senator Campbell had some points that he wanted to make, and I will be happy to acknowledge him now.

Senator CAMPBELL. Thank you, Mr. Chairman. First, let me say how delighted I am to see our colleague from Maryland, Senator Mikulski, back here looking very well and fit and healthy. Even though all of her parts did not come back with her, we are delighted to have her back here. [Laughter.]

Senator MIKULSKI. Some things are better left behind.

Senator CAMPBELL. I suppose. [Laughter.]

I would like to submit a complete opening statement for the record, Mr. Chairman, with your permission, and this article in the Washington Times about something else I will speak just a moment on. To Director Freeh and Attorney General Reno, thank you for appearing this morning.

I brought some pictures that are very special to me because they were taken at Vail, and I am sure that you are aware of that terrible fire that transpired this last fall that was targeted apparently by a group called the Earth Liberation Front, which is, as near as I can tell, what would be called an ecoterrorist group. The damage to this building was \$12.5 million. Interesting enough, they tell me, just to purchase logs out of the forest will cost more to replace this building than if the terrorists had left it alone, so I do not see what they gained by burning down a log building when we have to cut more logs to replace it.

But one thing is for sure, when we talk about terrorism, ever since 1972, with the killing of part of the Israeli wrestling team at the Munich Olympic games, these high-profile events, as Atlanta was in the last Olympic games, seem to be a target for people that, although there might not be some connection with other terrorist groups, the commonality is that they are high profile.

The World Alpine Ski Championship, Mr. Chairman, is going on now at Vail. They say 40 countries are involved. A hundred million people will see that. So there is no question in my mind that the people that are behind different kinds of terrorism have the commonality that if they can get on TV around the world, they can get their message out there. It would seem to me that we need to be putting more attention toward any kind of a high-profile event, whether it is a sporting event or what.

We hosted the Summit of the Eight, as it was called, in Denver last year, and I was pleased with the efforts that the FBI and all the other agencies made because they did set up a kind of a model to coordinate anticipated acts. We did not have anything go wrong. It was just a wonderful event. It went very smoothly. But I think that those kinds of models need to be expanded on so that we anticipate, in, of course, all hopes that nothing ever happens, but we anticipate the increased kinds of terrorism that is focused on these high-profile events.

The other thing that concerns me, too, Mr. Chairman, as we move along on this and try to provide adequate funding for all the agencies, including the FBI, is that there always seems to be some kind of copycat activities after these high-profile events. There is

someone else that sees it happen and they think, well, this is a good opportunity. We ought to do something like it to strike for whatever they believe in, too.

I am pleased that the President is planning on devoting more of the budget toward research and development of counterterrorism measures and technology, and certainly, if we increase our level of preparedness, even though everybody knows that you cannot totally prevent terrorism, perhaps we can get the message to those people that are inspired to do it that they will not do it free, that there will be a day of reckoning for them, and I thank you for your time, Mr. Chairman.

Senator GREGG. Thank you, Senator.

#### PREPARED STATEMENT

Senator CAMPBELL. I also would direct your attention to these before and after shots, if anybody in the committee is interested in seeing what those terrorists did.

Senator GREGG. Quite startling.

[The statement follows:]

#### PREPARED STATEMENT OF SENATOR BEN NIGHTHORSE CAMPBELL

Mr. Chairman, thank you for allowing me to take the time to thank our witnesses for appearing here today. I am looking forward to hearing what they have to say about their efforts to combat terrorism, both at home and abroad.

I am disturbed by the activities of wholly-domestic groups, and how to combat their actions. For example, my state was recently targeted by the Earth Liberation Front, and a series of buildings in Vail were destroyed, causing \$12 million in damages. So far, we have not been able to apprehend those responsible. This same group has also claimed responsibility for a fire at U.S. Forest Industry Headquarters in Medford, Oregon, and the arson that caused \$1.9 million in damages at two USDA federal animal research facilities near Olympia, Washington.

Even more disturbing, three packages were delivered to families in my state, with a warning that the contents were contaminated with anthrax bacteria. Although analysis proved that, in fact, the substance was harmless, the threat of biological terrorism is real.

I was pleased to learn that the President is planning on devoting more of the budget to research and development of new counterterrorism measures and technology. With the continuing tensions in the Middle East and Africa, we need to be prepared for future attacks. The response to the embassy bombings in Africa was exceptional, and we must continue to maintain this level of preparedness. We must also be ready to deal with terrorist threats at home, which are becoming alarmingly more frequent. Although we are making great progress in bringing to justice the perpetrators of the World Trade Center and Murrah Federal Building bombings, we still must do more.

Thank you, Mr. Chairman, for allowing me the time to make these remarks.

Senator GREGG. Did you have anything you wish to add, Senator Mikulski?

Senator MIKULSKI. Yes, if I could be very brief, Mr. Chairman. First of all, I would like to thank you and all my colleagues for their wonderful good wishes on my speedy recovery. I am happy to be back.

I would really like to compliment you on holding this hearing on counterterrorism and the need for what are our resources and what are the better ways to coordinate, and I look forward to hearing from our Attorney General and our head of the FBI. But, Mr. Chairman, I would like to recommend that maybe this be a first in a series of hearings that the Appropriations Committee has on counterterrorism for several reasons.

Number one, in addition to what we are going to be focusing on today with the State Department and the Justice Department, there are other agencies that the President has talked about, particularly biological and chemical. They are talking about vaccine research, \$43 million, and I do not want to see the same fiasco as when we were stockpiling vaccines during the health insurance debate. Public health surveillance, ten National Guard units who were going to respond to an emergency. I do not know if that is coordinated.

As the ranking on FEMA, on VA/HUD, I think the Chairman knows that FEMA is within that agency and Senator Bond and I have added more money for helping FEMA be able to respond. But again, when we ask for coordination, we are going to have training programs at the Fire Academy in Emmitsburg. That is not a national response.

So I am concerned. We do not want to throw the money out like pin the tail on the donkey and have no effective, strategic, coordinated response to be able to do that. So, really, I am concerned about threats abroad, threats within the United States.

A good many of the State Department employees call Maryland their American home, and it is my obligation to look out for them or for all of our foreign operations, all of our State Department people, regardless of their home State. Very often when there is a tragedy, we say, a grateful nation will never forget, but then we forget it in the budget. We forget it in our coordination. And we forget to then operationalize our good intentions. I think this is the year of do it now, to really show that a grateful nation will not let it happen to other wonderful, dedicated, valiant State Department employees.

Also, Mr. Chairman, Maryland has many Federal facilities that are targets of terrorist threats. Some are national security targets and others are targets of national honor, like our Federal laboratories, where damage done to that, like an NIH, would not affect our national security, but, yes, it would, our biological research, and yet would affect our national honor. So we need to really make sure that we have what we need to do abroad as well as domestically.

So I look forward to working with you and thank you so much. I agree, this should be not only bipartisan but nonpartisan, and we should check our party hats at the door. Thank you.

Senator GREGG. Thank you. I agree with your concerns, Senator. In fact, this is actually our fourth hearing in the sequence, but we are trying to coordinate with the other appropriating subcommittees, and certainly Senator Stevens has been very supportive of trying to make sure we coordinate with Defense on this issue because of the major role that it has. So I agree with you and the more we can do it, the better.

Senator MIKULSKI. Mr. Chairman, I will talk to Senator Bond about Federal Emergency Management.

Senator GREGG. Senator Leahy.

Senator LEAHY. Mr. Chairman, I will be very brief. One, I just am pleased to be on the subcommittee. I have been on the Appropriations Committee for over 20 years now, but to be able to join

you and Senator Hollings, both of whom are good friends, and in your case, a next-door neighbor. I am glad to be here.

I have had counterterrorism discussions along the lines of what we are talking about with Secretary Albright, Attorney General Reno, and Director Freeh, as well as with others in the audience like Dave Carpenter and Ann Harkins who are here. We are such a powerful nation, that terrorism is a real danger. In fact, history has never known a nation as powerful as ours. We are at a point where we do not have to worry about armies marching against us or navies sailing against us, air forces coming against us.

What we have to worry about is a very small, well-trained, well-equipped, well-financed, and determined terrorist group. The determination may be political, ethnic, or religious. If they have got the equipment, the money, the access, in a highly technological society like ours, there is an enormous amount terrorists can do. You saw it just in this area alone when we lost electricity for a number of days from an ice storm, what it did to us. Can you imagine if this became the routine thing, if airports were shut down because of terrorist attacks and switching gear and so on and so forth.

So I think this is an extremely important subject and I did want to come here to compliment you and the ranking member for having these hearings. I am scheduled for another hearing, so I will leave, but I would ask permission that questions that I might have of the witnesses could be included in the record.

Senator GREGG. Absolutely, and it is great to have you join us. It means Northern New England will be well represented on this committee, which I am sure will be positive for Northern New England.

Senator LEAHY. Thank you.

Senator MIKULSKI. Not Southern.

Senator GREGG. Well, there is a difference between Northern and Southern New England.

Senator CAMPBELL. We cannot move the FBI headquarters to Vermont.

Senator LEAHY. Do not even get us going on it, please. Where Judd and I come from, we reported Massachusetts as a Southern State, something that caused me to get a reprimand from Strom Thurmond one day. [Laughter.]

Senator GREGG. A very different culture.

#### PREPARED STATEMENT OF SENATOR LAUTENBERG

The subcommittee has received a statement from Senator Lautenberg which will be inserted in the record at this point.

[The statement follows:]

#### PREPARED STATEMENT OF SENATOR FRANK R. LAUTENBERG

Mr. Chairman, thank you for scheduling this hearing to ensure that this Committee gives adequate attention and necessary funding to counterterrorism programs.

The threat of terrorism is very real for Americans at home and abroad. Secretary Albright, Attorney General Reno, FBI Director Freeh, I commend you and the many people working within your agencies who dedicate their efforts to protecting the American people from the scourge of terrorism. While success in preventing attacks may not always receive public attention, our public servants should know that Congress and the American people appreciate their dedication which lets us all sleep better every night.

We must continue to strengthen our programs to counter terrorist groups and prevent attacks whenever possible, and respond rapidly to save lives and pursue the perpetrators when attacks occur.

We must help our communities prepare for the challenges of unconventional attacks as well as bombings like those at the World Trade Center and in Oklahoma City.

We must reach out to other nations to develop a global response to a global threat, and ensure that criminals cannot feel safe anywhere. To make this happen, we must be firm in dealing with nations which harbor terrorists. In particular, we must strengthen international pressure on Libya to hand over the Pan Am 103 suspects for trial.

We must also ensure that nations which sponsor terrorism pay a price—including U.S. court judgements against Iran in the Flatow and Cicippio cases. We need to hold individuals and regimes responsible for their actions and ensure that whole nations or religions are not inappropriately held accountable for the misdeeds of the few.

Mr. Chairman, I look forward to working with the Administration and my colleagues to explore ways to strengthen our counterterrorism programs.

Senator GREGG. We certainly appreciate and thank the witnesses for their patience and we will begin, I guess, on the order of seniority for succession to the Presidency. That is probably the best way to go. So we will start with you, Secretary Albright.

Secretary ALBRIGHT. I am actually out of order. I was born in a foreign country. [Laughter.]

Thank you very much, and I apologize for being late. I was at the National Prayer Breakfast right in front and could not leave early.

Mr. Chairman and members of the subcommittee, I welcome the chance to testify along with my colleagues, Attorney General Janet Reno and FBI Director Louis Freeh, regarding our efforts to counter the threat that terror poses to our citizens and to the world.

I want to begin by thanking you, Mr. Chairman, and members of the subcommittee, for the support that you have provided in this effort and it is much appreciated. In my statement, I will provide an overview of the international terrorist threat and discuss our diplomatic policies and resource needs. The Attorney General and the Director will bring you up to date on the wide range of law enforcement initiatives.

We will each refer to the 5-year interagency counterterrorism and technology plan. This plan was developed in response to last year's appropriations law and serves as a baseline strategy for coordinating our response to terrorism, both at home and overseas.

Last August, I had the sad honor of bringing back to U.S. soil the bodies of Americans who perished in the embassy bombing in Kenya. Like the members of our armed forces who died in foreign conflicts, these Americans went in harm's way for our country, but there is a difference, for they were not combatants in a war, as we have long understood that term. They were casualties instead of a new kind of confrontation that looms as the new century is about to begin.

In this struggle, our adversaries are likely to avoid traditional battlefield situations, where American dominance is well-established. They may resort instead to weapons of mass destruction and the cowardly instruments of sabotage and hidden bombs. We must be vigilant in protecting against the terrorist triple threat posed first by countries that actively sponsor terrorism; second, by

long-active terrorist organizations; and third, by loosely-affiliated extremists, such as, among others, Osama bin Laden, who has urged his followers to kill Americans when and wherever they can.

Our strategy must be long term. The 5-year plan is only the beginning. Certainly, no single arrest or shut-down of a terrorist operation will be sufficient. The advance of technology has given us new means to counter terrorists, but it has also enabled terrorists to develop more powerful weapons and to travel, communicate, recruit, and raise funds on a global basis.

Following the embassy attacks last August, President Clinton ordered military strikes to disrupt terrorist operations and deter new bombings. As this decision demonstrated, we will not hesitate to use force when necessary to respond to or defend against terrorist acts. But force is only one element in our strategy. Every day in every part of the world, we use the full array of our foreign policy tools to wage a zero-tolerance campaign against international terror.

For example, we place the highest priority on measures to prevent weapons of mass destruction from falling into the wrong hands. This imperative is on our agenda with virtually every nation and figures in almost every major meeting that I have. We constantly exchange information with friendly governments concerning terrorist activities and movements, thereby preventing attacks and facilitating arrests. We are expanding our Antiterrorism Training Assistance so that other nations will be better able to protect themselves and us. And, we are making full use of the Terrorism Information Rewards program to encourage those who know the truth about terrorist acts and plans to come forward.

We are engaged in a vigorous research and development effort to improve our ability to detect explosives, counter weapons of mass destruction, protect against cybersabotage, and provide physical security.

We impose economic sanctions against state sponsors of terror, and around the world, we couple law enforcement with diplomacy in order to bring suspected terrorists before the bar of justice, and the Attorney General and Director Freeh will provide more detail on these efforts, but let me stress two points.

The first is that law enforcement success often depends upon international cooperation, which in some recent cases has been extraordinary.

Second, I believe every American should be proud of the work of the FBI, the Justice Department, the CIA, and the State Department's Diplomatic Security Service and what all of them have been doing. When I was in Nairobi last August, I had a chance to meet some of the FBI personnel who were literally sifting the wreckage of the embassy for clues, and I was deeply impressed by their dedication and by the progress made in gaining custody of the suspects.

I am gratified, moreover, that the partnerships in the field among the various agencies and our embassies are excellent. Our people are working together well and doing a great job for America.

The measures we take to physically protect our diplomatic personnel also play a major role in our counterterrorism strategy, and I know this is an area of great interest to the subcommittee and certainly nothing is of more urgent concern to me.

In the aftermath of the embassy bombings last August, I established accountability review boards chaired by Admiral William Crowe to investigate and recommend improved security systems and procedures. The boards identified what they called a collective failure by the Executive and Legislative Branches of our Government "to provide adequate resources to reduce the vulnerability of U.S. diplomatic missions."

The report suggested that responsibility for this failure must be shared broadly, including by the Secretary of State, and I have accepted that. The report recommends, and I concur, that we provide sustained funding for enhanced security and new construction reflecting the new range of terrorist threats.

The report also recommends, and again, I concur, that the additional funds for security should not come at the expense of other major foreign affairs programs. This is a key point, for it would make no sense to enhance the security of our people overseas while at the same time depriving them of the resources they need to effectively represent American interests.

The State Department is determined to go forward with a comprehensive multi-year program to upgrade security at all posts. The President's fiscal year 2000 budget proposes the minimum amount required to move ahead with such a program. In an age of advanced technology and suicide bombers, no one can guarantee perfect security, but our embassies represent America. They should not be easy targets for anyone.

That is one reason why I recommended to the President that he break precedent and appoint a career law enforcement professional, David Carpenter, as our Assistant Secretary of State for Diplomatic Security. Assistant Secretary Carpenter is helping us to get the message out to all our posts that in today's world, there is nothing automatic about security. It is every person's responsibility. No detail should be overlooked, no precaution shrugged off, no post considered safe, and no assumptions made about when, where, how, or by whom a terrorist strike might be perpetrated.

We all recognize that the price tag for needed measures to improve security is and may remain at least for the foreseeable future higher than the resources we have available for that purpose, and we will continually have to make tough choices about how best to use the resources we have and about how to reconcile security imperatives with our need to do business overseas.

In making these judgments, I am pleased to announce that we will be aided by a new overseas President's advisory panel to be chaired by Mr. Lewis Kaden. The panel will prepare recommendations for criteria to be used in making decisions on the size and composition of our overseas posts. It will also design a proposed multi-year funding program for the Department to restructure the U.S. presence abroad.

In closing, Mr. Chairman, let me say a word about coordination. This subcommittee has stressed the need for U.S. agencies to work together in responding to the terrorist threat, and you are absolutely right. I am in frequent contact with my colleagues here at the table and with the Secretary of Defense, the Director of the Central Intelligence Agency, and other key officials regarding the

full range of antiterrorism issues. I think we work together well and are getting better at it every day.

One reason is that the President has made it clear through both his policies and statements that this issue is the Administration's highest priority internationally and domestically, and that is true for a host of compelling substantive reasons, but I suspect it is true for another reason, as well.

Over the past 6 years, on too many occasions, the President has had the job of comforting the loved ones of those murdered and maimed by terrorists, and I know from my own experience, it is an impossible task. After the last hand has been held and the last words of condolence offered, all you can really do is vow that everything within your power will be done to prevent similar tragedies, and that is the vow of this Administration this morning, and I suspect it is fully embraced by the members of this subcommittee and by the American people.

Mr. Chairman, I have quoted New Hampshire's Daniel Webster to you before and I do so again in closing my testimony this morning. "God grants liberty," said Webster, "only to those who love it and are always ready to guard and defend it." To that, I say amen and thank you again for the opportunity to testify.

#### PREPARED STATEMENT

Senator GREGG. Thank you, Madam Secretary. I appreciate you noting that Daniel Webster was from New Hampshire and not Massachusetts. He may have served in the Senate from Massachusetts, but he made a mistake.

[The statement follows:]

#### PREPARED STATEMENT OF MADELEINE K. ALBRIGHT

Good morning, Mr. Chairman and members of the Subcommittee. I welcome this opportunity to testify concerning U.S. efforts to counter the forces of international terror. As you know, the President has designated the Department of State as the lead agency for coordination of our counterterrorism policy and operations abroad, while the FBI is the lead agency for countering terrorism in the United States.

So I am delighted to be here with my colleagues, Attorney General Janet Reno and FBI Director Louis Freeh. Their presence reflects the fact that the battle against terror requires effective coordination within our own government and between our government and law-abiding nations around the globe.

It also requires a partnership between the Executive and Legislative branches of the United States. And here I want to commend the Chairman and members of this Subcommittee. For no one has been more aware of the dangers to our diplomatic personnel, more supportive of our efforts to improve security, or more helpful in providing resources to respond to the terrorist threat, than this panel.

I look forward to the opportunity today to build on our partnership and to explore with you the many dimensions to our strategy. In my statement, I will provide an overview of the international threat and discuss our diplomatic actions, policies, plans, and resource needs. The Attorney General and the Director will then bring you up to date on the wide range of law enforcement, technology, crisis management and other initiatives that are underway.

We will each discuss the Five-Year Interagency Counter-terrorism and Technology Crime Plan. This Plan serves as a baseline strategy for coordinating our response to terrorism in the United States and against American targets overseas. The Subcommittee has received copies of the Plan, which was crafted under the leadership of the Attorney General. You also have the written statements we prepared for this morning. We have agreed to keep our oral presentations brief in order to honor your time for questions.

### *The Threat*

I will begin by discussing the threat posed to the United States and the world by the forces of international terror. If you look at the statistics, you will see that the number of terrorist incidents worldwide is declining. This reflects the diplomatic and law enforcement progress we have made in discrediting terrorist groups and making it harder for them to operate. It reflects, as well, the improved political climate that has diminished terrorist activity in places such as Northern Ireland and Central America.

But you would not be conducting this hearing, Mr. Chairman, if the dangers posed by international terrorism had declined. Tragically, they have not.

Last August, I had the sad honor of bringing back to U.S. soil the bodies of Americans who perished in the embassy bombing in Kenya.

Like the members of our armed forces who died in foreign conflicts, these Americans went in harm's way for our country. But there is a difference—for they were not combatants in a war as we have long understood that term. They were casualties, instead, of a new kind of confrontation that looms as a new century is about to begin.

In this struggle, our adversaries are likely to avoid traditional battlefield situations because there, American dominance is well established. They may resort, instead, to weapons of mass destruction and the cowardly instruments of sabotage and hidden bombs. As we know from explosions over the past decade in Africa, the Khobar apartment complex, the World Trade Center and Pan Am 103, these unconventional threats endanger both Americans and others around the world.

Accordingly, we must be vigilant in protecting against the terrorist triple threat posed, first, by the handful of countries that actively sponsor terrorism; second, by long-active terrorist organizations; and third, by loosely affiliated extremists such as, among others, Osama bin Laden, who has urged his followers to kill Americans when and wherever they can.

Our strategy must be long-term. The Five-Year Plan is only the beginning. Certainly, no single arrest or shutdown of a terrorist operation will be sufficient. The advance of technology has given us new means to counter terrorists. But it has also enabled terrorists to develop more powerful weapons and to travel, communicate, recruit, and raise funds on a global basis.

It is essential, therefore, that we work closely with others. The perpetrators of terror include persons from a wide variety of creeds, cultures and countries. And their criminality has claimed victims almost everywhere, from Jerusalem to Japan, Tanzania to Turkey, and Oklahoma City to Sri Lanka.

To counter this plague, law-abiding peoples everywhere must close ranks to detect, deter, prevent and punish terrorist acts. It is not enough for Americans to be concerned only about attacks against Americans. We must reach out to all those victimized or threatened by terror. The victims of the attacks orchestrated in Africa by Osama bin Laden, after all, were predominately African, including many practitioners of Islam. Terrorism is a highly indiscriminate form of violence. It must be opposed not simply as a matter of national interest, but as a fundamental question of right and wrong.

### *Fighting Back*

Following the embassy attacks last August, President Clinton ordered military strikes to disrupt terrorist operations and deter new bombings.

The message he conveyed is that, in this battle, we will not simply sit back and wait. We will take the offensive. We will do all we can to limit terrorist movements, block terrorist funds and prevent terrorist acts.

As the President's decision demonstrated, we will not hesitate, where necessary, to use force to respond to or defend against acts of terrorism. But force is only one element in our strategy.

Every day, in every part of the world, we use a full array of foreign policy tools in our zero tolerance campaign against international terror.

For example, we place the highest priority on measures to prevent weapons of mass destruction from falling into the wrong hands. This imperative is on our agenda with virtually every nation and figures in almost every major meeting I have.

We constantly exchange information with friendly governments concerning terrorist activities and movements, thereby preventing attacks and facilitating arrests.

We work with other agencies and other countries to strengthen screening procedures and increase intelligence sharing on visa applications.

We are expanding our Anti-terrorism Training Assistance Program, which has already instructed more than 20,000 law enforcement officers from more than 90 countries, in subjects such as airport security, bomb detection, maritime security, VIP protection, hostage rescue and crisis management.

We are engaged, through the State Department-chaired Technical Support Working Group, in a vigorous research and development program to improve our ability to detect explosives, counter weapons of mass destruction, protect against cyber sabotage and provide physical security. In the technological race with terror, we are determined to gain and maintain a decisive strategic edge.

We are making use of the Terrorism Information Rewards program to encourage persons to come forward with information to prevent acts of terrorism and apprehend those who commit them.

We impose economic sanctions against state sponsors of terror. Currently, the seven governments on this list are Cuba, Iran, Iraq, Libya, North Korea, Sudan and Syria.

And both domestically and internationally, we are working to strengthen the rule of law.

#### *The Rule of Law*

At home, we have changed our statutes to block the financial assets of terrorist groups, prevent them from raising funds in the United States, and allow us to bar foreigners who support such groups.

Around the world, we couple law enforcement with diplomacy in order to bring suspected terrorists before the bar of justice. As the Subcommittee knows, we have done this successfully in the World Trade Center case, the CIA killings and to a very considerable extent, in the Africa embassy bombings—which triggered a world-wide manhunt for bin Laden and his associates in murder. The Attorney General and Director Freeh will provide more detail on these efforts, but let me stress two points.

The first is that law enforcement success often depends upon international cooperation. That cooperation has been extraordinary in some recent cases. We cannot discuss these in public, but I did want the record of this hearing to reflect our deep appreciation for the timely and lifesaving help we have received.

Second, I believe every American should be proud of the work the FBI, the Justice Department, the CIA and the State Department's Diplomatic Security Service—or DS—have been doing.

When I was in Nairobi last August, I had a chance to meet some of the FBI personnel who were literally sifting the wreckage of the Embassy for clues. I was deeply impressed by their dedication and I have been even more deeply impressed by the progress made in gaining custody of suspects. I am gratified, moreover, that the partnerships in the field among the FBI, Department of Justice, DS and our embassies and other agencies are excellent. Our people are working together closely and well to investigate past crimes and prevent new ones. They are doing a great job for America.

I cannot leave the subject of bringing terrorists to justice without highlighting the tragic case of justice delayed with respect to the bombing more than a decade ago of Pan Am flight 103. As Senators know, we have challenged the Government of Libya to meet its pledge to deliver the two suspects in that case for trial in the Netherlands under Scottish law. This approach has been approved by the Security Council and is supported by Arab and African regional organizations. It is an approach that is reasonable and fair and that has been on the table now for more than six months.

I would like to take this opportunity once again to urge Libya to deliver the suspects for trial and thereby gain suspension of the U.N. sanctions. If this does not occur by the time those sanctions come up for Security Council review later this month, we will seek additional measures against the Qaddafi regime.

Our effort to strengthen the rule of law against terrorism is global. At its heart is the message that every nation has a responsibility to arrest or expel terrorists, shut down their finances and deny them safe haven.

Attached to my testimony is a chart showing the extent to which countries have ratified eleven international antiterrorism conventions. Our goal is to obtain universal adherence to these treaties. Our purpose is to weave a web of law, power, intelligence, and political will that will entrap terrorists and deny them the mobility and sustenance they need to operate.

As we stressed in the aftermath of the murders in Kenya and Tanzania, terror is not a legitimate form of political expression and it is certainly not a manifestation of religious faith. It is homicide, plain and simple.

It is right for nations to bring terrorists to justice and those who do so should be recognized and rewarded appropriately.

It is wrong to finance terrorist groups, whether or not specific contributions are for terrorist purposes. It is cowardly to give terrorist groups money in return for not being targeted. It is irresponsible simply to look the other way when terrorists come

within one's jurisdiction. And it fools no one to pretend that terrorist groups are something they are not.

Consider the words of Hezbollah's Sheik Hassan Nasrallah shortly after the Wye accords were signed: "I call on any Palestinian who has a knife, a hand grenade, a gun, a machine gun or a small bomb to go out during these few weeks and kill the Israelis and the Accord." He also called for the assassination of Chairman Arafat.

Some say Hezbollah is not terrorist, because it has a political agenda. But that is sophistry. As long as it advocates indiscriminate violence and assassination, it is terrorist. The same is true of other groups, such as Hamas, the PKK, and Sri Lanka's Tamil Tigers.

For each, the decision to use terror was a choice it did not have to make. Law-abiding nations must unite in helping them realize that the choice they have made is wrong.

In this connection, I was very disappointed that Germany failed to make good on the recent opportunity to prosecute Abdullah Ocalan, leader of the terrorist PKK; and that Italy and Turkey were unable to find an alternative way to ensure he was brought to justice. Instead of determination, this opportunity was greeted with handwringing and vacillation. Ocalan has left Italy and his current whereabouts are unknown. We call upon any nation into whose jurisdiction Ocalan comes to cooperate in ensuring that he stands trial for his alleged crimes.

#### *Diplomatic Force Protection*

The measures we take to provide physical protection for our diplomatic personnel overseas play a major role in our strategy for countering terror. I know this subject is a matter of great interest to the Subcommittee. And certainly, nothing is of more urgent concern to me.

In the aftermath of the embassy bombings last August, I established Accountability Review Boards, chaired by Admiral William Crowe, to investigate and recommend improved security systems and procedures. I received their report last month and will be submitting a formal response this spring.

As you probably know, Mr. Chairman, the Boards found that the security systems and procedures followed by the two embassies involved were in accord with State Department policy. In both cases, the terrorists were prevented from penetrating the perimeter of the post. In neither case, did U.S. employees or members of the military breach their duty.

The Boards did, however, identify what they termed "a collective failure" by the Executive and Legislative branches of our government over the past decade "to provide adequate resources to reduce the vulnerability of U.S. diplomatic missions."

The report suggests that responsibility for this failure must be shared broadly, including by the Secretary of State; and I accept that. It reminds us all that no matter how much we care, no matter how much we do, we can always do more when the lives of our people are on the line.

The report cites some of the steps we have taken, particularly since August, to strengthen perimeter defense, increase security personnel and speed necessary construction and repairs.

It notes, as well, Congressional approval of the security-related supplemental appropriation late last year. We were, and are, very grateful for your swift action on that measure. It has helped us to resume, albeit in a makeshift way, our diplomatic activities in Nairobi and Dar es Salaam. And it is enabling us to upgrade physical security levels worldwide through the hiring of additional diplomatic security agents and support personnel.

The Accountability Review Boards concluded, however, and I agree, that these measures must be viewed as just an initial deposit towards what is required to provide for the security of our posts overseas.

According to the report, "We must undertake a comprehensive and long-term strategy . . . including sustained funding for enhanced security measures, for long-term costs for increased security personnel and for a capital building program based on an assessment of requirements to meet the new range of global terrorist threats."

The Boards stress, and again I concur, that "additional funds for security must be obtained without diverting funds from our major foreign affairs programs." This is a key point. For it would make no sense to enhance the security of our people overseas while, at the same time, depriving them of the resources they need to effectively represent American interests.

The State Department is determined to go forward with an extensive, multi-year program for upgrading security at all our posts. The President's budget for fiscal year 2000, released earlier this week, proposes the minimum amount required to move ahead with such a program.

First, it includes \$268 million to fund what we call the "tail" of the supplemental. This includes the recurring costs required by additional personnel, and security improvements not addressed in emergency supplemental approved last fall. We expect such costs to run about \$300 million annually in subsequent years.

We recognize the need to continue an aggressive program of locating suitable sites and building secure facilities overseas. The President's budget includes an additional \$36 million for site acquisition and the design of new facilities; augmenting fiscal year 1999 emergency funds available for site, design and construction. It also proposes \$3 billion in advance appropriations for new construction in the years 2001 through 2005.

I feel strongly that in order to have a viable security construction program, we need a long-term commitment of resources. The President's request proposes that this be done by advanced appropriations. We have been able to work together on such arrangements in the past and I hope very much that we will be able to do so in this case.

I wish to stress, Mr. Chairman, that our request for support is not special pleading. American embassies include a broad range of U.S. Government employees and their families. They host a constant flow of U.S. citizens who turn to our people for help on everything from business advice to travel tips to emergency medical aid. They are open to foreign nationals who wish to come to our country as tourists or students or for commercial reasons. And as the casualty list for the Africa bombings illustrates so starkly, many of our embassy employees are locally hired.

Under international law, the host country is responsible for protecting diplomatic missions. We hold every nation to that standard, and will assist, where we can, those who need and want help in fulfilling that duty. In an age of advanced technology and suicide bombers, no one can guarantee perfect security. But our embassies represent America. They should not be easy targets for anyone. We owe our people and all who use or visit our facilities the best security possible.

As I noted at the time I received Admiral Crowe's report, the Department is already implementing, or studying the best way to implement, a significant number of its recommendations.

I cannot detail in public everything that we are doing, often in partnership with others, to prevent and prepare for potential terrorist strikes.

I am able to say, however, that we will continue to implement additional physical protection measures as rapidly as we can.

We are improving our programs for dealing with vehicle-bomb attacks, such as those experienced in Africa.

We see the need for additional crisis management training and have begun such a project at the Foreign Service Institute.

We are engaged, with other agencies, in a review of equipment and procedural needs related to the possibility of a terrorist incident involving the use of chemical or biological weapons.

We are striving to improve our emergency response capabilities. As the Crowe report indicates, and our Five-Year Plan reflects, we need a modern plane to replace the specially-configured aircraft used to deploy the Foreign Emergency Support Team (FEST) that we dispatch overseas when there is a major terrorist incident. The current aircraft is 36 years old and was delayed while en route to Nairobi last August by the need to make repairs. This is not acceptable. The Department is currently engaged with the National Security Council and the Defense Department in discussions on the best way to replace the old aircraft and the Administration intends to resolve the matter as soon as possible.

### *Security and Diplomacy*

Finally, we agree fully with the Accountability Review Boards on the need to demonstrate the high priority we attach to security issues. This is one reason why I recommended to the President that he depart from past practice and appoint an outstanding career law enforcement professional, David Carpenter, as our Assistant Secretary of State for Diplomatic Security.

Assistant Secretary Carpenter is helping us to get out the message to all our posts that, in today's world, there is nothing automatic about security. It is every person's responsibility. No detail should be overlooked. No precaution should be shrugged off. No post should be considered safe. No assumptions should be made about when, where, why, how, or by whom, a terrorist strike might be perpetrated. Literally nothing should be taken for granted.

We all recognize that the price tag for needed measures to improve security is and may remain, at least for the foreseeable future, higher than the resources we have available for that purpose. The result is that we will continually have to make difficult and inherently subjective decisions about how best to use the resources we

have, and about how to reconcile security imperatives with our need to do business overseas.

*Overseas Presence Advisory Panel*

In making these judgments, I am pleased to announce that we will be aided by a new Overseas Presence Advisory Panel, to be chaired by Mr. Lewis Kaden. The Panel is charged with preparing recommendations for criteria to be used in making decisions on the size and composition of our overseas posts. It will also design a proposed multi-year funding program for the Department to restructure the U.S. presence abroad.

In its deliberations, the Advisory Group will take into account the heightened security situation, advances in technology, the transformation of the world's political lineup, and the emergence of new foreign policy priorities. The Panel is being asked to complete its work by the end of this fiscal year.

*Conclusion*

Finally, Mr. Chairman, let me say a word about coordination. This Subcommittee has stressed the need for U.S. agencies to work together in responding to the terrorist threat, and you are absolutely right. The Five-Year Plan will help. So has the President's designation of a National Coordinator for Infrastructure Protection and Counterterrorism. And I have the highest confidence in the State Department's own new coordinator for counterterrorism, Lieutenant Colonel (ret.) Mike Sheehan.

Personally, I am in frequent contact with my colleagues here at the table, Attorney General Reno and FBI Director Freeh, and with the Secretary of Defense, the Director of Central Intelligence and other key officials regarding the full range of anti-terrorism issues. I think we work together well and are getting better at it every day.

One reason is that the President has made it clear through both his policies and statements that this issue is the Administration's highest priority—internationally and domestically. That is true for a host of compelling substantive reasons. But I suspect it is true for another reason as well.

Over the past six years, on too many occasions, the President has had the job of comforting the loved ones of those murdered and maimed by terrorists. I know from my own experience—it is an impossible task. After the last hand has been held, and the last words of condolence offered, all you can really do is vow that everything within your power will be done to prevent similar tragedies.

That is the vow of this Administration this morning. And I suspect it is fully embraced by the members of this Subcommittee and by the American people.

Mr. Chairman, I have quoted New Hampshire's Daniel Webster to you before. I do so again in closing my testimony this morning. "God grants liberty," said Webster, "only to those who love it, and are always ready to guard and defend it."

To that, I say "Amen," and thank you again for the opportunity to testify before you today.

**PARTIES TO TERRORISM CONVENTIONS**

(Based on "Treaties in Force" except where indicated. No information on reservations is included.)

	1998 Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation	1988 Protocol for the Suppression of Unlawful Acts Against the Safety of Flights	1988 Protocol for the Suppression of Unlawful Acts of Violence at Airports	1979 Convention Against the Taking of Hostages	1979 Convention on the Physical Protection of Nuclear Materials	1973 Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons	1971 Montreal Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation	1970 Hague Convention for the Unlawful Seizure of Aircraft	1963 Tokyo Convention on Offenses and Certain Other Acts Committed on Board Aircraft
Afghanistan									
Albania									
Algeria	Y	3Y					Y	3Y	Y
Andorra									
Angola				Y	Y	Y	3Y	Y	Y
Antigua & Barbuda		Y							
Argentina									
Armenia		Y		Y	Y		Y		Y
Australia		Y		Y	Y		Y		Y
Austria									
Azerbaijan									
Bahamas	Y		3Y						Y
Bahrain									Y
Bangladesh									Y
Barbados		Y		Y	Y		Y	Y	Y
Belarus									Y
Belgium		3Y			Y		Y	3Y	Y
Belize									
Benin									
Bhutan				Y					Y
Bolivia							Y	Y	Y
Bosnia-Herzegovina				Y			Y	Y	3Y
Botswana							Y	Y	Y
Brazil							Y	Y	Y
Brunei							Y	Y	Y
Bulgaria							Y	Y	Y
Burkina Faso				Y	Y		Y	Y	Y
Burma			Y				Y		3Y

PARTIES TO TERRORISM CONVENTIONS—Continued

[Based on "Treaties in Force" except where indicated. No information on reservations is included.]

	1988 Convention for the Suppression of Terrorist Bombings <sup>1</sup>	1991 Convention for the Marking of Plastic Explosives for the Purpose of Detection <sup>2</sup>	1988 Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation	1988 Protocol for the Suppression of Unlawful Acts Against the Safety of Flights Performed in Aircraft Located on the Continental Shelf	1988 Protocol for the Suppression of Violence at Airports Serving International Civil Aviation	1979 Convention Against the Taking of Hostages	1979 Convention on the Physical Protection of Nuclear Materials	1973 Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons	1971 Montreal Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation	1970 Hague Convention for the Unlawful Seizure of Aircraft	1963 Tokyo Convention on Offenses and Certain Other Acts Committed on Board Aircraft
Burundi					3 Y						Y
Cambodia		Y				Y				Y	Y
Cameroon	Y	Y		Y			Y			Y	Y
Canada										Y	Y
Cape Verde					Y					Y	Y
Central African Republic										Y	Y
Chad										Y	Y
Ghile		Y		Y						Y	Y
China		Y		Y						Y	Y
Colombia										Y	Y
Comoros										Y	Y
Congo (Brazzaville)										Y	Y
Congo (Zaire)										Y	Y
Costa Rica										Y	Y
Cote d'Ivoire										Y	Y
Croatia										Y	Y
Cuba					3 Y		Y			Y	Y
Cyprus											
Czech Republic		Y			Y	Y	Y	Y	Y	Y	Y
Denmark		Y		Y						Y	Y
Djibouti										Y	Y
Dominica											
Dominican Republic		Y							Y	Y	Y
Ecuador		Y					Y			Y	Y
Egypt				Y						Y	Y
El Salvador										Y	Y
Equatorial Guinea										Y	Y
Eritrea		Y									



PARTIES TO TERRORISM CONVENTIONS—Continued

[Based on "Treaties in Force" except where indicated. No information on reservations is included.]

	1958 Convention for the Suppression of Terrorist Bombings <sup>1</sup>	1991 Convention for the Marking of Plastic Explosives for the Purposes of Detection <sup>2</sup>	1988 Convention for the Suppression of Acts Against the Safety of Maritime Navigation	1988 Protocol for the Suppression of Unlawful Acts Against the Safety of Air Services, the Forms Located on the Continental Shelf	1988 Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation	1979 Convention Against the Taking of Hostages	1979 Convention on the Physical Protection of Nuclear Materials	1973 Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons	1971 Montreal Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation	1970 Hague Convention for the Unlawful Seizure of Aircraft	1963 Tokyo Convention on Offenses and Certain Other Acts Committed on Board Aircraft
Latvia											
Lebanon			Y	Y	3Y			3Y	Y	Y	Y
Lesotho			Y	Y		Y			Y	Y	Y
Liberia									Y	Y	Y
Libya					3Y	Y		Y	Y	Y	Y
Liechtenstein											
Lithuania		Y			3Y	Y	Y	Y	Y	Y	3Y
Luxembourg											
Madagascar					Y	Y			Y	Y	Y
Malawi						Y			Y	Y	Y
Malaysia									Y	Y	Y
Maldives									Y	Y	Y
Mali						Y			Y	Y	Y
Malta		Y			Y						Y
Marshall Islands			Y	Y	Y				Y	Y	Y
Mauritania										Y	Y
Mauritius					Y	Y			Y	Y	Y
Mexico		Y		Y	Y		Y	Y	Y	Y	Y
Micronesia											
Moldova		Y			Y				3Y	Y	Y
Monaco		Y							Y	Y	Y
Mongolia						Y			Y	Y	Y
Morocco											
Mozambique											
Namibia											
Nauru									Y	Y	Y
Nepal						Y					
Netherlands		Y		Y	3Y		Y				Y



PARTIES TO TERRORISM CONVENTIONS—Continued

[Based on "Treaties in Force" except where indicated. No information on reservations is included.]

	1998 Convention for the Suppression of Terrorism	1991 Convention for the Marking of Plastic Explosives for the Purpose of Detection <sup>2</sup>	1988 Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation	1988 Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf	1988 Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation	1979 Convention Against the Taking of Hostages	1979 Convention on the Physical Protection of Nuclear Materials	1973 Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons	1971 Montreal Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation	1970 Hague Convention for the Unlawful Seizure of Aircraft	1963 Tokyo Convention on Offenses and Certain Other Acts Committed on Board Aircraft
Sweden			Y	Y	Y	Y	Y	Y	Y	Y	Y
Switzerland		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Syria											3Y
Tajikistan					Y				Y	Y	Y
Tanzania									Y	Y	Y
Thailand					3Y				Y	Y	Y
Togo					Y	Y			Y	Y	Y
Tonga											
Trinidad & Tobago		Y	3Y	Y	Y	Y	Y	Y	Y	Y	Y
Tunisia		Y	3Y	Y	Y	Y	Y	Y	Y	Y	Y
Turkey		Y	3Y	Y	Y	Y	Y	Y	Y	Y	Y
Turkmenistan											
Tuvalu											
Uganda											
Ukraine			Y	Y	Y	Y	Y	Y	Y	Y	Y
(USSR)											
United Arab Emirates		Y				Y	Y	Y	Y	Y	Y
United Kingdom		Y		Y	Y	Y	Y	Y	Y	Y	(Y)
United States of America		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Uruguay						Y	Y	Y	3Y	3Y	3Y
Uzbekistan											
Vanuatu											
Venezuela						Y			Y	Y	Y
Vietnam									Y	Y	Y
Western Samoa		Y							Y	Y	Y
Yemen											
(Yugoslavia)									(Y)	(Y)	(Y)
(Zaire)											Y



## DEPARTMENT OF JUSTICE

### OFFICE OF THE ATTORNEY GENERAL

#### STATEMENT OF HON. JANET RENO, ATTORNEY GENERAL

##### ATTORNEY GENERAL RENO'S OPENING STATEMENT

Senator GREGG. Madam Attorney General.

Attorney General RENO. Thank you, Mr. Chairman. I just so very much appreciate your leadership over these years. You have been consistent, you have been nonpartisan, you have cared so deeply, and your suggestions have been so very helpful to us, and your prodding helps, too.

The other members of the committee, Senator Hollings, Senator Campbell, thank you very, very much. You have both always been here and it has been so important.

Senator Mikulski, I am so glad you are back. Welcome, and thank you so much for all that you have done on this issue and the eloquence with which you speak about the human equation of it all.

As Secretary Albright has said, there is a threat and it is real. We have seen it here and around the world. It has taken different forms. Conventional weapons are the ones we have seen most, but we have clear, clear alert that weapons of mass destruction, chemical weapons, biological weapons, nuclear weapons, are there and are being considered for use. Director Freeh will talk more about the threat, but I would like to talk with you about what we are doing to plan and prepare and deal with the very specific issues that I know concern you.

As you have pointed out, and you deserve much of the credit for this, we have submitted a 5-year interagency counterterrorism and technology plan. That was as a result of this subcommittee's leadership and we appreciate that very much. It is very good to have the subcommittee and a conference report behind us as we try to develop this coordination.

##### AGENCY COOPERATION AND PREPAREDNESS

The President has designated the Department of Justice, through the FBI, as the lead agency for domestic terrorism. My whole approach with that responsibility is to try to build a partnership, first, between the Federal agencies, and one of the first agencies that we dealt with long ago was the State Department. I appreciate the Secretary's words and I concur with her that there has been an excellent working relationship as we have learned from each other, as we have met to discuss these issues, and as she and her Department have been so thoughtful in terms of trying to plan for assignment of legats around the world. As Director Freeh, I think, will point out to you, the fact that there were legats relatively

nearby on the continent able to go to the site of the bombing in East Africa, that made a significant difference.

Our first goal amongst the Federal agencies has got to be to do everything we can to prevent terrorism. The resources you have given us since 1995 have given us personnel to help do that. The work that Director Freeh has done in dealing with the Central Intelligence Agency has been excellent, and the working relationship that has existed and been developed between the FBI and the intelligence community, I think, has been vital in terms of preventing terrorist attacks.

But, Senator, you are absolutely right. We are not going to be able to prevent them all. There is no way we can do that, and we have got to be prepared. And to that end, finding that we had such good fortune with the Department of State, we started meeting on a regular basis with Deputy Secretary Hamre of the Department of Defense to talk about how we could work together—consistent with the laws of this land, *Posse Comitatus*, various provisions relating to the declaration of emergency—to make sure that we used resources the right way, consistent with the laws, to see that we were prepared in terms of an attack even with conventional weapons as well as weapons of mass destruction.

One of the key areas, however, as many people spoke to me about the problem was the fact that we were perhaps not as prepared with respect to biological terrorism. The President, so deeply concerned about this effort, called together a group. I was there and it was a group of experts who had had experience in the issue of biological terrorism. It was one of the most informative times that I have had in Washington on this issue and the President directed that we address the issue of resources.

At that point, I met with Secretary Shalala to make sure that she knew I would back her in every way. We developed a process whereby the Department of Health and Human Service representatives would meet with the FBI so that they learned to work together. It is fine to have a detective out here, but if he does not know anything about the biological aspects of it, he needs a science detective on the other side, and we are building that partnership.

It is slow. Sometimes, I do not think we have reached our teenage years, as you point out, Mr. Chairman, and other times, I think we are maybe 30 or 40. Sometimes we backslide a little bit. But the process is in place and it is working, I think, well.

If a terrorist incident happens, the first responsibility is to save lives. FEMA has done a magnificent job around the country in instances of natural disaster, and it has developed a sound Federal response plan that can serve as a guide for us as to what we must do when there are instances of terrorism that bring together all of the agencies.

Under PDD 39 and its successor, PDD 62, the FBI is the lead agency for crisis management. FEMA is the lead agency for consequence management. Some people ask, when do you shift from one to the other? When the crisis is over, it is my determination as to when to shift responsibility to FEMA for the consequence management. But whatever the case, whether we are still in crisis or it is a matter of consequence management, saving lives is the number one issue.

#### INFRASTRUCTURE PROTECTION AGAINST TERRORISM

What I began to hear from so many people is, what are the best tools? What is the best equipment? Are we being trained the right way? Is everybody being trained, or is it just happening in the big cities?

I will address that point in a moment, but I want to go on and point out that another important player in this partnership has got to be the private sector. As we deal with complicated issues such as infrastructure protection, as we face the threat of cyberterrorism, it becomes absolutely critical in order to protect our infrastructure that we work in partnership with the private sector.

After we save lives, after we care for the wounded, our next responsibility is to make sure that these people are brought to justice. Thank you, Madam Secretary, for your comments about the FBI. I second them, but I also say that there was an excellent working relationship with the State Department and we appreciated that very much in connection with East Africa.

Some people despair and say, you are not going to be able to bring them to justice. You can charge them, but you cannot catch them. We will not stop until we catch them, and the record of this Government in bringing people to justice, I think, reflects that.

#### TERRORISM BUDGET STRATEGY

Mr. Chairman, you asked about the budget process. The terrorism strategy that we developed and submitted to you did not address the budget issues because we are, frankly, growing. We are developing that capacity and I raised the issue with OMB to make sure that we were going to address it. I expect that we will be able to submit a cross-cutting budget to you, an addendum, by March 1 that reflects, it would be my anticipation, a thoughtful start at how we coordinate budget efforts in this connection across the Government to make sure that we do not fragment our dollars, that we do not waste our dollars, and that we do not duplicate our dollars.

I frankly think, and I have spoken to you about it before, but I think it is one of the real challenges that we face, whether it be in law enforcement or fighting terrorism, that we have a responsibility to make sure we spend our dollars as wisely as possible. People like to sell us things, and instead of a military-industrial complex, I think we are going to have to think about a law enforcement-industrial complex. And how we buy the right equipment without wasting it, Senator, without stockpiling it for no purpose at all. How we buy the right equipment, the right technology, and most of all, how we keep it from becoming totally obsolete one year after another. I look forward to working with you in that effort. Your leadership in this regard has been extremely helpful.

#### FEDERAL PARTNERSHIP WITH STATE AND LOCAL LAW ENFORCEMENT

The second partnership that it is imperative that we work on, improve is—and I want to say to you, as I said earlier before the hearing began, I think Director Freeh has done a wonderful job of building partnerships with State and local law enforcement. I think it is imperative that we look to State and local first responders,

fire, emergency personnel, hospital personnel, those who have expertise in biological terrorism. It is going to be imperative that we have a two-way street between State and locals and the Federal Government as we deal with issues of terrorism because they are on the scene first.

That is going to require an exchange of information, and one of the issues that we are addressing is how do we exchange classified information with the State and locals. We are exploring accelerated security clearances that will permit that and other means of getting information to them as fast as possible that will help prevent terrorist attacks within their communities. I can give you some examples. If we have intelligence about a particular individual, we want to make sure that we protect sources and methods, but we can define the situation so that the information gets out without endangering or putting the sources and methods at risk. I think we have got more to do on that issue, but I think that is one that we are well on our way to solving.

I think it is important that we have a two-way street, whether it be in the City of New York or a State like New Hampshire, so that the representative of the FBI knows who is who. They know who to call and the local officials know who to call; there is an exchange of information; there is an identification of key assets and key events that might be the subject of a terrorist attack so that we can take appropriate precautions.

But we are not going to be able to prevent it all, and we have got to prepare for what might happen if a chemical or biological weapon was used as a terrorist weapon in this country.

It is important, we have heard again and again, to have one Federal point of contact to go to for training, for equipping, for exercising to see how the whole process works. This past August, the Justice Department's Office of Justice Programs called together stakeholders both from the Federal agencies and from State and local first responders to hear from them what was needed, and that is the hallmark of what we are trying to do. Do not tell people what to do. Consult with them and see from those who are on the front lines what they need to do the job.

Again and again, they said, we need one point of contact. The FBI was the lead agency, but I went to FEMA, I went to the Department of Defense, I went to Secretary Shalala, and I said, how do you want to structure this? The consensus was that the FBI should be the lead agency, but there was also a clear consensus that the Office of Justice Programs had long experience in working with State and local officials and knew how to distribute monies in a wise way that would avoid entanglements along the way. We formed an idea in which the Office of Justice Programs would work with the FBI in the distribution of grants and in the distribution of training programs that would be planned, meet the needs, and meet certain standards.

As a consequence, we have proposed the National Domestic Preparedness Office within the FBI to work with the Office of Justice Programs to achieve this effort. There will, at the same time be weapons of mass destruction coordinators within every FBI field office with the goal, I hope, of developing a relationship with State and local officials throughout the States, with State emergency offi-

cials at the State capital, and with the mayor of the smallest town to ensure that no part of America is left unattended as we plan for how we respond to domestic terrorism.

To do that, I think it is going to require States to develop comprehensive plans in conjunction with the FBI and OJP so that we make sure that the entire State receives the support in equipping and training its personnel. I think it is important that we make sure that the equipment is appropriate for the circumstances and that we do not turn around in 10 years and find that somebody has put a fancy piece of equipment on the shelf that was obsolete from the day it was purchased. I think all of these issues can be addressed in a comprehensive way.

#### THREAT OF CYBER ATTACK

One issue that has been a major concern to me, and I do not think that this country yet is grasping the nature of it, is the threat of a cyber attack. Just now, in this past year, we have been able to see instances in which 17- and 18-year-old hackers can intrude into sensitive computers across this country. If they can do that, our cyber system, our cyber infrastructure is at risk, and we must develop the capacity to deal with it with personnel and technology that can match the wits of the smartest criminals and the smartest terrorists.

Director Freeh has established the National Infrastructure Protection Center, which has formed a partnership with other Federal agencies. The Department of Defense has particularly commented to me on how helpful this structure has been, but it is going to require that we reach out to State and locals, and to the private sector as we come to grips with the fact that our cyber infrastructure creates an interconnectivity between the public and private sector that presents new and unparalleled challenges for law enforcement. Our budget this year will address that issue of the cyber threat, and I look forward to working with you in that regard.

You have spoken often about how we develop the research capabilities that are necessary to match wits with the bad guys. I have had an opportunity to visit at one of the national laboratories and we are trying to expand our efforts. The Bureau, with its very distinguished director of the FBI lab, Dr. Kerr, has done some great work in trying to reach out to make sure that we have the advantage of the best thinking on this issue and we are going to continue that effort.

This is an extremely complex subject, but there is none more important to this Nation. I am not satisfied, because I sometimes think we move too slowly. But I think, considering all the agencies involved, we have made, as you point out, real progress in addressing our ability to prevent, to prepare, to save lives, and to bring people to justice. That is what it is all about and we are going to continue to try our level best.

I look forward, Senator Mikulski, to other hearings. They often-times serve as very good prods, and Mr. Chairman, I look forward to working with you and the entire subcommittee in doing everything we can to make the terrorism strategy a reality, to do everything we can to prevent these things from happening in the first place.

## PREPARED STATEMENT

Senator GREGG. Thank you very much, Attorney General. We appreciate those comments. You raised a lot of issues that we want to get into.

[The statement follows:]

## PREPARED STATEMENT OF JANET RENO

## INTRODUCTION

I am pleased to appear before you today to continue the dialogue between the Department of Justice and the Committee on our efforts to combat terrorism. At the outset, I would like to thank the Chairman for his leadership and express my appreciation to the Subcommittee for your interest and support in counter-terrorism matters.

Since my testimony last March, we have made progress on developing strategies to deter, prevent, and respond to terrorist acts. We have enhanced our process of interagency cooperation and consultation with state and local authorities to prepare for, respond to, and investigate terrorist incidents in the U.S. and abroad. I would like to highlight for you what we have accomplished on these fronts in the last year.

As you know, under Presidential Decisional Directives (PDD's) 39 and 62, roles and responsibilities of federal agencies in counter-terrorism activities have been clarified. The Federal Bureau of Investigation (FBI) is the lead agency for responding to acts of domestic terrorism. The FBI continues to work to identify, prevent, deter, and defeat terrorist operations before they occur. We will not always be able to prevent every incident and we will have to respond to terrorist incidents here and abroad. In these instances the FBI will lead the federal response to a domestic terrorist incident through the coordinated crisis response mechanism of its Counter-Terrorism Section. In addition, the FBI works with the Federal Emergency Management Agency (FEMA) as the lead agency for consequence management. Building on this framework the National Infrastructure Protection Center (NIPC) in the FBI is now a reality and is working to detect and respond to cyber-based attacks on our critical infrastructures.

Under its role as the designated lead agency for domestic terrorism, the FBI and the Department are taking positive steps to ensure state and local communities are prepared in the event of a terrorist attack involving weapons of mass destruction (WMD). We convened a stakeholders conference last August to get input and expertise from our federal agency partners in this effort, the Departments of Energy (DOE), Defense (DOD), Health and Human Services (HHS), the Environmental Protection Agency (EPA) and FEMA, as well as from the state and local first responder communities.

Through the Nunn-Lugar-Domenici program first responders are receiving valuable training and communities are being provided protective, detection, and communications equipment.

We have proposed the establishment of the Office of State and Local Domestic Preparedness Support (OSDLPS) within the Office of Justice Programs (OJP) to coordinate the delivery of training, equipment and technical assistance to state and local first responders.

We have also proposed the establishment of the National Domestic Preparedness Office (NDPO) to be led by the FBI in partnership with OJP to provide a national-level coordinating office and single point of contact for the state and local responder community to access federal domestic preparedness programs, including those under the Department of Justice and other federal agencies.

In order to provide a coordinated capacity to respond to terrorist incidents, the FBI has created—through funding provided by this Committee—the Strategic Information Operations Center (SIOC). The SIOC is staffed 24 hours a day as a command post to direct special operations and to respond to terrorist incidents.

Working in coordination with state and local law enforcement the FBI has established 18 Joint Terrorism Task Forces operating in major cities. These task forces serve to enhance coordination and cooperation among federal, state and local law enforcement. Over 200 members of state and local law enforcement participate on these task forces with the FBI and other representatives from federal law enforcement to investigate terrorism incidents.

With the support of and at the direction of this Committee, we worked with other agencies to prepare the Administration's Five-Year Counter Terrorism and Technology Crime Plan (Five-Year Plan) which was submitted on December 30, 1998.

The Five-Year Plan serves as a baseline strategy for coordination of a national policy and capabilities to combat terrorism in the United States and against American interests abroad. As this Committee directed, the Five-Year Plan was developed in partnership with other federal agencies, and with the input of academia and state and local law enforcement. The resources required by the actions set forth in this Plan will be presented in a separate Budget Addendum. I consider this Plan a living document and I am committed to working with you and your staff to update this Plan on a regular basis and to address issues as they arise either in the context of our strategy or individual incidents.

Secretary Albright will discuss the issue of international terrorism in greater detail. As you know, PDD 39 provides that the State Department is the lead agency for coordinating the U.S. response to acts of international terrorism like the bombings in East Africa. The FBI works with the State Department and other agencies to provide support and crisis management assistance through the FBI's International Terrorism Section. This coordination was evident in the aftermath of the bombings in East Africa last August when the FBI and the State Department worked together to rapidly deploy personnel to the scene and collaborate with local law enforcement officials to identify those responsible and begin the process of bringing them to justice. Immediately upon notification of the bombings a coordinated effort began under the State Department's lead to deploy two multiagency Foreign Emergency Support Teams (FEST). The FBI supplied representatives on the two FEST teams. In addition, the FBI deployed Evidence Response Teams and activated the SIOC at FBI Headquarters. Through this coordinated effort we worked with Kenyan and Tanzanian authorities to mount the investigation that has resulted in the indictment of 10 individuals, including Usama Bin Laden. But our work continues.

Both the report of the Accountability Review Board on the Embassy Bombings and the Five-Year Plan underscore the need to improve training and contingency planning to deal with mass casualties and major destruction from terrorist bombs. In these types of incidents, saving lives and treating the injured is our first priority. Yet, as we experienced in East Africa, necessary medical and emergency equipment was not always ready and available. We need to improve our planning and stockpiling for contingencies so that we can tailor our response for individual incidents.

I would like to briefly describe the nature of the existing terrorist threat. Terrorists will continue, in the near term, to employ conventional weapons and methods, such as bombings, firearms and kidnappings. We must continue to enhance our readiness to withstand and respond to such attacks at home and abroad. This continuing need was graphically demonstrated by the horrific attacks on our embassies in Kenya and Tanzania last August. The devastation and senseless loss of life caused by the terrorists responsible for these events were wrought by the use of conventional explosives in large vehicle bombs—the same type of weapons used to attack the World Trade Center in New York City in 1993 and the Murrah Federal Building in Oklahoma City in 1995. As the Report of the Accountability Review Boards on the Embassy Bombings in Nairobi and Dar Es Salaam clearly indicates, we must continue our efforts to detect and defeat such conventional weapons and to secure our citizens here and abroad.

Terrorists will not confine themselves to the use of conventional weapons. Our intelligence and investigative efforts indicate increasing interest in biological and chemical weapons. A terrorist attack using a biological weapon may not be immediately apparent, and the resulting impact on victims, police, firefighters, and emergency medical personnel—the first responders on the scene—could be far reaching. In fact, as we have found recently the mere threat of the use of unconventional weapons can cause concern and panic. Threats to release harmful biological or chemical substances cannot be ignored; they require a sizable commitment of law enforcement investigative resources before they can be discounted.

This underscores the need to train and equip first responders and emergency medical personnel adequately to deal with a range of unconventional weapons including dual use substances—those which have a benign, legitimate use as well as potential use as weapons—which pose an added risk. We are working with the Department of Health and Human Services, especially with the Public Health Service, to strengthen the preparedness of our public health and emergency medical resources to recognize and respond to terrorist events involving biological and chemical agents.

Because we are increasingly reliant upon interdependent networks we face the threat of cyber attacks on our infrastructure and information systems which could significantly harm our military power and our economy. The networks that connect our utilities, transportation, and telecommunications systems rely on the National

Information Infrastructure (NII). These may prove to be attractive targets to cyber-terrorists looking to exploit the global nature of the Internet.

In the aftermath of the terrorist attacks in East Africa last August, and the threat posed by the network of loosely affiliated individuals associated with and inspired by Usama Bin Laden has received substantial public attention. Through cooperation with other agencies we have made progress on this investigation. I know Director Freeh and Secretary Albright will speak more about the scope of the existing threat to Americans both at home and abroad and our coordinated efforts to prepare for and respond to these threats. But, I would like to emphasize today my commitment to continuing to use the full panoply of our resources to bring terrorists like Osama Bin Laden and those like him to justice.

I would like to discuss in more detail all the steps we have taken and the solid advances we have made in developing and implementing a comprehensive approach to combat terrorism. In so doing I want to address directly the issues of mutual concern that have arisen in the numerous discussions we have had with you and your staff.

I share the Committee's concern that state and local officials be fully and continuously involved in our counter-terrorism planning efforts. I want to focus on what we are doing to include state and local first responders and to build trust and partnership relationships with those on the front lines who will be the first to respond in the aftermath of a terrorist attack.

We have looked to the state and local responder community to provide us valuable input throughout our planning efforts for instance in the stakeholder's conference, and in preparing the Five-Year Plan. In the proposed NDPO effort, an advisory committee of state and local authorities will be the bridge between the federal domestic preparedness program planning and the needs and priorities of the states and local emergency response and health care community.

In order to establish effective partnerships at the state and local level we must get state and local officials the information they need to protect the public and themselves and to aid their preparedness and response efforts. Through the FBI's Joint Terrorism Task Forces and the Regional Terrorism Task Force concept, we are working to provide a means of sharing classified information on case-related matters with state and local law enforcement officials. These task forces, by themselves, do not address all of the situations in which state and local officials need access either to classified information or to information derived from classified material. We are developing a process investigating how to provide the appropriate security clearances so that state and local officials will get the information they need. In taking these steps, we are building on the FBI's thorough and efficient success in making threat warning information about specific threats to particular jurisdictions available in a timely manner. State and local officials who work side-by-side with federal officials, as in the NIPC and in the proposed NDPO, will hold appropriate security clearances.

In addition, first responders absolutely need access to the information necessary to protect the public and themselves, even when that information is classified. In many instances, the source or method by which the information was obtained, and which requires it to be classified, can be removed and the information declassified before it is shared with state and local officials. In the case of an actual or threatened terrorist incident, state and local personnel who need access to classified information will be provided clearances on an expedited basis. Finally, state and local officials participating on the advisory committee of the proposed NDPO will also be eligible to receive classified information, as needed, to help make policy recommendations.

Information sharing is critical to our preparedness efforts. As you know, the Five-Year Plan was classified in its entirety. We have recently made available to you a 50 page unclassified excerpt from the Five-Year Plan which addresses strategies to enhance state and local capabilities to respond to terrorist acts. We are making this document widely available to state and local authorities. This report and the results of the state and local questionnaire will serve as the basis of a continuing dialogue with these officials on how we can implement, improve, and expand upon the initiatives in the Five-Year Plan in ways that will best strengthen the capabilities of states, cities, and local communities across the country. As we update the Plan annually, we will incorporate the views of state and local officials and of emergency responders.

As we learned from the bombings of the World Trade Center in New York and the Murrah Federal Building in Oklahoma City, domestic terrorism incidents have their initial and most devastating impact at the state and local levels. It is the first responder and emergency worker who must literally begin to pick up the pieces: locate, extricate, and treat the victims; put out the fires; and take the first steps to

begin to restore order out of chaos. We owe it to these vital personnel and to ourselves to enable them to be adequately trained and equipped for these tasks. We cannot measure our preparedness to deal with terrorist acts without measuring the degree to which we have prepared first responders. Accordingly, we must continue to do everything we can to enhance the capabilities of state and local emergency responders, managers and officials who will play a critical role in the immediate response to such events.

We must recognize that there is no single template for interaction with state and local authorities since under our federal system there is considerable variation in how local governments are structured and organized. In the wake of a terrorist incident there may well be initial confusion as we organize ourselves and bring all our resources to bear on an effective response. But make no mistake, there is no confusion that the first priority of all concerned is the saving of lives.

I know there is concern that during a terrorist incident our communications infrastructure could be disabled—thereby encumbering the ability of first responders to communicate by radio or telephone. Fortunately, such an occurrence would not cripple the Department's communications capacity. Some degree of infrastructure-independent radio communications, with security features intact, would still be feasible. We are dedicated to maintaining this core capacity. In addition, in our dealings with state and local public safety agencies, we emphasize their need to develop and maintain communications systems that are not wholly reliant on the existence of a communications infrastructure.

The confusion that inevitably follows in the wake of a terrorist incident makes it essential that federal, state, and local responders work together to plan and execute exercises that can help the responder community understand each other's functions in the event of a terrorist attack and in particular a WMD incident.

Since I last testified before you, we conducted a tabletop exercise in the District of Columbia using a WMD scenario. As this committee has recognized, exercises and training must include senior level officials to achieve senior level coordination. Thus, government officials and emergency response personnel in the various jurisdictions within the District of Columbia metropolitan area participated in this exercise. This exercise demonstrated areas where we need to clarify our respective roles and improve communication so that we can function more effectively in the event of a terrorist incident. This is one of the important purposes of such exercises, and I am committed to continuing to conduct and participate in these exercises in order to improve our unified operational capabilities.

We have made significant progress in our efforts to deter, prepare for and respond to terrorist activity. In all of these efforts our goals are clear. First and foremost we want to detect and prevent terrorist acts before they occur. If they do occur, our highest priority is to save lives and provide help to the injured. Finally, we will work tirelessly to hold accountable the perpetrators of terrorist acts and bring them to justice no matter how long it may take.

#### PREVENTING AND RESPONDING TO TERRORISM

##### *National Infrastructure Protection Center (NIPC)*

Within the last year the NIPC was established to deter, detect, analyze, investigate and provide warnings of cyber threats and attacks on the critical infrastructures of the United States, including illegal intrusions into government and private sector computer networks. The NIPC will also evaluate, acquire, and deploy computer equipment and cyber tools to support investigations and infrastructure protection efforts. NIPC will play a major role in the national plan for cyber protection, which the President has tasked in PDD 63. The national plan will be finalized shortly.

The NIPC continues to recruit personnel at FBI Headquarters and in the field. The NIPC currently has representatives from several government agencies including DOD, DOE, Central Intelligence Agency, National Security Agency, Secret Service, the Postal and Inspection Service, as well as state law enforcement. The NIPC is also seeking private sector representatives.

As computers pervade our lives and culture, they play an ever-increasing role in a wide variety of criminal activity, not just cyber terrorism or other sorts of illegal intrusions. Thus, computers can be used in fraud schemes on the Internet or to disseminate child pornography. In order to improve our ability to deal with these sorts of computer-facilitated crimes we must raise the general level of computer competence among all agents and prosecutors, not just those in the NIPC and National Infrastructure Protection and Computer Intrusion (NIPCI) field squads and the small cadre of specially trained prosecutors. We need to aggressively train existing

staff across the board, so that all personnel in DOJ and FBI have the requisite expertise to carry out these investigations.

In order to build up state and local capabilities, the NIPC, in conjunction with NDPO, plans to conduct outreach and training efforts for local first responders and state and local law enforcement. The NIPC seeks to train investigators and at least one trainer from state-level investigative agencies in each of the 50 states and the District of Columbia. The NIPC also plans to train investigators from the municipalities represented in the Major Cities Police Chiefs' and the Major Sheriffs' Associations and has been consulting on this possibility with the International Association of Chiefs of Police and the National Sheriffs Association. A larger effort to include the training of 500 state and local law enforcement personnel at a one week hands-on course will be launched in the second half of this fiscal year. In addition, the Administration has proposed the Cyber Corps program to address the shortage of highly skilled computer science expertise in the government. This program will encourage agencies to recruit an expert class of computer security workers through existing scholarship and financial assistance. Finally, the newly-created National Cybercrime Training Partnership, an organization consisting of federal, state, and local cybercrime trainers, is developing a comprehensive set of courses, pursuant to rigorous academic standards, to ensure that the cybercrime training available can meet the ever-increasing demand.

#### *Federal Crisis Response Structure*

In the event of a domestic terrorist incident, under PDD's 39 and 62 the FBI is the lead agency for responding to terrorist threats and incidents occurring within the United States. As the lead agency for domestic terrorism response, the FBI will utilize its investigative and law enforcement expertise in the crisis management of a terrorist attack. The FBI will work with FEMA which has the lead responsibility for consequence management.

Responsibility for operational coordination of resources and information within the FBI during a terrorism event depends on the nature and venue of the crisis and the identity and affiliation of the perpetrators.

If a terrorist incident occurs, the FBI's SIOC is immediately activated. If necessary the new SIOC is capable of managing multiple crises simultaneously. The SIOC has been recently utilized and tested during recent alerts in response to intelligence developed in past weeks. During a crisis, the SIOC functions as the conduit for information and expertise at the headquarters level of all pertinent agencies and components.

In a WMD incident, consequence management personnel from FEMA, EPA, DOE, NDPO, and DOD will supplement FBI personnel in the SIOC just as they would supplement FBI personnel in the field in the Joint Operations Center (JOC). During a non-WMD incident, the SIOC structure closely resembles the structure of the FBI Command Post in the field.

If a terrorist attack affecting U.S. interests overseas occurs, SIOC will be activated immediately to facilitate communications and prompt evaluation of the appropriate FBI response. As Director Freeh will discuss, the FBI Legats stationed abroad are ready to offer support and assistance to the Chief of Mission and to advise me as to the situation at the scene. Likewise, deployment of the FEST by the State Department will include FBI representation.

If an attack occurs overseas against U.S. persons or property, or within the U.S. with foreign involvement, then the FBI's International Terrorism Operations Section will coordinate the FBI's response. If a WMD incident in the U.S. that is perpetrated by foreign terrorists, the WMD Operations Unit will coordinate the federal response in support of the International Terrorism Operations Section which would focus on the actual investigation.

If there is a terrorist attack against our critical infrastructures that is cyber in nature, the NIPC will coordinate crisis response activities with the Counter-Terrorism Section or the International Terrorism Section using the resources of the SIOC. To respond in a coordinated fashion, a crisis action team comprised of criminal investigators, computer scientists, analysts, watch standers, and other federal agency representatives will be formed. The crisis action team will attempt to determine the scope of the attack, the technology employed, and the possible source and purpose of the attack. The NIPC Watch and Warning Unit will continually assess the situation and issue warnings, as necessary, to federal agencies, state and local authorities, and the private sector. In the event of a physical attack on an infrastructure, the NIPC will support the investigation using its key asset network.

In the field, the FBI Field Office in the jurisdiction where a terrorist incident occurs will establish a Command Post under the direction of the Special Agent in Charge (SAC) to manage and coordinate the crisis response. If the terrorist incident

is of the magnitude which requires the involvement of other agencies, the SAC will expand the Command Post into a Joint Operations Center (JOC). The FBI's Critical Incident Response Group will assist the field office in establishing the Command Post/JOC by providing tactical advice and equipment, and the Attorney Critical Incident Response Groups will provide additional advice and keep me informed at all critical stages of our response. If a crisis warrants it, Director Freeh may ask that I seek interagency approval for the deployment of the Domestic Emergency Support Team, also known as the DEST, to draw on specific federal agency expertise, to transport these additional experts to the field, and to incorporate them into the JOC. The composition of the DEST is tailored to the particular incident. In the event of chemical, biological or nuclear terrorism, HHS, EPA, DOD and DOE might be represented on the DEST.

The FBI is developing a comprehensive approach to all states which will help prevent, deter, and respond to terrorist threats by collecting, analyzing, and disseminating intelligence broadly and consistent with security concerns. The FBI has established Joint Terrorism Task Forces in 18 major metropolitan areas composed of state and local officials and local representatives from the FBI and other federal agencies such as the Bureau of Alcohol, Tobacco, and Firearms, the Customs Service, the Secret Service, and the Immigration and Naturalization Service. Participants, including state and local law enforcement officials, hold security clearances and work together, usually on a full-time basis to share information and investigate terrorist activities. Recognizing that not all terrorist activity is centered in urban areas, the FBI has developed the "Regional Terrorism Task Force" concept to serve several rural states with common terrorism concerns. Two such task forces have recently been established.

#### DOMESTIC PREPAREDNESS EFFORTS

##### *Office of Justice Programs and the National Domestic Preparedness Office*

We are working to streamline and improve our current and future abilities to work effectively with state and local authorities toward our common national goal of improved readiness. As you know, OJP is responsible for specific financial and technical assistance to state and local authorities under the Antiterrorism and Effective Death Penalty Act of 1996 and the Justice Department's fiscal year 1998 and fiscal year 1999 Appropriations Acts. OJP has served as the Justice Department's principal link to state and local jurisdictions in the areas of criminal and juvenile justice and victims services. OJP is now bringing that expertise and experience to the area of domestic preparedness. We have proposed the establishment of the Office of State and Local Domestic Preparedness Support (OSLDPS) within OJP to provide funds for equipment, training and technical assistance to state and local authorities and emergency responders. OSLDPS is proposed as one mechanism through which we will implement the mandate given to the Justice Department by this Committee to enhance the capabilities of state and local jurisdictions to better respond to incidents of domestic terrorism.

Additionally, we have proposed the creation of the National Domestic Preparedness Office (NDPO) which will be lead by the FBI working in partnership with OJP and all federal agencies engaged in WMD preparedness efforts. The NDPO is proposed as an interagency effort aimed at enhancing government-wide coordination among federal programs offering terrorism preparedness assistance to state and local communities. As such, the NDPO and OJP will work together as a team in a unified Justice Department effort to streamline access to federal preparedness assistance programs. The NDPO, in coordination with OJP, will serve state and local authorities as the single federal point of contact they have requested to facilitate their access to federal programs and resources which suit their preparedness needs. As the NDPO is established, we seek the active involvement of participating federal agencies, including FEMA, the DOD, HHS, DOE, and the EPA, as well as state and local authorities and emergency responder organizations. The participation of these agencies will be needed in staffing and in otherwise supporting this effort. I want to stress that the NDPO is not intended to be another layer of bureaucracy. Rather, it is intended to streamline access to federal domestic preparedness assistance programs.

With the NDPO we plan to build upon OJP's considerable expertise and experience in providing assistance to state and local authorities on a range of issues. With regard to equipment in the domestic preparedness effort, the major federal response to state and local needs has been through the Nunn-Lugar equipment loan program which provides WMD-related training equipment. In 1998, the Justice Department, through OJP, provided \$12 million for grants to local jurisdictions for personal protection, chemical/biological detection, decontamination and communications equip-

ment. In 1999, OJP will award grants in partnership with the standards, policy and guidance of the NDPO. Under the OJP First Responder Equipment Acquisition Program, \$69.5 million in grant monies will go out to the 157 largest cities and counties in the 50 states. An additional \$4 million will fund equipment to support training provided through the National Domestic Preparedness Consortium. The Consortium was formally organized on June 11, 1998, in order to bring together various existing national assets, as identified in the Department's fiscal year 1998 and 1999 Appropriations Acts, into a singular, coordinated, and integrated training architecture. The Consortium is comprised of the Center for Domestic Preparedness at Fort McClellan; the National Energetic Materials Research and Testing Center at the New Mexico Institute of Mining and Technology; the National Center for Bio-Medical Research and Training located at the Louisiana State University; the National Emergency and Response and Rescue Training Center located at the Texas A&M University; and DOE's National Exercise, Test, and Training Center (Nevada Test Site).

The Municipal Fire and Emergency Services program provides \$16 million to jurisdictions to provide specialized equipment to fire and emergency service agencies.

Key to the equipment grant program will be the Standardized Equipment List (SEL), developed jointly by DOD and FBI, to define the types of equipment for which grant funds can be utilized within the four categories of personal protective equipment, detection devices, decontamination equipment, and first response communications equipment. The FBI and DOD drew upon the expertise of state and local emergency responders in drawing up the SEL so it meets their needs. OJP's fiscal year 1999 application cycle will not be executed until the Needs Assessment, due for initial reporting on March 1, 1999, is completed and the application kit reviewed to ensure consistency with the findings of the Needs Assessment. OJP will also initiate a technical assistance program to provide state and local jurisdictions with hands-on, on-site expertise and guidance to better enable these jurisdictions to make well-founded decisions relating to both domestic preparedness planning and response. OJP projects distribution of the application kits to the selected jurisdictions by April 1, 1999.

Through OJP and NDPO's joint efforts, state and local first responders will be able to access technical assistance for their response personnel to help them in making decisions about equipment grants and training.

It is through these initiatives, and the initiatives and programs to be developed and expanded over the next fiscal year, that OJP—in tandem with the FBI and our other federal agency partners in the NDPO—will continue to fulfill the mission of assisting state and local jurisdictions to better prepare and respond to incidents of domestic terrorism.

#### *The Five-Year Plan and Federal Agency Coordination*

Let me lay out for you the mechanisms we have developed to ensure that federal agencies will work together and with the state and local community in the event of a terrorist incident within the U.S.

On December 30, 1998, I submitted to you the Administration's Five-Year Interagency Counter-Terrorism and Technology Crime Plan. Consistent with the direction you gave us in the Conference Committee Report accompanying the 1998 Department of Justice Appropriations Act, the Plan sets forth a baseline strategy for our nation's counter-terrorism efforts. The long-range goal of the Five-Year Plan is to achieve readiness nationwide and with respect to our interests abroad. The Plan addresses critical technologies for targeted research and development, preventing and deterring terrorism, integrating crisis and consequence management, protecting our National Information Infrastructure, and improving state and local capabilities. It represents our best thinking as to where we are now, where we need to go, and how we are going to get there in terms of national preparedness. For example, the Plan recognizes that it is not enough to provide initial training for first responders in select jurisdictions. We must make such initial training available to first responders in all fifty states and the territories, and we must provide refresher and follow-up training as well.

The Five-Year Plan is consistent with the PDD's issued last year. PDD's 62 and 63, set forth goals for national security, counter-terrorism and infrastructure protection. These directives specify and clarify lead agency roles in strengthening our preparedness for combating terrorism, protecting our critical infrastructures, and managing the consequences of terrorist acts, particularly those involving weapons of mass destruction. These directives establish the National Coordinator for Security, Infrastructure Protection and Counter-terrorism to oversee program coordination and to aid the National Security Council in carrying out its advisory role on issues of national security to the President. The National Coordinator does not direct the

activities of the agencies, rather, he serves a coordinating function for the policies and programs on threats to the U.S. and to U.S. interests abroad, including attacks on our infrastructure, cyber systems, and government operations; terrorism; and defense against covert delivery of WMD.

We have closely coordinated our efforts in developing the Five-Year Plan with the PDD 62 and 63 implementation efforts of the Office of the National Coordinator in order to minimize duplication of effort and to assure a consistent national approach in these vital areas. This approach of coordinating and integrating related efforts must continue as the Plan is updated in the coming years. We are working with the Office of the National Coordinator to establish procedures that will facilitate these updates and merge our efforts in overlapping areas.

As this Committee has recognized, state and local input is essential to our counter-terrorism planning. In developing the Five-Year Plan, we sought the input of state and local authorities through a questionnaire sent to public officials and organizations representing first responders and emergency response personnel. Also, at my direction, OJP convened a state and local stakeholders conference in August 1998, in Washington, D.C. Together with state and local stakeholders, we brought together the expertise of the DOD, HHS, DOE, the EPA, FEMA, the National Security Council and the FBI which have all worked with state and local responder constituencies in response to a variety of crises and catastrophes.

The PDD's set out specific crisis and consequence management responsibilities in the event of a terrorist attack. PDD's 39 and 62 outlines the responsibilities of law enforcement and other agencies in responding to a terrorist incident. Numerous federal, state and local agencies have devoted considerable resources in recent years to the development of crisis and consequence management plans. We must work to integrate these plans so that in the event of a terrorist incident all those involved in the response and mitigation efforts work together.

One of the planning documents developed over the past year to further refine our interagency efforts in regard to domestic terrorism is the Concept of Operations Plan (CONPLAN). The CONPLAN seeks to establish a structure for a systematic, coordinated, effective national response to threats and acts of terrorism. The CONPLAN describes how the FBI crisis response structure, the Federal Response Plan, the Federal consequence management mechanisms and state and local Incident Command Systems will coordinate their activities in the event of a WMD incident.

By educating themselves as to the scope and provisions of each agency's and jurisdiction's plan, and by exercising and training together, federal, state, and local entities can learn to work together more effectively. This education, exercising and training process must include senior level officials to achieve senior level interagency coordination. The Top-Off exercise, which this Committee has required, is a significant and necessary step in this direction.

The National Coordinator for Security, Infrastructure Protection and Counter-terrorism plays an important coordination role in our preparedness and response to events involving international terrorism and WMD. The National Coordinator does not have an operational role, rather, the Attorney General advises him with regard to national security information when a terrorist event occurs. The National Coordinator is responsible for coordinating the government's policies and programs concerning unconventional threats within the United States and to Americans abroad. These unconventional threats include attacks on our infrastructure, cyber systems, and government operations; terrorism; and the covert delivery of WMD. He is also responsible for coordinating the development of interagency procedures for deployment of specialized crisis assets.

#### TOOLS

As we enhance our readiness nation-wide to deal with terrorism, we must have the right tools and personnel to improve our capabilities across the broad spectrum of WMD and threats to our nation and its critical infrastructures.

#### *Expedited Procurement*

I want to acknowledge the leadership of this Committee in this effort and the recent authority granted to me to purchase or lease necessary equipment or services on an expedited basis to support ongoing counter terrorism, national security, or computer crime investigations or prosecutions. It will enable me to quickly access additional resources, should the need arise, to supplement federal capabilities as well as to assist emergency responders first on the scene, whether they are from federal, state, or local agencies or from the private sector.

Also, with the leadership of this committee, the Department and the FBI Laboratory are capitalizing on national laboratory resources for the development and de-

ployment of new applied science and engineering capabilities to support counter-terrorism, intelligence activities and criminal investigations.

### *Legislation*

Although the Antiterrorism and Effective Death Penalty Act of 1996 provided many necessary and additional legal tools, some modifications to existing laws would clarify and strengthen these tools. Draft legislation currently under review within the Department includes proposals which would strengthen investigative tools, clarify and supplement existing criminal and immigration statutes relating to terrorist offenses and offenses involving WMD, and promote prompt federal inter-agency cooperation in responding to terrorist incidents.

One of the items under review is clarification of the removal ground of "engage in terrorist activity" in order to facilitate removal of terrorists who engage in fundraising or otherwise provide material support to terrorist organizations. We are also considering the addition of terrorist offenses as predicate offenses to the federal racketeering and money laundering statutes. Also under review is clarifying the definitions in the biological weapons statutes and expansion of these statutes to provide better controls over biological agents. For example, an amendment could be proposed outlawing the possession of biological agents that could be used in weapons of mass destruction by those with no legitimate purpose for possessing these agents.

In addition, the Department is considering a High-Technology Crime Bill to address several technical and procedural infirmities that inhibit effective investigation and prosecution of cybercrime. While not all cybercrime is perpetrated by terrorists, improving our overall capabilities to combat cybercrime will improve our readiness to address cyber terrorism.

The High-Technology Crime Bill could contain proposals to clarify and expedite routine procedures used in the investigation of computer crimes. Today, investigators must place multiple trap-and-trace devices and execute multiple search warrants in the many jurisdictions through which relevant information passes. Consequently, law enforcement often finds itself well behind the criminals who traverse international networks with the touch of the keyboard.

In this digital age of Internet-based communications, signals do not travel along straight lines, thus the traditional trap and trace or pen register is not effective. Signals are often broken up and may pass through many providers, in several different jurisdictions, en route to their destination. In order to obtain key prosecution information about a telephone call that is routinely provided in response to an authorized court order, law enforcement officers must obtain orders in each successive jurisdiction through which a signal passes in order to trace the communication to its source. This consumes valuable time and scarce resources and impedes identification of the perpetrator. A possible amendment to existing statutes could allow federal judges to direct cooperation among successive communications providers that carry a particular communication in tracing a call to its ultimate source or destination.

### *Encryption*

Court-authorized electronic surveillance (wiretaps) and search and seizure are two of the most critically important investigative techniques used by law enforcement to prosecute crime including terrorism. The growing use of strong, commercially-available, non-recoverable encryption will significantly impair our ability to effectively use wiretaps and conduct searches and seizures.

Encryption is extremely beneficial when used legitimately by individuals and corporations to protect the privacy and confidentiality of voice and data communications and sensitive electronically stored information (computer files). In order to provide individuals and corporations with greater privacy protections as the world moves into the information age, both industry and government are encouraging the use of strong encryption. But the use of strong encryption by criminals and terrorists poses a significant risk to public safety and national security.

Law enforcement has steadfastly expressed its concern about the adoption of an encryption policy based solely on market forces. Law enforcement, including the International Association of Chiefs of Police, the National Sheriff's Association, the National District Attorneys Association, the National Association of Attorney Generals and the Major City Chiefs, continues to call for the adoption of a balanced encryption policy—one that meets the commercial needs of industry as well as the needs of the public for effective law enforcement.

The Administration is not currently seeking mandatory controls on encryption, but instead is working with industry to find voluntary solutions that meet privacy,

electronic commerce and public safety needs. We remain optimistic that such a voluntary approach will be successful in addressing our public safety needs.

#### RESOURCES

The Department currently spends approximately \$738.5 million for counter terrorism and anti-terrorism activities. In fiscal year 2000, the Department is seeking an increase of 319 positions (60 agents and 66 attorneys) and \$122.6 million for counter-terrorism/cybercrime programs to enhance our ability to deter, detect, investigate and prosecute violations committed by terrorists and other computer criminals. This reflects our concern that the interdependent systems that support every critical aspect of American life, including telecommunications, power delivery, transportation, delivery of government services and banking and commerce, are vulnerable to terrorist groups, organized criminals and, simply, lone hackers.

For the FBI, our request includes counterterrorism/technology crime program increases totaling 207 positions (60 agents) and \$45.7 million. Of the total amount, we seek \$9 million to modernize the Hazardous Devices School at Redstone Arsenal, Alabama, where state and local bomb technicians are trained and certified. This request also includes 108 positions (60 agents) and \$11.3 million to allow the FBI to establish up to 12 field NIPCI Squads to investigate cyber intrusion cases, address infrastructure protection matters, support computer facilitated crime investigations, and provide equipment for 26 other field offices; 79 positions and \$9.9 million to increase the number of Computer Analysis Response Team (CART) examiners who provide forensic support in cases involving computers, and provide CART members with appropriate equipment and training; 7 positions and \$4.2 million for data network interception support and development; \$7 million for counter-encryption equipment and services; 13 positions and \$2.6 million for protocol analysis and processing staffing and equipment; and, finally, \$1.7 million for NIPC operations.

We continue to require additional technologically proficient personnel who are capable of protecting the security and integrity of government systems and of enabling us to stay a step ahead of those who would attack or otherwise compromise our capabilities. We will seek to accelerate our efforts to hire, train and retain specialized and technologically skilled personnel, not only for the NIPC and field squads, but also for critical positions throughout the Department of Justice. Using the authority provided by the exemption to Title 5 for certain positions that was approved by this Committee, we will augment our existing staff with specialized and technologically skilled personnel.

To increase the United States' ability to protect its businesses and its citizens, we are requesting 87 positions (55 attorneys) and \$7.3 million for the U.S. Attorneys. The Administration is committed to protecting the nation's businesses and citizens from terrorists and other computer criminals. But, to meet this commitment, there must be additional attorneys and support staff for the investigation and prosecution of computer crime in its various manifestations. The U.S. Attorneys require additional staffing to handle significant cases of national interest which are due, in part, to terrorism, computer and other high tech crime generated by the steadily accelerating role of computers in businesses, the personal lives of our citizens, the exploding growth of on-line services and Internet use, the vulnerabilities of computer systems to attack and abuse, and the ability of terrorists and computer criminals to attack anonymously and from locations throughout the world.

For the Criminal Division, the Department requests an increase of 13 positions (9 attorneys) and \$1.8 million for counter terrorism/cybercrime in the fiscal year 2000 budget. This enhancement will permit the Computer Crime and Intellectual Property Section of the Criminal Division to focus additional resources on 3 areas: (1) infrastructure protection; (2) international computer crime; and (3) intellectual property rights enforcement. These resources will permit the Criminal Division to investigate and prosecute attacks on the National Information Infrastructure, and to assist in assuring the integrity of systems that are integral to our telecommunications, power delivery, transportation, delivery of government services and banking and commerce. The global nature of the Internet, and the rapid expansion of international commerce, have been accompanied by a globalization of computer-related crime. Our need to address these international crime problems calls for enhanced resources to coordinate global solutions. Finally, the protection of intellectual property rights will expand significantly in the 21st century, as this country's intellectual capacity becomes, perhaps, our greatest resource. In all these areas, the Criminal Division's Computer Crime attorneys will be critical in the effort to combat successfully terrorism/cybercrime.

For the Office of Intelligence Policy and Review, we seek an increase of 5 positions (2 attorneys) and \$357,000. This includes resources to handle additional Foreign In-

telligence Surveillance Act (FISA) applications, especially those in support of counterterrorism work, as well as increased workload resulting from revision of the FISA statute, which allows for separate "pen register" and "trap and trace" FISA warrants.

Our request includes an overall increase of 7 positions and \$38.5 million to expand the OJP domestic preparedness efforts. We propose transferring the \$135 million appropriated in the Counterterrorism Fund in 1999 for state and local domestic preparedness assistance to OJP in 2000. In addition, we propose restructuring \$31.5 million of these resources, which, when combined with the requested increase of \$38.5 million, will allow funding to be provided for the following enhancements: \$6 million to expand the First Responder Equipment Acquisition Grant Program; \$45 million to provide local bomb technician squads with the specialized equipment necessary to allow them to detect and react to a chemical or biological weapon threat or release; \$7 million for a Law Enforcement First Responder Training Program to train local law enforcement officers on the basic skills necessary to fulfill their roles as first responders to a weapons of mass destruction terrorist incident; \$9 million for the Center for Domestic Preparedness at Fort McClellan, Alabama, to continue training at the U.S. Army's installation after the planned closure on September 30, 1999; and \$3 million to expand the technical assistance component of OJP's domestic preparedness efforts. In addition, OJP's request includes \$1.9 million for the National White Collar Crime Center to provide training and technical assistance relating to computer crimes to state and local law enforcement and regulatory agencies.

The Department also seeks \$27 million for the Counterterrorism Fund. These resources will be used to reimburse departments and agencies of the Federal government for costs incurred in support of countering, investigating, or prosecuting domestic and/or international terrorism; finance reward payments in connection with such activities; restore operational capacities of offices destroyed or damaged by domestic or international terrorist acts; ensure continuance of essential government functions during an emergency; protect the Nation's critical infrastructure; provide for costs associated with the NDPO; and provide for costs associated with design of the Federal Intrusion Detection Network.

In 1999, the Department did not receive any new funding for responding to extraordinary circumstances, but did receive \$145 million for earmarked initiatives. Since the Department expects to use all 1998 carryover funding, approximately \$25 million, for the extraordinary costs of countering, investigating and prosecuting terrorists in 1999, the need for new funding is critical.

As I have mentioned before, having the right computer infrastructure is more and more critical in our investigative work. While this issue is much larger than counterterrorism, it warrants attention here. The Department of Justice's 2000 request includes: \$38.8 million for the Federal Bureau of Investigation's (FBI) Information Sharing Initiative (ISI), \$13 million for the Drug Enforcement Administration's Firebird System, and \$37 million for the U.S. Attorneys' Justice Consolidated Office Network (JCON).

While these enhancements support basic office automation related to the missions of these agencies, I want to emphasize that to do our job effectively, whether it be addressing counterterrorism or fighting violent crime in general, we have to have up-to-date computer systems. For example, it will be through the ISI system, once implemented, that the FBI will be able to tie its intelligence information and case documentation together in order for the appropriate analytical work to be accomplished. The implementation of ISI is critical, to ensure that the millions of pages of documents the FBI handles worldwide can be shared among appropriate field offices and headquarters divisions.

Furthermore, to ensure the integrity of our computer infrastructure, we must develop systems that can link our different offices and agencies together, while ensuring a secure environment. Most of today's computer software and network systems cannot function on outdated hardware and legacy systems, which unfortunately is what many of our investigators and attorneys are still using. Without these systems, neither our investigators nor our prosecutors can adequately address our complicated counterterrorism casework.

This Committee has been very supportive of efforts to build and enhance law enforcement capabilities to deter, detect and defend against acts of terrorism. We greatly appreciate this support and we look forward to continuing to work together on this critically important issue.

## FEDERAL BUREAU OF INVESTIGATION

### STATEMENT OF LOUIS J. FREEH, DIRECTOR

Senator GREGG. Director Freeh, unfortunately, I know the Secretary of State is going to have to leave at 11:30, so would it be possible for you to give your statement in about 5 or 10 minutes?

Mr. FREEH. I will do it in five, Senator.

Senator GREGG. That would be great. Thank you.

### DIRECTOR FREEH'S OPENING STATEMENT

Mr. FREEH. Thank you very much. My written statement, obviously, is submitted for the record. Let me just very briefly, first of all, echo the comments of the Secretary and the Attorney General thanking this committee and particularly its leadership for paying attention and focusing on, and then sustaining with both interest and resources, what I believed when I became Director in 1993 to be our single greatest challenge, which is responding to terrorism, not just at home and abroad but in the new dimensions with which we are being presented.

The Attorney General referred to cyber crime, Senator Campbell to other types of terrorism. These are very complex and challenging issues which challenge both our technical ability, our resource allocations, but also, perhaps most importantly, as you pointed out, the need to coordinate these activities.

Let me just remark how over 5 years, the focus and the attention on this problem has been so well maintained by the Congress and the successful implementation by the Attorney General of the coordinating tasks. The great progress that you note is certainly appreciated. We also realize we have a lot of work to do.

### INTERAGENCY COOPERATION

If I could just mention very briefly some of the aspects of this problem that you are aware of, and I would start with your first category of intelligence. Echoing what the Attorney General said, the coordination, at least on the level of law enforcement and intelligence services with respect to counterterrorism issues abroad has never been superior, in my view. The relationships, the exchanges of officers, the coordinated activity that takes place with respect to terrorism issues at the highest level, and more importantly, at the operational level, between the Central Intelligence Agency and, particularly, the FBI are exemplary. I have said before that this relationship is much more efficient and certainly more productive than the relationship between our agencies at the height of the Cold War, and I thank Director Tenet and his predecessor, Director Deutch, for making that possible.

Taking very, very briefly the East African bombings as an example, the ability to deploy rapidly, first with the Department of

State-led FEST team and then over the course of several weeks by 500 FBI personnel—investigators, laboratory experts, even computer experts, because some of the evidence that we encountered was in the form of drives and hard disks. Using all these combined resources and the complex undertaking of doing an investigation in two separate countries under the authority of our ambassadors but also with the permission and support of the host countries, within 20 days we returned back to the United States two of the subjects who are now charged. A third subject was subsequently returned to the United States. Nine other subjects are charged, the main subjects in that case still being fugitives.

The ability to deploy very quickly to those two crime scenes legats, one from South Africa to Nairobi and one from Cairo to Dar es Salaam—those legats did not exist 15 months ago—and the ability of those officers to arrive on the scene and quickly join forces with the RSO and the diplomatic security personnel to do basic things like securing the crime scene and securing evidence, has played an important role in the case.

The ability through the State Department to achieve the rendition of two subjects in such a very rapid period of time, accumulating the evidence, using all of the resources which have been provided by the Congress in a coordinated fashion was really responsible for those successes.

It was very interesting, in terms of the State and local coordination, the officers who have the responsibility for these cases are the Joint Terrorism Task Force in New York City, which is made up of several Federal agencies and the New York Police Department. One of the things I noticed, when I was in East Africa shortly after the Secretary of State, one of the officers sifting through the crime scene in Dar es Salaam was a New York City police officer who is on our terrorism task force. His expertise is vehicle identification numbers, which proved very important not only in the World Trade Center case, but also in this case in identifying a vehicle which was subsequently corroborated by other evidence.

We have a number of tools to deploy both domestically and overseas, whether an attack is sustained in Oklahoma City or against one of our embassies in East Africa or our personnel in Pakistan. The driving force on the implementation of this plan is coordinated activity, whether it is on the FEST team, the supporting operations of the two counterterrorism centers, one at the CIA, one at the FBI, where personnel are cross-designated, including personnel from the Diplomatic Security Service.

The teams that are deployed to these fields, the manner in which evidence is acquired, and the complicated issues with respect to extraterritorial investigations and the support that we need from our foreign partners all goes into the ability to use the resources which have been provided in a coordinated way, in an effective way.

I also note, as the Attorney General has, that much of this development is in a very early stage, and although we are pleased with the progress, we also note what has to be done to achieve the type of coordination that will respond successfully in a weapons of mass destruction incident here in the United States.

## CRITICAL NATIONAL INFRASTRUCTURE PROTECTION

For instance, the National Infrastructure Protection Center and the proposed National Preparedness Domestic Protection Office are new establishments. Although we have a good idea and a blueprint and a consensus as to what we want them to do, we know that we have lots to learn with respect to carrying out these operations.

As the Attorney General noted, we also have taken a lot of effort and planning to avoid making this a Washington-led, Federal Government-dominated, plan and program. That cannot be done. Whether it is in Oklahoma City or in the World Trade Center or in Nairobi, the Federal Government will not be, for instance, the first personnel to arrive at the scene. The private sector is playing an increasingly important part, particularly in the complex development of cyber strategies and infrastructure protection.

We need to keep in mind that the Federal laboratories, the universities, and private industry have a lot more knowledge and a lot more expertise in these areas. Part of our efforts, and I compliment the Attorney General again for pursuing this very successfully, is incorporating into the National Infrastructure Protection Center and the proposed National Domestic Preparedness Office people from academia, people from private industry, people from our national laboratories, the State and local fire departments and police authorities, and, of course, there are 15,000 of them around the country. That job in itself is a very complex one. We want to give them training, we want to give them equipment, but we also want them to tell us what they need so we can be guided by those principles. I think that is the only way this is going to work.

## PREPARED STATEMENT

I have a lot of other matters in my statement which I am pleased to talk about, but in view of the time, I will just end right here. Thank you.

Senator GREGG. Thank you very much, Mr. Director.  
[The statement follows:]

## PREPARED STATEMENT OF LOUIS J. FREEH

Good morning, Mr. Chairman and members of the Subcommittee. I am pleased to have this opportunity to join Attorney General Reno and Secretary of State Albright in discussing the threat to the United States posed by terrorists both abroad and at home.

At the outset, I would like to thank you and the Subcommittee for your extraordinary support for the FBI's counterterrorism programs and initiatives. Over the past several years, you have generously provided us with additional agents, technicians, and analysts, as well as the technical and forensic tools, that allow us to respond quickly and effectively to acts of terrorism against the United States and its citizens wherever they occur—including, most recently, in Dar es Salaam, Tanzania, and Nairobi, Kenya. Annual funding for the FBI's Counterterrorism program has grown from \$78.5 million in 1993 to \$301.2 million in 1999. The number of agents funded for counterterrorism investigations has grown from 550 in 1993 to 1,383 in 1999. You have also provided additional funding for many programs in the FBI Laboratory and Critical Incident Response Group that directly support the FBI's capability for responding to the threat and acts of terrorism. I am confident that our efforts will justify your past commitment and continued support to this important area of the FBI's responsibility.

I would also like to commend the Subcommittee for its leadership in directing the preparation of the 5-Year interagency plan that was submitted to the Congress on December 30, 1998. As you are aware, the preparation of the plan coincided with

the preparation of two major Presidential Decision Directives regarding counterterrorism (PDD-62) and critical infrastructure protection (PDD-63). The plan was also prepared at the same time the FBI and many other agencies were responding to the terrorist bombings of United States Embassies in East Africa. I believe the Subcommittee will find the recommendations of the plan to be particularly timely, consistent with these recent executive orders, and reflect many of the lessons learned from our most recent experiences.

To help put today's discussion in perspective, I would like to start with a summary of the FBI's deployment and investigation of the recent terrorist bombings in East Africa and follow with an assessment of the current international and domestic terrorist threat and lessons learned from our recent experiences. Finally, I would like to describe current FBI counterterrorism initiatives, including those proposed in our 2000 budget request to Congress.

#### *The Bombings in East Africa*

On August 7, 1998, at approximately 10:40 a.m., local time, a bomb exploded near the United States Embassy in Dar es Salaam, Tanzania. Almost simultaneously, a bomb detonated near the United States Embassy in Nairobi, Kenya. The toll in both bombings, in terms of lives lost, persons injured, and damage to buildings, was substantial. In Dar es Salaam, 11 persons were killed, 7 of whom were foreign service nationals employed by the United States at the Embassy. Another 74 persons were injured, including 2 American citizens and 5 foreign service nationals. In Nairobi, where the United States Embassy was located in a congested downtown area, 213 persons were killed, including 12 American citizens and 32 foreign service nationals employed at the Embassy. Approximately 4,500 persons were treated for injuries, including 13 Americans and 16 foreign service nationals.

Immediately upon notification of the bombings, agencies of the United States Government began to marshal their resources to respond to these acts of terrorism. Two Foreign Emergency Support Teams (FEST) departed Andrews Air Force Base at approximately 2:30 p.m. EST on August 7. FEST is a multiagency team, including members of the FBI, that is deployed to international emergencies involving United States interests to advise and assist local Ambassadors and embassy personnel in dealing with crisis situations. FEST is coordinated by the United States Department of State. The FBI had eight representatives on the two FEST teams. We were also able to include 19 others as part of a FBI advance team.

Based upon our jurisdiction for the investigation of certain crimes committed against American persons and property abroad, the FBI began the deployment of agents, Evidence Response Teams, technicians and laboratory examiners, and other personnel and equipment to Dar es Salaam and Nairobi. We activated our Strategic Information and Operations Center at FBI Headquarters to coordinate FBI efforts with our Counterterrorism Center and other government agencies. Among the first steps we took was to direct our Legal Attaches in Cairo, Egypt, and Pretoria, South Africa, to respond to the scenes in Dar es Salaam and Nairobi, respectively. Our Legal Attaches were the first non-resident United States law enforcement officials to arrive on scene. Upon arriving, these individuals were able to establish a cooperative relationship with appropriate Tanzanian and Kenyan law enforcement authorities and United States Embassy personnel, including Diplomatic Security Service agents serving in these posts. Our Legal Attaches also assisted in establishing logistical support for FBI rapid deployment teams that subsequently arrived in both locations. The first increment of the FBI investigative team arrived in East Africa 40 hours after the bombings.

At our peak, the FBI had approximately 500 personnel on the ground in East Africa. Among the individuals deployed were members of our Joint Terrorism Task Forces from New York City. We also were assisted by explosives experts from the United Kingdom. Over the course of the eight-weeks immediately following the bombings, the FBI logged 61 flight missions, of which 16 were transoceanic; transported over 1,000 agents, technicians, examiners, and other employees deployed to and from East Africa; and moved 295 tons of equipment, supplies, and related items to support our investigative teams.

From the two crime scenes in Tanzania and Kenya, as well as from investigation and searches conducted in surrounding African nations and Pakistan, we collected and transported back to the FBI Laboratory more than three tons of evidentiary materials for examination and analysis. Our on-scene deployments in Dar es Salaam and Nairobi temporarily created what would have been among the largest FBI field offices in the United States.

As you can imagine, providing extended operational and administrative support to such a large overseas contingent was especially challenging and trying. It was not something that we accomplished on our own. In a large-scale overseas deploy-

ment such as East Africa, we must depend upon support and cooperation from our partners in the Departments of Defense and State. I would like to acknowledge the tremendous job performed by the men and women of the Departments of Defense and State under very adverse and trying circumstances. And, I am equally proud of the way our own personnel rose to meet the challenges presented by this difficult investigation.

We received exceptional cooperation and assistance from the governments of Tanzania and Kenya in conducting our investigation. They allowed us to recover and remove evidence for examination and transport it back to the United States. They also allowed us to conduct interviews and searches. The relationship established by our Legal Attaché from Pretoria with Kenyan authorities was instrumental in that country's decision to allow the removal of two suspects for prosecution in the United States. We were also able to conduct investigation and searches in several other countries and locations.

As a result of these investigative efforts, 11 individuals associated with al-Qaeda, including Usama bin Laden, have each been indicted for conspiracy to kill United States nationals, the bombings of the United States Embassies in Tanzania and Kenya, and murder. One other individual, also an al-Qaeda member, has been indicted for conspiracy to kill United States nationals, perjury before a Federal Grand Jury, and lying to a Special Agent of the FBI. The progress and results that have been obtained in this case are the result of cooperation among many agencies, including the FBI, the Criminal Division, the United States Attorneys' offices in New York City and Washington, D.C., the Central Intelligence Agency, the Department of State, and Department of Defense, working together unselfishly in response to brutal acts of terrorism committed against the United States. Unfortunately, the bombing of United States Embassies in East Africa is only the latest in a series of international terrorist incidents directed against United States interests and policies.

#### *The International Terrorist Situation*

The current international terrorist threat can be divided into three general categories that represent a serious and distinct threat to the United States. These categories also reflect, to a large degree, how terrorists have adapted their tactics since the 1970's by learning from past successes and failures, from becoming familiar with law enforcement capabilities and tactics, and from exploiting technologies and weapons that are increasingly available to them in the post-Cold War era.

The first threat category, state sponsors of terrorism, violates every convention of international law. State sponsors of terrorism currently designated by the Department of State are: Iran, Iraq, Syria, Sudan, Libya, Cuba, and North Korea. Put simply, these nations view terrorism as a tool of foreign policy. In recent years, the terrorist activities of Cuba and North Korea appear to have declined as the economies of these countries have deteriorated. However, the terrorist activities of the other states I mentioned continue, and in some cases, have intensified during the past several years.

The second category of the international terrorist threat is represented by more formal terrorist organizations. These autonomous, generally transnational, organizations have their own infrastructures, personnel, financial arrangements, and training facilities. These organizations are able to plan and mount terrorist campaigns on an international basis and actively support terrorist activities in the United States.

Extremist groups such as Lebanese Hizballah, the Egyptian Al-Gama' Al-Islamiyya, and the Palestinian Hamas have supporters in the United States who could be used to support an act of terrorism here. Hizballah ranks among the most menacing of these groups. It has staged many anti-American attacks in other countries, such as the 1983 truck bombings of the United States Embassy and the United States Marine Corps barracks in Beirut, the 1984 bombing of the United States Embassy Annex in Beirut, and the 1985 hijacking of TWA Flight 847 during which United States Navy diver Robert Stehem, a passenger on the flight, was murdered by the hijackers. Elements of Hizballah were also responsible for the kidnaping and detention of United States hostages in Lebanon throughout the 1980's.

The activities of American cells of Hizballah, Hamas, and Al Gama' Al Islamiyya generally revolve around fund-raising and low-level intelligence gathering. In addition, there are still significant numbers of Iranian students attending United States universities and technical institutions. A significant number of these students are hardcore members of the pro-Iranian student organization known as the Anjoman Islamie, which is comprised almost exclusively of fanatical, anti-American, Iranian Shiite Muslims. The Iranian Government relies heavily upon these students studying in the United States for low-level intelligence and technical expertise. However,

the Anjoman Islamie also represents a significant resource base upon which the government of Iran can draw to maintain the capability to mount operations against the United States, if it so decides.

The third category of international terrorist threat stems from loosely affiliated extremists, characterized by rogue terrorists such as Ramzi Ahmed Yousef and international terrorist financier Usama bin Laden. These loosely affiliated extremists may pose the most urgent threat to the United States because these individuals bring together groups on an ad hoc, temporary basis. By not being encumbered with the demands associated with maintaining a rigid, organizational infrastructure, these individuals are more difficult for law enforcement to track and infiltrate. Individuals such as Ramzi Yousef and Usama bin Laden have also demonstrated an ability to exploit mobility and technology to avoid detection and to conduct terrorist acts. Fortunately, in 1995, we were able to capture Yousef and return him to the United States to stand trial for the February 1993 bombing of the World Trade Center and the conspiracy to attack American aircraft overseas. Yousef was convicted in two trials and sentenced to life imprisonment.

The FBI believes that the threat posed by international terrorists in each of these categories will continue for the foreseeable future. As attention remains focused on Usama bin Laden in the aftermath of the East African bombings, I believe it is important to remember that rogue terrorists such as bin Laden represent just one type of threat that the United States faces. It is imperative that we maintain our capabilities to counter the broad range of international terrorist threats that confront the United States.

For many of us in this room, the threat of international terrorism was literally brought home by the World Trade Center bombing in February 1993. Although the plotters failed in their attempt to topple one of the twin towers into the other, an outcome that would have produced thousands of casualties, they succeeded in causing millions of dollars worth of damage in a blast that killed 6 persons and injured more than 1,000. After his capture in 1995, Ramzi Yousef, the convicted mastermind behind the New York City bombing and other terrorist acts, conceded to investigators that a lack of funding forced his group's hand in plotting the destruction of the World Trade Center. Running short of money, the plotters could not assemble a bomb as large as they had originally intended. The timing of the attack was also rushed by a lack of finances. Incredibly, the plotters' desire to recoup the deposit fee on the rental truck used to transport the bomb helped lead investigators to them. As horrible as that act was, it could very well have been much more devastating.

We are fortunate that in the nearly six years since the World Trade Center bombing, no significant act of foreign-directed terrorism has occurred on American soil. At the same time, however, we have witnessed a pattern of terrorist attacks that are either directed at United States interests or initiated in response to United States Government policies and actions. Among these acts are:

- the 1993 murders of two Central Intelligence Agency employees and the wounding of several others by Mir Amal Kasi in Langley, Virginia;
- the March 1995 attack against three employees of the United States consulate in Karachi, Pakistan, which resulted in the deaths of two Americans;
- the July 1995 hostage taking of four western tourists, including an American, by terrorists in Kashmiri, India;
- the plot by Shayk Omar Abdel Rahman and his followers to bomb several New York City landmarks, including the United Nations building, the Holland and Lincoln Tunnels, and federal buildings;
- the November 1995 bombing of a Saudi Arabian National Guard building in Riyadh, Saudi Arabia, which resulted in the deaths of five United States citizens assigned to the United States military training mission to Saudi Arabia;
- the June 1996 bombing at the Al-Khobar Towers, Dhahran, Saudi Arabia, which resulted in the deaths of 19 United States servicemen and the injury of 240 other military personnel and dependents;
- a plot led by Ramzi Yousef to destroy numerous United States air carriers in a simultaneous operation;
- a plot, also led by Ramzi Yousef, to kidnap and kill United States diplomats and foreign officials in Pakistan;
- the November 1997 ambush and massacre of foreign tourists in Luxor, Egypt, which appears to have been undertaken to pressure the United States Government to release Shayk Rahman from federal prison;
- the November 1997 murder of four United States businessmen and their driver in Karachi, Pakistan, believed to be in retaliation against the FBI's capture and rendition of Mir Amal Kasi;

- the kidnaping of seven Americans during 1998 in Colombia by terrorists groups, bringing to 92 the total number of United States citizens reported kidnaped in that country between 1980 and 1998, of which 12 Americans have died in captivity; and
- the December 1998 kidnaping of a group of western tourists, including two Americans, by terrorists in Yemen, during which four hostages were killed and one American hostage wounded when Yemeni security forces attempted a rescue operation.

As these examples illustrate, the threat of terrorism is real both at home and abroad. Usama bin Laden readily acknowledges trying to obtain chemical and biological weapons for use in his jihad, or holy war, against the United States. We also know that domestic terrorist groups have expressed interest in chemical and biological agents. The willingness of terrorists to carry out more large-scale incidents designed for maximum destruction places a larger proportion of our population at risk. Today, Americans engaged in activities as routine as working in an office building, commuting to and from work, or visiting museums and historical sites in foreign lands, can become random victims in a deadly game acted out by international terrorists. America's democratic tradition and global presence make United States citizens and interests targets for opportunists who are willing to shed the blood of innocents for their causes.

### *Responding to the Threat of International Terrorism*

The United States has developed a strong response to international terrorism. Legislation and Executive Orders enacted over the past 15 years have strengthened the ability of the United States Government to protect its citizens through five affirmative ways: diplomacy, sanctions, covert operations, military options, and law enforcement actions. For this, the Congress and the Executive Branch deserve the gratitude of the American people. We cannot accurately gauge how many potential strikes our government's strong stand against terrorism has discouraged. We can, however, measure with considerable satisfaction the success we have had in preventing plots detected in the planning stages and our successes in investigating, locating, apprehending, and prosecuting individuals who have carried out terrorist activities. I would like to highlight two aspects of this response, renditions and fund raising, that demonstrate the commitment of the United States Government to combating terrorism.

During the past decade, the United States has successfully obtained custody of 13 suspected international terrorists from foreign countries to stand trial in the United States for acts or planned acts of terrorism against our citizens. Based on its policy of treating terrorists as criminals and applying the rule of law against them, the United States is one of the most visible and effective forces in identifying, locating, and apprehending terrorists on American soil and overseas. The majority of terrorist renditions have been accomplished with the cooperation of the foreign government in which the terrorist suspect was located. Among the individuals recently returned to the United States by this process have been Mir Amal Kasi, who shot and killed two Central Intelligence Agency employees in Langley, Virginia, in 1993, and who was rendered from Afghanistan to the United States in 1997, and Tsutomu Shirotsuki, a Japanese Red Army member, who was rendered to the United States in 1996, more than 10 years after firing rockets at the United States Diplomatic Compound in Jakarta, Indonesia. Every time the United States obtains custody of a terrorist for trial, we send a clear message to terrorists everywhere that no matter how long it takes, no matter the difficulty, we will find you and you will be held accountable for your actions.

During fiscal year 1998, FBI investigative actions prevented 10 planned terrorist acts. Nine acts were prevented with the arrest of six members of an Illinois-based white supremacist group who were planning to target the Southern Poverty Law Center and its founder, Morris Dees; the Simon Weisenthal Center; and the New York City office of the Anti-Defamation League of B'nai B'rith. This group had also discussed robbing an armored car using a LAW rocket; poisoning the water supply of East St. Louis, Illinois; and committing several murders, including a homosexual man, a black female attorney, a member of another white supremacist group who had made derogatory comments about the Aryan Nations, and a former member of their own group. The arrest of Byron Bazarte in August 1998 prevented the bombing of an unspecified target in Washington, D.C.

Using the authorities provided under Section 302 of the Anti-Terrorism and Effective Death Penalty Act of 1996, the Secretary of State, in consultation with the Attorney General and the Secretary of the Treasury, has designated 30 groups as foreign terrorist organizations. This designation allows the United States Government to take actions to block the transfer of funds in the United States in which these

organizations have an interest. The FBI provided information concerning various organizations to the Department of State to assist it in compiling the list of foreign terrorist organizations. Consistent with provisions of the Act, the FBI did not make recommendations concerning which groups should be designated as foreign terrorist organizations.

In July 1998, the FBI arrested Mawzi Mustapha Assi, a procurement agent for a foreign terrorist organization, in Dearborn, Michigan, in July 1998, on criminal charges relating to providing material support to a foreign terrorist organization, export of materials on the munitions control list, and other export violations. The FBI and the United States Customs Service seized \$124,000 worth of sensitive night vision and navigational devices. Assi became a fugitive after the Government's unsuccessful attempts to detain him prior to trial.

We believe these provisions provide law enforcement with a potentially powerful tool to disrupt the ability of terrorist organizations to fund their destructive activities. Investigations into the financial operations of clandestine organizations on the shadowy fringes of international politics can be particularly complex, time consuming, and labor intensive. Organizations have demonstrated an ability to reinvent themselves with new names in an effort to thwart law enforcement efforts. As with measures of this type, its most powerful impact may be from its deterrent effect. As investigators and prosecutors build successful cases and precedents to enforce anti-fund raising activities, targeted groups may decide that fund raising in the United States is too difficult and risky.

### *The Domestic Terrorism Threat*

Domestic terrorist groups are those which are based and which operate entirely within the United States, or its territories, and whose activities are directed at elements of the United States Government or its civilian population. Domestic terrorist groups represent interests that span the full political spectrum, as well as social issues and concerns. FBI investigations of domestic terrorist groups or individuals are not predicated upon social or political beliefs; rather, they are based upon planned or actual criminal activity. The current domestic terrorist threat primarily comes from right-wing extremist groups, Puerto Rican extremist groups, and special interest extremists.

*Right-wing Extremist Groups.*—The threat from right-wing extremist groups includes militias, white-separatist groups, and anti-government groups. All right-wing extremist groups tend to encourage massing weapons, ammunition and supplies in preparation for a confrontation with federal law enforcement, as well as local law enforcement who are often perceived as agents for the State/Federal government.

The goal of the militia movement is to defend and protect the United States Constitution from those who want to take away the rights of Americans. The militia movement believes that the United States Constitution gives Americans the right to live their lives without government interference. The FBI is not concerned with every single aspect of the militia movement since many militia members are law-abiding citizens who do not pose a threat of violence. The FBI focuses on radical elements of the militia movement capable and willing to commit violence against government, law enforcement, civilian, military and international targets (U.N., visiting foreign military personnel). Not every state in the union has a militia problem. Militia activity varies from states with almost no militia activity (Hawaii, Connecticut) to states with thousands of active militia members (Michigan, Texas).

The American militia movement has grown over the last decade. Factors contributing to growth include:

- Guns.*—The right to bear arms is an issue which almost all militia members agree and most militia members believe a conspiracy exists to take away their guns. The national system of instant background checks for all gun buyers, mandated by the 1993 Brady Act and which actually was implemented on November 30, 1998, has further angered many militia groups. These militia members see this new law as another example of how the government is conspiring to take away their guns. The banning of semiautomatic assault weapons has also angered many militia members.
- State laws.*—Militias resent state laws forbidding them to gather together to fire weapons. Sixteen states have laws which prohibit all militia groups and 17 states have laws which prohibit all paramilitary training.
- Mistrust of Federal law enforcement.*—Is frequently mentioned in militia literature and overall militia mythology. FBI and Bureau of Alcohol, Tobacco and Firearms (ATF) actions, such as Ruby Ridge, the Branch Davidians, and the Freeman standoff, are cited, and thus are hated and distrusted by many militia members.

—*Taxes.*—Militia members believe that they pay too many taxes and that those tax dollars are wasted by a huge, uncaring and inefficient bureaucracy in Washington, D.C. Since the Internal Revenue Service collects federal taxes, it is widely hated by militia members.

—*The United Nations.*—Is perceived as an organization bent on taking over the world and destroying American democracy and establishing “the New World Order.” The New World Order theory holds that, one day, the United Nations will lead a military coup against the nations of the world to form a one-world government. United Nations troops, consisting of foreign armies, will commence a military takeover of America. The United Nations will mainly use foreign troops on American soil because foreigners will have fewer reservations about killing American citizens. Captured United States military bases will be used to help conquer the rest of the world.

Most of the militia movement has no racial overtones and does not espouse bigotry; there are some black and Jewish militia members. However, the pseudo-religion of Christian Identity, as well as other hate philosophies, have begun to creep into the militia movement. This scenario is currently being played out in the Michigan Militia, arguably the largest militia group in America. Lynn Van Huizen, leader of the Michigan Militia Corps, is currently trying to oust Christian Identity factions from his group. Christian Identity is a belief system that provides both a religious base for racism and anti-Semitism, and an ideological rationale for violence against minorities. This pattern of racist elements seeping into the militia movement is a disturbing trend, as it will only strengthen the radical elements of the militias.

Many white supremacist groups adhere to the Christian Identity belief system, which holds that the world is on the verge of a final apocalyptic struggle between God/Christ and Satan (The Battle of Armageddon) in which Aryans (European Caucasians) must fight Satan's heirs: Jews, nonwhites and their establishment allies (i.e., the Federal Government). The Christian Identity belief system (also known as Kingdom Identity) provides a religious base for racism and anti-Semitism, and an ideological rationale for violence against minorities and their white allies. Christian Identity teaches that the white race is the chosen race of God, whites are the “true Israelites” and Jews are the Children of Satan. Adherents believe that Jews have increasingly gained control of the United States Federal Government and are attempting to enslave the white population by enacting laws subjugating the white people, such as affirmative action, pro-choice, and anti-gun statutes.

To prepare for Armageddon, many Identity adherents engage in survivalist and paramilitary training, storing foodstuffs and supplies, and caching weapons and ammunition. As the next millennium approaches, Identity's more extreme members may take action to prepare for Armageddon, including armed robbery to finance the upcoming battle, destroying government property and infrastructure, and targeting Jews and nonwhites.

Due to Christian Identity adherents' widespread propaganda efforts and Identity's racist/anti-Semitic/anti-government appeal, there are a number of churches and diverse organizations throughout the United States that embrace the doctrines of Identity. Identity beliefs are also increasingly found in the rhetoric of all types of right-wing extremist groups, including, but not limited to, militias, survivalist communes, the Ku Klux Klan, neo-Nazis, skinheads, tax protesters, and common law courts. Thus, with the approaching millennium, there is a greater potential for members from such Identity influenced groups to engage in violent activities as well.

As the next millennium approaches, violent and illegal acts may increase, due to Christian Identity's belief that the world is on the verge of a final apocalyptic struggle (aka The Battle of Armageddon) between God/Christ and Satan. Identity members believe that this entails Aryans (European Caucasians) fighting Satan's heirs (Jews, non-whites, and their establishment allies). To prepare, Identity adherents engage in survivalist and paramilitary training. As the year 2000 approaches, more extreme members may take action to prepare for or bring about “Armageddon,” including armed robbery to finance the upcoming battle, destroying government property and targeting Jews and non-whites.

*Other Anti-Government Groups.*—The other right-wing anti-government groups include Freemen, “sovereign” citizens, and common law courts. The Freemen and sovereign citizens believe they have the right to renounce their citizenship, after which they do not have to comply with any laws or rules and the federal government would have no influence over them. In addition, some, like the Freemen, believe they have the right to issue their own money which is called “certified comptroller warrants.”

Some members of the right-wing have formed their own system of laws to enforce and follow (called common law courts) to replace the existing court system. The com-

mon law courts have no basis in jurisprudence, but participants claim legitimacy based on the laws of the Old Testament, English common law, the Magna Carta and commercial law. Some common law courts have issued arrest warrants, but as of yet, there are no reports that any of these arrests have been accomplished.

*Puerto Rican Extremist Groups.*—A resurgence in Puerto Rican extremism has occurred in the past six months. A nearly decade-long hiatus in terrorist activity ended on March 31, 1998, with the detonation of an incendiary device at the "Superaqueduct" construction project in Arecibo, Puerto Rico. On June 9, 1998, a bomb exploded outside a branch of Banco Popular in Rio Piedras, Puerto Rico. The EPB-Macheteros publicly claimed responsibility for both attacks, citing environmental concerns and opposition to the privatization of the Puerto Rico Telephone Company.

Puerto Rican extremism remains a concern to the FBI. Traditionally, the Puerto Rican Terrorists have targeted United States establishments and interests in an effort to gain Puerto Rican independence. On December 13, 1998, Puerto Ricans voted in a non-binding referendum concerning Puerto Rico's political status. Voters were given the opportunity to vote for independence, continued commonwealth status, statehood, free association, or none of the above. Independence garnered precious little support in the referendum, receiving a mere 2.5 percent of the vote, according to media reports. Despite the lack of popular support for independence, militant independence activists continue to pursue independence through illegal means. Recently, July 25, 1998 marked the 100-year anniversary of the United States invasion of Puerto Rico during the Spanish-American War. In addition, several convicted Puerto Rican terrorists remain incarcerated within the federal prison system, and militant pro-independence activists continue to lobby for their release. The militant independentistas may engage in violence as a response to the prisoners' continued incarceration, or as a symbolic commemoration of over 100 years of American control over the island.

*Special Interest Extremists.*—Special interest or single issue extremists advocate violence and/or criminal activity with the goal of effecting change in policy vis a vis one specific aspect of society. The most recognizable single issue terrorists at the present time are those involved in the violent animal rights, anti-abortion, and environmental protection movements. Each of these issues evoke strong emotions within society at large, and violent aberrants continue to tarnish the legitimate public debate on each issue.

The FBI continues to vigorously investigate various bombings of abortion clinics and incidents of violence targeting abortion providers across the country. The January 1998 bombing of an abortion clinic in Birmingham, Alabama, has resulted in a significant allocation of FBI manpower and resources to the investigation of the bombing. The recent assassination of Dr. Barnett Slepian in Buffalo, New York, serves as an acute reminder of the very real threat posed by anti-abortion extremists.

Animal rights extremists continue to pose significant challenges for law enforcement as well. Various arsons and other incidents of property destruction have been claimed by the Animal Liberation Front (ALF) and the Earth Liberation Front (ELF). For example, on October 19, 1998, the Vail Ski Resort suffered a series of arson attacks that damaged or destroyed eight separate structures and resulted in approximately \$12 million in property damage. In a communique issued to various news agencies in Colorado, ELF claimed responsibility for the arsons in retaliation for the resort's plans to expand its ski areas. The group claimed that the proposed expansion would destroy the last remaining habitat in Colorado for the lynx.

Although the frequency of terrorist incidents within the United States has decreased in number, the potential for destruction has increased as terrorists have turned toward large improvised explosive devices to inflict maximum damage. The ease with which people can obtain the recipes for manufacturing explosives and developing chemical and biological weapons facilitates the potential of a major incident. As technology and materials become more accessible, the possibility of misuse and subsequent fatalities increases. One has only to look at the bombing of the Murrah Federal Building, in Oklahoma City, to see the devastating potential for a terrorist act. Prior to April 19, 1995, no one would have believed that Americans would commit such a tragic act against other Americans. But they did, and the potential for another such incident continues.

#### *Looking Forward*

If there was ever any doubt about the level of commitment and determination that drives rogue terrorists to strike their perceived enemies, convicted terrorist Ramzi Yousef provided a glimpse into the mind set of these individuals. When sen-

tenced to life imprisonment without the possibility of parole, Yousef boasted of his destructive exploits saying, "Yes, I am a terrorist and proud of it."

Today's terrorists have learned from the successes and mistakes of terrorists who went before them. The terrorists of tomorrow will learn from the successes and mistakes of the Ramzi Yousef, Usama bin Laden, and others. Tomorrow's terrorists will have an even more dizzying array of deadly weapons and technologies, including chemical and biological agents and computer networks, available to them for committing their insidious acts. We cannot lull ourselves into a false sense of security based on the capabilities that exist today and the successes we have achieved. Rather, we must continue to improve upon our existing readiness and develop the capabilities, technologies, and techniques that will be required to keep pace with acts of terrorism in the future.

The FBI has developed its Strategic Plan for 1998-2003 to guide us as we deal with the challenges and changing crime problems that face this organization. Under this plan, we have identified as our highest priority foreign intelligence, terrorist, and criminal activities that directly threaten the national or economic security of the United States. Two of the strategic goals set for this priority area are especially relevant to the problems we are discussing today: Prevent, disrupt, and defeat terrorist operations before they occur; and deter the unlawful exploitation of emerging technologies by foreign powers, terrorists, and criminal elements.

Our goal is to move beyond just responding to acts of terrorism, whether these terrorist acts be bombings here in the United States or in foreign countries or cyber attacks against the national information infrastructure. We recognize that to be successful in the future, the FBI must become more proactive in dealing with these complex threats and problems.

I would like to discuss several areas that I believe are especially important to our national response to the problem posed by terrorism. In doing so, I would like to highlight some of the programs and investments the Subcommittee has supported in prior years and our requests for the 2000 budget. For 2000, the FBI is requesting increases totaling \$9,000,000 for our Counterterrorism initiative and 207 positions (60 agents) and \$36,742,000 for our Technology and Cyber Crimes initiative.

*Rapid Deployment.*—The United States Government's response to the bombings in East Africa demonstrated the firm and unequivocal commitment to responding to acts of terrorism wherever they may occur. Terrorists must know that if they act against the United States, the FBI will pursue them relentlessly and for as long as it takes to bring them before the bar of justice.

Earlier, I described the scope of the deployment of FBI personnel to East Africa. Based on that experience, in the aftermath of the near simultaneous bombings in Tanzania and Kenya, I directed the establishment of five FBI Rapid Deployment Teams to provide a capability of responding to multiple incidents. With the funding you provided in the Omnibus Consolidated Appropriations and Emergency Supplemental Act of 1999, we are establishing teams in New York City, Washington, D.C. (2), Miami, and Los Angeles. Since the establishment of these teams, there have been three instances where teams have been placed on full alert due to the receipt of intelligence information indicating a potential terrorist act.

We readily recognize that improvements are needed in working with our partners at the Department of Defense so that necessary airlift support for future deployments can be staged in a more timely and organized manner. Again, your interest and assistance in the improving the capability of the Department of Defense to provide aviation support to the FBI is greatly appreciated and will help us place advance teams on scene faster. As directed by Congress, we are also working to develop a memorandum of understanding with the Department of Defense to address the full scope of airlift support and related services that are required by the FBI.

*Intelligence Collection, Analysis, and Dissemination.*—The collection, analysis, and dissemination of intelligence regarding terrorist activities and threats are critical to the success of FBI efforts to prevent incidents and in the investigation of acts that do occur. Within the FBI, we have several programs and initiatives to do this.

With the Subcommittee's support, the FBI established the Counterterrorism Center at FBI Headquarters in 1995. The FBI Counterterrorism Center encompasses the operations of the FBI's International Terrorism Operations Section and Domestic Terrorism Operations Section. Just this week the Diplomatic Security Service joined nineteen other federal agencies assigning personnel to the FBI Counterterrorism Center. Other agencies in the Center include: the Air Force Office of Special Investigations, the Bureau of Alcohol, Tobacco, and Firearms, the Federal Bureau of Prisons, the Central Intelligence Agency, the Defense Intelligence Agency, the Department of Commerce, the Department of Defense, the Department of Energy, the Department of Transportation, the Environmental Protection Agency, the Federal Aviation Administration, the Federal Emergency Management Agency, the

Immigration and Naturalization Service, the Internal Revenue Service, the National Security Agency, the Naval Criminal Investigative Service, the United States Customs Service, the United States Marshals Service, and the United States Secret Service. The proposed National Domestic Preparedness Office would also become a partner with the Counterterrorism Center to ensure domestic preparedness programs and activities can benefit from counterterrorism operational experiences and reflect the most up-to-date threat information for making decisions on training and equipment grants.

Providing intelligence and threat information to our State and local partners is accomplished through the Counterterrorism Center and the National Infrastructure Protection Center. Depending upon the nature of the information, we use one or more of several avenues for dissemination. The FBI has expanded the Terrorist Threat Warning System, first implemented in 1989, to reach all aspects of the law enforcement and intelligence communities. Nationwide dissemination of unclassified information is achieved through the National Law Enforcement Telecommunications System (NLETS). In addition, the FBI transmits threat information to security managers of thousands of United States commercial interests around the country through the Awareness of National Security Issues and Response (ANSIR) program. The National Infrastructure Protection Center also uses NLETS and ANSIR to reach State and local law enforcement and others regarding cyber and infrastructure-related threats and information. The Center has developed the InfraGard program which facilitates the sharing of information about computer intrusions and research related to infrastructure protection among network participants. The proposed National Domestic Preparedness Office anticipates providing special bulletins and related information on weapons of mass destruction issues to a much broader base of State and local agencies, consisting of law enforcement, fire fighter, emergency medical services, public health, and emergency management, through the Law Enforcement On-Line intranet, a website accessible through the Internet, newsletters, and a toll-free assistance number.

Another mechanism for promoting coordination during an incident is the FBI's new Strategic Information and Operations Center, which was dedicated this past November. Congress provided funding for this project beginning in 1995. The new Strategic Information and Operations Center allows us to handle multiple incidents simultaneously. It also provides us with greatly enhanced communications capabilities between FBI Headquarters and field offices, as well as between the FBI and other federal agencies. Our coordination of operational efforts in East Africa were hampered, somewhat, by the physical and technical limitations of the old center.

The FBI and the Central Intelligence Agency have taken several steps to improve cooperation between agencies, including the exchange of deputies, exchange of personnel assigned to each agency's counterterrorism center, joint meetings, and joint operational and analytical initiatives.

At the field operational level, the FBI sponsors 18 Joint Terrorism Task Forces in major cities to maximize interagency cooperation and coordination among federal, State, and local law enforcement. Currently, 327 full-time and part-time federal, State, and local law enforcement personnel participate on these task forces, in addition to FBI personnel. Federal law enforcement participants include the Immigration and Naturalization Service, the United States Secret Service, the Naval Criminal Investigative Service, Central Intelligence Agency, Federal Protective Service, United States Marshals Service, United States Customs Service, the Bureau of Alcohol, Tobacco, and Firearms, the United States Border Patrol, the United States Department of State, the Postal Inspection Service, and the Internal Revenue Service. All task force participants are provided appropriate security clearances that are necessary for their involvement in task force operations and investigations. Joint Terrorism Task Forces have played a critical role in many significant terrorism investigations. The FBI recently expanded this concept to include Regional Terrorism Task Forces. Regional task forces, of which two are now in existence, are designed to meet the needs of communities where a terrorism problem exists across a broader regional geographic area, but the situation does not warrant a full-time task force. Regional task forces meet on regular intervals to share information they have collected and determine if there is a nexus for that information to any ongoing investigation. The 5-Year Interagency Counterterrorism and Technology Crime Plan supports further expansion of FBI Joint Terrorism Task Forces where warranted by assessments of activity.

One of our most effective means of obtaining information is the use of court-authorized electronic surveillance. Communication, either written or conversations with accomplices, is central to any collaborative effort—including terrorist conspiracies. The capability to lawfully intercept communications between criminals, terrorists, and foreign intelligence agents, has been instrumental in our past successes.

These capabilities help the FBI, as well as law enforcement in our States and cities, to prevent acts and to save lives. This Subcommittee has been supportive of our efforts to ensure that law enforcement does not lose its capabilities to lawfully intercept communications in the growing digital telecommunications environment. I hope that you will be able to support our request in the 2000 budget for \$15,000,000 to support reimbursements to telecommunications carriers for costs incurred in complying with the Communications Assistance for Law Enforcement Act (CALEA).

*Technology Development and Exploitation.*—Developing and exploiting technology for law enforcement and counterterrorism applications are a key to maintaining our edge in the war against terrorists. This Subcommittee recognized the value of research and development when you set out your instructions and expectations for the 5-Year Interagency Counterterrorism and Technology Crime Plan. In 1998, you provided the FBI with \$10,500,000 from the Attorney General's Counterterrorism Fund for directed research and development projects. With that 1998 funding, as well as other funding appropriated for the FBI Laboratory's Advanced Render Safe and Hazardous Materials Response Programs, we took the following actions:

- Entered into an agreement with the Department of Energy to improve access by the forensic community to America's national laboratories by seeking to leverage resources in five areas: research, development, test, and evaluation; technology transfer; specialized training; specialized forensic analytical support; and hazardous materials response.
- Initiated 17 projects under the Department of Energy agreement, as well as awarded contracts for 11 other projects with commercial and academic entities, in the areas of explosives detection, forensic evidence analysis and crime scene technology, information infrastructure technology, and specialized training.
- Began the process to establish separate agreements with the Savannah River Site and Lawrence Livermore National Laboratory.
- Continued our agreements with the United States Army Edgewood Arsenal, Engineering Development and Education Center, Naval Medical Research Center, United States Naval Medical Center, and have begun the process of establishing other agreements with other key components of the Department of Defense.
- Entered into an agreement with the Southwest Surety Institute at New Mexico State University to establish forensic training that complements FBI forensic curriculum requirements and which supports counterterrorism related operational and support services.
- Upgraded and enhanced the Automated Computer Examination System (ACES), an automated forensic search capability for computer evidence, and enhanced technical support of crime scene evidence collection and execution of court-authorized electronic surveillance on computer networks.

I am pleased that the FBI has been added to the Technical Support Working Group (TSWG) Executive Committee. The Technical Support Working Group is an interagency group that coordinates federal research and development programs. The Department of State and Department of Defense provide leadership to the group. The FBI has used the Technical Support Working Group to leverage its funding by joining with other agencies in co-sponsoring projects. The FBI encourages support for existing, proven interagency efforts like the Technical Support Working Group to help us meet the challenges posed by new and emerging technology.

Without continued, sustained investments, at both the agency and interagency levels, in the development and application of new technologies for law enforcement, we will fall behind in meeting our goals of preventing terrorism. Unfortunately, law enforcement is not alone in seeking to use new technology to improve its capabilities.

Shortly after the World Trade Center bombing, Ramzi Yousef made his way to Pakistan. Eventually, he and several associates moved on to the Philippines and rented a unit at the Dona Jasefa apartment complex. That apartment served as a safehouse and improvised bomb factory. On December 11, 1994, Yousef placed a small explosive on a Philippines airliner en route to Tokyo via Cebu. A Japanese businessman was killed when the device exploded under his seat. Investigation determined that Yousef and his associates had used the device to test a new bomb design and that Yousef planned to place more powerful devices on United States airliners.

While mixing chemicals at the apartment on January 7, 1995, a fire broke out, forcing Yousef and two co-conspirators to flee into the street. Concerned that he had left his laptop computer in the apartment, Yousef sent one of his associates back into the apartment to retrieve it. Responding Philippines police arrested the associate and were able to recover the computer—which contained encrypted files—in tact.

We were fortunate in that Yousef was careless in protecting his computer password. Consequently, we were able to decrypt his files. These files contained the details of Yousef's plot to destroy numerous United States airliners using a timing device made from an altered watch. After simultaneously planting the devices on United States airliners, the five participants in the plot were to return to either Pakistan or Qatar.

Had that fire not broken out or had we not been able to access those computer files, Yousef and his co-conspirators might have carried out the simultaneous bombings of 11 United States airliners, with potentially thousands of victims.

Terrorists, both abroad and at home, are using technology to protect their operations from being discovered and thwart the efforts of law enforcement to detect, prevent, and investigate such acts. Convicted spy Aldrich Ames was told by his Russian handlers to encrypt his computer files. International drug traffickers also are using encryption to avoid detection by law enforcement.

Most encryption products manufactured today for use by the general public are non-recoverable. This means they do not include features that provide for timely law enforcement access to the plain text of encrypted communications and computer files that are lawfully seized. Law enforcement remains in unanimous agreement that the continued widespread availability and increasing use of strong, non-recoverable encryption products will soon nullify our effective use of court authorized electronic surveillance and the execution of lawful search and seizure warrants. The loss of these capabilities will devastate our capabilities for fighting crime, preventing acts of terrorism, and protecting the national security. Recently, discussions with industry have indicated a willingness to work with law enforcement in meeting our concerns and assisting in developing a law enforcement counterencryption capability. I strongly urge the Congress to adopt a balanced public policy on encryption, one that carefully balances the legitimate needs of law enforcement to protect our Nation's citizens and preserve the national security with the needs of individuals.

The demand for accessing, examining, and analyzing computers and computer storage media for evidentiary purposes is becoming increasingly critical to our ability to investigate terrorism, child pornography, computer-facilitated crimes, and other cases. In the past, the Subcommittee has supported FBI efforts to establish a data forensics capability through our Computer Analysis Response Teams. There is a need to further expand this capability to address a growing workload. Indeed, our limited capability has created a backlog that impacts on both investigations and prosecutions. For 2000, the FBI is requesting 20 positions and \$13,835,000 for our cryptanalysis and network data interception programs and 79 positions and \$9,861,000 to expand our Computer Analysis Response Team capabilities.

Our Nation's critical infrastructure—both cyber and physical—present terrorists, hackers, criminals, and foreign agents with a target for attacks, the consequences of which could be devastating. Over the past several years, the Congress has been very supportive of FBI efforts to develop and improve its capabilities for investigating computer intrusions and other cyber-crimes. These efforts have included the establishment of the National Infrastructure Protection Center and the creation of specially-trained and equipped squads and teams in FBI field offices. For 2000, we are requesting increases of \$1,656,000 for operations of the National Infrastructure Protection Center and 108 positions (60 agents) and \$11,390,000 for additional field National Infrastructure Protection and Computer Intrusion squads and teams.

*Domestic Readiness.*—The most potentially devastating threat facing the United States as we enter the next century is the terrorist use of weapons of mass destruction (large conventional explosive, chemical, biological, radiological or nuclear devices). For terrorists, symbolic targets, critical infrastructure or major special events make attractive targets. These acts may result in a significant loss of life, may cause psychological trauma and will attract a high level of media exposure.

While the United States holds little credible intelligence at this time indicating that international or domestic terrorists are planning to attack United States interests domestically through the use of weapons of mass destruction, a growing number (while still small) of "lone offender" and extremist splinter elements of right-wing groups have been identified as possessing or attempting to develop/use chemical, biological or radiological materials. Additionally, religious/apocalyptic sects which are unaffiliated with far right extremists may pose an increasing threat. With the coming of the next millennium, some religious/apocalyptic groups or individuals may turn to violence as they seek to achieve dramatic effects to fulfill their prophecies. The possibility of an indigenous group like Aum Supreme Truth cannot be excluded.

In all likelihood, State and local law enforcement, emergency management, and public health agencies are going to be the first to respond to and contend with the aftermath of a terrorist's large-scale improvised explosive device or the release of

chemical or biological agents. Congress has recognized the critical importance of State and local agencies in the national response to and management of such a crisis by providing assistance through several programs, such as the Department of Defense Nunn-Lugar-Domenici Domestic Preparedness Program and training and equipment grants under the auspices of the Office of Justice Programs. The FBI strongly supports efforts to train and equip State and local first responders whose assistance and expertise will be critical to our investigation of such terrorist incidents. I would like to describe three FBI-led initiatives supporting domestic readiness: the proposed National Domestic Preparedness Office, the Hazardous Devices School, and the equipping of State and local bomb squads.

During the development of the 5-Year Counterterrorism and Technology Crime Strategy, State and local stakeholders recommended that the Attorney General designate a single federal agency to coordinate the multitude of federal domestic preparedness activities. In October 1998, the Attorney General announced her proposal to establish a National Domestic Preparedness Office that would serve as a single point of contact for State and local authorities. The Attorney General delegated responsibility for implementing and managing the Office to the FBI. After several months of working with key federal agencies involved in this area, a blueprint to guide the implementation of the National Domestic Preparedness Office was prepared and is under review. Among the agencies we consulted with in developing the blueprint were: the Federal Emergency Management Agency, the Department of Health and Human Services, the Department of Defense, the National Guard Bureau, the Department of Energy, the Environmental Protection Agency, various components within the Department of Justice, and State and local authorities. Using this blueprint as a guide, the Department recently submitted to the Subcommittee a notification to establish the National Domestic Preparedness Office.

The mission of the National Domestic Preparedness Office will be to assist State and local emergency response agencies (law enforcement, fire, hazardous materials, emergency medical services, emergency management, and public health) by serving as a single coordinating office and clearinghouse for federal efforts to prepare our Nation's communities for the threat posed by the terrorist use of a weapon of mass destruction. The Office will be organized around six program areas that will focus upon specific issues or areas, including: planning, training, exercises, equipment/research and development, information and intelligence sharing, and health and medical.

State and local acceptance of the National Domestic Preparedness Office is critical for its success. Part of the blueprint for the office is the creation of a State and local advisory group patterned after our highly successful Criminal Justice Information Services Advisory Policy Board. The individuals comprising this group will represent their respective areas of expertise and serve as a bridge between federal domestic preparedness program planning and the needs and priorities of states and local communities. We are also recruiting experienced individuals from State and local first responder groups to work in the National Domestic Preparedness Office. We also plan to solicit State and local agencies for detailees to the Office.

In our local communities, the work of the National Domestic Preparedness Office will be facilitated by a network of 56 full-time coordinators, one in each FBI field office. These local coordinators will serve as the primary point of contact for State and local emergency first responders. State and local officials will also be able to contact the National Domestic Preparedness Office through a toll-free assistance number, an Internet website, and the Law Enforcement On-Line intranet.

As we continue building State and local first responder preparedness and readiness, we must keep in mind that this undertaking is a long-term and costly commitment that must be sustained in the future. Equipment provided in 1999 will need to be upgraded or replaced in the future as newer, improved technologies become available. New protective equipment may also be needed to respond to changes in the chemical, biological, and nuclear threat. Basic training must be available for State and local employees who will be hired in the future. Advanced training must be provided to State and local personnel who have completed basic training to maintain competencies.

The proposed National Domestic Preparedness Office is part of our long-term commitment to sustaining State and local first responder readiness. Through this office, we hope to provide better, more coordinated service and assistance to State and local communities and reduce duplication among federal programs.

Another initiative being undertaken by the FBI to improve State and local readiness capabilities is the expansion of training and modernization of facilities at the Hazardous Devices School, located at Redstone Arsenal, Alabama. Through the Hazardous Devices School, the FBI trains and certifies federal, State, and local bomb technicians in accordance with standards developed through the National Bomb

Squad Commanders Advisory Board. The Hazardous Devices School is the only law enforcement training facility offering certification for public safety bomb technicians. The 5-Year Interagency Counterterrorism and Technology Crime Plan recommends increasing the availability of the federal pre-blast and post-blast bomb technician training for first responders.

With the funding provided by the Congress in 1998, we were able to train 963 students, an increase of 48 percent over the previous year. In particular, we provided training to 386 students in a new Weapons of Mass Destruction Bomb Technician Emergency Actions Course. Beginning this year, the weapons of mass destruction course is being integrated into the basic bomb technician course so that all new bomb technicians receive this training. We will also continue to offer the separate course to those bomb technicians already certified.

The expansion of training at the Hazardous Devices School is placing great demands on current facilities. These facilities, consisting of three aging metal buildings and small test ranges located an inefficient distance from other facilities, limit the quantity of personnel trained and the quality of instruction permissible. Additionally, there is an increasing demand for basic and advanced courses, as well as speciality courses that require advanced techniques, that cannot be met with existing facilities.

For 2000, the FBI is requesting \$9,000,000 to construct a practical problems training course at Redstone Arsenal as a first step toward improving instructional facilities. The proposed practical problems training course would be comprised of a series of mock buildings that would permit more realistic training scenarios and exercises for students.

State and local bomb technicians may be among the first emergency responders to encounter a terrorist device, including devices that may combine the use of explosives and a chemical, biological, or radiological agent. Recognizing the importance for providing State and local bomb technicians with a capability for detecting the presences of such agents, the FBI developed a multi-year initiative to provide basic equipment and chemical/biological detection technology to the approximately 630 State and local bomb technician squads across the Nation. Congress directed the Attorney General in the 1999 Justice Appropriations Act to provide \$25,000,000 from the Department's Working Capital Fund to begin this initiative. For 2000, the Department is requesting \$45,000,000 to continue this initiative which is being managed by the FBI. This request directly supports the recommendation contained in the 5-Year Interagency Counterterrorism and Technology Plan to prepare bomb technicians to address incidents involving a combination of explosives and chemical, biological, or radiological agents.

*International Partnerships and Cooperation.*—If, as recent events seem to indicate, terrorists are going to strike against the United States through its presence and citizens in foreign countries, then it is in our national interest to develop and expand "cop-to-cop" relationships with friendly foreign law enforcement, provide basic counterterrorism crime scene and related training, and share with them our forensic and related technologies.

As I indicated earlier, FBI Legal Attachés from Cairo and Pretoria were the first non-resident United States law enforcement officials to arrive on the scene of the terrorist bombings in Dar es Salaam and Nairobi. Both of these individuals were instrumental in establishing productive relationships with the host governments and local law enforcement authorities so that our main body of agents, technicians, and others could do their jobs once they arrived. Our Legal Attachés provided critical advice to local authorities on protecting the crime scenes so that key evidence was not destroyed. And, as I also noted earlier, our Legal Attaché on scene in Nairobi was instrumental in persuading Kenyan authorities to turn over to the United States two individuals taken into custody.

This Subcommittee has strongly supported my efforts to increase the number of FBI Legal Attaché Offices. I am hopeful that we can continue to depend upon your support as we complete the four year expansion strategy that was started in 1996.

Both Tanzanian and Kenyan authorities expressed interest in receiving training and technical assistance so that they will not only be better prepared in the event of future acts of terrorism, but also out of a desire to provide more effective basic law enforcement services—modeled after those of American law enforcement—to their citizens. Investments in these types of cooperative programs, such as the Antiterrorism Training Assistance program of the Department of State and the International Law Enforcement Academy in Budapest, will help provide foreign law enforcement with basic knowledge, such as taking the steps needed to protect terrorism crime scenes until the arrival of FBI rapid deployment teams and prevent the contamination or destruction of evidence that could eventually be used in a United States Court to prosecute an international terrorist.

In support of the Attorney General's leadership efforts within the G-8 to strengthen international cooperation to combat terrorism, the FBI is developing the WorldFACTS system, which will provide G-8 countries with access to four FBI forensic systems: EXPRESS, which correlates information from bombing crime scenes and undetonated explosives devices, and provides a reference base for explosives; comparing and matching firearms evidence from shooting incidents and seized firearms; searching and matching latent fingerprints from crime scenes and evidence; and storing and sharing of terrorist-case related DNA information. Funding for this effort was provided by the Subcommittee in 1997. In 1998, we successfully completed a test of the telecommunications line between Italy and the United States. We have shipped WorldFACTS equipment to Italy in anticipation of the finalization of operational guidelines between the FBI and Italian authorities.

The FBI also assists the Department of Defense in its counterproliferation program. The goals of this program are to train and equip foreign law enforcement personnel to detect, prevent, investigate, and prosecute incidents involving the illegal trafficking in weapons of mass destruction and to deter the possible proliferation and acquisition of weapons of mass destruction in Eastern Europe, the Baltic States, and the countries of the former Soviet Union. Under this interagency program, which also involves the United States Customs Service, the Department of Energy, the Department of State, the Department of Commerce, and other agencies, the FBI has provided counter-proliferation training for government officials from the republics of Kazakhstan, Uzbekistan, Kyrgyzstan, Georgia, and Moldova. Reducing the opportunity for terrorists to obtain radiological and similar materials at the source is the first step toward preventing their use against the United States.

#### *Conclusion*

To adequately understand the terrorist threat currently facing the United States, we must appreciate the unique position America occupies in the world today. As the sole superpower, the politics of the United States are viewed with intense interest by nations around the world. To some individuals and groups who feel powerless to affect their own destinies through legal means, the breadth of influence and power wielded by the United States represents a stunning contrast—and an attractive target for their frustrations. Despite our successes against various terrorist groups and individuals, new groups and new individuals step onto the scene to take up the cause against America.

The FBI has developed a broad-based response to many external threats that confront the United States today. Due to the strong support of this Subcommittee, we are much better prepared to address the terrorist threat at home and abroad than we were six years ago. With the continued support of Congress and the Executive Branch, and in cooperation with our partners in the intelligence and law enforcement communities, we will continue to enhance our ability to protect the American people from the threat of international terrorism.

#### TOP DOWN COORDINATION

Senator GREGG. I congratulate all of you for your effort in this area. My view 3 years ago when we got started on this was that it was going to be impossible to get everybody to coordinate. There were just so many different agencies. I think we counted 24 different agencies involved.

I do think you have made immense strides. I think this interagency report that you and the Attorney General and the Director put together is superb. People have described it as the bible for getting ready for terrorist activity. I think it can be effectively described as that type of document, and it shows coordination. I know that the departments are working together. I have been to every department, I think, that is involved in this issue, and I have been very impressed with the willingness of people to work with each other.

I know the State Department has worked very hard on its Accountability Review Board and is trying to respond to the Accountability Review Board in an aggressive and positive way and I congratulate you for that.

The sincerity of effort has been genuine and I think it has been very positive. I do feel we have made great strides, but I think we have to also acknowledge that there is a long way to go, which you recognize.

I have got to come back to this frustration about this Presidential press conference, because it just so antagonized me because I think it was just the wrong message to send. When we were trying to coordinate—because it was not coordinated—I will not put you on the spot, but I do not think anybody at this table was consulted about this press conference in any depth. Maybe you were. Maybe you would like to correct that statement. But I do not think you were. It really came out of the blue. It is obvious that it has no consistency with the interagency plan, the proposal that is put forward.

So my question is this: I know you are all trying hard, but can we really do this if we do not have a top-down coordinated effort? How are we going to do this if we set out a game plan for accomplishing it, and then, suddenly, we have a side-tracking event where a whole set of proposals just come out of the blue, which is inconsistent with the proposals which have just been agreed to?

Attorney General RENO. I think we are in a growing process, and I think the instrument that we present to you this March that reflects the cross-cutting budget, with the message that you are sending, I think we can use that as a means of bringing to the budget process the same working relationship that we have at this table.

Senator GREGG. I appreciate that comment. I guess I was just venting a little frustration. The message is not to you because you folks are doing your job, and you are doing it very well in this area. It is to the White House, which is not doing its job, and not doing it very well in this area in my opinion.

#### EMBASSY SECURITY

Let me go on to another subject: there are two players not at this table, of really huge significance, which are the CIA and the military. I know you are working with them, but I would be interested if you could give me your evaluation of two issues.

Number one, from the Secretary, I would be interested in your evaluation of progress relative to the expansion of Marines and Marine security which is necessary at your facilities.

And with the Attorney General and the FBI Director, I would be interested in your thoughts on this concept of using the National Guard as the second responder, setting up ten districts of National Guard units, ten areas or regions that the National Guard will be responsible for. It makes a lot of sense to me, but I know there has been a lot of controversy about it. I would like to hear your thoughts on it. Do we have any Posse Comitatus issues there and does it make sense and how will you tie it in with the FBI?

Let me start with the Marine issue, which goes to Secretary Albright.

Secretary ALBRIGHT. Thank you, also, Mr. Chairman. I really think that you have prodded us on all these issues in a remarkable way and have been ahead of your time in this, and we appreciate everything that you are doing. I, for one, pledge myself to work with you as closely as possible on this because I think that all the

issues that you have raised are key to our cooperative activity on this.

Let me just say that I think there are two responsibilities in terms of guarding our embassies. The Marine security guards at our embassies and consulates are there for internal defense, and this includes preventing compromise of classified material and equipment and the protection of personnel and government property there. At present, there are Marine security guard detachments at 122 of our diplomatic posts, and we are in the process now of adding 37 new Marine security guard detachments around the world.

I recently had a conversation with the Chairman of the Joint Chiefs about how we would work more closely together in terms of protection around the embassies. This is clearly one of the issues that we have to deal with, and again, how to do this without stretching our military beyond what it can do. It is being called upon to do a lot of work in other parts of our readiness and defense. But I think it is important for people to understand that the Marine guards are for internal security.

Senator GREGG. While we are on that subject, the Accountability Review Board pointed out that there has to be an overhaul of a large number of facilities. What percentage of the facilities have done the initial steps and how far do we have to go?

Secretary ALBRIGHT. Well, we have begun, really, to upgrade a lot of the embassies in terms of Nairobi and Dar es Salaam. In terms of rebuilding other embassies, however, I do not have the percentage. We have taken a lot of steps in order to put barriers around them, to try to look at ways to have our host governments assist us in closing off roads, buying extra property and creating set-backs for places before we can relocate them. About 10 percent of the work has been done. But this is, I think, an on-going process that we are dedicated to working on.

Senator GREGG. What is your build-out time frame? You have gotten 10 percent done. In a year from now, will we have 50 percent done?

Secretary ALBRIGHT. We will keep proceeding on the basis of the resources that we have, and I will have to give you a better estimate. I do not know. But this is a steady process and we are doing everything we can at a number of embassies in responding as best we can to the various requests that are being made.

But I can just assure you that we have decided that there is no such thing as a low-threat embassy, so we are looking in every place to do upgrades in terms of how to protect the surrounding area, giving training to the people within the embassies and working with the host governments for increased protection. But this is a steady program and I believe that as we work out our plan there will be an increased rate of getting the work done because we will be able to let contracts in a way that allows us to do better work across the board.

I think that we are going to be able to do a lot of this within 2 years. But we have a program that has been set out, and it takes longer, obviously, to rebuild some of these embassies, such as Nairobi and Dar es Salaam. But there is a consistent program, Mr. Chairman.

Senator GREGG. I will go back to the National Guard in a moment, but just so there is some continuity here, the President has asked for \$300 million in his budget for next year. We have got emergency appropriations of \$1.4 billion. Obviously, we are not going to spend the \$1.4 billion and it will be available, and the \$300 million, as you said in your statement, was minimum. It is \$700 million less than what the review panel suggested.

My question is, at some point, your ability to rebuild and your ability to fix up these embassies is going to outstrip the money that has been put into the budget for you. That line is going to cross fairly quickly, I would think, as you start to rebuild these embassies and restructure them. Maybe you can get by on \$300 million this coming year, but I think it jumps to, what, \$450 million the next year?

Secretary ALBRIGHT. Four-fifty in fiscal year 2002.

Senator GREGG. Those numbers are not going to work. At that point, you will be close to \$1.3 billion behind what the Accountability Review Board suggested.

Secretary ALBRIGHT. Let me say, Mr. Chairman, we have for some time, obviously, been working on security within the overall budget. This is not an easy issue because we have been operating within the Budget Act and within the constraints of trying to eliminate the deficit and also within what we have for our Function 150, which deals not only with security and buildings but the operations of the State Department and our overall policies.

Senator GREGG. I understand that. My point is, I do not want to strip those accounts. I want to fund what is needed in order to make sure your embassies are safe and that your personnel are safe. But I do not think under the numbers we are being presented with that you are going to be able to do that unless I go back and find some money somewhere else. Am I wrong?

Secretary ALBRIGHT. Well, we are trying to work within what we have available, but as I said, it is a minimum requirement. We are looking at various ways that we can use the money in the best way possible and, obviously, would be very grateful to you.

Senator GREGG. But I have to find \$1.3 billion. Now, obviously, Senator Hollings has laid a marker down this morning. He said he is going to have some serious reservations about going forward at the levels that the Accountability Review Board asked for.

But my point to you is, OMB has sent up a budget that is not going to work in order to protect the embassies, in my opinion, and I do not want to go into your other accounts and have to take \$1.3 billion out over the next 2 years. So I would like to work with you and go back to the drawing board and figure out if we cannot find some other way to address this, because I do feel very strongly that you are going to get to a point here where you are not going to have the money to fix up the embassies to make them secure.

Secretary ALBRIGHT. Mr. Chairman, can I just say this? I think that, as the Attorney General said, we are at the beginning stages of a lot of aspects of this, and we are working very hard. I think the most important point here is that we all need to work together on this and try to develop a budget that not only provides us what we need to do but also is within what is available.

I want very much to work with you and I appreciate greatly your interest in this and your ability to see the fact that we need more. So I am very grateful to you.

#### NATIONAL GUARD ROLE

Senator GREGG. I am sorry to get off track here. I do that. Can you respond to this issue of the National Guard's role, which I see as a major component of this whole exercise. It is not necessarily under this committee's jurisdiction, but I would be interested in your thoughts as to how it works.

Mr. FREEH. Mr. Chairman, our view is that, first of all, there is no Posse Comitatus issue, at least as the proposal is understood. The National Guard units, which come under the jurisdiction not only of the Department of Defense but also the State governors, would be in a role to assess, advise, and facilitate emergency response by State and local responders.

Senator GREGG. How do you see them interfacing with your chemical weapons people, your chemical threat people in your offices?

Mr. FREEH. If we had a situation where a combination of Federal, State, and local resources could not respond to a crisis of such a proportion that we needed platoons or companies of trained National Guardsmen, we would certainly call on them and rely on them as part of the response plan. We have a National Guard detailee in the proposed National Domestic Preparedness Office which would give us that liaison. They would be under the supervision and authority of the Attorney General in terms of the PDD 39 crisis management. They would also come under the authority of FEMA as regards consequence management. So we would see them as a support asset, a facilitator, and not interfering with the Federal plan.

We also need, as you very well know, to make sure that this is done in a coordinated fashion. We were pleased to learn about that and we certainly welcome the commitment of resources. But it has to be put into the domestic response plan, and there has to be a clear demarcation between what would be the law enforcement responsibilities and their supporting facilitation responsibilities.

Senator GREGG. If there is a weapon of mass destruction used against a community, the first contact would obviously be with the local police and the local health agencies, and then the next step, in your opinion, is to contact the regional office of the FBI who would be immediately in charge of the scene. Is that your view of the way it would work?

Mr. FREEH. Yes. Under a crisis response, the crisis manager would become the FBI officer on the scene.

Senator GREGG. And would that person have the capacity under the plan, as it is presently structured, to call in the National Guard, or would that be left up to the governor?

Mr. FREEH. That part of the plan is not addressed, only because it is a very new card on the table. But it is going to be incorporated in terms of the crisis management response. The authority that I would not only recommend but foresee is the ability of the on-scene commander to call exactly that resource into the scene.

Senator GREGG. How about the CDC? Who would have the authority to bring them in?

Mr. FREEH. The same authority, the on-scene commander.

Senator GREGG. Through that commander?

Mr. FREEH. Yes, sir.

[The information follows:]

#### CLARIFICATION OF THE AUTHORITY TO ACTIVATE THE NATIONAL GUARD

The FBI On-Scene Commander will be able to request the assistance, support, and resources of the National Guard through the Governor of the affected state, which has occurred in past situations. It should be noted that only the State Governor has the statutory authority to activate the National Guard.

#### FBI-LOCAL LAW ENFORCEMENT COOPERATION

Senator GREGG. How are you going to get over, to put it nicely, the institutional barrier that exists today between local law enforcement and the FBI?

Mr. FREEH. Well, I suppose, the same way we got over it in Oklahoma City and in downtown Manhattan when the Trade Tower bombing went off. We do not take it for granted that they are going to work as successfully as they did in both of those cases. In both of those cases, however, we had in the case of the Trade Tower an already existent terrorism task force which combined not only all the Federal agencies, including FEMA, but also the New York City Police Department. So the SAC in our office was not negotiating with the commissioner of 40,000 police officers over who was going to do what. That was a pre-planned and coordinated effort.

Senator GREGG. How many other cities are at that level of capability in this country?

Mr. FREEH. In terms of those types of joint task forces, there are 18 of them now, with several more being proposed. But in every city, and we can give you the details on this, we are doing not only planning, but also conducting exercises with respect to crisis management responses to nonconventional acts of terrorism and other acts that would be contemplated.

For instance, just recently in South Carolina, we have conducted a major exercise with respect to the Savannah River facility that involved not just the law enforcement components but the State and local components.

Senator GREGG. There were two exercises that I am familiar with. Is that one of them, then, that was referred to?

Mr. FREEH. I think you are referring to the one in Norfolk, which was where not only the people represented here and their agencies, but whole regional departments participated.

[The information follows:]

#### FBI PLANNING AND EXERCISE EFFORTS

The FBI has devoted much attention to improving the coordination and integration of state and local agencies with national-level Weapons of Mass Destruction (WMD) terrorism contingency plans. In September of 1998, the FBI distributed the WMD Incident Contingency Plan (WMDICP) to all FBI Field Offices. These plans provide FBI agent responders and field office crisis management personnel with guidance and instructions on how to respond to a WMD threat or incident. While previous plans have been classified, this year's plan was not. The plan directed FBI Special Agents-in-Charge (SAC) and WMD Coordinators to provide the WMDICP to

state and local first responders to insure a multi-agency domestic emergency response to a WMD incident.

The FBI recognizes that coordination ahead of time will insure our success during the response, investigation and reconstruction stages of an incident. All FBI field offices have been tasked to conduct WMD exercises in each of their regions. With the promulgation of the above-mentioned plan, field offices have even greater guidance and assistance in forming a united approach amongst Federal, state, and local responders.

The FBI's commitment to the WMD program and our counterparts is growing. For example, this past summer, the FBI deployed 350 agent and support personnel from 32 field offices along with 6 SACs/On-Scene-Commanders for a one week period, 24 hours a day, in a Department of Defense led exercise. Other agencies including the Federal Emergency Management Administration, Department of Energy, Public Health Service, Environmental Protection Agency, and others participated in this extensive full-field exercise which brought nearly 2,000 participants together to test various areas of a Federal response. Additionally, a major exercise, which engaged Federal, state, and local participants in the Los Angeles area in both crisis and consequence management was conducted in February 1999. In the fall of this year, a full-field WMD exercise is planned for the east coast which will further test Federal, state and local crisis and consequence response. The FBI plans to hold one full-field WMD exercise each year to include all levels of government and test our response, especially to a Chemical, Biological, Radiological, Nuclear (CBRN) terrorist act.

#### TOP OFF EXERCISE

Senator GREGG. Whatever happened to the surprise exercises that this committee suggested be done about a year ago?

Mr. FREEH. With respect to the one mentioned in the report, we are currently planning to undertake a no-notice exercise.

Senator GREGG. But we are not going to tell people we are planning to undertake that.

Mr. FREEH. According to the Attorney General's plan, there will be a no-notice exercise. This would be a surprise call-out and exercise, but there is a great deal of planning that is involved in it and we are in the process of doing that now.

Senator GREGG. I hope we will do it sooner rather than later so that we can figure out—we ought to do two or three of them, to be honest with you, so we find out just what we can do and what we cannot do. We know we are not going to be able to do a lot. I mean, we know it is going to be abysmal, in my opinion, but we ought to figure out where the problems are sooner rather than later.

Yes.

[The information follows:]

#### ROLE OF THE NATIONAL GUARD IN RESPONSE TO DOMESTIC TERRORIST INCIDENTS

It is recognized that the National Guard may play a vital role in the response to a major domestic terrorist incident, including incidents involving Weapons of Mass Destruction (WMD). The National Guard possesses critical resources that could be essential to crisis and consequence management if such an event were to occur. For example, the National Guard currently uses 10 Rapid Assessment and Initial Detection (RAID) teams, which are fielded in each of the 10 Federal Emergency Management Administration regions. These teams are designed to assess a suspected nuclear, biological, chemical, or radiological event; advise civilian responders regarding appropriate actions; and facilitate requests for assistance.

The FBI is currently coordinating the integration of the National Guard Bureau (NGB) resources and plans with existing plans to assist state and local jurisdictions in preparing for WMD incidents. To ensure that resources available to the NGB are integrated into strategies currently being developed to address counterterrorism preparedness, a representative of the NGB participated in several working group sessions that the FBI hosted in formulating these strategies.

Moreover, the NGB has assigned a National Guard Officer to the FBI on a full-time basis to ensure continued coordination between the FBI and the NGB.

Attorney General RENO. Mr. Chairman, I think it is important to put in perspective, it is going to differ from one jurisdiction to another in terms of what the issues are, what the resources are in the State. So that is the reason I think it is so important that the FBI is engaged in this planning effort at the State and local level, not reinventing the wheel but using FEMA plans where appropriate and emergency response plans where appropriate, developing the contacts and understanding what the resources are up front. In some instances, the National Guard may play a role, and in another instance, they may be prepared. But what I would like to do is come back to you with a further report on the National Guard and how that is going to be used.

Your question is what happens, who is first on the scene. That is going to again depend on the circumstance, because with the World Trade Center, a New York police officer may be the first on the scene, but immediately with the plans they had in place, they were able to respond.

When you talk about the cooperation between State and local law enforcement and the FBI, it is not just happening in the big cities. You talk to some of the sheriffs and the law enforcement personnel in Montana in another situation where the FBI responded and you see, whether it be in a rural area or an urban area, they have made real progress in developing that two-way street and that respect. We have a way to go.

Senator GREGG. I agree. I think, Director Freeh, you have made great, great strides on getting these turf issues dampened down that have existed for so long between law enforcement and certainly are not your creation. I feel very strongly that the concept of a single person who is responsible for weapons of mass destruction then coming on the scene who has the capacity to call in whatever is needed and has the knowledge to do it is absolutely critical to the whole exercise.

But I think, also, that we have to recognize that all this stuff works in theory, but until we actually do a few practice runs, we are not going to know where all the holes are, and they are going to be different in New York, which is much more sophisticated, than they are going to be, for example, in Vermont. I could have used New Hampshire. [Laughter.]

I mean, the fact is, we have got to—and you are, obviously, and I am just trying to prod you a little bit, but you are obviously very attentive to this, and do not take my questions as criticisms. They are just expressions of concern which I know you also share.

#### Y2K IMPACT

How are we doing with Y2K and the effects that it might create for opportunities for terrorists' action due to networks being down or other systems not being responsive and terrorists being able to take advantage of that?

Attorney General RENO. I will follow up with a more specific report for you so that you can be fully advised, but we are very sensitive to the issues and are looking at every point, with worldwide connections, with State and local connections, where failure of other countries and failure of State and local officials to correct the problem would produce a significant impact on the Federal system

and our Federal ability. I think it is going to be a very difficult issue and it is something that we are working through.  
[The information follows:]

#### PREPARATIONS FOR POSSIBLE YEAR 2000 (Y2K) TERRORIST ACTIVITIES

The FBI has reason to believe that the potential failure of computer networks and other automated systems as a result of the Year 2000 (Y2K) computer malfunction may impact on the activities, plans, and ideology of domestic terrorist groups. To paraphrase a belief common among extremists, the Y2K computer crisis to the extent that it occurs may be the final fuse that will lead to the New World Order that has so long been desired by forces seeking to do harm to United States citizens. Any Y2K related problems, such as electric grid problems and food shortages, will likely reinforce extremists' beliefs that computer problems are part of a purposeful plan to declare martial law and enslave United States citizens.

In preparation for such a scenario, domestic terrorist groups are currently stockpiling weapons and food, and conducting training based on their beliefs. Should there be widespread computer failures, it is possible that domestic terrorist groups will take action to prevent what they perceive to be the imminent declaration of martial law.

The FBI is currently assessing the potential impact that the Y2K problem may have on the domestic terrorism threat. The assessment is expected to be completed in June of 1999, and will serve as a guide for FBI preparations.

Senator GREGG. State?

Secretary ALBRIGHT. The same is true for us. I mean, we have a huge job, because in terms of Y2K, we are not only responsible for ourselves but trying to make sure that the countries in which we are involved are also moving forward with the Y2K issue. It is something that I discuss with every one of my counterparts, as do people at different levels within the State Department. We just had a report at a meeting that I had which really showed that we are on target, moving with getting everybody that we have any dealings with at least conscious about the problem.

But I am not underestimating here. There is an issue, and it is not just a matter of us but the various countries that we are dealing with. But we are very much aware that this is something that we have to keep pushing.

#### ADDITIONAL LEGISLATIVE AUTHORITIES

Senator GREGG. What do you need from the Congress that you are not getting or from—well, let us start from the Congress, that you are not getting to give you support to address these issues?

Mr. FREEH. Senator, there are some discussions going on, as you know, beginning with legislative authorities as well as other changes. One area is to incorporate into some of the current Federal statutes, particularly the racketeering and the wiretapping authorities, crimes of terrorism. That is an issue that the Department is preparing to address and hopefully we will do that in the next few months.

With respect to the coordinating mechanisms that are in place, under the statutory authorities as well as the PDDs, it is our belief—I think I can speak for the Attorney General here—that we have the requisite authorities. What we need to do now is establish the coordinating mechanisms that have to be stood up, in some cases are already stood up, and then have them interface successfully.

With respect to the 2000 requests, of course, we in the FBI have asked for support, continued support, and we thank this committee

and your leadership particularly for this, for technology enforcement expertise. Now, we call it technology crimes, but they are areas of computer investigations as well as evidence and information collection that really span both the criminal enforcement, as well as counterintelligence and counterterrorism.

We would like to also pursue the provision of funding for our State and local departments to receive training, particularly hazardous devices incorporating weapons of mass destruction elements. The support you have given us in the Hazardous Devices School in Redstone, expanding it 48 percent, is a trend that we would like to continue.

Certainly, our overseas capacity with respect to the establishment of legats has been very well appreciated. As I mentioned, in East Africa, our presence there, in my view, went a large way toward giving us the ability to work much more efficiently and carefully.

Those are the general areas where we have——

#### ENCRYPTION

Senator GREGG. Have you given up on encryption?

Mr. FREEH. I have not given up on encryption, and I am——

Senator GREGG. I thought you might have.

Mr. FREEH [continuing]. Pleased to report that both the Attorney General and I have had very good discussions with leaders of the industry. We have reached some agreement on the support of a technical center. In fact, legislation that was passed in October gives us the authority to receive their offer of services and personnel to solve some of these problems on a case-by-case basis, if not on a global basis. We are very optimistic about that. We also believe, however, that we need to come back to the Congress for authority and certainly for support in implementing a program where we have non-mandatory controls and incentives which will give industry the impetus to continue to support what we want to establish.

Senator GREGG. Does anybody else have anything they wish to add?

Secretary ALBRIGHT. I think, from our perspective, we do not need any more legislative authority. But we do need, as you pointed out, money. I think that is something that, as we assess our needs and are able to absorb the lessons that we are learning here, an accelerated pace of getting the money is something that we will need.

Attorney General RENO. Mr. Chairman, we would be very grateful if you would approve the National Domestic Preparedness Office.

Senator GREGG. OK.

Attorney General RENO. Let me talk just in a larger picture for a moment. I am trying to make sure that the Justice Department looks at itself as a whole, because I have had too many instances in which I arrive at a field office and the FBI SAC, when I ask him what he needs, says, I need more prosecutors. That is kind of a change when a SAC is asking for more prosecutors as opposed to more agents.

We would like to work with you to make sure that as we add agents, that we add the prosecutors to prosecute the cases and look at the whole picture in terms of long-range planning. We have tried to develop some long-range planning efforts that would assist in that and we would love to sit down and talk to you about it and show you what we have done on that.

Senator GREGG. OK. I guess I should not have asked that question. [Laughter.]

Mr. FREEH. It is a good question.

Senator GREGG. Senator Campbell, I understand the Secretary has to leave and I suspect the Attorney General probably does, too, so I will let you wrap up questioning.

Senator CAMPBELL. Thank you, Mr. Chairman. I just wanted to certainly assure all three of you that Chairman Gregg and I have both, he chairing this committee and me with Treasury, have tried to make sure there are adequate resources for all the agencies that deal with law enforcement.

I did not really have any questions for you, Madam Secretary, or for the Attorney General. Really, I did have some for Director Freeh. If you have to leave or something, I understand that.

I had some photos I shared before Madeleine Albright came in. I will have them put back up there. They dealt with a fire at Vail. You saw them a while ago, Director Freeh.

Mr. FREEH. Yes.

#### SPECIAL EVENTS MANAGEMENT

Senator CAMPBELL. I wanted to ask you a couple of questions because I am so concerned about that component of terrorism. I mean, we hear the big picture, the big press, of course, always focuses on the bombings at the embassy or things of that nature, but we have 26 ski areas in Colorado alone, as an example. It is a major component of our—really, the backbone of our tourist industry.

I have really been worried since this fire started, and I told you it was a \$12.5 million fire. There have been, to my knowledge, no one who has any leads, and I do not want you to tell me anything you should not be telling me, but what can I tell the people of Colorado and Vail that are really worried that there may be some copy-cat efforts because of this fire in some of our other ski resorts.

I mentioned a while ago that it seems like sporting events, because of the international focus, they have become a bigger and bigger target. This happened to be done by the Earth Liberation Front. Of course, they are the ones that took the credit for it. But it seems to me that these big events with national media are going to become more and more targets simply because of the statement they can make. Can you tell me anything about how we are doing on that?

Mr. FREEH. Yes, Senator Campbell.

Senator GREGG. Excuse me, Senator. Did you say you had no further questions?

Senator CAMPBELL. No, I had no questions for Secretary Albright or Attorney General Reno. If you have to run to another thing, I—

Attorney General RENO. I will wait.

Mr. FREEH. Senator, with respect to this specific investigation, it has been very intensively pursued, not just by the FBI, but there is an FBI-ATF task force which has worked exceptionally well and has addressed this investigation from its inception.

We do actually have a number of what we think are very good leads. We have a number of individuals who we have focused on. We are not at this point, certainly not here, able to give you a lot more details on that. I think I might be able to do so in a separate session with you, which I would be happy to do. But we are pursuing the investigation and we have, I believe, some good investigative opportunities as well as some suspects to focus on.

On the larger issue with respect to concern for copycat violations, of course, this is always an issue. As you see now around the country, every day there is an anthrax letter supposedly arriving someplace. This has become a very disruptive and also dangerous phenomenon which we are trying to respond to.

Special events management, not just the Alpine games but the Denver summit, the State of the Union several days ago, and really all major national events, including the Pope's recent visit to St. Louis, are now routinely the subject of not just great preparation, which you saw in Denver, but integrated command posts, cross-designation of officers and very extensive planning, including WMD contingency response planning in almost every major event, including the ones I have mentioned.

We do not have the ability, unfortunately, to guarantee the avoidance of problems. The Olympic games in Atlanta were certainly a good example of that. Although all the other areas were very, very secured, a public-accessed park was not—could not be, probably, and there, of course, we experienced a very tragic event.

So the special events planning has really matured significantly over the years. Under PDD 62, there is a structure, as well as a coordinating mechanism, to address these events with combined resources and we feel fairly confident about that progress.

But the events that you mentioned in Vail are certainly of great importance and investigative focus for us. The environmental groups who have not just claimed credit, but in some cases have been proved to have committed criminal acts, are a very, very serious part of our domestic terrorism focus.

Senator CAMPBELL. And you are trying to make necessary adjustments for future events, too, I assume. I just mention some of this because we all have to be responsible to constituents and when we spend money around here, we always get criticized on spending it for frivolous activities. Since I have been here, these international events, I have always tried to support the resources that go with people that I think need to be there, from your agency, from ATF and other agencies.

But when you go home and people question you, you mean to tell me you voted for money for a sporting event? Some people see it as kind of a frivolous waste of money. I do not think so because of this new focus. I would hope you are also taking adequate preparations for Utah, if the Olympic Committee out there does not self-destruct all by themselves, and at the rate they are going, they may, but I would hope you recognize that is going to be another major focal point.

Mr. FREEH. Yes. That has been underway for a year in terms of the security planning. We also have been supporting, directly and otherwise, the Olympic games in Australia next year where, of course, we will have many U.S. persons and interests at risk.

Senator GREGG. This committee has committed a fair amount of resources to Utah, and I have two kids at college and I am paying for them.

Senator CAMPBELL. You did not get any land deals out there, did you? [Laughter.]

I am just teasing. Thank you, Mr. Chairman.

#### AVIATION SUPPORT

Senator GREGG. I was wondering about the airplane situation. Are we making any progress with getting you the capacity to move around quickly?

Mr. FREEH. We are, Senator, on the fast jet subject matter, for which I am very thankful to you and Chairman Stevens and the chairmen in the House. We are working on drafts of a memorandum of agreement between the Department of Defense and the FBI with respect to access to a fast jet, which, as you know, is critical for not only the insertion of an advance team but for medical evacuation, and as we learned in East Africa, for moving prisoners and defendants. In cases such as those, many countries, including some of our closest allies, have great concern about us using their territory for refueling, so we need that long-range capacity and theater operations. So I am pleased with the progress with respect to the fast jet.

On the larger issue of air support to move, in this case, 500 personnel, not just to East Africa but back and forth, we still have a lot of work to do. I do not feel confident at this point that we have all of the arrangements in place where if I had to move one of the five rapid deployment teams that we have set up from Los Angeles to New York, we could in unimpeded fashion have access to that aircraft and be anyplace in the world in 24 hours. We were pleased, as you know, to be in East Africa in 40 hours, but that is much too long, and most of that delay was because of aircraft problems. So we need to do some work in that area and I certainly appreciate your support.

#### FIRST RESPONDER TRAINING

Senator GREGG. This NDPO issue which you raised, before you leave, let me just ask you, one of the hang-ups that I understand that we are concerned about is the question of training the first responders and whether that is going to stay with OJP or whether it is going to end up with NDPO. Our understanding was that that was going to be an expediting group as versus an operational group.

Attorney General RENO. OJP is going to have responsibility for the training, for the equipping. But I do not want them to do it in a vacuum. I want them to listen to what others are saying at the Federal level, as well, through the NDPO, and I think it can work out as a very effective partnership. I think OJP is comfortable with it. I followed this very closely because I know—

Senator GREGG. Are the consortia comfortable with it that we put together for this training?

Attorney General RENO. I have not checked with that and I will do so and follow up on that and get back to you. But there has got to be someplace. As I say, I did not say, let it be us. I consulted with my partners in this, the Departments of Defense, Health and Human Services, FEMA, and they all said that the FBI is the logical place for it.

Senator GREGG. Well, there does have to be someplace. You are absolutely right about that.

Attorney General RENO. So I think it is the best place. I think Tom Kuker is doing a good job of addressing the issue. I think the spirit is there for a two-way street to hear from local law enforcement. OJP has that experience. They are the ones that had the foresight to call the stakeholders meeting in August, at which I participated. It is one of the best programs that I have seen. The feedback was excellent. But the message was, we need one contact point.

Senator GREGG. I agree 100 percent with that as the structure.

Attorney General RENO. If you decide not to approve it, can I come see you before you do?

Senator GREGG. I think it will get approved. It is just a question of making sure we have got the proper comfort zone.

Attorney General RENO. Thank you.

#### ADDITIONAL COMMITTEE QUESTIONS

Senator GREGG. Thank you very much. I appreciate your time. It is possible that other questions will be submitted by other Senators. In fact, I know Senator Domenici may want to submit some.

[The following questions were not asked at the hearing, but were submitted to the Department for response subsequent to the hearing:]

#### DEPARTMENT OF STATE

##### QUESTIONS SUBMITTED BY SENATOR PETE V. DOMENICI

*Question.* The 2000 budget includes a request for five years of advance appropriations totalling \$3 billion for the State Department embassy security initiative. These appropriations would begin in 2001. If security is such an immediate threat, why are these funds not requested for fiscal year 2000?

*Answer.* There should be no misunderstanding—security is an extremely high priority for the Department and the Administration.

However, the budget request for fiscal year 2000 contains a modest increase for security requirements—with \$36 million for design and some site acquisition of facilities at high threat posts and \$3 billion in advance appropriations for building construction in fiscal years 2001–2005.

As the President mentioned to Hill leaders in their meeting on February 22, we need to work together to address the problem of vulnerable overseas diplomatic facilities. The Administration wants to work with the Congress to fit the best program we can within the constraints of the budget. Moving more quickly presents a challenge that is welcome but it will do little to improve the long-term safety of American officials abroad unless longer-term commitments are made to finance the many new facilities required.

*Question.* By asking for advance appropriations you take away most of the flexibility for Congress to deal with this problem. Could you explain how the State Department knows exactly what our needs will be in the year 2001, let alone 2004?

*Answer.* In its facility management function, the Department has records detailing its worldwide inventory of facilities, their condition (including maintenance needs), and their security situation. In addition, each post is measured against var-

ious threat assessments to determine levels of vulnerability. With this information, we have historically developed our annual budget requests for capital construction and major repair and renovation projects.

In addition, as a result of the bombings, the Department dispatched teams composed of security and facility specialists to posts considered the highest threat terrorist posts. The results of these reviews and consultations among regional policy folks, the intelligence community, and others have allowed us to develop and cost out a prioritized list of projects for the next five years. By funding design and site acquisition one year and construction funding the next, we could execute an aggressive schedule of overseas building that will not only allow our posts to be more secure, but more modern and an appropriate facility from which all U.S. Government agencies with overseas operations can conduct their business and pursue U.S. policy objectives.

We would of course welcome discussions with the Congress on the best way to achieve our overall objective of a firm multi-year commitment to a capital construction program.

#### QUESTIONS SUBMITTED BY SENATOR FRANK R. LAUTENBERG

*Question.* In December, President Clinton, speaking at the memorial service for the victims of Pan Am 103 marking the tenth anniversary of that heinous terrorist act, pledged to seek tougher U.N. sanctions at the February sanctions review to compel Libya to turn over the suspects for the trial. Do you plan to follow through on your commitments to the victims' families to seek an embargo on Libyan oil exports? And will you use the law withholding 5 percent of aid from sanctions violators to improve compliance with U.N. sanctions measures?

*Answer.* UNSCR 1192 endorses the U.S.-U.K. initiative to try the Lockerbie bombing suspects before a Scottish court in the Netherlands and calls on Libya to transfer the suspects to Dutch custody. We are currently working through the UNSYG and the UNSC to effect Libyan compliance with UNSCR 1192.

If Libya refuses to surrender the suspects, the UNSC indicated in UNSCR 1192 its intention to consider additional measures. We are in consultation with our UNSC colleagues on such measures, but the SYG has asked that there be no precipitate action while he awaits Libya's response to his most recent message.

Most countries respect the U.N. sanctions on Libya. Over the past six months, however, numerous African states may have violated the UNSC prohibition on direct flights to and from Libya and servicing of Libyan aircraft.

Those who may have violated sanctions more than once include: Chad, Mali, the Gambia, Djibouti, Democratic Republic of Congo, Somalia, Sudan, Burkina Faso, Eritrea, Zimbabwe, Uganda, Tanzania and Egypt.

Tunisia may also have transgressed the letter of the sanctions regime by providing last-minute landing clearance for a direct flight from Libya and then allowing the aircraft to depart. We recognize the violations of others can place Tunisia in a position which it may lack the means to effectively counter.

In a number of cases, the GOL has resorted to what appears to be active deception to arrange offending flights.

In response to the apparent violations, we have taken a strong position both in capitals and in New York. Where appropriate, we have made direct approaches to the governments of states suspected of sanctions violations. We have also supported action by the U.N. Libya Sanctions Committee to question and castigate suspected violators.

In cases of violators that receive non-development assistance monies from the USG, we cut assistance, as consistent with existing legislation. Such cuts are primarily in the areas of peacekeeping operations, international military education and training (IMET) and foreign military financing (FMF). We are currently studying reports of violations by Uganda, Mali, Tunisia, Egypt, Zimbabwe, Chad, Tanzania and Eritrea for possible action.

*Question.* Secretary Albright, laws adopted in the past few years allow American citizens to sue foreign state sponsors of terrorism in U.S. courts. Steve Flatow won a \$247 million judgment against Iran as the sponsor of a bus bombing which killed his daughter Alisa. The families of the Brothers to the Rescue pilots shot down by Cuba and former Hizbollah hostages in Lebanon also won damages under this law. Do these judgments provide a deterrent against state sponsorship of terrorism? And why is the Administration not doing more to help its own citizens to ensure that Iran and Cuba satisfy these awards to pay the price for supporting terrorism?

*Answer.* The Administration conveys its deepest sympathy to the families who have lost loved ones as a result of terrorist acts and deliberate murders.

As is well known, the Administration has been unrelenting in its efforts to combat state-sponsored terrorism.

It is too early to tell whether court judgments like those referred to can make any meaningful contribution to these efforts.

Thus far, we have not seen any specific deterrent effect on Iran or Cuba as a result of the existing judgments. Iran continues to provide funding for the Palestine Islamic Jihad (PIJ), the group which conducted the bus attack in which Ms. Flatow was killed, and it also continues to support HAMAS and Hizbollah. Cuba's attitudes also do not appear to have changed.

The countries who are sued under the amended law tend not to recognize U.S. jurisdiction in these situations and so are unlikely to cooperate with our judicial process.

It remains unclear to what extent legally available assets are present in the U.S. to enforce a resulting default judgment.

The Administration has looked for ways to provide information to plaintiffs that may assist them in locating unblocked commercial assets that are legally available for attachment.

In many cases, however, assets are diplomatic, or subject to ongoing arbitral proceedings, or blocked for U.S. national security reasons or otherwise not subject to attachment.

We will have to continue to look to all the tools available to the U.S. Government to seek changes in the behavior of countries on the terrorism list that poses a continuing threat to our citizens.

*Question.* In those countries where new embassy facilities need to be constructed to address security concerns, will sufficient office space for USAID be included within those new facilities?

*Answer.* We are working with OMB and USAID to prioritize other planned projects, to identify specific USAID funding requirements, and to ensure that USAID is included in all future planning and funding request. We expect in the future as the Department of State constructs new facilities that meet all security standards; USAID will be collocated in these new facilities.

*Question.* Are there ways to regionalize some of our diplomatic efforts?

Is the State Department going through a process to evaluate the utility of all our facilities worldwide, to decide which ones we should keep?

*Answer.* In the wake of the tragic bombings in Nairobi and Dar es Salaam, the Department put together a study group to look at how we might reorganize functions in East Africa. We hope to have their results in the coming months, and following on this we will consider how to apply lessons we will learn elsewhere.

While the Department is considering regionalizing functions, we remain committed to the principle of universality—the need to maintain an American diplomatic presence wherever possible around the globe. However, we do feel that it is time to look at how appropriate presence in each country is determined. As a result we are setting up a high-level panel to examine the overall question of worldwide presence at our diplomatic posts.

*Question.* The Administration has requested \$8 million to upgrade overseas facilities used by the Agency for International Development (USAID). How is that \$8 million possibly adequate to fully address USAID's security needs?

*Answer.* The \$7.7 million Operating Expenses (OE) request is to finance USAID's Office of Security, which was transferred in fiscal year 1999 from the Office of the Inspector General to USAID's OE budget.

The funds will be used for: Salaries and expenses for the 35 FTE in the Security Office; Planned security projects for existing USAID facilities overseas; and Procurement of armored vehicles and security communication equipment for selected overseas missions.

The funds are not intended to finance construction costs or relocation of existing facilities overseas.

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## DEPARTMENT OF JUSTICE

### QUESTIONS SUBMITTED BY SENATOR PETE V. DOMENICI

#### FIRST RESPONDER TRAINING

*Question.* Attorney General Reno, the Administration has touted its commitment to fighting terrorism both domestically and internationally. Last year, the Department established the National Domestic Preparedness Consortium to coordinate the Department's efforts in training first responders to a terrorist act. I was at the cere-

mony and supported funding for the Consortium at \$20 million for fiscal year 1999—\$8 million for Fort McClellan Headquarters, and \$3 million each for the four consortia members doing the actual training of state and local law enforcement personnel. You reference the four consortia members, including the New Mexico Institute of Mining and Technology, on page 12 of your testimony.

With all the Administration's focus on counterterrorism and the push to adequately train state and local first responders, why does the Administration propose to eliminate support approved for the Consortia members in 1999 and redirect this \$12 million to other expanded or new programs in 2000?

Answer. In 1999, Congress appropriated a total of \$20,000,000 to be distributed among five members of the National Domestic Preparedness Consortium. Of this amount, \$16,000,000 is available under the First Responder Training Program and \$4,000,000 is available under the First Responder Equipment Acquisition Program.

As provided in the 1999 Department of Justice Appropriations Act, a total of \$3,000,000 will be provided to each of the following four Consortium members: New Mexico Institute of Mining and Technology, the National Center for Bio-Medical Research and Training, Louisiana State University, the National Emergency Response and Rescue Training Center, Texas A&M University, and the National Exercise, Test, and Training Center, Nevada Test Site. A total of \$8,000,000 will be provided to the Center for Domestic Preparedness, Ft. McClellan.

The funding requested for counterterrorism programs under the Office of Justice Programs includes an overall increase of \$38,500,000. This increase, along with \$6,500,000 from OJP's counterterrorism base resources, are proposed to be used to fund the FBI bomb tech equipment program at a total level of \$45,000,000, \$20,000,000 more than is available in 1999. As you are aware, Congress allowed the Department to use \$25,000,000 from the Working Capital Fund to pay for this program in 1999. The bomb tech equipment program was supposed to be multi-year, and the Department cannot assume that funding will be available from the Working Capital Fund in 2000 to continue this program. We believe that we can work with congressional appropriators within the total level of counterterrorism program funding proposed in the 2000 budget to continue the training programs begun in 1999 by the consortium members while providing some permanent base of funding for the bomb tech equipment program.

Also, within the limited base resources available in 2000, \$17,000,000 was included for the Center for Domestic Preparedness at Fort McClellan, which is a member of the National Domestic Preparedness Consortium; this is an increase of \$9,000,000 from 1999. OJP will assume full responsibility for the live agent training infrastructure at the base in 2000, and this increase is necessary to fund first responder training at Fort McClellan as well as the additional overhead costs that will be incurred once the transition is complete.

*Question.* Congress has provided two years of funding for the four members of the National Consortium, and they are actively involved in hands-on training of these personnel. New Mexico Tech has done classes for Seattle, St. Louis, Chicago, Phoenix, and Fairfax County, Virginia, for example. Each of these four institutions have existing expertise and facilities to bring to the first responder training program and are doing the job. Why does the Administration propose to eliminate both 1999 funding and propose no funding for other than the Center for Domestic Preparedness in 2000?

Answer. In 1999, Congress appropriated a total of \$20,000,000 to be distributed among five members of the National Domestic Preparedness Consortium. Of this amount, \$16,000,000 is available under the First Responder Training Program and \$4,000,000 is available under the First Responder Equipment Acquisition Program.

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*Question.* How does the Administration propose to continue its first responder training program without the four major training partners of the National Domestic Preparedness Consortium?

*Answer.* As mentioned above, in 1999, Congress appropriated a total of \$20,000,000 to be distributed among the five members of the National Domestic Preparedness Consortium. Of this amount, the Center for Domestic Preparedness, Ft. McClellan will receive \$8,000,000 and the balance of \$12,000,000 will be equally divided among the remaining four members. In 2000, \$17,000,000 is requested to continue training activities at the Center for Domestic Preparedness, Ft. McClellan.

The 2000 budget request for counterterrorism programs within the Office of Justice Programs is \$173,500,000, which is a \$38,500,000 increase above the amount appropriated in 1999.

This request contains \$17,000,000 for the Center for Domestic Preparedness (CDP) at Fort McClellan. During 1998, the CDP operated as a tenant of the U.S. Army and shared training facilities (including the "live agent" training facility), lodging, and dining facilities. Through 1999, all operations, maintenance, and facilities support will be provided by Army personnel, based on an agreement between OJP and the Army. This agreement terminates with the Army's departure from Fort McClellan at the end of fiscal year 1999. As a result, in 2000, CDP plans to occupy and maintain buildings and other structures at Ft. McClellan necessary for administration, classes, lodging, dining, maintenance, storage, and support. Transition of operation, support, and maintenance of the facility to OJP is estimated to cost around \$11,500,000 in 2000. Some of these costs include providing a 24-hour security guard force for the training facility, physical security plans of all the CDP property including the live agent facility, and physical security systems, such as fencing and intruder detection.

The remainder of the \$173,500,000 for counterterrorism programs under the Office of Justice Programs will be used as follows:

- \$17,000,000 for continued base funding for three OJP counterterrorism programs that have been in existence since 1997: \$5,000,000 for the Firefighter and Emergency Services Training Program, \$2,000,000 for the State and Local Antiterrorism Training Program, and \$10,000,000 for the Development of Counterterrorism Technologies Program.
- \$81,500,000 for the Equipment Acquisition Program, which is the second of a proposed multi-year effort to provide equipment for first responders.
- \$6,000,000 to provide technical assistance for each of the jurisdictions receiving equipment grants. Technical assistance is an integral part of OJP's grant programs. In 2000, OJP anticipates providing resources to more than 200 state and local jurisdictions; this is significantly higher than the 41 grantees we provided funding to in 1998.
- \$7,000,000 in new funding for the Law Enforcement Training Program. This program was developed by the New Mexico Institute of Mining and Technology (with \$2,000,000 in funding provided by OJP in 1998). Of this amount, \$5,000,000 will be used to deliver basic first responder training to 47,000 law enforcement officers and 750 qualified trainers from the targeted jurisdictions. The remaining \$2,000,000 will be used to (1) modify the command level and tactical training programs, which are currently being developed for fire and emergency medical services, to address the similar unmet needs of the first responder law enforcement community and (2) initiate the process of integrating OJP's curricula into states' law enforcement certification processes—ensuring that state-mandated basic and advanced training requirements for all law enforcement personnel are maintained.
- \$45,000,000 in new money for the State and Local Detection Equipment Program, a program run in coordination with the FBI to provide specialized equipment and training to state and local bomb tech squads. This represents the second year of a multi-year effort to support and protect state and local bomb squads by outfitting them with equipment to enhance their capabilities to

render safe improvised or conventional explosive devices and to detect and render safe chemical, biological, radioactive, or nuclear (CBRN) explosive devices. The goal of this program is to provide equipment to the existing 229 accredited state and local bomb technician squads throughout the United States with a baseline of render safe equipment and also to another 200 state and local bomb technician squads receiving accreditation through the FBI's Hazardous Devices School (HDS) at the Redstone Arsenal. In 1998, the FBI's HDS created a one-week specialized Weapons of Mass Destruction (WMD) Bomb Technician Emergency Action Course, based on the realization that even though bomb technicians may be among the first emergency responders to encounter a terrorist explosive device, they are relatively unprepared to address incidents involving the combined use of explosives with CBRN enhancements. In 1999, the FBI has begun the first year of a multi-year equipment and training program for accredited state and local bomb technician squads with \$25,000,000 from the Working Capital Fund, consistent with language contained in the 1999 Justice Department's appropriations act. The Department had proposed in our amendment last year that we receive a direct appropriation of \$49,000,000 for this program in 1999, so that we would have base funding available to continue this multi-year program in 2000 and beyond. The funding provided from the Working Capital Fund is one-time in nature, and we cannot assume that we will have this funding available in future years.

*Question.* On page 142 of the Department of Justice "2000 Budget Summary," the Department of Justice indicates that the Center for Domestic Preparedness at Fort McClellan is the only "live-agent" training facility in the U.S. that provides the hands-on training to respond to domestic terrorism involving various weapons of mass destruction. The other four members of the consortia include the Nevada Test Site; the National Center for Bio-Medical Research and Training at Louisiana State University; the National Emergency and Response and Rescue Training Center at Texas A&M University; and the New Mexico Tech, a leading expert in conventional explosives. How can the Department make such a sweeping statement when there are these existing assets to train first responders?

*Answer.* The Chemical Defense Testing Facility—housed at Ft. McClellan—is the only facility of its kind, where live chemical agents are used in actual training. This statement did not, in any way, detract from the fact that the other Consortium member facilities are indeed excellent assets in our training architecture.

*Question.* I believe the most important outcome of the first responder program is training real people. Congress tapped existing facilities with the expertise to do the job to carry out the first responder training program. Will you please provide for the Subcommittee an accounting of the number of state and local personnel trained by each member of the National Consortia in fiscal year 1998 and the projected training program in fiscal year 1999?

*Answer.* In 1998, \$2,000,000 each was appropriated for the New Mexico Institute of Mining and Technology (NMIMT) and Ft. McClellan to provide first responder training. As a result, in 1998 540 first responders were trained at NMIMT and an additional 500 first responders were trained at the Center for Domestic Preparedness, Ft. McClellan. In 1999, it is estimated that the Center for Domestic Preparedness will train approximately 1,300 first responders and that each of the four other Consortium members will train approximately 331 first responders, for a total of 1,324.

*Question.* I have learned that the Office of Justice Programs, in implementing the first responder training program, originally committed to fund the \$1,000 per student stipend and other miscellaneous costs for state and local personnel who are trained through the first responder program. After the fiscal year 1998 funding was committed to the consortia members, OJP changed its mind and now requires that the consortia members pay those stipends out of their \$2 million training budget. OJP has received healthy funding increases and should pay the stipend costs so that more personnel can be trained. How can the Department justify this policy when it means that for every four classes held, the consortia member loses one class simply to pay the stipend costs?

*Answer.* In order to make training available to our nation's state and local first responder community, it has always been and continues to be OJP's intention that the training resources provided to Consortium members would be used to fund the full cost of training—which includes the costs associated with the development and delivery of training, as well as the costs necessary to transport, house, and feed first responders.

*Question.* Last year, Congress added an equipment component to the First Responder Training program, and as one of the sponsors of that funding, I can tell you that it was our intent to allow the additional \$1 million in equipment funding

to be used for both equipment purchase and training in the use of that equipment. I believe this will ensure that the proper use of the equipment is well understood and that the federal dollars spent on equipment and at the state and local level are well spent. Why does the Administration refuse to allow the consortia members to use these funds in a flexible manner to maximize the first responder training program?

Answer. The Department is following direction from the 1999 Conferees in requiring that the additional funds be used for equipment. The Conference Report on 1999 appropriations includes language, on page 998, directing that of the \$75.5 million provided for equipment purchases, " \* \* \* \$4 million is for equipment for the National Domestic Preparedness Consortium to be distributed as described below under Training." Under Training, the Conference Report states that each of the four members of the consortium, besides Ft. McClellan, is to receive an additional \$1 million from the equipment grant program.

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#### QUESTIONS SUBMITTED BY SENATOR FRANK R. LAUTENBERG

##### FUNDRAISING IN SUPPORT OF TERRORISM

*Question.* Director Freeh, your testimony highlights the importance of controlling fund-raising by terrorist groups. You even point out that the World Trade Center bombings could have been much more devastating had the perpetrators not run short of money. Are the laws now in place sufficient for you to stop fund-raising in support of terrorism?

Answer. Using the authorities provided under Section 302 of the Anti-Terrorism and Effective Death Penalty Act of 1996 (AEDPA), the Secretary of State, in consultation with the Attorney General and the Secretary of the Treasury, has designated 30 groups as foreign terrorist organizations. This designation allows the United States Government to take actions to block the transfer of funds in the United States in which these organizations have an interest.

We believe these provisions provide law enforcement with a potentially powerful tool to disrupt the ability of terrorist organizations to fund their destructive activities. Investigation into the financial operations of clandestine organizations can be particularly complex, time consuming, and labor intensive. As with measures of this type, its most powerful impact may be from its deterrent effect. As investigators and prosecutors build successful cases and precedents to enforce anti-fund-raising activities, targeted groups may decide that fund-raising in the United States is too difficult and risky.

The AEDPA provided the statutory support needed to address terrorism. However, modifications to existing legislation are needed to strengthen laws intended to combat terrorism. This includes adding 18 U.S.C. § 2339B, which relates to providing material support or resources to a designated foreign terrorist organization, as a predicate offense to the money laundering statute.

The Department of Justice is the lead agency for fund-raising investigations. The Attorney General's "Five-Year Interagency Counter-Terrorism and Technology Crime Plan" calls for a nationally-coordinated approach to terrorist fund-raising investigations.

*Question.* Are you working with your counterparts in other countries to track and control the flow of funds to terrorist organizations?

Answer. Yes, where we can, we are cooperating with our foreign allies. Cooperation with foreign countries in the investigation and collection of evidence necessary to prosecute these cases is essential. In fund-raising investigations, the United States enjoys the cooperation of a number of our allies both on an informal and formal basis. We have raised this issue at the international level in both formal and informal meetings. Fund-raising has been discussed in meetings of the G-8, the European Union, the Organization of American States and the Financial Action Task Force.

The Counterterrorism Experts Group of the G-8 placed major emphasis on countering terrorist fund-raising and did substantial work to advance a French draft international convention to make such fund-raising illegal. The first round of negotiations was initiated in March 1999, at the United Nations. The next round of negotiations is planned for the fall.

QUESTIONS SUBMITTED BY SENATOR PATRICK J. LEAHY

INTEROPERABLE COMMUNICATIONS BETWEEN FEDERAL, STATE, AND LOCAL EMERGENCY AND LAW ENFORCEMENT PERSONNEL

*Question.* I am concerned about the possibility that Federal, state and local law enforcement personnel will not be able to communicate with each other during a terrorist attack. Although we are well into the information age, many police officers, firefighters and emergency medical service personnel cannot communicate with each other or the appropriate Federal officials because their communications systems are not interoperable.

I believe we must provide leadership at the Federal level to find the answers to make interoperable law enforcement communications a reality. For instance, I have worked with Chairman Gregg to improve police communications between New Hampshire and Vermont law enforcement agencies after the Carl Drega shootout in our states in August 1997.

Effective communication between Federal, state and local emergency and law enforcement personnel should be key to any counter terrorism strategy. What steps are the Department of Justice (DOJ) and Federal Bureau of Investigation (FBI) taking to help ensure interoperable communications between Federal, state, and local emergency and law enforcement personnel?

*Answer.* The Department of Justice (DOJ) is addressing interoperability with Federal, state, and local public safety organizations through a series of complementary efforts. The DOJ is consolidating the development and management of wireless communications systems through the activities of the Justice Management Division (JMD) Wireless Management Office (WMO), through coordination with the Public Safety Wireless Network (PSWN) and the Federal Law Enforcement Wireless Users Group (FLEWUG). Where feasible and appropriate, the WMO will begin to consolidate DOJ component land mobile radio (LMR) assets and systems, determine a complementary mix of commercial services and LMR solutions, develop formal relationships with Federal, state, and local public safety forums, foster interoperability, and begin planning a consolidated Justice Wireless Network (JWN). The WMO is also sponsoring pilots or initiatives in Seattle, Salt Lake City, Los Angeles, and San Diego to investigate the operational and technical issues involved with a shared DOJ LMR systems environment. Solutions to interoperability with other Federal, state, and local public safety organizations are a significant element of each pilot. By June 1, 1999, the WMO will have the technical basis to begin the full-scale design of the Justice Wireless Network. This response includes WMO activities, WMO efforts with the PSWN, and WMO efforts with the FLEWUG.

In addition, the Department is also a co-sponsor with the National Telecommunications and Information Administration (NTIA), the Federal Emergency Management Agency (FEMA) and the Department of Treasury on the Federal Communications Commission's newly established Public Safety National Coordination Committee (PSNCC). The PSNCC was established to help plan and administer the newly allocated non-government spectrum for public safety communications. The DOJ role in the PSNCC is to foster Federal, state, and local shared use of this new spectrum to assist public safety in achieving interoperability.

*WMO Efforts*

The following is an overview of the Wireless Management Office's five point plan for 1999.

*Established the JMD Wireless Management Office (WMO)*

Plan and oversee LMR system development and implementation.

Develop department-wide procurement vehicle for infrastructure equipment, operations and maintenance, and installation and administration.

Consolidate site management, maintenance, and leases where possible.

Establish formal relationships with other Federal, state, and local public safety organizations and forums.

*Develop a comprehensive technical assessment for the Justice Wireless Network*

Develop technical/systems design based on an analysis of existing systems to protect and maximize investments.

Conduct spectrum analysis to determine the feasibility of migrating all components into the VHF band.

Analyze the costs, benefits, and risks of various commercial wireless services (e.g., cellular, PCS, Nextel).

*Halt or slow new infrastructure development*

New system development will be halted except for instances of failing systems, National Telecommunications and Information Administration (NTIA) relocation orders due to NTIA mandates, or existing contractual obligations.

*Immigration and Naturalization Service.*—Complete ongoing installations funded in 1998. Defer further system implementation until June 1 when the technical analysis is complete.

*Drug Enforcement Administration.*—Complete ongoing installations funded in 1998. Defer further system implementation until June 1 when the technical analysis is complete.

*Federal Bureau of Investigation, United States Marshals Service, Office of Inspector General.*—No major infrastructure improvements planned for 1999. However, normal replacement of aged infrastructure will continue.

*Sponsor pilots and initiatives related to the development of the Justice Wireless Network*

*San Diego Consolidated Network Pilot*—will transition all or part of each DOJ component's radio traffic onto the new INS radio network. The new INS system will comply with NTIA narrowband requirements. The pilot will focus on operational and technical issues associated with a shared LMR resource environment. In addition, solutions to interoperability with other Federal, state, and local public safety organizations will be tested.

*Salt Lake City Consolidated Network Pilot*—will transition all or part of each DOJ component's radio traffic onto the FBI LMR infrastructure. In addition, solutions to interoperability with state and local public safety organizations will be tested. The pilot will also provide a platform for systems expansion and planning for 2002 Winter Olympics.

*Los Angeles Commercial Wireless Services Pilot*—will test the functionality, reliability, cost effectiveness, security, and performance of Nextel Communications' service as a public safety communications tool.

*Seattle Consolidated Dispatch Center Initiative*—will consolidate dispatch functions and assets for all DOJ components in the FBI's new office building in downtown Seattle. The pilot will promote the development of department-wide standard operating procedures for dispatch service. The pilot will significantly enhance the scope and availability of dispatch services for most components.

*Coordinate the purchase of subscriber equipment*

Develop a department-wide mobile and portable standard radio configuration.

Negotiate best rates based on volume and analysis of existing contract vehicles; one-time consolidation of component subscriber equipment yielded more than \$800,000 of cost savings.

Investigate ways to foster competition in subscriber equipment market.

*WMO Efforts with FLEWUG*

The DOJ Wireless Management Office is coordinating its efforts with the Federal Law Enforcement Wireless Users Group (FLEWUG) to foster interoperability among Federal law enforcement organizations. The FLEWUG is jointly managed through a memorandum of understanding between the Departments of Justice and Treasury. The FLEWUG was established as a result of a recommendation in National Performance Review that recognized interoperability shortfalls in the public safety community. The FLEWUG provides a common Federal forum to investigate, review, and analyze wireless solutions that support overall Federal law enforcement wireless capabilities. The WMO, along with the components, participates in the FLEWUG to provide DOJ representation and to leverage FLEWUG activities.

*WMO Efforts with PSWN*

To address interoperability outside the Federal arena, the FLEWUG oversees the Public Safety Wireless Network (PSWN) program. The PSWN program is conducting case studies in several areas of the country to identify interoperability needs and solutions. Some of these efforts include case studies in Salt Lake City and San Diego. The WMO sponsored pilot initiatives in Salt Lake City and San Diego are related to these two PSWN case studies as a part of the total public safety requirements for these target areas. The development of the WMO pilot initiatives will complement the PSWN case study effort that will coordinate the Federal requirements with those of state and local public safety organizations to enhance interoperability in those two cities. A goal of the WMO pilot initiatives is to identify solutions to interoperability within DOJ that can be replicated in other areas of the country. A goal of the PSWN case studies is to identify communications requirements of Fed-

eral, state, and local public safety users and provide solutions that achieve interoperability.

#### *Conclusion*

The DOJ is developing wireless solutions that improve DOJ wireless capabilities, ensure effective and efficient communication, and foster interoperability among Federal, state, and local public safety organizations. The DOJ is designing these solutions to address the range of law enforcement missions, including counter terrorism, border patrol, drug interdictions and enforcement, among many others. In developing these solutions, the DOJ is conducting several pilots to ensure the operational effectiveness of solutions and to achieve cost savings, as possible.

*Question.* The DOJ 2000 budget request includes a new proposal to fund \$80 million for the Public Safety Wireless Telecommunications Assistance Program. According to DOJ budget documents, the goal of this new program is "to ensure that state and local public safety wireless communications systems are compatible with Federal law enforcement radio systems." Please describe in detail how the Public Safety Wireless Telecommunications Assistance Program would be implemented and how the award of grants would be determined if this new program is funded in 2000.

*Answer.* The Public Safety Telecommunications Assistance Program is proposed for the first time in the 2000 budget at a funding level of \$80,000,000. Currently, every Federal, state, and local law enforcement agency operates separate tactical networks in every metropolitan area in the country. This program would provide planning grants (to states), technical assistance and demonstration programs that would help to ensure that the next generation of radio systems used by Federal, state, and local law enforcement officials are interoperable. The \$80,000,000 will be used as follows:

- \$51,000,000 will be used to provide planning grants to the States and eligible territories for the purposes of encouraging these jurisdictions to include several criteria in their planning process, including interoperability across all local, State, and Federal public agencies. This competitive grant program will assist States by providing Federal resources to allow them to (1) recognize the security risks associated with public safety communications systems and (2) create comprehensive statewide public safety telecommunications system plans through collaborative efforts at all levels of government and with different agencies. It is estimated it will take States and municipalities approximately 19–24 months to plan and develop their systems and 2 to 3 years to implement them.
- \$9,000,000 is requested for NIJ to administer a technical assistance program to assist States and municipalities in the planning and design of improved public safety communications systems, structured to account for States at differing stages of system development. This flexibility is necessary because of the large number of agencies currently procuring replacement communications systems because they currently lack existing systems leaving them unable to take advantage of new technologies.
- \$20,000,000 is requested to provide the Commerce Department's National Telecommunications Information Administration (NTIA) with funds for demonstration grants that will assist a limited number of states and municipalities in implementing public safety communication systems. NTIA has played a major role in the demonstration of new uses of the National Information Infrastructure by public safety agencies, and its Office of Spectrum Management advises the Administration on public safety communication issues.

#### COUNTERTERRORISM

*Question.* Does the Joint Terrorism Task Force (JTTF) consider the Immigration and Naturalization Service Law Enforcement Support Center (LESC) as one of its resources to track and locate criminal aliens? If so, how does the JTTF use the LESL and do all JTTF agents have access to a query link with the LESL?

*Answer.* Currently, certain FBI field offices are authorized to make formal electronic inquiries to the LESL. Nationally, the FBI does not have a formal agreement with the Immigration and Naturalization Service (INS) for JTTFs to utilize the LESL. JTTFs, through use of assigned INS agents, can access INS databases independently. Access to the LESL is not required for the local JTTF to obtain INS information. The FBI is interested in obtaining national access to the LESL for JTTFs to supplement the specialization of the INS agents currently assigned, i.e., in the absence of those agents should they be detailed away, on leave, or during non-business hours. The FBI and the INS intend to explore the development of a formal agreement on access to, and dissemination of, LESL information.

## CONCLUSION OF HEARING

Senator GREGG. We will be having another hearing on March 9 where we will be seeing the Attorney General again. Thank you.  
[Whereupon, at 11:35 a.m., Thursday, February 4, the hearing was concluded, and the subcommittee was recessed, to reconvene subject to the call of the Chair.]

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## **Document No. 39**

