

# The 9-11 Commission Bill & 9-11 Commission Recommendations At-A-Glance

## “THE 9-11 COMMISSION BILL”

## RELEVANT “9-11 COMMISSION RECOMMENDATION”

### Title I – Risk-Based Allocation of Homeland Security Grants

Allocates homeland security funding based on risk. This title would substantially increase the share of homeland security grants that are provided to states based on risk and threat. Currently, the grant formula allocates each state 0.75% of the total prior to assessing risk. Under the bill, a Department of Homeland Security risk assessment would determine each state’s funding and most states would be guaranteed a minimum of 0.25%. The bill would provide for a larger minimum (0.45%) for states that have a significant international border.

### 9/11 Commission Recommendation #25

“Homeland security assistance should be based strictly on an assessment of risks and vulnerabilities” (pg. 396). Subsequently, in December 2005, the 9-1-1 Discourse Project gave the Administration and Congress an “F” on implementation of this recommendation. However, they said this grade would change to an “A” if the provisions in Title 1 are passed.

### Title II – Interoperability Grants

Improves the emergency communications capabilities of first responders by establishing a stand-alone emergency communications grant program at the Department of Homeland Security.

### 9/11 Commission Recommendation - Page 397

The Commission cited the inability to communicate as a critical failure on 9/11 and stated that compatible and adequate communications among public safety orgs at the local, state, and federal levels remains a problem. This title provides more interoperability funding to ensure that this key Commission concern is addressed.

### Title III – Strengthening Use of a Unified Incident Command During Emergencies

Strengthens federal assistance to state, local, and tribal governments in implementing and fully understanding the National Incident Management System (NIMS), the Incident Management System (ICS), and the concepts of a unified command system. Also directs the federal government, where requested, to assist state, local, and tribal governments in pre-identifying and evaluating sites where a multi-jurisdictional unified command system can be quickly established should the need arise.

### 9/11 Commission Recommendation - Page 397

“Emergency response agencies nationwide should adopt the Incident Command System (ICS). When multiple agencies or multiple jurisdictions are involved, they should adopt a unified command. Both are proven frameworks for emergency response. We strongly support the decision that federal homeland security funding will be contingent, as of October 1, 2004, upon the adoption and regular use of ICS and unified command procedures. In the future, the Department of Homeland Security should consider making funding contingent on aggressive and realistic training in accordance with ICS and unified command procedures” (pg. 397).

### Title IV – Aviation Security

This title will strengthen aviation security, one of the 9/11 Commission’s major areas of concern, by requiring the screening of air cargo; providing more support for airport, baggage, and checkpoint security; improving the redress process for persons wrongly placed on the “No Fly” list; and giving airport screeners whistleblower protections and other employment rights.

### 9-11 Commission Recommendation #21

“The TSA and the Congress must give priority attention to improving the ability of screening checkpoints to detect explosives on passengers... Concerns also remain regarding the screening and transport of checked bags and cargo. More attention and resources should be directed to reducing or mitigating the threat posed by explosives in vessels’ cargo holds. The TSA should expedite the installation of advanced (in-line) baggage-screening equipment” (pg. 393). The 9/11 Commission also recommended that the government develop a forward-looking, cost effective strategy to best allocate assets to protect all modes of transportation. One such asset is TSA’s screeners who identify and bring to light deficiencies in our transportation security. Fair treatment of the TSA workforce is necessary for cost-effective and efficient transportation security (pg. 391 and 393).

### Title V – Scanning of Cargo Containers

Requires all containers leaving the largest ports overseas to be inspected using the best-available technology, including scanning for radiation and density, before they are loaded onto a ship destined for the United States. Also requires DHS to implement requirements (final rule) within a year after issuing its foreign pilot program report (section 231 of the SAFE Port Act). The deadline for smaller ports will be 5 years from enactment, and 3 years for large ports. Title includes provisions for tamper-proof security warnings and standards for security seals.

### 9-11 Commission Recommendation - Page 391

“...Opportunities to do harm are as great, or greater, in maritime or surface transportation. Initiatives to secure shipping containers have just begun.”

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### Title VI – Strengthening Efforts to Prevent Terrorist Travel

This title will improve the capabilities of the Human Smuggling and Trafficking Center (HSTC) by authorizing \$10 million to provide administrative and operational support to stem human smuggling, human trafficking, and terrorism travel, such as authorizing 30 FTE's. This title requires the Secretary to develop a plan delineating the responsibilities of the participating agencies and departments, and also requires the Secretary to submit the strategic plan described in section 7208 of the Intelligence Reform and Terrorism Prevention Act of 2004 (118 Stat. 3719).

### 9-11 Commission Recommendation #14

“Targeting travel is at least as powerful a weapon against terrorists as targeting their money. The United States should combine terrorist travel intelligence, operations, and law enforcement in a strategy to intercept terrorists, find terrorist travel facilitators, and constrain terrorist mobility” (pg. 385).

### Title VII – Improving Intelligence & Information Sharing With Local Law Enforcement and First Responders

The sections of this title will fulfill the 9/11 Commission's recommendations to strengthen intelligence and information sharing with local law enforcement. Specifically, it will include provisions that (1) strengthen intelligence fusion centers; (2) provide local law enforcement with a presence at the National Counter Terrorism Center; and (3) improve the Department of Homeland Security's Information Sharing Programs.

### 9-11 Commission Recommendations #34-35

“Information procedures should provide incentives for sharing, to restore a better balance between security and shared knowledge” (pg. 417). “The president should lead the government-wide effort to bring the major national security institutions into the information revolution. He should coordinate the resolution of the legal, policy, and technical issues across agencies to create a ‘trusted information network’” (pg. 418).

### Title IX – Improving Critical Infrastructure Security

This title requires the Secretary of Homeland Security to conduct annual vulnerability assessments for all critical infrastructure sectors laid out in Homeland Security Presidential Directive-7. This title requires the Secretary to annually update the National Asset Database, listing the nation's critical infrastructure, and within the National Asset Database, create and annually update a single National At-Risk Database, listing the critical infrastructure most at-risk to terrorist attack. The Secretary is also required to use the National Asset Database for purposes of allocating grants.

### 9-11 Commission Recommendation #41

“The Department of Homeland Security and its oversight committees should regularly assess the types of threats the country faces to determine (a) the adequacy of the government's plans-and the progress against those plans-to protect America's critical infrastructure and (b) the readiness of the government to respond to the threats that the United States might face” (pg. 428).

### Title X—Transportation Security Planning and Information Sharing

This title requires the Department of Homeland Security to develop a Strategic Information Sharing Plan for transportation stakeholders. It is designed to improve the sharing of security information with Federal, state, local, and tribal authorities, in addition to private stakeholders and labor unions who are involved in transportation security. This title also amends the National Strategy for Transportation Security. These changes will require the Department of Homeland Security to development risk-based priorities for transportation security initiatives based on vulnerability assessments conducted by the Department. Also mandates that R&D initiatives undertaken by the Department be based on the prioritization outlined in the Strategy. Finally, this section mandates that the Department to provide an accounting of all transportation-security funds expended during the fiscal year.

### 9-11 Commission Recommendation #19

“The U.S. government should identify and evaluate the transportation assets that need to be protected, set risk-based priorities for defending them, select the most practical and cost-effective ways of doing so, and then develop a plan, budget, and funding to implement the effort. The plan should assign roles and missions to the relevant authorities (federal, state, regional, and local) and to private stakeholders. In measuring effectiveness, perfection is unattainable. But terrorists should perceive that potential targets are defended. They may be deterred by a significant chance of failure” (pg. 391).

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### Title XI—Private Sector Preparedness

This title establishes a disaster and emergency preparedness response program for the private sector. Within 90 days, the Secretary will create a program to enhance private sector preparedness and response to terrorism and other emergencies and disasters. The program must establish guidelines to identify hazards and assess risks and impacts; mitigate hazards, manage emergency preparedness and response, and develop training and response plans. The standards set forth in this title were endorsed by the 9/11 Commission.

### 9-11 Commission Recommendation #28

"We endorse the American National Standards Institute's recommended standard for private preparedness...We also encourage the insurance and credit-rating industries to look closely at a company's compliance with the ANSI standard in assessing its insurability and creditworthiness. We believe that compliance with the standard should define the standard of care owed by a company to its employees and the public for legal purposes. Private-sector preparedness is not a luxury; it is a cost of doing business in the post-9/11 world. It is ignored at a tremendous potential cost in lives, money, and national security. (pg. 398)

### Title XII—Preventing Weapons of Mass Destruction Proliferation and Terrorism

This title provides for increased effectiveness of U.S. nonproliferation programs, including the Cooperative Threat Reduction Program, the Global Threat Reduction Initiative and the Proliferation Security Initiative.

### 9/11 Commission Recommendation – Pages 380-381

"The greatest danger of another catastrophic attack in the United States will materialize if the world's most dangerous terrorists acquire the world's most dangerous weapons..." The Commission specifically recommends strengthening counterproliferation efforts, expanding the Proliferation Security Initiative, and supporting the Cooperative Threat Reduction Program (page 380-381).

### Title XIII—Nuclear Black Market Counter-Terrorism Act

This title addresses the emergence of a black market in nuclear technology that has facilitated the development of nuclear programs in Iran, North Korea, Libya and elsewhere. Specifically, this title provides sanctions against individuals involved in illegal trade of such materials, requires the U.S. to enter into a diplomatic campaign to ensure other countries to do conduct business transactions with those who engage in such activity, and prohibits the U.S. from providing assistance to countries that are not fully cooperating with these measures. Also allows the US to waive restrictions in the interest of national security.

### Title XIV—9/11 Commission International Implementation

This title fulfills a number of the 9/11 Commission's recommendations related to public diplomacy, the U.S. image abroad, development of democracy and policies towards specific countries, and the strengthening of scholarships and educational outreach activities for democracy building.

### 9/11 Commission Recommendation - Pages 367-377

"The U.S. government must identify and prioritize actual or potential terrorist sanctuaries. For each, it should have a realistic strategy to keep possible terrorists insecure and on the run, using all elements of national power. We should reach out, listen to, and work with other countries that can help" (pg. 367). The United States and the international community should make a long-term commitment to a secure and stable Afghanistan, in order to give the government a reasonable opportunity to improve the life of the Afghan people. Afghanistan must not again become a sanctuary for international crime and terrorism. The United States and the international community should help the Afghan government extend its authority over the country, with a strategy and nation-by-nation commitments to achieve their objectives" (pg. 370).