

Chapter 3

Implementing the 9/11 Commission's Recommendations

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We will make our nation safer and we will begin by implementing the recommendations of the independent, bipartisan 9/11 Commission.

—INCOMING HOUSE SPEAKER NANCY PELOSI (D-CA)

In 2004, the National Commission on Terrorist Attacks Upon the United States, popularly known as the 9/11 Commission, made over 40 recommendations for improving America's homeland security and counterterrorism efforts. Incoming House Speaker Nancy Pelosi (D-CA) pledged to bring up the 9/11 Commission's recommendations during the first 100 legislative hours of the new Congress. Congress addressed many of the Commission's recommendations when it passed the Intelligence Reform and Terrorism Prevention Act of 2004. In other cases, such as pre-screening for domestic airline passengers, border and critical infrastructure security, and information-sharing among law enforcement agencies, the administration has ongoing programs. Legislation that piles on more unrealistic mandates, requirements, or reports in order to check the box that the new Congress has touched on every Commission recommendation will not make these programs more efficient or effective. But Congress should pass prudent legislation to improve emergency management communications, target homeland security grants based on need, and modernize the Coast Guard.

Unfinished Business

Congress should act on the issues where it has failed to legislate decisively in the past.

Interoperable Communications: Since 9/11, Congress and the Bush Administration have wrestled with the challenge of improving emergency management communications. An unprecedented federal spending spree has yielded scant progress, however, and Washington's programs should be scrapped. They will never be able to achieve, either efficiently or effectively, the goal of creating the kind of emergency communication systems the nation needs to respond to national disasters. The right approach should include a set of policies that promote effective public-private sharing of the emergency management electromagnetic spectrum, the creation of a national capability to deploy a wide-area emergency management communications network for catastrophic disasters, and the establishment of coherent national leadership for emergency response communications.

Grant Reform: The 9/11 Commission warned that homeland security grant funding was in danger of becoming another "pork barrel" handout. The formula established for distributing grants under the USA Patriot Act mandated that a specific percentage of each year's funding go to each state. But grants are not entitlements. Local governments bear the primary responsibility for public safety. Federal dollars support the federal government's unique responsibilities: integrating state and local assets into a national preparedness and response system and building the capacity to respond to catastrophic disasters that would overwhelm any state or local government. Allocation of grants should be based on national priorities, not a formula.

Maritime Security: To the exclusion of important maritime security issues, Congress has fixated on container security, doling out pork to ports, and a wrong-headed effort to block foreign investments in the U.S. These priorities represent the least effective security measures and are targeted at the least plausible dangers. Inspecting every container that is shipped into the U.S., for example, makes no sense. Doing so would cost billions of dollars and drown author-

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ities in useless information. Meanwhile, Congress continues to drastically underfund modernization of the U.S. Coast Guard, whose operations affect every component of maritime security, from ports overseas to waterways inside the U.S. Congress has also paid scant attention to international programs for enhancing maritime security.

Recommendations for Homeland Security

Congress should pass legislation that will:

- **Improve emergency management communications** by revising federal policies and laws to open dual-use spectrum for commercial and emergency management use, as well as facilitating the sharing of spectrum among local, state, and federal users. This legislation should require the administration to set national standards to promote open, non-proprietary systems that are compatible with commercial standards. It should establish services that can provide an emergency wide-area wireless system to support existing responder communications equipment and emerging capabilities like VOIP. And it should assign specific missions and responsibilities to agencies for the implementation of critical policies.¹
- **Enhance homeland security grants** by reducing or eliminating the requirement that a minimum of .75 percent of funding go to each state. This mandate commits 40 percent of state grant funding without respect to risks or needs. Congress should also eliminate special categories of grants that direct money to specific interests, such as cities, ports, and firefighters. All grants should be allocated based solely on national priorities.²
- **Improve maritime security** by fully funding the Coast Guard's modernization program at \$1.5 billion per year and making the Coast Guard the lead federal agency for international maritime assistance initiatives. Putting the Coast Guard in the lead position must include budgetary authority.³

1. For details and analysis, see James Jay Carafano, Ph.D., "Talking Through Disasters: The Federal Role in Emergency Communications," Heritage Foundation *Backgrounder* No. 1951, July 17, 2006, at www.heritage.org/Research/HomelandDefense/bg1951.cfm.

2. See James Jay Carafano, Ph.D., and Jamie Metzl, "Homeland Security Grant Reform: Congressional Inaction Must End" Heritage Foundation *Backgrounder* No. 1971, September 15, 2006, at www.heritage.org/Research/HomelandDefense/bg1971.cfm.

3. See James Jay Carafano, Ph.D., and Martin Edwin Andersen, "Trade Security at Sea: Setting National Priorities for Safeguarding America's Economic Lifeline," Heritage Foundation *Backgrounder* No. 1930, April 27, 2006, at www.heritage.org/Research/NationalSecurity/bg1930.cfm.