

The JIS was able to get the personnel and fiscal counter-terrorism requests of the FBI dating to the early 1990s. These contained the total number of additional positions or monies requested by the FBI of the Department of Justice, requested by the Department of Justice of the Office of Management and Budget, requested by the OMB of Congress, and enacted by Congress. Within these data are indications of irrational, ad hoc budgeting and funding decisions.²⁰ The positions approved by each entity in turn, as the requests wended their way from the FBI to Congress, sometimes showed wild disparities and inconsistencies. Yet the root causes for this remain unexplored. Without this information, the JIS contended it could not determine the “failure mechanisms” in the budgeting process. What was the impact on counter-terrorism as a result of the administration’s budget requests and congressional responses, and what changes would be required to rectify the problems? The JIS Report does not provide answers.

A Flawed Legal/Institutional Framework

It is also evident that some of the pre-9/11 failings were caused by government officials operating under unclear authorities. The joint committees heard testimony from a number of senior officers from the intelligence agencies, the National Security Council, and the Pentagon. The committees were presented with divergent perspectives on exactly what authorities existed in our efforts to take the war to the terrorists.

²⁰Final JIS Report, Chart 1.5 (“FBI Resource Requests”); Joint Inquiry Staff briefing to the joint committees, “An Overview of Counter-Terrorism Resources,” Slide #6 (“FBI Requests for Additional Counter-Terrorism Resources and the DOJ, OMB, and Congressional Response”).