

Hearing of the
Senate Committee on Governmental Affairs

February 14, 2003

DRAFT Testimony of

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&

Chairman

Advisory Panel to Assess the Capabilities for Domestic Response to Terrorism Involving
Weapons of Mass Destruction

Madam Chairman Collins, Senator Lieberman, and distinguished Members of this Committee, I am honored to be here today. I come before you as the Chairman of the Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction. Thank you for the opportunity to present the views of the Advisory Panel. This is a national commission on terrorism (a.k.a the Gilmore Commission) and we have been influential in the development of a national strategy – a strategy that is not federal – but is focused on federal, state, and local capabilities to respond to the unthinkable acts of terrorism on our homeland.

On September 11th, our nation saw the unlimited imagination of these terrorists. That defining moment in our shared history as Americans has forced us to recognize that we must be better prepared at the state, local, and federal level.

Today, we are discussing one component of this national strategy – the intelligence gathering capabilities of our nation. On January 28th, President George W. Bush announced to the world that he would direct the CIA and FBI to begin the process of integrating intelligence on the homeland based on a major recommendation made by this Commission in November 2002.

In November of last year we were faced with a raging debate in our Commission to create, or not to create, a domestic homeland intelligence gathering agency to find terrorists living among U.S. citizens – without violating civil liberties. One theme you will find when you read our four reports is an abiding commitment to the protection of civil liberties by not overreacting to the terrorist threat and fixing the problem of terrorism (while trampling on the basic civil liberties that are grounded in the Constitution.) America is the best managerial class the world has ever seen, and we will fix any problem that confronts the homeland, but at what cost to our civil liberties?

We applaud the President's plan to create an intelligence "fusion center". This step is carefully discussed in our fourth report. Likewise, I was recently invited to the White House by Admiral Steve Abbott, the President's Homeland Security Advisor. In that meeting, Admiral Abbott emphasized progress in information sharing, between the Federal Government, the states and localities.

America is working together on a national strategy to fight terror on the homeland, but we have a long way to go. This Commission fully understands that the White House, the Congress, in coordination with the FBI, CIA, and other intelligence gathering and analytical agencies, will continue working together to fuse the best and the brightest personnel from each institution to collect data on terrorists living in America. After a year long debate, the members of this Commission decided to propose the following "fusion center" based on these principles:

Intelligence Collection, Analysis, and Dissemination

- Recommendation: That the President direct the establishment of a National Counter Terrorism Center (NCTC) – now widely known as the Terrorist Threat Integration Center (TTIC)
- Recommendation: That the collection of intelligence and other information on international terrorist activities inside the United States, including the authorities, responsibilities and safeguards under the Foreign Intelligence Surveillance Act (FISA), which are currently in the FBI, be transferred to the NCTC.
- Recommendation: That the Congress ensure that oversight of the NCTC be concentrated in the intelligence committee in each House
- Recommendation: That the President direct that the NCTC produce continuing, comprehensive "strategic" assessments of threats inside the United States, to be provided to policymakers at all levels, to help ensure appropriate planning and allocation of preparedness and response resources.
- Recommendations: That the Congress and the President ensure that the DHS has the authority to levy direct intelligence requirements on the Intelligence Community for the collection or additional analysis of intelligence of potential threats inside the United States to aid in the execution of its specific responsibilities in the area of critical infrastructure protection vulnerability assessments.

That the Congress and the President ensure that the DHS has robust capability for combining threat information generated by the Intelligence Community and the NCTC with vulnerability information the Department generates in cooperation with the private sector to provide comprehensive and continuing assessments on potential risks to U.S. critical infrastructure.

Managing Operations

- Recommendation: That the President and the Congress clearly define the responsibilities of DHS and other federal entities before, during, and after an attack has occurred, especially any authority for directing the activities of other federal agencies.
- Recommendation: That the President specifically designate the DHS as the Lead Federal Agency for response to a bioterrorism attack, and specify its responsibilities and authority before, during, and after an attack; and designate the DHHS as the Principal Supporting Agency to DHS to provide technical support and provide the interface with State and local public health entities and related private sector organizations.

Interagency Coordination

- Recommendation: That the Assistant to the President for Homeland Security review and recommend to the President, and that the President direct, a restructuring of interagency mechanisms to ensure better coordination within the federal government, and with states, localities, and the private sector, to avoid confusion and to reduce unnecessary expenditure of limited resources at all levels.

Legal Authorities

- Recommendation: That the President direct the Attorney General to conduct a thorough review of applicable laws and regulations and recommend legislative changes before the opening of the next Congress.

The Congress

- Recommendation: That each House of the Congress establish a separate authorizing committee and related appropriation subcommittee with jurisdiction over Federal programs and authority for Combating Terrorism/Homeland Security.

Madam Chairman, these intelligence gathering recommendations are under review by this Committee and many other related entities. We are an advisory panel and believe that we have contributed greatly to the overall debate in being prepared (and attempting to prevent) terrorist activities on our homeland.

Gilmore Commission Backgrounder

The Advisory Panel was established by Section 1405 of the National Defense Authorization Act for Fiscal Year 1999, Public Law 105–261 (H.R. 3616, 105th Congress, 2nd Session) (October 17, 1998). That Act directed the Advisory Panel to accomplish several specific tasks. It said:

The panel shall -

1. Assess Federal agency efforts to enhance domestic preparedness for incidents involving weapons of mass destruction;

2. Assess the progress of Federal training programs for local emergency responses to incidents involving weapons of mass destruction;
3. Assess deficiencies in programs for response to incidents involving weapons of mass destruction, including a review of unfunded communications, equipment, and planning requirements, and the needs of maritime regions;
4. Recommend strategies for ensuring effective coordination with respect to Federal agency weapons of mass destruction response efforts, and for ensuring fully effective local response capabilities for weapons of mass destruction incidents; and
5. Assess the appropriate roles of State and local government in funding effective local response capabilities.

That Act required the Advisory Panel to report its findings, conclusions, and recommendations for improving Federal, State, and local domestic emergency preparedness to respond to incidents involving weapons of mass destruction to the President and the Congress three times during the course of the Advisory Panel's deliberations—on December 15 in 1999, 2000, and 2001.

The Advisory Panel's tenure was extended for two years in accordance with Section 1514 of the National Defense Authorization Act for Fiscal Year 2002 (S. 1358, Public Law 107-107, 107th Congress, First Session), which was signed into law by the President on December 28, 2001. By virtue of that legislation, the panel is now required to submit two additional reports—one on December 15 of this year, and one on December 15, 2003.

Leadership of the Subcommittee

Let me again commend this panel, and especially its distinguished Chairman, the gentleman from Pennsylvania, Mr. Weldon, for your continuing leadership in bringing these issues involving homeland security and combating terrorism before the U.S. Congress and the American people. Many will not remember, as we on the Advisory Panel remember so well, that this subcommittee and its Chair were well into these issues long before the attacks of last September, including the foresight to establish and then to extend the tenure of the Advisory Panel for an additional two years.

Panel Composition

Madam Chairman, as I usually do on occasions like this, please allow me to pay special tribute to the men and women who serve on our panel.

This Advisory Panel is unique in one very important way. It is not the typical national "blue ribbon" panel, which in most cases historically have been composed almost exclusively of what I will refer to as "Washington Insiders"—people who have spent most of their professional careers inside the Beltway. This panel has a sprinkling of that kind of experience—a former Member of Congress and Secretary of the Army, a former State Department Ambassador-at-Large for Counterterrorism, a former senior executive from the CIA and the FBI, a former senior member of the Intelligence Community, the former head of a national academy on public health,

two retired flag-rank military officers, a former senior executive in a non-governmental charitable organization, and the head of a national law enforcement foundation. But what truly makes this panel special and, therefore, causes its pronouncement to carry significantly more weight, is the contribution from the members of the panel from the rest of the country:

- Three directors of state emergency management agencies, from California, Iowa, and Indiana, two of whom now also serve their Governor's as Homeland Security Advisors
- The deputy director of a state homeland security agency
- A state epidemiologist and director of a state public health agency
- A former city manager of a mid-size city
- The chief of police of a suburban city in a major metropolitan area
- Senior professional and volunteer fire fighters
- A senior emergency medical services officer of a major metropolitan area
- And, of course—in the person of your witness—a former State governor

These are representatives of the true “first responders”—those heroic men and women who put their lives on the line every day for the public health and safety of all Americans. Moreover, so many of these panel members are also national leaders in their professions: our EMS member is a past president of the national association of emergency medical technicians; one of our emergency managers is the past president of her national association; our law officer now is president of the international association of chiefs of police; our epidemiologist is past president of her professional organization; one of our local firefighters is chair of the terrorism committee of the international association of fire chiefs; the other is chair of the prestigious national Interagency Board for Equipment Standardization and InterOperability.

Read our reports and you will understand what that expertise has meant to the policy recommendations that we have made, especially for the events of last year.

Those attacks continue to carry much poignancy for us, because of the direct loss to the panel. Ray Downey, Department Deputy Chief and chief-in-charge of Special Operations Command, Fire Department of the City of New York a friend of the Chairman and known to this subcommittee and others like it throughout the Congress, perished in the attack on the New York World Trade Center. Although we continue to miss Ray's superb advice, counsel, and dedication to these issues, we trust that Ray knows that we are carrying on in the tradition that he helped us to establish.

Our Continuing Mission

Madam Chairman and Members, this Advisory Panel continues to work hard to develop the best possible policy recommendations for consideration by the President and the Congress. Now, of course, people and organizations are coming out of the woodwork, claiming to be all manner of “experts” in homeland security. At the same time, this panel is toiling away, seeking neither fame nor credit for its work, simply trying to find some rational and feasible solutions to many problems and challenges that still face us.

Observations about Terrorism Preparedness

In the course of our deliberations, the Advisory Panel has been guided by several basic observations and assumptions that have helped to inform our conclusions and policy recommendations for improving our preparedness to combat terrorism.

First, all terrorism is “local,” our at least will start locally. That fact has a lot to do, in our view, with the emphasis, the priorities, and the allocation of resources to address requirements. September 11 and the subsequent anthrax attacks were further proof of that basic assumption.

Second, a major attack anywhere inside our borders will likely be beyond the response capabilities of a local jurisdiction, and will, therefore, require outside help—perhaps from other local jurisdictions, from that jurisdiction’s state government or multiple state resources, perhaps from the Federal government, if the attack is significant enough to exhaust other resources. That principle was likewise validated last September.

Given those two factors, our approach to combating terrorism should be from the “bottom up”—with the requirements of State and local response entities foremost in mind.

We note that we have many existing capabilities that we can build on in an “all-hazards” approach, which can include capabilities for combating terrorism.

Our thorough research and deliberations have also led us to observe that there is great apprehension among States and localities that some Federal entity will attempt to come in and take charge of all activities and displace local response efforts and expertise.

That was not and likely could not, because of the actual circumstances in New York, have been the case in September. But all events may not unfold in that fashion.

Based on a significant amount of analysis and discussion, we have been of the view that few if any major structural or legal changes are required to improve our collective efforts; and that the “first order” challenges are policy and better organization—not simply more money or new technology.

With respect to Federal efforts, two years ago we concluded that, prior to an actual event, no one cabinet department or agency can “supervise” the efforts of other federal departments or agencies. When an event occurs, response will be situational dependent; federal agencies can execute responsibilities within existing authority and expertise, but under established “Lead Federal Agency” coordinating processes

The chart attached to this testimony is an attempt to depict graphically the magnitude of the problem and the necessary interrelationships that must exist among entities at the local, State, and Federal levels. It shows that integration must exist both vertically and horizontally among various functions and the agencies that have responsibilities for executing those functions. It also emphasizes our view that simplistic categories such as “crisis management” and “consequence management” do not adequately describe the full spectrum of functions or responsibilities.

Support for Panel Activities and Reports

Madam Chairman, it also says something about the foresight of this committee that you directed in legislation that analytical and other support for the Advisory Panel would be

provided by a Federally Funded Research and Development Center. We have been exceptionally fortunate to have that support provided by The RAND Corporation. The breadth and depth of experience at RAND in terrorism and policy issues across a broad spectrum have made possible the panel's success in accomplishing its mandate. Its assessments of federal programs, its case studies and hundreds of interviews across the country and around the world, its seminal work in surveying state and local response entities nationwide, its facilitation of our discussion—leading to near unanimity of members on this broad spectrum of recommendations, its work in drafting reports based on our extensive deliberations, all have combined to make this effort a most effective and meaningful one.

Our Reports

In our first three reports, the advisory panel has, through its assessments and recommendations, laid a firm foundation for actions that must be taken across a broad spectrum of threats in a number of strategic and functional contexts to address this problem more effectively.

First Report—Assessing the Threat

The Advisory Panel produced a comprehensive assessment in its first report of the terrorist threat inside our borders, with a focus on chemical, biological, radiological, and nuclear (CBRN) weapons. The very thorough analysis in that report can be summarized:

The Panel concludes that the Nation must be prepared for the entire spectrum of potential terrorist threats – both the unprecedented higher-consequence attack, as well as the historically more frequent, lesser-consequence terrorist attack, which the Panel believes is more likely in the near term. Conventional explosives, traditionally a favorite tool of the terrorist, will likely remain the terrorist weapon of choice in the near term as well. Whether smaller-scale CBRN or conventional, any such lower-consequence event—at least in terms of casualties or destruction—could, nevertheless, accomplish one or more terrorist objectives: exhausting response capabilities, instilling fear, undermining government credibility, or provoking an overreaction by the government. With that in mind, the Panel's report urges a more balanced approach, so that not only higher-consequence scenarios will be considered, but that increasing attention must now also be paid to the historically more frequent, more probable, lesser-consequence attack, especially in terms of policy implications for budget priorities or the allocation of other resources, to optimize local response capabilities. A singular focus on preparing for an event potentially affecting thousands or tens of thousands may result in a smaller, but nevertheless lethal attack involving dozens failing to receive an appropriate response in the first critical minutes and hours.

While noting that the technology currently exists that would allow terrorists to produce one of several lethal CBRN weapons, the report also describes the current difficulties in acquiring or developing and in maintaining, handling, testing, transporting, and delivering a device that truly has the capability to cause “mass casualties.”

We suggest that that analysis is still fully valid today.

Second Report—Toward a National Strategy for Combating Terrorism

By the second year, the Advisory Panel shifted its emphasis to specific policy recommendations for the Executive and the Congress and a broad programmatic assessment and functional recommendations for consideration in developing an effective national strategy.

The capstone recommendation in the second report was the need for a comprehensive, coherent, functional national strategy: ***The President should develop and present to the Congress a national strategy for combating terrorism within one year of assuming office.*** As part of that recommendation, the panel identified the essential characteristics for a national strategy:

- It must be truly *national* in scope, not just Federal.
- It must be comprehensive, encompassing the full spectrum of *deterrence, prevention, preparedness, and response* against domestic and international threats.
- For domestic programs, it must be *responsive to* requirements from and fully *coordinated with state and local officials* as partners throughout the development and implementation process.
- It should be *built on existing emergency response systems*.
- It must *include all key functional domains*—intelligence, law enforcement, fire services, emergency medical services, public health, medical care providers, emergency management, and the military.
- It must be *fully resourced* and based on *measurable performance*.

Of course, the Panel recognizes that in light of September 11, 2001 this objective has been difficult to achieve. However, the principles contained within this strategy and their requirements remain the same.

The Second Annual Report included a discussion of more effective Federal structures to address the national efforts to combat terrorism. We determined that the solutions offered by others who have studied the problem provided only partial answers. The Advisory Panel attempted to craft recommendations to address the full spectrum of issues. Therefore, we submitted the following recommendation: ***The President should establish a senior level coordination entity in the Executive Office of the President.*** The characteristics of the office identified in that recommendation included:

- Director appointed by the President, by and with the advice and consent of the Senate, at “cabinet-level” rank
- Located in the Executive Office of the President
- Authority to exercise certain program and budget controls over those agencies with responsibilities for combating terrorism
- Responsibility for intelligence coordination and analysis
- Tasking for strategy formulation and implementation
- Responsibility for reviewing State and local plans and to serve as an information clearinghouse
- An interdisciplinary Advisory Board to assist in strategy development
- Multidisciplinary staff (including Federal, State, and local expertise)
- No operational control

We included a thorough explanation of each characteristic in our Second Annual Report. For instance, we determined that this office should have the authority to direct the creation, modification, or cessation of programs within the Federal Interagency, and that it have authority to direct modifications to agency budgets and the application of resources. We also recommended that the new entity have authority to review State and geographical area strategic plans and, at the request of State entities, to review local plans or programs for combating terrorism for consistency with the national strategy.

Although not completely structured around our recommendations, the model for the creation of the Office of Homeland Security came from this recommendation.

To complement our recommendations for the federal executive structure, we also included the following recommendation for the Congress: ***The Congress should establish a Special Committee for Combating Terrorism—either a joint committee between the Houses or separate committees in each House—to address authority and funding, and to provide congressional oversight, for Federal programs and authority for combating terrorism.*** The philosophy behind this recommendation is much the same as it is for the creation of the office in the Executive Office of the President. There needs to be a focal point in the Congress for the Administration to present its strategy and supporting plans, programs, and budgets, as well as a legislative “clearinghouse” where relevant measures are considered. We recognize that Congress is still in the process of working towards this objective.

In conjunction with these structural recommendations, the Advisory Panel made a number of recommendations addressing functional requirements for the implementation of an effective strategy for combating terrorism. The recommendation listed below are discussed thoroughly in the Second Annual Report:

Enhance Intelligence / Threat Assessments / Information Sharing

- Improve human intelligence by the rescission of that portion of the 1995 guidelines, promulgated by the Director of Central Intelligence, which prohibits the engagement of certain foreign intelligence informants who may have previously been involved in human rights violations
- Improve Measurement and Signature Intelligence (MASINT) through an expansion in research, development, test, and evaluation (RDT&E) of reliable sensors and rapid readout capability and the subsequent fielding of a new generation of MASINT technology based on enhanced RDT&E efforts
- Review statutory and regulatory authorities in an effort to strengthen investigative and enforcement processes
- Improve forensics capabilities to identify and warn of terrorist use of unconventional weapons
- Expand information sharing and improve threat assessments

Foster Better Planning / Coordination / Operations

- Designate the senior emergency management entity in each State as the *focal point* for that State for coordination with the Federal government for preparedness for terrorism
- Improve collective planning among Federal, State, and local entities
- Enhance coordination of programs and activities
- Improve operational command and control of domestic responses
- The President should always designate a Federal civilian agency other than the Department of Defense (DoD) as the Lead Federal Agency

Enhance Training, Equipping, and Exercising

- Improve training through better coordination with State and local jurisdictions
- Make exercise programs more realistic and responsive

Improve Health and Medical Capabilities

- Establish a national advisory board composed of Federal, State, and local public health officials and representatives of public and private medical care providers as an adjunct to the new office, to ensure that such issues are an important part of the national strategy
- Improve health and medical education and training programs through actions that include licensing and certification requirements
- Establish standards and protocols for treatment facilities, laboratories, and reporting mechanisms
- Clarify authorities and procedures for health and medical response
- Medical entities, such as the Joint Commission on Accreditation of Healthcare Organizations, should conduct periodic assessments of medical facilities and capabilities

Promote Better Research and Development and Create National Standards

- That the new office, in coordination with the Office of Science and Technology Policy, develop a comprehensive plan for RDT&E, as a major component of the national strategy
- That the new office, in coordination with the National Institute for Standards and Technology (NIST) and the National Institute for Occupational Safety and Health (NIOSH) establish a national standards program for combating terrorism, focusing on equipment, training, and laboratory processes

Third Report—For Ray Downey

Our Third Annual Report to the President and the Congress builds on findings and recommendations in our First and Second Annual Reports delivered in 1999 and 2000. It reflects a national strategic perspective that encompasses the needs of all three levels of government and the private sector. It seeks to assist those who are dedicated to making our homeland more secure. Our recommendations fall into five categories:

- ü *Empowering State and Local Response* by ensuring the men and women on the front line of the war against terrorism inside our borders have the tools and resources needed to counter the murderous actions of terrorists;
- ü *Enhancing Health and Medical Capacities*, both public and private, to help ensure our collective ability to identify attacks quickly and correctly, and to treat the full scope of potential casualties from all forms of terrorist attacks;
- ü *Strengthening Immigration and Border Controls* to enhance our ability to restrict the movement into this country, by all modes of transportation, of potential terrorists and their weapons and to limit severely their ability to operate within our borders;
- ü *Improving Security Against Cyber Attacks* and enhancing related critical infrastructure protection to guard essential government, financial, energy, and other critical sector operations against attack; and
- ü *Clarifying the Roles and Missions for Use of the Military* for providing critical and appropriate emergency response and law enforcement related support to civilian authorities.

Madam Chairman, I should note that the substance of all of the recommendations contained in the third report were approved by the panel at its regular meeting held on August 27 and 28, 2001—Tuesday the 28th being exactly two weeks prior to the attacks of September 11. Although we thoroughly reviewed those recommendations subsequently, the panel unanimously agreed that all were valid and required no supplementation prior to publication. The recommendations contained in that report, listed below in summary form, are discussed in detail in the body of the report, and further supported by material in the report appendices, especially the information from the nationwide survey of State and local responders covering an array of preparedness and response issues.

State and Local Response Capabilities

- Increase and accelerate the sharing of terrorism-related intelligence and threat assessments
- Design training and equipment programs for all-hazards preparedness
- Redesign Federal training and equipment grant programs to include sustainment components

- Increase funding to States and localities for combating terrorism
- Consolidate Federal grant program information and application procedures
- Design Federal preparedness programs to ensure first responder participation, especially volunteers
- Establish an information clearinghouse on Federal programs, assets, and agencies
- Configure Federal military response assets to support and reinforce existing structures and systems

Health and Medical Capabilities

- Implement the AMA Recommendations on Medical Preparedness for Terrorism
- Implement the JCAHO Revised Emergency Standards
- Fully resource the CDC Biological and Chemical Terrorism Strategic Plan
- Fully resource the CDC Laboratory Response Network for Bioterrorism
- Fully resource the CDC Secure and Rapid Communications Networks
- Develop standard medical response models for Federal, State, and local levels
- Reestablish a pre-hospital Emergency Medical Service Program Office
- Revise current EMT and PNST training and refresher curricula
- Increase Federal resources for exercises for State and local health and medical entities
- Establish a government-owned, contractor-operated national vaccine and therapeutics facility
- Review and recommend changes to plans for vaccine stockpiles and critical supplies
- Develop a comprehensive plan for research on terrorism-related health and medical issues
- Review MMRS and NDMS authorities, structures, and capabilities
- Develop an education plan on the legal and procedural issues for health and medical response to terrorism
- Develop on-going public education programs on terrorism causes and effects

Immigration and Border Control

- Create an intergovernmental border advisory group
- Fully integrate all affected entities into local or regional “port security committees”
- Ensure that all border agencies are partners in intelligence collection, analysis, and dissemination
- Create, provide resources for, and mandate participation in a “Border Security Awareness” database system
- Require shippers to submit cargo manifest information simultaneously with shipments transiting U.S. borders
- Establish “Trusted Shipper” programs
- Expand Coast Guard search authority to include U.S. owned—not just “flagged”—vessels
- Expand and consolidate research, development, and integration of sensor, detection, and warning systems
- Increase resources for the U.S. Coast Guard for homeland security missions
- Negotiate more comprehensive treaties and agreements for combating terrorism with Canada and Mexico

Cyber Security

- Include private and State and local representatives on the interagency critical infrastructure advisory panel
- Create a commission to assess and make recommendations on programs for cyber security
- Establish a government funded, not-for-profit entity for cyber detection, alert, and warning functions
- Convene a “summit” to address Federal statutory changes that would enhance cyber assurance
- Create a special “Cyber Court” patterned after the court established in FISA
- Develop and implement a comprehensive plan for cyber security research, development, test, and evaluation

Use of the Military

- Establish a homeland security under secretary position in the Department of Defense

- Establish a single unified command and control structure to execute all military support to civil authorities
- Develop detailed plans for the use of the military domestically across the spectrum of potential activities
- Expand training and exercises in relevant military units and with Federal, State, and local responders
- Direct new mission areas for the National Guard to provide support to civil authorities
- Publish a compendium of statutory authorities for using the military domestically to combat terrorism
- Improve the military full-time liaison elements in the ten Federal Emergency Management Agency region

Status of Our Recommendations

Madam Chairman and Members, I can tell you that, according to our most recent count, of the 79 major policy recommendations made by the Advisory Panel to date, 64 have now been adopted in whole or in major part. Having said that, there are others that continue to need to be addressed, and some that could still use additional resources or policy direction. The President's Terrorist Threat Integration Center is just the latest recommendation that has become a reality over the past four years.

Our Current Deliberations

Madam Chairman, as we sit here today, the Congress has once again taken up consideration of the creation of a Department of Homeland Security. At the same time, the intelligence committees of each House are putting together a report, flowing from the recent Joint Inquiry of those committees, which will, perhaps, contain major recommendations with respect to the structure, laws, and procedures of the Intelligence Community for combating Terrorism. In addition, the Congress is attempting to complete action on appropriations bills for the current fiscal year, which if enacted will contain significant additional funding to address some of these issues, especially for supporting the efforts of State and local responders.

In the midst of all that, the Advisory Panel is crafting and putting the finishing touches on significant policy recommendations in several key areas:

- Strategy and Structure
- Use of the Military
- Health and Medical
- Critical Infrastructure Protection
- Agroterrorism

In addition, that report will contain an update of the comprehensive threat assessment contained in the Panel's First Annual Report, as well as a set of recommendations on the nature and sources of the resources necessary to fund the national efforts to combat terrorism.

Recommendations for the Fourth Annual Report

Strategy and Structure

Madam Chairman and Members, I have a bit of an announcement to make in this forum. Because the Congress in considering the new Department of Homeland Security, the Advisory Panel decided at its meeting last week to release its principal recommendations in this area in advance of the publication of its full report in December. We have done so in the hope that those recommendations may help to inform the current debate. Briefly, the "Strategy and Structure" Chapter recommends:

- That the President create an entity that will become the all-source fusion and analysis center for potential terrorists attacks inside the United States from foreign terrorists and their supporters. That center would also house, in a separate component, the intelligence collection against such terrorists currently in the FBI.
- That more comprehensive assessments of threats to the homeland be developed
- That the new DHS have the necessary capability and authority to perform the critical infrastructure vulnerability and warning functions envisioned in its enabling legislation
- That the President clearly define the responsibilities of DHS and other federal entities before, during, and after an attack has occurred, especially any authority for directing the activities of other federal agencies
- That the President direct a restructuring of the Federal interagency mechanisms to ensure better coordination within the federal government, and with states, localities, and the private sector, to avoid confusion and to reduce unnecessary expenditure of limited resources at all levels

And to repeat an earlier recommendation of the panel:

- That each House of the Congress establish a separate authorizing committee and related appropriation subcommittee with jurisdiction over Federal programs and authority for Combating Terrorism/Homeland Security.

Copies of that advance document have been made available to Members; and I would ask respectfully that the Chair entertain a request to include that document in the official record along with my testimony. I will be happy to address any questions that Members may have concerning those recommendations.

Use of the Military

The panel continues to address issues involving the use of the military inside the United States for various responses to terrorism. In its next report, the panel will make recommendations dealing with:

- Command and control issues involving the new U.S. Northern Command (NORTHCOM)
- Developing a more comprehensive, coordinated process to identify the potential needs of States and localities, as well as other Federal agencies, for military support against terrorist attacks
- Additional authority for use of the National Guard in a Title 32 status
- New roles and missions for certain National Guard units
- Better training and exercise programs for military units for performing homeland missions
- Better structure and policies for DoD civilian oversight of the military
- Clarification, consolidation, and explanations of laws for use of the military domestically

Health and Medical

The panel continues its efforts to address the important issues in health and medical planning, preparedness, and response to terrorism and will make recommendations on the following subjects:

- Sustaining and prioritizing resources to improve the public health and medical infrastructure
- Exercising and training health and medical response entities in the larger emergency management context of terrorism response including exercising the use of the National Pharmaceutical Stockpile
- Centralizing, coordinating, and simplifying Federal information on resources, best practices, and research for state and local access
- Implementing the full range of research to improve health and medical detection of and response to terrorist attacks
- Developing and operationalizing the laws and regulations for health and medical response to a terrorist attack including the clarification of the Health Insurance Portability and Accountability Act (HIPAA) guidelines and the rules for quarantine
- Defining who is in charge in response to a bioterrorist attack
- Developing a strategic information plan for educating and communicating with the public and the media before, during and after an attack
- Improving intelligence collection related to health and medical issues
- Establishing a national vaccine strategy
- Responding to the threat of a smallpox attack

Critical Infrastructure Protection

For the Fourth Report, the panel has expanded its consideration beyond cyber security to include issues of physical protection of critical infrastructure. It will make CIP recommendations in the following areas:

- Federal reimbursement for certain costs incurred by States, localities, and the private sector for improvements to infrastructure security
- Improved training, standards, and protocols for government and private sector responders, to include facilities, responder equipment, and communications compatibility and interoperability
- More comprehensive and concise policies and enhanced capabilities for intelligence and information sharing involving critical infrastructure among government entities and with the private sector
- Improvements in security measures for and in the screening of non-passenger cargo aboard commercial aircraft
- Development of significantly enhanced security measures for general aviation aircraft, passengers, and facilities
- Expanded research and development into CIP security measures
- Comprehensive revamping of Federal laws to address privacy, freedom of information, liability, anti-trust, indemnification, insurance, and related issues
- Enhanced security for agriculture and the food supply structure

Agroterrorism

The panel once again addresses the issue of Agroterrorism, and will make recommendations in the following areas:

- Developing threat assessments for potential terrorist attacks against U.S. agriculture
- Including Agroterrorism as an Emergency Support Function in the principal Federal response plan
- Improving processes for testing for and identifying agroterrorism attacks
- Creating a system of fair compensation for losses due to an attack
- Enhancing education, training, and exercises on attacks to agriculture

Madam Chairman, we must develop processes that help us understand better how we set priorities for homeland security. We must answer some fundamental questions about preparedness, including the overarching one: "Preparedness for what?" Without a firm grasp on how to answer that question, how will we know that we have our priorities set forth correctly, and that the expenditure of scarce resources at every level of government is

appropriate. A more educated and enlightened assessment of the threats we face is critical to answering that basic question.

An integral part of that issue is the absolute necessity to have national standards for how entities at all levels of government and in the private sector train, equip, and plan for, and then coordinate responses to attacks. We are still a long way from having any standards for a variety of these issue related to homeland security.

Madam Chairman, in the panel's second report, submitted in December of 2000, we addressed this issue head on. We did so in the context of our recommendation at that time for the creation of an office in the White House, very similar but not exactly like the Office of Homeland Security (OHS) headed by my friend Tom Ridge. We called it the National Office for Combating Terrorism, rather than "Homeland Security." We would have placed some very specific responsibilities in that Office and in other entities for the development of national standards and for processes for research, development, test, and evaluation (RDT&E) to further the implementation of those standards. Those recommendations are worth repeating. (To avoid any confusion, the references to the "National Office" and "Assistant Director" are to the specific construct that we recommended in 2000, not to anything that currently exists in OHS). We said in 2000:

***"Improve Plans for Research, Development,
Test and Evaluation for Combating Terrorism***

"The national strategy developed by the National Office for Combating Terrorism must contain a clear set of priorities for RDT&E. The program and budget authority of that office must be exerted to ensure effective application of Federal funds devoted to this purpose.

"The White House Office of Science & Technology Policy should play a major role in the effort. **We recommend that the Assistant Director for RDT&E and National Standards of the National Office for Combating Terrorism either enter into a formal relationship with OSTP or have appropriate members of the OSTP staff detailed to the National Office for Combating Terrorism on a rotational basis.**

"Wide varieties of equipment that have potential application for combating terrorism are available from commercial vendors. Nevertheless, many local responders have told us that some equipment they purchased does not meet the specifications described by the vendor. At present, no viable program is in place for testing and evaluating the effectiveness of equipment for combating terrorism. **We recommend that the Assistant Director for RDT&E and National Standards develop equipment testing protocols and continue to explore the prospect of financial support from vendors for equipment live agent test and evaluation, leading to Federal certification.**

"We recommend that the Assistant Director for RDT&E and National Standards develop, as part of the national strategy, a comprehensive plan for long-range research for combating terrorism; this should include better coordination among the National Laboratories. The focus of those efforts by National Laboratories should be dual- or multi-purpose applications.

"The National Office for Combating Terrorism should also integrate other indirect, yet applicable, research and development projects into its information-dissemination process. For example, the Deputy Directorate for Operations (Combating Terrorism) within the Joint

Staff provides executive seminars on its *Best Practices Study* for anti-terrorism and force protection. This program also collects information on “commercial off the shelf” resources and equipment to support its anti-terrorism mission. These studies and resources may not directly relate to policy and standards for combating terrorism at the State and local level but may well contribute to State and local preparedness.

“The top priorities for targeted research should be responder personnel protective equipment (PPE); medical surveillance, identification, and forensics; improved sensor and rapid-readout capability; vaccines and antidotes; and communications interoperability.

“Develop National Standards for Equipment, Training, and Laboratory Processes

“One of our basic assumptions is that no single jurisdiction is likely to be capable of responding to a major terrorist attack without outside assistance. That leads to the inescapable conclusion that the development of national standards is a critical element of any national plan. Firefighters or EMS technicians in the jurisdiction where an attack takes place must not be concerned that responders from other jurisdictions, providing “mutual assistance,” will arrive with equipment of a different standard than local responders, even at risk of becoming casualties themselves.

“We recommend that the Assistant Director for RDT&E and National Standards in the National Office for Combating Terrorism establish a national standards program for combating terrorism, focusing on equipment, training, and laboratory processes. The fundamental objectives for equipment standards will be nationwide compatibility, and dual- / multi-purpose applications. For training, they will be interdisciplinary curricula, and training exercises based on realistic scenarios. For laboratories, the focus should be clear, strict protocols for identification, forensics, and reporting. The ultimate goal of the national standards program should be certification of the specific equipment, training, or laboratory and a recapitulation of certifications in a “Consumers Digest,” for use by response entities nationwide.

“We recommend that the National Institute for Standards and Technology (NIST) and the National Institute for Occupational Safety and Health (NIOSH) be designated as Federal “co-lead agencies” for the technical aspects of standards development. The Executive Branch and the Congress should provide resources for the development of national standards, and Congress should be presented with a detailed budget request for that purpose at the earliest opportunity. In addition, the Interagency “Board for Equipment Standardization and InterOperability should be subordinated to the National Office for Combating Terrorism.

“The Federal co-lead agencies should develop certification standards in coordination with appropriate Federal agencies and with advice from State and local response entities, professional organizations that represent response disciplines, and private and quasi-public certifying entities.”

Madam Chairman, those functions that we recommend now almost two years ago still need to be performed, now obviously more urgently than before. Unfortunately, we are still a long way from achieving any coherence in standards and testing, especially for “first responder” equipment and communications capability. It is still the case that the only “standards” available are what vendors say are the capabilities of their wares. We continue to need something like an “underwriters laboratory” for a wide variety of protective

equipment and communications. We have before and will again recognize the efforts of the Interagency Board for Equipment Standardization and InterOperability, National Personal Protective Technology Laboratory (in the Chairman's home state of Pennsylvania) and the Technical Support Working Group. Those efforts will not, however, be nearly enough, at least not at the level of current resources.

For training, the panel is encouraged that the majority of Federal training programs, at least those currently in FEMA and DOJ, will apparently be combined in the new DHS. Nevertheless, other Federal agencies—EPA, DOE, DoD, DHHS as examples—will continue to conduct training that will need to conform to a set of national training standards. That effort has not yet been undertaken, but it should be required on an urgent basis.

Conclusion

The Advisory Panel will continue to be relentless in pursuing appropriate solutions to these difficult issues, even if our recommendations are controversial and cross some “turf” boundaries. We will always—always—consider as an overarching concern the impact of any legal, policy, or process changes on our civil rights and liberties. Our Constitution, our laws, our judicial system, our culture, our history all combine to make our way of life unique in all the world. Thank you again for this opportunity.