

Testimony of

# **The Honorable James S. Gilmore, III**

June 25, 2002

Madame Chairman, Mr. Ranking Member, and Members of the Committees, 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. The Advisory Panel to be 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.

The Act requires 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 at three times during the course of the Advisory Panel's deliberations--on December 15 in 1999, 2000, and 2001.

It is likewise testimony to the continuing dedication of this subcommittee and its chair that the Advisory Panel's tenure was extended for two 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.

?In Memoriam

Mr. Chairman, the events of September 11 and its aftermath have changed the lives of Americans for generations to come. But those attacks had special meaning for this Advisory 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 director of the Defense Intelligence Agency, the head of a national academy on public health, two retired flag-rank military officers, 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 and one deputy director of state emergency management agencies, from California, Iowa, Indiana and Virginia, two of whom now also serve their Governor's as Homeland Security Advisors of the Deputy

☒ A state epidemiologist and director of a state public health agency

☒ A 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

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 is president-elect of the international association; our epidemiologist is past president of her professional organization.

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 September 11.

Those attacks now carry much poignancy for us, because we have an empty seat at our panel table. At a few minutes after 10 o'clock that morning, Ray Downey, Department Deputy Chief and chief in charge of Special Operations Command, Fire Department of the City of New York--the incident commander at the scene--perished in the collapse of the North tower of the New York World Trade Center. Although the impending disaster had to have been obvious to Ray following the prior collapse of the South tower, he knew and those around him knew their duty. With fearless disregard for their own personal safety, focused entirely on saving the lives of others, Ray and his colleagues all stayed at their post, doing their job. The result of that decision, clear now in retrospect, was the rescue of literally thousands of people from those towers. Ray and 342 of his colleagues paid the supreme sacrifice, and all humanity must acknowledge and be eternally grateful for their actions.

Our loss is tempered by the extraordinary opportunity that we had in being informed and counseled by Ray. Ray Downey served as a dedicated member of the Advisory Panel during its initial three-year tenure, bringing insightful first-responders' perspectives and consistently providing invaluable counsel based on his years of training, unequalled leadership, and exceptional experience in the field.

Ray was not only a nationally recognized leader, author, and lecturer on rescue, collapse operations, and terrorism emergency response. He readily responded to the call for help in Oklahoma City, Atlanta, and other disasters outside his home jurisdiction. Frank Keating is better than I at revealing just how much a hero Ray is to Oklahomans as he is to his own city. Ray was never one to talk about his accomplishments. It has only become more widely publicly known since September that Ray was the most decorated member of the FDNY--21 times for valor. Yet, with all of his professional responsibilities, Ray made time to spend with his family, never

missing a major school or sporting event of his five children. To the very end, he continued that amazing record with his grandchildren. Two of his sons are now officers of the Fire Department of the City of New York. All five, as well as two of his grandchildren, spoke passionately and eloquently at Ray's memorial service of his total commitment to his family.

It was with great humility but also with great pride that we dedicated our third report to Ray Downey. That report was issued, totally coincidentally--or perhaps providentially--on the same day that Ray's memorial service was held, December 15, 2001. On that day, thousands of firefighters and other first responders from New York and from all over the United States stood in frigid weather for more than three hours--in formation--outside Ray's small parish church on Long Island, while Ray's children and grandchildren, his colleagues, his commissioner, his mayor, his governor, and his president all paid tribute to this remarkable American hero.

Our memorial epitaph to Ray was simple but never more profound:

Ray Downey

Husband . . . Father . . . Patriot . . . Hero . . .

Friend

And in the final, most courageous moments of his duty-filled life . . .

Brother to all Humanity

Ray, we salute you; we know that you are still with us in spirit. With a renewed sense of profound commitment, we pledge on our honor that you and all the other victims of the attacks will not be forgotten and that the loss we have all suffered will not have been in vain.

Our Continuing Mission

Madame Chairman, our mission is urgent and clear: we must continue to bolster our capability to thwart terrorists wherever and whoever they are. Our collective call is to continue the momentum to secure our homeland and protect our citizens. While there is much more work to be done, I am confident that we will be successful. America's strength is in its people, our leaders, and our collective commitment, especially during times of crisis.

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 was 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, 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

Madame 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.

Finally, we determined that this entity does not need to be "in charge" of operations to combat terrorism. As the attacks of September 11 have clearly demonstrated, that responsibility will fall, at least initially, to State and local jurisdictions. The Federal Response Plan, which provides for Lead Federal Agency and functional responsibilities, works. That process does not need to be supplanted.

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:

☒ 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;

☒ 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;

☒ 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;

☒ 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

☒ 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.

Madame 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 on the nationwide survey.

#### 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

### The Road Ahead

Madame Chairman, as the Advisory Panel enters another year and embarks on its fourth report, our focus will be on the essential elements of the Congressional mandate--unchanged in the panel's statutory extension. We have not tried to speculate whether spending on combating terrorism was too little, too much, or just about right. Rather, we have attempted to concentrate on assessing whether resources provided for those purposes by our populations' duly elected representatives--you in the Congress--are being applied effectively. The President and the Congress have now seen fit to increase dramatically the level of those resources and the President has proposed the creation of the Department of Homeland Security. Our continuing mission will be assessing the application of those decisions, especially as they related to enhancing the capabilities of States and localities.

We have reviewed in a cursory fashion the proposal submitted by the President to the Congress towards the creation of a Department of Homeland Security. Like the Congress we are studying the proposal and will soon be prepared to offer a more detailed analysis. You no doubt invited me in my role as Chairman to convey our thoughts about the President's proposal to create a Department of Homeland Security. This type of major restructuring was not what our Panel had recommended. Our recommendation provided for the creation of an office in the Executive Office of the President to better strategically integrate the activities of the wide range of agencies with responsibilities in this area. This recommendation was informed in part by the recognition that terrorist attacks on our nation could cause profound national security, economic, social and health and safety problems. These attacks could take the form of conventional, Weapons of Mass Destruction or cyber attacks. The plethora of potential scenarios and a needed focus on prevention and deterrence was clearly not within the single mandate of any one federal agency or level of government. Our Panel viewed the issue as one of management and organization versus structure. We believed that the needed coordination could more effectively occur at a level higher than Cabinet agencies to minimize the potential for turf wars that are inevitable when it comes to competition for resources, both human and financial.

This is not to say that what the Administration is proposing is not now the right answer. Clearly as a nation we now have the benefit of our September 11th experience. Our Panel, the Hart-Rudman Commission and the National Commission on Terrorism made our recommendations without the painful yet valuable knowledge that we gained from the September 11th attacks and subsequent incidents involving Anthrax. This knowledge will strengthen our collective ability to engage in discussions concerning the proposal before the Congress.

To that end we would like to offer several points to assist the Congress in its efforts to partner with the President in working to make American safer and more secure.

First the proposal to create the Department of Homeland Security has been described as " the

largest reorganization of the federal government since World War II". The proposal you have before you today has implications beyond the federal government. In communities and states all across America public officials and the private sector are engaged in securing our homeland and protecting against the lawlessness of terrorists who would seek to do our citizens harm. A major reorganization at the federal level will have to be very carefully implemented. I cannot stress this point enough. Local and state officials, experienced in working with their federal partners, see a very real threat in the whole idea of reorganization unless it ensures that the momentum and program delivery that is just beginning continues full speed ahead and uninterrupted. Our collective discussions must focus on both the elements to be put together and minimizing potential disruption of collective local, state and federal partnership efforts for preparedness. This is especially important in light of proposed first responder funding initiatives in the '03 budget that could become victims unless the reorganization is carefully implemented to guarantee success.

Second, we must have a clear understanding of what problems the re-organization is attempting to solve. Our Panel, like others, noted a wide range of problems with our national preparedness efforts. Note that I say national and not federal. The federal government must play a clear leadership role but solving problems requires an effective integration of local, state, federal and private sector participants and as a nation we must be clear in defining what those problems are. For instance our Panel noted in its Second and Third Annual reports that our ability to collect, analyze and disseminate critical intelligence to all organizations with a need for it was inadequate. We noted problems at the federal level - in terms of horizontal sharing between elements of the intelligence, law enforcement and defense communities and vertically with key local and state officials as well as the private sector. Furthermore, we noted the sharing and analysis of intelligence must be a two-way street when one considers the threat to be against our communities and states. Congress has begun to ask the very relevant question of how will things improve if the two key agencies, the FBI and CIA, are not included in the new Department. Our point is that this and other questions must be asked and adequately answered to ensure we get the best final structure.

Along those lines and thirdly what is the role of state and local government in defining the problem and securing corrective action. The Administration proposal provides for state and local coordination with the new entity. It is critical that the state and local partners are engaged in the design and implementation phases as well as the execution phase. The Administration's proposal has direct implications for a wide array of federal agencies and by extension states and communities. We must ensure that the state and local role is equal to that of the federal government in terms of construction of the new Department and its operation. You are not simply making decision of federal structure but rather a decision that will directly influence state and local government.

My fourth point concerns the continuing need for a clear national strategy that collectively articulates what we as a nation are seeking to accomplish in our preparedness efforts. The proposed Department is not the national strategy but rather will become the engine to implement the strategy once developed. We cannot afford an exclusive focus on discussions about the new Department and not address the larger strategic needs that will define our long-term national and international success in countering the terrorist threat. A national strategy is key to our efforts in determining how the proposed Department of Homeland Security can best be structured to accomplish the mission ahead.

In closing let me note that our Panel continues to review the Administrations proposal. In the

near term we expect to have more information by which we can offer specific insights and concurrent with our statutory duty we will provide those to the Congress and the President. Critical to our efforts will be our opportunity to work with the Administration to gain a more detailed understanding of the problems they have identified with national preparedness efforts and how proposed changes in organization, policy and programs will effect improvement. We should not lose sight of two critically important issues.

The proposed new Department of Homeland Security is not the solution. It is simply a mechanism or tool for implementing broad change across program and policy. The debate seems focused on who and what will go into the new Department rather than how the proposed change improves our collective preparedness efforts. We must focus the debate on what problems must be solved and what is the best way to solve them. We must also ensure that the sheer size of the new Department does not become an impediment to the timely and effective sharing of information. This applies equally to "operational" information as well as program and policy direction. One could probably cite numerous examples of large federal institutions, or for the fact of the matter, state and local government organizations, that do not convey coordinated and consistent flow of information to their constituents. This type of organizational problem can be overcome but only if a focused effort is provided to do so. It would seem that the opportunity with a new Department to address these organizational cultural issues is considerable.

Second, we cannot lose sight of the fact that the enemy has us in a reactive mode. On any given day agencies at the federal, state and local level, in vast segments of the private sectors and among our citizenry are reacting to the latest threat advisory. I believe that keeping the nation informed is critical to thwarting future attacks. At the same time it keeps us in a reactive mode. Our challenge is to make well-informed public policy decisions driven by logic and thoughtful analysis and not by emotional gut reaction. A major reorganization must be structured to first solve the problems identified and second not to contribute to a heightened level of chaos. Our Panel is committed to continuing its advisory role to the Congress and the Administration to ensure the most effective structure for the new Department of Homeland Security is outlined and a corresponding implementation plan is crafted to ensure it begins to operate as effectively as possible.

The President's proposal is but one element, albeit an important one, towards an enhanced level of national preparedness. We will consider along with the proposed reorganization other important issues that must contribute to our overall strategic approach to a safer and more secure America. We are considering several functional areas for future research and analysis, and subsequent conclusions and policy recommendations. Those areas include but may not be limited to the following.

#### State, Local, and Private

**Standards.** We will consider in more detail the progress that has been made in establishing national standards for equipment performance and compatibility, especially the work of the Interagency Board for Equipment Standardization and Interoperability and the National Personal Protection Technology Institute.

**Continuity of government and continuity of operations (state and local).** The attacks have shown that these issues require more in-depth consideration, especially for programs that require coordination with or assistance to the private sector.

**Establishing partnerships with non-governmental entities.** We will consider ways for better integration of the private sector--business, industry, and other non-governmental and private

volunteer organizations (NGOs and PVOs)--with governmental entities in emergency preparations and response, including better coordination, planning, training and combined exercises.

Government protection of private-sector critical infrastructure. Issues in this area that require further attention include both the appropriate levels of government support to the private sector and methods for delivery of Federal assistance.

Information sharing from government to the private sector. In the third report, we recommended areas in which the private sector could assist by providing more information already at their disposal to government entities. We now must explore the reverse of that equation, especially in the transportation, energy, finance, and communications sectors.

Direct appropriations to States. To provide appropriate Federal resources to States more effectively, the panel will consider ways and means of providing direct authorization and appropriations to the States, without the burdensome process of Federal grants.

### Health and Medical

Long-term mental health and psychological issues. We have noted, both in the recommendations in the substantive chapters and in the chapter on "perspectives," our concern about these issues. We are especially concerned about the impact of such attacks, and the threat of future ones, on our children, as well as better methods for dealing with the "worried well." We will consider various coping strategies and will likely conduct case studies on systems in Israel and the United Kingdom.

Vaccines. We will consider in more detail the recommendation to create a government-owned, contractor-operated vaccine research, development, and production capability. We will also explore other areas involving vaccines for both humans and livestock. We will consider especially the prospect for the creation of a National Vaccine Authority.

Agriculture and the food and water supply. We have repeatedly raised concerns about threats to agriculture. More consideration of those issues is required, and for possible threats to our food and water supplies.

Medical examiners. Too little attention has been focused on the important roles of government medical examiners and other pathologists. We will consider the need for improvements in forensics and reporting requirements and capabilities in this arena.

Public health reserve corps. We will consider the potential benefits and requirements of establishing a robust reserve of medical and health professionals that can be mobilized to respond to health and medical crises.

### Use of the Military

Roles and Missions. We will continue our assessment of progress in defining and clarifying the activities of our Armed Forces inside our borders, especially the roles and missions of the National Guard.

### Coordination and Other Security Issues

Positive identification. The Panel will also seek to clarify, within the context of the current national debate, acceptable levels for potential universal identification systems, such electronic methods as palm or eye scans, or other technological capabilities.

Financial tracking. "Following the money" is an important way of discovering and preventing potential terrorist activities. Much is being done in this area following September 11 but the

panel will consider other potential measures.

Strategic communications planning. We will explore potential models for providing better information to the public before, during, and after a terrorist incident--threats, hoaxes, and actual attacks.

Airline and airport security measures. The panel may undertake an assessment of the effectiveness of the measures currently being implemented as well as others that may be implemented in the future.

#### Conclusion

Madame Chairman and committee members, this is not a partisan political issue. It is one that goes to the very heart of public safety and the American way of life. We have members on our panel who identify with each of the major national political parties, and represent views across the entire political spectrum. They represent all levels of government and the key disciplines that are needed to address this issue effectively. We urge Members on both sides of the aisle, in both Houses of the Congress, to work with the Executive Branch to bring some order to this process and to help provide national leadership and direction to address this critical issue. The proposed Department of Homeland Security represents but one part of the issue. We must not let our focus on this one piece preclude our ability to look at the larger strategic picture in making America safer and more secure.

Thank you again for this opportunity.