

Testimony of
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Introduction

Thank you for the opportunity to offer the Institute's assessment of the Council of Foreign Relations Task Force Report, "America Still Unprepared -- America Still in Danger."

In 1838, a young Abraham Lincoln commented, "All the armies of Europe, Asia and Africa combined ... with a Bonaparte for a commander, could not by force, take a drink from the Ohio, or make a track on the Blue Ridge, in a trial of a thousand years."

This is of course still true today, but unfortunately irrelevant. It no longer takes a superpower to threaten a superpower. In fact, America's enemies no longer require military forces to threaten our security. Small nations, terrorist organizations, even some transnational criminal organizations can threaten our homeland with weapons of incredible destructive and disruptive power.

Most people in this hearing room will agree with this assessment ... why restate the obvious? But the fact is, if we all truly believe this assessment, why do we not yet have a Department of Homeland Security? Why are our state and local law enforcement officers still operating in a "virtual intelligence vacuum"? Why is it that the most dependable delivery system for a terrorist nuclear or radiological weapon is to merely rent a shipping container for \$1500 in some third world country? Why are we still unprepared for an attack with biological weapons ... the weapon that can seriously disrupt our lives and frighten our families when used on a small scale as we witnessed in October 2001, or potentially threaten the very survival of our nation in a large-scale, sophisticated attack using a contagious pathogen?

These are the types of issues illuminated by the Council on Foreign Relations Task Force. We, at the ANSER Institute for Homeland Security, agree with the vast majority of their findings. Most importantly, we agree with the Task Force members and with the President that the top priority must be the creation of a Department of Homeland Security. Five of the six critical mandates identified in this report can best be resolved through the leadership of a Secretary of Homeland Security and the management and coordination efforts of the Secretary's staff.

However, it is not enough to create a new organization and to mandate that certain reports be shared. It is insufficient to contemplate mere reorganization when what is required is true transformation. Fourteen months after the horrific attacks of 11 September we have yet to embrace the notion that non-conventional threats demand that there be a fundamental change in how this nation does business.

As we position the nation's efforts towards transformation, we must be guided by the principles of speed, sustainability and accountability. One-year stand-alone initiatives drain money and distract attention from required and fundamental systemic changes. Timeliness is essential, but we must assure systems of control, oversight, and evaluation. Responsibility and authority must be granted, but always with an eye toward maintaining the federated distribution of power across our nation.

The Report

The Council on Foreign Relations Task Force recommends six major areas for action, with many associated specifics. With but one major exception, we generally agree with the broad assessment of this report, and will offer only a few additional comments on each of the major sections.

I. "Tap the eyes and ears of local and state law enforcement officers in preventing attacks: Make first responders ready to respond."

Concerning law enforcement and intelligence:

The Commission makes some good points, but even their solutions do not address the fundamental problem: our habits of thought are still driven by Cold War patterns and processes. We have not yet developed a new strategic perspective to match the new strategic landscape. New observables are available, but we are not yet using them to identify emerging threats. New weapons have arrived, but we are not yet using new capabilities, like forensic pathology, to conduct our analysis. To our new enemies, culture, religion and history clearly matter, but experts in these areas are not yet fully informing our analysis. Yes we face major problems in receiving, fusing, analyzing, and distributing intelligence from multiple sources, from multiple levels and multiple jurisdictions, without an existing system for information classification. And I understand and support the Commission's desire to provide tactical solutions so our 650,000 law enforcement officials in the field can see immediate results. But fixing the process without updating the strategic perspective that drives the entire enterprise would be putting new wine in old skins. I know that a transition team is working hard to develop such expertise and perspective in the homeland security intelligence community. Before I fully endorse the report in this area, or recommend a specific solution, I recommend we wait to see what program is developed by the efforts now underway in the administration. I join the Commission in urging that the results of these deliberations must be turned into an operational program as quickly as possible.

Concerning first responder training:

Many valuable training programs already exist (such as the Center for Domestic Preparedness, in Anniston, Alabama), a number of excellent proposals for expansion await support from a new Department (such as the National Center for Disaster Decision Making in Portland, Oregon). And we certainly agree that funding should be expedited to reach the thousands of first responders anxious to improve their capabilities. However, we would also offer three brief warnings:

§ We do need central standards (provided, again, out of a Department of Homeland Security).

§ We need to provide mostly matching federal funds, making outright grants the exception rather than the rule (in order to promote accountability at every level) and,

§ We need to make sustainment a fundamental consideration of every program we fund. Skills deteriorate and equipment must be maintained. We know that buying a new fighter plane without thinking about how to maintain it and train pilots and mechanics over the long haul would be foolish. The same is true of first responders and their systems. One-time fixes are just that - fixes for one moment in time. Yes, we need rapid improvement in this area - but those improvements must be sustainable as well.

II. "Make trade security a global priority"

Although trade is not our specialty at the Institute, creating responsive organizations is. Consequently, we concur with all these recommendations. And we can tell you that the Department of Homeland Security where these trade and security responsibilities will reside can only implement these recommendations if they have the ability to reallocate money during the fiscal year, and the flexibility to reallocate personnel in response to crises. Certainly, such authority requires oversight, and we would encourage Congress to require the Department Secretary to report on any such decisions taken each year. But if we are going to make securing our borders and international trade a priority, then we need the ability to fix problems on the spot and as they arise - not wait one to two years for proposed solutions to work their way through the annual budget process. Provide authority, then enforce accountability - that is the formula for rapidly addressing this problem.

III. "Set critical infrastructure protection priorities"

While energizing protection plans is important as the Task Force recommends, I am much more concerned with anticipating and preventing cascading systemic collapse than in the point defense of the 56,000 facilities considered by some to be "critical infrastructure." This requires that facilities be evaluated against intelligence analysis of the threats, and the potential impact on other critical infrastructure if they fail - not just as independent, stand alone targets. Setting priorities requires evaluation of the interaction of critical infrastructure, and this demands detailed simulations and exercises, not just academic review and estimates.

IV "Bolster Public Health Systems"

On this issue, the ANSER Institute's considerable expertise suggests that the Commission's concerns and recommendations are generally on the mark. We wish to emphasize that biological agents pose the most serious threat we will face in the next two decades. This threat to our homeland includes the potential for use of such agents against a wide range of targets including: small and large-scale attacks on civilians, attacks on our food supply (primarily as a means to attack our economy), and attacks designed to disrupt the deployment of our military forces.

Research and development for new vaccines, antibiotics and anti-viral drugs; new capabilities in forensic biology (who sent the letter to Senators Daschle and Leahy?); expanded stockpiles and distribution mechanisms, and interoperable information systems capable of providing early notification: all are critical to a comprehensive biodefense program. However, no single element

in this program is more important than a long-term commitment to improve America's public health infrastructure.

What was once a world-class capability has been allowed to atrophy during the past several decades. A recent nation-wide study funded by the Centers for Disease Control and Prevention highlighted the lack of preparedness for America's first responders during a biological attack. The results, presented on a scale used by many schools in America (100-90 = A, 89-80 = B, 79-70 = C, 69-60 = D, > 60 = F) were even worse than initially expected. Nearly two-thirds of America's state and county public health offices were included in the survey, and 74 percent received failing scores. Twenty individual areas of preparedness were assessed. The lowest rated area was for "Drills and Exercises." (On the scale of 100 to 0, the national average score was ironically 9.11.)

Too often, the term "first responder" is used to mean firefighters, police officers, and emergency medical technicians. In facing the potential of continued threats from biological agents - such as the anthrax attacks of 2001 - America's public health officials are the first responders and they must receive appropriate and successive levels of funding.

V. "Remove federal government obstacles to partnering"

Because the vast majority of America's critical infrastructure is owned and operated by the private sector, private-public partnerships will be essential if we are to maintain the fundamental character of the American system. The federal government must act mostly by incentives, information sharing and cajoling - although legal and regulatory levers are available in certain specific circumstances. The Task Force's list of actions is excellent, but allow me to emphasize two specific points: the importance of working out some sort of compromise on the broad sweep of the Freedom of Information Act (FOIA) and the Federal Advisory Committee Act (FACA) cannot be overstated. Full disclosure of problems and full sharing of potential solutions is a show-stopper for many industry leaders. They simply cannot allow their investments to be endangered by potential targeting by terrorists or lawsuits, based on information shared in private with government representatives, but later made public under FOIA and FACA requests.

We have encountered this need repeatedly over the past year as Institute personnel met with a wide variety of homeland security operators at every level (federal, state, local, and private sector) in many different venues. We are never going to cross the fault lines within homeland security communities, if we cannot address the "stovepipes" of authority, responsibility and information in confidence.

VI. "Fund, Train, and Equip to make the National Guard a primary mission"

While we agree that additional funding will likely be required for the National Guard, we are not ready to endorse the report's sixth major recommendation concerning roles and missions of the National Guard in the 21st Century. These citizen soldiers already are stretched thin preparing for and executing a wide variety of missions in support of our military forces overseas. We are gratified but not surprised that the Guard and Reserves continue to answer "Can Do!" when additional homeland security missions are identified - but we wonder if it is strategically sound to continue to ask the same citizen soldiers to respond to an increasingly broad range of duties, even as we predicate our military planning on their availability. For example, we are not

convinced that tripling the number of Weapons of Mass Destruction Civil Support teams is the most cost efficient and effective means of improving readiness for response to chemical, biological, radiological, nuclear and explosive (CBRNE) attacks. Maybe we need more Guard teams - maybe we need more teams from some other source. Maybe we need more teams reporting to the Guard but with some entirely different configuration and division of responsibilities and resources. But what we most certainly need is an independent evaluation of options and considerations in employing the Guard decisively, primarily, or exclusively against the new homeland security missions.

Simply put, we are not convinced that the National Guard (as currently organized, trained and equipped) can meet the dual demands of preparing to support the Department of Defense in fighting major theater wars, and at the same time be fully prepared to support governors in a homeland security role. Although recommending that a commission study an issue merely defers a decision, in this instance the fundamental changes that may be required are so significant that an independent commission may be warranted.

We believe that America is asking too much from our citizen soldiers. We must not be guilty of abusing their patriotism. These are great Americans who continue to step forward whenever asked. We must realize this is going to be a long war, perhaps as long as the Cold War. We must provide the National Guard a more focused mission and then ensure that it is properly organized, trained and equipped for that mission. We need a new commission to get this examination started - and to get it right.

Education

Based on our own experience watching many, many government and private organizations scramble to put homeland security into effect, we are convinced that the single greatest need is education -- and more specifically, executive education for leaders in both the private and public sectors. Too often we have seen well-meaning senior personnel unable to properly frame a key question, much less organize an effective response across jurisdictional boundaries. In fact, we are convinced that a large part of the inertia that so frustrates the Task Force and animates their report on widespread systemic inaction is simply a lack of education - leaders do not know each other, they do not know their own authority, and they do not know what lessons others have already learned. They don't know what they don't know.

The US military has a sophisticated education system that involves officers and other leaders at every level of career progression. There is nothing comparable for homeland security - and most especially there is no national level organization to show the way to elected officials struggling with new responsibilities and limited resources. Over time, no doubt sophisticated civilian university programs will emerge as they have in national security. But such programs are slow to develop, and depend upon the production of academic faculties - a slow process that took a generation in the case of national security. We can't wait.

§ We need a single point of contact for all such educational programs - located in the new Department of Homeland Security.

§ We need a series of education programs NOW connecting various jurisdictional levels and stovepiped organizations

§ And we need to establish these programs with the same sense of urgency prescribed by this Task Force report for other areas.

It would be wonderful to wait until all questions are answered, and build the curriculum slowly as academic expertise grows. But we do not have that luxury. The nation is at war. We need pilot programs to promote exchange across operational lines now.

Such programs should be funded and encouraged at every level, but especially for senior decision makers. They should be tied together at the national level with central collection and distribution of information and lessons learned - under the Department of Homeland Security. They should adhere to central guidelines but NOT central standards and accreditation - not yet. We should let ideas and approaches develop before choking them with regulation and standardization.

The program would surely change over time, but it could begin quickly with full funding for a few national level programs supervised by a single organization under the DHLS, and offers of matching funds - not full grants - to state and local programs managed through the governors. There is great opportunity here - and great peril, if every training and educational institution in America begins to scramble for federal funds by pressuring their representatives in the Senate and House directly. We need to relieve that pressure and provide some objectivity - by setting guidelines centrally at the Department of Homeland Security and providing matching funding equitably through the states and their governors.

Conclusion

In conclusion, we at the ANSER Institute for Homeland Security certainly concur with the call to action generated by this Task Force and their report. The danger to the nation is real, and America is not moving fast enough to meet it.

Given these concerns, if we had to pick one critical concern, we would pick meeting the threat of biological attack by improving public health. If we had to pick one thing to add, it would be the need for executive education for our senior officials and elected leaders. If we had to pick one caution, it would be the importance of program sustainment - America cannot fix systemic problems with a one-time infusion of cash. If we had to pick one solution it would be instituting a single budget system to prioritize, stimulate and control the efforts of our key agencies involved in homeland security. If we had to pick one key action that would do the most to energize these solutions it would be establishing a Department of Homeland Security, with one person given the authority and resources to make decisions - and held responsible for the results. And if I had to pick one issue not adequately addressed in the report or the proposed department or my remarks, it would be creating a new strategic perspective for intelligence - a tough nut to crack and one we can discuss at greater length during questioning if you wish.

We are grateful for the foresight demonstrated by members of the task force, and the interest demonstrated by members of this committee. All of us want what is best for America. But we do not have much time. We must get it right - or close to right -- very soon. I cannot repeat often enough: America is at war. We need to act like it while there is still time to prepare.