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Combating Terrorism: Options To Improve The Federal Response

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Chairman Shays, Chairman LaTourette, distinguished committee members, the legislative proposals and the recent hearings held on the subject, including today's, clearly demonstrate that issues surrounding terrorism and homeland defense are receiving the attention that such problems demand. Congress has clearly realized that a vacuum exists and is taking steps to fill it.

I would especially like to commend Congressmen Gilchrest, Thornberry, and Skelton on their leadership on the issues of terrorism and homeland defense and for subjecting their legislative proposals to public examination and comment. We have before us a rare opportunity for cooperation, not just within Congress, but also with the Executive Branch, and we should take full advantage of it.

Cooperation with the executive branch is crucial to turn concepts into capabilities. We need to cooperate, not mandate. We should also keep in mind that the National Security Council is currently reviewing all of the Executive Orders and Presidential Decision Directives on related matters. Simultaneously, the Department of Defense is undergoing a thorough strategic review. Change is good, but not simply for change's sake. We must not rush to judgment, but instead identify specific problems, which then allow targeted solutions in our recalibrated policy.

The United States is now at a crossroads. While credit must be given where it is due, the time has come for cold-eyed assessment and evaluation, and the recognition that we do not presently have - but are in genuine need of - a comprehensive strategy for countering the threat of terrorism and the larger challenges of homeland defense. As things presently stand, however, there is neither assurance (via benchmarking) that we have a clear capital investment strategy nor a clearly defined end-state, let alone a clear sense of the requisite objectives to reach this goal.

The dimensions of the challenge are enormous. We all know that the United States has long served as a lightning rod for terrorism abroad. Now we must emphasize that we must worry about the homeland as well. Moreover, while the likelihood of a major terrorist attack using chemical, biological, radiological, and nuclear (CBRN) weapons is low, the consequences are too high to ignore.

The threat of CBRN terrorism by states and non-state actors presents unprecedented planning challenges to American government and society. Notably, no single federal agency owns this

strategic mission completely. Currently many agencies are acting independently in what needs to be a coherent response. Unfortunately, to date, the whole has been less than the sum of the parts.

In considering how best to proceed, we should not be afraid to wipe the slate clean and take a fresh look at the issue. We must ask ourselves: what has worked to date? What has not worked? What are the gaps and shortfalls in our current policies, practices, procedures, and programs?

We need to be willing to press fundamental assumptions of our nation's security. Are our organizations and institutions adequate? We cannot afford to look at the world through the current alphabet soup of agencies and their respective "org" charts. Military superiority alone cannot ensure our safety. We need to broaden our concept of national security planning to include CBRN terrorism and develop and implement an effective, comprehensive national counterterrorism strategy. In their proposed legislation, Congressmen Gilchrest, Thornberry, and Skelton, have done just that.

These three bills, H.R. 1292, *Homeland Security Strategy Act of 2001*, H.R. 1158, *National Homeland Security Agency Act*, and H.R. 525 *Preparedness Against Domestic Terrorism Act of 2001*, propose methods of reorganizing the federal government so as to efficiently and effectively implement antiterrorism and counterterrorism measures. These three approaches provide several solutions and putting them front and center during a hearing clearly indicates a willingness to determine the best solution.

I offer these comments in the spirit of this hearing, namely, to determine the best course of action. For the past year, I have chaired the Committee on Combating CBRN Terrorism as part of the Homeland Defense Project at the Center for Strategic and International Studies. Of course, none of this is to say that we (CSIS) have all the answers, quite the opposite in fact. Indeed our recommendations represent just one possible course of action among many and it remains up to you - Congress - and the executive branch to decide jointly precisely which of these avenues, or combination thereof, should be pursued.

Strategy must be a precursor to budget. In short, our antiterrorism and counterterrorism capabilities and organizations must be strengthened, streamlined, and then synergized so that effective prevention will enhance domestic response preparedness and vice versa.

A comprehensive antiterrorism and counterterrorism strategy would incorporate a full spectrum of activities, from prevention and deterrence to retribution and prosecution to domestic response preparedness. All too often, these elements of strategy are treated in isolation. Such a strategy must incorporate both the marshaling of domestic resources and the engagement of international allies and assets. It requires monitoring and measuring the effectiveness ("benchmarking") of the many programs that implement this strategy so as to lead to common standards, practices, and procedures.

A complete CBRN counterterrorism strategy involves both (1) preventing an attack from occurring which includes deterrence, non-proliferation, counter-proliferation and preemption, and (2) preparing federal, state, local, private sector, and non-governmental capabilities to respond to an actual attack.

The *Homeland Security Strategy Act of 2001*, introduced by Rep. Skelton, requires the president to develop a comprehensive strategy for homeland security under which federal, state, and local government organizations coordinate and cooperate to meet homeland security objectives. This course of action is likely to achieve full participation and support by various agencies of the executive branch in a comprehensive counterterrorism plan because the agencies would be involved in the formulation of the plan. This is critical, as executive branch agencies will take the lead in implementing any comprehensive counterterrorism strategy. Furthermore, the legislation provides for a threat assessment by the president to serve as the basis for the comprehensive

strategy, and the legislation recognizes that having a projected multi-year budget is a critical component of the strategy.

The legislation might be improved by requiring a series of threat assessments and a sequence of reviews of the comprehensive strategy. The threat environment will likely evolve and change, thus requiring our comprehensive strategy to evolve and change in response. Furthermore, homeland defense is a problem that involves the Executive Branch but also incorporates state and local governments as well as the private sector. Any legislation should ensure that these actors are key players in the formulation of an effective counterterrorism strategy.

To focus the efforts of the various agencies with antiterrorism and counterterrorism responsibilities, we need a high-level official to serve as the focal point for our efforts to marry up three criteria: authority, accountability, and resources. We recommend establishing a Senate-confirmed position of Assistant to the President or Vice-President for Combating Terrorism.

The Assistant for Combating Terrorism would be responsible for issuing an annual national counterterrorism strategy and plan that would serve as the basis for recommendations regarding the overall level of counterterrorism spending as well as how that money should be allocated among the various departments and agencies of the federal government with counterterrorism responsibilities.

The Assistant would require limited direction over departments' and agencies' budgets in the form of certification and passback authority. In practice, this means that the Assistant would possess the authority to certify future-year plans, program budgets, and annual budgets. And, where budgetary requests fail to adhere to the President's overall policy and budgetary agenda, the requests would be passed back to departments and agencies for revision. Correlatively, we suggest that the Assistant be given authority to decrement up to ten percent of any "counterterrorism-support" program that does not meet the requirements of the nation's counterterrorism plan.

In conjunction with the above, each federal department and agency with a counterterrorism mission should develop five-year plans and long-term research, development, testing, and evaluation (RDT&E) plans. These would then be coordinated by the Assistant to the President or Vice-President, who should support a holistic effort to use technology to improve domestic response preparedness and tie RDT&E efforts to practical deployment plans.

The *National Homeland Security Agency Act*, introduced by Rep. Thornberry, provides for the creation of a National Homeland Security Agency. The director of this agency will be responsible for planning, coordinating, and integrating U.S. government activities related to homeland security and for working with state and local governments. This legislation stems in part from the findings of the Hart-Rudman Commission on U.S. National Security in the 21st Century, which recommended the creation of such an agency. Though this may be a wise course to pursue in the long-term, a determination can only be made after a careful review.

Presently, we require a workable, near-term solution. Establishing a single, unified agency requires both substantial support from the administration and time to initiate, establish, and make operational.

Currently, many agencies have a vested interest in combating terrorism, whether at home or abroad. All of these agencies have worked on solutions to their discrete problems. As a result, there are duplications and redundancies within the system that detract from streamlined efficiency.

But the various agencies have done good work in coming to grips with their particular problems and devising workable solutions. Arguably, the greatest breakdown does not occur at the operational level, but at the juncture where policy and operations meet. What is lacking is a clear method of integrating these various responses - getting everyone to pull in the same direction at

the same time, if you will. We need to recognize the cross-cutting nature of the problem in order to move beyond our current, stove-piped conceptualization.

As the first step in this direction, the Federal Emergency Management Agency (FEMA) needs to be properly capitalized. As the lead agency for consequence management, FEMA has not been adequately resourced to accomplish its mission. FEMA still lacks the administrative apparatus, logistical tail, and personnel necessary to take a lead role in domestic terrorism response.

We need to empower FEMA, in part by building on its experience with natural disasters and its existing integration at the state and local levels. Further, FEMA should handle the consequence-management training mission. This mission currently falls within the Justice Department's bailiwick, but, in the event of an attack, FEMA would have to handle the consequence management. It only stands to reason that they be involved from the beginning.

The role of the Department of Defense (DoD) in domestic preparedness for terrorism involving CBRN weapons has been the subject of much debate. Only DoD possesses the resources necessary (including transportation assets, basic supplies, communications facilities, etc) to manage the consequences of a CBRN terrorist attack. But, a real fear remains about the infringement of civil liberties should DoD be designated as the lead agency. DoD should be restricted to supporting the lead federal agency in a domestic crisis. In the event of a major terrorist attack on US soil, however, the President, and the President alone, will determine what is best for the country.

As with FEMA, the Department needs the resources to fulfill its responsibility. (If the President decides to turn to the cupboard, we most certainly do not want him to find that it is bare). I find it difficult to believe that, in a time of genuine crisis, the American people would take issue with what color uniform the men and women who are saving lives happen to be wearing. Even more starkly, the president should never be in the position of having to step up to the podium and say to the American people what he could have, should have, or would have done - but did not do because of this or that. Explaining to the American people the inside-the-beltway debates just will not stand up if such an event occurs.

Furthermore, in the *National Homeland Security Agency Act*, the proposed agency would have a Directorate for Critical Infrastructure Protection, which would combine the functions of such offices as the FBI's National Infrastructure Protection Center and the Commerce Department's Critical Infrastructure Assurance Office. Much of the nation's electronic infrastructure is owned and operated by the private sector; accordingly, effective critical infrastructure protection requires close public-private partnership. We should ensure that the private sector fully supports this organizational response with respect to critical infrastructure protection.

The *Preparedness Against Domestic Terrorism Act of 2001*, introduced by Rep. Gilchrest, is intended to coordinate and improve federal efforts to assist state and local emergency preparedness and response personnel in preparation for domestic terrorist attacks; to designate a lead entity to coordinate such federal efforts, and to update federal statutory authority to reflect the increased risk of terrorist attacks. More specifically, this bill creates a council known as the President's Council on Domestic Terrorism Preparedness.

This legislation might be improved by ensuring that it does not artificially divide international terrorism from domestic terrorism (i.e., steps taken to prevent and not just prepare for a terrorist attack). A complete CBRN counterterrorism strategy involves both preventing an attack from occurring, which includes deterrence, non-proliferation, counter-proliferation and preemption, and preparing federal, state, local, private sector, and non-governmental capabilities to respond to an actual attack.

On the international front, diplomacy is an essential first step in preventing terrorist attacks. For example, just last year, the Jordanian authorities saved American lives during the millennium celebrations by preventing planned terrorist attacks. This is a clear reminder that our antiterrorism

and counterterrorism efforts must start abroad. Transnational problems must include transnational solutions.

The role of intelligence cannot be underestimated. Multi-disciplinary intelligence collection is crucial to provide indications and warning of a possible attack (including insights into the cultures and mindsets of terrorist organizations) and to illuminate key vulnerabilities that can be exploited and leveraged to disrupt terrorist activities before they occur. Our first priority should always be to get there before the bomb goes off.

To date, signals intelligence has provided decision makers with the lion's share of operational counterterrorism intelligence. National technical means cannot be allowed to atrophy further. While a robust technical intelligence capability is crucial, our human intelligence capability must also be enhanced - especially against low-tech terrorists who are less susceptible to non-human forms of intelligence collection. In addition, we must enhance intelligence sharing between the public and private sectors.

No matter how robust our intelligence capabilities and efforts, intelligence will never be sufficient alone. We cannot prevent 100 percent of the damage 100 percent of the time. Emergency responders - those who will be first on the scene of a "no warning" event - are state and local (not federal) personnel, police, firefighters, and medics. Efforts to develop a unified and effective domestic response capability need to address the myriad state and local jurisdictions and their "crazy-quilt" of doctrine, legal authority, equipment, and training for emergency responders.

If a terrorist event occurs, time will be of the essence to turn victims into patients. For this reason, state and local governments must continue to develop and expand their capabilities to respond to a terrorist attack, and more resources must reach the state and local levels for management and execution. At the same time, however, limited resources dictate that there must be optimal transition from "ordinary" (e.g., heart attacks) to "extraordinary" events.

Currently, many regions may not be prepared for a CBRN terrorist attack. The perception remains that the probability of an attack in most areas (except for prominent targets such as New York City and Washington, D.C.) is so low, while the cost of training and equipping emergency responders is so high, that it does not make sense to devote significant resources to the problem. That mindset is wrong and it is dangerous. After all, who would have predicted Oklahoma City six years ago?

Not surprisingly then, federal, state, and local exercises have revealed serious deficiencies in preparedness, including severe lack of coordination. The value of training and exercising must not be underestimated. Hopefully, it will be the closest we get to the real thing. If not, it allows us to make the big mistakes on the practice field and not on Main Street, USA. We should expand training and exercising of state and local emergency responders, develop matrices for judging the effectiveness of training (no metric currently exists), and strive to make exercises more realistic, robust, and useful (e.g., increase the number of "no-notice" exercises).

More broadly, federal, state, and local governments must allocate between and among one another, responsibilities and resources for domestic preparedness. Equally, federal, state, and local governments must also make a concerted effort to ensure the harmonization and interoperability of equipment and incident command structures. We must, therefore, build bridges - not only between federal authorities and state and local officials (what we have termed "the federal interface"), but also between federal entities, as well as from one state to another.

We must expand the national security policy planning table to include everyone whose voice must be heard. We currently have a series of "disconnects." Within the federal government alone, for instance, we have yet to develop (for counterterrorist purposes) smooth channels of inter-agency and intra-agency coordination and cooperation across and within federal agencies that have worked little together in the past (such as the intelligence community and the Departments of Defense, Justice, Health and Human Services, Agriculture, and Energy).

Further, our comprehensive national strategy must integrate the medical, public health, and human services communities into this counterterrorist effort, particularly considering the prominent role they would play in detection and containment of bioterrorism.

Since bioterrorism is primarily a medical/public health issue, effective organization and integration into any counterterrorism strategy of these communities is critical. The biomedical, public health, and human services communities are underequipped vis-à-vis a biological attack. The expertise of the commercial pharmaceutical and biotechnology sectors must also be integrated and leveraged into the effort.

First, we must capitalize the public health structure. Core public health functions (disease surveillance and laboratory capability) will form the foundation of detection, investigation, and response for bioterrorist threats.

Second, we must develop a national bioterrorism surveillance capacity. Surveillance is the touchstone of public health and organizes the other capacities within the public health sector. A national bioterrorism surveillance system should allow public health and emergency managers to monitor the general health status of their populations (human, livestock, and crops); track outbreaks; monitor health service utilization; and serve as an alerting vehicle for a bioterrorist attack.

Third, we need to expand the provisions on biological terrorism in the Terrorism Annex of the Federal Response Plan. The current U.S. plan for an organized response must be updated to include preparedness for a biological attack, which presents a host of unique and complicated challenges and requires re-examining the lead agency roles and missions.

Everyone is here because they believe that something needs to be done, and done quickly. We have already taken the first few steps on our journey, but we need to have a clear roadmap to keep us from getting lost.

The sixth anniversary of the Oklahoma City bombing and the recent bombing of the USS *Cole* remind us that antiterrorism and counterterrorism must be a continued and sustained focus of our nation's security efforts. We have learned lessons about terrorism the hard way. The time has come to apply what we have learned.

If the president and Congress set their sights on the careful crafting and comprehensive implementation of a national counterterrorism strategy, it will happen. I am confident that President Bush and Vice President Cheney, in conjunction with the Congress, can and will rise to the challenge.

Thank you for giving me the opportunity to express my views and I look forward to your questions.