

## House Armed Services Subcommittee on Military Procurement Holds Hearing on Report of the Advisory Panel for Terrorism Involving Weapons of Mass Destruction

### LIST OF SPEAKERS

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WELDON:

The subcommittee will come to order.

This morning the Military Procurement Subcommittee meets to receive testimony from Governor James Gilmore on the soon-to-be-released fourth annual report to the president and Congress of the Advisory Panel to Assess Domestic Response Capabilities for Terrorism, Involving Weapons of Mass Destruction, more commonly known as the Gilmore commission.

Good morning, Governor, and we thank you for taking your valuable time to be with us.

Apologize that we have a number of conflicts at this very moment. Both the Democrat Caucus, which started at 9, and the Republican Caucus, which starts at 10, are causing a number of our members not to be here, especially on the Democrat side. They're having very critical elections and we understand why members have to be there for those elections.

You've hung in there with us for four years, working this important issue. And we greatly appreciate your service to the nation. And I would like to remind our colleagues that it was this committee that actually created the commission, back when it wasn't the most politically correct thing to be talking about. So while we hear a lot of praise for Hart-Rudman and some of the other commissions, it was this committee and this particular commission that long before 9/11 was out there assessing what needed to be done to better prepare us to deal with the kinds of attacks that we saw on 9/11.

In your first report to Congress in '99, you cited the need for a truly integrated national strategy to guide national domestic preparedness. At that time, you called for fundamental changes of the federal government to support state and local authorities, and you suggested a federal clearing house for preparedness information. You also cited the need for the intelligence community to better use information technology to obtain and share data on potential terrorist threats.

We've made some progress. We now have a national strategy, but much remains to be done on intelligence collection and sharing, as well as restructuring in the federal government to better address the challenges of effective homeland security.

An even greater challenge is how we overcome the bureaucratic cultural impediments to get our people to work together at the federal level and between the federal and state and local government agencies. We can change the fundamental structures, as we have witnessed. We have to overcome cultural barriers to effective communication and sharing of vital information if we are to be effective in stopping terrorist acts.

President Bush's homeland security budget request for this fiscal year concluded that, quote, "The threat of terrorism is an inescapable reality of the 21st century. It is a permanent condition to which America and the entire world must adjust," end quote.

The federal terrorism budget for the country is \$38 billion for this fiscal year. That's about the same as the entire federal budget for the Russian Federation. It's estimated that our nation as a whole spends \$100 billion on homeland security. It's indeed unfortunate that for the foreseeable future terrorism is to be an enduring fact of life. All we can hope to do is to make sure that dollars are well spent, are put to the most productive uses in countering the terrorist threat.

Your appearance today is particularly timely, given the confluence of many related events: the war in Afghanistan continues, the confrontation with Iraq and all that entails continues, international terrorist acts continue to be a part of our own and our friends' and allies' daily experience.

The Congress, this week, seeks to finalize authorization for the Department of Homeland Security. In fact, we did that last evening in the House; the largest reorganization of the federal government in 50 years. And the Bob Stump National Defense Authorization Act is on its way to the White House for the president's signature.

Governor, many elements of your prepared statement warrant detailed discussion. Time is going to limit our ability to talk about them, but two of the recommendations, I think, are extremely important and personally have been at the top of my agenda for the past five years. The one deals with creating a national data fusion center. And that, contrary to what was editorialized in the national press as recently as this morning, does not mean that we have to create big brother watching on every American citizen.

As you well know and as you have pointed out continuously, what we've been talking about since 1997 -- in fact, we put language in two successive defense bills, in 1999 and 2000, calling for the creation of a national data fusion center primarily aimed at external intelligence, intelligence collected overseas, that does not violate the rights and the freedoms of people here at home in America. We want your full candid assessment on that issue.

And the second is a recommendation that you've been calling for, and which I just raised before I came here with the steering committee of the new Congress, which I'm a member of, and that is the creation and the need for a consolidation of oversight of homeland security.

When we finish the homeland security bill and the president signs it into law, perhaps in a week or two, there will be a big Oval Office ceremony. But if we don't take the additional steps as a Congress and consolidate the authorization and the appropriation, that agency, in my opinion, may be doomed to failure.

We currently have 88 committees and subcommittees that have a piece of the jurisdiction of the new Cabinet agency, Homeland Security. It is unthinkable that we would have 88 committees and subcommittees attempt to control what is going to be in itself a very difficult task of standing up this new agency.

You've been in the forefront of that, and we appreciate that. And I can tell you that many of us in the Congress will be pushing. Chairman Young has already said he's going to consolidate the appropriation process. And what I think we have to do is, based on a recommendation that you all have been putting forth, and that is to consolidate the authorization process, as well. So we appreciate you being here.

The gentleman from Mississippi, my good friend, Gene Taylor, is not here, and he is very concerned and interested in this issue. I am going to ask unanimous consent that he can put whatever comments he wants in the record, along with the distinguished ranking member, Mr. Skelton, who also has an intense interest in this area.

And again, the lack of their appearance here does not indicate that they're not interested. They are. I've had discussions with each of them. It is just, unfortunately, this two-day period we're here a lot is happening.

We wanted to give you the chance to come before us and the country and present your outline during this very critical time period, which is why we scheduled this hearing at this very difficult time. But I want you to understand that our colleagues on both sides of the aisle do want to work with the commission, do want to continue the support, and appreciate the work that you've been providing for us up until this point in time.

With that, Governor, I will without objection place your entire statement in the record and you may use whatever time you might like before we get to questions.

GILMORE:

Good. Mr. Chairman, thank you very much for the opportunity to appear before you and members this morning.

I certainly recognize that there are some organizational issues at work that are preventing some members from being here this morning. But nonetheless, I appreciate your affording us the opportunity and me the opportunity to make this record, which we believe will be useful for you and other leaders of the Congress as you go forward in the days and the months ahead.

I want to thank you for the opportunity to be here. I certainly want to thank Congresswoman Davis for her presence here today; a congresswoman from my home state of Virginia; a good friend to me and Roxane and someone that we rely on very much.

So thank you very much, Congresswoman, for being here.

Mr. Chairman, as of course you know, and for the record, this commission that has been established, your commission, this advisory commission to the Congress on Terrorism, Weapons of Mass Destruction and Domestic Response was established by you, your leadership, and that of this committee, all the way back in January of 1999.

At that time, as I think the chairman said, the thought was somewhat theoretical, but the truth was that the Congress, and particularly the leadership that you provide was very concerned about the nation's status and ability to respond to a terrorist attack, and therefore the commission was established.

GILMORE:

We, by statute, are required to report every December 15 of every year. We, in fact, did report in December the 15th of the year 1999, 2000, and completed all of work and sent to the printer our last statutory report to be published on December the 15th. But that was done in late August when, of course, the 9/11 attack occur.

Then, under your proposal, your leadership, our commission was extended an additional two years. We are now coming up, Mr. Chairman, on the end of the fourth year, and we have one additional year to go under the present status.

I want to thank you very much for your leadership. I have testified before your committee before and other committees. You have been the person who has really focused attention on this, Congressman Weldon. And I want to thank you very much for your leadership in this. We look to you as our key contact in the Congress on these critical issues, particularly involving localities, states and a national strategy.

The panel composition, as everyone knows, is not a commission that is traditional in Washington, D.C., of classic insiders on the typical blue ribbon commission. This commission is established by working men and women who actually go out there and deal with these issues each and every day. There's a strong representation from fire, police, rescue, emergency services, as well as state leadership, local leadership, people from the intelligence community of retired general officers. A very good mix of people who would actually have to deal with many of these issues.

Ray Downey was a member of our commission for years, the top leader of the New York Fire Department. He served faithfully with this commission, but was unfortunately killed in 9/11 at the World Trade Center.

But others have stood in the place of those who have moved on to public leadership or have passed away. And I think that the work we are doing continues to be very instrumental.

We have pointed out that all events are local, that all-hazards approaches work best, that there are policy and organizational issues that have to be addressed, not just simply more money and more technology, but cultural and organizational and policy issues that must be dealt with, and we have done that with the assistance of the Rand Corporation. This commission has asked a major research organization to staff our commission, and the Rand commission has done this from the very beginning and continues to do so to this day.

Our first report issued in 1999 was an assessment of the threat. At that time we assessed that there was less possibility of an attack by a weapon of mass destruction in this country, but the commission's deliberations took the issue so seriously we knew we could not take it off the table and that it had to be up on the public agenda for discussion.

On the other hand, we concluded that the chances of a conventional attack -- the hijacking of a train, the hijacking of an airplane, the explosion of a bomb -- was very highly probable inside the homeland. This was not considered in 1999 to be something that was very much on the forefront of discussion at that time.

In the second year, in the year 2000, December the 15th, we did major policy work. We recommended that there be a national strategy. We pointed out that a federal strategy is not a national strategy, that a national strategy requires people at the federal, state and local level to be coordinated in order to do a proper preparation, prevention and response.

We recommended in that year of 2000 that there be a special committee, a consolidation of committees within the Congress in order to be able to provide a proper oversight in enabling legislation for any potential federal effort; that there be emphasis on intelligence sharing, health care and above all national standards so that we could begin to organize ourselves so that we were prepared to respond as a nation.

Our focus was on state and local, health and medical, immigration and border in the third year, cyber-security and the use of the military.

Mr. Chairman, those who read our reports and the entire body of our work over all these years will see a constant focus on the concern for the civil liberties of the people of the United States. The enemy would like to push this country into a position where we're so effective in our response that we begin to diminish what we are as Americans. And so there's been a constant concern on this issue. The introductory letter in the second report on the year 2000 focuses on this very much.

With that preliminary, Mr. Chairman, the current deliberations that we are doing in year four, we are just about to complete our work. In the report that will be published on December the 15th, we will focus chapters on the strategy and structure necessary for the government to be in a position to respond. In short, the national strategy, the types of organizational efforts that have to be made, the use of the military, health and medical, critical infrastructure protection and agri-terrorism (ph). Those are the concerns that I think our commission is focusing on right now.

With respect to the issue of strategy and structure of government, I have a bit of an announcement to make in this forum this morning. Because the Congress has just passed the Department of Homeland Security and it is going to further discussions in organization, in the weeks ahead additional legislation will no doubt come forward, we have concluded that we wish to release the principal recommendations in the area of strategy and structure today to the Congress in our advisory capacity.

A copy of that is at the desks of the members. And I know that the staff people will make it available to them as necessary. Of course, there are members who are here, present, who will see this report today. It is being issued in advance of the December the 15th report because of the timetable of the Congress.

Very quickly, there are some areas that we are recommending. We are recommending an all-source fusion and analysis center, as you have suggested, Mr. Chairman, so that we can begin to share information and bring information together, which is properly and lawfully collected, but across different lines. All the intelligence organizations coming together in order to be able to share information. There's been a lot of discussion about this, of course.

And then, in addition to that, we are recommending a separate component, a separate additional agency to do domestic intelligence- gathering with respect to terrorist and foreign activities here in the United States, and that that be moved from the FBI into a new organization.

This is a very important discussion that we have had on this. It has been lengthily discussed in our commission this year. A lot of heat and a lot of discussion has been had on that. But the concern is that this work must be done and it must be done effectively, and therefore this commission is making that recommendation.

We will have additional recommendations, of course, within this report. But we're also focusing a great deal of attention on the need for the Congress to establish separate authorizing committee and related appropriations subcommittee with jurisdiction over federal programs and authority for combating terrorism and homeland security.

The commission over the years and continues to be concerned about the proliferation or the large number of committees, particularly in appropriations, that the new department will have to address. And there is concern that there will be cross-cutting pressures and this will retard the ability of the new Department of Homeland Security to get off the ground.

We have recommended continuously and continue to recommend either a joint committee of the Senate and the House, one committee to do oversight and appropriations or at least a separate committee in each house to do the appropriations and to do this work, as opposed to the many, many committees that are in existence today.

GILMORE:

Once again, I would request that this advance recommendation on strategy and structure be included in the record, together with the formal statement that we have made.

Mr. Chairman, in addition to that, we are continuing to work on the issue of the use of the military, particularly focusing, of course, on the direction of NORTHCOM. We have had direct meetings and

briefings from NORTHCOM. We are very happy with what NORTHCOM is telling us about what they foresee their role to be.

The chairman will recall that we have focused a lot of attention over the years on sequencing of responders, focusing first on local responders, as, in fact, we saw both in New York and in Northern Virginia at the Pentagon -- fire, police, rescue, emergency services -- and the need for them to be enabled to do that work.

A second then would be to follow with the National Guard. They are basically a homeland organization of people from the community that people are used to seeing if, in fact, that becomes necessary to put in military people. Together, of course, with speciality units from the regular military. But to bring in the regular military only as a last resort and at the end.

We believe that this is the proper way to preserve the structure and feeling of the American people toward the potential response and to not overact by too much of the use or too quick a use of the military.

We'll be focusing our attention on health and medical issues, a serious concern about the potential for a bioterrorism attack. We recommended the national pharmaceutical stockpile usage. We are recommending that it be exercised. We focused our attention on the potential for our national laboratory to be prepared for bioterrorist attack and vaccine strategy.

On critical infrastructure, there are a lot of concerns about this that we will bring forward to the Congress on December the 15th. Particularly the issues regarding federal reimbursement for any types of costs that are incurred by states, localities, private sector, for improvements to the infrastructure.

There is concern because there needs to be constant interoperability of communications, particularly telecommunications. I would point out the issues that are before the FCC right now and before the committees of the Congress regarding spectrum and the ability to distribute that spectrum in such a way as to enhance interoperability -- federal, state and local.

And in addition to that, we are focusing a great deal of attention on the fact that most of the critical infrastructure is in private hands, and that electrical companies, water companies, critical focusing infrastructure if there's a major attack will need to be able to interoperability communicate as well. These are concerns that we are bringing forward, and including agri-terrorism and the need to be prepared to maintain the food stuff chain in the case of a major attack.

Mr. Chairman, the second issue that I would bring forward today is the one that the committee has asked us to specifically address: the types of equipment needed and policies and procedures and interoperability of entities and common training requirements.

It goes to the essential issue that we still have to answer, Mr. Chairman, as a nation, and that is, what is readiness? Until we define what that is, and we understand the level of risk that inevitably we must run, we then can begin to focus our attention on what is necessary to reduce that risk to a minimum while maintaining our civil liberties. That is the principle policy goal that the Congress and the administration will need to reach toward.

How do we best set our priorities? Mr. Chairman, it's not possible to buy everything that people want to sell to the government. Everybody is coming forward with systems; some work and some don't, but most do work and most do enhance security, but it will be impossible to do everything. So we have to define what the priorities are and what we have to do by way of preparing and purchasing in homeland security.

The second point which you have addressed and which we believe needs to be addressed is the issue of national standards. There will be a need for the new department, working hand-in-hand with the two branches of government, to set national standards on how to train, equip and plan for and coordinate responses.

Now, we have been in communication, of course, with the Office of Homeland Security. We are aware of the excellent work that they are doing, and my friend, Tom Ridge, from your home state, is ably heading up the Office of Homeland Security.

We would point out that in our previous report in 2000 that we suggested that there needed to be a clear set of priorities for research and development and training. We believe that the White House Office of Science and Technology Policy should aid in setting these types of standards.

We believe that local responders reported then and continue today to report that equipment that they purchase doesn't need specifications that may be useful for interoperability in an overall national strategy, and without national direction on this in setting national standards, we still may end up with people showing up at the sites with very able equipment that can't work together or talk to each other. And that is

the simple reality until these kinds of standards are set. We have to continue to plan for interoperability in long-term research and training.

National standards are key in this matter. Nationwide capability, dual- and multi-purpose applications: All of these things have to be taken into consideration.

In closing, Mr. Chairman, these functions we recommend now are about two years old and still need to be performed and more urgently than ever. But we still have a long way to go to achieve any coherence in standards and testing, particularly for first-responder equipment and communications capability.

And, Mr. Chairman, as you have led this topic over the years, you have pointed this out: The locals are going to be the responders, and that is the reality in a nation as large as this and as diverse as this. It is still the case that the standards that we are seeing today are only what the vendors say are the capability of their wares, and that's it.

GILMORE:

And this is a serious concern and will require congressional and administration leadership to do this.

We recognize the efforts of the Interagency Board for Equipment Standardization and Interoperability and the National Personal Protective Technology Laboratory, which is in your home state, Mr. Chairman, and the technical support working group. These are some good efforts that are under way, but they won't be enough at the level of current resources.

In short, Mr. Chairman, we strongly urge this leadership in preparation and prioritization and standards. And all of this can be done, Mr. Chairman, all of this can be done. We can make all of these policies and do this organization, and we can set all of this and we can do it consistent with the commission's overarching concern on the impact of any legal policy or process changes that we see on our civil rights and civil liberties. These can exist side by side. And we're confident, with the leadership of this administration and this committee, that that will be achieved.

WELDON:

Thank you, Governor, for your excellent statement and even more for your outstanding work. Sometimes in this city, we do the right thing and in this case we did the right thing back in 1998 when we put language in to create this commission with bipartisan support. And we were able to get the best of the country on the commission.

And you alluded to your friend and my friend, Ray Downey, who was one of the original commissioners. I've been with Ray a number of -- I was there with him at the '93 attack on the trade center in New York. And unfortunately, in spite of his national reputation for helping to sound the call of the recommendations you are making, he was the chief of all rescue operations for the New York City Fire Department on September the 11th, as we all know. And he was the one who was directing the bulk of those 343 firefighters who were killed.

But his contribution as a member of the commission will be forever remembered and I think further indicates the seriousness of this issue, because he was a guy on the commission who was telling us before 9/11, "We're not doing things as aggressively as we should be."

Unfortunately the country wasn't totally listening. We had been lulled into a false sense of complacency that there were no threats to our security; everything was OK. And back when you issued your first two documents, even though this committee was paying attention and attempting to respond, the bulk of America was not, because we had been led to believe that we would not have this kind of attack.

And so, I applaud you, because the work of you and your commissioners before 9/11 was telling us what we should be looking for, what the appropriate threat assessment mechanisms should be, and how could we best prepare, and you being a governor, understanding how we need to relate down to the state and local levels; that it all couldn't be coming from Washington.

And your issue involving data fusion, I don't think there's anything more critical, as far as I'm concerned, because if you can see the emerging threat before it arrives here, you can deal with it. And so, as the chairman of this subcommittee, which oversees \$100 billion of procurement money, we can buy all the tanks and ships and planes we want. But I think a far better investment, besides these platforms, is to make sure that we understand that threat when it arrives.

And I'll only say before I pass to my colleagues for questions, what was so frustrating to me was back in 1997 when I took a delegation of 11 of our colleagues to Vienna to negotiate with five Russian leaders a framework to end the Kosovo war. And I knew Russians were bringing a guy who was very close to

Milosevic. His name was Karech (ph). So I called the CIA Director, George Tenet, and I said, "Can you give me some information about Karech (ph)?" And he came back about two or three hours later and gave me a couple of sentences saying they thought he was tied in with the Russian mafia.

Without telling anyone, I went to the Army's information dominance center down at Fort Belvoir. At that time this committee was plussing up funding for our information dominance centers for each of the services. And the information dominance center for the Army was down at Fort Belvoir.

And I was intrigued by them, because they were going one step beyond just doing information dominance and they were looking at how to do the use of data mining to understand emerging threats. And they were doing it unofficially, because the government wasn't really sanctioning that. But because some dark fiber plate (ph) blinds run through Fort Belvoir, they were able to access other intelligence streams besides those of the Pentagon.

And I asked them to give me a profile of Karech (ph). They gave me eight pages. They gave me eight pages of information about this guy. They told me that he and his brothers owned Milosevic, that they owned the banking system, that the banking system had tried to sell a missile from Russia to Yugoslavia, that the banking system had tried to -- had been involved in a \$4 billion German bond scam, that the wives of the Karech (ph) brothers were best of friends with Milosevic's wife, that the Karech (ph) brothers actually own the house Milosevic lived in that we bombed.

And the sad case is that when I came back home, Mr. Governor and Chairman, I was contacted by both the FBI and the CIA separately. And they asked me to have a debrief with them. This was in 1997. I said, "Sure, what's the topic?" They said, "What you know about Dragamir Karech (ph) and his ties to Milosevic." I said, "No problem."

On a Monday afternoon, I had four agents in my office, including a counterintelligence officer for the CIA. They brought with them four pages of questions and asked me as a member of Congress -- and I asked them, "Why are you asking me all of this?" They said, "Because we've been tasked by the State Department to brief our negotiator on how to end the Kosovo war." I told them everything I had learned, all eight pages of information that I had gotten about Karech (ph).

And when I got done, I said, "You know where I got my information from?" "Oh, yes, you got it from the Russians." I said, "No." "You got it from Karech (ph)?" I said, "No. Before I left, I called they Army's information dominance center and they gave me eight pages."

WELDON:

And the CIA and the FBI said, "What is the Army's information dominance center?"

Our federal agencies weren't even aware of the capabilities our military had, not in monitoring domestic citizens, but in understanding someone who could have helped us -- and did help us -- end the war in Kosovo. And that's why data fusion and data mining and the creating of a national operations center became so personal for me.

You picked up on this. You have been a tireless advocate. And I applaud you.

My only frustration is that the recommendations of the Gilmore commission have far outshined any other commission in this city, long before 9/11. You weren't Sunday morning quarterbacks, you were out front. And yet the national media has not paid, in my opinion, the appropriate attention of the reports that you've issued. And we want to help you do that.

So by being here today, I think we can properly applaud you for the work that you've done. We could ask you some tough questions about what additional things we should be doing, but most importantly we can thank you.

And we thank the RAND Corporation for the staff support they provided. And look forward to another year of work in helping us stand up this new agency and, perhaps equally important, consolidate the authorization and oversight of the monies that go to homeland security.

With that, I'll turn to one of our top advocates in this body on the issue of homeland security. He constantly has made the case that we have not focused our attention on the right threats. And he, as much as any other member, was the leading advocate to make sure every state in America has a proper response team in place, which became a part of our defense bill. He was the one who championed this, understanding that local effort is absolutely essential. My good friend and ranking member, Gene Taylor.

TAYLOR:

Thank you, Mr. Chairman.

Let me first apologize for the absence of my fellow Democrats. As you probably know, the leadership elections are occurring right now in the Democratic organizational meeting. So I apologize for their absence.

But you might look on your side for some possible defectors, because a lot of your guys are missing also, and so I don't know where they are.

(LAUGHTER)

Governor Gilmore, one of the things that came to my attention quite by accident was the total lack of preparedness, equipment-wise, by many of our local communities.

I had the fire chief of New Orleans come to see me on something dealing with Amtrak. And I had the opportunity to ask him how many chem-bio suits that large city of over a million people. And I think his answer was 18. Since then I've contacted most of the cities in my district and was absolutely shocked at how few suits there are available, how few suits are available at local hospitals.

Has anyone got a comprehensive list of what is available to our communities and what would be available for resource sharing should there be a smallpox outbreak, which immediately comes to mind is something that would be very doable by a potential adversary?

GILMORE:

Mr. Taylor, that's a very managerial type of question. And I appreciate it's being asked. That reflects a mind that believes that you need to go to work to actually inventory to determine what exists and what is needed. And we applaud that.

From our commission's point of view, what is essential is the establishment of a national strategy where we begin to develop a focus on what the more likely threats are, and then what the best possible procedures and planning is that should be put into place to meet those potential threats.

So if, for example, we conclude that bioterrorism is a very serious likely threat, then we believe that the new department should, in fact, begin to develop the planning and to set the standards so that the suit that might be -- first of all, you have to decide whether the suits are the best possible expenditure and how many you need, and then begin to do the planning for that. And then to develop a funding mechanism, in conjunction with the federal, state and local authorities, to be in a position to purchase that. So that is the exact right approach.

But the direct answer to your question is, I doubt that anybody knows what inventory of appropriate equipment exists, but that would reflect the central concern. The central problem is that you don't even really know that the existing equipment is responsive to the more likely threat. And that, I think, is the challenge that rests ahead of us that will require national coordination and national standards that have to be developed.

TAYLOR:

Number one, I want to compliment you on your presentation. And I found your remarks about the threat of conventional weapons to be also very close to home. And I am concerned, having read several books on the Afghan civil war, the number of Stingers that we supplied to them, the number of SA-7s that undoubtedly came from the other side, that it, sort of, disappeared into hyperspace, and therefore in somebody's hands.

To what extent did your group look at the possibility of a Stinger and SA-7 or some other shoulder-fired missile being used to take down commercial airliners as a weapon of terror?

GILMORE:

We have addressed an issue like that on the basis of the question of what is the more likely threat to the nation, a nuclear, biological, chemical major weapon of mass destruction or a conventional attack.

GILMORE:

And we concluded that a conventional attack in this country is highly probable. And, in fact, in the introductory of the second report we indicated that it was inevitable -- that being published December 15th, 2002.

So nobody knows whether or not the enemy has their hands on a Stinger missile and can get it delivered into this country, but it's a lot easier to do that and a lot more available than, for example, a

smallpox attack, which would be more difficult to get and to deliver into this country. That's been the way that our committee has assessed these types of issues.

The direct answer to your question is, it is possible that a missile like that could fall into the wrong hands and could be delivered over a border and into this country. And that's why we focus so much attention on border security, as well as preparing for coordination between federal, state and local authorities for the response to such an attack; and more fundamentally, the absolute necessity of information sharing between federal, state and local people so that if an attack like that is imminent that we hope that we can pick up information and prevent it from occurring.

The only way to do that is a broad-ranging opportunity to get information, both domestically and foreign, to get it fused into a place where people are talking to each other, and then be in a position to prevent an attack like that that might happen.

But Congressman, it could be a Stinger missile, it could be a bomb on a suicide person someplace or it could be any type of conventional attack which is easily delivered.

TAYLOR:

I'm curious that from your previous role as the governor to what extent were you included in being made aware of the different threats -- the hijacking of a commercial ship going into the port of Norfolk and using it as a weapon to ram a dock or take out a pier full of commuters, the possibility that a Stinger missile could be on a rowboat out in the middle of the Potomac waiting to take down a plane that's about to make a landing at National Airport. To what extent are the governors made aware of these threats? And to what extent are you involved in trying to do something about them?

GILMORE:

Congressman Taylor, I was the governor of one of the two states that were directly attacked on 9/11. We had the terrible tragedy, of course, in Pennsylvania as well, but the direct attacks occurred in New York and Virginia. And I was governor at that time. The commission has focused on the reality that very little information passes up and down the line between federal, state and local people.

The direct answer is governors are told virtually nothing. They are not cleared automatically. They do not get information in any automatic routine way. They do not get routine briefings. We are fortunate if our TAGs or our state police people get such information through the FBI. But the experience in history is that very little of this information passes up and down the line.

Much discussion has been in this body on the need to be able to share information laterally across the federal agencies. So a lot of discussion on that. The bureau, the agency, the NSA, the DIA -- they don't share information much either. And that is a problem that I know they're working very hard to try to correct.

But you're focusing on a second and principle problem: You must get information moving up and down with federal, state and local people. This does not happen, and there is no provision set for it to happen. Our commission has excruciatingly closely focused on this issue over the years in our reports, and we continue to do that. And we believe that some system must be put into place where there's reliability and trust.

Congressman, we believe this can happen. We understand that the culture of intelligence is not to share information. We understand that. We understand the business-like desire to protect methods and sources.

However, you must get information to where it can do the most good. And a simple color-coded warning that says that we're in a high level of concern -- the people who have testified before the Congress, people who have testified before our commission says that just isn't enough. We have to be in a position where we can prevent and deter and to respond in a way that is more effective.

I believe that it can be done. It can be done by clearing people, designating a tight net, getting information on a need-to-know basis, training, exercising and, if necessary, punishing as you would at the federal level for violation of the disclosure of that type of information.

Congressman, sensitive information that has nothing to do with the federal government is handled at the state and local level every day without going into the newspapers. I am confident that we could set up a system that would share this information vertically up and down the line to the interests of the country.

TAYLOR:

Again, to follow up, since you very strongly made the point that the local responders are going to be the first responders, well, how would you propose to do that? Apparently, we had some warning -- certainly more than the first two planes -- that the third plane was headed toward D.C. A number of high-value targets: the Capitol building, the White House, the Pentagon immediately come to mind, the CIA Headquarters, which apparently the son of the blind cleric had in one of the transcripts said was going to be a target of his.

So how would you, as the governor of the state where one of those high-value targets is -- what do you think should have -- what information do you think should have been given to you once it was pretty clear that one of those planes was headed this way? And what could you have done in that limited time that was available that might have minimized...

GILMORE:

In the airplane example, clearly the skies are controlled by the federal government, without any doubt. That type of information would have been useful to a governor only to alert him to trigger his procedures and to put into place, either in response to that attack or any other attack, a warning that something may be at work.

GILMORE:

And I can only share with you, Congressman, on that morning, when we knew we were under attack, both in New York and then shortly thereafter in Virginia at the Pentagon, the issue, as a policy-maker from my point of view is, what else is going to happen? We've seen now three attacks and another one that was deterred in Pennsylvania that might have occurred and our response was: What next? Are there other airplanes? Do we have buildings that have to be put on alert? Do we have the potential for a ground attack? Do we have some other type of attack?

We were operating on our own and making sure that we were triggering our procedures and policies and putting them into place in order to protect the country and have good communications up and down our lines to the greatest extent possible.

But there needs to be at this point, prior to an attack, information sharing on a regular and routine basis perfectly secure that will enhance the nature of the country.

But to be sure, an airplane attack is principally going to be deterred and prevented through the federal system and the control of the skies.

Not so on a ground attack, Congressman, not so. If there were any evidence that was picked up of a potential ground attack and the target might not even be precisely named, then the response to that is going to be principally law enforcement: sheriffs, police departments, state police. And even if the event is occurring and there's time to respond on a surprise attack, Guard, these are going to be the responders that are in the community and prepared to respond.

And that's why it's so essential that governors and mayors and police chiefs and so on within a tight net we have some facility for the passage of appropriate information.

TAYLOR:

Last question, Governor. And I do find it interesting that I have the opportunity to ask these questions of a governor.

At one of your big universities, Virginia Tech, UVA; Saturday afternoon; pretty good crowd at a football game, 40,000, 50,000 people, and I'm sure you use the mosquito control truck, which is, you know, the truck drives around town, sprays the fog, keep the mosquito population down. Someone has taken it. And someone has gotten upwind of your stadium, appropriate distance where he could do so, and spray a substance. No one quite knows what it is, but they know it's pretty unusual for a guy to be spraying on Saturday afternoon upwind from the football stadium.

What would your response have been and what sort of things do you think any governor would need to respond to that?

GILMORE:

Congressman, you have put your hand, your finger directly upon the essence of the challenge that we face today as a nation, and that is that the attack by the enemy is limited only by their imagination in terms of planning and targeting and then, of course, their implementation.

9/11 attacks were a carefully thought through, long-term planned, military operation, secretly done surprise attack. In a sophisticated and free society such as ours, it is impossible to predict everything.

So you have to ask the question: What do we do then? That's really what you're asking. What would we do in the case of stadium attack, something of that nature?

And the answer is that we have to put these systems into place that create the best likelihood of anticipating what the enemy is doing or picking up information as to what the enemy is doing.

NSA, of course, has that capability. CIA can hear things overseas. Domestic intelligence organizations can hear things locally. They must be in a position to share this information with each other, and then with the proper authorities.

What would happen on a football stadium on a Saturday afternoon? There will be no federal law enforcement authorities there, Congressman. It's the locals.

TAYLOR:

I'm aware of that, Governor, so walk me through what legal authority, you as the governor of Virginia, would have had to, say, quarantine that area, confine those people so that in the case of something that is contagious that they don't return home to their home towns and infect other people.

Walk me through what you could do under existing law and what you feel like you should be able to do under a more ideal situation.

GILMORE:

An excellent question. I don't know that Virginia is necessarily the perfect example.

TAYLOR:

But you will admit, Virginia's got a number of high- value targets.

GILMORE:

Oh, yes. And we have a statute in place that is incredibly broad for the authority of the governor.

When I became involved under the auspices of this committee, we certainly went to work trying to anticipate what might happen in our state, and this is only an example of what all 50 states would do. But the governors go to work, I believe, to establish these types of procedures into place.

The direct answer to your question is, the governor of Virginia has virtual plenary authority to do anything necessary under emergency type of situation like that. Actually, I'm not sure it's constitutional, but that's the law. And we could do virtually anything that we had to do under emergency power.

The challenge that we face as a nation is to apply these rules and regulations in such a way as to make sure that we don't go into a virtual martial law-type of status at the first possible threat or difficulty.

The answer, of course, would be that you would utilize your law enforcement authorities, together with your fire and rescue and emergency responders, hopefully with appropriate equipment necessary to be able to evaluate the situation, to be in a position to get your hospitals ready for a surge of that kind of capacity.

The ability to have plans and procedures in place in advance and understood by the community, so that you're not creating a panic situation, and to be in a position to respond to an attack like that.

But the challenge is less that. The challenge is that it can happen anywhere at any time under any scenario. And therefore systems must be set up into place.

And if an attack like that was going to occur, we sure want to know if the bureau has picked up some notice of it somewhere, or the CIA has picked up some notice of it somewhere. They should know from each other, and they should tell the governor. And we should be in a position to tell all of those local responders in that community.

TAYLOR:

Mr. Chairman, thank you for indulging me.

WELDON:

Thank you for those excellent questions.

The gentlelady from Virginia is recognized.

DAVIS:

Thank you, Mr. Chairman.

And, Governor, welcome. It's a pleasure to have my past governor from my state here today. And you and Roxanne are great people. And I appreciated having you as our governor for four years.

GILMORE:

Thank you, Congresswoman.

DAVIS:

I want to thank you for all your long and dedicated service not just to our state, but to our nation, especially on this commission. I think you've done a wonderful job and I'm glad to see it continuing.

You brought of a couple things that prompt me to ask you some questions. And one, you talked a little bit about border security. Earlier this year I had the Congressional Research Service tell me that it would take 10 divisions of troops to effectively patrol our borders. And as you know, we only have 10 Army divisions. Consequently, they're busy doing many other things.

What do you realistically think that we could do to protect our borders?

GILMORE:

Congresswoman, we've done several chapters on border- types of issues and we are very concerned about the open and long borders that we have. There will have to be an application of all resources at the federal, state and local level. If you just simply concentrate on federal sources, as you correctly point out, the federal government will be overwhelmed very quickly. Which means there has to be partnership between the Border Patrol people, the INS and also the trade organizations and then, of course, port authorities and people working at the state level and the local level as well into a unified approach on how you protect the homeland and these borders.

One of our focuses has been less on infiltration over the mountains or through the woods, if you would, although we have recommended sentry devices in order to try to protect us against a threat like that. But our principle concern has been the amount of legal commerce that goes in and out of this country, across these borders every day, particularly the ports. And I know that you represent a port area and many other, of course, Congressmen and women in this body represent people in the ports. The ports could be very vulnerable. And if they are attacked, a reaction could close ports. And then, of course, that begins to directly affect the economy of this country.

We think ports are actually a pressure point, a vulnerability point, to the commerce and well-being of the economy of this country. And that means that you have to put into place shippers' programs so that you begin to control some degree of the containers coming in in advance, as opposed to trying to manage it within the port itself and to add all those personnel into the ports. You have to avoid that by trying to arrange some of this before it ever reaches our homeland. And, of course, there will be important new reforms that will be necessary by Immigration and Naturalization.

The trick is to get as much information as possible and then to legally exercise the procedures that are in place and add new procedures to add as much control as possible on these wide borders and commerce in the country.

DAVIS:

Not having read your recommendations, I assume all of that is in the report.

GILMORE:

Yes, ma'am. And also our prior reports discuss much of this, and I will make the border matters directly available to you and any other member that is particularly concerned about this issue.

DAVIS:

Thank you, Governor.

Another question: You mentioned NORTHCOM, and NORTHCOM has been a concern of mine since we've had hearings in Armed Services on it as to the coordination between -- you know, we have Governor Ridge, who coordinates homeland security. Now we've got a new homeland security agency,

assuming the Senate passes it. And then we have NORTHCOM. And in the hearings they said NORTHCOM would also be responsible for homeland security.

Given the fact that in the past we haven't demonstrated that any of our federal agencies speak to one another and we're hoping that will change, how do you see the -- and you alluded to it a little bit in your opening statement -- how do you see the coordination with NORTHCOM and Homeland Security? Are we going to be, in your opinion, at risk of NORTHCOM thinking, you know, someone else is taking care of something; Homeland Security thinking NORTHCOM's taking care of it? I mean, do you see a potential problem there? And if so, how can we avoid it?

GILMORE:

That is a very alert question, and we have been focusing on this for years.

Our very early reports warned that the Department of Defense ought never to be the lead federal agency for response. Our philosophy remains and has remained that you engage a civil, federal organization first in partnership with the states in terms of a potential response, and then bring in the Guard and then finally the regular military thereafter, and that this is the best way for a civil society to operate.

Now we have NORTHCOM, and it is already stood up; it is in place. There is an absolutely essential need for all of the players here to understand what their appropriate roles and sequencing are.

I think the danger is less that one group will think the other is taking care of it. I think the greater danger is that everybody will try to take care of it all at once. And then, at that point, no one will quite understand who's in charge and we just can't allow a chaotic situation to emerge where a civilian authority with guns is taking care of this, and then a military authority with guns shows up and tries to take care of it and we end up with a very tense situation. The enemy would love to see that type of eventuality. So the responsibility on us as policy leaders is to make sure we all understand everybody's role appropriately.

We actually focused a lot of attention on this with NORTHCOM. When you stand up a four-star general and make him a CINC and put him in charge of the homeland, you've got to think that guy's going to want to respond quickly and effectively because he thinks that's his duty. Well, you have to define that, otherwise you run the risk the regular military force of the United States become the first responders. They're probably not trained to do it as well as emergency operations and fire and rescue and there are inherent dangers within all of this that we think can be avoided.

GILMORE:

We have absolute faith and trust in the regular military of this country. We know they are completely and utterly dedicated to democracy and the republic. But it is our responsibility to make sure that everybody understands their proper roles so that the enemy doesn't stampede us into bad decisions in the middle of a crisis.

DAVIS:

I hope you'll keep pushing that, Governor.

Mr. Chairman, just one last question.

Being the wife of a retired firefighter, first responders are pretty important to me, and this may not be a question that you can answer, but given the fact that I don't think that they have the equipment and the training that they will necessarily will need in case of a crisis, do you have any recommendation for the appropriate funding for our first responders?

GILMORE:

Yes, ma'am. The emphasis of our commission, from the beginning and remains so today, is to get an organization in place that can provide guidance and leadership to the national level for a national strategy. Our national strategy has been developed. They will have to go through, in our judgment, more iterations of that, so that it becomes more detailed.

Priorities will need to be set as to what the reality of the threat is. In short, Madam Congresswoman, we need to answer the question: "What is readiness for this country?" And total readiness, as we have eliminated in the discussion with Mr. Taylor, is probably not ever going to be something we can achieve, but we can get a reasonable level of readiness.

And that has to be defined. It has to be defined by the new department, the rules and regulations, through compliance, and through funding, which then has to be carefully set out so that we're spending money on the right things all the way down to the local level.

And once that's done, I'm confident that our police, fire, and rescue will be properly trained, equipped, under proper standards which must be set at the national level. And once that's done, I believe we will achieve that level of readiness consistent with our civil liberties.

DAVIS:

Thank you, Mr. Chairman.  
And thank you, Governor, for being here.

GILMORE:

Thank you.

RYUN:

Governor, first of all, let me just say thank you for being here today, and for your work on this commission. I would like to refer back to some earlier commission reports, and some comments you've made today.

In 1999 and 2000 report commission recommended that Congress should consolidate its authority under one committee. Now I know my research indicates approximately 39 either full committees or subcommittees of jurisdiction; Congressman Weldon and I had a discussion yesterday indicated a greater number. But I think it all highlights the fact that we do not have one committee of authorization. There are those within the Congress that are concerned about that particular process.

I'd like you perhaps to outline the benefit, if you would, to having one commission, or rather one committee, one Homeland Security Committee, the benefits of that.

GILMORE:

Congressman Ryun, I might point out by the way, that this -- while the commission has made recommendations continuously on this, I don't want to suggest in this testimony today that our commission has not been successfully listened to by this body and by the administration. It has been.

Over the years, we have made 79 recommendations. Sixty-four have been implemented, either in whole or in major part, as was indicated in the formal testimony that I presented to this body today. So we think we have made a difference, and we think that we're better off now than we were when we started in 1999 as a nation.

One of those recommendations has been that the Congress itself reform. And I think it's more important now, with the new department having been established, not simply a coordinating office as we recommended, but an entire department, there will now be a lot of rule-making that's going to be necessary, a lot of regulations, a lot of standards that are going to have to be set.

And ultimately the priorities will be set for the preparedness for this nation. And once that is achieved, then the implementation of that policy, as we all know, requires funding and oversight.

And if the authorities who are trying to achieve this task have to appear before, as I think you said, 39 committees, there is a grave danger of contradiction, different priorities being set, disorganization, some oversight in one body and another oversight in another committee. And before it's over with, then we don't have the most effective either oversight or appropriations.

We have recommended and continue to recommend a joint committee or at least a committee in each house, so that the authorities in the executive that are going to try to implement this will be able to work with one committee, and to make sure that it's all properly organized.

RYUN:

Well, Governor, I couldn't agree with you more. And, of course, we can wear you folks out if we had 39 different committees you'd have to appear for for hearings.

There are those who are reticent to even make a rule change, and that's a first step, if you will, toward being able to implement this. Do you believe that the circumstances surrounding having a new committee, and we have already -- you know, there are those who say we have too many committees, and I wouldn't disagree with that. And yet I feel the circumstances now warrant that sort of thing.

Do you think this would be a sufficient enough -- a serious enough issue that would warrant a rule change and the establishment of that committee?

GILMORE:

Yes, sir, I do. I would encourage it very much.

We certainly are not encouraging duplication. The new committee should have that exclusive jurisdiction and authority, not simply duplicating and adding another layer on. But if that is done, we believe it will be much more effective, and much more efficient, and appropriate.

Congressman, our commission is not insensitive or naive as to the process. And we understand that people are on committees, and that they feel that they have authority over a piece of this action, and they want to maintain that.

GILMORE:

We understand that. But we believe that much of this needs to be put aside for the best interests of the nation because of this compelling need that we're facing right now.

RYUN:

I couldn't agree with you more. I know there are turf battles and jurisdictional issues that have to be addressed. But I appreciate your time and the work on this commission.

And I'd like now to yield to the gentleman from Connecticut, Mr. Simmons.

SIMMONS:

Thank you, Mr. Chairman.

Welcome, Governor.

GILMORE:

Thank you, Congressman.

SIMMONS:

About 20 years ago, I was sitting on the Senate side as the head of staff of the Senate Intelligence Committee. And at that time, a recommendation came our way that we create a fusion center for counterintelligence, because the counterintelligence target was a very difficult target for us at the time. And it was felt, at least in the intelligence community, that by creating a fusion center by bringing in all the bits and pieces of information and putting them in one place this country could better deal with the espionage or the intelligence threats that we faced.

That proposal died because of civil libertarian issues. It was felt that the community could deal with the intelligence and espionage threat adequately, and that a national-level fusion center might go beyond what the country was willing to accept as a way of dealing with that threat.

It occurs to me that today we are confronted with a very similar situation, although it's not counterintelligence or counterespionage, it's counterterrorism. The activities are similar in many respects. Very small groups of highly trained, highly resourced individuals with a somewhat different mission: In the case of intelligence or espionage, they wish to collect surreptitiously, in the case of terrorism, they wish to conduct an attack. But up until the point of performing the mission, the activities are similar in the challenge that we face in uncovering them and denying them.

And so, I'm interested and intrigued by the recommendation of the panel to create a new organization. I'm intrigued by the comments on page six and the footnotes that indicate that you and another panel member had concerns that there be no diminution of the civil liberties of the people of the United States -- I hope I read that correctly...

GILMORE:

Oh, yes, sir.

SIMMONS:

... in the creation of a national counterterrorism center.

And the point of my question is this. It seems to me that we have two courses of action. One, to take our existing organizations and agencies, which would principally be the CIA and the FBI, and address the rules and regulations under which they have had to operate in recent years or maybe even over the last 20 years, and to engage in a debate as to whether those rules and regulations should be changed and those organizations should be given greater powers to address the current threat, or alternatively to create a new organization. But if in creating that new organization you don't give it any of those additional powers, then what do you get from it?

GILMORE:

Congressman, we recommended in the very beginning, for example, that the rule that said that the CIA and other foreign intelligence people could not recruit certain criminal types, people who were engaged in rights violations and so on like that -- we saw that as a great impingement on our capacity to do human intelligence on behalf of the country. We recommended, for example, that that rule be thrown out, and I think it has been thrown out. And I'm confident that the intelligence community has benefited from that and that we're doing a better job.

The focus, I think, has to be on legal collection; on what is gathered in a legal way. The report that we have recommended here, frankly, I think is a dramatic report that you have before you.

The recommendation for a fusion center, the ideal there is to get intelligence that is properly collected, gathered together in one place so it can be compared so we can deal with this stovepipe issue that's been so widely discussed; this segregation of information, this inability by law of one organization to talk to another.

And to the extent that there are legal impediments to that type of communication, we believe the body should address those kinds of barriers and impediments. This fusion center we see as an organizational, structural vehicle to enable that, and we encourage it.

The collection body itself, I think, is just as dramatic and that is what has, of course, raised the footnotes. But I wish to report to you that while we wish that the FBI would be in a position to do this, there is great doubt in our commission. And we believe that, in fact, a new agency ought to be recommended.

But we also have been very cautious in our report to say that a new domestic collection organization must be restrained by the same rules of the Federal Intelligence Surveillance Act, of the attorney general guidelines and other restrictions in accordance with the Constitution. So the goal here is not to simply violate people's rights, as I think we have placed down into our report, but to instead have proper information sharing of properly gathered intelligence.

Congressman, one thing that we have done in our commission is, we have really focused on the issue of civil liberties. I'm a conservative. I'm concerned about these issues very much from my point of view, philosophically. And it has been a heavy discussion within our commission all four years, and remains to this day. There are misgivings about the idea of a new agency, but frankly our commission doesn't seem to see any other alternative.

SIMMONS:

Let me pursue this line of discussion a little bit further. It's my understanding, from looking at the recommendations, that the new organization would be authorized to collect intelligence only on international terrorism threats; it could not lawfully collect any other intelligence.

There's been a lot of discussion about connecting the dots. I spent some of my life as a collector and some of my life as an analyst. Sometimes you don't know what the dots mean. Sometimes you collect a dot that you think may be an FI dot or a CI dot, but actually it's a counterterrorism dot. And you have to work with the dot a little bit before you know what kind of a dot it is.

And I guess my concern is, in looking at how we're structuring this new organization, again, by saying, "You can only collect certain kinds of information or only analyze certain types of information," you know, you don't really know what you got until you work with it.

And let me make a second point. The division between collectors and analysts -- in my experience the best collectors were the ones that talked to the analysts, and the best analysts were the ones that talked to the collectors. And certainly, in the time when I was out at the Central Intelligence Agency, that's the way it worked best.

There is always this bureaucratic concern that exists between the different agencies in sharing, that the sharing will be done appropriately and that the information will be kept secure.

But I wonder if, in creating a third organization -- you got the CIA, you got the FBI, you got all of the military intelligence components, but then in creating a third organization which has a limited collection function and an analytical function that you're not actually just creating another bureaucracy within the same constraints that will buy us nothing more than an additional level of bureaucratic politics.

GILMORE:

While I'm tempted to agree with you this morning, I will faithfully represent the position of the commission on this and state what I believe is the prevailing thought, which is that this organization will be no more or less impeded than the agency of the FBI in terms of its ability to collect information. But it will be more directed, it will be more directed and focused on the potential for gathering information with respect to international terrorist organizations operating within the United States.

The challenge that we are focused on is that we don't really want the agency to do that. It's constrained by law to do it, we really don't want the CIA doing that. They're overseas and that's almost exclusively what they do.

The FBI on the other hand is -- the thought of the commission is, very much focused as a law enforcement organization. It has that tradition, that culture, those structures, those patterns and there is a belief at this point that a new agency that is focused instead on gathering of information and deterrence and prevention is more appropriate.

The thought here is, number one, is the challenge less of technology than of culture. And we feel strongly about this. It is the culture of these organizations that must be addressed. And leadership must be applied to change those cultures, to make them interact and work together more appropriately.

But the time is so urgent and the task is so specific that it is the sense that a new agency is called for in this case.

But to footnote, I appreciate your reading of the footnotes and I certainly commend every member to the footnotes, but that is where we are.

And then, second of all, you are putting your finger on one of the more delicate issues that we are facing: the issues of getting information into the fusion center appropriately and lawfully so that we can find out what the enemy is doing, but at the same time sifting through all the chaff to get to the wheat you run the risk of the invasion of the civil liberties of people who have nothing to do with terrorism internally within the United States.

This must be carefully managed under proper cultural and philosophical and strict rules so that we understand how far we can go. This is the balance.

But the key, from our point of view, is that we must remember the civil liberties piece of this. If we don't then the proper balance will not be struck, and then we will be headed down the wrong path as a society.

SIMMONS:

If I could have just a few more minutes of time, one of the great challenges of dealing with counterintelligence or counterespionage is that often the agency that first gets the tip-off that something is coming down the pike would be the CIA operating overseas. And if they get a line on somebody who's a foreign agent, who is then going to be posted to the United States, you have the hand-off to the FBI because of that national border issue.

So a lot of coordination is necessary to run those operations. And during that period of the Cold War, the 40-year period of the Cold War, I think both agencies were able to handle cases involving these hand-offs reasonably well. But there's always slippage. There's always slippage, and that slippage leads to some of your major espionage cases that aren't uncovered, and that's the challenge of it.

The question that occurs to me is aren't we going to deal with exactly the same situation when it comes to counterterrorism; that according to the proposal the CIA would be involved in the counterterrorism activities abroad, but not at home and the hand-off is even more difficult and the risks are even higher?

The risk of not uncovering an espionage operation is that they will get some information that may degrade our defense for a period of time, but over time the United States has shown that, through our research and development in bringing new weapons systems on-line and new procedures, we can overcome that. But the risks of missing a terrorist operation is we may lose a city.

And so what I'm suggesting goes beyond the creation of a new organization. What I'm suggesting is that the focus and the debate should be on the current structures and whether or not they're adequate for this future threat.

SIMMONS:

Now, that's an important debate. And it hasn't really taken place yet. We've, kind of, avoided it. The Congress has, and I think the country has. But I think that's an important debate, because it does have civil liberties implications.

But in my opinion, the creation of a new organization that looks nice but does not address these fundamental issues that I'm trying to raise is not going to buy us any more security. It's just going to buy us a title and some people in an office. And that maybe the time has come, maybe there's enough distance between us and September 11th at this point, to begin to dig into these fundamental civil liberties issues that confront the CIA and the FBI, even as we speak. And the military intelligence folks, too.

GILMORE:

Congressman, I'm sensitive to what you're saying here. We have raged over this for six months in our commission, believe me. I don't know that there's been a lot of reporting about it, but it sure has been good theater in our commission. I can assure you of that.

I don't think this is all that complicated, however. The fact of the matter is that our commission believes that the counterterrorism role must be played efficiently and effectively in this country, that it is not the same as law enforcement, that the FBI has a long history of being a law enforcement organization.

The commission, at this point, believes that an additional agency is necessary to most effectively do the other piece of it. Either a new agency must be stood up to do this function or the FBI must be required to do this additional function.

In the end, we believe that we're making the best recommendation to get the job done. But if there's a will of the Congress that the bureau be required to do this and to second-function effectively and report to the Congress to that affect, that certainly would get the job done too.

SIMMONS:

I certainly appreciate your comments.

I'll conclude by just remarking on the chairman's frustration. A couple of years ago I guess when he was trying to find out some information on Mr. Karech (ph), that he got eight sentences from the agency, eight pages from this Army organization. I would argue that if he had gone to Bob Steele and his open source folks, he probably would have gotten eight volumes.

So it's really a question of us as Americans figuring out how to deal with the new world and new threats by using new technologies. And in some cases, that requires new authorities.

But I certainly appreciate everything your panel has done. And I think that the recommendations of your panel will be an excellent method to begin the debate on these important issues. So I thank you for that.

GILMORE:

Thank you, Congressman.

WELDON:

I thank the gentleman.

And I would just say, Governor, you may want to get the distinguished gentleman from Connecticut over before the commission because of his background in the CIA and his expertise having been in -- on the inside. And I think he could provide some in-depth, valuable insights, as you've had me over from time to time with the commission members.

Governor, I have a couple of other points I want to -- you mentioned and alluded to briefly the issue of communication, which has been an issue that you focused on. It's one that's frustrating to me, because -- and you've seen this as a governor -- we do not have an integrated national emergency response communication capability. We have different frequency spectrums for different departments. And the problem is very frustrating.

You mentioned the issue of additional frequency spectrum allocation, which is a hot-button issue right now. And the way I assess it, the broadcast industry doesn't want to give up something required by the Congress several years ago, to free up frequency spectrum for public safety purposes. And it's coming to a head very quickly.

I just had a case in Camden, New Jersey, where their police department was interfered by the broadcast signals of a TV station that's interfering with where they should be. What's the commission saying about this? And, in your own assessment, tell us how critical this is.

GILMORE:

Congressman, it is critical. This is a great demand that is placed upon a limited resource at this point, with respect to the spectrum. But the policy decision will have to be made by the Congress and by the administration as to how much spectrum is going to be set aside for commercial purposes, and how much is going to be set aside for different functions, including law enforcement and public safety.

I point out that there are needs here that are greatly in demand, not only from police, fire, rescue, but also for critical infrastructure, private people. Almost all critical infrastructure of this country is in the hands of private people. And they are perfectly prepared to buy the communications devices to be able to interact and intercommunicate. But we don't have that today.

Electrical people can't talk to police. Police can't talk to fire. And fire can't talk to the Feds. And it's a serious issue. New technology will be necessary for interoperability, absolutely. But you have to have the proper spectrum to be able to do that as well.

This is a policy decision, however. Any time you're dealing with limited resources, you're making decisions about how it's ultimately going to end up, that's a policy decision for elected officials in both branches.

But we believe that there have to be some decisions made to make sure that local responders can be in a position to interact with all authorities and potential targets necessary.

WELDON:

Could you give us a recommendation as to how much frequency spectrum should be reserved?

GILMORE:

Not today, sir. But I will begin to address that issue in and outside of the commission.

WELDON:

I think that will be very helpful to use.

I have talked to Chairman Tauzin about this. And there is a debate about how much is needed, both for the military and our domestic responders. And I think having an independent source come in and tell us, even though it runs contrary to what, perhaps, the national media wants, I think it's essential that public safety be given the highest priority in this area. And your recommendation would be very helpful to us in terms of what that range of allocation should be.

One other point I want to hit, and I think you probably addressed it in depth, but I want to -- it's a hot button again for me, is the whole issue of technology transfer. What frustrates me, as the former chairman of Defense Research Committee, is that we spend \$38 billion a year on equipping our military with the best technology available, and yet we don't do a good job of transferring that technology to our civilian responders.

Case in point, we have firefighters and rescue people die every day because we don't know where they are in a confined building or a confined space.

WELDON:

We lost six firefighters outside of Boston, because four went back into find their colleagues, who were lost because their air supply ran out. We had the same situation in Philadelphia where two died in a high rise because they were two floors below where the chief thought they were.

Yet the military has developed a GPS system that does both latitude and longitude to be used on the battlefield for the soldier. The military has also developed and is completing work on an undergarment that a soldier can wear which gives you the vital signs, the breathing rate, the pulse rate.

You know, isn't it an absolute national disgrace that this technology we're spending billions of dollars on is not immediately applied to our domestic defenders? We loss 100 of them each year who are killed. What's your response to that?

GILMORE:

Yes, sir, it is a national disgrace. To have that kind of capability and knowledge and procurement by the federal government through the use of its tax money and resources and then, somehow it's just never focused on, that equipment's not going to be used because they're not going to be there. The police, fire, rescue emergency services, health care organizations locally, emergency organizations at the state level will be there. They probably ought to have the top priority.

If there is money appropriated, it probably shouldn't be on a one-to-nine ratio, state to federal. It probably should be on a nine- to-one ratio, state to federal so that proper equipment and planning is procured and put into place, and we draw from the experience and benefit and technology and research that's been funded at the federal level in order to provide those resources.

Mr. Chairman, you're absolutely correct about this.

Our commission, though, believes that if a strategy is set that draws on the experience you have alluded to, issues that replicate themselves over and over, then proper priorities can be set for spending. And then money won't be wasted. And the right things can be bought. And then, they can be bought in a way within national standards that can be facilitated by this committee and by the administration in such a way that we can actually get our organization together and be in a position to respond.

But so long as the federal government focuses its attention on what goes on inside the Beltway, this country will be in danger.

WELDON:

Now, my final question is a curve ball. And I don't mean to do this, Governor. You may not want to answer it. But I'm going to ask you for the record because it's becoming a serious problem nationwide and one that I am intimately involved with, and I think we're going to have to address it.

As you know, our domestic defenders are largely our firefighters and paramedics and so forth and police. And our fire service is made up about 1.2 million men and women, and 85 percent of those firefighters, as they are in Virginia, are volunteers. About 185,000 are paid, especially in our big cities. The firefighters union has come out with an edict that a person who serves as a paid firefighter cannot volunteer in a town where he or she may reside in their off hours.

I don't know whether you're aware of this or not. But, in fact, they have already in Canada taken firefighters to basically an internal court in the union and said, "We're going to kick you out because you're volunteering in your own time."

This is causing us a major problem in areas, like the D.C. suburbs where you have paid firefighters in D.C. who live in Virginia and who want to go back home in the evening and weekends and protect their towns, but they're being told, because they are a member of the IAFF in D.C., they can't do that.

Now, the president of the local IAFF union in D.C. is a friend of mine, and it's causing him tremendous heartburn. But I think that this down the road is going to have an impact on our ability to protect our towns and communities, because it's actually discouraging hundreds, if not thousands, of people who want to volunteer.

So I would ask you, perhaps you've not taken a position on this, but perhaps the commission could look at this issue and see what the potential impact would be if, in fact, the IAFF would enforce this edict nationwide; what the impact would be on those neighboring towns that can't afford a paid department and rely on those paid firefighters who, in their off hours, decide they want to volunteer.

I don't know whether you got involved in this issue in Virginia or not, but as you may know it's becoming a very serious issue.

GILMORE:

Mr. Chairman, I see we are equally reticent personalities, in terms of these kinds of critical issues.

Mr. Chairman, the labor issue should not impinge upon the national interest. As governor, I focused a great deal of attention on state employees. I admire them and respect them and work very hard for their pay and benefits and so on, because I thought it was right; it was good for the public interest to do that.

But rules should not be set up by labor unions that impinge upon the national interests when the time comes to be in a position to properly respond. And I believe that the chairman is right. And we will certainly recommend this issue to our commission for further study and recommendation.

WELDON:

Thank you. And it's a very delicate issue. And I work with both the unions, they're good friends, and their volunteers. But it's coming to a head. And the last thing we need right now is a major national, in effect, internal fight between people who ultimately just want to protect our towns. And it's being driven from the top down, not from the bottom up.

Governor, you've been an outstanding witness and you've done an outstanding job, as has the commission. Please thank all the commissioners.

And we are going to have another hearing on this issue come early- to mid-January, so we may be calling you back. We're probably going to be bringing in some other witnesses that are being suggested by our friends on the minority side, and maybe perhaps Dr. Hamre and others. We look forward to continuing this discussion.

But it was important that you get your word out today because so much is happening very quickly in the whole homeland security debate.

Thank you very much.

And this hearing stands adjourned.

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#### List of Speakers

U.S. REPRESENTATIVE CURT WELDON (R-PA) CHAIRMAN  
U.S. REPRESENTATIVE JAMES V. HANSEN (R-UT)  
U.S. REPRESENTATIVE JOEL HEFLEY (R-CO)  
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U.S. REPRESENTATIVE WILLIAM M. "MAC" THORNBERRY (R-TX)  
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U.S. REPRESENTATIVE JIM GIBBONS (R-NV)  
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U.S. REPRESENTATIVE ROB SIMMONS (R-CT)  
U.S. REPRESENTATIVE MARK STEVEN KIRK (R-IL)  
U.S. REPRESENTATIVE JO ANN DAVIS (R-VA)  
U.S. REPRESENTATIVE ED SCHROCK (R-VA)  
U.S. REPRESENTATIVE JEFF WILSON (R-SC)  
U.S. REPRESENTATIVE GENE TAYLOR (D-MS) RANKING MEMBER  
U.S. REPRESENTATIVE IKE SKELTON (D-MO)  
U.S. REPRESENTATIVE JOHN M. SPRATT JR. (D-SC)  
U.S. REPRESENTATIVE LANE EVANS (D-IL)  
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U.S. REPRESENTATIVE MIKE MCINTYRE (D-NC)  
U.S. REPRESENTATIVE CYNTHIA MCKINNEY (D-GA)  
U.S. REPRESENTATIVE ELLEN TAUSCHER (D-CA)  
U.S. REPRESENTATIVE ROBERT BRADY (D-PA)

#### WITNESSES:

JAMES GILMORE, CHAIRMAN, ADVISORY PANEL TO ASSESS THE CAPABILITIES FOR DOMESTIC RESPONSE TO TERRORISM INVOLVING WEAPONS OF MASS DESTRUCTION