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TESTIMONY

Improving Terrorism Warnings – The Homeland Security System

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Testimony presented to the House Committee on Government Reform, Subcommittee on National Security, Emerging Threats, and International Relations on March 16, 2004

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

Before the Committee on Government Reform, Subcommittee On National Security, Emerging Threats, and International Relations
U.S. House of Representatives

March 16, 2004

Mr. Chairman and subcommittee Members, thank you for giving me the opportunity to appear before you today, to address the important issue of ways to improve terrorism alerts.

My remarks today will be focused primarily on relevant research dedicated to, and the resulting related recommendations of, the Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction (also known as the "Gilmore Commission")(established by Section 1405 of the National Defense Authorization Act for Fiscal Year 1999, Public Law 105–261 (H.R. 3616, 105th Congress, 2nd Session)(October 17, 1998), as amended).

Fifth Report to the President and the Congress

Overview

In accordance with its statutory mandate, the Advisory Panel delivered its *Fifth Annual Report to the President and the Congress* (the *"Fifth Report"*) on December 15, 2003. The

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strategic vision, themes, and recommendations in that report were motivated by the unanimous view of the panel that its final report should attempt to define a future state of security against terrorism—one that the panel chose to call "America's New Normalcy."

In developing that report, panel members all agreed at the outset that it could not postulate, as part of its vision, a return to a pre-September 11 "normal." The threats from terrorism are now recognized to be a condition that we must face far into the future. It was the panel members' firm intention to articulate a vision of the future that subjects terrorism to a logical place in the array of threats from other sources that the American people face every day—from natural diseases and other illnesses to crime and traffic and other accidents, to mention a few. The panel firmly believes that terrorism must be put in this context of the other risks we face, and that resources should be prioritized and allocated to that variety of risks in logical fashion.

The report attempts to project a future—five-year—equilibrium state of well-established and sustained measures to combat terrorism. It focuses on conceptualizing a *strategic vision* for the nation that, in the future, has achieved in both appearance and reality an acceptable level of capabilities to cope with the uncertain and ambiguous threat of terrorism as part of dealing with all hazards. The report also makes specific findings and recommendations on process and structure that must be addressed to move from general strategies to specific accomplishments—including the issue under review today by this subcommittee.

In seeking to develop a strategic vision of the future of homeland security, the Advisory Panel was guided by the recognition that the threat of terrorism can never be completely eliminated and that no level of resources can prevent the United States from being attacked in the future. At the same time, the panel believes that the nation is achieving a critical understanding

of the risks posed to America by terrorism, an understanding that derives from America's inherent strengths—the strength in our Constitutional form of government and particularly the strength of our people.

As a group of American citizens with broad experience in government at all levels and in the private sector, the panel members could see in those national strengths an ability to respond to the threat of terrorism with firm resolve and through concrete actions across the full spectrum of awareness, prevention, preparedness, response, and recovery—areas already familiar to a society that has successfully responded to a wide array of natural and man-made disasters. Its goal was to articulate a strategy to achieve a "steady state" in the next five years—a vision shaped by a broad and well-grounded American perspective on the threat of terrorism and supported by a profound increase and sustainment of our preparedness *especially at the State and local levels*.

Alert System as Part of a Larger Process

As part of that future vision, the panel depicts a desirable steady state five years in the future in several specific areas:

- State, Local, and Private Sector Empowerment
- Intelligence
- Information Sharing
- Training, Exercising, Equipping, and Related Standards
- Enhanced Critical Infrastructure Protection
- Research and Development, and Related Standards
- Role of the Military

A national alert system will obviously have implications in several of these functional areas, especially the first three and in critical infrastructure protection. It is, however, only one piece of a much more involved and complex process of intelligence collection, analysis and dissemination; information sharing; the status of response capabilities; the assessment of

vulnerabilities; and the responsibility and authority to act. Here is what the panel specifically said, for example, in its future vision with respect to intelligence:

> *The improvements in both threat and vulnerability assessments have enabled DHS to produce overall national risk assessments for critical target sets (such as infrastructures and national icons) and to aid State and local governments in high-risk target areas in performing site- and community-specific risk assessments, including real-time risk assessments that respond to new actionable intelligence. These data are beginning to guide the allocation of preparedness funding but not to the exclusion of low-threat areas. The national warning system has been refined to provide more geographically specific information based on the actual or potential threats.*[2]

The Specific Recommendation

After having articulated its vision for the future, the panel then turned to what it titled as a following section "A Roadmap to the Future." In that section, the panel recommended ways in which a future of the type that it envisioned might become reality. There, the panel addresses the Homeland Security Alert System as follows:

> The Homeland Security Advisory System has become largely marginalized. This may be attributed to a lack of understanding of its intended use as well as the absence of a well-orchestrated plan to guide its implementation at all levels of government. The Governor of Hawaii chose to maintain a blue level in February 2003 when the Federal government raised the level to orange, and the Governor of Arizona announced that his State might do the same based on the particular threat or lack thereof to Arizona.[3] Organizations surveyed by RAND for the panel had a number of suggestions for improving the Homeland Security Advisory System. Between 60 and 70 percent of State and local organizations suggested providing additional information about the threat (type of incident likely to occur, where the threat is likely to occur, and during what time period) to help guide them in responding to changes in the threat level.[4]
>
> **We recommend that DHS revise the Homeland Security Advisory System to include (1) using a regional alert system to notify emergency responders about threats specific to their jurisdiction/State; (2) providing training to emergency**

[2] *Fifth Report*, page 16.
[3] See http://www.bizjournals.com/pacific/stories/2003/02/24/story4.html, February 7, 2003; http://www.azcentral.com/arizonarepublic/news/articles/0601homeland01.html.
[4] See the related survey question and the resulting tabulation attached (from the Advisory Panel *Fifth Report,* page D-7-2).

responders about what preventive actions are necessary at different threat levels; and (3) creating a process for providing specific guidance to potentially affected regions when threat levels are changed.[5]

Having said that, Mr. Chairman and Members, several points are worthy of consideration. First, the alert process is neither a single solution nor is it itself a single point of failure. Second, it is by its own title only advice. It is not a requirement to do anything; it is not really even a specific request to do things. Most important, any alert system will only be as effective as the intelligence upon which it is based, making that function especially critical in this context. Without delving into continuing deficiencies in intelligence collection, analysis, and dissemination in this hearing, I would respectfully call to the attention of the Chairman and subcommittee Members the extensive discussion on that subject in the Advisory Panel's *Fifth Report.* Clearly, there will always be a massive amount of intelligence and other information from a wide variety of sources to be processed at any given point in time by intelligence, enforcement, and responses entities. Separating true "signal from background noise" will continue to be a daunting challenge, unless and until collection sources and methods improve dramatically.

The Role of States, Localities, and the Private Sector

Mr. Chairman, it is a verity to say that State and local governments have a fundamental and threshold responsibility for public safety and health. Those entities must do that in ways that they determine best for their own jurisdiction within existing resource constraints. In the terrorism context, not all States and not all local jurisdictions, even those of similar size, will necessary be "equal" in terms of risk—in this framework, a consideration of threat *and* vulnerability. With better risks assessments, based in large measure on more comprehensive and focused threat information from the Federal level, specific States and local governments will be

[5] *Fifth Report*, page 27.

able to make more well-informed and effective decisions on measures to take when alerts are issued.

State and local jurisdictions have, in recent months, complained that raising the national alert level caused them to expend inordinate additional resources for law enforcement overtime and other increased security measures. Given the lack of more comprehensive or focused threat information, it is easy to understand how such a reaction may be viewed as a political necessity—the public will not understand, absent better explanations, why their own State or locality does not do something "more" when the national alert level goes from Yellow to Orange.

The private sector likewise has an important role but also has a requirement for better threat information in order to be able to make its own cost and operationally effective decisions as a means of insuring against catastrophic losses and ensuring the safety of its workforce. It will not do, however, for corporate governance to sit back and expect governments—at whatever level—to give them all the answers or to provide all the resources.

Recent Developments

The Federal government is getting better at analyzing and disseminating threat information, although much more needs to be done to make this process more effective. The Terrorist Threat Integration Center (TTIC) may—I stress may—prove to be a valuable asset in "moving the ball down the field." Time will tell.

Many States and localities continue to get better in this process every day. Examples of how that process is working fairly well are New York City, the Los Angeles Operational Area,[6] and the State of California. There are a number of others.

The private sector, especially those in critical infrastructure sectors, is becoming more engaged and starting to recognize their own responsibility as part of the process.[7]

[6] A consortium of 76 county and municipal jurisdictions.

Most important, DHS has, in just the last 90 days, changed—in certain instances fairly dramatically—the way it is determining and issuing heightened alerts. Over the 2003 end of the year holiday period, DHS initially raised the alert from Yellow to Orange nationwide—prudently I would suggest, based on certain credible threat information that was not geographically or sector specific. After a few days, the nationwide alert was once again lowered, but certain localities and sectors were advised to maintain a heightened (Orange) alert status.

A similar process was used when various international flights were cancelled or postponed around Christmas and New Years, and again in January and early February of this year. Those situations did not even involve raising the level for the entire aviation sector.

Conclusion

Progress is being made. DHS is showing flexibility and innovation in the way they are now handling alerts. States, localities, and the private sector are, in my opinion, starting to understand the ambiguity of threats from terrorists and learning to adapt in a variety of ways. I would venture to say that the Advisory Panel would be somewhat more comfortable with the alert process today than it was when it decided to make its *Fifth Report* recommendation on revising the Homeland Security Advisory System in the fall of last year.

Mr. Chairman and Members, again my thanks for inviting me to participate in this important hearing. I welcome your comments and questions.

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[7] The Advisory Panel recently endorsed one such effort along these lines. See its recommendation on page 30 of the *Fifth Report*, and the related information on the "Business Roundtable's Principles of Corporate Governance," at Appendix N of that report. More information is also available at http://www.businessroundtable.org/pdf/984.pdf.

ATTACHMENT—Extract of RAND Survey of Federal Preparedness Programs for Combating Terrorism and Related Results

83. In your opinion, what modifications, if any, would improve the usefulness of the Homeland Security Advisory System for your organization?

(Mark All That Apply)

1 ❒ Use a regional alert system to notify emergency responders about threats specific to their jurisdiction or region

2 ❒ Provide more detailed information through existing communications channels (not the media) as to what type of incident is likely to occur

3 ❒ Provide more detailed information as to where the threat is likely to occur

4 ❒ Provide more detailed information as to during what period of time the threat is likely to occur

5 ❒ Provide training to emergency responders as to what protective actions are necessary at different threat levels

6 ❒ After an increase in threat-level, have the DHS follow-up on what additional actions ought to be undertaken

7 ❒ Other *(please specify)*: _____

_____

8 ❒ **No improvements are necessary to the Homeland Security Advisory System.**

_____

Table 7B. Suggestions for Improving the Usefulness of the Homeland Security Advisory System With Respect to Threat Information Provided

	PERCENT OF ALL ORGANIZATIONS		
	"Provide more detailed information through existing communications channels as to the type of incident likely to occur"	**"Provide more detailed information as to where the threat is likely to occur"**	**"Provide more detailed information as to during what period of time the threat is likely to occur:**
Local Response Organizations			
Law Enforcement	71 (5)	77 (5)	65 (6)
Local/Regional EMS	75 (5)	67 (5)	61 (5)
Local OEM	75 (5)	73 (6)	62 (6)
Paid/Combo Fire	67 (7)	80 (4)	69 (5)
Volunteer Fire	69 (8)	59 (9)	49 (9)
State Organizations			
State EMS	72 (5)	65 (5)	66 (5)
State OEM	76 (6)	88 (5)	76 (6)
Health Organizations			
Hospital	75 (5)	60 (8)	63 (8)
Local Public Health	--	--	--
State Public Health	--	--	--

Standard error of the estimate is shown in parentheses. Local and State public health not asked this question. (Question 83)