

**March 8, 2012 - 9:00am
Congressional Hearing of the
Subcommittee on Oversight, Investigations, and Management of the
Committee on Homeland Security of the
United States House of Representatives
311 Cannon House Office Building
Washington, DC 20515**

**Testimony of
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&
Former Chairman
Advisory Panel to Assess the Capabilities for Domestic
Response to Terrorism Involving Weapons of Mass Destruction (1999-2003)
www.rand.org/nrsd/terrpanel**

Topic: Eliminating Waste, Fraud, Abuse, and Duplication at DHS

Introduction

Mr. Chairman it is honor to be here today. I commend you and House Homeland Security Chairman Peter King for holding these forward thinking hearings on reviewing American Homeland Security policy as an institution for the 21st century. Communicating with the American public about the realities of terrorism and how our country is prepared is essential to keeping our liberty.

I have singled out a few items to consider as objectives to save taxpayer dollars. I note that the Department of Homeland Security (DHS) isn't the only agency with duplication problems. This is a government- wide problem – but four Government Accountability Office (GAO) report items stand out.

[Homeland Security Grants](#) The Department of Homeland Security needs better project information and coordination among four overlapping grant programs (current reform is underway with grant consolidation).

[Information Technology Investment Management](#) The Office of Management and Budget, and the Departments of Defense and Energy need to address potentially duplicative information technology investments to avoid investing in unnecessary systems.

[Passenger Aviation Security Fees](#) Options for adjusting the passenger aviation security fee could further offset billions of dollars in civil aviation security costs.

[Domestic Disaster Assistance](#) The Federal Emergency Management Agency could reduce the costs to the federal government related to major disasters declared by the President by updating the

principal indicator on which disaster funding decisions are based and better measuring a state's capacity to respond without federal assistance.

History of Gilmore Commission Before & After 9/11

After the fall of the Berlin Wall, Americans and most of the civilized world looked ahead to the future with little fear – especially of global war. A transcript of a Jan. 26, 1996 Bill Clinton presidential radio address delivered on a Saturday morning following his recently delivered state of the union address sums up where he and most of Americans were focused - Domestic Policy:

“These are the seven challenges I set forth Tuesday night -- to strengthen our families, to renew our schools and expand educational opportunity, to help every American who's willing to work for it achieve economic security, to take our streets back from crime, to protect our environment, to reinvent our government so that it serves better and costs less, and to keep America the leading force for peace and freedom throughout the world. We will meet these challenges, not through big government. The era of big government is over, but we can't go back to a time when our citizens were just left to fend for themselves.” Little did we know then that by 2003 a Republican president would sign a bipartisan bill creating another government cabinet agency called the “Department of Homeland Security.”

As a new Republican majority emerged in the mid-1990s in the House and Senate – there was much talk of reinventing government and President Clinton and the Congress did balance the federal budget for the first time in three decades in 1998.

However, Congress and the Clinton Administration were uneasy about the growing threat to the West which came in two major events - the August 7, 1998 U.S. Embassy bombings in Africa and the October 12, 2000 bombing of the USS Cole.

We worked tirelessly to deliver our first report to the Congress on Dec. 15, 1999. The Gilmore Commission was up and running by the time of the USS Cole incident – and probably did our best work in the second report – which was delivered to the Congress on Dec. 15, 2000. We kept our focus and delivered our final report to Congress and President Bush a week before September 11, 2001.

The Commission was extended another two years after 9/11.

From 1999 to 2003, I was proud to serve as Chairman of the Congressional Advisory Panel to Assess the Capabilities for Domestic Response to Terrorism Involving Weapons Mass Destruction - the shortened name became known as The Gilmore Commission.” To sum up what we did in those five years prior and after 9/11 is this: Our Commission was focused on local responders. One Gilmore Commission member, Ray Downey, served as a representative from the New York City Fire Department. Ray, unfortunately, died serving the people of his city and nation while responding and saving lives on September 11, 2001. Of our five reports - we delivered 164 recommendations. 146 have now been adopted by the Congress and the Executive Branch.

Prior to the horrendous attacks on 9/11 our Commission (myself and Gen. James Clapper)

briefed former Vice President Dick Cheney at the White House in May 2001 to address the growing terrorist threat to this country and to begin to develop or counterterrorism office inside the White House. This would become the Office of Homeland Security which was announced by President Bush on September 20, 2001.

Congressional Mandate for the Gilmore Commission

The Advisory Panel was established by Section 1405 of the National Defense Authorization Act for Fiscal Year 1999, Public Law 105–261 (H.R. 3616, 105th Congress, 2nd Session) (October 17, 1998). That Act directed the Advisory Panel to accomplish several specific tasks.

It said: The panel shall--

1. Assess Federal agency efforts to enhance domestic preparedness for incidents involving weapons of mass destruction;
2. Assess the progress of Federal training programs for local emergency responses to incidents involving weapons of mass destruction;
3. Assess deficiencies in programs for response to incidents involving weapons of mass destruction, including a review of unfunded communications, equipment, and planning requirements, and the needs of maritime regions;
4. Recommend strategies for ensuring effective coordination with respect to Federal agency weapons of mass destruction response efforts, and for ensuring fully effective local response capabilities for weapons of mass destruction incidents; and
5. Assess the appropriate roles of State and local government in funding effective local response capabilities.

That Act required the Advisory Panel to report its findings, conclusions, and recommendations for improving Federal, State, and local domestic emergency preparedness to respond to incidents involving weapons of mass destruction to the President and the Congress three times during the course of the Advisory Panel's deliberations—on December 15 in 1999, 2000, and 2001. The Advisory Panel's tenure was extended for two years in accordance with Section 1514 of the National Defense Authorization Act for Fiscal Year 2002 (S. 1358, Public Law 107-107, 107th Congress, First Session), which was signed into law by the President on December 28, 2001. By virtue of that legislation, the panel was required to submit two additional reports—one on

December 15 of 2002, and one on December 15, 2003.

Advisory Panel Composition (A Unique Membership Focused on First Responders)

Mister Chairman, please allow me to pay special tribute to the men and women who serve on our panel. This Advisory Panel is unique in one very important way. It is not the typical national “blue ribbon” panel, which in most cases historically have been composed almost exclusively of what I will refer to as “Washington Insiders”—people who have spent most of their professional careers inside the Beltway. This panel has a sprinkling of that kind of experience—a former Member of Congress and Secretary of the Army, a former State Department Ambassador-at-Large for Counterterrorism, a former senior executive from the CIA and the FBI, a former senior member of the Intelligence Community, the former head of a national academy on public health, two retired flag-rank military officers, a former senior executive in a non-governmental charitable organization, and the head of a national law enforcement foundation. But what truly makes this panel special and, therefore, causes its pronouncement to carry significantly more weight, is the contribution from the members of the panel from the rest of the country:

- Three directors of state emergency management agencies, from California, Iowa, and Indiana, two of whom now also serve their Governor’s as Homeland Security Advisors
- The deputy director of a state homeland security agency
- A state epidemiologist and director of a state public health agency
- A former city manager of a mid-size city
- The chief of police of a suburban city in a major metropolitan area
- Senior professional and volunteer fire fighters
- A senior emergency medical services officer of a major metropolitan area
- And, of course—in the person of your witness—a former State governor

These are representatives of the true “first responders”—those heroic men

and women who put their lives on the line every day for the public health and safety of all Americans. Moreover, so many of these panel members are also national leaders in their professions: our EMS member is a past president of the national association of emergency medical technicians; one of our emergency managers is the past president of her national association; our law officer now is president of the international association of chiefs of police; our epidemiologist is past president of her professional organization; one of our local firefighters is chair of the terrorism committee of the international association of fire chiefs; the other is chair of the prestigious national

Interagency Board for Equipment Standardization and InterOperability.

Those attacks continue to carry much poignancy for us, because of the direct loss to the panel. Ray Downey, Department Deputy Chief and chief-in-charge of Special Operations Command, Fire Department of the City of New York, perished in the collapse of the second tower in the September 11 attack on the New York World Trade Center.

Panel Reports

In the history of the Panel, we produced five advisory reports to the Congress and to the President of the United State. The first report in 1999 assessed threat. The second report in 2000 developed the fundamentals of a national strategy for combating terrorism.

The third report, dedicated to Ray Downey who lost his life in the World Trade Center, filled out a national strategy in five key subject areas: state and local response capabilities, health and medical capabilities, immigration and border control, cybersecurity, and use of the military. Our fourth report in 2002, issued in the year following the 9-11 attacks, further made recommendations on how to marshal the national effort towards a national strategy. It paid special attention to the needs of intelligence sharing and the proper structure for counterterrorism activities inside the United States. Our last report was issued on December 15, 2003. That final report sought to express some end-vision and direction for the United States as it develops its national strategy and makes the country safer.

Fifth Report (2003) – Forging America’s New Normalcy: Securing our Homeland, Preserving Our Liberty

Mister Chairman, the Advisory Panel released its fifth and final report on December 15, 2003. In that report, the strategic vision, themes, and recommendations 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 has chosen to call “America’s New Normalcy.”

That strategic vision offered by the panel reflects the guiding principles that the panel has consistently enumerated throughout its reports:

- It must be truly national in scope, not just Federal.
- It should build on the existing emergency response system within an all-hazards framework.
- It should be fully resourced with priorities based on risk.
- It should be based on measurable performance.
- It should be truly comprehensive, encompassing the full spectrum of awareness, prevention, preparedness, response, and recovery against domestic and international threats against our physical, economic and societal well-being.
- It should include psychological preparedness.
- It should be institutionalized and sustained.
- It should be responsive to requirements from and fully coordinated

with State and local officials and the private sector as partners throughout the development, implementation, and sustainment process.

- It should include a clear process for strategic communications and community involvement.
- It must preserve civil liberties.

In developing the 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 must face far into the future. It was the panel’s 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 the context of the other risks we face, and that resources should be prioritized and allocated to that variety of risks in logical fashion.

In 2004 our panel proffered a view of the future—five years hence—that it believes offers a reasonable, measurable, and attainable benchmark. It believes that, in the current absence of longer-term measurable goals, this benchmark can provide government at all levels, the private sector, and our citizens a set of objectives for readiness and preparedness. The panel did not claim that the objectives presented in this future view are all

encompassing. Neither do they necessarily reflect the full continuum of advances that America may accomplish or the successes that its enemies may realize in the next five years. The view is a snapshot in time for the purpose of guiding the actions of today and a roadmap for the future.

The panel said that America's new normalcy by January of 2009 should reflect:

- Both the sustainment and further empowerment of individual freedoms in the context of measurable advances that secure the homeland.
 - Consistent commitment of resources that improve the ability of all levels of government, the private sector, and our citizens to prevent terrorist attacks and, if warranted, to respond and recover effectively to the full range of threats faced by the nation.
 - A standardized and effective process for sharing information and intelligence among all stakeholders—one built on moving actionable information to the broadest possible audience rapidly, and allowing for heightened security with minimal undesirable economic and societal consequences.
 - Strong preparedness and readiness across State and local government and the private sector with corresponding processes that provide an enterprise-wide national capacity to plan, equip, train, and exercise against measurable standards.
 - Clear definition about the roles, responsibilities, and acceptable uses of the military domestically—that strengthens the role of the National Guard and Federal Reserve Components for any domestic mission and ensures that America's leaders will never be confronted with competing choices of using the military to respond to a domestic emergency versus the need to project our strength globally to defeat those who would seek to do us harm.
 - Clear processes for engaging academia, business, all levels of government, and others in rapidly developing and implementing research, development, and standards across technology, public policy, and other areas needed to secure the homeland—a process that focuses efforts on real versus perceived needs.
- Well-understood and shared process, plans, and incentives for protecting the nation's critical infrastructures of government and in the private sector—a unified approach to managing our risks.

The panel's Future Vision back in 2009 included specifics details involving:

- 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

The GAO and DHS have prepared lengthy reports to enhance homeland security of our nation and the Congress is doing its due diligence. Hearings like we are having today move forward the idea of making progress happen, but we must always consider the role of the military as we decide on our future homeland policy.

In Conclusion

Civil Liberties are the foundation of the Gilmore Commission.

The panel addressed the on-going debate in the United States about the tradeoffs between security and civil liberties. It concluded that history teaches, however, that the debate about finding the right “balance” between security and civil liberties is misleading, that the traditional debate implies that security and liberty are competing values and are mutually exclusive. It assumes that our liberties make us vulnerable and if we will give up some of these liberties, at least temporarily, we will be more secure.

It concluded that civil liberties and security are mutually reinforcing. The panel said that we must, therefore, evaluate each initiative along with the combined effect of all initiatives to combat terrorism in terms of how well they preserve all of the “unalienable rights” that the founders believed were essential to the strength and security of our nation—rights that have become so imbedded in our society and ingrained in our psyche that we must take special precautions, take extra steps, to ensure that we do not cross the line.