Congress of the United States

U.S. House of Representatives

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Hearing of the

Permanent Select Committee on Intelligence

Subcommittee on Terrorism and Homeland Security

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Introduction

Chairman Chambliss, Ranking Member Harman, and distinguished Committee Members, thank you for inviting me to discuss recommendations of the Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction, a national commission established by Congress in 1999 (P.L. 105-261). The Advisory Panel has assessed our Nation's combined federal, state and local capabilities to detect, deter, prevent – and respond to and recover from – a terrorist attack inside America's borders, and to offer recommendations for preparing the Nation to address terrorist threats.

For almost three years, I have served as Chairman of the bi-partisan Advisory Panel, and it has been my privilege to work with experts in a broad range of fields, including current and former federal, state and local officials and specialists in terrorism, intelligence, the military, law enforcement, emergency management, fire services, medicine and public health.

I am saddened to report that, as of today, one member of our Panel is reported as missing at ground zero in New York. Ray Downey, Chief of Special Operations for the New York City Fire Department, was one of the first emergency responders to arrive at the World Trade Center on September 11. Firemen from California to Virginia to New York know Ray Downey as a man of great courage and skill and commitment. Our prayers go out to Ray and his family.

Attack on American Freedom

Ladies and gentlemen, for many generations to come, September 11, 2001, is a day that will stand out in the history of the United States and, indeed, the entire world, as the day tyranny attacked freedom. The criminals who committed these attacks on the people of the United States, in New York and Virginia, sought a decisive strike, one that was designed to remake the world and the post-Cold War era.

The picture of two commercial airplanes careening into two office towers and a wounded Pentagon – recorded for posterity – forever will remind our children and grandchildren of how precious freedom is and that freedom can never be taken for granted.

The goal of these terrorists was to prove that the great democracies are not the way of the future. The goal was, in fact, to establish the dominance of tyranny, force, and fear – and to blot out a love of freedom and individual liberty, which has been growing consistently since the Enlightenment centuries ago. In the 21st century, the United States stands as the ultimate statement and symbol of that human freedom and liberty across the world; and, therefore, the United States was the country attacked.

Ladies and gentlemen, the evil people who committed these crimes, with those goals in mind, have failed. They have failed in their attacks. They have not blotted out the United States as the ultimate formation and symbol of liberty. They have not diminished the resolve of the United States. They have not created fear and terror in the United States.

Yes, we grieve as a civilized people for the people who have died. Freedom-loving people in New York at the World Trade Center – a stunning loss of life in the nation's largest city. At the Pentagon, across the river in Virginia. The people who died on the airplanes, totally innocent victims. As I recall, having read the manifest on the airplanes, there were fathers with their young daughters on those planes. Barbara Olson, who we all knew and loved. She was a personal friend mine. We lost our firemen and emergency rescue responders, who gave their lives attempting to save the lives of their fellow Americans. Ray Downey, another personal friend, may be one who gave the last measure of commitment. Yes, I grieve. The American people grieve. Any civilized people would grieve.

But, in the eternal conflict between freedom and tyranny, the people of the United States shall never retreat. President Bush has spoken most eloquently and cogently to the American people on the state of the current crisis. "Freedom and fear are at war," the President said. Freedom shall prevail.

Work of the Advisory Panel

Sooner or later, those who inflicted these injuries will feel the full weight of justice and the free world's combined efforts to hold them responsible.

We cannot undo their evil actions now. If only we could. Be we can, and must, move forward to do everything we can to prevent a tragedy of this magnitude from striking again in our homeland.

That brings me to the work of the Advisory Panel. 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).

For the last three years I have worked with a distinguished panel of experts, with staff support from the RAND Corporation, to draw up a blueprint for American preparedness. Our commission has been a three-year commission. The Panel has issued two reports to the President and Congress. The first report was issued in December of 1999, and the second report in December of 2000. Both of these reports can be downloaded from RAND's website: www.rand.org/organization/nsrd/terrpanel.

More recently, on Monday of this week, the Panel issued a third set of recommendations for consideration by Congress and the President.

The work of our Advisory Panel is significantly and qualitatively different from any previous terrorism commission. Our panel includes a unique combination of experts from all three levels of government representing the intelligence community, front-line local emergency responders, military experts, and state and local law enforcement. We also have leaders from the health care community. Reflective of the broad array of experts and a strong "outside-the-beltway" perspective, our panel has addressed the full realm of issues from assessment of the risk to prescriptions for detection, prevention, response and recovery. We have focused a tremendous amount of attention upon state and local first-responders, as well as intelligence issues and national coordination topics. Other commissions have not covered as wide a realm of topics.

Conclusions & Recommendations Issued in First and Second Reports

In our first report (December 1999), we provided a comprehensive assessment of the actual threat of a terrorist attack on U.S. soil. Among our findings were the following:

- First and foremost, the threat of a terrorist attack on some level inside our borders was inevitable, and the United States must prepare.

- In assessing the kind of attack the United States could expect, we concluded that a conventional attacks (such as the one that occurred on September 11) had a high probability of occurrence and should receive more attention than they were receiving at that time. We concluded that an attack using weapons of mass destruction, while threatening a high impact, had a lower probability of occurrence in the near term, but could not be ignored. While we should prepare, first and foremost, for the most likely conventional terrorist attack scenario (such as the conventional attack we recently witnessed), we must also heed the threat of a more exotic attack by weapons of mass destruction. Regardless of the kind of attack, we called for a national strategy to address the full spectrum of possible attacks.

- We also said that the terrorist threat would be more lethal than ever before because the trend among terrorists is toward greater and greater lethality.

- We concluded that the real weapon is not the device or the material involved, but the terrorist delivery capacity and capability. Unfortunately, I am afraid that this point has been borne out by the events of September 11.

- Our review revealed that counter-terrorism efforts to date had been largely reactionary, to a threat not clearly understood. We concluded that a clear comprehensive national vision and strategy for large or small events must be developed and put into place, but that such a vision and strategy did not presently exist as of the time of that report. We recognized that a coordinated national strategy could be built upon the well-tested system that already exists for responding to natural and man-made disasters, such as hurricanes, earthquakes, toxic chemical spills

and nuclear accidents. That is, firefighters, emergency medical providers, public health offices and private hospitals, police and the National Guard.

- And we stressed the paramount importance of preserving our citizens' constitutional rights and civil liberties. We said, "[T]he Panel urges officials at all levels of government to ensure that the civil liberties of our citizens are protected." We can meet this terrorist threat without trampling the Constitution. In fact, the goal of the enemy would be to have us trample our constitutional rights. We don't have to do that and we should never ask the people of the United States to give up their freedoms because of an attack like this.

Our second report, issued a year later (December 2000), contained about 50 recommendations for improving our nation's preparedness against the threat of terrorism identified in our first report. Most importantly, the second report underscored the need for something more than a *federal* strategy. The federal government's role represents only one component of a *national* strategy. The distinction here is an important one. The federal government cannot address this threat alone. We need new public and private partnerships. Every state and local community has capabilities, resources, assets, experience and training that must be brought to bear in addressing this threat.

Among our most important recommendations in our second report are the following recommendations:

- First, we concluded that the current federal bureaucratic structure, with numerous agencies and offices bearing responsibilities touching upon the domestic and international terrorist threat, lacks the requisite coordination, accountability and authority to address the terrorist threat. Therefore, we recommended creation of a National Office for Combating Terrorism to serve as a senior level coordinating entity in the Executive Office of the President. We further recommended that the office would be vested with responsibility for developing both *domestic* and *international* policy as well as coordinating the Nation's vast counter-terrorism programs and budgets. The Director of this office should be a high ranking "Cabinet-level" appointee of the President. Foremost, the office should assume responsibility for developing a comprehensive national strategy approved by the President.

  I am heartened that President Bush has acted on this recommendation and has appointed Governor Ridge to head this office. It is now incumbent upon the Congress to give Governor Ridge its utmost support. But there is more the Congress can do.

- We proposed that Congress create a "Special Committee for Combating Terrorism." This could be a joint committee of senators and congressmen to create a unified legislative view or it could encompass two distinct committees, one for the House and one for the Senate. Of course, we do not presume to instruct the Congress on how it should conduct its affairs, but we offer that recommendation in the best interests of

the people of the United States. The Special Committee should have a direct link to the Executive Branch's National Office for Combating Terrorism, and it should be the first referral for legislation preparing our nation for terrorist attacks.

On this point, I would like to commend Speaker Hastert for taking decisive action in establishing this special Subcommittee of the Intelligence Committee. This Subcommittee can provide precisely the kind of streamlined parliamentary process that is needed to address the nature of the current crisis and the unique threat posed by terrorism.

- Next, we addressed the issue of intelligence-sharing and focused on the fact that it is very typical in the intelligence community to hold information so close it can often not be communicated to those responsible parties who need to know. This is particularly true of sharing intelligence information with state and local authorities. Thus, we need to develop a comprehensive national intelligence system based on sound need-to-know principles.

- We found our federal intelligence apparatus was lacking critical tools it needs to detect terrorist plots, so we recommended improvements to human intelligence capabilities such as, for example, rescinding the CIA guidelines on paying foreign informants engaged in terrorist or criminal activity.

- We recognized the importance of state and local agencies in responding to and recovering from terrorist attacks and insisted they be included in the plotting of a national strategy. Thus, the panel recommended a number of ways to strengthen the nation's first responders: firemen, law enforcement, emergency medical services and emergency management.

- We also called for improvement of health and medical response capabilities and I think everybody is very proud of the hospitals and medical services that have been called into action over the past weeks. Our report, however, recognized that our public and private hospitals are prepared for the routine, but in the case of a high concentration of traumas resulting from a weapon of mass destruction – especially biological in nature – or a catastrophic conventional attack such as we have seen, our medical system might become overloaded. Therefore, we intend to address this issue further in our final report.

- And, finally, we have focused a great deal of attention on the use of the Armed Forces, their appropriate role and how they should be used. We expressly recommended that the U.S. military ***not*** serve as the lead federal agency in responding to a domestic terrorist action. Although it is generally accepted that events could occur where the military needs to be engaged, particularly the National Guard, nonetheless, we have expressed an abiding caution about deploying a military response to a domestic situation and only then in support of a civilian federal agency like FEMA.

More recently, on Monday, September 24, the Advisory Panel issued our third set of recommendations for your consideration. Among the topics we addressed in our third round of recommendations are the critical issues of U.S. border security, cyber terrorism, the proper role of the military in domestic response scenarios, and necessary medical strategies to plan for a biological or chemical weapons.

Our Panel accelerated issuance of these recommendations in order to afford the Congress the benefit of our three-year study as you consider and respond to the current crisis, and I would like to highlight the key recommendations issued earlier this week.

These recommendations address four major topical areas:

- First, how our Nation can improve health and medical capabilities to respond to terrorist attacks.
- Second, how the United States can improve its immigration and border controls to prevent terrorists or their weapons from entering the United States.
- Third, how we should clarify the role of the U.S. military in responding to domestic terrorist attacks.
- Fourth, measures the public and private sectors should take to guard against cyber-terrorism.

Improve Health & Medical Capabilities

Terrorists attack innocent civilians. In the unfortunate event that terrorists evade our detection and prevention mechanisms, the United States' health system must be prepared to care for thousands of injured civilians. The health threats are complex and could arise from either or both conventional weapons or more exotic weapons of mass destruction, including biological or chemical agents. Therefore, the Advisory Panel recommends the following actions:

- Implement the American Medical Association (AMA) "Report and Recommendations on Medical Preparedness for Terrorism and Other Disasters."
- Establish a national advisory board on health and medicine to work with Governor Ridge's new national office.
- Fully implement the "Biological and Chemical Terrorism: Strategic Plan for Preparedness and Response" issued by the Centers for Disease Control and Prevention in order to:

a. Enhance epidemiologic capacity to detect and respond
b. Establish surveillance for critical biologic and chemical agents
c. Improve training of public health professionals
d. Foster communication and public education programs
e. Promote research efforts

- Fully implement the "Laboratory Response Network for Bioterrorism" of the Centers for Disease Control and Prevention, including the following measures:

    a. Develop critical laboratory capacity in public health entities
    b. Foster appropriate linkage with clinical laboratories
    c. Integrate these capacities into overall emergency preparedness
    d. Implement rapid detection, analysis, and communication of the findings to appropriate health and medical entities nationwide

- Fully implement CDC's Health Alert Network, designed to improve communications within the public health community and with other emergency response entities, especially law enforcement.

- U.S. Department of Health and Human Services (HHS), in coordination with Governor Ridge's new national office, should develop additional all-hazards model response standards and other planning templates, as well as training and exercise programs, for use at Federal, State, and local levels.

- HHS should re-establish a pre-hospital Emergency Medical Services program office.

- Congress should increase Federal resources available for exercises that are informed by and targeted at State and local health and medical entities, both public and private.

- Congress should establish a government-owned, contractor-operated national facility for the research, development, and production of vaccines for specified infectious diseases – especially contagious diseases.

- Governor Ridge's new national office, in coordination with HHS and the Department of Veteran's Affairs, should review and recommend appropriate changes to plans for the manufacture and stockpiles of:

    a. Vaccines
    b. Antidotes
    c. Other prophylaxes
    d. Other critical supplies
    e. Triage
    f. Distribution process

- Governor Ridge's new national office, with the advice of national advisory panels, and in coordination with the responsible Federal agencies, should develop a comprehensive plan for the full spectrum of medical and health research, development, testing, and evaluation as it relates to terrorism, including detection, diagnosis, prophylaxis, and therapeutics.

- Governor Ridge's new national office, in conjunction HHS, other appropriate Federal agencies, and a national advisory board formed to advise that office on these issues, should conduct a thorough review of the authorities, structures, and capabilities available under the Metropolitan Medical Response System and the National Disaster Medical System.

- Governor Ridge's new national office should develop an information and education program on the legal and procedural problems involved in a health and medical response to terrorism. Additionally, in coordination with the Department of Justice, the American Bar Association and the Federalist Society, should consider the efficacy of model laws or other programs to enhance future responses to such events.

- Governor Ridge's new national office should develop, as part of the implementation of plans under the national strategy, a framework for public education, including the media, on terrorism causes and effects prior to terrorist events and coordination of initial and continuing public pronouncements during and following an attack. Special attention should be given to educating the public on issues related to health-related quarantines.

U.S. Immigration & Border Control

As many of you know, several of the September 11 hijackers may have entered the United States on forged visas or by car from Canada. A truck carrying explosive materials bound for Seattle's New Year's Eve 2000 celebration was stopped at the Canadian border.

If America is to be secure, we must have a coordinated policy of immigration enforcement and border security, and it must address the totality of all avenues of entry into the United States – land, air, and sea. This effort will require unprecedented coordination between the U.S. Border Patrol, the Immigration & Naturalization Service, U.S. Customs Service, the Coast Guard, and the Federal Aviation Administration – as well as state and local law enforcement.

In its previous two reports, this panel acknowledged that the laws and traditions of the United States creating and maintaining a very open society make us vulnerable to terrorist attacks. Some statistics emphasize this stark reality:

- Over 100,000 miles of national coastline
- Almost 2000 miles of land border with Mexico, another 4000 miles with Canada, most of it essentially open to transit
- Almost 500 million people cross our borders annually
- Over 127 million automobile crossings annually
- Over 11.5 million truck crossings annually
- Over 2.1 million rail cars annually
- Almost 1 million commercial and private aircraft enter annually
- Over 200,000 ships annually dock in maritime
- Over 5.8 million containers enter annually from maritime sources

The movement of goods, people, and vehicles through our border facilities is characterized by vast transportation, logistics, and services systems that are extremely complex, essentially decentralized, and almost exclusively owned by the private sector. Despite valiant efforts by personnel of the U.S. Customs Service, the U.S. Coast Guard, the U.S. Immigration and Naturalization Service (including the U.S. Border Patrol), the Federal Aviation Administration, and other Federal entities, as well as State and local enforcement authorities, the challenge is seemingly insurmountable. Those efforts are further hampered by a lack of full interagency connectivity and information sharing.

With adequate coordination of effort and resources – and primarily through information sharing – these agencies could significantly improve a seamless enforcement and detection system without unduly hindering the flow of goods and people. However, still, simply increasing enforcement of current laws and regulations through existing mechanisms may not provide the ultimate solution. That activity could result in further delays at very busy ports of entry. The likely "domino" effect of further delays will generate opposition from many U.S. commercial interests whose business depend on carefully timed delivery of goods, political pressure from states and localities whose jo markets would likely be affected, potential retaliation from foreign countries whose expo goods to the United States, and increased complaints from the millions of business an d tourist passengers transiting our border—many of whom are already unhappy about the queue s at airports of entry.

the problem, the panel recognizes that we as a nation Given the nature and complexity of our borders. We should, nevertheless, search for will not likely find the "100% solution" for rs for the purpose of doing harm—physical or ways to make it harder to exploit our borde of these issues calls for new, innovative approaches economic—to our citizens. The confluence ective balance between valid enforcement activities, that will strike an appropriate *and* more eff s. the interests of commerce, and civil liberti

Among the Advisory Panel's recommendations to accomplish these objectives are the following proposals:

- First, we must improve intelligence collection and dissemination between and among agencies responsible for some aspect of border protection. This panel is strongly committed to the proposition that relevant, timely intelligence is crucial in the campaign to combat terrorism. That is especially so in the arena of enhancing the security of our borders. New and better ways must be developed to track terrorist groups and their activities through transportation and logistics systems. All agencies with border responsibilities must be included as full partners in the intelligence collection, analysis, and dissemination process, as related to border security. This process is a "two-way street;" all entities involved must be willing to share information, horizontally and vertically. This will represent a departure from the current "culture" of many agencies to cloister information. The structure and procedures that the panel recommended in its second report, for the establishment of intelligence oversight through an advisory board under the National Office for Combating terrorism could facilitate a new paradigm in this area.

  The fact is that no single framework exists to look at terrorist and security threats across all the various agency functions. And what is critically needed is *connectivity* across agencies to create a virtual national data repository of data that will serve as the focal point for the fusion and distribution of information on all border security matters.

  Although some interagency agreements for border security do exist, notably the Memorandum of Agreement on Maritime Domain Awareness among the Department of Defense, the U.S. Coast Guard, the U.S. Immigration and Naturalization Service, and the Department of State, all affected agencies are not involved in a fully coordinated and integrated process. Therefore, we recommend that the Maritime Domain Awareness model be expanded to create an interactive and fully-integrated database system for "Border Security Awareness." It should include participation from all relevant U.S. government agencies, and State and local partners. Congress should mandate participation of all related Federal agencies in this activity, and provide sufficient resources to fund its implementation. The development and implementation of such a system, including appropriate resources for systems integration to be provided by the Congress, can be accomplished by the National Office for Combating Terrorism.

- Second, a necessary corollary to inter-agency intelligence sharing is the need to expand intelligence sharing with state and local agencies responsible for critical aspects of law enforcement and customs checks. This concept may break with "inside-the-beltway" culture, but state and local agencies must be trusted with important intelligence and information if our border security effort is to be successful. The point is plain and simple: The full, timely dissemination and sharing of

information among effected Federal, State, and local agencies will be critical in preventing the movement of foreign terrorists and their weapons across our borders.

- Third, we must foster intensive coordination between and among the relevant agencies. Information and intelligence sharing is just a start. The next level of inter-agency cooperation will mean coordinated *operations* between federal and state agencies with border responsibilities. Again, this coordination could be led by the National Office for Combating Terrorism, which would bring to bear the power and authority of the White House to establish a special inter-agency advisory panel on border security, ensure cooperation and eliminate turf struggles. That entity could be an expansion of the Border Interdiction Committee, formed in the late 1980s to address the problem of drug trafficking across U.S. borders. This advisory board can assist the director of the NOCT in developing program and resource priorities as part of the national strategy for combating terrorism and the related budget processes.

- Fourth, we should enhance sensor and other detection and warning systems of the various agencies – but in a coordinated fashion to ensure each agency's system compliments the others' systems. Individual agencies have one or more activities underway that are intended to enhance enforcement and interdiction capabilities, through the use of static or mobile sensors and other detection devices. Valuable research and development is also underway in multiple agencies to extend such capabilities, especially in the area of non-intrusive inspection systems. There is, nevertheless, no comprehensive and fully-vetted plan among related agencies for critical aspects of such activities. Therefore, the National Office for Combating Terrorism should coordinate a plan for research and development among the agencies, and for fielding and integration of sensor and other detection and warning systems, as well as elevation of priority for the application of resources for the execution of such a plan.

- Finally, no border security plan will be successful unless we improve our cooperation with Mexico and Canada. It will be imperative for the U.S. to implement more comprehensive agreements on combating terrorism with the governments of Mexico and Canada. Some agreements and protocols with both countries already exist, but more needs to be done. We know from open-source material and from other sources that Canada has been a country of choice for certain elements who have engaged or who may seek to engage in terrorist activities against the United States. Unfortunately, the laws of Canada do not explicitly make terrorist activities a crime *per se*. As a result, Canada has been unable to take action against certain individuals who may, for example, be conspiring to perpetrate a terrorist attack against the United States. Country-to-country negotiations should be designed to strengthen laws that will enhance our collective ability to deter, prevent, and respond to terrorist activities, to exchange information on terrorist activities, and to assist in the apprehension of known terrorists before they can strike.

Clarify Military Roles and Missions on Use of the Military

In our second report, we emphatically concluded that the U.S. military should ***not*** serve as the lead federal agency in responding to a domestic terrorist action. The reason for this conclusion was the paramount importance the Panel places upon the protection of civil liberties and Constitutional rights of American citizens. Even during trying times, civilian agencies, be they law enforcement or FEMA, should take the lead role in addressing a crisis. While each member of the Advisory Panel could imagine a domestic terrorism scenario which would require use of the U.S. military, even then the Panel concluded the military's involvement should be in support of a civilian federal agency such as the FBI or FEMA. Building upon that conclusion, we have offered several recommendations to clarify more precisely the role the U.S. military should assume in times of terrorist crises.

- The National Command Authority should implement a single, unified command and control structure for all functions for providing military support or assistance to civil authorities.

- The Secretary of Defense should direct the development of more detailed plans for the use of the military domestically across the spectrum of potential activities, and coordinate with State and other Federal agencies in the creation of more State-or regional-specific plans.

- The Secretary of Defense should direct the Military Departments to institute specific training in military units most likely to be involved in military support to civil authorities, and to expand military involvement in related exercises with Federal, State, and local agencies.

- The Secretary of Defense should direct specific new mission areas for the use of the National Guard for providing support to civil authorities for combating domestic terrorism.

- The Secretary of Defense should clarify and provide specific guidance on Active Duty and Title 10 Reserve Component roles and missions, especially inside the United States.

- The President should always designate a Federal civilian agency other than the Department of Defense (DoD) as the Lead Federal Agency in response to a terrorist threat within the United States.

- Governor Ridge's new national office should coordinate publication of a compendium, in layman's terms, of the statutory authorities for use of the military domestically to combat terrorism, with detailed explanations about the procedures for implementing those authorities.

- The Department of Defense should expand and elevate full time military liaisons with the ten FEMA regional offices. Military liaisons must be trained on all aspects of legislative and operational responsibilities and must have clearly defined responsibilities for coordination of plans, training, and preparedness exercises

Improve America's Security Against Cyber Attacks

The Advisory Panel noted in both its first report and second report the evolving threat posed by the potential use of computer technologies. We concluded that a cyber-attack could potentially impact our national economy, infrastructures, businesses and our citizens in very harmful ways. Whether perpetrated as the single method for destruction or disruption, or in conjunction with some other weapon, the effects could be substantial and devastating.

The Panel recognized the topic of cyber-terrorism is exceptionally complex. It spans issues of national security, law enforcement, civil rights, and it implicates the vast technological operations of the entire private sector. Over 80 percent of our Nation's information systems are owned and operated by the private sector. Furthermore, rapid technological advancements complicate the development of policy solutions. Compounding the technical complexities is the important value we placed upon protection of civil rights and liberties. Qur Panel quickly recognized the lack of precedents in this area (with the possible exception of Y2K) or easy solutions, as well as the need for new and carefully crafted government-private partnerships.

With these caveats in mind, we have recommended the following steps be taken:

- Any entity formed to advise the President on cyber security issues must include broad representation from those constituencies that have direct interests in the issue, especially State and local government representatives, and those sectors of private industry who are dependent upon information assurance.

- The Congress should create an independent advisory body, which should be tasked with evaluating programs designed to promote cyber security, with developing recommended strategies for addressing the issues, and with the requirement to report its findings to the President and the Congress.

- The Congress should establish a government-funded, not-for-profit entity that can represent the interests of all affected stakeholders, including public and private interests, national security agencies, law enforcement agencies, other government functions, and business and industry interests to provide cyber detection, alert, and warning functions.

- The Congress and President should convene an urgent Congressional-Executive Branch "summit" to address necessary changes to a wide range of federal statutes, in order to provide necessary protection and incentives for enhancing cyber assurance.

- Congress should establish a special federal "Cyber Court" patterned after the court established in the Foreign Intelligence Surveillance Act (FISA), with jurisdiction dedicated to criminal cyber conduct to recognize and act more quickly and appropriately in approving or disapproving special authority for investigative activities. Furthermore, the "Cyber Court" should facilitate an electronic, real-time, on-line, secure method for U.S. Attorneys anywhere in the country to contact a cyber judge on short notice. Use of the court should be subject to a prior expedited review (using a similar process to FISA applications) by the Department of Justice.

- Congress should establish a government-funded consortium of not-for-profit entities with expertise in the field to develop and implement a comprehensive plan for research, development, test, and evaluation to enhance cyber security.

- All federal, state and local government agencies, as well as private sector businesses and entities, should re-establish operational capabilities that were eliminated after Y2K, and rename these operations "cyber security."

Conclusion

Mr. Chairman, Ranking Member Harman, we must start preparing our Nation to defend

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t unite. We
freedom

freedom within our borders today. The President and the Congress face solemn decis
how we proceed and there is little time for deliberation.

As our great democratic institutions move forward toward a solution, allow me
couple of observations. This is not a partisan political issue. It transcends partisanshi
about the preservation of freedom and the American way of life.

After a generation of moral relativity an equivocation, let there be no debate o
the hijacking of four commercial airplanes and the tragedies that followed on Septemb
clearly demonstrated that evil exists in our world.

Regardless of how we as a democracy decide to approach this evil force, we m
remember that terrorism is tyranny. Its aim is to strip away our rights and liberties an
them with fear. As Americans, it is our duty and our destiny to strike down tyranny w
may arise. We did so in World War I, again in World War II, in Korea, and later in K
battlefields and warriors change, but the enemy is always the same.

In the face of this evil, we will not be afraid, but strong. We will not divide, bu
will not doubt, but affirm our faith in freedom, each other, and the grace of God. And
shall prevail.

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