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STRUCTURING NATIONAL SECURITY AND HOMELAND SECURITY AT THE WHITE HOUSE

HEARING

BEFORE THE

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS UNITED STATES SENATE

OF THE

ONE HUNDRED ELEVENTH CONGRESS

FIRST SESSION

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STRUCTURING NATIONAL SECURITY AND HOMELAND SECURITY AT THE WHITE HOUSE

THURSDAY, FEBRUARY 12, 2009

U.S. SENATE,
COMMITTEE ON HOMELAND SECURITY
AND GOVERNMENTAL AFFAIRS,
Washington, DC.

The Committee met, pursuant to notice, at 10:08 a.m., in room SD–342, Dirksen Senate Office Building, Hon. Joseph I. Lieberman, Chairman of the Committee, presiding.

Present: Senators Lieberman, Carper, Pryor, Burris, Collins, McCain, and Graham.

OPENING STATEMENT OF CHAIRMAN LIEBERMAN

Chairman LIEBERMAN. Good morning and welcome to this hearing. Thanks to everybody for being here, particularly to our witnesses.

In the wake of the terrorist attacks against the United States on September 11, 2001, Congress passed the Homeland Security Act of 2002, which not only created the Department of Homeland Security (DHS), but also formally established a Homeland Security Council (HSC), within the Executive Office of the President of the United States. Before being codified in law, the HSC operated under an Executive Order which President Bush issued a month after September 11, 2001.

The Homeland Security Council was created to advise the President of the United States on homeland security matters. Like the National Security Council (NSC), the Homeland Security Council's statutory direction is general, "more effectively coordinating the policies and functions of the U.S. Government relating to homeland security." Its central role is to also advise the President of the United States on matters related broadly to homeland security. Its required membership includes only the President, Vice President, Secretary of the Department of Homeland Security, Attorney General, and Secretary of Defense. Although the position is not in statute, it has been led since President Bush's original Executive Order by the Homeland Security Advisor.

The Homeland Security Council also acts as the originator of Homeland Security Presidential Directives, which in the lingo of this field are called HSPDs. They promulgate homeland security policy across the government and are quite significant. Like the National Security Council, policy on specific issues is typically developed by coordinating committees consisting of subject matter experts from relevant agencies and normally are negotiated up

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through to the Deputy's Committee and finally the Principal's Committee before being approved by the President.

In recent years, a number of analysts and a number of commission reports have questioned the wisdom of having a separate Homeland Security Council and a National Security Council, arguing that they should be merged. The basis of the argument, and I am going to state it too simplistically, is that homeland security is really just one element of national security, so it should be the purview of the National Security Council. Proponents of this point of view say that in an era when threats are transnational and borderless, it does not make sense for the White House to split its coordinating organization, and have separate councils for domestic and international security issues.

Others, argue that our homeland security challenges are broad, that is they are not just counterterrorism but involve, for instance, national disasters, and also that the concerns of homeland security may well be lost or at least inadequately focused on if the Homeland Security Council merges with the National Security Council.

Last month, in early January, President Obama appointed John Brennan to serve as both a Deputy National Security Advisor for Counterterrorism and as Homeland Security Advisor, bringing those functions together. This Committee has worked with John Brennan over the years in his time of service to the government. I personally have the highest respect for him and I welcome his appointment to work in the White House on our behalf.

More recently, President Obama has asked John Brennan over the next 50 days to consider this question of whether the Homeland Security Council should be merged with the National Security Council. I have spoken with Mr. Brennan and told him that I am at this point of open mind on this question. Today's hearing really is to draw from the advice of experienced people who have thought about this to help the Committee be in a position to answer questions and interact with Mr. Brennan, and ultimately with President Obama, on the question of whether these two councils should be merged.

There is a certain extent to which the President of the United States can have broad latitude by Executive Order or informally within the White House, but as I said at the outset of my statement, the unique, separate Homeland Security Council is a matter of statute now and it would be our intention to make some decision related to statute and hopefully to work together with the Administration in doing that.

Every President since President Truman, who was President when the previous most significant reorganization and reform of our national security apparatus occurred—that is, prior to the post-September 11, 2001, period—has adapted the structure of the National Security Council to best serve the needs of the country and the needs of the President and the Presidential leadership style, in light of the challenges then facing the Nation. President Obama, of course, will want to do the same with both the National Security Council and the Homeland Security Council.

But on this Committee, I would say there is a bottom line to these discussions, that whatever structure emerges, we have to believe that it will protect our homeland security, that it will provide

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the best coordination and information to the President of the United States on matters related to homeland security with the aim of providing the best security possible to the American people. Where legislation may be needed to either effect some changes or alter in some way the existing statute. I look forward to working with Members of this Committee and with the Administration to make sure that we get this right, because though it is in some senses a relatively dull matter of governmental organization, the consequences of it are very significant for our homeland security.

Senator Collins.

OPENING STATEMENT OF SENATOR COLLINS

Senator COLLINS. Thank you, Mr. Chairman.

The decision on whether or not the Homeland Security Council and the National Security Council should be merged should not be taken lightly. While some dismiss this question as being too inside-the-beltway, the fact is that a decision to merge these two councils could have serious unintended consequences.

In my judgment, merger advocates need to answer a number of difficult questions. First, are there any examples of how having separate entities has actually impeded or undermined national security? To the best of my knowledge, the answer to that question is no. There are none. To the contrary, the Nation has achieved considerable success in the one area in which the Homeland Security Council and the NSC share joint responsibility, and that is counterterrorism policy. Multiple terrorist attacks have been thwarted, including a 2002 plot to hijack an airplane and fly it into the tallest skyscraper in Los Angeles, a 2003 plot to hijack and crash planes into targets on the East Coast, and a 2006 plot to blow up multiple jets traveling from London.

Another important question: Will the NSC with its traditional focus on international diplomatic and military issues, be able to devote enough time and attention to the domestic aspects of homeland security? I am very concerned that vitally important domestic security issues could become less visible within the White House were a merger to take place. These issues include emergency preparedness and response, critical infrastructure protection, and disaster recovery.

The breadth of issues with which the National Security Advisor must contend on a daily basis is daunting: Managing the conduct of two wars, attempting to contain terrorism and proliferation activities, deciding the future of detainees at Guantanamo Bay, and that is just a sampling. Is it really feasible or practical to add an entirely new and massive portfolio of domestic issues to that weighty agenda?

Think of the issues that the Homeland Security Advisors have had to contend with. They range from responsible for the levees' integrity in New Orleans, flooding in Maine, an ice storm in Kentucky, a wildfire in California. What should be the coordinated response? Which agencies should do what? I am concerned that adding those responsibilities would divert the NSC's primary focus from the Nation's military and diplomatic missions.

The fact is, no matter how qualified, having one of the NSC's many deputies as the senior-most White House official in charge of

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homeland security will likely not be sufficient to ensure enough of a focus on homeland security issues. Disaster declarations, catastrophic planning, grant funding, and State and local information sharing must receive high-level support and attention within the White House.

In a city where rank matters, I also question whether a deputy will have sufficient stature to compel the most senior officials, particularly members of the President's Cabinet, to take action on a pressing homeland security issue. Given those realities, who will referee the inevitable turf battles and rivalries between the Department of Homeland Security and other Federal departments and agencies? Because DHS is still a relatively new department, it is particularly vulnerable to the machinations of other agencies seeking to enhance their homeland security footprint. We have seen that, for example, with the Department of Justice, which has sought to minimize the Department of Homeland Security's role in terrorist bombing prevention, despite a presidential directive to the contrary, and that dispute has delayed the release of a national bombing prevention strategy plan for more than a year.

Almost 6 years since its inception, DHS is still enmeshed in jurisdictional disputes with other departments over the homeland security mission, battling the Department of Health and Human Services (HHS) over the responsibility for medical preparedness and response, jousting with the Department of Agriculture (USDA) over agricultural inspections and agroterrorism. The Department needs a neutral arbiter within the White House to settle disputes like this. An independent, effective, and I would argue, stronger HSC would better fulfill that essential mission. And NSC, not focusing relentlessly on the homeland will almost certainly fail to give the attention that is needed.

Nevertheless, I am, of course, open-minded on this issue——[Laughter.]

And I look forward to hearing the statements of our witnesses. Thank you.

Chairman LIEBERMAN. Thank you, Senator Collins, for that very thoughtful and open-minded opening statement. [Laughter.]

You and I are both open-minded in the same direction.

I thank Senator McCain and Senator Burris for being here.

We have a great panel to advise us, people of experience and expertise, and I appreciate very much that you are here.

We are going to start with Governor Tom Ridge, the former Governor of Pennsylvania, and the Nation's very first Homeland Security Advisor. Though he is now a figure in history, he remains youthful nonetheless.

Mr. RIDGE. Yes.

Chairman LIEBERMAN. We are very glad you are here, Governor Ridge. He then went on to become the Nation's first Secretary of Homeland Security and served in that position until January 2005. I was thinking that former Secretary of State Dean Acheson once wrote a book called 'Present at the Creation," in which he described the creation of the post-Second World War world and the formation of American security policy. You really have been both present at the creation and a tremendous contributor to our security since September 11, 2001, so we thank you for your extraordinary service

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and welcome your comments now on this question before us this morning.

TESTIMONY OF HON. THOMAS J. RIDGE,[1] FORMER SECRETARY OF HOMELAND SECURITY

Mr. RIDGE. Mr. Chairman, thank you. Ranking Member Collins, Members of the Committee, thank you for inviting me to speak to you this morning. It has been roughly 5 years since I last sat before you. I cannot remember when I had so much fun. [Laughter.]

Chairman Lieberman, I spoke to you many times as the Assistant to the President for Homeland Security and later as Secretary of the Department. I wore a different hat then and I notice chairs have changed on the dais, as well—the same people, different chairs. But nothing has changed for me, and I suspect for you, when it comes to the desire we still all have to do what we can and what we must to keep our country secure, our economy thriving, our people safe, and our republic free as we continue to face the ominous domestic and global challenges these 8-plus years after September 11, 2001.

I welcome and appreciate the opportunity to offer my thoughts as you review whether or not to merge the Homeland Security Council and its functions under the umbrella of the National Security Council. I also appreciate that you have brought before you people of differing points of view on this issue, my colleagues on the panel, which I think allows for an approach that hopefully is consensus-driven and an outcome that is both thoughtful and bipartisan.

My personal viewpoint on this issue is that the Homeland Security Council should not be subsumed by the National Security Council. The Department of Homeland Security is still a young, maturing Cabinet agency established just 6 years ago. It needs an independent ally and advocate within the White House. A good working relationship with the National Security Advisor is also important to be sure—but it needs its own voice, and a voice that will be heard by its chief report, President Obama.

On the face of it, it is easy to understand why some believe that HSC folding within NSC sounds easy enough, and certainly appears to be simple, common sense. Many people view each council through a national security lens, so why not put the two together?

However, in my view, the merger of these two councils would not work and if carried forward would diminish and potentially damage a council whose work needs to be elevated, accelerated, and properly resourced versus diluted in a mix of security roles and responsibilities of an entirely different kind.

The NSC focus is primarily on foreign governments, military involvement, diplomatic involvement, enemy combatants overseas, calming geopolitical tensions, mapping the strategies around the world, Iraq, Afghanistan, and elsewhere, and addressing bubbling military conflicts.

The Homeland Security Council focuses more on the American people. Their constituency is 300 million strong, and the aim is

[1] The prepared statement of Mr. Ridge appears in the Appendix on page 27.

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keeping our citizens safe and helping them to recover from an incident on home soil, not foreign soil.

The Department as its primary mission is not, on the whole—and I repeat this again—not a counterterrorism agency. Rather, the chief focus of DHS is the protection of the American people. Prevention is part of the DHS role, but as much if not more is the responsibility to respond to an attack or catastrophic event, minimize the damage should an incident occur, and assist in the often long and arduous process of recovery.

Sometimes the true scope of homeland security, frankly, gets lost in all the talk of terrorists and tyrants, but it is important to underscore that the Department of Homeland Security is an all-hazards agency focused on threats and potential attacks of any kind, including the threats of terrorism, but also the threats and the power and the influence of Mother Nature and hurricanes, wildfires, flooding, biospills, tornadoes, nuclear accidents, anything that threatens the safety of our citizens, in addition to all the traditional legacy missions of all those units and bureaus that were combined and aggregated into the Department.

Addressing such hazards requires that the mission of Homeland Security not be federally-driven, but national in scope. At the Federal level, homeland security encompasses the horizontal integration of many Federal Cabinet agencies. From HHS to Energy to the Department of Defense (DOD) to the Food and Drug Administration (FDA) and elsewhere, more than 30 departments and agencies have homeland security functions.

Take biosecurity, for example. I wanted to highlight—and I think this is a good way to demonstrate the concern that I have. What the United States needs to do to improve our biosecurity against major biological threats is extraordinarily complex. Biosecurity depends on different programs managed by different agencies. There is no way to simplify that.

DHS is in charge of the biological risk assessment that analyzes these threats. HHS is responsible for the research and development of medicines and vaccines. DOD does its own research and development (R&D). The Food and Drug Administration has a role. Let us not forget the National Institutes of Health. The Centers for Disease Control and Prevention (CDC) is responsible for our Strategic National Stockpile and for coordinating the grant program and technical assistance to States and locals. The intelligence community is responsible for assessing the biological threats posed by our adversaries. Without very close White House coordination, our bio programs will move in different directions, different goals, at different time lines.

Putting this and other challenges under the NSC's purview would only complicate, in my judgment, the NSC's mission and the HSC's ability to receive adequate attention as part of the National Security Council that is already engaged in Iran, North Korea, Russia, Pakistan, India, the Middle East, and other matters around the world.

Moreover, the vast interagency coordination does not end there. Federal agents have equally key roles in providing grant support, technical assistance, and other forms of aid to State and local agen-

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cies, those who are first on the scene, whether it is a bio event or not.

And that brings me to one of the most important complexities, vertically integrating homeland security responsibilities. Homeland Security is a Federal Cabinet agency, but the mission is national, and so you worry about the horizontal integration, but I also think you have to worry about the vertical integration. It is a national mission. It requires a national response, and that means well-established coordination, communication, and cooperation with our 56 States and territories and thousands of localities.

A significant difficulty in the vertical integration piece is that the President and the Federal Government as a whole on many occasions lack the authority to mandate States to carry forward all recommended or preferred protocols. The Federal Government cannot ensure training is carried out and emergency equipment is required. The President cannot call out the National Guard. Only the governor of the State can do that. These kind of sovereignty issues and others led to the creation of the Homeland Security Council in the first place, and the unique role between relationship building between States, local and tribal governments.

I would also point out that one of our strongest partners in the homeland security mission is that of the private sector. Its responsibility to secure its own infrastructure, planes, railways, bridges, nuclear facilities, and the like, and the ability to drive technological innovation, to develop weapons of detection, weapons of protection and response are critical to the Nation's ability to secure everything from our chemical facilities to our Nation's borders and the skies overhead.

The need to work effectively with the private sector has not been a focus of the traditional national security community, nor has it been the focus to work with State and local governments. But it is readily understood, nurtured, and advanced by those with existing national homeland security expertise and authority.

I will not give you the full extent of my testimony, my colleagues, but I would like to move forward and make a couple of recommendations.

One, keep it where it is. Instead of relocating it, let us reform it. The HSC staff and resources are minimal compared to the National Security Council and the HSC is not sufficiently empowered to lead the homeland security effort in the White House, as was the intention when it was created by Homeland Security Presidential Directive 1.

So let us talk quickly about reform. I would personally like to see the Secretary of Homeland Security be a permanent member of the National Security Council.

Second, the Homeland Security Council should not be faulted for doing its utmost while lacking the resources to do its job. Instead, it would be advisable to staff up the HSC with more than adequate resources. It is quite slim compared to the formidable staff of the National Security Council. I say again, the complexity of its responsibilities far exceed what most people understand. Less budgetary and salary constraints can make sure that the personnel at the Homeland Security Council have the tools and the experience and

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subject matter expertise to do their job efficiently and without impediment.

And finally, I read about John Brennan's relationship and I, too, Senator Lieberman, I have enormous respect for the man. We worked with him very closely. His judgment, his analytical capability, but I say this again, the third notion is let us not categorize the Department of Homeland Security's primary mission as counterterrorism. It is not. And having someone such as John Brennan, with the stature and the experience, being a liaison between the National Security Council and the independent Homeland Security Council to make sure that the information that HSC, DHS, States, locals and private sector need is transmitted in a timely and appropriate way would be a huge plus-up for the Department and for the Homeland Security Council.

I think I have exceeded my time. I apologize for that to my colleagues on the panel and I look forward to the questions.

Chairman LIEBERMAN. Thanks, Governor Ridge. Excellent testimony, a good beginning to the discussion.

Next, we have Fran Townsend, who served our country as the third person to be Homeland Security Advisor, from May 2004 to November 2007. Before becoming Homeland Security Advisor, Ms. Townsend served in a variety of positions in the Department of Justice and at the U.S. Coast Guard.

We thank you for being here and look forward to your testimony now.

TESTIMONY OF FRANCES FRAGOS TOWNSEND,[1] FORMER ASSISTANT TO PRESIDENT GEORGE W. BUSH FOR HOMELAND SECURITY AND COUNTERTERRORISM

Ms. TOWNSEND. Thank you, Senator. It is a real privilege to be here before the Committee. I have had the privilege of working with the Committee, particularly Senators Lieberman and Collins, on the Intelligence Reform and Terrorism Prevention Act, the Homeland Security Act, and so it is a privilege to be back before you.

There is no more solemn responsibility that the President bears than to protect American lives. During my 4½ years at the White House, I came to believe for that reason, organization must be dictated by effectiveness, and so I think you will find, Senator, that I, too, come here with an open mind, not as an advocate, but suggesting a framework by which you might consider this issue.

How best to maintain effectiveness will inevitably change over time as we continue to see the weakening of al-Qaeda and our other enemies and the continued strengthening of the Department of Homeland Security and as our government better learns how to integrate the various capabilities that it has across the Federal Government since the tragedy of September 11, 2001.

As you consider the most effective means of organizing the White House structure, I would respectfully submit that any structure should be judged against three fundamental criteria. First, there must be a single person both responsible and accountable to the President who monitors threat information and who has the au-

[1] The prepared statement of Ms. Townsend appears in the Appendix on page 31.

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thority to marshal all instruments of national power—military, intelligence, law enforcement, economic, diplomatic, and public diplomacy—to defeat those threats. The individual cannot wait until the threat arrives on our shores, but must have the responsibility, as I did, and the means to identify those threats where they originate and to ensure a coordinated response to defeat them. The President's Homeland Security Advisor must not be constrained by geographic boundaries that our enemies fail to respect.

Second, the Homeland Security Advisor must have direct and immediate access to the President. Ultimately, if terrorists successfully strike the United States, it is the President and not his staff who will be accountable to the American people for the failure. The Homeland Security Advisor must be able to get to the President quickly without the clearance from his or her colleagues on the White House staff. Unfortunately, there will be times when American lives are at stake, whether that is from a terrorist threat or a natural disaster, and the President will need to be advised, and operational decisions taken and communicated to the relevant Cabinet Secretary in real time. These sorts of crises do not lend themselves to the normal bureaucratic process.

Third, the homeland security issues faced by our government are diverse and many, as Secretary Ridge outlined. They range from preparedness and response to natural disasters, ice, flooding, fires, wind, to pandemic planning and biological and nuclear threats. These issues are often distinct from the more traditional foreign policy issues faced by the National Security Council and require experienced staff with significant expertise. The staff must understand State and local emergency management policy issues and concerns. They must be organized not simply to facilitate the homeland security policy process, but also to anticipate and respond to State and local political leaders in a time of crisis. The Homeland Security Advisor requires adequate staffing to deal both with counterterrorism and homeland security issues.

We remain a Nation at war with a very determined enemy. We have troops deployed in both Iraq and Afghanistan, and the National Security Advisor has many important responsibilities in addition to those two theaters. For example, he must contend with the Middle East peace process and counterproliferation around the world, most especially in Iran and North Korea. I worry that increasing the span of control of the National Security Advisor could dilute the homeland security mission and make it just one more item on a list that is already overburdened.

That said, I wish to be clear. We should judge any potential reorganization by the substance and criteria, as I have suggested. We must be careful not to assume that a merger means the President cares less about homeland security. We must resist the easy organizational chart test and look at the substance of how responsibilities are allocated and how we are being protected as a Nation.

Again, let me suggest the three questions I would hope the Committee would ask. Is there one person responsible and accountable to the President who looks around the world and advises the President? Second, does this one person have direct and immediate access to the President? And third, does this person have adequate staff to fulfill his or her responsibilities? These are the questions

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that we should be asking and the criteria against which we should judge the effort.

Senator thank you again for the opportunity to be here and to testify before you.

Chairman LIEBERMAN. Thanks, Ms. Townsend. Excellent, very helpful testimony.

We move now to our last two witnesses, both of whom have been in government but also have thought a lot about these issues. First, Christine Wormuth is a Senior Fellow at the Center for Strategic and International Studies (CSIS) and has served previously in the Office of the Secretary of Defense. She has also written extensively on the need for interagency reforms, particularly for more effective incident management.

We are very happy to have you here and please proceed with your testimony.

TESTIMONY OF CHRISTINE E. WORMUTH,[1] SENIOR FELLOW, INTERNATIONAL SECURITY PROGRAM, CENTER FOR STRATEGIC AND INTERNATIONAL STUDIES

Ms. WORMUTH. Thank you, Chairman Lieberman and Members of the Committee, for inviting me here today. I greatly appreciate the opportunity to share my views with you.

I want to say, as a self-described homeland security zealot, I very much want to see homeland security issues elevated inside of the White House and receive more time and attention from the President. I very much want to see the Department of Homeland Security be more effective and spend less time fighting bureaucratic battles. So I actually, while I am a proponent of merging the Homeland Security Council into the National Security Council, I offer that recommendation in the spirit of trying to achieve, I think, the same objectives as the witnesses here on the panel and many of the objectives that Senator Collins mentioned.

I would like to talk a little bit about why I think organizational changes at the White House are necessary and then I would like to put out a handful of design principles that I think are worth thinking about when considering organizational options. And finally, I would like to talk briefly about how I think a merged Security Council might work.

Fundamentally, homeland security issues, in my view, are both inextricably part of national security issues and are inherently interagency and intergovernmental in character, that vertical integration of which Governor Ridge spoke. In our system of government where you have a Cabinet made up of independent department secretaries who each answer directly to the President, I think the only way to have a well-functioning homeland security enterprise is to have a White House structure that is very strong and that provides overall direction, sets priorities, and resolves interagency disputes in the policy development process.

To date, I think the Homeland Security Council has struggled to be effective in this role for three reasons. First, by establishing a separate council and an associated staff to address homeland security issues, the White House under President Bush artificially

[1] The prepared statement of Ms. Wormuth appears in the Appendix on page 33.

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bifurcated its approach to a wide range of important national security challenges.

Today, most national security challenges have international and domestic components that need to be addressed holistically. For example, preventing and countering nuclear proliferation starts overseas, but has important elements here at home, such as preventing movement of weapons of mass destruction (WMD) into the country, neutralizing WMD, if possible, and then consequence management strategies are going to be needed at home if we are not able to keep the worst from happening.

Effectively combatting terrorism involves not only tracking down the terrorists overseas, but also working with State and local law enforcement to prevent radicalization of individuals here in the United States. Another example is determining how to allocate finite military capabilities, and that requires weighing and prioritizing international and domestic requirements to best manage the overall level of risk to the Nation.

Addressing these kinds of challenges requires an integrated approach, but I think that is difficult to achieve when you have two separate organizations working the issues in the White House. In a world where it is difficult to define where homeland security ends and national security begins, managing today's globalized challenges using two separate organizations may no longer be the best answer.

Second, as numerous practitioners and commentators have noted, the agency to date, sadly, has largely been perceived as the NSC's weak stepbrother. For example, the NSC has more than 200 staff and the HSC most of the time has had around 35 to 45 people. Given the breadth and complexity of the homeland security challenges and the homeland security landscape, this just is not enough people to do justice to the issues.

Moreover, I believe that the perceived second-class status of the HSC has made it more difficult to attract the best and brightest staff to the organization. While there have absolutely been excellent public servants serving on the HSC, on balance, more of the HSC staff come from political backgrounds and have a lesser overall level of professional experience than their NSC counterparts. This disparity, I think, has made it more difficult for the HSC staff to work effectively with their peers in the interagency.

From an organizational process, you want to have a structure in the White House that is going to provide the best possible advice and support to the President, be able to inject that advice into the interagency process, and oversee its implementation. It is not clear in my view to date that the HSC has had the personnel to really fulfill this mandate.

Third and finally, I think the HSC as a separate organization so far has struggled to lead the interagency process in developing core strategy and guidance on homeland security issues and in overseeing the implementation of those policies once they are developed. I think a part of this is because of the small staff and some of the issues that Governor Ridge mentioned, but I think it is also associated with the Bush Administration's preference for the lead agency approach, which has the NSC and HSC staffs playing more of a coordination role than a policy development role.

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In my view, as security challenges become more complex and interrelated, the lead agency model is likely to prove inadequate to many of the security tasks we have ahead. Current and future security challenges require a strong White House structure to develop integrated strategies and oversee their implementation. I also believe a more effective White House structure would enable DHS, a relatively new and fragile bureaucracy, to spend less time fighting bureaucratic battles and more time maturing as an organization, which I think is very important.

When you think about how you might reorganize or restructure in the White House, really, it is results, not wiring diagrams, that are what matter. With that in mind, I would like to put forward four principles that I think could guide thinking about how to organize at the White House level.

First, the White House structure should enable homeland security issues to be considered substantively as part of the larger national security domain.

Second, the White House structure should facilitate consideration of homeland security issues as equally important to traditional national security issues. As a former DHS official said in a *New York Times* article about the potential for a merger, you want your issues considered. You do not want to be off in some second bucket, which is, I think, how a lot of people have perceived it so far.

Third, the White House structure should enable the staff organization to serve as an honest broker in the interagency process, and if necessary, to be strong enough to enforce implementation of presidential decisions and priorities on reluctant Cabinet actors, if that is necessary.

Fourth and finally, the White House structure should facilitate recruitment and retention of the best possible staff with the full range of expertise and experience that is needed across the spectrum of the homeland security disciplines.

In my view, the best way to achieve an organization that is consistent with these design principles is to merge the HSC into the NSC. In reports we have published at CSIS, we offered a structure that would include two, and only two, Deputy National Security Advisors under the National Security Advisor: A Deputy for Domestic Affairs and a Deputy for International Affairs. Reflecting the view that most national security challenges have international and domestic components, many of the staff in the merged council would report to both of these deputies.

And to try to address a concern Senator Collins raised, she is absolutely correct that the individuals in the White House that are going to be managing the homeland security issues have to have the stature to be able to interact effectively and adjudicate, frankly, disputes between Cabinet secretaries. To do that, these two deputies would have to have very significant stature and experience to be able to operate effectively at that level.

But I believe under this kind of arrangement, you would no longer have a situation where homeland securities are organizationally stovepiped, and I think they would be more likely to receive the kind of serious attention that traditional security matters receive in the NSC.

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The merged Security Council that we put forward would be empowered to lead the interagency in formulating homeland security policy and to oversee its implementation on behalf of the President. In reading last Sunday's article in the *Washington Post,* it seems evident to me that President Obama and General James Jones, the new National Security Advisor, are clearly envisioning a more robust structure in the White House to address national security issues.

While many scholars and organizations have recommended a merger of the two councils, there certainly are arguments against a merger, and we have heard some of them this morning. I think the two most prevalent arguments against a merger are that, one, the National Security Advisor (NSA) already has too many issues on his or her plate, and two, the traditional National Security Council staff does not have the expertise in homeland security issues to do justice to those issues, and under a merger you then might actually run the risk of having the issues be handled less skillfully than they are today.

It is true that the NSA already has one of the most grueling jobs in Washington, bearing responsibility for a vast array of issues. Merging the two councils would, I believe, add to this burden. But in my view, the benefits of addressing security challenges holistically and elevating homeland security issues to be on an equal footing with traditional national security issues outweighs the concerns about the span of control.

In a merged council, the National Security Advisor ultimately would be the single person responsible and accountable to the President for the full range of challenges. Again, to try to ease the burden of that span of control, we offer two deputies who would essentially manage the two portfolios, homeland and national security, on a day-to-day basis. In the event of a crisis, the President would have to be able to turn to either one of those deputies to do day-to-day crisis management. Both deputies would have to have a very close relationship with the National Security Advisor for that to work effectively.

The second major argument against merging the two councils is that the traditional NSC staff does not have the appropriate expertise or experience. I think the best way to address this concern is to be straightforward. Do not try and staff the homeland security issues with people with traditional national security backgrounds. Instead, populate the merged council staff with sufficient numbers of personnel with backgrounds in the full range of disciplines, from law enforcement and intelligence to critical infrastructure to emergency preparedness and response, and ensure that these individuals understand and are sensitive to the concerns of State and local governments.

I see that I have run over time, so I just want to end and say, again, I think that how you manage these issues out of the White House is one of the most important determinants of ensuring we approach these challenges from a whole of government perspective, and I think the best way to do that is to merge the two councils. Thank you very much.

Chairman LIEBERMAN. Thank you very much. That was clear and direct, and different from what we heard from our first two wit-

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nesses. I will look forward to their response to some of the things that you had to say. I appreciate it very much.

Our final witness is James Locher. He has had quite an extraordinary record and resume of service. Most significant to us here is that he served as a staff member of the Senate Armed Services Committee, and particularly during the Goldwater-Nichols legislation, which was very important. He has also been Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict, both under President Clinton and under the first President Bush.

He comes to us now as Executive Director of the Project on National Security Reform, which was a congressionally organized and supported entity that recently culminated 2 years of study with an extensive report and implementation plan which was presented to the Administration. Incidentally, and for what it is worth, among the bipartisan guiding coalition for the Project on National Security Reform were General Jim Jones, now the National Security Advisor, and Admiral Denny Blair, now the Director of National Intelligence.

Mr. Locher, thank you for your work, and for being here. Please proceed with your testimony.

TESTIMONY OF HON. JAMES R. LOCHER III,[1] EXECUTIVE DIRECTOR, PROJECT ON NATIONAL SECURITY REFORM

Mr. LOCHER. Thank you, Mr. Chairman and Members of the Committee. I am delighted to be here to talk to you about the organization for national security and homeland security in the White House and across the Federal Government.

Most fundamentally, I believe that drawing a bright line between national security and homeland security, as current arrangements do, is a mistake. The Nation would be better served by merging the National Security Council and Homeland Security Council into a single council, but with safeguards to ensure that homeland security issues are not lost in a unified system.

This hearing addresses a key issue: How should the highest level of the U.S. Government be organized to protect the Nation's security? It is important, however, Mr. Chairman, to put this specific issue into a much larger context. The overall national security system, including its national security and homeland security components, is broken. About the seriousness of our organizational problems, the Project on National Security Reform's guiding coalition, made up of 22 distinguished Americans, stated in its November report, "We affirm unanimously that the national security of the United States of America is fundamentally at risk."

The basic problem is the misalignment of the national security system with 21st Century challenges. Today's threats require a tight integration of departmental expertise and capabilities. We need highly effective teams that stretch horizontally across departmental boundaries. Our government, however, Mr. Chairman, is dominated by rigid, bureaucratic, competitive, vertically-oriented departments and agencies. In sum, we have horizontal problems and a vertical government.

[1] The prepared statement of Mr. Locher appears in the Appendix on page 41.

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This misalignment results from a gross imbalance. We have powerful departments and agencies, while our integrating mechanisms, the National Security Council and Homeland Security Council, and their staffs are weak. Missing are robust mechanisms capable of producing tight, effective integration. This imbalance was a design flaw of the National Security Act of 1947 and this flaw was carried forward into the Homeland Security Council, which was modeled on the 60-year-old National Security Council.

In recent years, Mr. Chairman, there has been compelling evidence of the inadequacy of current arrangements: The terrorist attacks of September 11, 2001, troubled stability operations in Iraq and Afghanistan, and the poor response to Hurricane Katrina. These setbacks are not coincidental. They are evidence of our organizational dysfunction. Bold transformation of the national security system must happen. Otherwise, we will suffer repeated setbacks, wasted resources, and declining American power and influence.

Among the early reform topics to be addressed is the issue of this hearing, how to organize our integrating mechanisms at the top of government. In response to the terrorist attacks of September 11, 2001, we bifurcated national security into two major components, what we called national security and homeland security. This bifurcation served the important function of jump-starting our attention to many long-neglected tasks in protecting the American homeland. Although additional improvements are needed, we have succeeded in elevating these tasks to an appropriate level of attention.

The basic question now becomes, does this bifurcation at the very top of government serve our needs in handling the increasingly complex and rapidly changing security environment of the 21st Century? The answer is no. Dividing our security components at the water's edge is artificial and creates an organizational boundary, a barrier, gaps and seams that weaken our overall security posture.

The security challenges that the United States faces, Mr. Chairman, must be viewed in the context of one global system. National security and homeland security are subsystems of the larger global system. But the overarching organizing principle for the U.S. national security system must be the global system. We must assess this system as a whole and understand it in the global security environment. Decisions on our policy, strategy, planning, development of capabilities, and execution will maximize our security when they are taken in an integrated, systemwide context, not when they are artificially subdivided. Moreover, by having separate National Security and Homeland Security Councils, we force the President to integrate across this divide. He does not have the time or capacity to do so.

This past week, General Jim Jones, President Obama's National Security Advisor, discussed the major changes that the President and he intend to make at the top of the national security system. In an interview in the *Washington Post* this past Sunday and a speech on the same day in Munich, General Jones stated that the National Security Council would expand its membership and have increased authority to set strategy across a wide spectrum of international and domestic issues. In essence, many, if not all of the functions of the Homeland Security Council may be subsumed into

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the National Security Council. At the same time, as has been mentioned, General Jones has asked John Brennan to do a 60-day review to ensure homeland security issues will receive appropriate attention in a merged council.

The Project on National Security Reform agrees fully with the changes that General Jones outlined. Our own recommendations parallel the direction that President Obama and General Jones have set. This convergence is not surprising. As the Chairman mentioned, General Jones served on the Project on National Security Reform's guiding coalition, as did other Obama appointees, Admiral Denny Blair, Jim Steinberg, and Michele Flournoy.

Merging the HSC and NSC is a critical step towards building a more coherent and unified approach to national security in the broadest sense of the term. Though I believe that a merger is a necessity, it must be undertaken with safeguards that will ensure homeland security issues remain at the forefront of national security affairs. Merging the NSC and HSC must be done in a way that ensures that homeland security issues receive the focus and resources they deserve.

Mr. Chairman, as the Committee approaches this issue, it has two hats to wear. The first hat is as the Senate's overseer of homeland security functions. The second hat, focused on government affairs, in my view, ranks more important in examining this issue. To make a wise decision on this organizational question, we must take a whole-of-government perspective focused on the global system. Doing so, in my view, reveals the value of the new direction that the Obama Administration intends to pursue.

This Committee, Mr. Chairman, worked hard to create the Department of Homeland Security and to guarantee in law a functioning Homeland Security Council. The idea of merging the HSC and the NSC is intended to preserve and enhance the key roles of both councils through integration, not subordination. And since the details of the integration are still under study by the new Administration, I trust that this Committee's views can help shape the final arrangements. I believe that you should view integration as an opportunity for preserving high-level focus on homeland security issues, not as a threat to that vital function.

Mr. Chairman, Members of the Committee, thank you again for inviting me to speak on this important subject and I look forward to answering any questions you may have.

Chairman LIEBERMAN. Thanks very much, Mr. Locher. Thanks for the case that you put before us.

Incidentally, Mr. Brennan has made very clear that he wants to hear the Committee's opinions on this question of whether to merge. As I said at the outset, ultimately, the basic structure should be in law. Presidents will come and go who will change pieces of it, but the basic judgment is there.

Secretary Ridge and Ms. Townsend, Ms. Wormuth and Mr. Locher put together strong arguments before this Committee now for merging the two councils. You obviously have different points of view and I want to give you a chance to respond now.

Mr. RIDGE. Well, first of all, I want to thank my colleagues on the panel. I think it has been a very thoughtful and a very thought-provoking discussion——

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Chairman LIEBERMAN. It has.

Mr. RIDGE [continuing]. And I appreciate that. It just seemed to me that running through the testimony of my colleagues who disagree with this opinion, they talk about staffing, which I do not think has as much to do with integration as it does with adequate resources. They talk about the need to elevate the visibility and the stature of the Homeland Security Council. It is tough for me to conclude that you elevate the stature by subsuming it into a large organization that is dominated by the military.

They do talk very specifically, and I share the point of view with them that it ought to be integrated into the global perspective, but I would say to them, respectfully, that the National Security Council is uniquely and almost exclusively global. The Homeland Security Council, there is redundancy there. In part the focus is global, but in equal part or even larger measure, it is national, State, local, and private sector.

Whether it is immigration or whether it is bioterrorism, these issues being subsumed into a completely different structure where the voice of the Homeland Security Council mission is part of, again, this larger, more complex entity, I just think reduces and diminishes, does not elevate. I think the one cause we all believe in, we need to elevate it.

Chairman LIEBERMAN. Right.

Mr. RIDGE. But subsuming it, I do not think gets us where we all want to be.

And then the other concern I might have is just that Homeland Security is not a mature agency. The Department is not mature yet. The traditional NSC, DOD, and the Department of State are. National security is more external. Homeland security is more internal. For national security, there is overlap within HSC, but foreign affairs and foreign engagement are the primary responsibility of the NSC, and only secondarily for the Homeland Security Council though in important ways.

Two quick examples, and then I will turn to my colleagues. There was a notion that you think about in terms of nuclear proliferation. Is there a potential role for Homeland Security there? Yes, but is it the same level, status, focus, resources, and outreach as the National Security Council? Absolutely not. It becomes a role for the Homeland Security Council in terms of prevention or in terms of response and recovery if the NSC does not do its job with regard to proliferation.

In terms of intelligence sharing, the Homeland Security Council and the Homeland Security Department are consumers of information. It does not really generate it. The great role is to have global information being shared with the Department and with the State and locals. There is a joint global interest there, but it is primarily in the NSC's sphere, not in the HSC's sphere.

So at the end of the day, I think suggesting everything that the Homeland Security Council or the Department of Homeland Security does you can tie into the global dimension, I think is an inadequate description of the overall responsibilities that it has, and I apologize for the lengthy answer.

Chairman LIEBERMAN. Not at all. Ms. Townsend.

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Ms. TOWNSEND. Senator, both of my colleagues make the argument that there should not be the bifurcation that currently exists, that a bright line would be a mistake. I would say to you that as a sort of theoretical matter, I agree with that.

There was not a bifurcation when I was there as Governor Ridge experienced as Secretary and after he departed the Department. I had responsibilities overseas, as well, as related both to counterterrorism and homeland security because, of course, to the extent any individual Nation takes seriously their own homeland security and invests in their homeland security, it reduces the threat to us. And so I worked across geographic boundaries. It was not limited. I spent a tremendous amount of my time on the homeland issues. But the fact that we have a staff that is a Homeland Security Council that focuses exclusively on homeland missions is not a bifurcation that causes a problem. In fact, it enhances the capability.

The HSC was not treated, in the 4½ years I was at the White House, as a second-class citizen or a stepchild. I sat in many NSC meetings, for example, in the counterterrorism area, related to Pakistan and the tribal areas because that posed a threat to the United States.

Chairman LIEBERMAN. Who would decide that, when you would attend a NSC meeting?

Ms. TOWNSEND. It was a very collaborative relationship with the National Security Advisor. Obviously, I worked both with Secretary of State Condoleezza Rice, when she was the National Security Advisor, and with Steve Hadley when he was. It was also true if it was a proliferation issue. I sat in on those meetings. Or, as you can imagine, when you are discussing immigration policy or visa waiver, issues that have a very serious homeland security impact, if this was a homeland security meeting, Steve Hadley was invited and members of his staff, so we worked as an integrated whole.

What was important was, as to Governor Ridge's point, homeland security issues need an advocate in the White House who can work across and ensure the very integration that my colleagues suggest.

Let me make one last point, because in fairness, it is the one that I cannot just let go. There have been suggestions by my colleagues that there is more staff needed. I think that is right. I think the issues are serious and there are many, and so I do agree there needs to be more staff. But to suggest that the Homeland Security Council staff at the White House was political or inexperienced is unfair and inaccurate. In fact, these brave public servants who worked many long hours to protect the American people came from not only the various departments and agencies across the Federal Government, they came from academia and from Capitol Hill, some of whom have returned here, so I presume that my colleagues in Congress would not think them inexperienced. And so in fairness to those people, they worked very hard and we recruited them and retained them because of their experience.

Chairman LIEBERMAN. Thanks very much.

I want to ask a quick question to Ms. Wormuth. In your testimony, you say that HSC has been viewed often as NSC's weak stepchild, and part of that was the lack of comparable funding resources for the Homeland Security Council as compared to the National Security Council. Am I correct to assume, however, from

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your testimony, that you think the problem was more than that? In other words, let us assume that we could equalize the resources, or at least greatly increase the resources, staff, etc., that the Homeland Security Council had, that would not do the job because even then, a merger would be necessary?

Ms. WORMUTH. Well, Senator Lieberman, for me, the primary argument in favor of the merger as opposed to a reform of the HSC, as Governor Ridge has argued—I think there is a lot of value there. I think many of the issues that have been challenges for the HSC could be addressed through reforms in terms of getting at some of the staff issues. But to me, the most important issue is the integration issue that Mr. Locher and I talked about. So I think that is the strongest argument, trying to change how we address the issues conceptually.

That said, to your specific question, you could fix the funding issues, I think, and you could clearly fix the number of staff that have been on the homeland security side without doing a merger. I think the issue really in part is a somewhat intangible one. Because the HSC, whether fairly or unfairly, was perceived as being weaker than the NSC, it simply made it more difficult for the staff to get the job done and that is what I am getting at.

I would argue that by merging the two organizations into one, and the NSC having already a long-established history with a lot of stature, it is easier to recruit people to that organization because there are literally civil servants banging down the door to have the opportunity to go to the NSC. So that is a slightly intangible thing.

And just to be clear, I certainly do not, and I tried to be clear on this in my statement, I do not want to impugn in any way the quality of the people on the homeland security staff. They were excellent public servants. The experience issue, I think, is relative to the NSC staff, but I am by no means saying that you had inappropriately qualified or inappropriately politicized staff. I just want to be clear on that.

Chairman LIEBERMAN. Good. I appreciate that you said that.

I am going to yield now to Senator Pryor. I want to express my regrets to the Members of the Committee because I have really been engaged in your testimony.

Senator Collins and I, as you may have heard, are not only involved in matters of homeland security, we are also involved in matters of economic security these days. She is out of here for that reason. I have been asked to go join her. I hope I can return. But Senator Pryor, enjoy the chair.

Senator PRYOR. Thank you.

Chairman LIEBERMAN. If you are ready to adjourn, just send somebody back to make sure that we do not want to come back out. Thank you.

OPENING STATEMENT OF SENATOR PRYOR

Senator PRYOR [presiding]. I would be glad to. Thank you, Mr. Chairman. Thank you for your leadership on this and all of the Committee pending issues.

Let me, if I may, start with Mr. Locher. Your organization is the Project on National Security Reform, and the first question for you

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is how important is it to you in your effort to reform national security to have this merger? How important is that?

Mr. LOCHER. We think it is one of the very fundamental reforms that needs to be undertaken.

Senator PRYOR. And why?

Mr. LOCHER. Well, in our view, as I mentioned in my statement, the world is incredibly complex and it is moving very rapidly, and this bifurcation into two components at the very top of our government is not serving us well now and will serve us less well in the future. We think that in the National Security Council, we need that expertise on homeland security and it needs to be improved over what it is today. But we want it in one system where we can look at the global security environment instead of having two separate organizations that are doing that.

When you have two separate organizations, you have two separate strategies, you have two separate sets of policies, you have different processes, and we have the view that the integration at the highest level will serve us well. There will be much more integration that is required at lower levels where we can bring departments and agencies together in a true teaming fashion to address the Nation's problems.

Senator PRYOR. Let me ask again on your vision and what your group is working on, how would you like to see it structured? Would you like to see the homeland security component of that to be a separate subset of the National Security Council, where they would always be a little bit distinct and always focused on the homeland issue of this? Tell me how you guys would structure it if you could.

Mr. LOCHER. The first thing I should say is that if you look at our current approach to national security, the National Security Council, it really has the World War II concept of national security. It is still focused on defense, diplomacy, and intelligence. That is the membership. The Secretary of Energy has been added recently by the Congress.

We know in today's world that national security is much broader than that. We have all of the economic issues that need to be addressed. There are lots of law enforcement and legal issues that need to be part of it. There are the environmental issues and the energy issues that need to be addressed.

And so in our project, as we looked at this broadening scope of national security, we have proposed that there be one council at the top to serve the President. It would not have a specified membership, rather the President would pull to that council table the expertise that he or she needed for any particular issue. So it would be a much more flexible arrangement. It would be driven issue by issue. If the meeting gets too large and it becomes a formal arrangement as to who is going to attend, it does not serve the President's needs and it wastes lots of time of our senior busy officials at the top of our government.

So we have in mind, and this is something that General Jones in his interview in the *Washington Post* and in his speech at Munich laid out in terms of his view as to how the National Security Council would be structured in the Obama Administration, a much larger membership because we know that we need more expertise

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brought in on national security issues, but that the membership would be selected, the attendees would be based upon an issue-by-issue basis.

Senator PRYOR. How do you protect against the concern that if you do the merger, that the homeland security focus will be swallowed up by the national security focus?

Mr. LOCHER. Well, obviously, that is a legitimate concern. I think, in my view, that we can get the benefits of a merged system while ensuring that the homeland security issues receive appropriate attention, and I think the step that General Jones has taken by asking Mr. Brennan to do this 60-day review is a good indication that he understands that there are benefits to be achieved by merging the two councils, but he wants to make certain that we are going to have the safeguards to make certain that homeland security issues are at the forefront.

In my view, I have lots of confidence in General Jones. He is quite a capable leader and manager and I think that he would be a forceful advocate on homeland security issues. I think he is very determined to ensure that they have a proper place in a merged council.

Senator PRYOR. Yes. I think a lot of us have a lot of confidence in General Jones. One of the things that I am sure we are thinking about is the next guy, whoever that may be, and just to make sure they get it.

Let me, if I can, change to Secretary Ridge. Again, Mr. Secretary, thank you for your public service. We appreciate your time very much.

When I look at these two organizations, you have the Homeland Security Council and the National Security Council. The names sound the same because they both contain the words "security council." In your view, are they fundamentally different in what they do and should be doing, and can you put them together in a way where the two missions that exist right now can be compatible under one roof?

Mr. RIDGE. Thank you, Senator, for the question. I think there are fundamental differences between their missions. There is no doubt in my mind that homeland security has, to Mr. Locher's point and Ms. Wormuth's point, a global and an international component, and it is a significant part, but it is not the exclusive domain of homeland security, whereas the National Security Council, given the perils of the world today in the 21st Century, you spin the globe and you say, General Jones is going to deal with all that with just 200 people?

In a culture, let us face it, that is dominated by primarily one large department, the Department of Defense, a culture that historically rarely is engaged within the domestic front—I mean, there was some logistic support in Hurricane Katrina, but for a lot of legal reasons, we do not have the DOD doing some of the work that DHS would do, there is a whole range of legal issues like posse comitatus—so you say to yourself, the missions are fundamentally different.

The constituency they seek to serve—obviously, they both serve 300 million Americans, but how they effect their mission is quite different. A successful National Security Council is engaged in

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countries and citizens of other worlds and a successful Homeland Security Council is engaged primarily with citizens of the United States.

Senator PRYOR. Let me interrupt you right there, not to knock you off track but just for clarification. In your view, do both right now have the same and equal access to the President?

Mr. RIDGE. I cannot speak for the situation now, but my colleague, I think, had a very unique perspective when she indicated that as the Assistant to the President for Homeland Security, a great deal of her time was on counterterrorism. A great deal of her time was on the global side, the international side. But she would put another hat on and go to another meeting and deal with domestic concerns within the Department of Homeland Security—this is an organization and a Cabinet agency that is still maturing, still growing, still learning, and still needs to integrate. There are still significant turf battles not only within the Department, within the horizontal framework within which it has to operate.

And I say to myself, will a Deputy Secretary of the National Security Council be bringing together two or three Cabinet members and say, this is the way it is going to be? I do not think so. It is not as if General Jones does not have enough on his plate.

And I just think, again, you subsume it into a much larger organization with a different culture, with an exterior focus rather than an interior focus, and I think you have not elevated it. I think you have created some problems in terms of organization and in terms of outreach to the State and locals.

Senator PRYOR. Let me ask the rest of the panel, if I can, to comment on what Secretary Ridge said about the mission being fundamentally different. Would any of you like to comment?

Ms. WORMUTH. I think there are certainly differences and unique aspects to homeland security, and particularly in its vertical quality, that is a characteristic, I think, of the mission that you have not seen to date as much on the national security side. I absolutely agree with the recommendation that Governor Ridge made in his statement that whatever the structure is in the White House, you need to have a very strong core of State and local understanding to be able to address that part of the homeland security challenge.

However, I think the national security side is evolving to a certain degree to move beyond its traditional overseas focus, and you see this more and more, for example, on the evolution of the regional combatant commands in the military that are starting to have different structures inside of them to deal more effectively with the interagency activity and to deal more effectively with the private sector. You are really starting to see, I think, that evolution, and in my mind, that again is a global evolution, which is where we need to go.

So I think in a way, the homeland side is already farther along, but I think the national security side is moving in that direction, as well, and again, I tend to see the issues as part of a single system and I just think trying to address it structurally as a single system is the best way to go.

Mr. LOCHER. Senator, if I might, I would like to add one point. Secretary Ridge was talking about how we only have 200 people in the National Security Council staff. If you think about the head-

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quarters of our national security system, we have two components now, the National Security Council staff and the Homeland Security Council staff. They are incredibly small. We have a four million-person national security system and we have a headquarters that is that small and it has no headquarters powers. It is completely advisory. Not only does it have a small staff, it has an incredibly small budget. I know the budget for the National Security Council is like $8.6 million for all of the things that they have to do.

One of the things that General Jones said in his interview that was in the *Washington Post* is he talked about a much more robust role for the National Security Advisor, essentially going from a National Security Advisor to a National Security Manager, where, right next to the President, we have much more authority to make a system that is decisive, a system that is fast, that ensures that we have integrated activity, and that we have lots of collaboration.

And so when we think of this one issue that we are discussing today, it needs to be put in the larger context of some of the other changes that President Obama and General Jones have in mind.

Senator PRYOR. OK.

Ms. TOWNSEND. Senator, if I might make——

Senator PRYOR. Yes, ma'am?

Ms. TOWNSEND [continuing]. Two quick points: You asked Secretary Ridge about equal access with the National Security Advisor. I was the longest-serving Homeland Security Advisor to date and I can tell you, I was in the President's daily briefing in the morning. I had the complete access that Steve Hadley or Condi Rice had. I never had a problem in terms of my immediate access to the President, particularly in a crisis where I needed to advise him. And so it was not a question of, at least from my perspective, having a disparity in terms of accessibility to the President or into information.

One example I would use, Governor Ridge talked about the difference of focus on issues. Probably one of the things I spent a tremendous amount of time on that the National Security Council just did not have the staff or the width to do was the strategy to deal with pandemic influenza. It meant dealing with State and local public health officials and first responders. It meant dealing with doctors and CDC, a variety of agencies that the National Security Council did not ordinarily deal with, in addition to the traditional, the National Guard and the active duty military, making sure people had the response capability, and that it was a fully integrated plan. By the way, it also meant dealing with the World Health Organization and health organizations and governments around the world.

I use that as an example, but I think it is important to understand it is just one of those sorts of issues that the Homeland Security Council brought to bear its experience in planning for a bioterrorism event and other sorts of events, but was able to pull together a strategy that worked seamlessly with the National Security Council and the interagency.

Senator PRYOR. Great. Ms. Wormuth, let me ask you a question. I think you mentioned in your statement that the current structure

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has impaired preparedness efforts. Could you elaborate on that and tell us how you think it has impaired preparedness?

Ms. WORMUTH. Well, I think I was citing as an example the challenges in trying to oversee the implementation of policy and I specifically called out the implementation of Homeland Security Presidential Directive 8 (HSPD-8) on national preparedness. I think it speaks to the challenges of the smaller staff, the challenges of the perception of the relative strength or weakness of the organization. But HSPD–8 was put out quite early in the history of the Administration and called for development of a vision on national preparedness and the development of an overall system to assess preparedness in the United States and that process of putting all of those pieces in place has been very slow. I would also say, in the same vein, I think it has taken quite a bit of time for the interagency to try and develop the integrated planning system to try and help us think through how we will address the various scenarios.

This is a case where, again, it speaks to the need to elevate within the White House the treatment of these issues because I think we have made progress, but that progress has been slower than most Americans would like to see, and part of it is because of the various challenges that the HSC has faced that we have talked about this morning.

Senator PRYOR. Let me go ahead and alert the Chairman's staff that this is going to be my last question, so if you want to ask the Chairman and Ranking Member if they want to return. Otherwise, I am sure we will leave the record open for a few days to ask questions in writing.

Let me change gears a little bit. We all know that President Obama and his national security team are looking at whether the Homeland Security Council and the National Security Council should be merged or restructured in some ways. Have any of you been involved in that White House review that they are doing?

Mr. RIDGE. No.

Mr. LOCHER. No.

[All shaking heads from side to side.]

Senator PRYOR. Does anyone know what the time frame is for them to make a decision? Have they laid out any sort of time frame?

Mr. LOCHER. None.

Senator PRYOR. This question may be for you, Mr. Locher, you may know more about this than anyone. As it stands today with the Obama Administration, and I know we are very early in this Administration, 3 or 4 weeks, who is the primary advocate in the Obama Administration today for homeland security issues in the White House? Is it the Department of Homeland Security or is it the National Security Advisor? How is that working today? I know it will change because they are still filling out their slots there.

Mr. LOCHER. I really do not have a lot of insight, but I think that General Jones sees himself, given the approach that they are currently taking, as having this as part of his portfolio. He has John Brennan, who is more designated to have this responsibility, but those details have not been made public. I really cannot say exactly who has that responsibility.

Senator PRYOR. Right.

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Mr. RIDGE. We are coming to the conclusion of this hearing. It has been very helpful, and hopefully it has been a provocative enough discussion that the staff and the Members will get some insight that they did not have before.

But I would just like again to put my oar in the water one more time in opposition to the merger. Homeland security is a national mission. It has a national mission that has international dimensions, no question about it. But in order for it to achieve its national mission with these international dimensions, you need an advocate and a staff and a capacity in the White House, personified by an Assistant to the President for Homeland Security, in order to accomplish its national mission to integrate the entire country, and that means horizontally, across Federal agencies, bureaus, and the like, and vertically, State, local, private sector, academic institutions, and nonprofit organizations.

That horizontal and vertical integration, I am just very concerned, gets absolutely subsumed if it is put in an agency or a unit, National Security Council, that has primarily an international mission with some national implications, a fundamental difference in the mission, outreach, and constituency.

Senator PRYOR. Well, I thank you all for being here and thank you for your comments and your insights and your views on whether this merger should take place or not.

Senator Lieberman and Senator Collins will not be able to return. They have asked me to let the Committee and the panel know that we are going to keep the record open for 15 days. Be prepared to receive some written questions. There are a few senators, I know, who were trying to get here that could not attend today.

Again, we want to thank you for your time and your focus on this issue and thank you for your public service. We appreciate all that you do.

With that, we will adjourn the hearing, and thank you again.

[Whereupon, at 11:33 a.m., the Committee was adjourned.]

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APPENDIX

PREPARED STATEMENT OF
HON. THOMAS J. RIDGE

Introduction

Mr. Chairman, Ranking Member Collins, Members of the Committee – thank you for inviting me to speak to you today.

It's been roughly five years since I last sat before you. I spoke to you many times as Assistant to the President for Homeland Security and later as Secretary of the Department of Homeland Security.

I wore a different hat then and some of you sat in different chairs. But nothing has changed for me and I suspect for you, when it comes to the uniting desire we all still have to do what we can, and what we must, to keep our country secure, our economy thriving, our people safe and our republic free – as we continue to face ominous domestic and global challenges these eight-plus years after 9/11.

Merging the HSC with the NSC: What to Consider

I welcome and appreciate this opportunity to offer my thoughts as you review whether or not to merge the Homeland Security Council and its functions under the umbrella of the National Security Council. I also appreciate that you have brought before you people of differing points of view on this issue – which allows for an approach that is consensus-driven and an outcome that is both thoughtful and bipartisan.

My personal viewpoint on this issue is that the Homeland Security Council should not be subsumed by the National Security Council. The Department of Homeland Security is still a young, maturing cabinet agency, established just six years ago. It needs an independent ally and advocate within the White House – a good working relationship with the National Security Advisor, to be sure – but its own voice, and a voice that will be heard by its chief report, President Obama.

On the face of it, it's easy to understand why some believe that the HSC folding within the NSC sounds easy enough and appears to be simple common sense. Many people view each Council through a national security lens – why not put the two together? However, it is my view that a merger of these two Councils would not work, and if carried forward, would diminish and potentially damage a Council whose work needs to be elevated, accelerated and properly resourced – versus diluted in a mix of security roles and responsibilities of an entirely different kind.

The NSC focuses clearly on foreign governments – calming geo-political tensions, mapping the strategies of Iraq and Afghanistan and addressing bubbling military conflicts. The HSC focuses more on the American people. Its constituency is 300 million people. It works primarily on keeping our citizens safe and helping them to recover from an incident on home soil.

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The Role and Scope of Homeland Security

The Department, as its *primary* mission, is not on the whole a counter-terrorism agency. Rather, the chief focus of DHS is the protection of the American people – prevention is part of the DHS role, but as much, if not more, is the responsibility to respond to an attack or catastrophic event, minimize the damage should an incident occur and assist in the often long and arduous process of recovery.

Sometimes the true scope of Homeland Security gets lost in all the talk of terrorists and tyrants. But it's important to underscore that the Department of Homeland Security is an all-hazards agency – focused on threats and potential attacks of any kind – to include the threats of terrorist attacks, but also the threats and power of Mother Nature – hurricanes, wildfires, flooding, bio-spills, tornadoes, nuclear accidents, anything that threatens the safety of our citizens. This in addition to all other legacy missions.

Addressing the Horizontal Integration Challenges. Addressing such hazards requires that the mission of homeland security not be federally driven, but truly national in scope. At the federal level, homeland security encompasses the horizontal integration of many federal Cabinet agencies.

From HHS to Energy to DOD to the FDA and elsewhere – more than 30 departments and agencies have homeland security functions. Take biosecurity, for example. What the United States needs to do to improve our biosecurity against major biological threats is complex. Biosecurity depends on different programs managed by different agencies – there is no way to simplify that. DHS is in charge of the biological risk assessment that analyzes biological threats. HHS is responsible for the research and development of medicines and vaccines. DOD does its own R&D. The Food and Drug Administration has its role. Let's not forget the National Institutes of Health. CDC is responsible for our national stockpiles and for coordinating the grant program and technical assistance to state and locals. The intel community is responsible for assessing the biological threats posed by our adversaries. Without close White House coordination, our bio programs will move in different directions to different goals and different timelines. Putting this and other challenges under the NSC's purview would only complicate the NSC mission and the HSC's ability to receive adequate attention from a Council that already has Iran, North Korea, Russia, Pakistan-India, the Mideast and other matters around the world.

Moreover, the vast inter-agency coordination doesn't end there – federal agencies have equally key roles in providing grant support, technical assistance and other forms of aid to state and local agencies – those who are first on the scene when a bio event occurs. And that brings me to the important complexity of vertically integrating homeland security responsibilities.

Addressing Vertical Integration Challenges. Though much focus is put on the *horizontal* integration challenges of homeland security, our *vertical* coordination with state and local authorities is even more important. Again, homeland security is not just a federal department. It is a national mission, and a national mission requires a national

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response; that means well-established coordination, communication and cooperation with our 56 states and territories, and thousands of localities.

A significant difficulty in the vertical integration piece is that the President and the federal government as a whole lack, on many occasions, the authority to mandate states to carry forward all recommended or preferred protocols. The federal government cannot ensure training is carried out and emergency equipment is purchased. The President cannot call up the National Guard; only the governor of a state can do so.

Those kinds of sovereignty issues and others are what led to the creation of the Homeland Security Council and its unique role in relationship-building between state, local and tribal governments.

I would also point to one of our strongest partners in the homeland security mission – and that is the private sector. The private sector owns 85 percent of the country's critical infrastructure. Its responsibility to secure its own infrastructure – our planes, railways, bridges, nuclear facilities, etc. – and its ability to drive technological innovation to develop weapons of detection, protection and response – are critical to the nation's ability to secure everything from our chemical facilities to our nation's borders and the skies overhead. The need to work effectively with the private sector has not been a focus of the traditional national security community, but it is readily understood, nurtured and advanced by those with existing national homeland security expertise and authority.

NSC policies and relationships are not hinged to the private sector. They are not hinged to the state and local world and, in some cases, by our own laws, cannot be. And so, my concern is that HSC would lose critical access and priority under the umbrella of a Council that has long played offense in battles far afield, and not defense within the states, communities and water's edge of our homeland.

Reform over Relocation

Many recent reports concerning a potential merger cite inefficiencies in the HSC and the occasional overlap of certain national security matters. Relocation does not address those issues. Reform does. Thus, it's my belief that the answer to what we're discussing today is not in the relocation of the HSC – but more so in the reforming, modifying and bolstering of it.

Recommendations. The HSC staff and resources are minimal compared to the NSC and the HSC is not sufficiently empowered to lead the homeland security effort in the White House as was the intention when it was created under HSPD-1.

With that said, before we rush to reorganize, I'd like to make a few recommendations on reforming the HSC, some of which would still be appropriate should the HSC find itself in a new location and within a new structure.

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1. At the President's discretion, he should give the Secretary of Homeland Security a seat at the NSC table on those occasions when the homeland security and the national security missions meet. That was not something that Secretary Chertoff or I had during our tenure, but I would encourage President Obama to exercise that authority with Secretary Napolitano, so that she has full and complete access to important NSC information and discussions – and a strong relationship with the NSC in place before an incident might occur.

2. The HSC should not be faulted for doing its utmost while lacking the resources to do its job. Instead, it would be advisable to staff up the HSC with more than adequate resources. The HSC staff is quite slim compared to the formidable staff of the NSC. Less budgetary and salary constraints can make sure that HSC personnel have the tools and experience to do their job efficiently and without impediment.

3. In making my third recommendation, I add this context: I suspect that I was not chosen to be the first White House Director of Homeland Security, and later the Department's Secretary, because I was a counter-terrorism expert. Because I wasn't one. I was a former congressman; I understood the legislative issues I would have to navigate as coordination began in the early days post 9/11. I was a Governor. The state space was familiar frontier to me, and I had many good, bipartisan relationships established with my fellow governors and local authorities across the country. Additionally, as is the case with all of our nation's governors, I had trade experience. I understood that security and prosperity go hand in hand in this interconnected world. That while borders have to be secure, the welcome mat has to be ever present, so that travel and trade are not disrupted.

While I did, indeed, have to develop counter-terrorism knowledge – and fast – it is my recommendation that the HSC – whether kept independent or under the umbrella of NSC – not rely solely on counter-terrorism experts to advocate homeland security issues.

Rather, the HSC should have as its lead or at its disposal those with a strong core in state and local structure. The HSC must have the ability to hire more subject matter experts who already understand the unique nature of homeland security issues, who bring backgrounds in coordinating prevention, response and recovery procedures brought on by both weather events and terrorist incidents and who have established experience in working within the universe of federal, state and local government.

Conclusion

No matter what decision is made regarding the HSC, I would like to salute those who have worked these many years since 9/11 to do more with less and who have given their all to protect lives and protect the American way of life.

Homeland security requires extraordinary effort. Nearly 8 ½ years on from 9/11, the mission is just as challenging as it ever was. Much has been done, but much more is left to do. I appreciate that we are still carrying out this mission together to make sure that when choices are available, we make them in a manner that is collective, reasoned, civil and bipartisan.

Thank you, Mr. Chairman. I look forward to any questions you may have.

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PREPARED STATEMENT OF
FRANCES FRAGOS TOWNSEND

Chairman Lieberman, Ranking Member Collins, Members of the Committee, thank you for the opportunity to appear before you today. I am Frances Fragos Townsend. From 2004 until 2008, I was Homeland Security and Counterterrorism Advisor to President George W. Bush, for whom I chaired the Homeland Security Council. I had previously served as Deputy Assistant to the President and Deputy National Security Advisor for Combating Terrorism. It is an honor and privilege to appear before the Committee as you consider the structure of national security and homeland security at the White House.

There is no more solemn responsibility that the President bears than to protect American lives. During my four and a half years at the White House I came to believe that, for this reason, organization must be dictated by effectiveness. How best to maximize effectiveness will inevitably change over time as we as a country continue to weaken Al Qaeda and other enemies, as the Department of Homeland Security gains strength, and as our government better integrates the capabilities that have been built since the tragedy of September 11th.

As you consider the most effective means of organizing the White House structure, I respectfully submit that any structure should be judged against three fundamental criteria. First, there must be a single person both responsible and accountable to the President who monitors threat information, and who has the authority to marshal all instruments of national power (military, intelligence, law enforcement, economic, diplomatic and public diplomacy) to defeat the threat. This individual cannot wait until threats arrive on our shores, but must have the responsibility and the means to identify those threats where they originate and to ensure a coordinated response to them. The President's Homeland Security Advisor must not be constrained by geographic boundaries that our enemies do not respect.

Second, the Homeland Security Advisor must have direct and immediate access to the President. Ultimately, if terrorists successfully strike the United States, it is the President, and not his staff, who will be accountable to the American people for the failure. The Homeland Security Advisor must be able to get to the President quickly without clearance from his or her colleagues on the White House staff. Unfortunately, there will be times when American lives are at stake and the President will need to be advised and operational decisions taken and communicated to the relevant Cabinet Secretary in real time. These sorts of crises do not lend themselves to the normal bureaucratic process.

Third, the Homeland security issues faced by our government are diverse and many. They range from preparedness and response to natural disasters (ice, flooding, fires and wind) to pandemic planning and biological and nuclear threats. These issues are often distinct from the more traditional foreign policy issues faced by the National Security Council and require experienced staff with significant expertise. The staff must understand State and local emergency management policy issues and concerns. They must be organized, not simply to facilitate the homeland security policy process, but also to anticipate and respond to State and local political leaders in a time of crisis. The Homeland Security Advisor requires adequate staffing to deal both with the counterterrorism and homeland security issues.

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We remain a Nation at war with a very determined enemy. We have troops deployed in both Iraq and Afghanistan but the National Security Advisor has many important responsibilities in addition to those two theaters. For example, he must contend with the Middle East peace process and counter proliferation around the world, but most especially in Iran and North Korea. I worry that increasing the span of control of the National Security Advisor could dilute the Homeland security mission and make it just one more item on a list already overburdened.

That said, I wish to be clear. We should judge any reorganization by the substance and criteria that I have suggested above. We must be careful not to assume that a merger means the President cares less about Homeland security. We must resist this easy organizational chart test and look to the substance of how responsibilities are allocated and how we are being protected.

Let me suggest three questions that I would hope the Committee would ask: (1) Is there one person responsible and accountable to the President who looks around the world at threats and advises the President?, (2) Does this one person have direct and immediate access to the President?, and (3) Does this person have adequate staff to fulfill his or her responsibilities? These are the questions that we should be asking and the criteria against which we should judge the effort.

Thank you again for your time and for the privilege of appearing before you today. I will be happy to answer any questions you may have at this time.

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Written Statement before the U.S. Senate
Committee on Homeland Security and Government Affairs

"STRUCTURING NATIONAL SECURITY AND HOMELAND SECURITY AT THE WHITE HOUSE"

by

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February 12, 2009
Dirksen Senate Office Building

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Chairman Lieberman, Ranking Member Collins, and distinguished members of the Committee, thank you for inviting me here to discuss structuring national security and homeland security at the White House. I am honored to have the opportunity to share my views with you. I believe how the White House manages homeland security and national security issues is one of the most important determinants of how well the government addresses these challenges from a "whole-of-government" perspective.

I'd like to first discuss why I believe organizational changes are needed in how the White House manages homeland security issues. I would then like to propose a five design principles to consider when thinking about organizational options, and briefly outline how a merged council that includes the homeland security portfolio might be preferable to separate councils.

Why the Status Quo Isn't Working

Fundamentally, homeland security issues are both inextricably a part of national security issues *and* inherently interagency and intergovernmental in character. In our system of government, with a Cabinet comprised of independent department secretaries who answer directly to the President, I believe the only way to have a well-functioning homeland security enterprise is to have a White House structure that provides overall direction, sets priorities across the range of national security issues, and resolves interagency disputes during the policy-making process. To date, the Homeland Security Council has struggled to be effective in this role for three primary reasons.

First, by establishing a separate council and associated staff to address homeland security issues, the White House under President Bush artificially bifurcated its approach to a wide range of important national security challenges. Today many national security challenges have both international and domestic components that need to be addressed holistically. For example, preventing and countering nuclear proliferation starts overseas but must also include detection, neutralization and consequence management strategies here at home. Effectively combating

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terrorism involves not only tracking down terrorists overseas, but working with state and local law enforcement to prevent radicalization of individuals within the United States. Determining how to allocate finite military capabilities requires weighing and prioritizing international and domestic requirements to best manage the overall level of risk to the nation. Addressing these kinds of challenges effectively requires an integrated approach, but that is difficult to achieve when there are two separate organizations working these issues inside the White House. During the Bush Administration, the two councils each had separate staffs, they had different organizational structures and reported to different advisers to the President. The two council staffs had different cultures of communication; the NSC staff principally used the classified system while the HSC staff largely operated at the unclassified level. In this kind of environment, coordination, when it did occur, was more often than not a product of staff initiative rather than standard operating procedure. In a world where it is difficult to define where homeland security ends and national security begins, managing today's globalized challenges using two separate organizations may no longer be the best answer.

Second, as numerous practitioners and commentator have noted, the HSC to date has largely been viewed as the NSC's weak stepchild. Technical, bureaucratic realities have contributed significantly to this dynamic. Because HSC staff, unlike NSC staff, counted against the White House personnel ceiling, there was pressure to keep the size of the HSC small. Where in recent years the NSC has more than 200 staff, the HSC staff hovered at around 35 to 45 people. Given the breadth of homeland security challenges and the complexity of the homeland security landscape, this is simply not enough personnel to do justice to the issues. Although HSC staff generally work the same long hours as the NSC staff and have similarly important responsibilities, HSC staff have been paid less because the HSC did not have its own budget and hence was subject to relatively tight salary caps. The salary cap, coupled with the HSC's perceived second-class status made it more difficult to attract the very best and brightest to the HSC organization. While there have been excellent public servants who have worked on the HSC staff over the last few years, on balance more HSC staff have come from political

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backgrounds than do NSC staff, and the overall level of professional experience of the HSC staff has been lower than their NSC counterparts. This disparity negatively affected the staff's ability to work effectively with agency counterparts on tough interagency issues. From an organizational perspective, it is important to have a structure that is going to provide the best quality policy advice to the President on homeland security issues, and be able to promulgate that advice into the interagency process and oversee its implementation. It is not clear that the HSC to date has had the personnel to fulfill this mandate.

Third, the HSC as a separate organization has struggled to lead the interagency process in developing core strategy and guidance on homeland security issues (such as developing an interagency planning process) and has struggled to oversee implementation of policies once they are developed (such as the range of documents and processes envisioned in HSPD-8 on National Preparedness). In part this was due to the council's relatively small staff, but it also was probably associated with the Bush Administration's preference for the "lead agency" approach that focused the NSC and HSC staffs primarily on coordination rather than on leading policy development. From a historical perspective, some presidents have structured their NSCs to place greater emphasis on driving policy while others have used the NSC principally to coordinate policy. But as security challenges become more complex and interrelated, and meeting these challenges effectively will require integrating capabilities from across the government, the lead agency model is likely to prove inadequate to many tasks ahead. Current and future security challenges require a strong White House structure that will support the development of integrated strategies and oversight of their implementation. A more effective White House structure with a mandate to lead homeland security policy issues would also enable DHS, a relatively new and fragile bureaucracy, to spend less time fighting bureaucratic struggles within the executive branch and more time maturing as an organization.

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Design Principles for Organizing at the White House

Ultimately, results, not wiring diagrams, are what matters when it comes to how to organize the White House staff to address homeland security issues. With that in mind, there are at least five design principles that might help guide thinking about organizational options:

- First, the White House structure should enable homeland security issues to be considered substantively as part of the larger national security domain.

- Second, the White House structure should facilitate consideration of homeland security issues as of equal importance relative to traditional national security issues. As a former DHS official said recently in a New York Times article about the possibility of a merger, "you want your issues considered. You don't want to be off in some second bucket."

- Third, the White House structure should minimize the need to have the President be the sole arbiter of disagreements between Cabinet secretaries over substantive policy or roles and responsibilities.

- Fourth, the White House structure should enable the organization to serve as an effective and honest broker among interagency players and as necessary, to enforce implementation of Presidential priorities and decisions on reluctant interagency actors.

- Fifth and finally, the White House structure should facilitate recruitment and retention of the best possible staff with the expertise and experience across the full range of homeland security disciplines to ensure the President receives the best possible policy advice.

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What a Merged NSC Would Look Like

In my view, the best way to maximize the potential to establish a structure at the White House that is consistent with these design principles is to merge the HSC into the NSC. In reports published at CSIS, we recommended a structure that would include two deputy National Security Advisers reporting to the National Security Adviser; one deputy responsible for international affairs and another deputy for domestic affairs. Reflecting the view that most security challenges today have both international and domestic components, many staff in this merged council would report to both deputies, although there might be some portfolios that would have staff reporting to only one deputy. For example, if there is a human rights and democracy office, this office would report solely to the deputy for international affairs, while the emergency preparedness and response office would report solely to the deputy for domestic affairs. To ensure these two deputies are able to interact effectively with very senior government officials, up to and including Cabinet secretaries, they would both have to be individuals of significant expertise and stature. In this type of arrangement, homeland security issues would no longer be stove-piped organizationally and they would be more likely to receive the same level of attention as more traditional national security issues.

This merged Security Council would be empowered to lead the interagency in formulating homeland security policy and to oversee implementation of homeland security policy on behalf of the President of the United States. In reading the article in this Sunday's *Washington Post* about likely NSC reforms, it seems evident that President Obama and General Jones, the new National Security Adviser, clearly envision a more robust NSC of this nature.

Arguments Against a Merger

While many scholars and organizations have recommended a merger of the two councils, including scholars at CSIS, the Heritage Foundation, the Center for American Progress, Third Way, the Project on National Security Reform, and the Commission on the Prevention of WMD Proliferation and Terrorism, there are certainly arguments against a merger. The two most

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prevalent arguments against a merger are that the National Security Adviser already has a full plate and does not have time to take on a new set of issues, and that the traditional NSC staff does not have expertise in homeland security issues which means that these issues could actually get less attention and be handled less skillfully than if addressed by a separate Homeland Security Council.

It is true that the National Security Adviser already holds one of the most grueling jobs in Washington, bearing responsibility for a vast array of issues. Merging the two councils would add to this burden, but the benefits of addressing security challenges holistically and putting homeland security issues on an equal footing with traditional national security issues probably outweigh concerns about span of control. In a merged council, the National Security Adviser would be the single person responsible and accountable to the President for the full range of security challenges. To ease the burdens of this enormous span of control, as I noted above, at CSIS we recommended establishing the two deputies, for international and domestic issues respectively, who would manage these portfolios on a day-to day basis. In the event of a crisis, the President and the National Security Adviser must be able to rely on one or the other Deputy to lead the day-to-day management of the crisis. Both Deputies will need to have close and effective working relationships with the National Security Adviser so that either one can take on this crisis management role. Moreover, if there is a conflict between the international and domestic elements of a situation during a crisis and the principals responsible cannot resolve a disagreement about policy options, the NSA can offer an integrated recommendation to the President for his consideration. To date, if there had been a conflict between the traditional national security side, represented by the NSA, and the domestic side, represented by the Homeland Security Adviser, the President alone would have to weigh the issues and make a decision.

The second major argument against merging the two councils is that the traditional NSC staff does not have the appropriate expertise or experience, particularly in terms of state and local

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government perspectives, to adequately support the President on homeland security issues. I believe the answer to this concern is straightforward – don't try to staff the homeland security portfolio solely with individuals from traditional national security backgrounds. Instead, populate the merged Council staff with sufficient numbers of personnel with backgrounds in the full range of homeland security disciplines, such as law enforcement and intelligence, critical infrastructure and emergency preparedness and response, and ensure that these individuals understand and are sensitive to the concerns of state and local governments, as well as the views of the private and non-governmental sectors. Ideally I would like to see individuals with experience at the state and local level serving as detailees in a merged Security Council, just as the existing NSC now has detailees from federal agencies like the State Department and the Defense Department. This kind of rotational assignment structure, which could include sending federal employees to spend a year working at the state government level, would be entirely consistent with ongoing evolution of jointness that began with the Goldwater-Nichols Act and has continued more recently with the effort to create a National Security Professionals Program as envisioned in Executive Order 13434.

There is no single, "correct" way for the President to organize the White House to address national security challenges. Over the years presidents have used many different models, to varying degrees of success. Personalities will always play a critical role, regardless of organizational structure. Looking forward however, the security challenges we face today and in the future are increasingly complex and almost all will require the development and application of integrated, whole-of-government approaches. I believe the best way to help generate this level of integration and unity of effort is to merge the HSC and NSC into a single, robust council that is empowered by the President to lead policy development in the executive branch and oversee its implementation.

Thank you for your time and for the privilege of appearing before you today. I look forward to answering your questions.

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Statement for the Record
of
The Honorable James R. Locher III

Executive Director
Project on National Security Reform

Before the
Committee on Homeland Security and Governmental Affairs
United States Senate
February 12, 2009

Chairman Lieberman, Senator Collins, Members of the Committee, thank you for inviting me to discuss organizational structures for national security and homeland security in the White House and across the federal government. Most fundamentally, I believe that drawing a bright line between what is "national security" and what is "homeland security" is a mistake. The nation would be best served by merging the National Security Council and Homeland Security Council into a single council, but one that includes safeguards to ensure that homeland security issues are not lost in a unified system.

This hearing addresses an important issue: how should the highest level of the U.S. Government be organized to protect the nation's security?

It is important to put this issue in a much larger context. The overall national security system – including its international security and homeland security components – is broken. As PNSR's guiding coalition, made up of twenty-two distinguished Americans, stated in our recent report, *Forging a New Shield, "We . . . affirm unanimously that the national security of the United States of America is fundamentally at risk."*

In response to the terrorist attacks of 9/11, we bifurcated international security into two 'major' components: international security and homeland security. This bifurcation served the

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important function of jump starting our attention to many long neglected tasks in protecting the American homeland. Although many capabilities need additional improvements, we have succeeded in elevating these tasks to an appropriate level of attention.

The basic question now becomes: does this bifurcation at the very top of the government serve our needs in handling the increasingly complex and rapidly changing security environment of the 21st Century? The answer is no. Dividing our security components at the water's edge and borders is artificial and creates an organization boundary that weakens our overall security posture.

The security challenges that the United States face must be viewed in a global system. Homeland security is a subsystem of the larger global system. But the organizing principles for the U.S. national security system must be the global system. Decisions on our policy, strategy, planning, development of capabilities, and execution will maximize our security when they are taken in an integrated, system-wide context, not when they are artificially subdivided.

By having separate national security and homeland security councils, we force the president to integrate across this divide. He does not have the time or capacity to do so.

This past week, General Jim Jones, President Obama's national security advisor, discussed the major changes that the president and he intend to make at the top of the national security system. In an interview reported in the *Washington Post* this past Sunday and a speech on the same day at the Wehrkunde Conference in Munich, General Jones stated that the National Security Council would expand its membership and have increased authority to set strategy across a wide spectrum of international and domestic issues. He said,

> *The whole concept of what constitutes the membership of the national security community -- which, historically has been, let's face it, the Defense Department, the NSC itself and a little bit of*

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> *the State Department, to the exclusion perhaps of the Energy Department, Commerce Department and Treasury, all the law enforcement agencies, the Drug Enforcement Administration, all of those things -- especially in the moment we're currently in, has got to embrace a broader membership.*

The Project on National Security Reform (PNSR) agrees fully with General Jones' arguments and observations. Our own recommendations parallel the direction that President Obama and General Jones have set. This convergence is not surprising. General Jones served on PNSR's Guiding Coalition, as did other Obama appointees – Admiral Denny Blair, Jim Steinberg and Michelle Flournoy.

As this committee approaches this issue, it has two hats to wear. The first hat is as the Senate's overseer of the homeland security function. The second hat – focused on government affairs – ranks more important in examining this issue. To make a wise decision on this organizational issue, we must take a whole-of-government perspective. If we do so, I believe that we will support the new direction that the Obama Administration intends to pursue.

I. Introduction

Let me begin by sharing with you some background about PNSR. PNSR was established in early 2007 to assist the nation in identifying and implementing the kind of comprehensive reform that the government urgently needs. PNSR recently completed the most comprehensive study of the U.S. national security system to date. Last November, PNSR released the culmination of this study, a 742-page report detailing problems inherent in the current system and proposing recommendations for a sweeping overhaul of the national security system. The report is the product of two years of rigorous analysis by more than 300 national security experts from academia, government, Congress, federal agencies and think tanks. The study was

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overseen by a bipartisan Guiding Coalition comprised of former senior federal officials and others with extensive national security experience.

Our report illustrates that the legacy structures and processes of a national security system that is now more than 60 years old no longer help American leaders formulate coherent national strategy. We are not able to integrate the diverse expertise and capabilities of our departments and agencies. Our national security challenges require effective whole-of-government integration, but we remain dominated by outmoded, inward-looking, vertically oriented, competitive, stove-piped bureaucracies.

Our mechanisms for producing integration are weak compared to the power of the massive, departmental bureaucracies. We have "headquarters" – the National Security Council and Homeland Security Council and their staffs – that are understaffed and have only advisory responsibilities. Only the president has the authority to integrate the efforts of the departments and agencies, but he lacks the time and mechanisms to do so.

PNSR's report recommends that in order to remedy the problems plaguing our system, we must focus on integrating efforts across the many departments and agencies that contribute to national security. Merging the NSC and HSC is a critical step towards building a more coherent and unified approach to national security – in the broadest sense of the term. Though I believe that merger is a necessity, it must not be undertaken without implementation of adequate safeguards that will ensure homeland security issues remain at the forefront of national security affairs.

II. Argument for Merging the NSC and HSC

Our Cold-War definition of "security" must be expanded. In an era of anthrax-filled envelopes and hurricanes that can devastate critical infrastructure, there can be no question that

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homeland security issues are national security issues, and vice versa. Today virtually every department in the Executive Branch – from the Department of Agriculture to the Department of Transportation – plays some national security role. The separation of national security affairs and homeland security affairs weakens the management of both and hinders comprehensive policy development and strategic planning.

Merger of the NSC and HSC must be viewed in the larger context of national security reform. In practice, the National and Homeland Security Councils are the primary conduit between the President and the broader "national security system." Yet because these small staffs are not "operational," they do not have the authority to direct the large semi-autonomous bureaucracies that often must work together to implement a President's stated policies. Burdening them with an artificial and often arbitrary separation between "homeland" and "national" security further undermines our nation's ability to adapt quickly to the world's changing circumstances.

Protecting the nation's borders, combating the threat of terrorism and responding to devastating natural disasters all require the expertise and capabilities of both homeland and national security departments and agencies. For example, were the NSA to intercept a conversation about a terrorist planning to enter the United States with a suitcase bomb, the response would at minimum require the efforts of the CIA, DoT, State Department, DoD, DHS (including the TSA, Coast Guard, Border Patrol, and Customs and Border Protection Officers) – as well as the assistance of many state and local enforcement officials. The threats we face and the opportunities before us require an increasingly integrated response that incorporates elements of both homeland and national security departments.

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Put differently – if state, local, and federal first responders will not distinguish between homeland and national security when responding to a crisis, policy makers should not do so when preparing for one.

Yet the current system does just that. The HSC and NSC are distinct bodies with their own unique sub-structures, have staffs that report to separate presidential advisors and often struggle to communicate effectively. Through no fault of their hard-working staff, lack of coordination inevitably leads to a lack of coherence in policy and strategic planning.

Moreover, separating the HSC and NSC strains limited resources. Even combined, the NSC and HSC are incredibly small compared to the size of the national security establishment they oversee. To put it in perspective, roughly 150–250 NSC staff members coordinate the activities of several million national security professionals – not counting the Central Intelligence Agency. This is at best a ratio of 1 to 12,000 and at worst, a ratio of more than 1 to 25,000. By comparison, a 50,000-employee corporation would have approximately a 1,000-person corporate headquarters staff – a ratio of 1 to 50. No matter how hard working, no staff of this size can manage such a broad range of responsibilities. They must coordinate a large, complex national security establishment that covers a multitude of complex, bilateral, regional, transnational, functional, and global issues.

Though the NSC is inadequately resourced to deal with the challenges it faces, it is robust in comparison to the HSC. In fact, the HSC has about one-fifth the staff as does the NSC, and reportedly offers lower compensation to the staff it does have.

Combining the HSC and NSC into one expanded council should improve overall system management and oversight capabilities by reducing redundancy and breaking down barriers. Simply put, a larger NSC could better manage and coordinate the vast national and homeland

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security bureaucracy. And a properly integrated NSC and HSC would bring a whole-of-government, national perspective to homeland security issues and would streamline oversight of both homeland and national security affairs.

III. Implementing Safeguards

Let me be clear: though I believe that the President needs a robust National Security Council encompassing both national and homeland security affairs, integration for integration's sake would be a mistake. Merging the NSC and the HSC *must* be done in a way that ensures that homeland security issues receive the focus and resources they deserve.

Of course, nothing can elevate the importance of an issue like the attention of the President. But understanding that President Obama will always be pulled in numerous directions, we have several recommendations to help to make certain that homeland security issues do not get pushed to the back burner.

First, the Secretary of Homeland Security should be a default invitee to all NSC and Principals Committee meetings. This is not to say that Secretary Napolitano must be invited to all meetings; rather, it is meant to convey that when her attendance is not needed, this should be an affirmative decision based on the substance of the meeting rather than an inadvertent omission resulting from past practice.

Second, though we must be careful not to re-create the HSC/NSC division within a merged NSC, one senior individual must be tasked with overseeing core homeland security functions within the merged NSC as well as those "traditional" NSC issues that have significant homeland security aspects. The distinguishing factor is that this individual will have both a flexible mandate and a broad reach to overcome communication barriers while at the same time ensuring that true "homeland security" issues receive necessary attention.

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Third, while the HSC should be incorporated into the NSC, much of the staff function of the HSC can and should endure. Just as we should not fold the current HSC staff structure into the NSC *in toto*, we should not summarily eliminate it. The desired end state is a merged council that has some attributes taken directly from the NSC, some that are taken directly from the HSC, and some that reflect a merger of the two.

Finally, as a fail-safe, Secretary Napolitano should have some mechanism for raising any "lost" issues directly with the President and the National Security Advisor. This could take the form of a regular meeting with the Advisor and possibly the President, or the ability to insert those concerns into the President's Daily Brief. Secretary Napolitano could also submit reports – such as the "night notes" used by past Secretaries of State – to the President, detailing relevant DHS activities within the context of national security operations.

IV. Conclusions

I applaud the reforms and bold changes that President Obama and National Security Advisor General Jim Jones are bringing to the National Security Council. General Jones has said that the President intends to expand the reach and membership of the NSC, making it a more flexible body with its attendance determined on an issue-by-issue basis; to create new NSC directorates that will handle department-spanning issues such as cyber-security, energy, climate change, nation-building and infrastructure; to place portions, if not all, of the HSC within the NSC; to redraw and align regional directorates in the NSC and at relevant departments; and to bolster the role of the NSC so that it can actively oversee the implementation of presidential decisions.

The reforms described in Sunday's *Washington Post* mirror PNSR's. We concluded that the NSC and HSC system should be replaced with a more robust and expanded National Security

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Council under the direction of an empowered National Security Adviser. PNSR's proposal would transform the NSC into a stronger and more flexible body, able to react to current security issues by having a membership that fluctuates by mission, rather than by statute as is now the case. This would enable the NSC to include agency heads from every department when necessary and where appropriate. Further, PNSR has recommended transforming the National Security Advisor into a national security manager. This national security manager would focus the national security system on high-level policy formulation and planning and would be given with actual authority to oversee implementation.

Merging the NSC and HSC into an expanded council will bring a broader whole-of-government perspective to both national and homeland security affairs. Though a combined council is essential, it must be accompanied with the implementation of prudent safeguards to ensure that homeland security issues remain at the forefront of national security affairs.

This committee worked hard to create the Department of Homeland Security and to guarantee in law a functioning Homeland Security Council. The idea of merging the HSC with the NSC is intended to preserve and enhance the key roles of both councils through integration, not subordination. And since the details of the integration are still under study by the new administration, I trust that this committee's views can help shape the final arrangements. I believe that you should view integration as an opportunity for preserving high-level focus on homeland security issues, not as a threat to that vital function.

Mr. Chairman, Senator Collins and Members of the Committee, once again, thank you for your time and for your attention to this critical matter, and I look forward to answering any questions you may have.

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Post-Hearing Questions for the Record
Submitted to the Honorable Thomas J. Ridge
From Senator Susan M. Collins

"Structuring National Security and Homeland Security at the White House"
February 12, 2009

1. During the Bush Administration, you served as Homeland Security Advisor. Based on your experience, do you believe that a Deputy National Security Advisor would have sufficient stature to compel action on homeland security matters by more senior members of the Administration, such as Principals in the White House or members of the President's Cabinet, or to effectively mediate interagency disputes among Cabinet Secretaries?

Ridge: No, I do not believe that a Deputy National Security Advisor would have sufficient stature and influence on homeland security matters with more senior members of the Administration. A title may seem cosmetic, but we know through experience that, in this case, lack of perceived authority would be a significant detriment to the deputy's ability to compel action.

The person tapped in the White House for homeland security matters must have direct access to the president of the United States. Otherwise, without "equal footing," the deputy would not hold the authority he or she would require in working with, and more so, directing, Cabinet members and other White House principals to do what is needed, when it's needed, to keep the country secure across Homeland Security's many Administration-wide and multi-departmental focus areas.

2. I am concerned that, if another terrorist attack or catastrophic natural disaster occurs on American soil, the National Security Advisor will be distracted from other critical issues that require constant monitoring and attention, such as the wars in Iraq and Afghanistan, the ongoing conflict in the Middle East, and managing our nation's relationship with Russia. This is one of the main reasons that the previous Administration decided not to merge the two councils. Do you believe that added responsibilities for emergency management and other domestic homeland security issues will distract the National Security Advisor from the NSC's traditional focus on its military and diplomatic missions? Even with an extremely well qualified Deputy National Security Advisor responsible for homeland security and counterterrorism policy, the National Security Advisor will still be the principal White House official with respect to homeland security. Will the National Security Advisor be forced to focus considerable time and effort on domestic homeland security issues – even with a qualified and capable Deputy?

Ridge: The National Security Council and the Homeland Security Council each have two distinct missions. The NSC focuses clearly on foreign governments – calming geo-political tensions, mapping the strategies of Iraq and Afghanistan and addressing bubbling military conflicts. The HSC focuses more on the American people. Its constituency is 300 million people. It works primarily on keeping our citizens safe and helping them to recover from an incident on home soil.

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The Department, as its *primary* mission, is not on the whole a counter-terrorism agency. Rather, the chief focus of DHS is the protection of the American people – prevention is part of the DHS role, but as much, if not more, is the responsibility to respond to an attack or catastrophic event, minimize the damage should an incident occur and assist in the often long and arduous process of recovery.

DHS is an all-hazards agency – focused on threats and potential attacks of any kind – to include the threats of terrorist attacks, but also the force of hurricanes, wildfires, flooding, bio-spills, tornadoes, nuclear accidents, anything that endangers the safety of our citizens. Add to this, the Department's many legacy missions.

It is particularly worth underscoring that homeland security is not a federal department. It is a national mission, and a national mission requires a national response; that means well-established coordination, communication and cooperation with our 56 states and territories and thousands of localities.

In melding the HSC under the NSC, the President and the federal government would lack the authority to mandate states to carry forward all recommended or preferred emergency management protocols. The federal government cannot ensure training is carried out and emergency equipment is purchased. The President cannot call up the National Guard; only the governor of a state can do so. Those kinds of sovereignty issues and others are what led to the creation of the Homeland Security Council and its unique role in relationship-building between state, local and tribal governments.

Therefore, tasking the National Security Advisor with two enormous and distinct missions – each with divergent concentrations (one international; one domestic) – indeed would be a distraction and consequently jeopardize the ability of the National Security Advisor to give either mission his or her full attention.

3. I have heard of at least one example of where the NSC appears to have favored the interests of the State Department while not fully addressing concerns of the Department of Homeland Security. The Merida Initiative seeks to provide Mexico and Central American countries security and law enforcement assistance to address the out-of-control drug trade that is now wreaking havoc below our southern border. DHS and DOJ will have leading roles in providing equipment and training under this program, but the State Department is also involved because it is an international assistance program. The NSC took the lead in coordinating the interagency effort. While the State Department will receive funding for its personnel involved in executing the program, DHS and DOJ have been concerned that they will not receive reimbursements for the expenses of their personnel to train foreign law enforcement, for example, to use new scanning equipment purchased with program dollars. The burden on DHS could be quite significant--pulling officers from their other duties and security responsibilities within the United States. Although DHS has raised this issue and I along with the Chairman and Senators Akaka and Voinovich sent a letter asking about this concern, the NSC does not appear to have resolved this issue. If a merger occurs, could the NSC and the National Security Advisor

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serve as a neutral arbiter of disputes between traditional homeland-focused agencies and the Departments of Defense and State?

Ridge: It is my view that the NSC and the National Security Advisor could not serve as an appropriate mediator between homeland-focused agencies and the Departments of Defense and State. It is widely understood that the NSC has a difficult time enough as it is mediating between Defense and State on NSC issues alone. To now add homeland security issues into the mix would only complicate progress made, relationships forged and turf battles overcome throughout those Cabinets agencies tapped with homeland security functions. To ask the National Security Advisor to step in and mediate homeland security disputes between Defense and State is adding a complicated layer to an already young, maturing and tenuous process.

4. Congress established the NSC in 1947 to advise the President on national security and foreign policy and coordinates policy between the Departments of Defense and State. It has a long and storied history, a staff of about 250, including many professional military and foreign-service officers, and a sizeable budget. In contrast, Congress established the HSC just seven years ago in the immediate aftermath of the terrorist attacks of September 11, 2001. It advises the President on homeland security matters, coordinates policy between at least 30 federal departments and agencies with homeland security responsibilities, and works extensively with State, local, tribal, and private sector officials. It has a staff of about 45, which is about one-fifth the size of the NSC's staff, and a modest budget. Merger advocates contend that the HSC has not been as effective as possible. Rather than eliminating the HSC and assigning its responsibilities to the NSC, do you think that, in the alternative, it would make more sense to give the HSC additional resources, personnel, and attention?

Ridge: Yes. My belief is that we should not relocate the HSC, but rather reform, modify and bolster it. It is true that the HSC staff and resources are minimal compared to the NSC, yet the HSC mission is just as vast and important – one that extends vertically across the federal government and horizontally with state and local authorities; and additionally holds an international component, in matters involving travel and trade. In its current state, the HSC is not sufficiently empowered to lead the homeland security effort in the White House – as was the intention when it was created under HSPD-1.

While there are many changes that could benefit the HSC, I offer a few recommendations for your consideration:

1. At the President's discretion, he should give the Secretary of Homeland Security a seat at the NSC table on those occasions when the homeland security and the national security missions meet. The DHS Secretary should have full and complete access to important NSC information and discussions – and a strong relationship with the NSC in place, should and before an incident occur.

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2. As you note, the HSC staff is quite slim compared to the formidable staff of the NSC. Less budgetary and salary constraints would ensure that we have HSC staff members who have the tools and experience to do their job efficiently and without impediment.

3. The HSC should not rely solely on counter-terrorism experts to advocate homeland security issues. Rather, the HSC would be better served if it had as its lead and at its disposal those with a strong core in state and local structure. The HSC Advisor needs the ability to hire more subject matter experts who already understand the unique nature of homeland security issues, who bring backgrounds in coordinating prevention, response and recovery procedures brought on by both natural disasters and terrorist incidents and who have established experience in working within the universe of federal, state and local government.

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Post-Hearing Questions for the Record
Submitted to Frances Fragos Townsend
From Senator Susan M. Collins

"Structuring National Security and Homeland Security at the White House"
February 12, 2009

1. During the Bush Administration, you served as Homeland Security Advisor. Based on your experience, do you believe that a Deputy National Security Advisor would have sufficient stature to compel action on homeland security matters by more senior members of the Administration, such as Principals in the White House or members of the President's Cabinet, or to effectively mediate interagency disputes among Cabinet Secretaries?

   RESPONSE: During the Bush Administration, I served as the Homeland Security Advisor with the rank of Assistant to the President. It is the most senior rank one can hold on the White House staff and I therefore was recognized among my White House and Cabinet colleagues as a Principal. As a Principal I was able to chair meetings of the Homeland Security Council which were regularly attended by members of the President's Cabinet. I would note that during 2003 to 2004 I served on the National Security Council as a Deputy Assistant to the President and a Deputy National Security Advisor. I reported to Stephan J. Hadley, then a Deputy National Security Advisor who held the rank of Assistant to the President. Because of his rank as an Assistant to the President, Mr. Hadley chaired both Deputies and on occasion Principals meetings. The ability to call meetings and mediate interagency disputes at the Cabinet level is dependent on several factors: rank; credibility based on experience; and your role as defined by the President as well as your access to the President.

2. I am concerned that, if another terrorist attack or catastrophic natural disaster occurs on American soil, the National Security Advisor will be distracted from other critical issues that require constant monitoring and attention, such as the wars in Iraq and Afghanistan, the ongoing conflict in the Middle East, and managing our nation's relationship with Russia. This is one of the main reasons that the previous Administration decided not to merge the two councils. Do you believe that added responsibilities for emergency management and other domestic homeland security issues will distract the National Security Advisor from the NSC's traditional focus on its military and diplomatic missions? Even with an extremely well qualified Deputy National Security Advisor responsible for homeland security and counterterrorism policy, the National Security Advisor will still be the principal White House official with respect to homeland security. Will the National Security Advisor be forced to focus considerable time and effort on domestic homeland security issues – even with a qualified and capable Deputy?

   RESPONSE: There is real cause for concern if as the question suggests, all Homeland Security and Counterterrorism issues must be supervised and approved by the National Security Advisor to be resolved or taken to the President. Often times these issues are

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evolving quickly and the person responsible will need direct and immediate access to the President. The question should be less one of organization and more will the Deputy National Security Advisor have the necessary direct and immediate access to the President and Cabinet members.

3. Congress established the NSC in 1947 to advise the President on national security and foreign policy and coordinates policy between the Departments of Defense and State. It has a long and storied history, a staff of about 250, including many professional military and foreign-service officers, and a sizeable budget. In contrast, Congress established the HSC just seven years ago in the immediate aftermath of the terrorist attacks of September 11, 2001. It advises the President on homeland security matters, coordinates policy between at least 30 federal departments and agencies with homeland security responsibilities, and works extensively with State, local, tribal, and private sector officials. It has a staff of about 45, which is about one-fifth the size of the NSC's staff, and a modest budget. Merger advocates contend that the HSC has not been as effective as possible. Rather than eliminating the HSC and assigning its responsibilities to the NSC, do you think that, in the alternative, it would make more sense to give the HSC additional resources, personnel, and attention?

   RESPONSE: I agree that the HSC requires additional personnel and resources to adequately coordinate the interagency process and make policy recommendations to the President. The HSC should be able to more easily have career staff temporarily assigned from Federal Departments and Agencies to address specific issues on an as needed basis so that the Council can appropriately draw on areas of expertise from within the government.

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Post-Hearing Questions for the Record
Submitted to Christine E. Wormuth
From Senator Susan M. Collins

"Structuring National Security and Homeland Security at the White House"
February 12, 2009

1. I am concerned that, if another terrorist attack or catastrophic natural disaster occurs on American soil, the National Security Advisor will be distracted from other critical issues that require constant monitoring and attention, such as the wars in Iraq and Afghanistan, the ongoing conflict in the Middle East, and managing our nation's relationship with Russia. This is one of the main reasons that the previous Administration decided not to merge the two councils. Do you believe that added responsibilities for emergency management and other domestic homeland security issues will distract the National Security Advisor from the NSC's traditional focus on its military and diplomatic missions? Even with an extremely well qualified Deputy National Security Advisor responsible for homeland security and counterterrorism policy, the National Security Advisor will still be the principal White House official with respect to homeland security. Will the National Security Advisor be forced to focus considerable time and effort on domestic homeland security issues – even with a qualified and capable Deputy?

   Answer: The primary advantages to placing homeland security issues within the National Security Council, and under the purview of the National Security Adviser are twofold:

   First, by making homeland security issues indistinguishable from national security issues, as desired by President Obama in Presidential Study Directive 1, the National Security Adviser will have formal responsibility for this set of issues, which may facilitate the process of bringing homeland security into the mainstream of American security policy. If the HSC is merged into the NSC, the National Security Adviser will have the formal responsibility for homeland security issues, and hence is more likely to feel a strong, vested interest in the careful stewardship of these issues.

   Second, if the National Security Adviser has formal responsibility for international and homeland security issues, if there are competing priorities or objectives during a crisis, the NSA can weigh the issues and offer a recommendation to the President. Under the organizational structure used during the Bush Administration, if there were competing domestic and international priorities, resolution of the conflict fell immediately to the President himself.

   If there were a Deputy National Security Adviser for International Affairs, and a Deputy National Security Adviser for Homeland Security Affairs, as long as these two individuals were extremely well qualified, they would have primary responsibility to handle the bulk of issues in their respective portfolios on a daily basis. The NSA in this scenario would be free to focus on the most important national security issues of the day, whatever they might be – whether international or domestic in nature. For example, if Russia and Georgia were engaged in armed conflict as they were during August and September of 2008 while a major, but not catastrophic hurricane, hit the Gulf

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Post-Hearing Questions for the Record
Submitted to Christine E. Wormuth
From Senator Susan M. Collins

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simultaneously, the NSA would likely engage as needed on the diplomatic side to manage the crisis in Eurasia, while the Deputy NSA for Homeland Security would manage the hurricane response with very little supervision necessary by the National Security Adviser. Moreover, if homeland security is in fact an inseparable element of national security, it would be appropriate and welcome over time for the National Security Adviser to pay more attention to domestic homeland security issues than NSAs have devoted in the past; this evolution is part of the necessary process of "mainstreaming" homeland security issues into the broader national security community.

2. Congress established the NSC in 1947 to advise the President on national security and foreign policy and coordinates policy between the Departments of Defense and State. It has a long and storied history, a staff of about 250, including many professional military and foreign-service officers, and a sizeable budget. In contrast, Congress established the HSC just seven years ago in the immediate aftermath of the terrorist attacks of September 11, 2001. It advises the President on homeland security matters, coordinates policy between at least 30 federal departments and agencies with homeland security responsibilities, and works extensively with State, local, tribal, and private sector officials. It has a staff of about 45, which is about one-fifth the size of the NSC's staff, and a modest budget. Merger advocates contend that the HSC has not been as effective as possible. Rather than eliminating the HSC and assigning its responsibilities to the NSC, do you think that, in the alternative, it would make more sense to give the HSC additional resources, personnel, and attention?

   Answer: Strengthening the HSC by increasing the size and professionalism of its staff, and increasing its budget is a necessary, but not sufficient step to ensure that the White House can effectively develop homeland security policy and oversee its implementation.

   A larger and better resourced HSC with a broader range of professionals from across the range of homeland security disciplines would improve the Council's overall effectiveness, but it is not clear that strengthening the Council alone would achieve the goal of ensuring that homeland security issues are treated as inseparable from national security issues. It is very difficult to see how the executive branch can effectively and efficiently develop comprehensive, holistic policies to address the challenges posed today's security problems, whose international and domestic components are often indivisible, using two separate structures within the White House. At the end of the day, it is very difficult to see where national security ends and homeland security begins. Rather than trying to parse those seams and assign issues to one council or the other for action, a merged security council – with a much larger staff to handle the homeland security issues within national security – would improve the ability of the White House to develop comprehensive, coherent policies, and to oversee their implementation across the interagency.

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RESPONSES TO QUESTIONS FOR THE RECORD

Submitted to the Honorable Susan M. Collins
From James R. Locher III, Executive Director
Project on National Security Reform

"Structuring National Security and Homeland Security at the White House"
Monday, March 23, 2009

1. I am concerned that, if another terrorist attack or catastrophic natural disaster occurs on American soil, the National Security Advisor will be distracted from other critical issues that require constant monitoring and attention, such as the wars in Iraq and Afghanistan, the ongoing conflict in the Middle East, and managing our nation's relationship with Russia. This is one of the main reasons that the previous Administration decided not to merge the two councils. Do you believe that added responsibilities for emergency management and other domestic homeland security issues will distract the National Security Advisor from the NSC's traditional focus on its military and diplomatic missions? Even with an extremely well qualified Deputy National Security Advisor responsible for homeland security and counterterrorism policy, the National Security Advisor will still be the principal White House official with respect to homeland security. Will the National Security Advisor be forced to focus considerable time and effort on domestic homeland security issues – even with a qualified and capable Deputy?

Your question raises a legitimate and important concern. As you know, the administration is currently conducting a review pursuant to Presidential Study Directive 1 to address this precise issue. And it remains unclear which functions, if any, the administration might choose to assign to the National Security Council (NSC).

That said, I do not believe that integrating particular homeland security functions into the NSC system will distract the national security advisor from any of his important duties. To the contrary, the national security advisor, as the president's assistant for national security affairs, must focus on the full range of national security issues – both foreign and domestic – in order to properly advise and assist the president. This belief was, in fact, orthodoxy for most of recent history. As documented by one of our recent reports entitled, *The National Security Council: A Legal History of the President's Most Powerful Advisers*, authored by Cody M. Brown, Congress established the NSC in 1947 "to advise the President with respect to the integration of *domestic*, foreign, and military policies relating to the national security." In other words, the very purpose of the NSC was to provide a *single* forum, sitting at the apex of the departments and agencies, to integrate national security policies and activities from a unified national perspective. This belief remains engrained in statute, paradoxically, alongside a separate Homeland Security Council (HSC).

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As a result of the bifurcation of responsibilities between the homeland security advisor and national security advisor, there is today no single entity or person in the U.S. Government that monitors the *entire* national security system on a full-time, dedicated basis. The president is, of course, ultimately responsible for the system, but he is simultaneously vested with the full panoply of executive functions and, therefore, does not have time to manage the system on a full-time basis. In other words, our system is currently an orchestra without a conductor. This reflects unsound organizational design. In other areas in government, unsound design may, at worst, result in inefficiencies. But in this case, it endangers our national security.

Although I believe the integration of the HSC and NSC is an important organizational step, it alone will be insufficient to align our Cold War national security system with the modern international security environment – characterized by complexity, uncertainty, and speed. Perhaps at no other time in our history has our national security system demanded tighter integration of not only international and domestic policy and intelligence, but also between federal, state, and local governments. And yet, the principal integrating mechanism our government currently utilizes – the national security interagency system – is fundamentally weak and broken.

Though the Obama administration can make some changes at the margins, it will ultimately take leadership in Congress to pass new legislation in order to create a system based on sound organizational design. Your committee is uniquely situated to provide leadership on this critical issue. I hope the Project on National Security Reform may continue to assist members and staff of your committee in their pursuit of this important goal.

2. Congress established the NSC in 1947 to advise the President on national security and foreign policy and coordinates policy between the Departments of Defense and State. It has a long and storied history, a staff of about 250, including many professional military and foreign-service officers, and a sizeable budget. In contrast, Congress established the HSC just seven years ago in the immediate aftermath of the terrorist attacks of September 11, 2001. It advises the President on homeland security matters, coordinates policy between at least 30 federal departments and agencies with homeland security responsibilities, and works extensively with State, local, tribal, and private sector officials. It has a staff of about 45, which is about one-fifth the size of the NSC's staff, and a modest budget. Merger advocates contend that the HSC has not been as effective as possible. Rather than eliminating the HSC and assigning its responsibilities to the NSC, do you think that, in the alternative, it would make more sense to give the HSC additional resources, personnel, and attention?

For the reasons stated above, the Project on National Security Reform believes all issues with security implications should be integrated within a single security council. But your question also raises a larger issue; that is, there has been much confusion over the size of the NSC staff and budget. PNSR's recent report entitled, *Forging a New Shield*, found that the NSC staff is incredibly small when compared to the size of the system it

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oversees. For example, for FY2009, the NSC was authorized 71 FTEs (with approximately 165 detailees). These staffers are responsible for managing the entire national security system, which includes several million national security professionals, not including the Central Intelligence Agency. Our report estimates that this ratio is 1/12,000 at best, or 1/25,000 at worst. In contrast, a 50,000-employee corporation would typically maintain a headquarters of approximately 1,000-people—a ratio of 1/50. This huge disparity is having an incredibly damaging impact on our national security.

Furthermore, the NSC budget for FY2009 was a mere $9 million. This is $4 million less than we pay for the Executive Residence and White House entertainment. And we pay $7 million more per year for the DC Water and Sewer Authority than we do for the headquarters of our national security system. For these reasons and others, PNSR believes that the NSC staff and budget must be substantially increased if we desire a national security system that is founded on sound organizational design.

These arguments also apply to the HSC staff size and budget. This need for increased resources does not change the fundamental need to combine the NSC and HSC into a single council supported by a single staff.

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