

HOMELAND SECURITY CONGRESSIONAL OVERSIGHT

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CSIS

CSIS/BENS *Task Force Co-Chairs:*

Warren Rudman

Former United States Senator (R-NH)

Thomas Foley

Former Speaker (D-WA)

United States House of Representatives

Former United States Ambassador to Japan

Guest Speakers:

Christopher Cox (R-CA)

United States Representative

Chairman, House Select Committee on Homeland Security

Bennie Thompson (D-MS)

United States Representative

Ranking Member, Subcommittee on

Emergency Preparedness and Response

House Select Committee on Homeland Security

Moderators:

Jay Farrar

Senior Vice President for External Relations, CSIS

General Charles Boyd (USAF, Ret.)

President and CEO, BENS

Jay Farrar: -- Business Executives for National Security white paper that encapsulated the conclusions of a task force looking at congressional oversight of the Department of Homeland Security.

Our President and CEO John Hamre would normally be here, but this is the second time in his tenure as the head of CSIS that he has called in sick, so this is a very unusual event.

We will proceed in his stead and General Boyd will chair the event this morning and introduce our task force chairmen and our guest speakers from Congress. So I'll turn it over now to General Boyd.

Let me add one thing. After we've concluded our remarks we will have a Q&A session. During that session, I will reiterate this, but I'll ask anyone who wants to ask a question to please stand up, identify himself, and then proceed with the question.

General Boyd, over to you.

General Charles Boyd: Thank you very much and thank you all for your interest in this important subject and your attendance here this morning.

The road that leads us here and to rolling out this what I believe is an important white paper began months ago at a small roundtable discussion with Secretary Ridge on the larger issues of homeland security in which Dr. Hamre and I were in attendance and more or less simultaneously started to probe the Secretary about the nature of congressional oversight and whether it aided or impeded the efficient and effective execution of his duties.

That prompted a reply that went on for some time and an illumination of the relationship between the United States Congress and the department that in conclusion Dr. Hamre and I decided it would be useful to bring our two organizations together -- CSIS and BENS -- and form a task force to have a look at what we had heard described there in that meeting and perhaps bring some public illumination on what we saw clearly as a problem.

We formed a task force between the two organizations co-chaired on the BENS side by Senator Warren Rudman and on CSIS' side by former Speaker of the House Tom Foley. And we populated that task force with some impressive national figures, both from the world of business and the world of politics, and produced the product that you all have access to today. I think it's an important piece of work and we want to share that, or the thoughts of our two co-chairs first of all with you this morning, and then the thoughts of those who will have the responsibility for the committee in the House in the next term of Congress, Representative Chris Cox and Representative Bennie Thompson, the ranking member. They will follow remarks by first of all the former Speaker and Ambassador, Tom Foley.

Following that we will have a Q&A and you all can get your licks in as well.

Speaker Thomas Foley: Mr. Chairman, General Boyd, Congressman Thompson and Senator Rudman, ladies and gentlemen. When the Department of Homeland Security was organized it represented the largest reorganization of the federal government since the creation of the Defense department in 1947, bringing together 22 federal agencies and well over 120,000 employees. Very quickly it became clear that the component agencies which were brought into the Department of Homeland Security brought with them the oversight functions in the House and the Senate of their former oversight committees and subcommittees. This presents a very severe management problem for the new department.

I think it's now calculated that there are something like 79 committees had subcommittees of the Congress in both houses that have some partial jurisdiction over constituent elements of the Department of Homeland Security. It has been estimated that there are something like 412 of the 435 House members, and all 100 Senators of the Senate, who share participation in one of the committees or subcommittees that has an oversight function over the department.

Everybody who's served in Congress, as we three on this side of the table have done, knows how significant and important the oversight function of Congress is in the House and the Senate. It is part of the great tradition of the Congress to oversee and inquire into the operations of the executive branch of government and to make recommendations for legislation. It is at the heart of the congressional function itself, so no one is even for a moment suggesting that there should not be thorough and determined oversight of the new department. The department needs it, good policy requires it, and the Congress has an obligation and duty to undertake it.

The question is, such a diffuse and disparate collection of subcommittees and committees having the responsibility, is that the basis for effective oversight? I think our judgment is, it is not.

So many committees and subcommittees being involved create a number of problems. One is that the simple demands upon the Secretary and Deputy Secretary and other officials of the department become so large in terms of appearing on congressional hearings and responding to congressional inquiries and requirements, that the time to actually administer the new agency effectively is depleted to the point of almost a minor part of their official time and responsibility.

Secondly there is the problem with any new department of bringing together these agencies into a coherent new whole, the whole being the department itself, whereas the

maintenance of former connections with committees of interest in the House and the Senate tends to separate rather than to unify the new department. Complaints, concerns that are raised in the constituent departments can be transmitted to members of Congress on the former oversight committees and can be a basis for appeal, extra legal or extra congressional appeal to those older reviewers and overseers. That itself has also I think the possibility of being a problem.

On the House side the Speaker, to his great credit, has decided to create a permanent committee of oversight for the Department of Homeland Security. That's an important and significant first step and it's going to be implemented I'm sure by the Rules Committee without much delay.

But the second and equally, if not more important question is how the transfer of jurisdiction from the various committees of the past will be brought to the authority of the new permanent committee. That is an extremely significant issue and it will be much more resisted internally than will the permanent creation of a single committee.

So that is our immediate concern, that in addition to creating a permanent committee of oversight, that the jurisdiction that would normally flow from all the separate committees of the past be largely brought to this one committee.

Our recommendation is that there be a largely empowered committee in both the House and the Senate, and together with the appropriations subcommittees and committees of the House and the Senate, they basically will be the component oversight element of the Congress.

We think much is at stake, much depends upon the success of this department in keeping the American people safe from future attack, defending our homeland. There is no higher priority in the Congress or in the country I think than that this department should operate effectively and efficiently, and sound and effective and rational oversight of the department is a key element of that. So we support this white paper and urge its acceptance and response in the House and the Senate.

General Charles Boyd: Our next speaker, Senator Warren Rudman, and I worked together some years ago in what was I think the most comprehensive review of how this nation goes about providing for its security that anyone has done in the last half century. Out of that came some important recommendations which also lead us to where we are today and I'd like for Senator Rudman to tell us about that.

Senator Warren Rudman: Thank you, Chuck, and good morning. Thank you all for being here. Congressmen, Speaker, I'm delighted to share the platform with you.

I came to this, as Chuck said, in 1997. The Congress and the President got behind something that was known as the United States Commission on National Security, later known as Hart/Rudman. Chuck Boyd, retired four star Air Force general, took somewhat of a cut in status to become our executive director and did a tremendous job in leading us for three and a half years. We all were rather surprised with the great diversity that we had, of thought, on that particular commission to come to the conclusion that the number one issue facing this country was attack from without, that this country would be attacked by terrorists. We made that prediction in '99 and again in 2000. We were about a year off from when it actually happened.

People didn't pay much attention to that report until September 11th, then they paid a lot of attention. Back in 1999 and 2000, if you look at that report you will find the template for what became the Department of Homeland Security. If you look at the organizational chart of the department as it now exists you'll find it's somewhat larger, but the basic thought was you could not have at that time 40-some-odd federal agencies working sometimes at odds with each other to provide homeland security with no coordination from the top.

We also in that report, which was presented to the Congress and the President in late 2000, early 2001, came to the inescapable conclusion that as Tom Foley has pointed out, the cross-jurisdiction of so many committees, both authorizing, oversight, and appropriating, would make it virtually impossible for an agency the size of the DHS as we envisioned it, which was somewhat smaller than it eventually became, could ever work in any kind of a cohesive way. And in talking to people since the department has been formed, that assumption, that prediction is absolutely correct as Tom points out. We are putting enormous strains on the leadership of that department to essentially testify in Congress and attend congressional meetings and hearings and so forth to the point where I don't know what percentage of their actual working time is involved doing that, but it is too much.

There's another problem as well which anyone who has served in Congress, staffed the Congress, or worked with the Congress understands. One of the great advantages of the system that we have on the Hill in both the House and the Senate is that people tend to become relatively knowledgeable and have a good deal of expertise in the areas of their committee jurisdictions. That's the way it was intended, because the executive branch has a huge advantage. The witnesses are doing the job, they're doing the work, they're putting together the budgets. They know their departments. It is very difficult for a member of Congress -- House or Senate -- to reach that level of knowledge. And yet if you look at the Congress today in the tax writing committees, in the defense committees, intelligence committees, health and human services committees, there are people in those committees in the House and the Senate who develop extraordinary expertise which without that expertise it's very difficult to have the kind of oversight that's effective on the executive branch agencies.

What we believe and we endorse and we propose today is not only that the House committee be established as we expect it will be, but as Tom points out, that the authorities, as difficult as it will be for much of the oversight located in so many other places, be moved to that department. Because if you don't, then you'll simply create another layer of oversight and you will not accomplish the underlying purpose which is to simplify and to streamline oversight. In the Senate, the same must be done.

The appropriators seem to have gotten their arms around oversight, as I understand it, and it's getting to a point where it seems to be working much better, but the oversight of the authorizing committees is still diverse and multi-faceted and duplicative in every possible way.

So we hope that people will look at this seriously. We understand that change is daunting, particularly on the Hill. Change is daunting and challenging. There are issues of turf, issues of jurisdictions that people truly enjoy and don't want to give up, but for the greater good of the country if we're going to have a Department of Homeland Security which was described, I believe, in the 9/11 Commission report as dysfunctional at this point, certainly if that is true, part of that dysfunction comes from being accountable to too many people.

There is no question that none of us would like to be in a position where we had to report to a whole stadium full of people who all give us direction, much of which would conflict. There ought to be strict lines of authority, control and oversight and that's essentially what this report sets forth. Thank you.

General Charles Boyd: One of our members, to put a slightly different perspective on what Senator Rudman has just said, one of our business leaders who served on this task force described the oversight mechanism in comparative terms with the world that he came from. That is that a CEO would have responsibility to respond to 79 Boards of Directors in the execution of his duties as a Chief Executive Officer. The problem that that would entail would be enough to discourage anyone from wanting to be a CEO.

In fairness to this whole question I think it's important that we have a perspective of those who serve inside the Congress at the moment, who are assuming responsibility for the leadership in the House and the Select Committee on Homeland Security for the coming year.

To begin, our first speaker from that perspective will be Representative Bennie Thompson, Democrat of Mississippi who will serve as the ranking minority in the next session of Congress.

Representative Bennie Thompson: Thank you very much. Our chairman has just arrived, and I will defer to him if --

Representative Christopher Cox: Are you kidding? This is my opportunity to let you go first.

Representative Bennie Thompson: Thank you very much, Chris.

Let me say from the outset, I agree with the previous speakers. We absolutely have to have a committee in Congress with jurisdiction, with oversight and other responsibilities. It's absolutely unconscionable for us to think that as important as homeland security is to this country, for us to have so many committees and subcommittees having jurisdiction.

The good part of serving the last two years with Chris as chair and Jim Turner, the previous ranking member, is that we basically agree that we have to have jurisdiction. We've signed a document indicating that. Everyone didn't sign it, but in America, thank goodness, you don't have to have unanimous consent. In many instances, majority rules. So the committee basically took the position that in order to really be effective we need to have the jurisdiction. It's absolutely critical to this country.

We can give examples of how we started the process in moving legislation along, and even got to the point of convening a committee hearing. But the unfortunate thing is after the chairman and ranking member gave their talk, we immediately recessed the hearing so we didn't get to the point. I can share with you examples of a lack of coordination between agencies, the culture between agencies is still there. The turf battles we fight daily. All those things are clearly reasons for us to have jurisdiction and oversight.

I'm concerned about it because we're trying to protect the homeland. The only way we can effectively do that is with jurisdiction vested in this committee.

Apart from that, as I indicated, it's a bipartisan effort. We don't really disagree in principle. There are some members on both sides who have strong feelings about it, no question. The two Speakers are right. In Washington it's almost impossible to give up power or jurisdiction on the Hill. Not impossible, just almost.

But I'm happy to see that our Speaker and Minority Leader both have taken the position that we have to have jurisdiction. It's positive, it's something we have to do.

Chris and I have publicly taken the position, as I indicated, and we'll work the next month trying to make this happen to make sure that when we come back in January if everything falls into place we will have a permanent committee of jurisdiction.

Thank you.

General Charles Boyd: The last speaker now before we turn it over to the question and answer period will be, as you already know, the chairman of the Select Committee on Homeland Security and the duties he will perform in the next Congress as well. Representative Chris Cox, Republican from California.

Representative Christopher Cox: Thank you very much. I want to begin by thanking Chuck Boyd, by thanking Bennie Thompson, by thanking Speaker Foley and Senator Rudman because nobody in this room I think, and certainly nobody at this table needs to be convinced of what is the imperative that we're discussing today.

This report, Untangling the Web, which the three of you have subscribed to and several others in this room have participated in writing, is spot on. It's exactly the prescription for oversight and authorization in the Congress that is required. It is timely, because this decision is going to be made first in the House of Representatives on January 4th and thereafter in the Senate as was the case with appropriations in the last Congress. And of course there's no time to be lost in the homeland security mission where every moment counts.

Without question, if we took our time about this eventually we might get it right just in the ordinary course but the terrorists might not wait forever before they strike again. We've been very very fortunate since September 11, 2001, that this country has not been attacked again, and as everyone in this room knows, it's not entirely by accident. There's a great deal of interdiction and disruption that we've been able to accomplish since we've been focused on this mission in the right way in the last several years, but there's also a good bit of fortune involved in this. We cannot expect to be lucky forever, we've got to be good. That's the business of homeland security these days.

There are 87,000 different law enforcement jurisdictions in the United States of America. We've got to focus on the importation of nuclear weapons at ports around the world from Singapore to Long Beach. This is an enormous task and it merges disciplines that a few years ago we never thought had anything to do with each other.

In the Congress we are simply not organized to look at homeland security in a holistic way. We're not organized to think about not just what it means to have somebody illegally crossing the border or somebody illegally overstaying their visa, but what it means as part of the larger plot that was described in the 9/11 Commission report, for example.

What does it mean when people are able to freely move across borders to do us harm? What does it mean when they're allowed to operate in our country? Are the threats to our food supply being considered differently than they were before September 11, 2001, or are they still being considered just as much as trade matters as counterterrorism matters?

In the United States Senate as a result of the jurisdictional changes that recently were made, there are now 100 Senators that have jurisdiction, oversight and legislative over homeland security. So while we did move things around a little bit, we haven't solved the problem. We're much better off in the House of Representatives where only 412 of the 435 members can claim a piece of the homeland security jurisdiction. [Laughter]. We simply won't survive this.

There are people who don't share the view that homeland security is an imperative. As you know in the extreme form it's the Michael Moore view, the view that this is all simply a fiction and invention of the military industrial complex designed to maintain a constant atmosphere of crisis to benefit politicians. In the milder form, the rejection of the homeland security imperative considers that transportation security or immigration or the mission of the Coast Guard, or food safety are all discreet issues, all of them important but in the larger sense really no more important than floods or fires or natural disasters or longstanding questions about under what circumstances to grant asylum. In this view homeland security's nothing more than the sum of its parts.

We ignored this skepticism at our peril, and as we gather here to discuss the thorny issues of congressional, not just oversight but legislative authority for homeland security, we ought not take for granted the central premise that things are different now and must be. It's worthwhile to ask ourselves, is this all necessary and why? I think if we simply go back and examine the statements of Osama bin Laden since September 11th, not before but since, and look at the persistent interest that exists in destroying our country, we will remind ourselves that we have no choice. We have been attacked, we are under constant attack by an enemy that wants to take away our jobs, destroy our economy -- that was Osama bin Laden's latest statement on October 29th, wants to murder innocent civilians, wants to see us all perish. That is the stated objective.

We cannot any longer simply conduct business as usual. And as you know, government bureaucracies tend to do that. Congress is one, too. It's been around for hundreds of years and it tends to be inertial. But we've got to overcome this.

The leadership to overcome it is coming not only from these quarters but also from the President of the United States and from the Speaker of the House to name two important figures. Not to mention this Speaker of the House and another Speaker of the House who's not here right now, Newt Gingrich. There is a lot of recognition of how important this is.

But I was at a leadership meeting because I serve in the House leadership, down at the White House shortly after we created the Department of Homeland Security, and the President and the Speaker of the House agreed we need one authorizer and one appropriator in the House and in the Senate. The Speaker has been very deliberately pursuing that course. We've accomplished the objective already with appropriations. It remains to be done with legislative authority, but it absolutely must be done. So what happens on January 4th in the House of Representatives is very consequential.

General Charles Boyd: Excellent. The rest of the time today will be your time. So if you'll moderate our questions.

Jay Farrar: I'd like to show this slide that the task force put together. This illustrates what Chairman Cox was talking about.

As things currently stand these are the number of committees and subcommittees that have some jurisdiction over the Department of Homeland Security. This gives you a very good representative idea of the conundrum the department finds itself in with response to responding to congressional oversight.

So with that I'd like to open the floor up to questions. What we would ask is if you would stand up and identify yourself and then go ahead and ask your question.

Q: [inaudible]. My question is for [inaudible].

Representative Christopher Cox: Although I wish there were. [Laughter].

Q: Chairman Cox, and maybe Mr. Thompson can answer this question. On January 4th, to what degree will it answer the authorization issues? Will [inaudible] have jurisdiction and [inaudible]? And to what extent do you expect to have [inaudible]?

Representative Christopher Cox: The starting point for the decision that will be finally made on January 4th was the recommendation to which Bennie Thompson referred that the Select Committee made at the end of September, on September 30, 2004, formally to the Rules Committee and to the Speaker and the leadership of the House of Representatives. That was our charter. A Select Committee which the Homeland Security Committee presently is, exists only for the duration of the Congress that created it. So we are due to expire upon the expiration of the 108th Congress.

But in the charter by which the House of Representatives specifically created this Select Committee, we were charged with recommending by September 30, 2004, the changes in the House Rules that would be necessary to rationalize this homeland security function in the House.

Our recommendation, to sum it up extremely pithily, I hope not simplistically and unfairly, is as follows: The jurisdiction of the Committee on Homeland Security should be analogous to the jurisdiction of the Armed Services Committee vis-à-vis the Pentagon. There should be a primary authorizing committee for this new Cabinet department, already the third largest Cabinet department in the federal government, and it should have the ability to bring an authorizing bill to the floor of the House.

We know that was impossible in the last Congress because, as Bennie said, we tried. We tried to do this where we put the chairmen of all the other committees that maintained all their jurisdiction under this Select Committee arrangement, on the committee with us and we got referrals to all of these different committees after we moved the bill or bills out of our committee. It was just too much. There were too many hurdles, too many obstacles. It wasn't possible. The jealousies, including over not just jurisdiction but different policy approaches, ultimately canceled one another out. So we know what doesn't work and we can't continue it.

The answer to your question will be clearly yes. It will be finally resolved on January 4th if the House makes the right decision. If we don't have a whole lot of overlapping shared jurisdiction. But if all we do is add one more committee, we will have actually made matters worse.

So I have recommended very strongly to the Speaker and the House leadership that we not create a Homeland Security Committee if it's going to have shared jurisdiction or if it's only going to have bits and pieces of the homeland security mission because then it's just one more ant at the picnic. It's going to make matters worse.

Representative Bennie Thompson: Chris is basically correct. The only thing I can add is Leader Pelosi has taken the position that she supports it also. To whatever extent her support is needed, it will be there.

Q: Nat Scanlon, HomelandDefneseRadio.com. Chairman Cox, [inaudible]. But anyway, how confident are you [inaudible] one of our reporters [inaudible]. He was afraid that [inaudible] slam dunk [inaudible].

Representative Christopher Cox: I think that's correct. The Speaker has announced to the majority conference in the House of Representatives that it his intention to create a permanent standing committee, so we no longer are wondering whether this is going to be the Intelligence Committee model, a permanent select, or whether it's going to be the Armed Services model, permanent standing. It is going to be the latter. I don't think there is much chance that the House of Representatives will reject the Speaker's recommendation on that score. The real question is will there be adequate jurisdiction in this committee so that we can say we have improved things rather than made them worse?

Q: Chuck [inaudible]. With a new Secretary coming in there's been a lot of discussion about [inaudible] daunting management challenges [inaudible]. I'm wondering if I could ask each of you if you could just identify what you see as the single biggest management challenge confronting the new Secretary.

Speaker Thomas Foley: I think one of his management challenges is going to be unless this problem is corrected, a new Secretary will probably be faced with even more overwhelming demands for appearances. Because if the jurisdiction is diffuse the committees and subcommittees will all want to have an opportunity to call him up, to examine him on the questions related to his new responsibilities in the department, and I think there could be just another dimension of time-demanding appearance by the new leadership in the Department of Homeland Security. So I think it's particularly critical that these matters be resolved as Chairman Cox and Congressman Thompson have indicated. There's another problem I might mention, and this is why I think it's very important that both the Speaker personally and Leader Pelosi have given their support for this.

The Speaker has the residual authority for concurrent or subsequent jurisdiction of committees. He can make referrals to committees even if the responsible committees are organized by rule. So his implementation of these new responsibilities is going to be very important. Sometimes you get committees who do not have direct line jurisdiction asking for sequential referral for some reason or other, and having had the experience I can tell you that one of the most difficult and largely unpleasant responsibilities of a Speaker is to adjudicate warring complaints between committees over jurisdiction, and to insist on some rational and reasonably concise responsibility on the part of the committee.

So in addition to the rules, in addition to the consent of the House there is the continued determination by the Speaker supported by the leadership in both parties to make this work.

Senator Warren Rudman: I agree with Tom, but I would give you one other item that I think is absolutely essential and continues to be a problem. You've got all of these separate organizations that have been merged into one department, and in a word or in a few words, it seems to me that the continuing challenge to the new Secretary is to create a matrix out of all the information that these agencies all possess instead of continuing to have stovepipes. If there's dysfunction, that's where it exists. I'm sure that the congressional members here would fully agree that one of the ideas behind DHS was to make sure that with the advent of information technology that can do the job, you had to find a way to bring that information together so that information that was significant could be shared by people who have various responsibilities, whether it be first responders or port security or whatever. That continues to be a huge challenge and I expect it will be for awhile. But to me, that is the number one challenge in unifying all of these disparate groups into a department which still has not in my view occurred.

Representative Christopher Cox: Congress just changed the law rather dramatically with our Intelligence Reform Bill. One of the first challenges for the new Secretary is going to be to find the place for the Department of Homeland Security in this new system. Because when we passed the Homeland Security Act not so long ago that created DHS, it was DHS that was to be the fusion center for intelligence for the entire federal government, all sources, foreign and domestic. That job has now been reassigned to the NCTC, and as a result Homeland Security finds itself as a participant rather than the leader of that effort. Yet it is still important that the Secretary of Homeland Security be able to command resources under his direct control so that he can ask questions of our intelligence resources, impose requirements on collection, sift through raw data with his own priorities in mind, and discharge his statutory responsibilities. All of this remains to be worked out.

Second, as Senator Rudman just described, this merger of 22 agencies is anything but completed. One of the things that Bernie Kerick is going to need to keep in mind is that when he arrives on day one, people are going to be telling him this is the way we've always done it at DHS, and that's not going to be true. That's going to be the way they always did it before there even was a DHS and the DHS way has yet to be established. It's going to be very very important to maintain the capacity always to think anew.

Third, Bernie Kerick is going to need to lead in an inspirational way so the Department of Homeland Security can attract the very best people to its service. There is a competition not just in intelligence but across the board for all of these functions between homeland security on the one hand and all of the other purveyors of these similar functions under the old auspices in the old federal government. We need to make sure that DHS is a great place for professionals to come and work and make their home.

Lastly but probably most importantly, the new leader of the Department of Homeland Security is going to have to perfect metrics for prioritization. We're comparing apples and oranges constantly in the homeland security discipline. How do you weight a risk of attack of an airliner flying into a building, for example, against a cyber security attack or against an attack on our food supply? How do you quantify these things? Where do you place your resources? And in this respect, we're going to be able to measure in the future whether homeland security is nothing but a lot of people following their impulses and seat of the

pants management, or whether on the other hand we're learning something in this process and we're getting a lot better at it.

So in all of these ways I think Bernie Kerick is going to have his hands full. But I think we really need to focus on this capacity to think anew always and not let that status quo take over because there is so much that remains to be done.

Representative Bennie Thompson: I think there are a couple of real salient points that the new Secretary will have to address. First is how can he balance his time as Secretary between all these different committees of jurisdiction if we are not vested with that single jurisdiction. It's an absolute impossibility to respond to all the inquiries that members of Congress generate, so he'll have to do that.

The other is the cooperation between agencies. I've been amazed that after two years the communication and responsibility between agencies is still based on turf rather than what's best for the country. And part of that is clearly based on - there's no real oversight of the agency to force some of those issues to occur. So that's an issue. And lastly is, what I've kind of seen is the vendor-driven policies of homeland security gradually creeping in where, as I say to some people, everybody's looking for hardware and things like that in homeland security and nobody's talking about being smart and how to do it from a technological standpoint, and how can you, from an agency standpoint resist that vendor-driven possibility, and how can we as members of Congress resist that too?

So he'll have a significant challenge and we're committed to helping him, but he has a significant challenge before him.

General Charles Boyd: Let me put a punctuation mark on the answers to that question. Senator Rudman and Chairman Cox both spoke of the internal fragmentation of the 22 agencies and the internal management problem that that poses, but Speaker Foley in his opening statement drew attention to an even more insidious problem, in my view. It should be underscored. That is the external fragmentation of those 22 agencies in this regard. Their ancient relationships, pre-existing relationships with a variety of committees who still retain jurisdiction encourages end-running of internal coherency and management. That is a more debilitating phenomenon, it seems to me, than any internal fragmentation that exists.

I cannot imagine as a commander of a military organization if everybody in my organization had an opportunity to end-run my decisions and go to some higher authority and get them overturned essentially. If we can't fix that we're really going to have a difficult time ever making this department effective and efficient.

Q: Al Millican affiliated with Washington Independent Writers. Have Gary Hart or any of the others that worked with Senator Rudman on terrorism in the past had any feedback or input yet on this white paper? And also the families of the victims of 9/11, have they had any communication with you?

General Charles Boyd: No. We constituted this task force -- I talk with Senator Hart probably twice a week on a variety of subjects and certainly have discussed this at great length with him, totally in agreement with what we're doing, but we have had no contact with the families, the 9/11 families.

We put together a task force of people, and I should probably read their names. I didn't do that at the outset because they're all prominent Americans. Norm Augustine, Jeff Bergner - I think these names you will recognize -- Raymond Chambers who's a private entrepreneur, Maurice or Hank Greenburg who's the Chairman and CEO of American Insurance International Group, John Hamre, my colleague and partner, Robert Livingston, former Congressman and committee chairman, Senator Chuck Robb, Fred Smith, Chairman and CEO of FedEx, and J.C. Watts, former member of Congress.

We confined the task force to these members and with staff support from both CSIS and BENS, Business Executives for National Security.

Representative Christopher Cox: Chuck, if I might add, on the question of the view of the 9/11 families more generally on homeland security jurisdiction in the Congress, I know from running into many of them over the last few days because many of them were in town for the 9/11 Commission Recommendation Implementation Act final negotiations, that many of them are writing on this subject. Several of them approached me and said we're writing OpEds and doing letter campaigns and e-mail campaigns in support of your committee becoming permanent and primary on DHS. So I would be surprised if we don't see a lot of that in print very soon.

Senator Warren Rudman: I would only add that after 9/11 when this report of ours became public, obviously many of the families were, to put it mildly, interested in the fact we had predicted a happening of this sort and had been very supportive of the work that we had done.

Representative Christopher Cox: One last point, which is so obvious I forgot to state it, the creation of a permanent homeland security committee with jurisdiction over DHS is a very explicit 9/11 Commission recommendation and the families strongly support the implementation of those recommendations.

Senator Warren Rudman: As well as a principal recommendation of U.S. Commission on National Security.

Q: [inaudible], of Uganda. As you all know, hatching attack on United States is done mostly outside United States and we know that the first attack on the U.S. was actually in East Africa. So I wanted to find out from Chairman Cox, do you coordinate, does your committee coordinate with the committee responsible for anti-terrorism internationally?

Representative Christopher Cox: You're absolutely right that not just the threat but the actual accomplished attacks of al-Qaida against America and our allies have been entirely foreign-based thus far, so both from an intelligence standpoint and from an operational standpoint it's vital that there be a look at this question of domestic terrorism that takes it all into account.

As I mentioned earlier, DHS was created with a statutory mandate to fuse all sources of intelligence, foreign and domestic. It remains a question with the enactment of the legislation just the other day, how we're going to do that now with DHS and with NCTC. The vital matter here at the heart of it is that we not recreate accidentally the Balkanization that we had before we started all these reforms. So there has to be legislative and oversight jurisdiction that's focused on all of these things.

If NCTC, for example, becomes exclusively the province of the intel committee which has a long tradition of being focused on our foreign intelligence program, then we're going to lose that capacity to look at the domestic impact. Likewise, if our counter-terrorism consists of a foreign element and a domestic element then we're going to have lost the opportunity to do what the homeland security mission demands and that is think of it all as one piece.

So in our jurisdictional proposal to the Speaker, to the Rules Committee, the Homeland Security Committee is not just a matter of coordination. We would have jurisdiction over these things.

Q: Matt [inaudible], AP. It seems like you guys have been focusing so far this morning on the House side, but I think the Senate has also a vote on this and it doesn't seem to be inclined to follow your recommendations. I just wanted to see what you think about that and if it would do any good to have the House do what you want but the Senate not do that.

Senator Warren Rudman: Of course that remains to be seen. This report has been issued. It is being circulated. There will be many conversations taking place and obviously we would hope that the leadership in the Senate would follow the lead in the House and we certainly hope the House makes the jurisdictional transfers. If it doesn't, as Chris Cox and Bennie have mentioned, this is not going to work.

Representative Bennie Thompson: I think it's clear that the Senators will have to digest the report along with what's reasonable and to have 100 people out of 100 involved in homeland security is a bit much. We just have to have jurisdiction vested in a body, and I look forward to, if asked, giving that comment to my people in the other body.

Representative Christopher Cox: We've had this experience once before. Senator Stevens as chairman of the Appropriations Committee was opposed, and stated this very publicly, to the creation of a new subcommittee that would have jurisdiction over homeland security rather than leaving things the way they were. The House went forward anyway and we created one subcommittee of appropriations by taking functions away from other subcommittees, and now we have a Homeland Security Appropriations Subcommittee in the House. If I recall correctly, within days the Senate position changed 180 degrees and they followed suit, because obviously if one body is going to put itself together this way with that degree of permanence, you've got to be able to go to conference. So what the House does really has a big impact on the Senate.

Senator Warren Rudman: And that's a very interesting point, because anyone who is close to the Congress and follows it closely understands that one of the keys to making it work is symmetry between committees in the two bodies. If you don't have symmetry you have a terrible breakdown of how to conference items. If the House had adopted a Homeland Security Appropriations Subcommittee and the Senate had not, then that House committee would have had to have a series of five or six or seven different conferences. The same with the authorizers. So there is some hope that if the House can move out on this, that could have an influence on what the Senate eventually did.

Jay Farrar: Any other questions? [No response]

Jay Farrar: On behalf of John Hamre and CSIS I'd like to thank our two task force co-chairs, Ambassador Foley and Senator Rudman; our two distinguished guests

Congressman Cox and Bennie Thompson; and our task force director, Chuck Boyd. Thank you all for coming this morning.

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