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“The Department of Homeland Security: The Way Ahead After A Rocky Start”

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on

“The Department of Homeland Security: The Road Ahead”

by

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**“The Department of Homeland Security:
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Chairperson Collins, Senator Lieberman, and distinguished members of the Committee on Homeland Security and Governmental Affairs. I am the Jeane J. Kirkpatrick Senior Fellow in National Security Studies at the Council on Foreign Relations. I am honored to be appearing before you this morning to discuss the vitally important issue of assessing where the U.S. Department of Homeland Security is and where it needs to be to bolster our national capacity to deal with the threat of catastrophic terrorism on U.S. soil.

It is critically important to take stock of where we are for two reasons. First, as with any start-up operation, there is a need to assess whether or not the assumptions that went into creating a new organization have been borne out by its experience after coming online. Since humans are always fallible when it comes to looking ahead into the future, some recalibration inevitably will be required. Second, the stakes associated with fulfilling the Department’s mission are enormous. There will almost certainly be attempts to carry out catastrophic terrorist attacks on U.S. soil in the next five years. At the same time, dependable U.S. intelligence capabilities to detect and foil such an attack will not be in place for a decade or more. Since managing the risk of attacks with the potential for mass casualties and profound disruption to our way of life and quality of life is a core governmental responsibility, Americans rightfully expect Congress to diligently exercise its oversight responsibilities on the issues surrounding homeland security.

I admit up front to not being an impartial observer of the Department Homeland Security’s growing pains. My feelings today are the same as they were prior to 9/11 when the idea of creating a new department was first contemplated by the U.S. Commission on National Security/21st Century (Hart-Rudman Commission). I remain convinced that successfully bringing our frontline agencies under the management of a single department is indispensable to a credible national effort to protect the U.S. homeland.

There are four compelling reasons why creating the Department of Homeland Security was the right thing to do. First, it is essential to have a cabinet level advocate for bolstering the operational capacity of agencies that play an indispensable role in safeguarding the nation. Throughout the 1990s, the modernization needs of agencies like the U.S. Coast Guard, U.S. Customs Service, and Immigration and Naturalization Service had been largely neglected by their parent departments, the Office of Management and Budget, and congressional appropriators. While their missions continued to grow in size and importance, their means did not. Second, as the work of the 9/11 Commission documented in chilling detail, it is essential to improve the way the federal government collects and distributes sensitive information to frontline agencies about possible terrorist

threats; the connecting-the-dots problem that marred the ability to detect and intercept the 9/11 hijackers. Third, we must enhance the nation's capacity to respond to terrorist attacks. Last it is vital that there be sustained oversight by the White House and Congress of our federal security effort. This is not possible if agencies are sprawled across the government.

Any honest appraisal of the department as it approaches its 2nd anniversary would acknowledge that while there have been significant accomplishments in some areas, we are a very long ways from where we need to be. This is not the fault of the individuals who have selflessly agreed to serve in the department's top leadership posts. No one in the U.S. government has been working harder than the team of people gathered in the cramped office space in DHS headquarters on Nebraska Avenue. But we should not confuse activity with adequate capability. There are three nearly self-evident reasons for limited results. First, we began at a starting line on 9/11 where we were grossly unprepared to manage the terrorist threat at home. Second, there is the very enormity of the task of reducing our national exposure to the threat and consequences of attacks involving weapons of mass destruction and mass disruption. And, third, there are the predictable challenges associated with starting up a new enterprise and managing a large-scale merger and acquisition.

In calibrating expectations of the Department's performance to date, it is helpful to look to the private sector's experience with combining two or more large companies together. Management consultants involved with managing these mergers know that for the first eighteen to twenty-four months, costs generally go up, performance declines, and experienced people leave. It bears little elaboration to posit that the public-sector hurdles for achieving quick results are even greater, particularly when it involves combining twenty two agencies from across the federal government.

While it is appropriate to provide a grace period as the new department works to clear these transition hurdles, with the benefit of hindsight, it is clear that the prospect for a smooth start up has been handicapped by several poor assumptions made at the outset. First, was the unfounded belief that immediate savings and efficiencies could be accrued by standing up the department and identifying and eliminating redundant functions and systems. While those opportunities certainly exist, the first order of business should have been making adequate resources available to overcoming a decade or more of neglect that had left most of these agencies barely able to complete their pre-9/11 non-security missions, never mind their new security mandates.

For instance, the Coast Guard is long overdue in replacing its ancient fleet of cutters and aircraft and modernizing its obsolete shore-based communications system. The stepped-up patrolling requirements attendant with the post-9/11 homeland security and port security mission has only made the need for recapitalization all the more urgent as these aged platforms deteriorate at an accelerated rate. Similarly, now more than ever it is important to complete the long-delayed effort to build the "Automated Commercial Environment" so as to more effectively manage and police the growing volume and velocity of goods that enter the U.S. economy each day. In short, when they stood up the

department, Congress and the administration should have been guided by the conventional wisdom for mergers in the private sector; i.e.; “You have to spend money to save money.”

Next, has been a decision to not build within the Office of the Secretary at DHS a cadre of career government senior civil servants. Currently there is just one Senior Executive Service member holding a permanent position in the Office of the Secretary. All the remaining positions are occupied by presidential appointees or personnel “on detail” from one of the agencies belonging to the department. This has translated into rapid turnover of key managers. Indeed, had there been a change in administrations as a result of the 2004 election, the mass exodus of the political appointees could have created nightmarish transition issues for the young department. The heavy reliance on agency detailees to fill the remaining billets in the Office of the Secretary has had the twin consequences of “taxing” these agencies to create the new department by using senior people who draw their salaries from their parent agency and generating the predictable problems associated with relying on managers whose first loyalty is to the bureaucracy they come from and will soon be returning to.

A further challenge has been that the staff support for senior leaders within the department is wholly inadequate for them to effectively execute their demanding responsibilities. For instance, the Deputy Secretary of Homeland Security is supported by a staff of just five individuals. This is unworkable for a position which is equivalent to the Chief Operating Officer of the third biggest federal department in the U.S. government. A consequence of this parsimonious approach to staffing is that few of the challenging policy issues that land in the inbox at the department each day ever get resolved. Further, there is no time or energy left over for the department’s leadership to engage in strategic thinking. This is a serious source of frustration for agency managers operating in the field who bump into jurisdictional or doctrinal issues that can only be resolved in Washington. The bottom-line is that managing the transition issues associated with the new department requires a larger staff with longer tenures.

Another unanticipated issue that promises to undermine the ability of the department to meet its mandate is the failure to put in place the training infrastructure that can provide the department’s personnel with the new skills they require to carry out their mission. While the average U.S. Navy officer may spend up to forty percent of his or her career receiving training or education, any training provided to the 41,000 employees assigned to the Customs and Border Protection Agency must come at the cost of ongoing operations because there are no training billets built into their personnel system. Reliance on “on-the-job” training is not a sustainable approach to preparing front-line agents to simultaneously enforce immigration, customs, and agriculture laws; to work with sophisticated technologies; and to be able to work in specialized assignments such as being deployed to an overseas port as a part of the “Container Security Initiative.” Meeting the department’s new mandate require a wholesale reassessment of the legacy personnel systems which were built for simpler jobs in a simpler time.

Another shortfall when the department was created was the failure to provide it with the means to manage the international dimensions of homeland security, especially when involving immigration matters. New security rules invariably have diplomatic, commercial, and trade implications. But the department is not staffed to reach out to other executive departments on an ongoing basis not to handle foreign inquiries. Nor do the State, Treasury, Commerce, Transportation, Agriculture, and Health and Human Services departments, along with the U.S. Trade Representative, have senior people assigned to focus on the dimensions of homeland security that involve their responsibilities. Inevitably, clashes among competing U.S. interests that could have been anticipated and minimized by good upfront coordination turn into bureaucratic brush fires that consume the very finite time and energy of top-officials who must endeavor to extinguish them.

One particularly gray area that the department must sort out is how to interact with the Department of Defense. The Pentagon has been keen to maintain its autonomy by assigning itself the mission of “homeland defense,” which it defines as involving terrorist attacks that emanate only from outside the United States. Relying on this definition, defense planners have essentially found a way to carve out a niche where the armed forces patrol air space and the high seas, and prepare for catastrophic terrorist attacks when they happen, but largely in isolation of the planning process within the Department of Homeland Security. The artificial line drawn between homeland defense and homeland security needs to be reexamined with an eye towards expanding the operational support role the Department of Defense will play in carrying out the Department of Homeland Security’s mission.

Finally, the department needs a far more robust framework for engaging with the private sector on the issues associated with critical infrastructure protection. As a stepping off point, the administration must acknowledge that its assumption that the private sector would invest in meaningful security for the 85 percent of the nation's critical infrastructure that it owns—and upon which our way of life and quality of life depends—has not been borne out. We now have three years of survey data which confirms that the level of spending on prudent security measures is modest at best. The explanation for this is that it turns out there is not a market case for the private sector to secure itself. Without clearly defined security requirements, private companies are not investing in comprehensive security measures to protect infrastructure they depend on because their executives worry that such investments will place them at a competitive disadvantage. They also worry that if they make an independent decision about “how much security is enough” which is not endorsed by the public sector, they will expose themselves to liability issues should their security efforts be found wanting in the aftermath of an attack. A consequence of limited federal leadership in this area has been inertia. The Department of Homeland Security must move beyond identifying “best practices” and instead identify meaningful incentives and mechanisms for the private sector to become a real partner in reducing the many soft targets that remain an open invitation for terrorist organizations to do their worst of U.S. soil.

At the end of day, the measure of success of the Department of Homeland Security is not whether good people made good faith efforts to address many of the security shortcomings exposed by the 9/11 attacks. The judgment of history will be whether those changes were made with the sense of urgency that the threat warranted. I worry that unless we treat the homeland security agenda with the same intensity of effort we are marshalling for the war on terrorism abroad, the U.S. government will not pass that test. Sadly, the consequence will be not just the preventable loss of life and property. The fallout also is likely to extend to a severe loss of public confidence in the federal government when it is determined that not enough was done to meet its core responsibility of providing for the safety and security of the American people. In short, the stakes associated with the important work of this Committee could not be higher.

Thank you Madam Chairperson for this opportunity to testify before you on this vitally important issue. I look forward to responding to your questions.

Stephen Flynn is the author of *America the Vulnerable*, published by HarperCollins in July 2004. He is the inaugural occupant of the Jeane J. Kirkpatrick Chair in National Security Studies at the Council on Foreign Relations. Dr. Flynn served as Director and principal author for the task force report “*America: Still Unprepared—Still in Danger*,” co-chaired by former Senators Gary Hart and Warren Rudman. He spent twenty years as a commissioned officer in the U.S. Coast Guard including two commands at sea, served in the White House Military Office during the George H.W. Bush administration, and was director for Global Issue on the National Security Council staff during the Clinton administration. He holds a Ph.D. and M.A.L.D. from the Fletcher School of Law and Diplomacy and a B.S. from the U.S. Coast Guard Academy.