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HOMELAND SECURITY POLICYMAKING: HSC AT A CROSSROADS AND PRESIDENTIAL STUDY

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BEFORE THE

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HOUSE OF REPRESENTATIVES

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CONTENTS

Page

STATEMENTS

The Honorable Bennie G. Thompson, a Representative in Congress From the State of Mississippi, and Chairman, Committee on Homeland Security:
Oral Statement 1
The Honorable Peter T. King, a Representative in Congress From the State of New York, and Ranking Member, Committee on Homeland Security:
Oral Statement 2
The Honorable Sheila Jackson Lee, a Representative in Congress From the State of Texas:
Prepared Statement 4

WITNESSES

Mr. Kenneth L. Wainstein, Former Homeland Security and Counterterrorism Advisor to the President:
Oral Statement 5
Prepared Statement 7
Ms. Frances Fragos Townsend, Former Homeland Security and Counterterrorism Advisor to the President:
Oral Statement 9
Prepared Statement 11
Mr. Philip J. Palin, Senior Fellow, National Institute for Strategic Preparedness:
Oral Statement 12
Prepared Statement 13
Mr. Thomas C. Frazier, Executive Director, Major Cities Chiefs Association:
Oral Statement 16
Prepared Statement 17
Mr. Bruce Hoffman, Professor, School of Foreign Service, Georgetown University:
Oral Statement 19
Prepared Statement 21

APPENDIX

Questions From Chairman Bennie G. Thompson 39

HOMELAND SECURITY POLICYMAKING: HSC AT A CROSSROADS AND PRESIDENTIAL STUDY

Thursday, April 2, 2009

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC.

The committee met, pursuant to call, at 10:05 a.m., in Room 311, Cannon House Office Building, Hon. Bennie G. Thompson [Chairman of the committee] presiding.

Present: Representatives Thompson, Harman, Jackson Lee, Cuellar, Carney, Clarke, Richardson, Cleaver, Green, Himes, Massa, King, Dent, Olson, and Austria.

Chairman THOMPSON [presiding]. The Committee on Homeland Security will come to order. The committee is meeting today to consider what the future of homeland security policymaking at the White House should look like and whether or not the existing National Security Council and Homeland Security Council structures should be reconsidered.

The Homeland Security Council was stood up in 2001—in the wake of September 11 attacks—to enhance our Nation's ability to deter, detect, prevent, and respond to terrorism. Later that year, when Congress authorized the creation of the Department of Homeland Security, the decision was made to also codify—in law—the Homeland Security Council. The language of Title IX sets forth the composition and mission of the council.

The Homeland Security Council is responsible for providing advice to the President on homeland security policies based on assessments of our Nation's risks. It is also charged with overseeing, reviewing, and making recommendations to the President on Federal homeland security policies.

In its short history, the Homeland Security Council, by most accounts, has been an important driver of preparedness and response activities throughout the Nation. With the change in administration, the timing is ripe for asking key questions about whether how—ask key questions about whether how we have been doing homeland security policymaking over the past 8 years is still the right way to go.

The President is to be commended for issuing Presidential Directive—1, which establishes a study team to examine how to improve security policymaking at the White House. As the study team is hard at work developing its recommendations, I thought it would benefit the committee for us to hear from people who know all too

well about the challenges of the current homeland security policy-making apparatus. I thank our distinguished panel of witnesses for being here to participate in one of our favorite Washington pastimes—the game of speculation.

For my part, I have been giving some thought to the potential outcomes of the study—which should emerge in late April—and see it going one of three ways. No. 1, they could propose dissolving the Homeland Security Council into the National Security Council; No. 2, they could propose retaining a two-council system that is more integrated; or No. 3, they could propose eliminating both councils in favor of creating a new council to handle the full continuum of security issues—everything from nonproliferation to emergency response.

There are strong cases to be made for better integration of homeland security and national security policies. Whether a structural merger of the two White House councils is the best way to achieve better integration remains to be seen. However, this committee, given our oversight responsibility, has a vested interest in making certain that whatever comes out of the White House review actually enhances homeland security.

Findings should be able to pass a basic three-part test. First, will the findings enhance the Nation's security? Second, will the Department of Homeland Security's effectiveness be bolstered? Third, will the findings enhance the voice of State, local, and Tribal authorities, our Nation's first preventers in the White House? I look forward to hearing from our witnesses today on this important issue.

I now recognize the Ranking Member of the full committee, the gentleman from New York, Mr. King, for an opening statement.

Mr. KING. Thank you, Mr. Chairman. Thank you for scheduling this hearing because it really is on a topic which I think many of us probably have opinions but not fully formed opinions, and I think it is important that we determine what the best direction for the President to go in and the country to go in.

I just want to welcome our witnesses this morning, especially thank Mr. Wainstein and Ms. Townsend for their service to our country. I want to assure Ms. Townsend that I am looking after the welfare of her mother, who is a constituent of mine.

You said she was thinking of moving. Tell her we would stick around for the next election. It could be close. I don't want to lose any unnecessary votes.

Chairman THOMPSON. Away in New York—for the next election, right?

[Laughter.]

Mr. KING. That is right.

Mr. Chairman, as I said, I do not have a fully formed opinion on this. My inclination right now—my belief is, though, that we should not be separating out the Homeland Security Council from the National Security Council. Having said that, I don't think there is any guaranteed system which ensures success or one which would bring about failure.

I believe, even if there were a merger and the President had a strong working relationship with a homeland security adviser and that adviser could go to the President in times of emergency if they

had direct access, it would work. A lot does depend on the personalities involved; a lot does depend on the extent of the relationship. It would depend on other people at the council, including the head of the NSC.

My concern, though, is putting in place a system which would work even if all of the actors, all the characters, are not doing their job perfectly, have a system in place where if things do go wrong, the system itself would better provide for success. I just have a number of concerns about what would happen if there were a merger and there were not this excellent relationship between the President and the homeland security adviser.

For instance, my concern is—and this is true of the Congress and of the country—that each day we go beyond September 11, the issue of homeland security recesses into people's minds. They forget they significance of it—or not forget, but they, you know, they put it away, and it doesn't have that cutting-edge importance that I believe it should have at all times. That is just human nature.

We are going to be having on-going conflicts, whether it is Iraq, Afghanistan, or whatever. That is just the reality of the world we live in, where we are going to have on-going foreign crises and the human nature for more attention to be focused on them.

Also, within the administration itself, I think—any administration—people tend to go where the power is or the influence is or what the hot-button topic of the day is, and I just see that could more and more be foreign policy as opposed to homeland security. I know they are overlapping; I know there is interrelationship between the two, obviously. But on the other hand, there are also real distinctions between the two.

So again, I would have the concern those distinctions could run the risk of not being fully appreciated and realized as we go forward. Also I say this—and I know that Ms. Harman probably disagrees with me on this—but I think the administration does make a mistake by not using the term terrorism. I think so long as that is not used it also can create a—among people, say, looking for positions, looking for jobs or looking for positions of influence in an administration, that homeland security would not have that sense of importance that it obviously had after September 11 and the years after that.

So because of that, my inclination right now is to think that the two should be kept separate. Having said that, I have no doubt that President Obama and John Brennan and whatever will have an excellent relationship, will get the job done, and will do what has to be done. But I am thinking more of the institutional protections we need, and I don't think that would be fully addressed. My concern is it would not be fully addressed if this separation occurred.

With that, I look forward to the hearing and yield back the balance of my time.

Chairman THOMPSON. All the Members of the committee are reminded that, under the committee rules, opening statements may be submitted for the record.

[The statement of Hon. Jackson Lee follows:]

PREPARED STATEMENT OF THE HONORABLE SHEILA JACKSON LEE

APRIL 2, 2009

Thank you Mr. Chairman. I thank Chairman Thompson for convening this important hearing to examine President Obama's Presidential Study Directive and to examine the possibility of a Homeland Security Council/National Security Council Merger. I welcome our distinguished witnesses and look forward to their testimony.

In the wake of the tragic events of September 11, 2001 and during a global war on terror, the Department of Homeland Security has an increasingly significant role to play. That means that the Homeland Security Council takes on a larger responsibility.

September 11, 2001, is day that is indelibly etched in the psyche of every American and most of the world. Much like the unprovoked attack on Pearl Harbor on December 7, 1941, September 11, is a day that will live in infamy. And as much as Pearl Harbor changed the course of world history by precipitating the global struggle between totalitarian fascism and representative democracy, the transformative impact of September 11 in the course of American and human history is indelible. September 11 was not only the beginning of the Global War on Terror, but moreover, it was the day of innocence lost for a new generation of Americans.

Just like my fellow Americans, I remember September 11 as vividly as if it was yesterday. In my mind's eye, I can still remember being mesmerized by the television as the two airliners crashed into the Twin Towers of the World Trade Center, and I remember the sense of terror we experienced when we realized that this was no accident, that we had been attacked, and that the world as we know it had changed forever. The moment in which the Twin Towers collapsed and the nearly 3,000 innocent Americans died haunts me until this day.

At this moment, I decided that the protection of our homeland would be at the forefront of my legislative agenda. I knew that all of our collective efforts as Americans would all be in vain if we did not achieve our most important priority: the security of our Nation. Accordingly, I became then and continue to this day to be an active and engaged Member of the Committee on Homeland Security who considers our national security paramount.

Our Nation's collective response to the tragedy of September 11 exemplified what has been true of the American people since the inception of our Republic—in times of crisis, we come together and always persevere. Despite the depths of our anguish on the preceding day, on September 12, the American people demonstrated their compassion and solidarity for one another as we began the process of response, recovery, and rebuilding. We transcended our differences and came together to honor the sacrifices and losses sustained by the countless victims of September 11.

After the events of September 11, 2001, the American people became painfully aware of the difference between feeling secure and actually being secure. And after Hurricanes Katrina and Rita, we learned that the Department's readiness for and response to natural disasters is woefully inadequate. The people of Galveston, Texas are still coping with the effects of Hurricane Ike. We cannot let our citizens languish and question whether the Department of Homeland Security is up to the task of disaster preparedness.

As we examine the DHS's fiscal year 2010 budget, we must take decisive steps to ensure that adequate funds are available and allocated so that the trust that the American people have placed in our hands is not compromised and that we take strategic steps to ensure their future safety from both terrorist attacks and natural disasters. The function of the Homeland Security Council is paramount in the national security apparatus. Protecting our Nation from terrorists is a national priority with international implications. Every President must be able to depend on his or her advisors to give the best possible advice. Communication and interagency coordination from the White House are essential to the security function.

I am pleased that President Obama immediately demonstrated the importance of homeland security in his administration by issuing this Presidential Study Directive.

As the Chair of the Subcommittee on Transportation Security and Infrastructure Protection, I have a number of concerns with the potential proposals that might be implemented that are within the subcommittee's jurisdiction: Surface Transportation Security which includes Mass Transit and Rail Security, Critical Transportation Infrastructure, and Transportation Security Administration (TSA), whose operations I have recently witnessed on the ground at LaGuardia Airport in New York.

I have serious concerns about the prospects of combining the Homeland Security Council and the National Security Council. I am skeptical of the effect that this

would be to our overall efforts at having a coordinated national security policy. But like any prudent legislator I would withhold judgment until I have seen concrete plans which outline pragmatic and logical steps that demonstrate the efficacy of a combination.

I eagerly look forward to your testimony and discussion today of these issues. I thank you Mr. Chairman, and I yield back the balance of my time.

Chairman THOMPSON. Again, I welcome our witnesses to today's hearing.

Mr. Wainstein was appointed—our first witness—was appointed by President George W. Bush as assistant for homeland security and counterterrorism. He has previously served in leadership positions at the FBI and a first assistant attorney general for national security at the U.S. Department of Justice.

Ms. Townsend served as assistant to President George Bush for homeland security and counterterrorism from 2004 to 2008. As of some time this week, she is now with Baker Botts L.L.P. as a partner. Congratulations, nothing like a real job, right?

[Laughter.]

Chairman THOMPSON. Congratulations, as I said. Prior to her service at the White House, she served in the U.S. Attorneys' Office in Manhattan and as the assistant commandant for intelligence of the U.S. Coast Guard.

Mr. Palin, welcome, is a senior fellow with the National Institute for Strategic Preparedness and has authored major papers in the area of emergency preparedness.

Mr. Frazier is executive director of the Major Cities Chiefs Association, which represents the police chiefs of the 56 largest police agencies in the United States and Canada. Welcome also, Mr. Frazier.

Mr. Hoffman is currently a professor at the School of Foreign Service at Georgetown University. He is a thought leader and a recognized scholar in counterterrorism and national security affairs.

Without objection, the witnesses' full statement will be inserted in the record.

I now recognize each witness to summarize his or her statement for 5 minutes, beginning with Mr. Wainstein.

STATEMENT OF KENNETH L. WAINSTEIN, FORMER HOMELAND SECURITY AND COUNTERTERRORISM ADVISOR TO THE PRESIDENT

Mr. WAINSTEIN. Chairman Thompson, Ranking Member King, Members of the committee, thank you very much for the opportunity to appear before you today. I want to thank the committee for holding this hearing and for its invaluable work over the years to build the homeland security infrastructure that protects our Nation and our people.

I applaud President Obama's decision to undertake a review of the structure of the Homeland Security Council at this time. I also completely agree with his statement that "homeland security is indistinguishable from national security." If there is one lesson that we learned from the attacks of September 11, it was that the traditional distinctions between international security and domestic security have lost much of their meaning.

While it is true that homeland security is part and parcel of national security, it does not necessarily follow that there has to be a single, unified coordinating mechanism for both. Conversely, the fact that homeland security is a priority doesn't necessarily mean that the White House has to devote an interagency council to that mission.

Whenever we undertake to organize or to reorganize Government operations, there is a natural tension between the interest in having all relevant operations in a unitary structure and the countervailing interest in separating those operations to ensure that each has its own identity and the resources, support, and high-level attention that often come with that separate identity.

I have seen this issue play out in different contexts at other points in my career. When I served at the FBI, for example, the 9/11 Commission and others engaged in a lengthy debate about whether the bureau's intelligence function should remain consolidated with its law enforcement function or be separated out and assigned to a new agency. Similarly, several years back, there was a debate whether Department of Justice intelligence attorneys and national security prosecutors should remain in separate divisions or be consolidated into a single new division—an issue that Congress resolved by creating the National Security Division that I had the honor to lead.

Each of these debates highlighted the tradeoffs at play when deciding whether to separate or consolidate Government functions. The organizational issue before the committee today highlights the same tradeoffs.

In deciding whether to keep or to change the current structure, it is useful to review the accomplishments that the current structure has achieved. These include first and foremost the fact that the very existence of the HSC sent a clear message that homeland security was and remains a high priority. Second, the Homeland Security Council coordinated and oversaw the growth of myriad homeland security functions that were underdeveloped, nascent, or simply nonexistent prior to 9/11.

Third, the stand-up of the HSC allowed the White House to assemble a staff with expertise in homeland security fields, like port security, pandemic planning, and disaster response, some of which understandably did not figure very prominently in White House staffing prior to that time. Also, the HSC played an important role in fostering the growth and maturation of newly established Department of Homeland Security by helping DHS work through difficult interdisciplinary issues with other agencies and departments and keeping its issues and concerns on the President's agenda. Last, the existence of the HSC relieved the national security adviser of the responsibility of overseeing the homeland security build-up.

I cite these benefits not to suggest that they will accrue only if we retain the current structure, but rather to ensure that these benefits are considered and taken into account when deciding how to reconfigure that structure.

My experience as homeland security adviser left me firmly convinced that the White House must exercise a strong coordinating role among the varied players that share in that mission. I there-

fore believe that any new policy coordinating structure should meet the following prerequisites.

First, the person serving the function of the homeland security adviser, no matter what his or her title, should be vested with the requisite authority and stature to coordinate and broker agreements among Cabinet officers and departments. Second, the homeland security adviser should have sufficient access to the President. Third, the interagency process devoted to homeland security issues, no matter whether conducted under the HSC or under a combined entity, should have the same status and authority as that devoted to national security issues.

Also, those who work within the new structure will need to work cooperatively and collegially in those areas of shared and overlapping responsibilities that necessarily arise between the homeland and national security portfolios. Finally, the White House should make sure to devote the resources necessary to build and maintain a homeland security staff with the requisite expertise and size to handle the vast portfolio of the homeland security mission. Any organizational model that follows these operating principles has the potential both to maintain the priority of homeland security and to build upon and improve the performance of the HSC under the current structure.

I thank the committee for soliciting my views on this important subject, and I applaud you for holding this hearing. Your concern about this subject is a strong reminder that homeland security is and must remain a front-burner issue, and it helps to ensure that the homeland security coordinating structure of the future will be strong, effective, and recognized by all as a critically important piece of our national security apparatus.

Thank you again, Mr. Chairman and Ranking Member King, and I look forward to answering your questions.

[The statement of Mr. Wainstein follows:]

PREPARED STATEMENT OF KENNETH L. WAINSTEIN

APRIL 2, 2009

INTRODUCTION

Chairman Thompson, Ranking Member King, Members of the committee, thank you for the opportunity to appear before you today. I am Ken Wainstein, and I served as the Assistant to the President for Homeland Security and Counterterrorism (Homeland Security Advisor) for the last 10 months of the George W. Bush administration. Prior to that, I spent my career in various positions in the Department of Justice, where I worked on law enforcement and national security matters.

I thank the committee for holding this important hearing and for its invaluable work over the years to build the homeland security infrastructure that protects our Nation and our people.

I applaud the President's decision to undertake a review of the structure of the Homeland Security Council at this time. It is always healthy to step back from time to time and assess whether the organizations we establish and the policy-making mechanisms we implement are meeting both their original purposes and the changing needs that arise from the passage of time and new circumstances. With the benefit of approximately 7 years' experience with the post-9/11 organizational changes, this is a particularly appropriate time for conducting such an exercise in the homeland security context. I also applaud those broader efforts—like that being undertaken by the Project on National Security Reform—that are examining the overarching structure and approach of our national security system in the 21st century.

THE CHOICE BETWEEN FUNCTIONAL SEPARATION AND CONSOLIDATION

I agree with the President's statement that "homeland security is indistinguishable from national security . . . [that] they should be thought of together rather than separately [and that] we must create an integrated, effective, and efficient approach to enhance the national security of the United States." If there was one lesson from the attacks of September 11, 2001, it was that the traditional distinctions between international security and domestic security have lost much of their meaning, and that operations directed against external threats must be synchronized with the effort to defend the homeland.

While it is true that homeland security is part and parcel of national security, it does not necessarily follow that there must be a single, unified coordinating mechanism for both. We can all cite examples where related or overlapping Government functions have been consciously and effectively divided among agency components or different agencies altogether. Conversely, the recognition that homeland security is a priority does not necessarily mean that the White House must devote an interagency council to that mission, and we can cite numerous high-priority policy matters that are effectively handled within policy councils that have broader portfolios.

There is a natural tension in government organization between the interest in having all relevant operations within a unitary structure and the countervailing interest in separating those operations to ensure that each has its own identity and the resources, support, and higher-level attention that often come with that separate identity. I have seen this same issue play out in different contexts at other points in my career. When I served at the FBI, for example, the 9/11 Commission and others were debating whether to recommend keeping the Bureau's intelligence function consolidated with its law enforcement function or separating it from the Bureau and assigning it to a new agency. Similarly, I participated in the debate whether DOJ's intelligence attorneys and national security prosecutors should remain in separate divisions or be consolidated into a single new division—an issue that Congress resolved by creating the National Security Division which I ultimately had the honor to lead. Each of these debates highlighted the trade-offs at play when deciding whether to separate or consolidate governmental functions in a unified structure. The organizational issue before the committee today highlights the same trade-offs.

PURPOSES SERVED BY THE CURRENT STRUCTURE

In deciding whether to keep or change the current structure, it is useful to review those areas in which the current structure has been effective. While a more in-depth treatment of these areas can be found in the Homeland Security Policy Institute Task Force Report that was issued yesterday, I see the following as the most consequential purposes served by the HSC since its inception:

- *Prioritization of the homeland security mission*.—The stand-up of the HSC reflected the priority placed on the homeland security mission and sent a clear message that the President was solidly behind the homeland security effort. Notwithstanding the progress made over the past 7 years, that symbolism and that message remain important, especially now that economic concerns are capturing much of the political and public attention.
- *Development of the homeland security infrastructure*.—The HSC coordinated and oversaw the growth of myriad homeland security functions that were underdeveloped, nascent, or even non-existent prior to 9/11. From critical infrastructure protection strategies to disaster response preparation to Presidential transition planning and execution, the HSC has played a central role in coordinating the development and implementation of new or newly-enhanced homeland security operations.
- *Development of homeland security expertise within the White House*.—The stand-up of the HSC allowed the White House to assemble a staff with expertise in those homeland security fields (port security, pandemic planning, disaster response, etc.), some of which understandably did not figure prominently in White House staffing before that time.
- *Facilitating the development and maturation of DHS*.—It was my experience that DHS benefited from having an inter-agency council and staff that were dedicated to its core mission. The existence of the HSC in the White House reinforced the priority placed on the Department's success, helped DHS work through difficult interdisciplinary issues with other agencies and departments, and kept its issues and concerns on the President's agenda. While that support was necessary in the Department's earlier years, it is conceivably less important now that DHS is more established.
- *Division of labor with the NSC*.—The existence of the HSC also has served a very practical purpose—which is to relieve the National Security Advisor of the

responsibility of overseeing the homeland security build-up and to prevent the NSC from being distracted from its more traditional agenda matters. This benefit has not receded in importance over the years; if anything, it is becoming increasingly important with the continued growth of the homeland security infrastructure.

I cite these benefits not to suggest that they will continue to accrue only if the current HSC structure remains in place; but rather, to ensure that they are considered in the process of deciding whether and how to reconfigure that structure.

PREREQUISITES FOR AN EFFECTIVE STRUCTURE

My experience as Homeland Security Advisor impressed me with the vast breadth and magnitude of the homeland security mission, and left me firmly convinced that the White House must exercise a strong coordinating role among the varied players that share that mission. I therefore believe that any new homeland security policy coordinating structure should meet the following prerequisites:

- The person serving the function of the Homeland Security Advisor, no matter that person's title, should be vested with the requisite authority and stature to coordinate and broker agreement among Cabinet officers and departments.
- The Homeland Security Advisor should have sufficient access to the President to brief the President on threat situations on short notice and also generally to keep the President apprised of and engaged in homeland security matters.
- The inter-agency process devoted to homeland security issues, no matter whether conducted under the HSC or under a combined entity, should have the same status as that devoted to national security issues, and should be fully empowered to secure cooperation and collaboration among agencies and mediate the differences that inevitably arise.
- Those within the new structure—and in particular the Homeland Security Advisor and his or her NSC counterpart(s)—will need to work cooperatively and collegially in those areas of shared or overlapping responsibilities between the homeland and national security portfolios.
- And, the White House should devote the resources necessary to build and maintain a homeland security staff with the requisite expertise and size to handle the vast homeland security portfolio.

Any organizational model that follows these operating principles has the potential both to maintain the priority of homeland security and to build upon the performance of the HSC under its current structure.

CONCLUSION

I thank the committee for soliciting my views on this important subject, and I applaud you for holding this hearing. Your concern about this subject is a strong reminder that homeland security is—and must remain—a front-burner issue, and it helps to ensure that the homeland security coordinating structure of the future will be strong, effective, and recognized by all as a critically important piece of our national security apparatus.

Thank you again, Mr. Chairman and Ranking Member King, and I look forward to answering any questions that you may have.

Chairman THOMPSON. Thank you very much for your testimony.

I now recognize Ms. Townsend to summarize her statement for 5 minutes.

STATEMENT OF FRANCES FRAGOS TOWNSEND, FORMER HOMELAND SECURITY AND COUNTERTERRORISM ADVISOR TO THE PRESIDENT

Ms. TOWNSEND. Thank you, Mr. Chairman. I too would like to thank you for the opportunity. It is a particular privilege for me to appear before this committee, Mr. Chairman, because Congressman King is my hometown Congressman. I have had the privilege of working with not only you, sir, but a number of——

Chairman THOMPSON. I won't hold that against you, by the way. [Laughter.]

Ms. TOWNSEND [continuing]. A number of Members on the committee, including Congresswoman Harman, Congressman Carney, so it is a real privilege for me to be here today.

There is no more solemn responsibility that the President bears than to protect the American people. During my 4½ years at the White House, I came to believe that, for this reason, organization should 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 and as the Department of Homeland Security gains strength.

You will not be surprised, based on your experience with me, therefore, that my view of this issue is a pragmatic one. This is not one that I think lends itself to sort of an easy assessment of an organizational chart. I would like to just suggest to you a framework in which you might consider this issue.

I think it really comes down to three fundamental criteria of any organization. First, there has to be a single person who is 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.

The individual cannot wait until threats arrive on our shores but must have the responsibility and means to identify those threats where they originate and to ensure a coordinated response to them. The President's homeland security adviser must not be constrained by geographic boundaries that our enemies do not respect.

Second, the homeland security adviser must have direct and immediate access to the President. Ultimately, if terrorists successfully were to strike the United States, it is the President and not his staff who will be rightly held accountable by the American people for the failure. The homeland security adviser 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 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 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 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. In that regard, during my time, I had the privilege to work with Mr. Frazier and a number of other State and local officials. The White House 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 times of crisis. The homeland security adviser requires adequate staffing to deal with both counterterrorism and homeland security issues.

Mr. Chairman, I do believe we remain a Nation at war with a very determined enemy. We have troops deployed in both Iraq and

Afghanistan, but the national security adviser has many important responsibilities in addition to those two theaters. For example, he must contend with the Middle East peace process, counter-proliferation around the world in places like Iran and North Korea. I worry that increasing the span of control of the national security adviser could dilute the homeland security mission and make it just one more item on an already overburdened list.

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, as I have said, this easy organizational chart test and look to the substance of how responsibilities are allocated and how we are being protected.

Again, I would suggest that the committee look at three fundamental questions. No. 1, is there one person responsible and accountable to the President who looks around the world at threats and advises the President? No. 2, does this one person have direct and immediate access to the President? No. 3, does this person have adequate staff to fulfill his or her responsibilities both at a national level and to State and local leaders? These are the questions that we should be asking and the criteria against which we should judge this effort.

Mr. Chairman, Ranking Member King, I appreciate the opportunity to be here, and I look forward to answering your questions.

[The statement of Ms. Townsend follows:]

PREPARED STATEMENT OF FRANCES FRAGOS TOWNSEND

APRIL 2, 2009

Chairman Thompson, Ranking Member (and hometown Congressman) King and 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 4½ 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 11?

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.

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.

Chairman THOMPSON. Thank you very much for your testimony.

I now recognize Mr. Palin to summarize his statement for 5 minutes.

STATEMENT OF PHILIP J. PALIN, SENIOR FELLOW, NATIONAL INSTITUTE FOR STRATEGIC PREPAREDNESS

Mr. PALIN. Chairman Thompson, Ranking Member King, Members of the committee, as I have reviewed the plethora of reports and recommendations on how we might reorganize Homeland Security Council and as I have listened carefully to the rumors emerging from the PSD–1 interview process, I have become concerned that well-intended parties are trying to remove politics from homeland security. This would be a serious mistake.

I hope we can minimize partisanship in homeland security, but in my judgment, we need more not less politics in homeland security. The Homeland Security Council is uniquely positioned to play a crucial role in domestic political organization for homeland security.

The Homeland Security Council is a political creature. It is the legitimate child of the Executive and the Legislature. Both mother and father wanted it. The Executive has been inclined, I think, to treat the HSC as its sole creation, but Congress was wise enough to enshrine HSC in Title IX of the Homeland Security Act. There is joint custody. This joint custody gives the HSC its legitimacy and provides the foundation for its potential coming of age as a profoundly important political player.

I suggest three especially important roles for Homeland Security Council: First, supporting the President's role in prevention, miti-

gation, response, and recovery to catastrophic threats of every sort—intentional, accidental, and natural; second, supporting the President's role in working with the governors and the homeland security leadership of the States in framing and executing a shared strategy of prevention, mitigation, response, and recovery; and third, fulfilling the risk assessment role of the Homeland Security Council as set out in Title IX.

The Congress, perhaps someone on this committee, bestowed on your child a crucial responsibility. Section 904 of the title states that the first function of the HSC is to assess the objectives, commitments, and risks to the United States in the interest of homeland security. This is precisely right.

Assessing our comparative risk is the essential foundation of homeland security. Assessing risk is a profoundly political process. Risk assessment can and must draw on technical resources, but choosing which risk is most risky is a political choice, by which I mean it is a choice that can only be made by people of different perspectives who come together to reason with one another.

It is especially important that the Federal Government reason together with the States on preparedness, prevention, mitigation, response, recovery, and other activities that will seem exotic to specialists in the national security sphere. Practically, the States have the local resources to prevent, mitigate, respond, and recover. Constitutionally, the States are where the founders meant for such power and authority principally to reside.

This nuanced engagement in domestic politics strikes me as ill-matched to the strengths of the National Security Council. The NSC behaves, as it ought, to support the President's role as commander-in-chief. The role of the President and his administration in working with the States is an entirely different matter.

The Federal and State governments need to reason together. The Department of Homeland Security cannot do this alone. As a former governor, Secretary Napolitano can do it better than most. Juliette Kayyem, the new assistant secretary for intergovernmental programs will contribute a great deal. But the Department, to do its work effectively, must have an on-going and meaningful dialogue going on between the White House and the governors' mansions on shared homeland security policy and strategy.

As you know so well, politics is about building coalitions and motivating support for tough choices. When the choices are too tough for enthusiasm, politics cultivates self-interested compliance through a process of shared choosing. In homeland security, we must make tough choices. The President's homeland security adviser and his or her HSC staff should be and are needed to be the President's trusted agents in crafting the political compact with the States to make those tough choices.

I look forward to answering your questions.

[The statement of Mr. Palin follows:]

PREPARED STATEMENT OF PHILIP J. PALIN

Chairman Thompson, Ranking Member King, distinguished Members of the committee.

Considering how the National Security Council and Homeland Security Council—and their respective White House staffs—relate to one another and coordinate their roles is appropriate and important. It would, however, be troublesome if such an ex-

amination was merely to conclude the HSC and its staff should disappear into the National Security Council and its staff.

The Homeland Security Council is not only a creature of the Executive. The Council and staff were specifically authorized by Title IX of the Homeland Security Act of 2002. Whatever proposals emerge from Presidential Study Directive—1, I urge this committee to ensure that the particular needs of homeland security are strengthened in any reorganization. To advance our Nation's security a reorganization of the HSC should:

1. Support the President's role in prevention, mitigation, response, and recovery to catastrophic threats of every sort—intentional, accidental, and natural;
2. Support the President's role in working with the governors and the homeland security leadership of the States in framing and executing a shared strategy of prevention, mitigation, response, and recovery to catastrophic risk; and
3. Fulfill the risk assessment role of the Homeland Security Council as set out in Title IX of the Homeland Security Act.

Some quick comments on each of these priorities:

TERRORISM AND OTHER THREATS

There is—and ought to be—particular concern that the counterterrorism mission not be complicated by the existence of the two Councils and separate White House staffs. Counterterrorism is ill-served by battles over turf. Under Title IX the President can call joint meetings of the HSC and NSC. There is well-established precedent for dual-hatted NSC and HSC staff. Indeed, Mr. Brennan is currently dual-hatted. In recent days the President has given joint assignments to the HSC and NSC in regard to border security and cybersecurity. The Executive Office of the President has wide latitude in how Presidential personnel are assigned and managed. Where there are obvious synergies, these collaborative and coordinative mechanisms should be utilized.

At the same time those expert in counterterrorism and other more traditional aspects of national security are unlikely to be as adept in addressing hyper-hurricanes, urban wildfire, once-in-a-thousand-year flooding, city-smashing earthquakes, potential pandemic, and other risks many of which can have intentional or accidental or natural origins. There is a need for the Executive Office of the President to include individuals with expertise in policy, strategy, public-private coordination, and inter-governmental cooperation in regard to the full range of catastrophic risks.

Whether the threat comes from a Katrina or an al Qaeda, the President—and the Nation—requires a White House staff with sufficient expertise to shape meaningful policy and strategy for prevention, mitigation, response, and recovery.

WORKING WITH THE GOVERNORS

Across this risk continuum the intergovernmental role requires particular priority. Catastrophic risk by its very nature must be prevented or mitigated in advance. Response and recovery to a true catastrophe is very expensive in lives and every other way. In most ways a catastrophe is beyond full recovery; that is what makes it a catastrophe.

To effectively prevent and mitigate domestic sources of catastrophic risk requires the voluntary and enthusiastic cooperation of States and localities. The Federal Government does not have sufficient resources or reach to prevent and mitigate on its own. The States and localities are practically in the lead in terms of prevention and mitigation. The States and localities have the eyes, ears, and boots on the ground that the Federal Government does not. One recent study noted that States and localities have 2,200,000 personnel assigned to core homeland security functions, while the Federal Government has about 50,000. It can also be argued that this is the balance of responsibility that our Constitution set out for good reason.

Secretary Napolitano, especially as a former Governor, can play an important role here. In Judith Kayyem both the Secretary and the President have a talented public servant as Assistant Secretary of Intergovernmental Programs. But if we are serious about Homeland Security there must be an on-going dialogue between the White House and the Governors' Mansions. When the principals are not involved then the President's Homeland Security Advisor should be in sustained conversation and strategic engagement with the 54 State and territorial Homeland Security Advisors. This is the way we will generate practical strategic progress. This is the way our Constitution expects us to behave.

POLITICAL ASSESSMENT OF RISK

Someone inserted into Title IX a very interesting role for the Homeland Security Council supported by its staff. Section 904 of Title IX states that the first function

of the HSC is to, "assess the objectives, commitments, and risks of the United States in the interest of homeland security and to make resulting recommendations to the President."

This is a tough assignment—especially the risk assessment role. It is also an assignment exactly right for the White House. As you have certainly seen in testimony before this committee, risk is not a technical decision. No detailed survey, no supercomputer, no panel of experts can antiseptically generate a meaningful set of risk priorities. All of these tools can make important contributions to a risk decision. But such a judgment—truly made—is preeminently a political judgment. Establishing risk priorities is the kind of decision where high policy and high politics meet and fold into one another. Without this sort of political engagement risk assessments are just an illusory numbers game.

THREE PRIORITIES AND THE CULTURE OF THE NSC

For more than 50 years, the National Security Council has ably served the Commander-in-Chief. Every element of the NSC's organizational DNA reflects the responsibilities and power of the Commander-in-Chief. In foreign and defense policy—and the intelligence agencies supporting foreign and defense policy—the President's authority is preeminent. The NSC has been a creature of that preeminence. Even with the legal, budgetary, and direct command-and-control authority of the President, the NSC can have difficulty doing what is needed to coordinate defense, foreign affairs, and intelligence policy. But after 50 years there is an authoritative NSC institutional ethos that well serves the President and the Nation.

This same ethos may well be counter-productive in solving Homeland Security problems and especially in addressing the three priorities I have set out. For the purposes of domestic counter-terrorism and prevention, mitigation, response, and recovery the authority of the Commander-in-Chief is not what matters. Most of the Governors will not respond positively to a command-and-control approach. Neither will the Adjutants General, nor County Sheriffs, nor most Mayors, nor police chiefs, nor emergency managers, and then there is the private sector that actually owns most of our critical infrastructure. These are partners who must be cultivated.

Some have argued that more of a command-and-control culture is needed to motivate sufficient attention to domestic counterterrorism. It is true that many local jurisdictions across the United States do not give sufficient priority to counterterrorism. But we cannot command them to do otherwise. We cannot even pay them enough to do otherwise. If we are serious about preventing latter-day Beslans or Mumbais—or worse, we must do the hard work of communicating, cooperating, building relationships, developing trust, and engaging together in meaningful local and regional risk analysis. Only when State and local authorities are ready—of their own volition—to invest time, energy, and their own dollars into consistent counterterrorism work will we be closer to real defense-in-depth regarding the terrorist threat.

Local authorities are—not unreasonably—actively engaged with disasters that threaten with some regularity: floods, hurricanes, tornadoes, wildfires, earthquakes—each place and each region is different. They are not inclined to give sufficient attention to threats that are outside the pattern. They tend to undervalue a whole continuum of catastrophic possibilities: intentional, accidental, and natural. Given limited financial and human resources this tendency is understandable. Given recent financial extremities the tendency has been exacerbated.

The Federal Government can and should play a role in helping ensure reasonable local attention to catastrophic possibilities—including terrorism. The Federal Government can play this role through consulting, educating, training, making grants, and through a variety of other mechanisms. When the Federal Government engages State and local authorities as peers and fellow professionals, the response will usually be productive. Ordering or even paying State and local professionals to do something they don't believe in tends to produce very creative avoidance behavior.

These practical issues reflect in a wonderful way our constitutional system. We are dramatically reminded that the President is the Commander-in-Chief of the armed forces, not the Nation. We are forced to recall that we are—even now—a Federal union of sovereign States. These are not just abstract constitutional principles. These are very helpful realities to recognize, embrace, and use to our advantage. As the Executive consults with the Congress on how the Homeland Security Council might be more effective, these are realities that should be reflected in any reorganization.

Chairman THOMPSON. Thank you very much for your testimony.

I now recognize Mr. Frazier to summarize his statement for 5 minutes.

STATEMENT OF THOMAS C. FRAZIER, EXECUTIVE DIRECTOR, MAJOR CITIES CHIEFS ASSOCIATION

Mr. FRAZIER. Chairman Thompson, Ranking Member King, Members of the committee, thank you for the opportunity to discuss the potential merger of the National Security Council and the Homeland Security Council.

My name is Tom Frazier. I am the executive director of the Major Cities Police Chiefs Association. MCC is the association of chiefs of the 56 largest municipal police departments in the United States. We are the chief executive officers of departments located in metropolitan areas of more than a half a million and employ more than a thousand law enforcement officers. Collectively, these departments are first responders to over 50 million residents in our country.

On February 23 of this year, President Obama issued Presidential Directive—1 on organizing homeland security and counterterrorism. The assistant to the President for homeland security and counterterrorism was instructed to lead an interagency review of ways to reform the organization. The directive requires this review to be completed within 60 days.

Before discussing our specific views on the potential merger of the NSC and the HSC, I would like to set the stage a bit by articulating our perspective of these two organizations and how we, as local first responders, fit into the respective missions.

First, the NSC: Established by the National Defense Act in 1947, the NSC was originally defined as an organization dealing in military and diplomatic issues beyond the U.S. borders. The NSC was, and is, staffed by personnel from DOD, the State Department and subject matter experts with an intelligence community background.

NSPD–1, signed by President George Bush on February 13, 2001, reiterated this NSC focus by stating national security includes the defense of the United States of America, protection of our constitutional system of Government and the advancement of U.S. interests around the globe. National security also depends on America's opportunity to prosper in the world economy.

This external focus fulfills a vital national need but has no components with backgrounds or experience in dealing with the vastly different needs and constitutional responsibilities of State governments and their tribal and local partners. Public safety leadership has only recently had their domestic viewpoint represented in this forum.

Now the HSC: Established by HSPD–1, its mission was defined as ensuring coordination of all homeland security-related activities among executive departments and agencies and promoting the effective development and implementation of all homeland security policies.

We see the missions of these two bodies as being fundamentally different. These differences become clear when you look at the backgrounds of the principal decision-makers. National security decision-makers are primarily Federal and accustomed to working at a high level of Federal engagement. Homeland security decision-

makers include Federal but equally and perhaps more importantly are State, Tribal, local, and private sector partners. While the NSC deals with issues that rarely involve State, Tribal, local, and private-sector entities, the HSC must deal with the interests—and the constitutional responsibilities of State governments—of these partners on nearly every issue.

Now let us consider jurisdictions, a fundamental concept to law enforcement. The NSC deals with military and diplomatic issues beyond the jurisdictions of State, Tribal, and local governments. The HSC, however, deals in an entirely different environment where States have constitutionally defined responsibilities over domestic incidents that the Federal Government may not share. Response to disasters belongs with the jurisdiction in which it occurs. The homeland security continuum of prevent, protect, respond, recover is one in which the Federal role is to help plan, coordinate and support effective programs which build the collective national capacity for implementation of the activities mentioned earlier.

Our recent experience with the new Federal entities, specifically the National Counterterrorism Center and its State and local analytic cell, or ITACG, is also instructive. A presidential adviser whose sole responsibility is homeland security is critically important to our Nation's internal ability to identify domestic security threats. As our newly combined efforts come to maturity, policy and funding issues that would be lost in an international effort will still receive the focus and importance that is required.

When viewed from these perspectives, it is clear to us at the State and local level of government that our role in the NSC is minimal. Our partners in the emergency management and fire professions agree. It is equally clear that our collective roles in the HSC are fundamental.

We do not advocate preservation of the status quo. There are clearly areas where the HSC can be significantly improved, which may be a good topic for a follow-on hearing. But we see a merger of the HSC and the NSC as a bad idea, one sure to muddle both missions while a newly created DHS absorbs change and settles down.

There are many opportunities to streamline, to improve communication and to meet jointly. Let us pursue these first, while also working to improve the budget, staffing, and subject matter expertise within the HSC itself.

On behalf of the Major Cities Chiefs Association, I want to thank you for allowing MCC to submit its comments on the important work that you do. We look forward to continued interaction with the committee on strategies to address this and future issues. I would be happy to answer any questions you may have.

[The statement of Mr. Frazier follows:]

PREPARED STATEMENT OF THOMAS C. FRAZIER

APRIL 2, 2009

Chairman Thompson, Ranking Member King, Members of the committee, thank you for this opportunity to discuss the potential merger of the National Security Council and the Homeland Security Council.

My name is Tom Frazier. I'm the Executive Director of the Major Cities Chiefs Association. MCC is the association of the Chiefs of the 56 largest municipal police departments in the United States. MCC members are the Chief Executive Officers

of police departments located within metropolitan areas of more than 500,000 population, and which employ more than 1,000 law enforcement officers. Collectively, these departments are the first responders to over 50 million residents in our country.

I'm a retired law enforcement executive, having served a career in the San Jose, California Police Department and as Police Commissioner in Baltimore, Maryland. I also had the honor of serving as the Director of the COPs Office in the Department of Justice during the second Clinton Administration.

On February 23, 2009, President Obama issued Presidential Directive—1 on Organizing Homeland Security and Counterterrorism. The Assistant to the President for Homeland Security and Counterterrorism was instructed to lead an interagency review of ways to reform the White House organization for counterterrorism and homeland security. The Directive requires this review to be completed within 60 days.

Before discussing our specific views of the potential merger of the NSC and the HSC, I'd like to set the stage a bit by articulating our perspective of these two organizations, and how we, as local first responders, fit into their respective missions.

First, the NSC. Established by the National Defense Act of 1947, the NSC was originally defined as an organization dealing in military and diplomatic issues beyond the U.S. borders. The NSC was, and is, staffed by personnel from DOD, the State Department, and subject matter experts with an intelligence community background. NSPD–1, signed by President George W. Bush on February 13, 2001 reiterated this NSC focus by stating that, "National security includes the defense of the United States of America, protection of our constitutional system of government, and the advancement of United States interests around the globe. National security also depends on America's opportunity to prosper in the world economy."

This external focus fulfills a vital national need, but has no components with backgrounds or experience dealing with the vastly different needs and constitutional responsibilities of State governments, and their tribal and local partners. Public safety leadership has only recently had their domestic viewpoint represented in this forum.

Now the HSC. Established by HSPD–1, signed by President Bush on October 29, 2001, its mission was defined as, " . . . ensuring coordination of all homeland security-related activities among executive departments and agencies and promoting the effective development and implementation of all homeland security policies."

We see the missions of these two bodies as being fundamentally different. These differences become clear when you look at the players. National security players are primarily Federal, and accustomed to working at that level of Federal engagement. Homeland security players include Federal, but equally and perhaps more important are State, Tribal, local, and private sector partners. While the NSC deals with issues that rarely involve State, Tribal, local, and private sector entities, the HSC must deal with the interests—and the constitutional responsibilities of State governments—of these partners on nearly every issue.

Now let's consider jurisdictions—a fundamental concept to law enforcement organizations. The NSC deals with military and diplomatic issues beyond the jurisdictions of State, Tribal, and local governments. The HSC, however, deals in an entirely different environment where States have constitutionally-defined responsibilities over domestic incidents that the Federal Government may not share. Response to disasters belongs with the jurisdiction in which it occurs. The homeland security continuum of "prevent-protect-respond-recover" is one in which Federal role is to help plan, coordinate—and support—effective programs which build the collective national capacity for implementation of the activities mentioned earlier.

Our recent experience with the new Federal entities, specifically the National Counter-Terrorism Center and its State and local analytic cell, or ITACG, is also instructive. A Presidential advisor whose sole responsibility is homeland security is critically important to our Nation's internal ability to identify domestic security threats. As our newly combined efforts come to maturity, policy and funding issues that would be lost in an international effort will still receive the focus and importance that is required.

When viewed from these perspectives, it is clear to us at the State and local level of government that our role in the NSC is minimal. Our partners in the emergency management and fire professions agree. It is equally clear that our collective roles in the HSC are fundamental.

Both the NSC and the HSC have extraordinarily important, but very different missions. These missions are set to grow even further in complexity, when you consider General Jones' plans to draw issues like cyber-security, overdependence on fossil fuels, disease, poverty, corruption, and the economic crisis into NSC's traditional mission areas. Likewise, the HSC must now deal with a whole range of growing

threats: cross-border issues with Canada, the potential spill-over of Mexican drug war violence into the United States, and the proliferation of home-grown radicals.

We do not advocate the preservation of the status quo. There are clearly areas where the HSC can be significantly improved—which may be a good topic for a follow-on hearing. But we see a merger of the HSC and the NSC as a bad idea—one sure to muddle both missions while a newly created DHS absorbs change and settles down.

There are many opportunities to streamline, to improve communication, and to meet jointly. Let's pursue these first, while also working to improve the budget, staffing, and subject matter expertise within the HSC itself.

One final thought while I have your collective ears. At present there are approximately 108 different congressional committees that provide some level of oversight to DHS. A concerted effort by Congress to streamline this Gordian knot of often duplicative and conflicting oversight would be a fundamental improvement.

On behalf of the Major Cities Chiefs Association, I want to thank you for allowing MCC to submit its comments on the important work that you do. We look forward to continued interaction with the committee on strategies to address this and future issues.

Chairman THOMPSON. Thank you very much for your testimony.

I now recognize Professor Hoffman to summarize his statement for 5 minutes.

STATEMENT OF BRUCE HOFFMAN, PROFESSOR, SCHOOL OF FOREIGN SERVICE, GEORGETOWN UNIVERSITY

Mr. HOFFMAN. Thank you, Mr. Chairman and Ranking Member King, for the opportunity to testify before the committee on this important issue.

"Mom, I'm in Somalia! Don't worry about me; I'm okay," was how 17-year-old Burhan Hassan's worried mother discovered where her son had gone weeks after he and five other Somali-American youths disappeared from their homes in the Minneapolis-St. Paul area. According to Abdisalem Adam, a teacher and community leader, up to now, no one knows who recruited them, but they obviously did not wake up one morning and decide to go to Somalia.

Suspicions have focused on a largely unknown, radical Somali organization, called al-Shabaab. Interestingly, the most credible terrorist threat that had surrounded Barack Obama's inauguration as the 44th President of the United States had not come from al Qaeda or its leader, Osama bin Laden, or his deputy, Ayman al-Zawahiri, but from these youths and al-Shabaab.

Although the threat never materialized, it nonetheless shed important light on the albeit obscure terrorist group that in fact presents U.S. authorities with the most serious evidence to date of a homegrown terrorist recruitment problem right here in the American heartland. More worrisome still is the fact that the first time authorities reportedly learned of this potential threat was when the families of the three boys came forward with information about their departure.

Recently, new evidence has come to light which suggests that the six Somali-Americans were only part of a larger contingent of U.S. citizens lured to Somalia. As many as 30 persons are believed to have left the United States to train in terrorism and guerrilla warfare in that violence-plagued East African country. Indications that recruitment of U.S. nationals to train in Somalia was not a problem restricted to the Minneapolis-St. Paul area have also surfaced.

These developments raise anew serious concerns about America's homeland security and the threat of new terrorist attacks. Pro-

tecting and securing the United States from terrorism, it has long been argued, ultimately depends on State, local, and Tribal law enforcement officers who are both the first and last lines of homeland defense.

Their familiarity with the communities which they patrol enables these officers to observe and detect criminal activity that may indicate a terrorist plot and thus thwart its commission. Hence, effectively countering terrorism is more than a technical issue involving top-down Federal guidance, direction, and intelligence dissemination. Rather, it requires that State, local, and Tribal agencies have the requisite training, education, knowledge and up-to-date intelligence to identify and respond effectively and appropriately to these threats.

Given that my expertise is on terrorists and their behavior and not on the U.S. Government and its bureaucratic national security structure, I cannot provide a definitive answer in respect of the current proposal to fold the HSC into the NSC. What does, though, seem clear is that this proposed consolidation will only work provided that State, local, and Tribal law enforcement have a strong, forceful, and credible representative and advocate on the NSC governing all matters pertaining to homeland security. That is not only terrorism but disaster preparedness and response, infrastructure protection, border security, immigration, incident management, and health and medical planning and response.

The United States has, of course, come a long way since the establishment of the HSC and the DHS in terms of both the capacity and capability to defend our Nation against terrorist attack. But as the Somali case and the surprising international reach of a hitherto obscure and local terrorist movement demonstrates, we are faced with a continuing terrorist threat from al Qaeda and associated movements that is at once as operationally durable as it is evolutionary and elusive in character.

Accordingly, in so dynamic a threat environment, our responses and preparations need to be equally as evolutionary, flexible, and robust. President Obama's first Presidential Study Directive embraces this notion in its call for a comprehensive interagency review of our national and homeland security architecture. Although the logic behind this statement is indisputable, it must a priori acknowledge that homeland security encompasses concepts and missions that do not necessarily fit comfortably with traditionally defined national security priorities and concerns.

Further, the President and Congress will need to be convinced that State, local, and Tribal homeland security authorities will have a forceful champion in any reorganization of the HSC who can effectively serve as their advocate, explaining their needs and expectations and ensuring Federal responsiveness. These needs will invariably be different from traditional national security concerns because States and localities, not Federal agencies, will often be in the lead in many homeland security missions.

In sum, the cop on the street may likely be the key player in disrupting and preventing a terrorist incident. Police officers not only need to know what to look for, but what they are looking for may be a small piece of a larger puzzle that may reveal broader links with terrorists either in this country or abroad.

Thank you very much, I look forward to your questions.
[The statement of Mr. Hoffman follows:]

PREPARED STATEMENT OF BRUCE HOFFMAN*

"Mom, I'm in Somalia! Don't worry about me; I'm OK," was how 17 year-old Burhan Hassan's worried mother discovered where her son had gone weeks after he and six other Somali-American youths disappeared from their homes in the Minneapolis-St Paul area. Almost without exception, the youths who slipped away were described as good boys [1] who were "good students [who] had no problems with the law."[2] But what especially troubled their relatives or others in the tight-knit émigré community was the that no one could explain how the impoverished young men were able to pay for the $2,000 airline tickets they used to travel to Somalia.[3] "My nephew, he doesn't have money for a ticket," the uncle of one lamented. "None of these kids do."[4] According to Abdisalem Adam, a teacher and head of the local Dar al-Hijrah Islamic Center, "Up to now, no one knows who recruited them. But they obviously did not wake up one morning and decide to go [to Somalia]."[5]

Suspicions, however, focused on a largely unknown, radical Somalia organization, called al-Shabaab (Arabic: "the youth" or more accurately, the "young guys").[6] Interestingly, the most credible terrorist threat that had surrounded Barack Obama's inauguration as the 44th president of the United States on 20 January 2009 [7] had not come from al Qaeda or its leader, Osama bin Laden, or his deputy, Ayman al-Zawahiri but from these youths and al-Shabaab. A bulletin jointly issued the day before the inauguration by the Department of Homeland Security (DHS), Federal Bureau of Investigation (FBI) and the U.S. intelligence community to State and local law enforcement had advised that persons affiliated with al-Shabaab might attempt to stage an attack in the United States on Inauguration Day.[8] Although the threat never materialized, it nonetheless shed important light on an albeit obscure terrorist group that in fact presents U.S. authorities with the most serious evidence to date of a "homegrown" terrorist recruitment problem right in the American heartland. More worrisome still is the fact that the first time authorities reportedly learned of this potential threat was when the families of three of the boys came forward with information about their departure.

Recently, new evidence has come to light which suggests that the six Somali-American were only part of a larger contingent of U.S. citizens lured to Somalia. As many as 27 persons are believed to have left the United States to train in terrorism and guerrilla warfare in that violence-plagued East African country. Indications that recruitment of U.S. nationals to train in Somalia was not a phenomenon restricted to the Minneapolis-St Paul area only have also surfaced. Hence, in addition to the FBI's investigations in the Minneapolis-St Paul area, others are report-

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* This testimony incorporates parts of a report commissioned by the SITE Intelligence Group. It appears in the April 2009 issue of *InSITE,* the monthly electronic newsletter published by SITE.

[1] Dina Temple-Raston, "Missing Somali Teens May Be Terrorist Recruits," *National Public Radio: Morning Edition,* 28 January 2009 accessed at: *http://www.npr.org/templates/story/story.php?storyId=99919934.*

[2] Abdizirak Bihi, a community activist who represents the families of the six young men quoted in Oren Dorell, "Somalis may be leaving Minn. for jihad," *USA Today,* 18 December 2008 accessed at: *http://www.usatoday.com/news/nation/2008-12-18-somalis_N.htm.*

[3] Ibid. See also Elizabeth Mohr, "Missing Somalis' Families Speak Out: They Fear Males Were Brainwashed For Jihad Overseas," *St. Paul Pioneer Press,* 7 December 2008; and, Abdi Aynte, "Are jihadist groups luring Minnesota Somalis back to fight?" *The Minnesota Independent,* 23 December 2008 accessed at: *http://minnesotaindependent.com/21144/did-jihadist-recruiters-lure-local-men-home-to-fight.*

[4] Associated Press, "Young Somali men missing from Minneapolis," *USA Today,* 26 November 2008 accessed at: *http://www.usatoday.com/news/nation/2008-11-26-missing-somalis_N.htm.*

[5] Quoted in Ibid.

[6] Al-Shabaab also has used, or is know by, the following names: Harakat al-Shabaab al-Mujahideen; Hisb'ul Shabaad; Hizbul Shabaab; Al-Shabaab al-Islam; Al-Shabaab al-Islamiya; Al-Shabaab al-Jihad; Harakat Shabaab al-Mujahidin; Mujahideen Youth Movement; Mujahidin Al-Shabaab Movement; Unity of Islamic Youth; The Youth; Youth Wing' and, Popular Resistance Movement in the Land. See Office of Intelligence and Analysis, *Reference Aid: Foreign Groups in Focus: Al-Shabaab,* IA–0110–09, Unclassified//For Official Use Only, p. 5. Note: only material from this DHS report marked unclassified has been cited in this testimony.

[7] See Spencer S. Hsu, "Threat 'Uncertain': Security Alert Issued For Inauguration Day," *Washington Post,* 21 January 2009; Paul Duggan and Mary Beth Sheridan, "Security Efforts Are Mostly a Success, Officials Say," *Washington Post,* 21 January 2009; and, Temple-Raston, "Missing Somali Teens May Be Terrorist Recruits".

[8] Hsu, "Threat 'Uncertain': Security Alert Issued For Inauguration Day"; and, Duggan and Sheridan, "Security Efforts Are Mostly a Success, Officials Say".

edly being conducted in Boston and San Diego as well. These developments raise anew serious concerns about America's homeland security and the threat of new terrorist attack.

Protecting and securing the United States from terrorism, it has long been argued, ultimately depends on State, local, and Tribal law enforcement officers who are both the first and last lines of homeland defense. Their familiarity with the communities which they patrol enables these officers to observe and detect criminal activity that may indicate a terrorist plot and thus to thwart its commission. Hence, effectively countering terrorism is more than a technical issue involving top-down Federal guidance, direction, and intelligence dissemination. Rather, it requires that State, local, and Tribal agencies have the requisite training, education, knowledge, and up-to-date intelligence to identify and respond effectively and appropriately to these threats. Effective bottom-up as well as top-down interaction is thus a vitally important element of America's capacity to respond to terrorist threats and attacks.

The case of the Somali youths cries out both for the intimate knowledge and bottom-up information that community-oriented local law enforcement is best situated to provide and the top-down big-picture strategic knowledge and intelligence-driven guidance and direction that only Federal authorities can furnish to their State, local, and Tribal counterparts. The fact that the radicalization, indoctrination, and alleged recruitment of young Somali-Americans to terrorism was apparently missed at all levels of our national and homeland security apparata until it had already occurred, underscores the critical importance of this nexus of Federal, State, local, and Tribal authorities working closely together to identify, prevent, and interdict such threats from top-down as well as bottom-up dimensions. Accordingly, the fundamental criteria upon which any bureaucratic reorganization of America's homeland security must be judged is whether it will strengthen and further support these vital Federal and State, local and Tribal interactions; consolidate national security and domestic law enforcement capabilities; and more effectively than any other model or previous organization provide for the security and safety of the United States from terrorist attack.

Given that my expertise is on terrorists and their behavior and not on the U.S. Government and its bureaucratic national security structure, I cannot provide a definitive answer to the above question in respect of the current proposal to fold the Homeland Security Council (HSC) into the National Security Council (NCS). What does, though, seem clear is first, that this proposed consolidation will only work provided that State, local, and Tribal law enforcement have a strong, forceful, and credible representative and advocate on the NSC governing all matters pertaining to homeland security (e.g., not only terrorism; but disaster preparedness and response, infrastructure protection, border security, immigration, incident management, and health and medical planning and response); and second, that the Somali case provides fresh evidence—if any more were needed—of the dynamic and evolving threat environment that America still finds itself in nearly 8 years since the September 11, 2001 attacks.

The United States has of course come a long way since the establishment of the HSC and the DHS in terms of both the capacity and capability to defend our Nation against terrorist attack. But, as the Somali case and the surprising international reach of a hitherto obscure and local terrorist movement demonstrates, we are faced with a continuing terrorist threat from al Qaeda and associated movements that is at once as operationally durable as it is evolutionary and elusive in character. Accordingly, in so dynamic a threat environment our responses and preparations need to be equally as evolutionary, flexible, and robust.

President Obama's first Presidential Study Directive (PSD–1) implicitly embraces this notion in its call for a comprehensive interagency review of our national and homeland security architecture.[9] "I believe that Homeland Security is indistinguishable from National Security—conceptually and functionally," the President explained. "They should be thought of together rather than separately."[10] Although the logic behind this statement is indisputable; it must a priori acknowledge that homeland security encompasses concepts and missions that do not necessarily fit comfortably with traditionally-defined national security priorities and concerns—at least those that have historically been within the NSC's remit.

Not only are the key stakeholders different (involving State, local, and Tribal jurisdictions as opposed to Federal agencies and departments only) but the need for broad, not limited, sharing of information with State, local, and Tribal authorities remains another salient difference. Further, it is often forgotten that homeland se-

[9] "Organizing for Homeland Security and Counterterrorism," *Presidential Study Directive—1,* The White House, 23 February 2009 accessed at: *www.fas.org/irp/offdocs/psd/psd-1.pdf.*

[10] Quoted in Ibid.

curity pertains not only to man-made disasters (that is, terrorism); but also to natural ones. Accordingly, whomever in the Executive branch is tasked with homeland security responsibilities will likely find a disproportionate amount of their time and attention consumed by preparedness, planning, and response to hurricanes and floods, as well as with the threats posed by al Qaeda and other terrorists. Further, issues of particular immediacy today, such as border security and immigration, have not traditionally been direct NSC concerns and, for that matter, neither have incident management, infrastructure protection, and heath and medical planning and preparedness.

Both the President and Congress must therefore be confident that the bureaucratic absorption of the HCS into the NSC does not result in the diminution of the priority given to each of the above homeland security missions. In this respect, the President and Congress have to be satisfied that relevant homeland security issues will be afforded the same attention as more traditional national security ones. Further, processes and procedures will need to be in place that assure the timely presentation of homeland security matters to the President and Cabinet.

Finally, the President and Congress will need to be convinced that State, local, and tribal homeland security authorities will have a forceful champion in any reorganization of the HSC who can effectively serve as their advocate, explaining their needs and expectations and ensuring Federal responsiveness. These needs will invariably be different from traditional national security concerns because States and localities—and not Federal agencies—will often be in the lead on many homeland security missions. Indeed, issues like intelligence sharing, border security, immigration, disaster management, incident control and a wide range of planning, mitigation, and recovery missions have hitherto not typically been the focus of NSC efforts—much less within its specific remit.

American police departments and law enforcement agencies—and especially their street cops and patrol officers—need more and better information about terrorism and immediate threats. The cop on the street, as this testimony has argued, may likely be the key player in disrupting and preventing a terrorist incident. Police officers not only need to know what to look for but that what they are looking for may be a small piece of the larger puzzle that may reveal terrorist connections (e.g., investigations into crimes involving smuggling, human trafficking, fraud, extortion, narcotics that may also be terrorist activities).

But to do so, America's State, local, and Tribal law enforcement personnel need information and intelligence, training and education that hitherto has not been a concern of, or within, the NSC's ken. This need is especially acute now, in the wake of the Somali case, because unlike other countries, such as the United Kingdom and Israel, terrorism is not necessarily a daily issue for the U.S. law enforcement officer. For that reason, American law enforcement requires information and intelligence to keep pace with the terrorism threat and the knowledge needed to prevent, pre-empt, or respond to a terrorist attack.

Providing American State and local law enforcement jurisdictions with the knowledge, training, and intelligence resources they require to effectively pre-empt and prevent terrorist attacks endows the homeland with enhanced layers of defense. This enables street cops not only to better counterterrorist threats but also to become better crime fighters. Strengthening State, local, and tribal authorities' threat awareness enhances the country's security by enabling better and more focused preparedness, training, planning, and response.

In sum, the revelations surrounding al-Shabaab and the Somali émigré community emphasize the need to anchor changes in the American national security structure that will more effectively close the gaps in the relationship, communication, and appropriate intelligence sharing between Federal authorities with State, local, and Tribal jurisdictions. This necessitates that the American national and homeland security structure be organized for maximum efficiency, intelligence, and information sharing, and the ability to function quickly and effectively in the face of so dynamic and evolutionary threat environment.

Chairman THOMPSON. Thank you very much.

We will have a series of votes. I will try to get through my questions and yours, Peter, if that is good. It will take about 60 minutes to do that and then we will come back.

We appreciate the divergence of testimony of the witnesses this morning and we got exactly what we were looking for.

I guess to the five of you, if you could, for me, if the President ultimately decided to dissolve the Homeland Security Council and

if legislation is required going forward, what can you tell us as to how we can best ensure State and local and Tribal partners will be integrated into the policymaking apparatus?

I will start with you, Mr. Wainstein.

Mr. WAINSTEIN. Thank you, Mr. Chairman. I know that there have been a number of studies done and proposals, and I think Mr. Palin referenced them. One component of many of these proposals has been to have either a series of liaisons within the new entity that are liaisons to State, local, and Tribal or an advisory committee or both.

There have been some look-backs to the HSAC advisory committee that was instituted 7 years ago and how that faired and the extent to which it was effective or not sufficiently effective in keeping State, local, and Tribal linked up. My sense is, in talking to the folks who are doing the study for President Obama, is that they are looking at a number of different mechanisms like that and are very focused on the concern of keeping a tight connection with State, local, and Tribal. So their proposal might well have some feature like that, which I guess could, then, become a piece of any resulting legislation that comes out of Congress.

Ms. TOWNSEND. Mr. Chairman, my concern about liaisons and advisory committees is that they tend not to have daily input, sort of be part of the DNA of the new organization and bring sufficient muscle to it. One of the things that I had tried to do—it was very difficult at the time but I think needs to be looked at—is actually integrated State and local officials into the council, whatever the structure is, is actually having them serve, so there is a daily voice and a daily reminder.

One of the most beneficial things in my background was the fact that I had been a local prosecutor before I entered the Federal Government, and my understanding was based on my own experience. So bringing people like that—I worked with Ray—Commissioner Kelly of the NYPD to have an officer assigned so that I had somebody constantly looking at every issue and bringing that perspective to it. I think that is important.

It is not sufficient for it just to be in the Department. The Department does have an intergovernmental liaison. You need somebody at the political level at the White House who is engaging with political leaders at the State and local level, including chiefs of police and elected officials.

Chairman THOMPSON. Mr. Palin.

Mr. PALIN. I heard the question to relate to statutory adjustments that might be made. I don't think this committee will like my answer, because I think, if in fact the HSC is done away with and the Congress agrees that that is in the White House self-interest, I think the best way to take care of the assurances that—and the important assurances that you have asked about, Mr. Chairman, is for the National Security Act to be amended.

Chairman THOMPSON. Well, we didn't ask for agreement by witnesses, so you won't hurt our feelings.

[Laughter.]

Chairman THOMPSON. Thank you very much.

Mr. Frazier.

Mr. FRAZIER. Mr. Chairman, as the ITACG brings a State and local perspective to National Counterterrorism Center and a valuable perspective, the traditional intelligence collection world does not see things through the same lens that an experienced State and local investigator or executive does. I use that example to say that inside the NSC, it would be necessary to have a—and I agree with Ms. Townsend—a full-time component that can represent that point of view.

Our perpetual difficulty with Department of Homeland Security is that there are so few law and fire practitioners in the decision-making machinery that things occur that, when you have to put them into practice on the ground, they just don't make sense. The only way to, in my view, prevent those kinds of mistakes from occurring is to have someone at a level to provide input before decisions are made.

Chairman THOMPSON. Thank you.

Professor Hoffman.

Mr. HOFFMAN. Well, the benefits of going last—I agree completely with Ms. Townsend and Mr. Frazier. I think the stakeholders in homeland security issues are very different than for those in stereotypical national security issues, and there has to be that strong representation present in the White House as well as at the DHS.

Chairman THOMPSON. Thank you.

The gentleman from New York for 5 minutes.

Mr. KING. Thank you, Mr. Chairman.

I would like to ask Mr. Wainstein and Ms. Townsend, based on their real-life experience in the White House—and I will exclude this administration for now, but every administration up 'til now has strong personalities, often with competing interests, with the best of intentions, but turf battles become a reality. Based on your experience, if the homeland security adviser does not have that independent status, what are the chances, with a dominant personality as, say, head of the NSC, who does not share your concerns on homeland security, and they could be very well intentioned, could that freeze you out or minimize the importance of the homeland security adviser?

Ms. TOWNSEND. Congressman King, you are absolutely right. I mean, I enjoyed an extraordinary relationship both with Secretary Rice when she was the national security adviser, and you remember Steve Hadley was a deputy, an equal of mine, before he was promoted, and then he and I were both equals as assistants to the President. So I didn't have that problem.

I will tell you my concern about the merger is if—that is why I said one of my fundamental criteria is direct access to the President. If what a reorganization and a merger means is that the homeland security has to report through the national security adviser, yes, you do have the opportunity for that person, if there is a conflict or if there is a personality problem between the two, to be frozen out of the process to influence directly the President.

I have a lot of confidence in both Jim Jones and John Brennan, so I don't imagine that even in this administration, but you do worry. The second point to that, I would say, is rank actually, as you are well aware, in this town really matters. So if you want the

individual who has got responsibility for the homeland security matters to be able to resolve either a conflict between Cabinet members or a conflict between Federal policy and State and locals—and, by the way, the ITACG is the perfect example.

Here was a case where Congresswoman Harman called me, was very exercised about ensuring that we had local representation at the NCTC, and we were able to resolve that. But that was a conflict at the Federal level over policy that required the homeland security adviser to actually sit down with the Cabinet secretary and break through it to make sure we got that done. So you need somebody with the rank and the access to be able to actually break through all that and get a Cabinet secretary or Cabinet secretaries to answer the phone call and resolve it.

Mr. KING. Mr. Wainstein.

Mr. WAINSTEIN. Yes, Congressman King, appreciate the question. Like Fran, I had the pleasure of working with Steve Hadley, who was wonderful if anything. He bent over backwards to include me and include HSC and to make sure that our issues got the highest level attention.

My sense is that the folks in those positions now share that approach. But it is a real concern, and there are a number of different ways of addressing it or making sure that the subordination of homeland security issues doesn't come to pass in the future. Fran, I think, has touched on many of them.

But I can't underemphasize how important it is that the homeland security adviser and his or her people are fully represented in National Security Council meetings. If this ends being in the National Security Council, the homeland security adviser needs to be there in those meetings and very importantly needs to have a set schedule of meetings with the President in the Oval Office.

The national security adviser, just because of the pace and the nature of the job, is going to spend a lot of time with the President. The homeland security adviser won't necessarily spend as much time but needs to have those designated times he or she is in the Oval Office. That makes sure there is an opportunity to get those issues on the President's plate and make sure that the profile of those issues stays high. So that is why, as I said in my introductory remarks, it is important to put a structure in place that ensures high-level attention.

Mr. KING. I want to make it clear, it is my experience with the Bush administration, and I am sure it is going to—the Obama administration too—I don't necessarily foresee a homeland security problem, but human nature being what it is, I do know from dealing with the Clinton administration, the Bush administration, there certainly were some of those conflicts in foreign policy as to who was in and who was out and who was excluded. Human nature being what it is, there is no reason why that also couldn't apply to homeland security, and that is the concern I have.

My time is running out. I just would add also that, by its nature, foreign policy is in the news. I mean, people know what is going on in Afghanistan, know what is going on in Iraq. Homeland security, as you well know, could be off the front pages for weeks, months, years at a time, as we saw between 1993 and 2001, but then it happened. Again, to keep people focused on it—what it—

again, even best-intentioned people—that is why I am leaning toward keeping that separate position so that people's attention won't be lost.

With that, I yield back, and I thank you.

Chairman THOMPSON. Thank you very much.

As I indicated, we have a series of votes on the way right now that should take about an hour. So the committee will stand in recess for about 1 hour or as soon as the last vote is taken.

[Recess.]

Chairman THOMPSON. We would like to reconvene the recessed hearing. I apologize to our witnesses, but when we set hearings, as you know, they don't necessarily correspond with votes on the floor. So you have now had first-hand experience of the conflict.

Ms. Townsend, I understand you have a previous commitment that you can't break. I do understand that, but I think Ms. Harman, who is our next Member to ask questions, wanted to make a comment in addition to ask questions.

The gentlelady from California for 5 minutes.

Ms. HARMAN. Thank you, Mr. Chairman, and thank you to our panel for your patience. Welcome to our world.

My special welcome to two of the panelists who have been coconspirators for many years, one of whom is Fran Townsend. I thought your service in the White House was exemplary, and you were always available to counsel on a bipartisan basis or a nonpartisan basis about what we ought to do to protect the homeland. I miss you. I want you to know that. You are a reason why I think there needs to be someone exactly like you in the White House, whether that person works for the National Security Council or not, someone with that level of expertise and that level of availability. Otherwise, I worry about the—I worry about the future.

To you, Bruce Hoffman, you have, again, been a really invaluable counselor and continue to be on how to get some of our legislation right, how to navigate the shoals out there, which are sometimes difficult. Some of you tuned into yesterday's hearing, and you got the frontal view of that. But all of us up here think that the terrorists aren't going to check our party registration before they blow us up.

To Peter King, who is not here right now, I do actively use the word terrorism. I served on the National Council on Terrorism in 1999 and 2000, then chaired by L. Paul Bremer. One of the other members was Juliette Kayyem, whom I think is an excellent pick for the State and local position at the Homeland Security Department. I am very glad she is going there.

I do worry, just as Bruce does, about what is happening to kids in Minneapolis or pick another place. When are we going to learn about that on the front end before it is too late? So I freely use the word. I, on the other hand, however, think we have overplayed the fear card. What we should do is prepare, not scare, the public in America about the real terror threats we face. So that is the end of that little speech.

Let me put some of my thoughts out about this and invite comments from anybody. No. 1, I agree with the testimony that the organization should be dictated by effectiveness. I am not sure how the boxes should line up. I am sure that we need a Fran Townsend

equivalent in the White House. Boy, is she proof that power comes in small sizes.

So I have great regard and affection for the national security adviser, Jim Jones. I know he is working hard at realigning his authorities, because it is true that, in the past, the National Security Council has operated mostly by using detailees and it has had a tiny budget. It may not be the most effective—it is not the most effective organization. But we can't let it eat the homeland security function in a way that puts homeland as number 46 on a list of 45 priorities. That would be dreadful; that would compromise our security. More Americans are at risk from terror attacks here than anywhere else in the world, and so we have to keep the focus and expertise here.

Let me just probe with you, having said all that—and one more thing. I am disappointed, at least by reports of two actions that Janet Napolitano may be taking. One is she has not followed a friendly suggestion from here to name someone with a law enforcement background as the new head of intelligence and analysis. We think, or I think, that that would send the right message about reorganizing that function.

No. 2, there is a Homeland Advisory Committee that has existed and functioned well for some years headed by Bill Webster, whom I think has impeccable credentials, which I gather is either going to be replaced or retired. I think that is a mistake too. I think very able people in both parties serve on that council.

So in my 47 seconds, I would just invite reactions to what I have said and any suggestions about the specific qualifications of the person in the White House, regardless of what organization box that person is in, the person who is charged with focusing on homeland security matters for the President.

Ms. TOWNSEND. Congresswoman Harman, thank you very much for your very generous remarks. It was a great privilege to me to be able to work on a nonpartisan basis, and I had the—frankly, I had the freedom to do that because of the authority vested in me by the President, and so it really was—I think we got a lot of good things done that way.

I will say that I think it is hard to come up with what the perfect list is of qualifications, because whoever it is will come with their own experience and then they will build their staff around them, in some ways based on what their experience is not because you want good, smart people around you that cover you where you are weak. So, of course, you want someone—look, as I mentioned earlier, I thought it was a great asset to me to have worked at a local level. There aren't a lot of people, as has been pointed out by my other panel members, in senior levels of the Federal Government who have had local experience. But, boy, it served me very well, in terms of understanding the issues and particularly implementation at the field level.

I will also tell you I was fortunate to have had a legal background. I would encourage Ken to make an observation about that. My law enforcement and legal background and time in the Justice Department was tremendously useful. All of the interagency experience that you bring to it is very important because you are trying to resolve what essentially amount to either policy disputes or turf

battles. So I think all of those things in some measure or another—and your intelligence background—are all incredibly important.

I share your view about the Homeland Security Advisory Committee. I think we have got to be careful about how much we expect of it because it is not, as you know, a daily body, daily involved, but I think that the secretary in particular needs that sort of advice and outside counsel and on a nonpartisan basis. As you pointed out, there are people from both parties who served incredibly well, put in a lot of time there, and I think it would be a mistake to do without it.

One observation on organization that hasn't really been discussed but I think, based on conversations I have had with John Brennan and the team doing the review, is just worth noting: One of the ways, if you were going to merge the two councils, you might consider is to have a deputy who traditionally looks regionally and by country, that is the principal deputy job—Steve Hadley occupied it before he was the national security adviser—and to have a second deputy who looks at issues functionally—counterterrorism, homeland security—and has more of the functional issues—counter-proliferation—that I had when I was at the White House.

It is a way, if you were going to merge them, you could have two deputies, two of equal rank, that is assistant to the President, so that they would have the gravitas to be able to call necessary meetings, Cabinet members, and have direct access to the President. So there is a model by which you could do this, I think, and have the access and have the rank, if you chose to do it that way.

I think that is one of the things they are considering. That is why I came back to what I said about, look, let us not worry about boxes, let us worry about effectiveness. I do think, in fairness to the team that is doing the review, that that is their mindset, that they want to come up with the right answer and the question is just how to get there.

Chairman THOMPSON. Thank you very much. The gentlelady's time is expired.

The gentlelady from Texas, Ms. Jackson Lee, for 5 minutes.

Ms. JACKSON LEE. Thank you very much, Mr. Chairman. I think this is an important discussion and, as well, hopefully at the end of the 60 days of the study that the President has authorized that we will have the right answer, and I think that is certainly a challenge.

Ms. Townsend, I am interested in your theory about making sure that any merger still keeps direct access to the President. I am hoping in 60 days we will glean, from that, that that will occur. I am not yet committed to a merger. I think that collaboration is truly key, but there is a directive from the White House and likely we may have that.

What would be, if a merger were to take place—and you have said it in your testimony, but just if you can distinctly say two factors that need to be in place for a successful merger. Would one be access to the President, direct access?

Ms. TOWNSEND. Yes, ma'am, and the reason for that is, as was my experience, you will have a threat and it will be breaking very quickly, and the President will need to prioritize actions and it really, ma'am, does not lend itself to having first to find the na-

tional security advisory, then to find the chief of staff, then to get to the President.

Gratefully, these things don't come up all that often, but when they come up, it needs to be an absolutely crystal clear—because there is a process by which you get to the President. If he is in the residence or you make a phone call, there are people whose job it is to check whether or not you have direct access, and there is a list.

Unless you have direct access, you have got to get a by-your-leave permission from somebody else to get through. I didn't have to use it often, but it was incredibly important when I had to use it.

Ms. JACKSON LEE. I am going to weave in and out of terrorism and disaster, so obviously I looked at your tenure and you are quite well known, 2004 to 2007. Help me understand the disconnect in the notification regarding Hurricane Katrina. You were there, direct access to the President. What went wrong?

Ms. TOWNSEND. Well, in fact, for one thing, there was a whole myriad of factors that contributed to that, but at the time of the incident, while the Homeland Security Council was supporting and getting information from the Department of Homeland Security, it was in fact the Domestic Policy Council that had been tagged with responsibility for briefing in the White House.

In fact at the time, the domestic policy adviser, Claude Allen, was the person who went into the briefing room and briefed the press initially. We were supporting him. So I can't tell you exactly how that works. We——

Ms. JACKSON LEE. So your name was homeland security but it didn't connect to the Domestic Council because that was left to them. It didn't connect that you were homeland security, which is securing in the wake of terrorism but also FEMA is under homeland security, but you were distinguished from what the responsibilities of the Domestic Council, which would have addressed the question of a tragedy or a natural disaster in the United States. Is that what you are saying?

Ms. TOWNSEND. We did interact with DHS; we did interact with FEMA. But there were lots of equities going on in the midst of that crisis. One person had to be designated. At the time, the chief of staff had designated the Domestic Policy Council, so there was a single place to feed things in. It was, in the early going of that, the Domestic Policy Council.

Ms. JACKSON LEE. Okay, so then I see a fracture right there, which is seemingly that was a conspicuously wrong place to put it because I think security equates to urgency.

Ms. TOWNSEND. Yes, ma'am.

Ms. JACKSON LEE. Not a study, not a review, not a quiet report, and I am not suggesting that maybe that was the style of Mr. Allen, but the point is that was obviously a fractured response, and we needed urgent response. So I am not sure if the President's review is going to include that as well.

Let me just ask, quickly, if all of you all would comment—say something is occurring in Pakistan, which it has occurred. Tell me how you would see that being reported as it relates to homeland security?

Ms. TOWNSEND. When I——

Ms. JACKSON LEE. If all the persons can answer please. As my time has expired, I yield as my last question, thank you.

Go ahead.

Ms. TOWNSEND. In my time there, if it was a threat emanating that involved the United—first of all, the first thing that would have happened was Steve Hadley and I would have discussed how are we going integrate the information and how are we going to brief the President? We typically briefed him together because we had both foreign policy implications to that—if there was an incident, it would have impacted Afghanistan; it would have DOD implications. Steve would be pulling that together, the national security adviser.

I would be looking at how that threat related outside the region, outside of Pakistan, whether it was the United Kingdom and that we were talking to intelligence services around the world. We had the appropriate domestic law enforcement response and so—and DHS—and so I would be bringing that piece.

Steve Hadley would be bringing the military and foreign policy piece. Then we would be responsible for integrating that into a single, comprehensive brief to the President.

Mr. WAINSTEIN. Just to add to that, Congresswoman, keep in mind that structurally the directorate for combating terrorism over at the White House co-reported to both the national security adviser and the homeland security adviser, so anything having to do with terrorism would co-report, and that information would get sent to me and to Hadley or to Fran and to Hadley, because obviously there are homeland dimensions as well as international military intelligence dimensions to any terrorism incident throughout the world.

Mr. PALIN. Congresswoman, the Massoud threat that came about is, I think, a good example of where clearly there is an international dimension that the National Security Council would be focusing on, but there is also a domestic dimension that the Homeland Security Council should be focused on in a strategic way, rather than an operational or tactical manner. The Department should certainly be pulsing the whole system operationally and tactically on the kind of reports that need to go out.

But the kind of threat that we have from Massoud or others, the homeland security adviser, Homeland Security Council, should be looking at that from a policy-strategy point of view and using that as, frankly, an opportunity to advance the conversation with State and locals about the implications of that kind of event strategically for the State and locals.

Mr. FRAZIER. Congresswoman, the information would get out earlier if the—I am sorry, if the information—take the London train bombings, for example. As early as we knew about those, and we were fortunate that a number of the largest of our city chiefs were in one place at one time, once they became aware, and this is in the middle of the night and the largest cities with the subway systems had an immediate decision to make about deployment and counter measures. Those things would happen in real time down through that intelligence channel.

Ms. JACKSON LEE. Okay.

Mr. HOFFMAN. Well, it obviously has to be seamless, I think, because the Mumbai attack showed, I think, it is just as easy to get on a boat in Karachi and sail to the Port of Angeles or the Port of Baltimore, any other port in the United States, as it is to sail to Mumbai.

Ms. JACKSON LEE. I just want to make sure—let me just conclude and yield back. I think what I am gleaning from the testimony is quick response, direct response, disseminating information should be our key—and particularly disseminating intelligence should be our key.

Ms. Townsend, I clearly think there was a breach on Katrina. I think that was the wrong determination to put it on the domestic side because whenever you are in dishevel and upheaval, it is as much vulnerable to Hurricane Katrina as it might be to attacks on our oil processes in the Gulf. It might be the time to come and do so, so I think it is homeland security.

I understand the chiefs were saying that you all happen—the idea is to have a structure to get the information to you as quickly as possible if it has a relevance to your security of your area.

Mr. FRAZIER. Yes, ma'am——

Ms. JACKSON LEE. All right.

Mr. FRAZIER [continuing]. That is correct.

Ms. JACKSON LEE. Mr. Chair, I yield back, and I think we do have some work before us in terms of ensuring that this system works and works well. I yield back.

Ms. CARNEY [presiding]. Thank you.

Ms. Townsend, I know you—I will dismiss you in a moment. But I do have a quick question, and this is for after—you can answer first and then, you know, take your leave, thank you.

You know, you and I have worked together for quite a while. What would you do differently now?

Ms. TOWNSEND. I actually think that there needs to be—I would change the personnel structure to more closely match the NSC, where they are entitled separately. It doesn't all have under the same White House rules; it gives them greater flexibility in terms of who they recruit, how they get detailees.

So, if I was going to change it, I would actually change it to more closely mirror the NSC system. I would give it more resources. I think, you know, the—Ken and I were talking during the break. I don't think I ever got it to one quarter the size at its largest of the NSC. That is a problem.

The kind of input and expertise I needed was very different. I needed a lot of technical expertise. I had doctors on my staff to help me with—think through bio issues and the pandemic planning issues. So I just—I had a greater need for real technical expertise on my staff, and I had a—and I didn't have enough.

So it was a combination. I need more and I need real particular expertise. You need the flexibility to get that and then do an issue and send people back. I didn't have the sort of personnel and budget flexibility that I found they really did have more of on the national security——

Ms. CARNEY. Did you share that with the President's review team or did you even talk to the President's review team?

Ms. TOWNSEND. I did. I was——

Ms. CARNEY. Okay, good.

Ms. TOWNSEND. I was interviewed and they asked me to share my observations.

Ms. CARNEY. Great, yes.

Ms. TOWNSEND. I was very candid.

Ms. CARNEY. Excellent, thank you. We appreciate your testimony today. Thanks so much, it is good to see you again.

Gentlemen, please jump in here, first on, you know, what we ought to do differently than the last administration. Do you agree with Ms. Townsend's assessment that we need to make it larger? By the way, did all of you talk to the President's review team?

Good, very good, great.

Mr. Wainstein.

Mr. WAINSTEIN. Okay, thank you, sir, I will go ahead and start. I will essentially repeat what Fran said, in terms of personnel and resources. You know, that is the mantra you hear from every good bureaucrat: We need more resources.

But I did get the feeling that there were—I always felt like there were matters of great importance that I really wanted to have someone dig into more deeply, have someone with more expertise on them so that we could push them forward. We just didn't have the personnel. It is not as though I asked for more personnel and got rebuffed; it is just that that is sort of the way it was designed initially.

I think this is a good opportunity to step back a minute and think maybe it should be designed differently. Maybe the personnel authorization should be done differently so we can expand it more easily. But I think it is important to keep in mind where we are and for the homeland security mission, which is we are still building in a way that we are not necessarily building on the national security side.

All these efforts, whether it is from pandemic planning to continuity planning to port security, this is stuff that is not going to be sort of front burner, but it is going to be a constant need. We need people who are not—you can't just throw in to deal with an issue as it bubbles up but who are constantly minding that issue and then checking back in and saying here is where we are on port security and the like.

So I am with Fran, and I have passed this on to the folks who are doing the review at the White House, that, yes, maybe we don't need the same numbers as the National Security Council currently has, but we do need more people with greater expertise in more areas.

Ms. CARNEY. Great, thank you.

Mr. Palin.

Mr. PALIN. Certainly more, but I would differ potentially from my two colleagues in this way. It is no longer a start-up. A lot of the work that you see prior to now was a major effort to simply get the beast started. I think you can especially see that in the way the HSPDs were often taken on by the Homeland Security Council—very important work, very detailed work, work that, in at least my judgment, should have been done probably by the Department but couldn't be done by the Department, so the Homeland Security Council was doing it.

I think, as we move forward, having more people that are focused on the homeland security mission that have background in the full continuum of risk—counterterrorism and natural hazard—but also developing a discipline that the Homeland Security Council staff is focused on strategy policy, and operational, tactical management issues are the domain of the Department.

Ms. CARNEY. Thank you.

Mr. Frazier.

Mr. FRAZIER. I think two things. One is representation from State and local practitioners on running a big city law enforcement agency or fire-medical service is a profession in and of itself. It brings a different perspective than an intelligence community professional or military professional.

I don't think that the perspective has been present in the decision-making levels of those areas that—frankly, who you are going to have to deal with in a domestic situation. This is not overseas stuff. And flexibility—these issues come and go so quickly; a budget flexibility to bring subject matter experts in is important.

Ms. CARNEY. To bring them in rather than have them on staff?

Mr. FRAZIER. You know, there are so many possibilities that I think you need to have a core, but there are always going to be things that are going to take a specialist, and I think you need the ability to bring them when you need them.

Ms. CARNEY. Thank you.

Professor Hoffman.

Mr. HOFFMAN. I think much of what we have heard from my fellow panelists, at least in my recollection, was part of the vision in the HSC when it was first established. I think that is one of the problems is that it has been an unrealized vision. In fact, if it had been as large and as robust, if it had had the State and local representation that was originally planned, we wouldn't be having this discussion actually. It would be far more difficult to fold it into the NSC.

The fact that it has been something of a Cinderella is exactly the problem. So it either has to be plussed up and strengthened or a new organization is found that still gives it all these capabilities within the NSC rubric.

Ms. CARNEY. Thank you.

My time is over-expired.

The Chair now recognizes the gentleman from Missouri, Mr. Cleaver, for 5 minutes.

Mr. CLEAVER. Thank you, Mr. Chairman.

This is kind of a general question to all of you. In my real life, I am a Methodist minister, and I have been through two church mergers.

[Laughter.]

Mr. CLEAVER. The only thing that could be worse would be—I don't know what could be worse. So I do have some experience in mergers, where emotions run high.

My great fear when we talk about these departments merging is that there will always be a department with a dominant culture. You know, and so people will go in with war on their minds because the dominant culture consciously or unconsciously will try to impose that culture on the other. The chances are homeland secu-

rity will be the weaker culture, just by virtue of its short existence. Am I analyzing this incorrectly? Is the church a poor analogy?

Mr. WAINSTEIN. I will take that one on initially, sir. You are right. Any time there is a merge, same thing, you know, whether it is a church or with government components, it can be difficult. I actually, in my introductory remarks, talked about a couple I have been involved in. It is tough. You have got the human factor you have got to deal with.

I think in this case, that is going to be mitigated by several things. For one thing—at least the possibility of friction at the front end—one thing is, you know, they are starting with a clean slate. There is a new administration. They are walking in there with primarily new people, at least in the homeland security area—obviously new homeland security adviser and the like. So it is not as though you are going to have to merge two long-standing bodies together with their own cultures, et cetera. That is one thing.

Secondly, the President has made its clear he is firmly behind this effort to do this review, and that makes a big difference. People might have concerns about it, but the President is the one who has dictated it and ordered it, and that makes a huge difference.

Mr. CLEAVER. Kind of like a bishop in a church—yes.

Mr. WAINSTEIN. Yes, yes, I think so. You know, so you know that it is coming from on high. The last thing to mention is the process of this review that they are doing right now. I am confident that at the end of the day, whoever disagrees with the recommendation and the President's decision will at least not be able to challenge the validity of the process because the folks that I have been working with over there are being very inclusive, are talking to everybody from all perspectives, all sort of interest groups who might have an interest in this.

So at the end of the day, no one is going to be able to say, "Hey, you know, our interest in this got short shrift," because they all will have had some input in the process. That will go a long way to ensuring its credibility.

Mr. CLEAVER. Mr. Palin.

Mr. PALIN. If it was just the merger of two churches, I would agree with everything that was just said. I think a better analogy is the merger of a United Methodist seminary with a Free Methodist seminary.

Mr. CLEAVER. Won't work.

Mr. PALIN. Yes, sir, and the reason, for those that might not be aware of Wesleyan theology, is that the theory, the concepts, the practice of national security are very well developed. Those dogmas and doctrines have a robustness that we do not yet have in homeland security. There needs to be a period of time to allow that new discipline to develop. I am afraid that giving over the care of homeland security to the big brother, national security, will stifle that potential.

Mr. CLEAVER. You hit on something, Mr. Wainstein. What happens to the national continuity coordinator, which has been also Presidentially mandated? I mean, what happens there? Who does the coordination?

Mr. WAINSTEIN. That is one of the myriad functions of the Homeland Security Council, the homeland security adviser, that will then have to be sort of allocated if that person and that council gets merged with the NSC. I don't know. I assume it would be the homeland security adviser or whatever that person's title is. The person who has the homeland security responsibilities in this new entity would retain that because that is very much a homeland security——

Mr. CLEAVER. Yes, but of all the Federal agencies, do you think that we can chance inside squabbling that could impede the efficiency of homeland security or national security? I mean, you know, if it were, you know, HUD and Commerce, we could probably, you know, work it out and nobody is going to get hurt, you know, but we are talking about national security and homeland security, and if there is any chance that the infighting, which I know for a fact exists even without a merger in the Federal Government—is it worth the risk?

Mr. GREEN [presiding]. We will hear the answer, after which my friend's time will have expired.

Mr. WAINSTEIN. Sir, I think that is a very good—very good point, very good question. My point is, sort of aside from looking at the substantive question as to whether homeland security should be separate from national security, in terms of the prospect of friction, I think there is that prospect. For the reasons I cited, I think that that prospect is somewhat diminished here.

I think advocates of merger would say that is more than—the concern about that is more than counterbalanced by the in-fighting that already exists because of the fact that you have two separate councils operating in the same space. I actually don't believe that in-fighting is all that great. I never saw it; I never felt it.

But, obviously, whenever you have two different groups or two different sets of people working in the same area, there is a possibility of lack of coordination. So advocates would say, even if there might be some growing pains after the initial merger, they are not going to be so much that it outweighs the benefit of getting rid of this, you know, the jockeying and the rivalry between the two different councils.

Mr. CLEAVER. Thank you, Mr. Chairman.

Mr. GREEN. Thank you.

The gentleman's time has expired. I believe I am next, but I will yield to Mr. Massa.

Mr. Massa, you are recognized for 5 minutes.

Mr. MASSA. Thank you, Mr. Chairman, and thank you distinguished panel members. I am a freshman Member of Congress, and so I come at this with some level of having to do evening preparation and studying these questions before us.

As I was doing this last night, it occurred to me that first I applaud the administration for conducting this review. It seems very timely and it seems very appropriate. I believe, however, that I have arrived at a conclusion that it would be counterproductive to the missions of both councils to merge in a way that would not understand their distinct identities. I believe that there are some fundamental conflicts about ensuring homeland security under civilian authority and national security that directs a much more robust in-

volvement of the uniformed military services at all, things like posse comitatus, et cetera, that goes back to the very nature of why we have a separate United States Coast Guard with its origins in the revenue cutters.

So, Professor Hoffman, I would like, if I could, understanding your background, to hear your thoughts on that if I might.

Mr. HOFFMAN. Well, I think—I mean, you have hit the nail on the head as you are talking about two different cultures and two different orientations and missions but also in many respects two different sets of stakeholders as well. The national security structure, which has been—outward-looking, that hasn't had to deal with many of the domestic issues, even when there has been overlap with terrorism. It still, I think, it has a very different orientation.

So I think that what suggests is that—well, first, I have trouble using the word merger, but maybe I am alone in that. It doesn't seem like a merger to me. I mean, merger to me implies something of parity.

Mr. MASSA. Could it be a——

Mr. HOFFMAN [continuing]. Parity——

Mr. MASSA. Could it be a hostile takeover?

Mr. HOFFMAN. Well, absorption or folding in, I think, was the diplomatic phrase that I used. But I think you have identified one of the key concerns, which underlies all of this, is the fundamental one of civil liberties and about Government that is able to keep us safe and secure while still being mindful of the fundamental rights and freedoms that United States citizens enjoy.

I think, you know, I don't have an answer to your question about how we facilitate it, but I think your concern, though, is well-founded, because you are talking about an agency that hasn't had to pay attention to these things to the extent of some of the challenges we see with the Department of Homeland Security, for example, and even some of the challenges we see with fusion centers who have to deal not just with the mechanics of intelligence sharing but not least with successfully doing all that without being seen. No one has the intention, I think, to violate civil liberties. It is often the perception, and that perception can undo a lot of good work.

Mr. MASSA. Thank you, Professor.

I would like one last specific question, a quick follow-up, Mr. Chairman, if I might.

I sit on the maritime security subcommittee of this full body. There are many, many issues before us. But as we talk about hostile takeovers and mergers and acquisitions in this environment, it occurs to me that perhaps now is a time to ask a question about the closer coordination between the United States Naval Service and the United States Coast Guard, which has always been very separate. But even today, if we are going to review at the top-most levels, should we be discussing the correct placement for the maritime security forces as a body?

Mr. Palin, I would like to hear from you on that. I am sorry—I am sorry to toss the hand grenade at you, I know.

Mr. PALIN. I would be inclined to see a continuation of the sea services from the Coast Guard, for many of the same principled

reasons that I think Homeland Security Council should remain largely separate from the National Security Council. There is an amazing Coast Guard culture. Inside the Government, it is a command-and-control culture; it is a military culture. But they have developed an ability to work with State and locals that is much more similar to the way that cops on the beat behave than any naval officer I have ever had the privilege of working with.

The sea services, both the Marines and the naval services, have a very important outward-looking role to play. I think the Coast Guard, while they are sometimes tempted—you know, they would like to go overseas a little bit more for their own reasons, but their real mission is here at home in our home waters, even in Fargo last week. We want to preserve, protect, and advance that very special culture that we have in the Coast Guard, not lose it inside the much bigger, broader, powerful naval services.

Mr. MASSA. Well, thank you for that, and I tend to agree with you, having spent 24 years in the Navy and having developed an incredible respect for the Coast Guard, who, frankly, often did much more than I was able to do on one-tenth the budget. So they have certainly earned the admiration of all my fellow naval officers, and I appreciate your insight into that and actually concur with you.

Mr. Chairman, I yield back the balance of my time.

Chairman THOMPSON [presiding]. Thank you very much. I don't think you will find any disagreement with your statement. We have found that, personally, during Katrina and some other emergencies, how the Coast Guard really serves this country and its citizens well.

Let me thank the witnesses for their testimony and their patience in staying around while the votes were being taken. Let me assure you, you were invited because of your contribution. You were not invited because you are all singing off the same page. We got exactly what we were looking for in your testimony, and it will ultimately, we think, go toward some solution to exactly what we will do, based on that testimony.

Again, I do thank you for your—the witnesses.

I will yield to the gentleman.

Mr. GREEN. I am okay.

Chairman THOMPSON. You all right? I mean, we got a little time—okay.

Everybody—we are getting out tonight, so everybody is feeling good.

[Laughter.]

Chairman THOMPSON. Again, I thank the witnesses for their valuable testimony and the Members for their questions. The Members of the committee may have additional questions for you, and we will ask you to respond expeditiously in writing to those questions. Hearing no further business, the committee stands adjourned.

[Whereupon, at 12:54 p.m., the committee was adjourned.]

APPENDIX

QUESTIONS FROM CHAIRMAN BENNIE G. THOMPSON OF MISSISSIPPI FOR KENNETH L. WAINSTEIN, FORMER HOMELAND SECURITY AND COUNTERTERRORISM ADVISOR TO THE PRESIDENT

Question 1. The 9/11 Commission Report attributed the terrorist attacks, in part, to the failure of the intelligence and law enforcement communities to share information, regardless of its foreign or domestic origin: Do you believe that the integration of the National Security Council with the Homeland Security Council or their staffs would break down the barriers to the sharing of intelligence information across the Federal Government? How do you think it would impact information sharing with State, local, and Tribal partners—our "first preventers"?

Answer. While I agree that the integration of the HSC and the NSC and their staffs has the potential to improve information sharing to some extent, I say that with a couple of caveats. First, to the extent that your question asks whether the separation of the HSC and the NSC serves to maintain the domestic/foreign divide that underlay some of the pre-9/11 information-sharing problems, I'm not sure that is the case in practice. In fact, it can be argued that by merging the homeland security and counterterrorism responsibilities in the person of the Assistant to the President for Homeland Security and Counterterrorism (the Homeland Security Advisor), the current structure actually helps to ensure integration of domestic and foreign counterterrorism-related information. Second, while integration of the two councils and staffs may enhance sharing of information (especially between the Federal intelligence establishment that works primarily with the NSC and the State and local partners who work primarily through the HSC), that will happen only if stovepipes are avoided within the resulting new structure. Simply putting everyone under one umbrella will not ensure information sharing, as structural divisions will necessarily be built within that new entity—divisions that could impede information sharing in the absence of procedures and systems for regular coordination and sharing. It is my understanding that the administration is attuned to the need for such coordination and sharing procedures, regardless of the structure it ultimately adopts.

Question 2. As we think about enhancing State and local participation in security policymaking, what is your view of the possibility of moving away from an "advisory-only" posture to more "direct involvement" in the approval of homeland security policies? Consider the prospect of creating a new hybrid committee, composed of State Homeland Security Advisors, to meet regularly to discuss current homeland security issues early in the policy development process and transmit to the White House their approval or disapproval. Do you believe that such a formulation, giving State and local authorities not only an advisory role but the power to veto pending homeland security policy would prove beneficial to homeland security policy making?

Answer. I agree that the administration and Congress should consider different means of giving State and local authorities more regular and meaningful input into the homeland security policymaking process. I concur, for example, with the idea of creating detail positions on the HSC staff for some number of appropriate State and local officials. Like that provided by the current and past staff members who have State and local experience, their input in the process and advice to the Homeland Security Advisor would be invaluable.

While the idea of a committee of State Homeland Security Advisors is appealing, one would have to consider its role vis-á-vis that of the HSAC. Also, as for vesting that committee with the power to veto pending policy, I foresee that raising serious practical and potentially constitutional issues.

Question 3a. Some proponents of a Homeland Security/National Security Council merger—including James Carafano from the Heritage Foundation—have argued

that a merger will help ensure that national security is approached "holistically."[1] Philip Zelikow—the former executive director of the 9/11 commission—has asserted that the main reason the HSC has yet to be merged with the NSC was the need to wait "for DHS leadership to gain enough skill so that such a large White House policy development crutch would not be needed any longer."[2]

Do you agree structural changes to the Councils would advance the achievement of a "holistic national security policy"?

Question 3b. Do you agree that the Homeland Security Council has served as a "crutch" for DHS?

Answer. I agree with the objective of harmonizing policy across the national security spectrum. As I said in response to question 1 (above), however, the creation of a single council will not automatically create a "holistic" policy process unless we build the processes that force coordination across the divisions that will inevitably develop within that council.

As for the "crutch" argument, I addressed that issue when I made the following point in my testimony on April 2, 2009:

"It was my experience that DHS benefited from having an inter-agency council and staff that were dedicated to its core mission. The existence of the HSC in the White House reinforced the priority placed on the Department's success, helped DHS work through difficult interdisciplinary issues with other agencies and departments, and kept its issues and concerns on the President's agenda. While that support was necessary in the Department's earlier years, it is conceivably less important now that DHS is more established."

Question 4a. After the Homeland Security Council was established, then-President Bush announced the creation of the Homeland Security Advisory Council (HSAC). Bush intended this advisory council to give a voice to State, local, and Tribal authorities in making recommendations for homeland security policymaking. However, critics argue the HSAC does not have any teeth or the capacity to ensure that its recommendations are carefully reviewed or implemented by senior White House policymakers.

From your time at the White House, what were the strengths and weaknesses of how the HSAC collaborated with State and local authorities?

Question 4b. Similarly, what, if any role, did State and local authorities have in policy development for the National Security Council?

Question 4c. Regardless of what emerges from the White House study, should the HSAC continue to function? If so, are there any changes that you think should be undertaken to ensure State, local, and Tribal authorities were more readily represented?

Answer. You are right to consider how the HSAC can have a more regular and meaningful role in the policymaking process. In the last administration, it was decided that the HSAC should be empanelled by and report to the Secretary of Homeland Security—a decision that is in keeping with the Secretary's coordination role under HSPD–5. While based on sound reasoning, that decision makes it incumbent on DHS and the Secretary to engage regularly with the HSAC and to empower it to play a major role in homeland security policymaking. To ensure that the HSAC's views get factored into the policymaking process, it is essential that the Secretary and DHS officials act as a conduit between the HSAC and the inter-agency process.

QUESTIONS FROM CHAIRMAN BENNIE G. THOMPSON FOR FRANCES FRAGOS TOWNSEND, FORMER HOMELAND SECURITY AND COUNTERTERRORISM ADVISOR TO THE PRESIDENT

Question 1. The 9/11 Commission Report attributed the terrorist attacks, in part, to the failure of the intelligence and law enforcement communities to share information, regardless of its foreign or domestic origin: Do you believe that the integration of the National Security Council with the Homeland Security Council or their staffs would break down the barriers to the sharing of intelligence information across the Federal Government? How do you think it would impact information sharing with State, local, and Tribal partners—our "first preventers"?

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[1] James Carafano, a fellow with the Heritage Foundation, said that "having two separate councils made sense six years ago when the department was brand new, but now it's time to think about national security issues more holistically," CBS 5 News Online, "Obama Plans to Overhaul Counterterrorism Apparatus" January 8, 2009.

[2] Laura Rozen, "More Reviews: Merging the Homeland Security and National Security Councils" Foreign Policy Magazine, March 6, 2009. *http://thecable.foreignpolicy.com/posts/2009/03/06/more__reviews__merging__the__homeland__security__and__national__security__councils.*

Answer. At the Federal level, effective information sharing, whether horizontal or vertical, is more dependent on the attention it receives from the President and his leadership team than which office is coordinating policy. Information sharing must be a priority at the highest levels, and that must be unequivocally reinforced down the chain. Unless it is ingrained in the culture of any administration, information sharing efforts will fall short—no matter which office has policy responsibility.

To be sure, the HSC has helped to establish and implement policies to mandate and facilitate responsible information sharing. While there is always room for improvement, those policies, to date, have proved effective, and they are still in place and carried out by the relevant Departments. If the NSC and HSC are integrated, I trust that, so long as homeland security issues are adequately represented, the NSC will continue to monitor information sharing issues and mediate interagency disputes in that area.

As to our State, local, and Tribal partners, interaction with the Federal Government, I believe that DHS and the FBI are best equipped to disseminate, collect, analyze, and synthesize that information. Once again, there are now mechanisms (e.g., JTTFs, fusion centers, etc.) and policies in place to ensure that this is done effectively. As long as those mechanisms are supported and those policies followed, then we should continue to see improvements in so-called vertical information sharing. That said, it remains important that local officials have access to the White House policy process to raise issues of concern. If there is an integration of the HSC into the NSC the White House will have to work to ensure the continued ability of State and local officials to appropriately influence the policy process.

Question 2. As we think about enhancing State and local participation in security policymaking, what is your view of the possibility of moving away from an "advisory-only" posture to more "direct involvement" in the approval of homeland security policies? Consider the prospect of creating a new hybrid committee, composed of State Homeland Security Advisors, to meet regularly to discuss current homeland security issues early in the policy development process and transmit to the White House their approval or disapproval. Do you believe that such a formulation, giving State and local authorities not only an advisory role but the power to veto pending homeland security policy would prove beneficial to homeland security policy making?

Answer. The importance of State and local participation in security policymaking cannot be overstated. With that said, it is ultimately the President's responsibility to protect the country from terrorist attacks, and he should have the ability to establish administrative policies to that end. Therefore, while I would continue to encourage and underscore the need for State and local involvement, I would not recommend that State and locals be given a veto over administration policy. However, I do support direct participation of State and local officials in the policymaking process.

Question 3a. Some proponents of a Homeland Security/National Security Council merger—including James Carafano from the Heritage Foundation—have argued that a merger will help ensure that national security is approached "holistically." Philip Zelikow—the former executive director of the 9/11 commission—has asserted that the main reason the HSC has yet to be merged with the NSC was the need to wait "for DHS leadership to gain enough skill so that such a large White House policy development crutch would not be needed any longer."

Do you agree structural changes to the Councils would advance the achievement of a "holistic national security policy"?

Answer. I tend to focus less on organizational boxes—whether they are being created, eliminated, or folded—and more on the mission. Call it "holistic" or whatever you want, but what matters most is that effective policies and mechanisms are in place to reduce the risk of another terrorist attack. Regardless of the organizational structure, there needs to be adequate resources devoted to these issues and the person on the White House staff with the responsibility needs to have direct access to the President to advise him on these issues.

Question 3b. Do you agree that the Homeland Security Council has served as a "crutch" for DHS?

Answer. I agree that the HSC has served as an effective and important partner with all of the agencies with which it has worked, including DHS.

Question 4a. After the Homeland Security Council was established, then-President Bush announced the creation of the Homeland Security Advisory Council (HSAC). Bush intended this advisory council to give a voice to State, local, and Tribal authorities in making recommendations for homeland security policymaking. However, critics argue the HSAC does not have any teeth or the capacity to ensure that its recommendations are carefully reviewed or implemented by senior White House policymakers.

From your time at the White House, what were the strengths and weaknesses of how the HSAC collaborated with State and local authorities?

Answer. I believe that the HSAC's greatest weakness was its initial project-oriented focus. The HSAC would work for several months with State and locals to produce a substantively useful work product. The problem was that, for most security policies, the administration had to move fast. Consequently, policies would be established and implemented far in advance of receiving all of the input from the HSAC. To be clear, I do not blame anyone for that. It was just part of the learning process of a new Department.

Secretary Chertoff turned that lesson learned into what I think now is the HSAC's greatest strength: Its ability to impact decision-making. HSAC members now more routinely consult with the Secretary of Homeland Security and provide timely advice on important security issues, including those directly implicating State and locals.

Question 4b. Similarly, what, if any role, did State and local authorities have in policy development for the Homeland Security Council?

Answer. State and local authorities played an active role in policy development for the HSC. That role took on many forms. I was in frequent personal contact with State and local officials on security issues. Moreover, my staff consulted and routinely coordinated with State and locals, and many times we attended State and local fora to consider and to debate security policy issues. Finally, because I had direct access to the President, I can attest personally that he was routinely made aware of State and local recommendations.

Question 4c. Regardless of what emerges from the White House study, should the HSAC continue to function? If so, are there any changes that you think should be undertaken to ensure State, local, and Tribal authorities were more readily represented?

Answer. Yes. The HSAC members' experience, wisdom, and intellect alone should ensure its viability. To best ensure that State, local, and Tribal authorities are meaningfully represented, I would encourage increased direct contact between the Secretary of DHS and HSAC members. In other words, instead of sliding back into the era where HSAC members met with the Secretary every 6 months to discuss written projects, continue to use HSAC as a sounding board for timely decision-making. And while I would not discourage regular in-person meetings between the Secretary and HSAC members, I would not make that the exclusive venue for discussion. In my experience, sometimes a quick conference call on an urgent issue is more helpful and productive.

Questions From Chairman Bennie G. Thompson of Mississippi for Philip J. Palin, Senior Fellow, National Institute for Strategic Preparedness

Question 1. The 9/11 Commission Report attributed the terrorist attacks, in part, to the failure of the intelligence and law enforcement communities to share information, regardless of its foreign or domestic origin: Do you believe that the integration of the National Security Council with the Homeland Security Council or their staffs would break down the barriers to the sharing of intelligence information across the Federal Government? How do you think it would impact information sharing with State, local, and Tribal partners—our "first preventers"?

Answer. In my judgment integration of the NSC and the HSC, or the full integration of their respective staffs, could potentially contribute to breaking down barriers to sharing intelligence across the Federal Government. Such integration would, however, potentially undermine progress—and delay further progress—in sharing intelligence information between the Federal Government and its State, local, and Tribal partners. The culture of intelligence appropriate for National Security is in tension with the culture of intelligence most helpful to Homeland Security. In the National Security domain there is a real need for protecting covert sources and methods and not communicating to possible adversaries what is known. In the Homeland Security domain there is much greater value in sharing information more broadly and openly. In Homeland Security there is often an advantage to self-consciously depend on open sources of intelligence and avoid covert operations in all but a few cases. The differences between National Security and Homeland Security are healthy differences. Fully integrating the HSC staff into the NSC staff would, I expect, discourage full development of the unique approach to intelligence gathering and analysis needed by Homeland Security.

Question 2. As we think about enhancing State and local participation in security policymaking, what is your view of the possibility of moving away from an "advisory-only" posture to more "direct involvement" in the approval of homeland security policies? Consider the prospect of creating a new hybrid committee, composed of

State Homeland Security Advisors, to meet regularly to discuss current homeland security issues early in the policy development process and transmit to the White House their approval or disapproval. Do you believe that such a formulation, giving State and local authorities not only an advisory role but the power to veto pending homeland security policy would prove beneficial to homeland security policy making?

Answer. In other settings I have recommended exploring means for more "direct involvement" of State and local personnel in Homeland Security policy making. One way to do this is implied in your question, and the proposed empanelling of a group of State and local leaders to be involved in the sausage making of Homeland Security policy. If this approach is taken I would recommend a process by which the member organizations of the Homeland Security Consortium are invited to nominate for the President's consideration a pool of personnel three times larger than the board or commission being formed. From this pool the President would name at least 70 percent of the panel. For the other 30 percent the President could appoint individuals not nominated through this process.

The challenge here is securing sufficient and timely attention by State and local leaders—already fully engaged—to be proactive in the policy making process. I have worked closely with many of these individuals. They have the intellectual capability and experiential background to contribute a great deal. They are extremely time-challenged.

Another approach would be to develop a rigorous Homeland Security Fellowship program to attract State and local leadership—perhaps the next generation of leadership—into HSC staff roles for tenures of about 18 months. Working with the Governors, key Mayors, and the member organizations of the Homeland Security Consortium an annual competition could be conducted. I understand that in the last administration the HSC staff never exceeded 32. If there were a new class of 12 Fellows starting every 6 months, the level of State and local expertise available to the HSC would be substantial and the level of continuity would ensure that good work was being done. This approach would obviate the time-challenge noted above. But even a prestigious and reasonably compensated fellowship program will be difficult to fill. Proactive engagement with State and local leaders will be needed.

Question 3. Do you know of any statutory or Executive prohibitions that prevent the National Security Council from consulting and coordinating with State, local, or private sector entities? If so, please describe them.

Answer. I know of no such statutory or Executive prohibitions.

Question 4. Putting aside the questions of Federalism, would it be appropriate to have representation from various levels of government such as State and local governments in homeland security policymaking?

Answer. There is a practical necessity for various levels of government to be involved in homeland security policymaking. In most matters of prevention, protection, response, and recovery to natural, accidental, or intentional threats State and local resources are more substantial and more readily applied than those of the Federal Government. If State and local concerns and capabilities are not reflected in Federal policy, it is likely to be ineffective—and even counter-productive—policy. There is a national need to cultivate the active and enthusiastic support of State and local homeland security stakeholders. This is most likely to be achieved by involving State and local participants in the policy making process early and often.

Your question implies that such collaboration might be contrary to the principles of Federalism. Depending on how such participation is structured, that is not my understanding of the Constitution. A crucial insight emerging from the Philadelphia convention was the potential for dual loyalties. We may be loyal citizens of our home States and of our Nation. It was especially Madison and his allies who established the Federal Republic as a creature of the people, at least as much as the States. The 14th and 17th Amendments have considerably advanced the direct tie of the people to the Federal Government.

There would certainly be constitutional complications if we were contemplating the imposition of Federal officials in State offices. But instead we are inviting U.S. citizens—who happen to be officials of State and local agencies—to participate in the policymaking process of their National Government.

Question 5a. It is often said that the problems this country continues to face in building an effective counterterrorism strategy centers on our ability to integrate all aspects of the Federal bureaucracy.

Please describe your views on whether a merger of the two Councils or staff will help advance the promulgation and execution of policy in an integrated fashion.

Answer. It is reasonable to expect that integration of the HSC staff with the NSC might contribute to better coordination of Federal plans, policies, and processes. This would, of course, not be automatic, but could be the outcome if supported with

effective leadership and management. But I remain concerned that the efficiencies thereby produced would come at the expense of efficacy. The National Security domain has an intellectual coherence that the Homeland Security domain does not yet have. National Security frameworks and assumptions are often not conducive to effective Homeland Security practice. Integration is likely to obscure the differences between the domains, mostly to the disadvantage of Homeland Security.

Question 5b. Aside from structural changes, what could be done to better ensure coordination of plans, policies, and processes?

Answer. To better ensure coordination of plans, policies, and processes there is a particular need for the White House to assert effective strategic leadership without descending into operations and management. Over the last several administrations White House staff have increasingly intervened as managers rather than shapers of policy. This is an incredibly time-consuming task beyond the capacity (and perhaps the competence) of any conceivably sized White House staff. Moreover, this tendency serves to obscure and delay necessary reforms within the cabinet departments in regard to policy implementation, even while it distracts the White House staff from effectively conceiving, crafting, and communicating policy/strategy. While acknowledging the realities of political and practical urgency, there is a crucial need for the White House staff—and especially the Homeland Security Council staff—to step back from operations and implementation and focus intently on policy, strategy, and coordination. This strategic restraint would in the long-term—if carried out over the long-term—make a very substantial contribution to improved coordination of plans, policies, and processes. Studies of operational effectiveness in both the public and private sector often find that poor coordination is the outcome of poorly understood strategy. The most effective way for the Homeland Security Council to improve coordination would be to expend more time and effort in crafting and communicating strategic goals and plans for achieving strategic goals.

Question 6. While we all support enhancing State and local participation in homeland security policymaking, it is often difficult to determine who amongst the wide array of State and local officials would best represent these interests. Specifically, given the diversity of voices in Governors Mansions, State houses, and local police and fire houses, how would you recommend the White House identify the right officials to communicate the collective views of State and local authorities?

Answer. In terms of identifying and effectively accessing representatives of the very diverse Homeland Security community, I recommend the Homeland Security Council staff give priority attention to three audiences:

1. The Homeland Security Consortium.—This is a broad-based multi-disciplinary, public-private group that has demonstrated an ability to effectively engage issues of policy and strategy, especially where policy/strategy interfaces most directly with practice.

2. The Governors.—The State Governors, most often represented by their Homeland Security advisors, are the constitutionally appropriate and potentially most effective partners in development of thoughtful and practical policies and strategies. There are helpful existing mechanisms for engaging these parties. Examining the very active way the White House has engaged the Governors in regard to economic recovery efforts exposes new possibilities.

3. Congressional leadership and staff.—While this should go without saying, I do not perceive that careful consultation with the people's representatives has previously characterized the development of White House Homeland Security policy and strategy.

QUESTIONS FROM CHAIRMAN BENNIE G. THOMPSON OF MISSISSIPPI FOR THOMAS C. FRAZIER, EXECUTIVE DIRECTOR, MAJOR CITIES CHIEFS ASSOCIATION

Question 1. The 9/11 Commission Report attributed the terrorist attacks, in part, to the failure of the intelligence and law enforcement communities to share information, regardless of its foreign or domestic origin: Do you believe that the integration of the National Security Council with the Homeland Security Council or their staffs would break down the barriers to the sharing of intelligence information across the Federal Government? How do you think it would impact information sharing with State, local, and Tribal partners—our "first preventers"?

Answer. In my earlier testimony, I recounted law enforcement's information sharing challenges with the Homeland Security Council (HSC), and of our very limited contacts with the National Security Council (NSC). While postulating on the effectiveness of a hypothetical merger of the two is hazardous at best, we would point out that an environment where the absorption of the HSC into the much larger and more powerful NSC is not an environment where we feel that our interests and

needs in the information-sharing realm would substantially improve. We feel that the potential of loss in this area is greater than the potential for gain.

Question 2. As we think about enhancing State and local participation in security policymaking, what is your view of the possibility of moving away from an "advisory-only" posture to more "direct involvement" in the approval of homeland security policies? Consider the prospect of creating a new hybrid committee, composed of State Homeland Security Advisors, to meet regularly to discuss current homeland security issues early in the policy development process and transmit to the White House their approval or disapproval. Do you believe that such a formulation, giving State and local authorities not only an advisory role but the power to veto pending homeland security policy would prove beneficial to homeland security policy making?

Answer. MCC is warm to the idea of a forum of State, local, and Tribal officials that have real power in the homeland security policymaking process. However, we feel that limiting membership to only State Homeland Security Advisors is too narrow a focus. Most "first preventer" and "first responder" resources are "owned" at the municipal level, not the State level. Similarly, State Homeland Security Advisors are seldom selected from the ranks of local public safety professionals. Those who pay the bills, and who are ultimately responsible for building and sustaining necessary capacity should have seats at the table as well. Elected leadership of large national organizations like Major Cities Chiefs, Major County Sheriffs, and the International Association of Chiefs of Police are representative examples of bodies headed by active duty municipal leaders representing tens of thousands of key assets, personnel, and communities. They deserve to be directly involved.

As to "veto power"—MCC would urge caution. The current policymaking process is already almost unfathomably complex, containing many critical-path "go—no go" points. MCC would recommend a thoughtful analysis of where the advice of such a forum would be most beneficial, and to fit it into existing mechanisms without creating an additional potential roadblock.

Question 3. As an advocate for State and local authorities, how effective has the Department of Homeland Security's Assistant Secretary for State and Local Law Enforcement been?

Answer. MCC commends the foresight and leadership shown by Congress in creating this important position at the policy-making level of DHS. Likewise, we commend the selection of Sheriff Ted Sexton to fill this position. However, we feel that DHS has more tolerated than embraced the position, as evidenced by Assistant Secretary Sexton's small staff, limited budget, and limited organizational "clout". In the Washington environment we all know that people who control people and money are carefully listened to. People who don't are listened to. We feel strongly that a renegotiated role for this position, specifically a role that includes decision-making authority over law enforcement Grants and Training money, would be very beneficial to all parties.

Question 4. One issue that has not yet abated in Washington concerns difficulties that many State and local law enforcement officials have receiving or retaining security clearances from the Federal Government. Classified policy discussions at the White House level may require additional vetting or background specifications. I understand that some major police department unions restrict the types of vetting and security protocols that their officers may be subject to. Is this correct, and if so, have these police organizations developed work-arounds to meet Federal and local requirements and enable clearance adjudication?

Answer. The heart of this issue involves sworn State/local police officers being required to take polygraph examinations to receive security clearances sufficient to permit assignment to joint terrorism task forces (JTTFs). When the polygraph policy was instituted by the FBI, some officers questioned this new requirement. Many police departments have policies in place limiting the use of polygraphs in administrative investigations. When the FBI began requiring polygraphs, some unions reviewed the policy and determined that requests for assignment to JTTFs is a voluntary action taken by the police officer, and as such the polygraph was considered a condition of employment. This position has resolved the issue for most departments.

On behalf of the Major Cities Chiefs Association, I would like to express our appreciation for the honor of the opportunity to express our views on these important issues.

QUESTIONS FROM CHAIRMAN BENNIE G. THOMPSON FOR BRUCE HOFFMAN, PROFESSOR, SCHOOL OF FOREIGN SERVICE, GEORGETOWN UNIVERSITY

Question 1. The 9/11 Commission Report attributed the terrorist attacks, in part, to the failure of the intelligence and law enforcement communities to share information, regardless of its foreign or domestic origin: Do you believe that the integration of the National Security Council with the Homeland Security Council or their staffs would break down the barriers to the sharing of intelligence information across the Federal Government? How do you think it would impact information sharing with State, local, and Tribal partners—our "first preventers"?

Answer. Response was not received at the time of publication.

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