

Opening Statement by
Sen. Tom Coburn, MD
Ranking Member

September 11, 2013 HSGAC Hearing:

“The Department of Homeland Security at 10 Years: Examining Challenges and Achievements and Addressing Emerging Threats”

This 12th anniversary of the September 11th terrorist attacks is a sobering reminder of the threats that we face and our responsibility to keep America safe. The Department’s original mission was focused on counter-terrorism: sharing intelligence and coordinating between agencies.

Today, DHS’s mission looks very different, and it’s unclear that the original mission is being fulfilled. The Department’s original counter-terrorism mission has transformed into an “all-hazards preparedness” mission, including subsidizing state and local public safety spending.

Given the \$17 trillion national debt and the federal government’s growing obligations, we do not have the luxury of continuing to increase DHS’s mission, programs, and budget. Instead, this Committee and the next DHS Secretary have a responsibility to focus the agency on a clear mission for the next decade.

There are several big lessons we have learned and challenges that must be addressed. Ten years after DHS’s creation, we still can’t measure how much safer we are due to spending on homeland security.

As our December report on DHS Grants – “Safety at Any Price” – found, more than \$35 billion has been spent on DHS grant programs since 2003.

These were intended to make Americans safer from terrorist attacks. However, 10 years and \$35 billion later, DHS still does not know how to measure whether these funds were used to make Americans safer.

Another example is federal support for state and local fusion centers. Our bipartisan PSI investigation into DHS’s fusion center program found that it was unclear exactly

how much DHS was spending on fusion centers¹ or even how many were actually in operation. Our investigation found that despite spending as much as \$1.4 billion, the fusion center program was yielding little value for the federal government's counter-terrorism mission and the work of the intelligence community.

And earlier this year, we learned during the aftermath of the tragic Boston bombing incident that the fusion center wasn't providing much value either before or after that attack.²

Perhaps the most disappointing return on investment is at our borders. Despite spending \$90 billion³ on border security over the past decade, our borders are not secure and our immigration laws are not being effectively enforced.

When we asked DHS to explain their border security strategy, they have been unable to provide us a document which demonstrates they have a comprehensive approach to securing the border.

That lack of planning has consequences, and results are more illegal crossings. The Council on Foreign Relations surveyed the illegal immigrant population and recidivism rates and found that an illegal immigrant would be stopped is closer to 40 to 55 percent, not the 80 or 90 percent figure that we have heard from DHS.

And we have heard very basic concerns about DHS's commitment to enforcing the rule of law and our nation's immigration laws, including from the Department's own ICE agents and US Citizenship and Immigration Services (USCIS) officers.

Another serious challenge is finding competent and willing leadership. DHS continues to struggle in the area of management. A lack of strong management can cripple efforts to implement the changes needed to improve the department.

As Governor Ridge can surely tell us, standing up, coordinating, and integrating 22 separate agencies into what has become an organization that employs more than 200,000 people is no easy task. While DHS deserves recognition for the progress it has

¹ The PSI report estimated that between \$289 million and \$1.4 billion in federal appropriations were spent on the fusion centers between 2003 and 2011.

² For example, at the Boston hearing, you asked the Boston Police Commissioner whether the fusion center was providing any intelligence after the bombing that was not being provided through other channels, such as the JTTF. He answered that it was not.

³ "\$90b spent on border security, with mixed results," *Associated Press*, June 26, 2011.

made in this area, continued management challenges are undermining the Department's ability to confront emerging threats.

DHS relies heavily on contracts to field new IT systems and capabilities that directly support its most critical missions, but we know these programs are still often over budget, behind, and deliver less than the men and women on DHS' front lines need.

DHS also faces a leadership vacuum. As of August, 15 senior positions remain vacant, and we do not have a nominee to serve as the next Secretary. Combined with morale levels that are among the lowest in the federal government, this poses a significant threat to DHS' ability to meet any of its missions.

Before further expanding DHS's mission—and giving DHS broad new responsibilities, like cyber security—we need to make sure the Department is well-equipped to manage these responsibilities.

The Obama administration and others would like to significantly expand DHS's role in cyber security, including overseeing federal and private sector cyber security. While cyber security is one of the real and emerging national security threats that we will face moving forward, we should be cautious and thoughtful about whether DHS can provide value, and if so, where that might be.

In other areas, such as the CFATS program to protect chemical security facilities, DHS has struggled when it has been tasked to be a regulator. I am concerned that we would be setting the Department up for more failure if we gave it broad responsibilities over private sector cyber security, which is a far more challenging and dynamic technological problem to address.

This is particularly the case since we know that, according to GAO and the DHS Office of the Inspector General, the Department has struggled to manage its own cyber security responsibilities—and even *the agency's own cyber security!*—effectively. For example, the DHS OIG tells me that 45 of its recommendations for cyber security remain open as of August 2013.

Before trusting DHS with significant new responsibilities for cyber security, our Committee and the next Secretary should carefully review DHS's existing cyber programs—including its management of the executive order—to determine where DHS can provide a valuable contribution to address that real and emerging threat.

This anniversary also provides a good opportunity to look at the work of this very committee, which was instrumental in creating the Department. Have we provided the necessary oversight to help the department succeed?

Are we asking the right questions – the hard questions – and insisting on transparency?

It is not enough for us to create a new Department and call it a day. If we expect success from DHS, we must hold it accountable for its shortcomings, or we are as much to blame as the department's leadership, regardless of party.