

Testimony Before the Senate Committee on Homeland Security and Governmental Affairs
Subcommittee on Oversight of Government Management, the Federal Workforce, and the
District of Columbia

By

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Introduction

I would like to thank the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia for asking me to appear today to discuss the risks and challenges associated with the ongoing presidential transition. Chairman Akaka, Ranking Member Voinovich, and Members of the Committee, my name is John Rollins. I am a specialist in terrorism and national security with the Congressional Research Service (CRS). Per your staff's request, I will keep my opening remarks brief and focused on areas where Congress may assist ongoing presidential transition activities. If so desired, during the question and answer period, I can address other aspects of the presidential transition period as it relates to national and homeland security concerns. I request that my CRS report, *2008-2009 Presidential Transition: National Security Considerations and Options*,¹ be placed into the record.

Before addressing specific areas where Congress may assist current and future presidential transition activities, I would first like to briefly offer a bit of context regarding the risks that the nation may face.

First Post 9/11 Presidential Transition

As we are all aware, the presidential transition currently underway will be the first since the attacks of September 11, 2001. As proposed in the aforementioned CRS report, the transition period can be viewed more broadly than the traditional time frame of the eleven weeks between the election and the inauguration. To account for the entirety of the period of transition, and possibly defining the time frame of the nation's vulnerability, one might view the presidential transfer of power in five phases:

Phase 1: Campaigning by presidential candidates

Phase 2: Selection of party nominees

Phase 3: Election day

Phase 4: Post election day to prior to the inauguration

Phase 5: Presidential inauguration to formation of the new Administration's national security team and issuance of policy directives

Potential Risks to the Presidential Transition Period

History is replete with examples of terrorist groups attempting to take advantage of periods of transition in power. Recent examples include the first bombing of the World Trade Center – a mere five-weeks after President Clinton's first inauguration; the attacks of September 11, 2001 – eight months after President Bush's first inauguration; the Madrid train bombing in March 2004 – three days before Spanish citizens went to the polls to vote for a Prime Minister; and the attempted London-Glasgow bomb plot last summer -- undertaken two days after a new Prime Minister of the United Kingdom assumed office.

In considering possible threats to the current presidential transition process, it might be helpful to note the analysis contained in the July 2007 National Intelligence Estimate (NIE). The NIE was produced by the Office of the Director of National Intelligence and reflects the analytic

¹CRS Report RL34456, *2008-2009 Presidential Transition: National Security Considerations and Options*, by John Rollins.

consensus of the Intelligence Community. The non-classified version of the NIE offered the following points regarding al-Qaida's capability and intent over the "next three years":²

- "the group has regenerated key elements of its homeland security attack capability" and the "leadership continues to plan high-impact plots";
- "al-Qaida will intensify its efforts to put operatives here (in the U.S.)"; and
- "al-Qaida's homeland plotting is likely to focus on prominent *political*, economic, and infrastructure targets."

As with many crimes, an act of terrorism often results from a confluence of the aggressor's motivations, means, and opportunity. Many national and homeland security observers suggest that al-Qaida and other international and domestic terrorist groups maintain the desire, or motivation, to attack U.S. security interests. The means, or capabilities, of the enemies of our nation are the subject of a great deal of debate. However, for the more sophisticated terrorist attacks, whether the desire is to conduct an act with the desire to go undetected or pursue some type of suicide-based attack, the attacker often seeks to choose the best opportunity for success without being detected prior to the incident. When one looks at the possibility of an attack occurring during the presidential transition period, combined with the suspected need for al-Qaida to prove its continuing viability as an organization that can launch an attack in the homeland, the enemy may see the upcoming transfer of power as too enticing to resist, and may choose to attempt a disruptive strike during this unique time in American politics rather than waiting for more advantageous conditions to attempt an attack.

Congressional Assistance to Presidential Transitions

I will next turn my attention to areas that the U.S. Congress may assist the ongoing presidential transition activities.

While the implementation activities of the presidential transition process are primarily the responsibility of the executive branch, there are a number of things Congress may choose to do to facilitate, support, and oversee a change of Administrations. In addition to holding hearings with current Administration leaders and prospective new Administration leaders, some of the activities offered in the CRS report that Congress may wish to consider during the presidential transition period include requesting information from the current Administration, supporting the formation of the incoming Administration, and refining some Legislative Branch processes.

Congress may request the current Administration to provide:

- the names of agency leaders responsible for making national security related decisions during the presidential transition period;
- briefings on the possible risks to the presidential transition process;
- information about the current status of transition planning activities,
- briefings about the Administration's efforts to engage and collaborate with prospective new Administration senior security officials; and
- information about the funds appropriated for the purposes of the current presidential transition and how these monies are being used to support national and homeland security activities.

²*The Terrorist Threat to the U.S. Homeland*, Office of the Director of National Intelligence, July, 2007. [http://www.dni.gov/press_releases/20070717_release.pdf].

In addition, pursuant to a provision in the Implementing Recommendations of the 9/11 Commission Act of 2007, Congress required the Department of Homeland Security to have a current senior departmental official “develop a transition and succession plan (which is) to be presented to the incoming Secretary and Under Secretary for Management to guide the transition of management functions in a new Administration.”³ The deadline for submitting the plan to Congress is December 1st.

Congressional support to the incoming Administration may include:

- prioritizing hearings for new Administration nominated political appointees who will have significant national security responsibilities;
- working with the new Administration to understand its national security priorities and, where applicable, have the changes in policies and programs reflected in the 2009 budget; and
- passing the FY2009 appropriations bills without undue delay.

Other activities Congress may wish to consider during the presidential transition period include:

- providing a sense of the Congress resolution that notes the importance of effective and collaborative activities between the departing Administration and the incoming Administration;
- holding a special session of Congress soon after the election to ascertain what the outgoing and incoming Administrations have accomplished and will do with respect to transition-related activities; and
- quickly assigning new and existing Members of Congress to committees focusing on national security issues to allow these individuals to have the opportunity to understand better the issues for which they have oversight.

Conclusion

While the first presidential transition in the post 9/11 era is of concern to many national and homeland security observers, risks during the transition period may be minimized with proactive executive branch and congressional actions. It is likely the new President will face many national security-related challenges upon taking office. Regardless of whether the enemies of the United States choose to undertake action counter to the nation’s security interests or the new President experiences a relatively peaceful period during the transition, the new Administration’s recognition and response to these challenges will depend heavily on the preparation activities that have occurred prior to the inauguration. While it may be impossible to stop an incident of national security significance during the presidential election period, there are steps that can be taken during all phases of the transition to lessen the risks to the nation.

Thank you for convening this important hearing. This concludes my remarks and I look forward to answering any questions you may have.

³Implementing Recommendations of the 9/11 Commission Act of 2007, P.L. 110-53, Sec. 2405.

Mr. John Rollins is a member of the Library of Congress' Congressional Research Service (CRS) and serves as a Specialist in Terrorism and National Security. Prior to joining CRS, Mr. Rollins was the first Chief of Staff of the Office of Intelligence for the Department of Homeland Security and the Secretary's Senior Advisor for Intelligence Community Reform. Mr. Rollins' career includes a variety of analytic, legal, and management positions in the U.S. Army, FBI, CIA, DIA, U.S. Marine Corps, 1st SFOD-D (Delta Force), and the United Nations. In addition to his CRS responsibilities Mr. Rollins is an Adjunct Professor teaching graduate level homeland security classes at many of the nation's top universities. Mr. Rollins is a licensed attorney and graduate of the Senior Executive Fellowship program, Harvard University.