

**THE HONORABLE JANE HARMAN**  
**TESTIMONY**  
**SENATE HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS COMMITTEE**  
**JULY 12, 2012**

Thank you, Senator Lieberman and Senator Collins, for the opportunity to join dear friends and to return to Capitol Hill to testify on a topic I'm passionate about: the security of our homeland.

Our collaboration over many years shows that bipartisanship – indeed tripartisanship – is possible. We had a good gig going and our legislative efforts yielded significant results – and many special times.

As you know, I joined the hardy little band of legislators who thought a homeland security function made sense in the aftermath of 9/11 – something far less ambitious than the plan ultimately sketched out by then White House chief of staff Andy Card.

We envisioned a cross-agency “jointness” similar to the 2004 Intelligence Reform Act structure, which the three of us, and former Rep. Pete Hoekstra, negotiated.

But I clearly recall our decision to embrace a much bigger concept – which the White House proposed – because that would ensure Presidential support.

Though DHS comprised of 22 departments and agencies, Congress legislated four main directorates: Border & Transportation Security, Emergency Preparedness, Science & Technology and Information Analysis & Infrastructure Protection.

The Information Analysis Directorate was supposed to analyze intelligence and information from other agencies (including the CIA, FBI, DIA and NSA) involving threats to the homeland and evaluate vulnerabilities in the nation's infrastructure. Emergency Preparedness would oversee domestic disaster response and training. Border security would streamline all port-of-entry operations and the S&T Directorate would acquire scientific and technological tools to secure the homeland.

The initial strategy has clearly morphed into something different. Merging government functions is difficult, and the threats against us have not been static. DHS has evolved ... but so have our enemies.

While DHS has experienced real success, there have also been some hiccups and significant growing pains along the way. It's certainly not the first Department to run into a few problems. To remind: the Department of Defense faced so much inter-service rivalry nearly four decades after its creation that it needed major legislative reform to rework the command structure.

My bottom line is we don't need to rearrange the deck chairs, again. We do need a clear-eyed assessment of what works and what doesn't.

There are homeland functions that execute well:

- Last year, Customs & Border Protection (CBP) stopped more than 3,100 individuals from boarding U.S.-bound aircraft at foreign airports for national security reasons. And CBP was able to process more than 15 million travelers at 15 pre-clearance locations in the same year. That's like picking needles from a haystack!
- The Transportation Security Administration (TSA) now fully implements "Secure Flight," the program screening all passengers on flights from, within, or bound for the US against government terror watch lists. Extending our "borders" by using real-time, threat-based intelligence in addition to multiple layers of security is working to mitigate terror threats.
- The Department expanded the "If You See Something, Say Something" campaign to dozens of states, cities, transit systems, fusion centers, federal buildings, shopping malls, sports arenas, and retail outlets to boost public awareness and reporting of potential threats. Local residents are the first line of defense against terror plots in this country, because they know what is suspicious.
- That's why fusion centers are so important. Last year, the Colorado Fusion center helped identify an attempted bombing suspect. And fusion centers around the country worked together to share tips and leads necessary to arrest and convict Faisal Shahzad, the 2010 Times Square bomber.
- Finally, the Office of Infrastructure Protection conducted more than 1,900 security surveys and 2,500 vulnerability assessments on the nation's most significant critical infrastructure to identify potential gaps and provide recommendations to mitigate vulnerabilities.

But ... the homeland security challenges are significant:

First, the Intel function has never fully developed. Part of the reason is that President Bush stood up the Terrorist Threat Integration Center – now the National Counterterrorism Center – that put the mission of fusing intelligence outside of the Department.

Intelligence reports are meant to be consumed by state and local law enforcement, but many of those entities consider DHS reports as "spam," cluttering overflowing inboxes. In many cases, law enforcement still reports that state fusion centers provide better, more timely information than DHS can.

In the new DHS Strategic Plan for FY12-16, intelligence is recognized as an area needing "enhancement." Reinventing the wheel by establishing new "Department Intelligence priorities, policies, processes, standards, guidelines, and procedures" seems to miss the point. Good information is flowing into the components daily – from ports of entry to Suspicious Activity Reports. Can this information be packaged in a way that is helpful for state and local law enforcement?

As you know, this was the point of standing up the Interagency Threat Assessment and Coordination Group (ITACG) at NCTC – to have local law enforcement help shape intelligence products so they are useful. It also creates “ambassadors” at the local level. So I applaud the Chairman’s efforts to reverse the funding cuts to ITACG that are in the appropriations bills.

Second, the homeland mission is so large that the Department must assess where it can be most effective and where it can’t. For example, DHS will never be the leader in preventing cyber attacks. But the Department can help critical infrastructure owners and operators make their facilities as hardened as possible against attacks. It can also serve as a clearinghouse for reports from the public about “Phishing” scams and other suspicious cyber activities.

Third, Congress has shortchanged the department. By failing to reorganize its committee structure, the homeland jurisdiction remains anemic. So the Department still has to answer to more than 80 committees and subcommittees. And Congress is unable to assert a single, principal point of oversight and review for homeland security issues and problems.

And yet, there remain opportunities for the Homeland Department to shine. Here are three:

First, while the Department should be praised for overhauling its privacy and civil liberties office, DHS shouldn’t stop there. It should embrace the Privacy & Civil Liberties Oversight Board – once full membership is confirmed – and urge the board to take on tough issues like analyzing the process for protecting personal information in the event of a cyber attack. As you know, formation of the Board is mandated in the 2004 Intelligence Reform law – and its stand up is eight years overdue.

Second, DHS should do far more to reduce overclassification of intelligence. Your committee worked for a year to help pass the Reducing Overclassification Act of 2010, but little has happened. DHS must be the standard-bearer for pushing the most useful information as possible to state and local law enforcement – and mean it.

Finally, the Secretary must continue to be the face of homeland security. Janet Napolitano is an old friend, and before she took office, I suggested she be the “Everett Koop” of threat warnings – just as he was the Nation’s most trusted anti-smoking crusader. That reminds me of the once prominent, color-coded Homeland Security Advisory System, which I would call one of the DHS hiccups. I asked at a hearing, after an advisory was elevated from pale yellow to dark yellow, if Tom Ridge was Homeland Security Secretary or an interior designer. And I got a very funny phone call from him shortly thereafter ...

Secretary Napolitano has done a good job with the “See Something, Say Something” campaign – but her mission should be to inspire and inform Americans about how to be prepared and resilient.

In conclusion, no major attack has on U.S. soil occurred since 9/11. DHS deserves real credit – and so does this committee.

Soon, Chairman Lieberman will join the ranks of policy wonks and grandparents (like me) who work outside of the Congress. Just this week, Ranking Member Collins broke Cal Ripken, Jr.'s record for consecutive votes, and next month she will taste married life. Both of you bring such skill and dedication to this work. I strongly doubt that new roles will diminish your passion – and mine remains as strong as ever.

I salute you, dear friends.