

TESTIMONY

Testimony of the Honorable Jane Harman

Senate Governmental Affairs Committee

April 11, 2002

Thank you Chairman Lieberman, Senator Thompson, and Members of the Committee.

I appreciate the opportunity to appear once again before this Committee to testify on proposals to improve the government's organization for homeland security. I applaud you for your leadership on this important issue.

To put this topic in better context, we need to look at the governments' homeland security accomplishments over the past six months. On October 8, 2001, Governor Tom Ridge was sworn in as the Director of the Office of Homeland Security (OHS). Executive Order 13288 outlined the organization and functions of the new Office and required the development and coordination of a national homeland security strategy.

This strategy today—on April 11—is still absent.

In the past six months, Tom Ridge and OHS have become known principally for two actions. He introduced the Homeland Security Advisory System, assigning colors to five levels of terrorist threat. Ridge reportedly also played a major role in the Administration's budget process, resulting in a homeland security request for \$37.7 billion for homeland security.

Note that the threat advisory system has been placed under the jurisdiction of Attorney General John Ashcroft and the Administration has yet to designate someone to testify on the homeland security budget.

As I testified to this Committee in October, the position of the Director of Homeland Security was, and remains, too weak to accomplish its mission. Without Congressional authorization, the Office lacks statutory authority, and is not subject to Congressional oversight. Similar positions—such as the National Security Advisor and the Director of the Office of National Drug Control Policy—were created by Congress and vested with specific statutory authorities.

The Director of Homeland Security cannot be an advisory position, despite the Administration's statements. According to the President's Executive Order, "[t]he mission of the Office shall be to develop and coordinate the implementation of a comprehensive national strategy to secure the United States from terrorist threats or attacks."

The Order specifies that "[t]he functions of the Office shall be to coordinate the executive branch's efforts to detect, prepare for, prevent, protect against, respond to, and recover from terrorist attacks within the United States."

To accomplish this mission, the Director of Homeland Security needs the institutional clout to win the bureaucratic turf wars and infighting. To succeed, Governor Ridge must oversee and coordinate the efforts of scores of federal departments and agencies. This will only happen if Ridge has the authority to direct other Cabinet Secretaries to participate in the larger homeland security mission as his strategy requires, not as they prefer.

The legislation before the Committee today, the National Homeland Security and Combatting Terrorism Act, addresses the shortcomings in current organization and authorities for homeland security. It creates in statute a White House office for policymaking and coordination, led by a Senate-confirmed, Cabinet level Director. These steps are in accord with the recommendations of the Gilmore Commission, and as reflected in two pieces of pending legislation: H.R. 3026 (the Office of Homeland Security Act) which I introduced with Congressman Gibbons of Nevada, and S. 1449, introduced by Senator Graham.

The legislation also consolidates and elevates border control, critical infrastructure, and emergency response agencies into a Homeland Security Department. I would note that Tom Ridge supported a similar concept in November when proposing a far-reaching border protection agency consolidation, but his lack of bureaucratic clout prevented him from prevailing.

The consolidation of these agencies and the elevation to full Cabinet status is necessary to implement U.S. homeland security policy. The Secretary of Homeland Security will give a stronger voice and focus to protecting the nation's borders and critical infrastructure, and to emergency preparedness and response.

However, there is more to homeland security than the functions included in the proposed Department. The efforts of the CDC on bioterrorism, for example, or the WMD remediation done by the EPA will not be part of the Department.

We still need coordination and oversight over the entire enterprise, and an office to lead in developing the strategy and wielding authority over the homeland security budget for the federal government. Legislation needs to be clear in assigning these responsibilities and assigning authority for each task.

Mr. Thornberry, Ms. Tauscher, and a bipartisan group in the House looks forward to working with you on introducing a companion bill and passing this important piece of legislation.

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