

STATEMENT

Senator Joe Lieberman

Department of Homeland Security Business Meeting Statement

Wednesday, July 24, 2002

Welcome. Before moving to the substance of the business meeting, I want to say a few words about process, because we find ourselves today in a somewhat unusual procedural posture. As the Members of the Committee know, we already ordered the National Homeland Security and Combating Terrorism Act of 2002 – S.2452 – reported with amendments on May 22, 2002, and that bill was placed on the Senate calendar on June 24.

Subsequent to the Committee's May 22 business meeting, a very important event took place, which was that the President announced a proposal similar to the one the Committee reported, and a consensus developed in the Congress that both Houses should expeditiously take up legislation to create a Department of Homeland Security.

Because the President's proposal differs in some respects from the one reported in May by the Committee, and because the President's decision to endorse the creation of this new Department has brought far greater scrutiny of and interest in the proposal, I concluded that this Committee ought to take a second look at the issue, to make sure that when the full Senate begins to debate the bill, it has before it the most up-to-date reflection of this Committee's views on the matter.

Under Senate procedure, the Chairman of a Committee may on the floor modify or withdraw Committee amendments to a bill if there is some manifestation of the Committee's intent to authorize that action. Authorization may be given by a Majority of the Committee, with or without a business meeting. The purpose of today's meeting is to obtain that authorization. So, to make a long story short, we are not today meeting to report legislation, but instead to obtain the Committee's authorization to withdraw the amendments we ordered reported in May and to agree instead to an amendment in the nature of a substitute, which I will offer on the floor.

My proposed substitute amendment, the text of which was circulated last Friday, will constitute the base text we are considering today, and any amendments to that text will be considered first degree amendments under Committee procedures. Let me also add that because the Committee is not reporting a measure, matter or recommendation to the Senate, one-third of the Committee's membership – or six Members – constitutes a quorum, as long as at least one member of the Minority is present. For the same reason, proxy voting will be allowed on all matters today, including on the final vote to authorize the withdrawal of the previously reported amendments and the offering of the floor amendment in the nature of a substitute.

Now, on to the substance. The urgent purpose of this substitute amendment is to

meet America's unprecedented post-September 11th security challenge by consolidating the many disparate federal departments and offices that deal with homeland security a single cabinet agency under a strong, accountable Secretary. The mission of this department is to vigorously, effectively, and efficiently protect the American people on our home soil, while preserving the other missions of the consolidated agencies and offices.

On many fronts relevant to the war against terrorism, both Congress and the President have made real progress since September 11th: for example, leading a successful military campaign in Afghanistan, creating the Office of Homeland Security, passing the USA-Patriot Act, allocating emergency funding for the war against terrorism, creating the Transportation Security Administration, and beginning to reform the FBI. That's a lot of accomplishments since September 11th. Federal workers are making a valiant effort, in cooperation with the lead actors in this fight, our state and local workers, to keep us safe. But the gains that we've made since September 11th have been *despite* the organizational system, not because of it.

We see that in the Byzantine organizational chart that lays out our government's domestic defense responsibilities. We hear it in the perplexing anecdotes about structural gaps, overlaps, and failures to share information. We're dividing our strengths when we desperately need to be multiplying them—and, as the President himself acknowledged on June 6, the Office for Homeland Security, despite the best efforts of Governor Ridge—and they have been his best efforts—just doesn't have the power to get the job done.

Some have suggested the creation of a Department of a Homeland Security is a hasty reaction to September 11. But those critics who suggest we're rushing should understand that our legislation has been in development for many months—and the idea behind it is years in the making. From 1999 to 2001, former Senators Hart and Rudman chaired the U.S. Commission on National Security in the 21st Century, which warned the nation of the new terrorist threat we faced and pressed for the creation of a new federal department whose primary mission would be homeland defense.

Senator Specter and I introduced our first version of this legislation last October; this May, we merged it with a bill that had been introduced in September by Senator Graham and others. I'm proud that this Committee reported out S. 2452, establishing a new Department of Homeland Security, on May 22. And since President Bush came out with his own proposal, we have been working very closely with the White House, fellow members of the Committee, and the chairs and ranking members of other Committees, to craft this substitute amendment. And I must say, there has been tremendous progress, as will be evident at the markup today.

So we're not being hasty or haphazard here. We are moving forward with an appropriate and justified sense of urgency and purpose. Given the ongoing threat to America, we'd be irresponsible to do otherwise.

Now, let me describe the proposal. It would be a Cabinet-level department led by a Presidentially-appointed, Senate-approved Secretary and comprised of six directorates. Let me go through them with you:

q *First, **Intelligence**. You can't prevent attacks without first detecting danger, so our legislation would establish a strong intelligence division that would receive all terrorism-related intelligence from federal, state and local authorities, human and signal intelligence, open and closed source, and then*

fuse it in a single place. This, if established, would mean that all information related to terrorist or other threats on American soil would for the first time in our history be evaluated by the same eyes and processed by the same analysts. That is precisely what we need to prevent the disastrous pre-September 11th disconnects from ever happening again.

q *Second, **Critical Infrastructure.** We can expect terrorists to try to hurt us by attacking our critical infrastructure, whether it be water system, our energy grids, our information technology networks, or any other aspect of our critical infrastructure—85 percent of which, incidentally, is owned and operated by the private sector. At the federal level, responsibility for safeguarding our infrastructure is currently spread throughout the bureaucracy. This directorate would mesh and merge critical infrastructure protection offices now residing in five different federal agencies including the Department of Energy, the Department of Commerce, and the General Services Administration. It would assess vulnerabilities and then work with the private sector to eliminate them.*

q *Third, **Border and Transportation Protection.** Every source of danger that's not already inside our country must come in through our ports and airports, or over our borders, or across cyberspace. To interdict, interrupt, and intercept terrorists and the weapons or materials they seek to smuggle in, this directorate would bring together our Coast Guard, our Customs Service, the border quarantine inspectors of the Animal Plant Health Inspection Service of the U.S. Department of Agriculture, and the recently created Transportation Security Administration.*

q *Fourth, **Science and Technology.** Our enemies will try to turn chemistry, biology, and technology against us, so we must marshal our unparalleled talents in this regard to preempt them and protect ourselves. This directorate would leverage America's enormous advantage on this front, creating a lean division to conduct long-term homeland security research and spearhead rapid technology development and deployment from within the public sector and the private sector. Among other things, it would bring together a number of federal labs now spread across the government and, to harness the talent of companies and universities, it would also create a homeland security version of the Defense Advanced Research Projects Agency, which is probably the greatest public sector engine of innovation in the history of American government.*

q *Fifth, **Emergency Preparedness and Response.** After September 11, we have an obligation to think about—and prepare for—the unthinkable, including and especially attacks with chemical, biological, radiological, and nuclear weapons. This directorate, with the Federal Emergency Management Agency at its core, will combine the strengths of half a dozen other agencies and offices responsible for dispensing critical vaccines and medicines, training local and state officials in emergency response, and performing other critical functions.*

q *Sixth, **Immigration.** Immigration and immigrants are at the heart and soul of our history and purpose. That heritage must be honored and protected. But at the same time, post-September 11th we have to look with new and urgent scrutiny at illegal immigration, as well as at how to screen those who come to this country legally, how to track them, and how to make sure they are not coming here to attack us ever again.*

The parallel reality is that INS has been a troubled agency and would benefit from the accountability of being made a separate directorate in the new department.

Our proposal would bring the Immigration and Naturalization Services into the Department of Homeland Security, and place those functions in their own directorate. Then, incorporating the INS reforms crafted by Senators Kennedy and Brownback, we'll split the new immigration directorate into two distinct bureaus, to undo internal conflicts in the agency and give each set of functions the concerted attention it deserves: a bureau of immigration services and adjudications, and a bureau of enforcement and border affairs.

We also require the Secretary to establish a border security working group with the Under-Secretaries for Border and Transportation Security and for Immigration Affairs, to assure a strategic and coordinated approach to our borders.

Those are the six core directorates. Then, outside of this Department, within the White House, the amendment would create another very important entity—strongly supported and shaped by Senator Graham—a **National Office for Combating Terrorism** (NOCT). We must not fail to recognize that, even with a robust new Department of Homeland Security, the fight against terrorism is by definition much larger—involving our military, intelligence communities, diplomatic services, and law enforcement agencies. It's therefore still in need of a policy architect and developer who can design and build the overarching anti-terrorism structure for the President, and that's what the Director of this office would be charged with doing.

That's a brief overview of this Amendment. There will of course be disagreements about the composition of the Department. But it's clear to me that we are near-unified in this most recent effort to provide for the common defense and form a more perfect union.

Conclusion

We Americans are blessed in so many ways. In some countries, institutions shape the lives of people. Here, it's the other way around. People shape the institutions of government when they need to, and there's just such a need for us to do that now.

As Alexander Hamilton wrote more than 225 years ago, in The Federalist Paper No. 23, "Whether there ought to be a federal government intrusted with the care of the common defense, is a question in the first instance, open for discussion; *but the moment it is decided in the affirmative, it will follow that that government ought to be clothed with all the powers requisite to complete execution of its trust.*"

Today, in the aftermath of the brutal, unprecedented attacks against America, our opportunity and responsibility is to clothe our government of, by, and for the people with the powers it needs to guard us and our children from the unprecedented dangers that threaten us today and will continue to threaten us in the years to come.

We are the strongest government in the history of the world. We should not consider another September 11th-type attack to be inevitable—not if we marshal

our strengths and organize our capabilities effectively. We must reorder our homeland defense capabilities to meet this challenge, and that is what I hope we will do today.

Senator Thompson?

[Committee Members](#) | [Subcommittees](#) | [Hearings](#) | [Key Legislation](#) | [Jurisdiction](#)
[Press Statements](#) | [Current Issues](#) | [Video of Select Hearings](#) | [Sites of Interest](#)