

III. WHAT
WASHINGTON
CAN DO

10. INTRODUCTION

FEDERAL ROLES AND RESPONSIBILITIES

While the frontline of homeland security is at the city and state levels, the federal government remains an indispensable participant in sewing together the patchwork of vulnerable and very different localities and regions of the country. Guidelines, standards, funding, and coordination are among the federal functions that contribute to building a better deterrent and defense. And in the end, the federal government is the provider of last resort, in capabilities, financing, and leadership at the national level. This part of the report will cover the most important of those federal functions.

Following the September 11 disaster, Americans looked to the federal government to understand why and how the attacks occurred and how to protect against their recurrence. After much back and forth between the executive branch, Congress, and the public (especially the families of victims), the 9/11 Commission was established to examine the “why and how.” After a veto-proof congressional majority made clear that there would be a major governmental reorganization, the administration put forward its plan for a new Department of Homeland Security (DHS).

Neither the commission’s “lessons to be learned” nor the new department have fared well on the rocky ground of partisan and bureaucratic politics in Washington.

Meanwhile, the president and his team have done little more than frame the general shape and direction of where we should head—an approach that predictably has not worked within Washington’s overloaded agenda. The president and his staff have devoted little time to leadership and dialogue on homeland security. Only the *9/11 Commission Report*, the Anti-Terrorism and Intelligence Reform Act, and Hurricane Katrina have broken through the barrier of White House inattention—and in each instance only briefly. At the same time, the

administration's focus on fighting terrorists "over there so we don't have to fight them here" has relegated homeland security efforts to the back burner.

To reverse this trend requires leadership from the president himself. The bureaucratic and congressional logjams will not be broken, the media will not provide more coverage, and the public will not begin to feel more secure until the president publicly articulates that reform is a top priority. Presidential leadership will need to extend further in the form of regular and public acts by the president and the White House, as well as by cabinet members and other officials, to ensure that programs that are announced are actually implemented and that government officials are held accountable for failure.

In addition to greater presidential commitment, the White House needs an organizational revamping to deal with homeland security. The initial response to September 11 was to establish a homeland security advisor and a homeland security council to parallel the national security structure in the White House. While the expectation was that such a structure would accord the function the high-profile attention that national security issues receive, it quickly became a way to push homeland security issues to the back burner while still claiming that they were important. This became all too clear when the Department of Homeland Security was established and the White House staff was immediately reduced. The rationale was that the new department was to take over much of the White House function. But when Katrina arrived, it became clear that the White House had little ability to effect an adequate response.

While no organizational arrangement can ensure proper attention without presidential leadership, the Homeland Security Council would benefit greatly from integration into the National Security Council (NSC) staff structure. Most homeland security problems are international in scope because they involve the movement of people, technology, finance, services, and goods across our borders. The borderless technological revolution, which involves rapid advances in information technology, biotechnology, nanotechnology, and materials science (along with the synergistic intersection of these advances), provides U.S. adversaries with unprecedented opportunities to kill Americans wherever they reside in the world. Homeland security is national security and merits the same priority. White House oversight should reside in the NSC.

The NSC has the history and the credibility to provide the homeland security issue with enhanced status within the executive branch. Such integration would also demonstrate that homeland security is an inseparable component of national security, and one that must be coordinated with other national security elements.

INTEGRATING HOMELAND SECURITY WITH NATIONAL SECURITY

To accommodate homeland security within the NSC structure, there would need to be a deputy national security advisor (DAPNSA) for homeland security and a deputy for crisis management. The former would look primarily at intelligence, law enforcement, and other prevention and standard-setting issues; the latter would manage the full range of national security crises for the National Security Advisor and run the situation room and a national exercise program as well.

These two officials would be responsible for coordination of policy and operations in their respective domains, regardless of whether the jurisdiction was domestic or foreign. These functions had been carried out by the Counterterrorism and Security Group in the Clinton administration, but should be institutionalized in the White House and staffed by individuals with direct access to the president as soon as possible. These deputy national security advisors would also serve as essential links between the federal government and state and local authorities. Both deputies would require support staff.

Under the DAPNSA for homeland security, the president should appoint a special advisor for cyber security, as recommended in Chapter 9, and a special advisor for emergency preparedness. The roles of the special advisor for emergency preparedness are described more fully in Chapter 11 on fixing the Federal Emergency Management Agency (FEMA).

In Chapter 5, we endorsed the strategy of creating infrastructure protection regional security offices as proposed in the Chemical Facility Anti-Terrorism Act of 2005. These regional offices would be established in each of the eight FEMA regions. Such a regional approach should be taken for intelligence and other homeland security functions. The

resources and authority of the existing FEMA regions should also be strengthened. Tremendous synergies could be achieved by developing a strategic plan for the diffusion of federal homeland security staff, resources, and authorities to these regions.

We make these recommendations reluctantly, realizing that the parade of reorganizations imposed on federal agencies has weakened the nation's ability to respond. Reorganization is not a substitute for implementation, adequate resources, or capable management. Fixing homeland security policy and management, removing FEMA from the morass of DHS, and pushing authority down to the regional level are all necessary but are not sufficient steps toward securing our homeland.

The administration and Congress need to restrain their longstanding tendency to adopt structural solutions to functional problems. Although the political costs of fixing or streamlining existing organizations are high, the cost of massive reorganization is higher. We therefore recommend a halt in further homeland reorganization for at least five years in order to digest the structures that currently exist. While the organization is not perfect, further tinkering will create only organizational and personnel turbulence without a corresponding enhancement of organizational capabilities.

The homeland security budget, across all of the departments and agencies that receive homeland security funding, must be treated as an integrated budget rather than simply the sum of departmental requests. The budget must support a strategy with clear goals, objectives, and requirements, and the existence and size of programs must depend on their relative priority in the strategy and not *ex post facto* rationalizations. We need to address issues such as the balance between funding at the local, state, and federal levels, the ways in which information is shared within and between levels of government—given that the federal government controls the classified information system, the setting of standards, and the writing of regulations—and the balance between civil liberties and security.

Finally, the executive branch should continue to press for the reform of congressional jurisdiction. The 9/11 Commission, the White House, the Robb-Silberman Commission, former House leaders Newt Gingrich and Tom Foley, and others have strongly recommended that the two houses of Congress be reorganized to consolidate homeland security oversight in one policy authorization committee and one appropriations

subcommittee in each chamber. Instead of that four-committee structure, Congress has continued a fractionated approach. Despite the creation of the House Committee on Homeland Security and the Homeland Security and Governmental Affairs Committee in the Senate, as the Committee for Public Discourse noted, the Transportation Security Administration (TSA), the Coast Guard, Bureau of Customs and Border Patrol, and other agencies continue to report to other committees.¹ Balkanized in this way, Congress cannot fulfill its oversight responsibility for this important national priority. The refusal to yield turf by committee chairs and by the party leaders in both houses reflects an unwillingness to place national over personal interest. It is Congress at its worst. Until Congress consolidates oversight and empowers a few committee chairs to address homeland security, the legislative branch must share responsibility for the failure of the federal government to prepare the nation to disrupt, or recover from, the next attack.

RECOMMENDATIONS

10.1. ABOLISH THE HOMELAND SECURITY COUNCIL AND STRENGTHEN HOMELAND SECURITY POLICY AND FUNCTIONALITY WITHIN THE NATIONAL SECURITY COUNCIL.

10.2. ESTABLISH DHS DOMESTIC REGIONS TO PUSH DISASTER MANAGEMENT, INFRASTRUCTURE PROTECTION, AND INTELLIGENCE OUT TO STATES AND LOCALITIES. These should be based on the eight existing FEMA regions.

10.3. REESTABLISH FEMA AS AN INDEPENDENT CABINET-LEVEL AGENCY.

10.4. RESIST STRUCTURAL SOLUTIONS TO FUNCTIONAL PROBLEMS.

10.5. PROVIDE ADEQUATE FUNDING FOR HOMELAND SECURITY MISSIONS UNDER AN INTEGRATED HOMELAND SECURITY BUDGET STRATEGY.

10.6. PUSH FOR CONGRESSIONAL REFORM TO LIMIT THE NUMBER OF COMMITTEES WITH JURISDICTION OVER HOMELAND SECURITY OPERATIONS.