

WITNESS LIST

**Prepared Statement
of**

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Mr. Chairman and Senators, I am honored to be here today on behalf of the U.S. Commission on National Security/21st Century (USCNS/21), where I served as executive director. I will go directly to the issue at hand: an explanation of what the Hart-Rudman Commission actually proposed with respect to homeland security and why.

The Commission examined and debated extensively two approaches to dealing with the problem of myriad agencies randomly pursuing various aspects of homeland security: that of a White House Coordinator, or czar, whose mission would be to persuade 40-odd disparate groups into a common purpose; or, through integration of this mission into the National Security Commission process, and establishment of an operationally coherent functional department to perform core elements of the mission.

The Commission came to believe that any solution to the problem needed to be consistent with our cabinet form of government and integrated into a strengthened (NSC) process that incorporates homeland security into the overall national security framework rather than separating it as a stand alone mission. We proposed creating a National Homeland Security Agency (NHSA) whose Director or Secretary would represent this mission at the NSC level as an equal with the other components of national security. Given the realities of power within Washington the Commission strongly advocated the need for both line and budget authority. Finally, the Commission believed the enduring nature of the problem required new institutions that could deal with homeland security effectively over time, and not depend upon the fear of the moment or personal relationships with the President.

The homeland security challenge should be a central responsibility of the President's national security team, it must be incorporated into his strategic planning and adequately resourced, and the principal elements of it must be structured into an accountable organization to accomplish this objective. Effectiveness is derived from organizations having responsibility, authority, and accountability over missions and resources.

I now turn my testimony towards three very important issues. First, why we must not delay in moving to establish a National Homeland Security Agency. Second, to reemphasize exactly what the Commission proposed and to clarify the notion of a "super agency" that the Commission did not propose. And third, to stress how the Commission resolved the mismatch between homeland security "strategic integration" and "operational authority."

The recent initiative taken by the Bush Administration is a good "First Step," a step hopefully that will not become the last step. Our Commission believed another step, creation of an agency or department is critical to success. Some believe that the National Homeland Security Agency is a "great idea," but that the time is not right to reorganize the government-not now, in the middle of a crisis. I strongly disagree. Were the crisis likely to be a short one, I might say wait. But, if this is to be, as our President believes, and certainly I believe, a long protracted struggle lasting years or perhaps decades, why would we want to continue indefinitely with a or dysfunctional system, or even a sub-optimal one?

As long as a sense of urgency exists, former governor Ridge may be partially successful in his new office. I am thankful for that. However, as soon as the level of fear declines even slightly, old bureaucratic prerogatives will resurface-possibly aided by Congressional committees trying to guard their oversight responsibilities-and current organizations vested with different aspects of homeland security will ultimately move to regain control of resources and missions.

The second major issue needing clarification is the myth of the "super agency" sometimes attributed to the Hart-Rudman proposal. Our Commission recommended no such thing. The Commission recommended a modest reorganization of key entities dealing with critical infrastructure protection, border security and disaster response into a coherent single agency charged with those homeland security missions that could function within the NSC process as an equal, and still work effectively with state and local officials and private businesses. That meant reducing the "seams" between mal-positioned but important agencies such as the Border Patrol, Coast Guard, and Customs, the proper placement of which would produce the greatest effectiveness.

The international component of reducing proliferation and terrorism overseas remains in the realm of diplomacy and defense. The purely military aspects of homeland defense remain with the Defense Department though we recognize the need to better integrate DoD support to civil authorities. We did not envision the National Homeland Security Agency "taking over" law enforcement from the FBI and the Justice Department, but saw the need to better exchange information and to get the Justice Department out of crisis management. We did not envision National Homeland Security Agency "intelligence operatives" spying on Americans, but identified the clear need to create a single point of contact to request, get, and distribute needed intelligence. And our proposal does not add bureaucracy; it merely reorganizes the existing entities in a logical fashion to create internal synergies and efficiencies.

Finally, I would stress that the Commission resolved the mismatch between security "strategic integration" and "operational authority." Our cross agency review found failures in both, and we derived solutions to both.

To solve the problem of strategic integration, the Commission concluded that homeland security could not be separated from other elements of national security, indeed it was central to it. All strategy and development, from diplomatic, economic and military considerations had to be within the context of potential impacts on the homeland. Intelligence priorities, too, had to be changed to include the homeland. In that regard, we called for establishing a national intelligence officer for homeland security in the National Intelligence Council, and development of a national intelligence estimate (NIE) for this area.

The National Homeland Security Agency addresses new operational dimensions of this mission. The NHSA is not a "new" institution in the physical sense—we merely realigned organizations to make them more effective. The border agencies and FEMA do not move anywhere, or go away. They will conduct all of their present missions but with common leadership, a common strategy and a common purpose. Their information systems, intelligence, equipment and operations will now be interoperable in the way we now conduct Joint military operations.

This proposed agency creates no "additive" structure. We are not proposing a highly centralized and unresponsive federal bureaucracy. We are not proposing to spend vastly more money than we are spending now. Though all change is feared and can be disruptive, our guess is that this particular moment, when a sense of national and community unity is at its highest in years, such a transition would be relatively easy. Finally, creation of such an organization would put in place a credible partner in the national security community that is sorely needed at this time.

We did not give the NHSA authority over the budgets of others, but we envisioned providing the agency with the resources needed to cover costs for cooperative efforts. We wanted legislation to establish its charter, with parameters for authority and responsibility. We wanted the Congress to have a voice in creating this entity, and felt it necessary for the Congress to provide proper oversight to ensure that civil liberties are guaranteed. Anyone seriously interested in civil liberties should be concerned about how the government has addressed this matter in the past few years. It is the absence of effective strategies and organizations that is a threat to civil liberties. The best way to ensure that we violate the U.S. constitution is to not organize, plan, and train for this mission. This realignment will result in a highly professional and sustainable organization with clear priorities and focus.

The need to transform our nontraditional security bureaucracies is more evident everyday. The status quo is not acceptable and delay in change is not acceptable. The vector between our growing vulnerability over the next decade and our organizational capacity to respond is widening. We know that we are calling for significant, politically difficult change, and we are not unmindful of what it would mean to implement our proposals. We know that what we are proposing requires complex Congressional action. Taken together, the proposals before you stretch over the jurisdiction of several committees of the House and Senate. So let me again express my gratitude for the opportunity to be here today, and for you to listen to my views.

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