

TESTIMONY

Remarks of Senator Arlen Specter

Senate Committee on Governmental Affairs Hearing on Homeland Security

April 11, 2002

Chairman Lieberman, members of the Committee, thank you for providing me the opportunity to testify on these extremely important issues which address the greatest threat to our national security. I last testified with respect to this issue on October 12, 2001, barely a month after the attacks of September 11, 2001, and only three days before the anthrax attack on Senator Daschle's office. It is hard to imagine two separate attacks that could better exemplify the vulnerability of our homeland. Both represent "asymmetric" attacks on us, using unconventional means to attack us where we were the most vulnerable—here in our homeland at our daily workplaces. Even though both of these attacks, or series of attacks, have been described as "surprise attacks," in one key way they were not. Our vulnerability to asymmetric attacks have been identified in several studies and the vulnerabilities to these attacks were specifically identified—the porousness of our borders and the danger of biological attacks. Unfortunately, these studies, like many studies and commissions, were not given the full consideration they were due. The revised bill Senators Lieberman, Graham, and I will introduce will, like our earlier bill, implement the recommendations of some of these commissions in order to strengthen the security of our nation.

I am pleased to see that former Senator Warren Rudman, who has served on two of these commissions, is here to testify today. Senator Rudman has continued to serve his country since leaving the Senate, and has made significant contributions by his work on the Hart-Rudman and Brown-Rudman commissions. One of the major recommendations of the Hart-Rudman Commission was the establishment of a cabinet-level National Homeland Security Agency. This recommendation is the cornerstone of the bill Senator Lieberman and I introduced in October, and is still a significant portion of the bill we will reintroduce, though we refer to the Agency as a Department. The need for such a department has been reinforced by the hearings this Committee has conducted.

Our revised bill incorporates another key recommendation of that Commission—the need for enhanced strategic planning in the Office of the President. Our revised bill would establish a Director of the National Office for Combating Terrorism, who, with the Secretary of Homeland Security, would be responsible for preparing a National Strategy for Combating Terrorism and Homeland Security Response, modeled after the Quadrennial Defense Review.

Before I go any further, as I noted earlier, I had the opportunity to testify in October before this Committee with respect to our original bill, and in order to be brief, I will not repeat the points I made in that testimony, and request that the Committee refer to the record of that hearing.

I am pleased to see that Representatives Thornberry, Tauscher, and Harmon have joined us here today. Representatives Thornberry and Tauscher have introduced a bill very similar to the original bill Senator Lieberman and I introduced. Representative Harmon is co-sponsoring a bill that would "codify" Governor Ridge's current position and require the development of a homeland security strategy. I look forward to working with all of them with the hope of combining their bills in order to develop an overall bill that would serve as a companion bill in the House to the bill Senator Lieberman, Senator Graham, and I are co-sponsoring in the Senate.

The need for a new structure to protect the security of our homeland and to combat terrorism was recognized by President Bush in October. First, he established Governor Ridge's position of Assistant to the President for Homeland Security, or as commonly referred to, the Director of the Office of Homeland Security. He also appointed retired General Wayne Downing as the Director and Deputy National Security Advisor for Combating Terrorism. Although these were important and necessary first steps, they were not enough.

First, with respect to Governor Ridge's position, there are two major problems. The threat to our homeland and border security is so serious that the United States needs more than a presidential advisor and coordinator to perform this important mission. We need a cabinet-level secretary with the appropriate resources. Our bill would do that by creating a cabinet-level department, with the key agencies responsible for protecting our borders and our national infrastructure assigned to it.

Additionally, Governor Ridge is responsible for over 37 billion dollars in the President's budget, but because he is a presidential advisor, there is an issue as to whether he should testify before Congress. I am second to none in my support of the President's right to receive confidential advice from his close advisors. Some have compared Governor Ridge's position to that of Dr. Condoleezza Rice, the National Security Advisor. However, Governor Ridge's authority over such a large piece of the budget clearly distinguishes his position from that of the National Security Advisor. When an advisor such as Governor Ridge has significant responsibility for budgetary matters, he should be subject to congressional oversight. Congress's authority to exercise the "power of the purse" is probably its strongest basis for conducting oversight of the Executive branch. In order to avoid this dilemma, Governor Ridge's position should be made into a cabinet-level department, subject to congressional oversight.

Additionally, we need to "codify" Governor Ridge's position. I have known Governor Ridge for a long time, and have had the opportunity to work with him during his time in Congress and as governor of Pennsylvania. The President could not have made a better pick for the position. Governor Ridge has a close relationship with the President, and has said that if he runs into resistance in pursuing the President's mandate, he can simply walk down the hallway and see the President. However, he cannot use this access every time he runs into resistance. Also, that means that the President, and the country, are relying on Governor Ridge and his unique circumstances to ensure that the Office of Homeland Security works. That is too personal; the President established the position by Executive Order. We need to further institutionalize the position with legislation that will guarantee the person holding Governor Ridge's position has the legal authority to accomplish the critical job he has been given.

With respect to General Downing's position, he does not have the bureaucratic authority to carry out his mandate. Our revised bill would strengthen his authority by giving him the power to certify, or de-certify, a federal agency's budget with respect to addressing terrorism. It is only with this power that he will have the ability to effectively coordinate the efforts of the federal government in combating terrorism and to give teeth to the strategy he and the Secretary of Homeland Security will be required to develop.

Today marks the seven month anniversary of the September 11th attacks. Senator Lieberman and I introduced our bill, S.1534, six months ago today and this is the second hearing we are having on the bill. We need to move on this bill. The United States has been free of a terrorist attack since the last anthrax letter was discovered. However, we only need consider the attempt by Richard Reid, the so-called "shoe bomber," and the wave of suicide bombings in the Middle East, to

realize that this may only be a brief respite. We are at war against terrorists around the world. We need to act now to better protect our homeland and to ensure that the full resources of the United States-federal, state, and local-are effectively employed to combat terrorism. I understand that there are differences of opinion between the Administration and the Congress about the approach we are taking. However, based on my over twenty years of experience in the Senate, I believe that agreement will come as we move forward with this legislation. There is no time to spare.

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