

House Committee on Homeland Security Hearing
“Securing the Homeland: Reforming DHS to Meet Today’s Threats”
July 15, 2021

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Chairman Thompson, Ranking Member Katko, and distinguished Members of the House Committee on Homeland Security, thank you for the opportunity to testify before you today. I commend this Committee for seeking to address longstanding challenges facing the Department of Homeland Security (DHS). I also want to thank my fellow panelists for their scholarship on DHS reform, which I turn to often to inform my own thinking.

I offer three general observations:

1. DHS has become seriously out of balance with America’s needs.
2. A reimagined DHS should recalibrate its priorities, moving toward a “safety and services” approach.
3. Though the panel today reflects a diversity of viewpoints, we agree on several areas for reform that this committee is well positioned to undertake.

First, **DHS has become seriously out of balance with America’s needs**. Established in late 2002, the Department of Homeland Security was largely defined by the 9/11 terrorist attacks, and the response to those tragic events continues to shape the priorities and mission of the department today. Since its founding, there has been persistent confusion about DHS’s role as well as complaints about its structure, operations, and oversight. Observers across the political spectrum have argued that, in the rush to stand up a new department, disparate components of the federal bureaucracy were shoehorned into DHS, with mixed results. As members of this committee know, since its founding, DHS’s budget has more than doubled in size, from roughly \$30 billion in fiscal year 2004 to more than \$64 billion in FY 2018—not counting disaster relief funds, which vary depending on emergencies that happen each year.¹ Today, DHS is the largest federal law enforcement agency in the government, with more than 240,000 employees—more than twice the size of the U.S. Department of Justice (DOJ).²

DHS claims a role in most national security issues—and a number of issues that fall outside of national security—but there are few areas where DHS leads the government’s response and even fewer where it does so well and without controversy. The department’s founding mission to

¹ Congressional Research Service, “Trends in the Timing and Size of DHS Appropriations: In Brief” (Washington: 2019), available at <https://fas.org/sgp/crs/homesecc/R44604.pdf>; U.S. Department of Homeland Security, “FY 2021 Budget in Brief” (Washington: 2021), available at https://www.dhs.gov/sites/default/files/publications/fy_2021_dhs_bib_0.pdf.

² U.S. Department of Homeland Security, “About DHS,” available at <https://www.dhs.gov/about-dhs>; Bureau of Human Resources, “Facts about Our Most Valuable Asset – Our People” (Washington: U.S. Department of State, 2019), available at https://www.state.gov/wp-content/uploads/2019/05/HR_Factsheet0319.pdf; U.S. Equal Employment Opportunity Commission, “Department of Justice (DOJ),” available at <https://www.eeoc.gov/federal-sector/department-justice-doj-0..>

prevent another 9/11-style attack continues to influence its outsize focus on counterterrorism—despite the fact that DHS’s ability to prevent terrorism is limited, and entities such as the FBI and National Counterterrorism Center (NCTC) are often in the lead statutorily. The dominating focus on counterterrorism comes at the expense of other activities that DHS is uniquely positioned to execute among federal agencies such as providing efficient, safe, and respectful immigration services; facilitating international trade and travel; serving as the nation’s risk adviser for critical infrastructure; and proactively responding to disasters that do not fall within the missions of other parts of the federal bureaucracy.

To remedy this imbalance, DHS should take a broader view of what it means to keep the nation “secure” and adapt its mission, priorities, and activities accordingly. In doing so, DHS should address the following unmet needs, which largely fall between the gaps in today’s federal bureaucracy.

- **A leading federal emergency response system.** The United States needs a proactive emergency preparedness and resilience capacity and a flexible and capable response system that can respond to a wide range of emergencies quickly and efficiently. DHS should serve as the lead coordinator of U.S. government emergency preparedness and response efforts on the wide range of emergencies that affect the country.
- **A better way of communicating threat information to and from the public and private sectors.** In a world where the public and private sectors must take independent action to ensure America’s safety and security, the government needs a trusted, effective mechanism to communicate threat information with the public and private sectors and between different levels of state, local, and federal government officials. DHS already plays an important role but should be designated the federal government’s lead for sharing information, advocating for greater government transparency, and for developing new communications capacities that add value to the American people.
- **A fair, workable, and humane approach to border management.** Factors such as devastating hurricanes and droughts due to climate change, political unrest, and gang violence, especially in Central American countries, have translated to a high number of migrants, including large numbers of families and unaccompanied children, seeking asylum in the United States. DHS should shift toward a more service-driven approach that treats immigration as an asset to be managed rather than a crime to be enforced.
- **A truly integrated cyber and critical infrastructure capacity.** Cyberattacks on critical infrastructure are increasingly common and could grind the U.S. economy and daily life to a halt. There is a clear need to build on the success of DHS’s Cyber and Infrastructure Security Agency (CISA) by expanding the indicators and mechanisms for sharing cyberthreat information and more proactively sharing cyberthreat intelligence between businesses and government agencies.
- **An effective response to domestic violent extremism.** Threats from domestic violent extremism are rapidly growing in the United States and endanger our way of life, our values, and our democracy. While law enforcement responses to domestic violent extremism primarily fall within the FBI’s authority, DHS should be charged with taking the lead in countering disinformation, coordinating federal grantmaking programs to promote resilience, and providing support for risk-based prevention responses.

- **A core mission focused on protecting civil liberties and privacy.** DHS regularly interacts with—and collects information on—Americans and U.S. persons in the routine course of its duties. DHS has a responsibility to safeguard the information it acquires but it could also play an important role in safeguarding the security of personal or private information from malicious cyber actors and foreign governments. Establishing the protection of civil liberties and privacy as a core DHS mission would fill a critical gap in executive branch roles that is not currently being comprehensively addressed by other departments and agencies.

DHS has the potential to meet today’s moment. There is no other department with DHS’s range of flexible authorities and unique capacity to respond to these issues and others that fall between the gaps of responsibilities of other federal departments and agencies. There is no other department better suited to coordinate effective federal emergency response; communicate threat information between the public and private sectors; provide a working, humane approach to border management; facilitate an integrated cybersecurity and infrastructure capacity; and implement effective approaches to counter the threats from domestic extremism fueled by white supremacy and the rise of anti-government militias. And there is no other department with the mandate and track record of playing a bridging role between state, local, tribal, and territorial officials and the federal government. This committee can ensure DHS is oriented to fill these critical gaps through its oversight functions.

Second, as my colleagues and I have called for in a recent study by the Center for American Progress (CAP),³ **a reimagined DHS should recalibrate its priorities, moving away from a threat-oriented model and toward a “safety and services” approach.** While the department must continue its efforts to protect, secure, prevent, and enforce, these activities should be brought into balance with DHS’s other missions. DHS should organize—and articulate its mission—around five new core values:

- **Connecting:** DHS should prioritize service and partnerships and invest in efforts to connect state, local, tribal, and territorial officials with federal resources and officials.
- **Communicating:** DHS should manage information sharing and public disclosures of intelligence between federal entities and their local counterparts through a leading role that would be a valuable public service.
- **Facilitating:** DHS should continue to facilitate lawful international trade and travel, ensure that U.S. transportation services are safe, and maintain U.S. waterways and maritime resources.
- **Welcoming:** DHS should provide efficient and respectful service to aspiring citizens and other immigrants and emphasize its unique role in welcoming the people who immigrate to, visit, or seek refuge in the United States.

³ Mara Rudman, Rudy deLeon, Joel Martinez, Elisa Massimino, Silva Mathema, Katrina Mulligan, Alexandra Schmitt, and Philip E. Wolgin, “Redefining Homeland Security: A New Framework for DHS To Meet Today’s Challenges,” (Washington: Center for American Progress, 2021), available at <https://www.americanprogress.org/issues/security/reports/2021/06/16/500642/redefining-homeland-security-new-framework-dhs-meet-todays-challenges/>.

- **Helping:** DHS should expand its existing capacity on disaster relief and emergency management and invest in new, flexible headquarters and regional capabilities that can address a wide range of emergencies and situations.

DHS should dial down its strategic focus in the following areas, bringing them into balance with its other priorities:

- **Protecting:** DHS should coordinate cybersecurity and critical infrastructure to bridge the gap between public and privately-owned infrastructure and ensure that federal protection efforts can effectively extend to all sectors across the country.
- **Securing:** DHS should maintain its core objective of securely, efficiently, and humanely managing our air, land, and maritime borders.
- **Preventing:** DHS should focus on the increasing prevalence of domestic challenges and borderless threats while maintaining its important role in preventing attacks against the United States at home and abroad.
- **Enforcing:** DHS should conduct a recalibration of its enforcement activities within broader department goals of safety and service and move law enforcement activities that are not aligned to this mission to other areas of the federal government that are better suited to these functions.

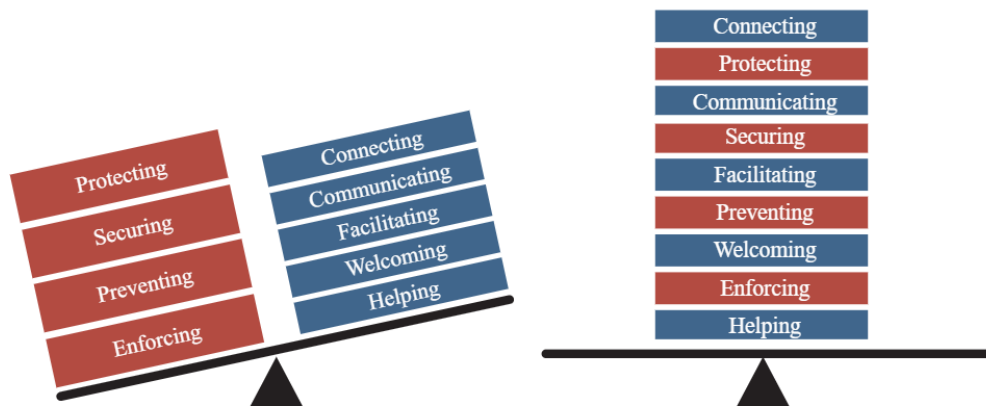


Fig. 1: DHS should move away from a threat-oriented model which is principally concerned with protecting, securing, preventing, and enforcing, and toward a “safety and services” model that brings those activities into balance with five new core values: connecting, communicating, facilitating, welcoming, and helping.

Third, **though the panel today reflects a diversity of viewpoints, we agree on several areas for reform.** We represent three distinguished institutions and bring different perspectives to our analysis of DHS reform. We offer divergent visions for what the future of DHS could look like. It is therefore significant and worthy of the Committee’s attention that despite these differences we agree on several areas for reform.

- We agree that DHS is critical to ensuring the security and prosperity of Americans and should be reformed rather than dismantled.
- We agree that DHS needs to be more focused on today’s most serious threats, including pandemics, critical infrastructure, the effects of climate change, cyber security, and foreign interference.
- We agree that DHS should have a lead role in communicating with state, local, tribal, and territorial governments and with the private sector.
- We agree that DHS needs an elevated role for privacy, civil rights, and civil liberties and we support this Committee’s efforts to strengthen civil rights and civil liberties protections in DHS policies, programs, and activities.
- We agree that DHS has a unique responsibility to foster trust among the American people and those who seek safety or opportunity here.
- Though our policy solutions differ, we agree that more oversight—and restraint—is needed for DHS’s operational and law enforcement functions.
- Though we differ on the details, we agree that DHS headquarters needs to be strengthened—and increase in size—if it is to effectively oversee the Department’s activities.
- Finally, we strongly agree that Congress should improve oversight over DHS activities, ideally through concentrating oversight responsibilities with the designated homeland security committees, to the extent possible.

Conclusion

DHS has the potential to meet today’s moment, and is uniquely positioned among other federal agencies to address unmet needs and pressing challenges the United States faces right now and in the years ahead. As then-nominee Alejandro Mayorkas argued in his confirmation hearing, DHS is and should be “fundamentally, a department of partnerships.”⁴ He is right. Going forward, DHS should prioritize service and partnerships, connecting people in the United States to federal services that reflect American values and are essential to America’s shared prosperity. The department’s threat-oriented roles will, of course, remain, but this new framework will help DHS realign its focus and priorities on those areas where it can be maximally effective and provide value to the American people and those who live, study, work, travel, and seek safety here.

Thank you for the opportunity to testify before this committee and I look forward to your questions.

⁴ CNN, “Excerpts from Biden’s DHS pick Alejandro Mayorkas’ opening statement,” January 19, 2021, available at <https://www.cnn.com/2021/01/19/politics/mayorkas-opening-statement-excerpts/index.html>.