

**Prepared Statement of Jeh Charles Johnson
Hearing before the House Appropriations Committee,
Subcommittee on the Department of Homeland Security:
“DHS Management Challenges”**

March 17, 2021

Chairwoman Roybal-Allard, Ranking Member Fleischmann and members of the Subcommittee:

I welcome the opportunity to testify at this hearing concerning management challenges at the Department of Homeland Security. I also welcome the opportunity to testify alongside my good friend and predecessor Mike Chertoff. Though we served administrations of different parties, Mike and I have often collaborated on a number of projects and events.

As you know, DHS is the third largest cabinet department of our government. It is a fraction of the size of DoD (where I served as general counsel in 2009-2012) but in many respects it feels much larger. Without a doubt DHS is the most decentralized cabinet department, with the most diffuse set of missions and workplace cultures all under the umbrella of “homeland security” – ranging from CISA, TSA, the Coast Guard, to the Secret Service.

DHS is in some respects too big and in some respects too small. Like many things in Washington, its creation in 2002 was the result of imperfect political compromise. One could argue that, to meet all current and future threats to homeland security, one cabinet-level official should have oversight of a far more comprehensive cluster of federal law enforcement agencies. Missions could then be de-conflicted, and certain functions like intelligence gathering and sharing, public threat advisories, budgets and acquisitions, could be centralized.

On the other hand, there would no doubt be numerous objections to the creation of such a large and powerful cabinet department. Many, supported by recent history, would argue the dangers of such a large domestic security department under the control of a president with authoritarian impulses.

No matter whether you regard DHS as too big or too small, the reality is that DHS’s current structure is outdated to meet all current homeland security threats. DHS was created in the wake of 9/11, principally for the counterterrorism mission. In 2002, terrorism was regarded primarily as an *extraterritorial* threat. The view then was that the consolidation into one cabinet-level department of the regulation of all the different ways a person can enter our homeland – land, sea or air – is the effective way to counter terrorism. Now, almost 20 years later, we

know that the principal terrorist threats to our homeland are *domestic*-based. In recent years most attacks have been committed by domestic groups or individuals, not by those directed or inspired by foreign terrorist organizations.¹ Beyond that are the other serious threats to homeland security, namely COVID-19, cybersecurity and climate change. The Department of Homeland Security must meet all these challenges, plus administer and enforce our immigration laws.

Last but not least among its challenges, DHS has in recent years been under constant siege and in constant crisis, while suffering from management upheaval and leadership vacancies. There are public calls for the elimination of certain components of DHS, and even DHS in its entirety. DHS leadership has in recent years been overwhelmed by the politically contentious and emotional immigration mission and the crises that have existed on the southern border – to the exclusion, I fear, of all of these other important homeland security missions.

In the current environment, it is easy to forget that DHS is responsible for the vital missions of protecting the American people and their homeland from the land, sea, and air and in cyberspace. The Coast Guard performs vital maritime safety, national security, law enforcement, and counterdrug functions. The Secret Service protects the President and others. TSA provides basic aviation security to Americans every day. FEMA is the Nation’s disaster response agency. CISA is the U.S. government’s primary information exchange hub for the Nation’s cybersecurity. These are matters in which politics should play little role, and around which there should be bipartisan consensus and support.

Informed by recent studies I have co-chaired or contributed to,² here are my specific observations and recommendations concerning DHS management challenges.

Stable, credible leadership. Over the last 50 months, there have been *nine* people (including myself and the incumbent) to occupy the role of Secretary of Homeland Security – four Senate-confirmed and five acting. Over the four years of the Trump Administration, there was no Senate-confirmed director of ICE at all.³ This type of turnover among the senior leaders of DHS erodes confidence and credibility both within and without the department. No one leader in recent years has had the opportunity to right the ship, set an agenda, or be taken seriously. I am pleased that Alejandro Mayorkas is now the Senate-confirmed

¹ *Murder and Extremism in the United States in 2018*, Anti-Defamation League (Jan. 2019), available [here](#).

² Thomas Warrick and Caitlin Durkovich, *Future of DHS Project: Key Findings and Recommendations*, Atlantic Council (Sept. 2020), available [here](#); *Commission on the National Response Enterprise: A Call to Action*, Bus. Exec. for Nat’l Sec. (Feb. 2021), available [here](#).

³ Celine Castronuovo, *ICE acting director resigns weeks after assuming post*, The Hill (Jan. 13, 2021), available [here](#) (“ICE has had six directors under the Trump administration, though the agency has not had a Senate-confirmed director during the past four years.”).

leader of DHS. I urge the President and the Senate to move swiftly to fill the other Senate-confirmed senior positions in DHS.

Time for another QHSR. In 2010 DHS delivered to Congress a Quadrennial Homeland Security Review to spell out leadership's comprehensive and long-term strategy for the future. Another one was issued while I was Secretary in 2014. Seven years later, DHS has not delivered one since.⁴ This is a worthwhile exercise, and Congress should insist upon it.

Centralized functions. When I arrived at DHS in December 2013, I was surprised to find that many basic headquarters functions such as budgeting and acquisition were stove-piped and lack maturity, and there were multiple financial systems across DHS. During my time in office we worked to centralize the budget process, for example, driven by mission rather than component. The next DHS Undersecretary for Management should continue on this path.

Joint assignments. Like the Department of Defense with the passage of Goldwater-Nichols in 1986, DHS should further integrate through joint assignments and missions. Many DHS component missions (particularly among the immigration components) overlap but lack coordination. In 2014 I created Joint Task Forces for southern border security.⁵ Naturally, component leadership resisted this. But, Congress later codified the concept into law and even went a few steps further.⁶ Since then, the JTFs have either been badly mismanaged or disbanded altogether.⁷ Congress should insist that JTFs be restored. Likewise, Congress should encourage headquarters joint duty assignments, similar to the joint staff at the Pentagon, as a pathway to career advancement within DHS overall.

Morale. For years DHS has among cabinet departments been at the bottom of the list in terms of morale. The good news is that, since 2016 levels of morale at DHS (according to the annual Federal Employee Viewpoint Survey) have bottomed out and are increasing slightly.⁸ I believe much of the credit for this goes to the hard work of DHS's Chief Human Capital Officer, Angela Bailey. Her office should be encouraged and supported in its efforts.

⁴ Dep't of Homeland Sec., *Quadrennial Homeland Security Review (QHSR)* (last visited Mar. 14, 2021), available [here](#).

⁵ Memorandum from Jeh C. Johnson, Sec'y of Dep't of Homeland Sec., Southern Border and Approaches Campaign at 2 (Nov. 20, 2014), available [here](#).

⁶ National Defense Authorization Act for Fiscal Year 2017 § 1901, 6 U.S.C. § 348.

⁷ Anna Giaritelli, *DHS secretly shuttered Obama-era task force, empowering Border Patrol parent agency*, Washington Examiner (Oct. 9, 2020), available [here](#); Office of Inspector General, *DHS Cannot Determine the Total Cost, Effectiveness, and Value of Its Joint Task Forces* (Sept. 30, 2020), available [here](#).

⁸ Thomas Warrick and Caitlin Durkovich, *Future of DHS Project: Key Findings and Recommendations* at 20, Atlantic Council (Sept. 2020), available [here](#).

No reorganizations, at least for now. There are many who believe the answer to DHS's problems is a wholesale restructuring, the elimination or casting off of components to other departments, or the outright elimination of DHS entirely. I do not believe Congress or DHS should undertake any reorganization of DHS, at least for now. Reorganizations are time-consuming, stressful and will distract leadership from their critical homeland security missions. DHS needs time to stabilize. Nor do I believe splintering the various federal security agencies across the federal government (as they once were) is in the best interests of the safety of the American people. Secretary Chertoff and I co-authored an op-ed⁹ arguing against the effort to move the Secret Service back to the Treasury Department, and that effort appears to have lost steam.

Promote FEMA's role. FEMA is perhaps the crown jewel of DHS. Its ability to quickly mobilize, coordinate and deploy resources is likely unmatched anywhere in the federal government. In the face of emergencies like COVID-19 or the recent surge at the southern border, FEMA should be promoted to coordinate DHS and other federal agencies. Congress should review whether FEMA and DHS have the necessary authorities to do that job.

Combating violent extremism. As described above, DHS is ill-equipped to deal with the current threat of domestic-based violent extremism. With the support of Congress, in 2015 DHS established an office for countering violent extremism.¹⁰ During the Trump Administration that office was renamed, reorganized and to a large extent defunded. DHS must reinvigorate its CVE mission. I was pleased to see the recent announcement¹¹ that DHS will require that a certain percentage of its grants to state and local authorities must be spent on countering domestic-based violent extremism.

Cybersecurity. Another piece of good news. From what I see, DHS's efforts in cybersecurity have improved. I am pleased that Congress approved the reformation of DHS's cumbersome National Protection and Programs Directorate into the Cybersecurity and Infrastructure Security Agency, or CISA.¹² Under the leadership of Chris Krebs, CISA built an effective working relationship with many state election officials to improve the cybersecurity of our Nation's election infrastructure prior to the 2020 election. We suffered the devastating SolarWinds cyberattack, but many of the most sophisticated public and private entities, beyond

⁹ Jeh Charles Johnson and Michael Chertoff, *Leave the Secret Service in Homeland Security*, The Hill (Jul. 9, 2020), available [here](#).

¹⁰ Press Release, *Countering Violent Extremism Task Force*, Dep't of Homeland Sec. (Jan. 8, 2016), available [here](#).

¹¹ Press Release, *DHS Announces Funding Opportunity for \$1.87 Billion in Preparedness Grants*, Dep't of Homeland Sec. (Feb. 25, 2021), available [here](#).

¹² The Cybersecurity and Infrastructure Security Agency Act of 2018, 6 U.S.C. § 652.

CISA, failed to detect and prevent that attack early. In general, I believe DHS and CISA are headed in the right direction on cybersecurity.

Immigration. It continues to consume DHS. Whether the current situation at the southern border is regarded as a “crisis,” an “emergency,” or a “challenge” – the problems are many and the solutions unattractive. There are no quick and easy fixes. Personal experience teaches me that there is no level of border security or deterrence than can address the powerful push factors that prompt families and children to make the dangerous journey to America. The long term solution, which President Biden endorses, is aid to help eradicate the poverty and violence in Central America. The Obama Administration began with an investment of \$750 million to Central America in FY2016, aid was discontinued during the Trump Administration,¹³ and the Biden Administration seeks to restore it.¹⁴ Informed sources have told me that the aid appropriated in 2016 was beginning to make a difference. The legislative and executive branches – through multiple administrations – should resume and stay this course.

Congressional oversight. Finally, no honest discussion of DHS management challenges is complete without reference to the long-running problem of far too many committees of congressional oversight. In 2002 the executive branch realigned itself to consolidate homeland security functions but Congress did not. There are dozens and dozens of committees and subcommittees of Congress that purport to exercise oversight jurisdiction over DHS. Speaker Pelosi’s announcement on January 25 of an MOU between and among House committee chairs to better collaborate on congressional oversight of DHS is a positive step in the right direction.¹⁵ There is much more to do on this front.

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I look forward to your questions.

¹³ Lesley Wroughton and Patricia Zengerle, *As promised, Trump slashes aid to Central America over migrants*, Reuters (June 17, 2019), available [here](#).

¹⁴ Exec. Order 14010, 86 Fed. Reg. 23, 8267 (Feb. 5, 2021).

¹⁵ Memorandum of Understanding regarding principles for the 117th Congress, chairs of committees with jurisdiction over the Department of Homeland Security (Jan. 25, 2021), available [here](#).