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ONE HUNDRED SEVENTH CONGRESS

# Congress of the United States

## House of Representatives

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### Statement of Rep. Henry A. Waxman Ranking Member Committee on Government Reform Hearing on

**"The Department of Homeland Security: An Overview of the President's Proposal"**

**June 20, 2002**

Today's hearing addresses how to organize our government to fight terrorism. This is an important subject: Our government can do a better job protecting against terrorism and reorganization can help.

I particularly want to welcome Governor Ridge to the hearing. I commend him and the President for preparing a blueprint of reorganization. This is not a partisan issue, but a national one. Leadership from the White House is essential.

But as we embark on this reorganization effort, it is important that we keep our priorities in perspective. Fundamentally, reorganization is a bureaucratic exercise. The plan before us addresses organizational flow charts . . . the creation of five new undersecretaries and sixteen new assistant secretaries . . . and the application of civil service and procurement laws.

As a professor of management at Columbia University recently remarked, "To think that a structural solution can bring about a major improvement in performance is a major mistake."

The reorganization plan doesn't address the most pressing security questions that we confront. We have to stop the spread of biological weapons. But this reorganization doesn't contain a plan for international inspections of suspect facilities or for greater resources for tracking biological agents globally.

We have to improve airline security and enhance the poor performance of the new Transportation Security Administration. But this reorganization doesn't contain any plans for fixing the flaws in the new Transportation Security Administration. Instead, it simply moves this agency into a new bureaucracy.

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And we have to improve the performance and coordination of our intelligence agencies. But it isn't clear how adding another intelligence agency in a new bureaucracy helps fix this. For example, there is nothing in this bill that would ensure that the National Security Agency will do a better job translating warnings of terrorist threats.

I am not opposed to reorganization. In fact, I'm convinced that there are steps we can take that will make sense and improve the functioning of our government. But it has to be done in a way that minimizes disruption and bureaucracy and maximizes our ability to confront the terrorism threats that we face.

There's an old adage that those who don't remember the past are condemned to repeat it. But we may do exactly this in our headlong rush to create the new Department. The history of past reorganizations is not reassuring. The Department of Energy was created 25 years ago and it is still dysfunctional. The Department of Transportation was created 35 years ago, yet as the National Journal reported this week, it "still struggles to make its components cooperate, share information, and generally play nice."

The model that we are supposed to be emulating is the creation of the Department of Defense 50 years ago. But for over thirty-five years, the Defense Department was riven with strife. In 1983, when President Reagan ordered the invasion of Grenada, the Army and the Marines had to split the island in half because they couldn't figure out how to cooperate. It was not until the Goldwater-Nichols Act of 1986 that the problems created in the 1947 reorganization were finally addressed.

To avoid the mistakes of the past, we have to do a careful job. But the process we're following is not encouraging. The reorganization plan was released before the Administration completed its work on the national strategy to provide homeland security, so it's impossible for us to assess how this reorganization will contribute to the national strategy.

Moreover, the White House proposal we are considering today was put together by a handful of political appointees working in secret. The agencies with expertise were excluded from the process. In fact, there was so little communication between the White House and the agencies that one important agency had to call us yesterday to find out how it fared under the plan.

And here in Congress, we are operating under an expedited schedule that is likely to make thoughtful deliberation difficult.

If we were following regular procedure, our Committee would be the lead, and we could ensure that the complex issues raised by the proposed reorganization are carefully explored. But we've been stripped of that role by the House leadership.

These days there seems to be a lot of bipartisan self-congratulation going on, which makes us all feel good. But the time for congratulations and elaborate ceremonies comes when we have captured Osama bin Laden and the other al Qaeda leaders, when we have arrested the criminal who launched the anthrax attacks, and when Americans from California to New York go to bed at night knowing that our intelligence agencies are in the best position possible to thwart terrorism.

We have a long way to reach these goals. It is our job to ensure that the new bureaucracy we are creating makes a positive -- and not a negative -- contribution to this effort.