



One Hundred Tenth Congress
U.S. House of Representatives
Committee on Homeland Security
Washington, DC 20515

February 7, 2008

The Honorable Michael Chertoff
Secretary
Department of Homeland Security
Washington, DC 20528

Dear Secretary Chertoff:

In less than a year, a new President will be sworn into office. Because the Department of Homeland Security was created in 2003, the upcoming change in Presidential administration will mark the first time the Department will undergo a Presidential transition.

And while this transition represents a situation of first impression for the Department, one must be mindful that this process will be undertaken in the face of other significant concerns. As the National Intelligence Estimate¹ concluded “the U.S. Homeland will face a persistent and evolving terrorist threat over the next three years.” These factors, taken together represent a unique challenge this agency.

Thus, in furtherance of this Committee’s primary oversight jurisdiction over the Department of Homeland Security, it is my duty to examine the Department’s ongoing transition process to ensure a seamless and orderly changeover.

Planning to implement this critical transition process cannot be handled as if it were a routine exercise. As you know, in the event of an incident of national significance during the early days of a new administration, poor transition planning can put the security of our nation, the well-being of our people and the functioning of our commercial sectors at risk. As you recognized in a recent interview, “it is in the transition period, when people are doing the handoff, that there is a natural degree of confusion, which creates an invitation to people to carry out terrorist attacks or other damaging enterprises.”² If proper resource assessments and policy reviews are not available for the incoming administrators to review, this confusion could well lead to an ineffective response and exacerbate an already unfortunate situation. Without appropriate planning and a comprehensive assessment of the successes and failures within each component, a future administration will be ill-prepared to evaluate the Department and its programs during a crisis.

¹ *The Terrorist Threat to the U.S. Homeland*, National Intelligence Council, July 2007

² Stephen Barr, “Homeland Security Prepares for Its First Transition,” *Washington Post*, Jan. 21, 2008.

I have regularly discussed with you my concerns about the Department's numerous personnel vacancies. In addition to my repeated requests to fill executive level non-political career civil service positions, you may also recall the "To Do" list that I transmitted to the Department in September 2007, which mentioned the importance of planning for the mass exodus of political appointees that will occur during the transition. This exodus is likely to have a major impact on the day-to-day operations of the Department due to the Department's disproportionately large number of political appointees.

In recent weeks, press accounts have raised the specter that some political appointees will be or have been converted into positions formerly occupied by non-political career civil servants. I am sure that you would agree that it would be inappropriate to fill career non-political executive level positions with political appointees absent an open and fully competitive process. While I understand that some could argue that these individuals may be well-qualified and can provide continuity during a transition period, others could well argue that to permit political appointees to occupy non-political positions could be viewed by some as an attempt to insulate political appointees from the vagaries of the political appointment system and provide an internal obstruction to the policies of a new administration. Clearly, the latter interpretation is deeply troubling.

Thus, I am seeking your assurance that within the next 60 days, you will issue a policy directive to prohibit the "burrowing in" of political appointees into non-political career positions within the Department.

Because I look forward to working with you to ensure that the next administration receives a comprehensive transition package from each component within the Department, I am attaching a copy of the questions that will be sent to the head of each of the Department's components seeking information about the transition plans in each of the Department's components. I ask for your commitment in ensuring that this Committee will receive timely answers to these questions.

But in addition to the questions to the components, I am seeking the following information from you:

1. Contact information for the individual/s responsible for the transition process at the Department. Please indicate whether these individuals are government employees or contractors.
2. Contact information for the individuals comprising the transition team managed by Acting Deputy Secretary Paul Schneider.
3. Budget information for the transition process.
4. A list of tasks associated with the transition plan and a timeline for completing all tasks.

5. A copy of the draft or final version of the Department's transition plan. If no version exists, please provide a timeline for completion.
6. The management directive or regulation describing the hiring process for political appointees in career positions.
7. A list of former political appointees who have since transitioned into career positions as of January 1, 2007.
8. A copy of the "color-coded chart" kept by Acting Deputy Secretary Schneider that contains a list of positions filled with career officials. This chart is described in the January 11, 2008 Wall Street Journal article entitled, "Homeland Security Handoff – Career Employees Move into Positions Once Held by Political Appointees."
9. Any documents or briefing materials prepared for the "summits" that will be led by Acting Deputy Secretary Schneider.
10. A list of leadership conferences and crisis drills that the transition team will be attending or coordinating in the upcoming year.
11. A listing of any and all contractors or private entities that are or have been involved in the transition process along with a narrative explanation of the role played by each entity.

In acknowledging the importance of the transition in a recent interview, you stated "we should not let ourselves drop the ball on the handoff."³ I look forward to working with you to make certain that no fumbles occur during the transition process. I believe it is our duty to provide the people of this nation with a comprehensive playbook that will not only lead to a successful transition but will chart the course toward freedom from fear.

Please ensure that the Department's responses are received by the Committee no later than February 15, 2008. If you have any questions, please feel free to contact Cherri Branson, Chief Oversight Counsel at (202) 226-2616. Thank you for your cooperation and assistance in this critical endeavor.

Sincerely,



Bennie G. Thompson

Enclosure(s):

³ Siobahn Gorman, "Homeland Security Handoff -- Career Employees Move Into Positions Once Held By Political Appointees," *Wall Street Journal*, Jan. 11, 2008.

Committee on Homeland Security
Requested Transition Plan Information

1. Contact information for the individual/s responsible for the transition process within your directorate. Please indicate whether these individuals are government employees or contractors, and if they are government employees, whether they are political appointees or career civil servants.
2. An itemized budget for the transition team.
3. A list of tasks associated with the transition plan and a timeline for completing all tasks.
4. A copy of the draft or final version of your directorate's transition plan. If no version exists, please provide a timeline for completion.
5. For fiscal years 2007, 2008, and 2009, a comprehensive list of staffing numbers, including a comparison of the number of FTEs assigned versus the number of actual "on board" employees and a listing of the ratio of FTEs to contractors. Please include pay plan and appointment type.
6. A description of the major programmatic accomplishments of FY 2007 and FY 2008 for your entity.
7. A description of your goals for FY 2009 and FY 2010.
8. Any documents or briefing materials prepared for the Department Transition Team managed by Acting Deputy Secretary Paul Schneider.
9. A list and description of any new positions you anticipate creating that you believe will facilitate a smooth transition (*e.g.*, the recently created Deputy Under Secretary for Management), as well as the plan and criteria for filling any such new position.
10. A priority list of action items that your successors may want to address at the outset of the new administration; a detailed explanation of why each item is being prioritized in this way; what actions you recommend be taken for each item; and a contact list that includes the names and contact information for persons within your office, at other Federal agencies, and in the State, local, tribal, and private sector communities who you have worked with who are familiar with each action item."
11. A listing of contracts with a total dollar value in excess of \$100 million that are expected to carry over through the transition. This information shall be itemized by contractor, project, and dollar amounts obligated.