

Statement of Senator Daniel K. Akaka

Keeping the Nation Safe through the Presidential Transition

**Subcommittee on Oversight of Government Management,
the Federal Workforce, and the District of Columbia**

September 18, 2008

Today's hearing — *Keeping the Nation Safe through the Presidential Transition* — will examine planning for homeland security risks associated with the upcoming presidential transition.

The federal government faces a serious challenge as we prepare for the first presidential transition since the attacks of September 11, 2001. History — including the February 1993 bombing of the World Trade Center and the October 2000 attack on the U.S.S. Cole, as well as more recent attacks in Madrid, London, and Glasgow — suggests that terrorists may target the times shortly before and after governmental transitions. Because of the increased risk, smooth performance of the federal government's homeland security functions is critical.

I want to commend officials at the Department of Homeland

Security (DHS) for the seriousness with which they are planning for the upcoming transition. The Department has invested considerable time and energy in transition planning.

But DHS starts at a disadvantage in transition planning. Just created in 2003, it is now the third-largest cabinet department. The Department has been on the Government Accountability Office's high-risk list since it was created. It has faced many tests in its short history – and it has not always handled them well. Even without the transition, I believe that DHS presents the most serious management challenge in the federal government today.

Substantial gaps in DHS leadership will make it difficult for DHS to ensure leadership through the transition. According to the National Academy of Public Administration's June 2008 Report, *Addressing the 2009 Presidential Transition at the Department of Homeland Security*:

- Eighteen percent of executive positions – nearly one out of every five top positions – are vacant.
- Half of the executive positions at the National Protection and Programs Directorate are vacant.

- Forty percent of executive positions in the Office of General Counsel are vacant.
- And perhaps most troubling, one fourth of the executive positions at the Federal Emergency Management Agency are vacant.

High vacancy rates will compound the burden placed on top career officials when appointees leave. I know that DHS is working to address this situation, but time is running short.

Many of the career employees, called on to juggle multiple roles during the transition, have been in their current positions only a short time. DHS has had the highest career executive turnover rate of any cabinet department over the last several years. More than half of current career executives have been in their positions for less than two years. Low morale and high turnover have plagued DHS since its creation. This is a serious management problem and now a serious transition concern, and it must be given urgent attention.

I am pleased that the Department increasingly has placed career employees in positions of authority. Most components have a career employee in the deputy position. Those career deputies will be able to

fill the shoes of the appointee leading the component when he or she leaves. The Department has identified the career employees who will take the positions of other critical appointees until their replacements start as well.

The Department's core management functions should be undertaken without respect to politics or ideology. That is why I joined with my good friend Senator Voinovich on a bill (S. 2816) to allow the DHS Chief Human Capital Officer to be a career civil servant, as well as on *The Effective Homeland Security Management Act* (S. 547), which would convert the Under Secretary for Management into a deputy position with a term appointment. These bills would improve continuity during presidential transitions and would promote better management.

Ms. Duke, as I said during your confirmation hearing, I am pleased that you are willing to continue serving at DHS through the presidential transition. I hope that the next President considers keeping you in your position until your successor is confirmed. Your extensive management experience would prove especially valuable

during the challenging transition time and your many years in the civil service would give you the credibility to help bridge the gap between the outgoing Administration and the new one.

Turning now to the new leadership that will come on board after the inauguration – the new Administration’s national and homeland security appointees must be nominated and confirmed more quickly than has happened in the past. This was a recommendation of the 9/11 Commission, which observed that many of President Bush’s critical appointees were not confirmed until the summer of 2001 or later. Indeed, no Administration has had more than 60 percent of its cabinet and sub-cabinet appointees confirmed by August of its first year. Speeding this process will require the commitment of the incoming Administration, the current Administration, and the Senate.

The new President will need to identify, vet, and choose his nominees very quickly, which will require a clear understanding of current homeland security problems and the incoming President’s priorities in addressing them. There are only eleven weeks between the election and inauguration day. Both candidates’ teams should be

working hard now to choose their potential transition team and key nominees.

The Intelligence Reform and Terrorism Prevention Act of 2004, implementing a 9/11 Commission recommendation, allows the presidential candidates to submit requests for security clearances for their prospective transition team before the election and allows the President-elect to submit requests for other nominees right after the election. I hope the candidates take advantage of that change.

The current Administration must expedite the processing of security clearances and suitability reviews for nominees who need them. Senator Voinovich and I have worked for years to reform and modernize the security clearance process. Some progress has been made in speeding the process and reciprocity of clearances. But the process remains too slow and too paper-intensive throughout the government.

Finally, the Senate must expedite the confirmation process. The post-election period will be a time of transition for Senate as well as the executive branch, with new members elected and changes in

committee membership. It will take planning, focus, and dedication to ensure that the confirmation process is thorough, fair, and fast.

I want to thank Senator Voinovich again for his work on this issue. We are both firmly committed – whichever party will occupy the White House next year – to ensuring that the transition goes smoothly. As I stated last week at this Subcommittee’s hearing on general government transition planning, even as the Senate legislative session winds up, this Subcommittee will continue working to see that Congress, the current Administration, and the next Administration do all that we can to keep the Nation safe through the transition.

I know that DHS takes this issue very seriously as well. I look forward to hearing more about DHS’s challenges and progress in preparing for the transition. I want to thank our witnesses for being here today to discuss this critical issue.