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Department of Homeland Security: Charting a Path Forward

The Honorable Michael Chertoff

I want to thank Heritage first of all for hosting me. I also want to thank Heritage for allowing us to shamelessly steal their ideas and some of their personnel in the course of setting up the Department of Homeland Security. Heritage, as you know, has produced a number of very thoughtful reports about the challenges at Homeland Security.

We've adopted a lot of the recommendations. One of the notable ones was the creation of a policy office. I'm pleased to say we've pirated a top person from Heritage to come and help us get that up and running. I think the recommendations have been very thoughtful. And so this is, I think, a very appropriate place for me to discuss the way forward.

It has been a little bit over a year since my coming on board as Secretary, and it certainly has been a very eventful year of facing challenges—from the bombings in London in July of last year, to Hurricane Katrina, to many of the budget challenges we have, and including other hazards that may come up in the next year, such as the avian flu.

I think we have had an opportunity now to look back over a year and learn some very interesting and important lessons about how Homeland Security can work and should work. Before I get into the substance, though, I want to pay special tribute to Attorney General Ed Meese. I actually served under him at a very low position; I'm sure he didn't know who I was. I was an Assistant U.S. Attorney at the time.

Talking Points

- The Department of Homeland Security is building an architecture for managing risk that addresses the serious risks, deals with them effectively, but does so in a way that doesn't compromise our fundamental values.
- DHS is working with state and local governments in the Gulf region to be sure that the necessary plans and resources are completely in place when hurricane season begins on June 1. It also has begun to re-tool FEMA for the 21st century.
- It is using additional border patrol agents and high-tech tools to apprehend illegal migrants and return them promptly to their countries.
- To safeguard critical infrastructure, it is stepping up high-tech cargo inspection; deploying specialized rail security teams, and is seeking to toughen security for chemical manufacturing and transport.

This paper, in its entirety, can be found at:
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But he provided tremendous leadership to the Justice Department, and he continues to do so to the country as a whole, in terms of bringing very thoughtful suggestions about how we order ourselves in some of the most fundamental ways that government operates; where the proper allocation of responsibility is among the various levels of government; what it means to be part of the rule of law; and of course, his very important work in terms of making sure that our courts are functioning as envisioned by the Framers.

This Friday, I'm going to Asia to meet with my counterparts in Japan and China, Hong Kong and Singapore. This is, therefore, a good opportunity for me to talk about three areas which I think will be the critical points of triangulation in terms of our next year of opportunity and challenge at the Department of Homeland Security. One of these is preparedness. This past year, we set up for the first time a director of preparedness with the sole function of creating accountability for the execution of true preparedness for all hazards in the United States.

The second is addressing the issue of illegal migration. Illegal migration is a problem that has been with us for over 20 years. We have addressed it in fits and starts. Clearly, the American public in 2006 has reached the point of demanding serious solutions. And when I say serious solutions, I don't mean cosmetic solutions or feel-good solutions, but I mean solutions that have a real prospect of providing a durable resolution of the challenge of illegal migration—the challenge that it brings to the rule of law, the challenge in terms of our national security concern, but also the challenge it poses to our desire to reconcile our ideals about border protection with the realities of the economic demand that is bringing literally hundreds of thousands of migrants into this country every single year.

And the third piece I want to talk about briefly is protecting our critical infrastructure. We've had a lot of discussion in the last several weeks about protecting the ports. My job, however, is not to go from protecting the ports to protecting the railroads to protecting this and protecting that, following along as the media focuses in fits and starts on the particular news of the day. My job is to always make sure

that our approach to protecting critical infrastructure is comprehensive, that it looks at all of the threat, not merely the one that happens to be capturing public attention at any given moment, and to make sure that it's balanced, to make sure that we do not take steps in the name of protecting ourselves that are so destructive to our way of life and to the foundations of what our society is about that we in effect burn down the village in order to save it.

The essence of Homeland Security is recognizing the tradeoffs and managing the risks. And that means, as I've said before, not pretending that we can guarantee every single person against every bad thing happening at every moment in every place. We can't do that. And if we could do it, it would be at such a horrendous cost, that I think it would transform this country. So I think we need to continue to drive through an intelligent and properly risk-managed approach to critical infrastructure.

Preparing for Disasters

Now, let me turn to each of these topics in turn. We look at the issue of preparedness against the background of one of the most catastrophic natural disasters in American history, which was Hurricane Katrina. Actually, there were three hurricanes in a row: There was Katrina; there was Rita, which came very closely thereafter; and then there was Wilma, which was actually the most powerful of the storms. Taken singularly and certainly taken together, these storms posed a challenge to our preparedness and our response unlike we've ever had in our history.

Look at Katrina, which devastated 90,000 square miles—that's roughly the size of Great Britain. Well over a million people had to move out of the area. More people migrated after Katrina than in any other previous mass migration in American history, except for the Dust Bowl, which took place over a period of decades and not over a period of days. When you consider all of those things, you realize that the lessons learned from Katrina are both salient but also a little bit extraordinary, and we have to be careful when we apply those lessons not to confuse the truly super-catastrophe with the ordinary disaster, which is more or less with us on a year-in and year-out basis.

But we can make some generalizations. The essence of preparedness is planning and integration of execution. If you don't have a proper plan, improvisation is not going to give you the answer that you need when you're in the middle of the storm. And from the same standpoint, if you don't integrate all of your organs of power and all of your authorities and all of your capabilities, if you stove-pipe them, you are going to have very much less than the totality of effort which I think the public rightfully expects when we do have a catastrophe.

So we have to look forward and ask ourselves what are the kinds of planning and what are the kinds of integrated capabilities we need to have going forward to be truly prepared. And we do that against the looming date of June 1, which is the onset of hurricane season for this year. It doesn't mean the first hurricane will come on June 1, but it does mean that some time after June 1 we will get a hurricane; we'll get a number of hurricanes. I can't tell you whether they will be stronger than last year's or more frequent than last year's, but I can tell you we will be more prepared than we were last year.

How are we going to do that? Well, first we have to remember the primacy of the role of state and local government in disaster preparedness and response, not just a matter of our federal system under the Constitution, but as a matter of common sense. Ultimately, preparedness and response has to begin in the first instance with your state and local responders. They understand the landscape; they understand the people; they understand the particular challenges when a hazard comes in a particular location. Any effort to try to build a plan or to execute a plan that is not built around state and local capabilities is doomed to failure.

As a consequence of the recognition of this core fact, the President directed last fall—very soon after Katrina, when he spoke in Jackson Square in New Orleans—that we begin an immediate evaluation with our state and local partners of the state of their evacuation and emergency plans. We completed stage one of that on February 10, meeting our deadline. It showed, frankly, a mixed bag. Using the red, yellow, green type of evaluation structure which we often see, there were some greens; there were some yellows; there were also some reds. He

told us we had a significant amount of work to do. We are now, as we speak, in the process of working with our state and local partners on getting that work done.

The first place we're looking to do this is in the Gulf. We recognize the Gulf faces an unusual challenge this year because we have only partly rebuilt communities. And so we're going to probably need to pay more attention to what the requirements are and what the capabilities are in the Gulf than in any other place in the country. In the next two weeks, I'm going to direct George Foresman, our Undersecretary for Preparedness, and David Paulison, our Acting Director of FEMA, to personally go down to the Gulf and to continue the process of planning we have already undertaken by meeting with political leaders and making sure we are very clear that we must be on a path to being completely prepared for hurricane season by June 1.

We must understand what the plans are; we must understand what the state and local requirements are; we must have a clear, blunt assessment of what their capabilities are. When we get that, we will be prepared to look at what additional capabilities we need to bring to the table. We're going to undertake this planning, not only using the resources of DHS, but the resources of all of the other departments of the federal government including the Department of Defense. But of course, we have to get our own house in order, as well.

So even as we are working with the state and local authorities on their plans and preparedness, we have to begin the process of re-tooling FEMA for the 21st century. What does that mean? Well, it means first of all, we ought to have the ability to manage and track our supplies—food, water, other necessary items—using the same kind of visibility that UPS uses when you send a pair of sneakers to your kid at college and they track the sneakers from the time they get picked up to the time they get delivered. We have to be able to do that for the necessary commodities that come into play anytime there is a disaster. So we are going to be contracting this year in anticipation of June 1 for total asset visibility on all of the goods and commodities that we're going to be calling upon in the case of a disaster.

We also have to re-tool our way of dealing with such things as what I call claims management, people who are victims who need to become registered, who need to know what is available to them under the law by way of emergency care and emergency compensation. Last year we were overwhelmed by the sheer, massive numbers of people, literally hundreds of thousands of people seeking aid. This year we have to put into effect and we will put into effect contracts that give us a surge capability to deal with hundreds of thousands of telephone calls for people who are displaced if we should have another mass catastrophe.

Third, we have to address some of the issues that arise with our current contracting on debris removal. You know, there was a story in the paper today about people complaining that the cost of debris removal when the federal government executes it is very much greater than when local businesses do it. The fact of the matter is, this past year we actually changed our rules to encourage communities to hire local construction firms to do debris removal—to actually create an incentive to move them away from the Army Corps of Engineers and into local contractors.

We want to continue to build on that. The Army Corps will be available to do debris removal when communities feel they need to get someone to come in quickly and do the job entirely on its own. But where local communities want to have debris removal done with local firms, which makes economic sense and which is cheaper, we have constructed a system that will allow them to do it with as much financial incentive as if they used the Army Corps.

Finally, communications: We're going to be putting enhanced communications capabilities into the hands of our responders in the field and state responders in the field to deal with those circumstances where the basic operability of communications collapses.

Before I leave the area of preparedness, though, I have to turn to that group of people who have the single most important responsibility when it comes to preparedness, and that is individual American citizens. It's been doctrine and been understood by

firefighters and other emergency responders for decades that you cannot count on help coming in the first 24 or even 48 hours of a catastrophe. People who prepare themselves by having food and water and necessary medicine, radios, and plans so that families know, for example, if they're separated to go to a particular place in order to meet; people who are prepared with that kind of planning do much better if they have to wait 24 or 48 hours than people who don't do that planning.

The fact of the matter is we all face risks, but we all as individual citizens have it in our power to deal with those risks because we can prepare ourselves. There are a lot of tools available; there are tools on the Web; there are Web sites that DHS has, that HHS and other government agencies have that will tell people what they need to know to do the preparation. But the real power and determination can only be supplied by the individual citizen and by individual families.

And I would say that taking the steps to prepare yourself as an American citizen is not only a way of empowering yourself but it is discharging a civic responsibility, because those who are able-bodied and fail to prepare distract the responders from helping those who are not able to help themselves and therefore are simply unable to prepare. So I think we all owe it to each other to do the kind of preparation that allows responders to focus on those most in need.

Securing America's Borders

Let me turn to the border. As I said before, the border challenge has been with us for decades. But certainly in the wake of 9/11 there is a new urgency from a national security standpoint to dealing with the border. Some people say we can't surmount the challenge; they say it is inevitable we will lose, and therefore they disparage our efforts to try. I do not believe that. I remember—and I think General Meese will remember—that before the 1980s people believed traditional organized crime would be with us forever, and we would never be able to make inroads against the leadership of the Mafia. But I can tell you that in the 1980s, with some very good planning and the application of smart resources, we actually began the process of disman-

ting organized crime, getting them out of labor unions, getting them out of legitimate businesses, While the job isn't done, traditional organized crime is only a shadow of what it once was.

So I am convinced that with the proper planning and application of resources in an intelligent fashion we can do the same thing to get control of our border. What does that mean? First, it means an integrated, sensible, systems-based approach to how we deal with illegal migration as it comes across the border. It does require additional personnel. The President's budget this year adds 1,500 border patrol agents on top of the 1,500 we put in last year, which will get us up to almost 14,000 border patrol agents on the border. It certainly means more roads and more fences and vehicle barriers in critical, strategic locations, and we are on track to providing that. But it also means hi-tech, using some of the tools that we can bring to the challenge that the criminal organizations don't have. We've got unmanned aerial vehicles that we are now using to get better visibility about who's coming across remote parts of the border. We have the capability to use satellite imagery to help us locate threats across the border.

As we are in the process of integrating all of these hi-tech capabilities through a process we call SBI Net, which is underway this year. We are going to build ourselves what I call a virtual fence. This is not a fence of barbed wire and bricks and mortar, which I will tell you simply doesn't work, because people just go over the fence, but rather a smart fence, a fence that makes use of physical tools, but also tools about information sharing and information management that let us identify people coming across the border and let us plan the interception and apprehension in a way that serves our purposes and maximizes our resources, thereby giving our border patrol the best leverage they can have in order to make sure they are apprehending the most people.

But there's another part of this. When we catch people, what do we do with them? Up until this past year, non-Mexicans who couldn't simply be sent back across the border to Mexico were released because we didn't have enough beds to detain them, and when we detained them it took too long

to send them back home. Now common sense is going to tell you this is a completely unacceptable way to do business. For one thing it sends a perverse incentive out. It basically says to non-Mexicans, "Get across the border; get caught, and you'll be released." So, not surprisingly, we saw non-Mexicans coming up through Mexico and crossing the border into the United States.

We're committed to changing that now. We are now moving this year from catch-and-release to catch-and-return at the border. That means every person that we get at the border who is here illegally will be detained until they are removed. To do that, we are, first of all, cutting the removal time, making it quicker by using modern technology and also, frankly, by negotiating vigorously with our overseas partners to make sure they take their migrants back. Second, we're bringing more beds into play so that we have more capability to detain people while we are arranging to remove them.

I will tell you that we have essentially succeeded in ending catch-and-release for all but three groups of people who are coming across the border. The first group is families. Up until now, we have not had the ability to detain families that have come across as a group because we don't have the capability to keep them together in a detention facility. Again, to show the perverse incentive involved, we've actually got anecdotal information that some smuggling groups now essentially pay for children to come across the border with people being smuggled so they can create fictitious family groups because they understand that they'll be released if they are families, as opposed to individuals.

So we're going to address that by opening up, in early May, a family-focused detention facility, so that we will now be able to detain families that come across illegally. This is, by the way, not only a smart way to defeat this incentive for bringing children in as, I guess you call them window dressing for smugglers, but it actually is humanitarian, because we want to discourage people from bringing children on what is a very dangerous journey across the border into the United States.

The second thing we're going to do is to work with the countries that are still a little bit slow to

take their migrants back. I expect to begin conversations with the leaders of a couple of those countries in the next few weeks. I'm hopeful that they will understand the importance to them and the importance to us of making sure that when their citizens cross into our country illegally, they have to work with us to get them back home as quickly as possible. So that's the second challenge that we have and the way we're going to meet that challenge.

The third is, frankly, the most complicated. There is one group of illegal migrants that come in across the border that we are not permitted to remove in an expedited fashion; that is people from El Salvador. And the reason for that is because there is an almost 20-year-old court order, dating back to the time that El Salvador was in a civil war, that essentially makes it impossible to apply expedited removal to illegal migrants from that country. Now that court order was issued at a time that we had INS, we had a civil war in El Salvador, and we had a group of people who were running INS. Those people have gone, INS no longer exists as an organization, and there's no longer a civil war in El Salvador. All we have left from that period is the weight of a court order that is almost 20 years old.

We are seeking to go back to the courts and get that order lifted and to use other legal tools to allow us to finally bring expedited removal to this last group. I can tell you that if we are permitted to use expedited removal with this last group of migrants, we will not only have catch-and-remove by the end of this fiscal year, which is what I promised almost a year ago, we'll actually do it this summer. But we need to have help in getting over these final obstacles.

Finally, I can't leave the border without talking about interior enforcement. The fact of the matter is that the strong demand that pulls people across the border is an illegal demand; it's a demand for illegal workers. To deal with that demand, we have to use two approaches. We have to come up with a method that allows people to satisfy that demand for workers in a regularized, legal channel that is not an amnesty. I think that the solution there is a temporary worker program, as the President has outlined.

But the second piece is that we have to sanction those who are unwilling to follow the law, and that

means sanctioning not only the migrants themselves but sanctioning the people who employ the migrants. Right now, we find ourselves hamstrung in this regard as well. For example, currently the Social Security Administration compiles information about Social Security numbers that do not match names or Social Security numbers that consist of simply a string of zeros, which is pretty obviously not a legitimate Social Security number. But we still do not have the ability to access that information in a way that would allow us to identify people who are working illegally and that would allow us to help employers make that kind of identification.

There's currently an effort in Congress to correct that, to give us the ability to send requests to the Social Security Administration to identify for us numbers in Social Security that are being used fraudulently for illegal purposes, including illegal work. If we can get that legislative fix, that will give us another tool that we need in order to make sure we can get the job that the American people want done actually accomplished, and that is to get control of our borders, to get control of this illegal work force, and to satisfy legitimate work in a legitimate fashion.

Safeguarding Critical Infrastructure

Finally, let me turn to critical infrastructure. A lot of attention has been paid to ports in the last few weeks, as I've said, and I'd be the first person to tell you we have more work to do. But I also need to tell you that a lot of work has been done. It is not fair to suggest that the ports are in the same condition they were from the standpoint of vulnerability four years ago; quite the contrary. I will tell you that if you consider the President's fiscal year 2007 proposed budget, if that passes, we will have spent almost \$10 billion on port security, including billions of dollars on the Coast Guard and hundreds of millions of dollars on Customs and Border Protection, which have the responsibility for maintaining security in our American ports.

We will, by the end of the year, be putting two-thirds of containers through radiation portal monitors either overseas or in this country, and next year we will get close to 100 percent. We are rolling out additional new next-generation radiation detection

technology that is more precise and easier to use starting within the next couple of months. Our Container Security Initiative that gives us the ability to inspect high-risk cargo overseas will by the end of the year cover over 80 percent of the container cargo that comes into this country. The fact of the matter is, we screen 100 percent of containers that come into this country to see whether they are a risk. And containers that pose a high risk are inspected either through X-ray machines or actually by physically breaking bulk. So while we have more we can do, we have done quite a bit.

What is the way forward here? I think it involves even better information about the constituents of the supply chain, going back from the time of manufacture all the way through the transporting process before the cargo gets to the container. The more information we have, the better the targeting, and the better the targeting, the more precise our ability to inspect. It also involves exploiting new technology. For example, I know there's a pilot program in Hong Kong now that looks to do some form of scanning of containers before they even get loaded. I look forward to visiting the Port of Hong Kong on my trip to Asia; I want to see it for myself. If there are some valuable techniques we can adapt, we'll adapt those techniques because, again, we want to raise the level of security, but we want to do it in an intelligent way.

Finally, we need to finish the job of getting our transportation worker identification credential into play here in U.S. ports. This is an initiative which languished for too long. We're committed to getting this underway in the next few months, and that will be the final piece of security that we need to make sure that we are covering the entirety of the supply chain from the point of loading to the point of unloading here in the United States.

But I want to leave you with this thought: Sometimes I hear people say, "Well, you don't come close to physically inspecting 100 percent of the cargo that comes into this country." And the answer to that is: That's right; we don't. Because if we were to do so, we would destroy the maritime shipping industry in the United States; it would simply be too slow. We have got to be smarter about security; it doesn't mean we have to be more heavy handed

about security. And of course, the people who would lose, in addition to the consumers, would be all those dock workers and people who work in the maritime industry who would find themselves thrown out of work.

That comes back to the fundamental principle of risk management. We don't eliminate risks; we manage risks; we prioritize risks, and then we focus on the risks that are the most significant and use smart methods to minimize and get rid of the risks, as opposed to clumsy and heavy handed methods. Cargo coming through the ports, however, is not the only area of vulnerability. Rail security, which was in the headlines last July, has faded from the headlines, but it hasn't faded from our agenda. We learned a lot of valuable lessons after the London attacks working with our colleagues in Britain.

The President's budget adds \$200 million in fiscal year 2007 for transportation infrastructure protection grants that can be used for rail security. We are now piloting what we call "Viper Teams," which are specialized teams of trained TSA employees with dogs that we can send out when there is an elevated risk in a transit system to do more effective searching for explosives and other kinds of threats. We've got additional funding for rail inspectors, and we are looking at additional kinds of screening technology that would give us a better capability of screening for explosives when people come into areas like rail terminals or rail stations.

One of the things in particular I think we're interested in pursuing is video surveillance, which proved itself in Britain, not so much as a preventer of terrorism, but as a wonderful forensic tool that allowed the British to identify people who had carried out an attack and thereby created a head start on finding their confederates and their co-conspirators.

Air cargo security: Obviously, we screen everybody's baggage when they get in an airplane, but we have to look at the cargo as well. And that means we are starting to apply to the air-cargo supply chain what I've described we're doing with respect to the maritime cargo supply chain—a risk-managed, threat-based approach that elevates the security against the significant risks without destroying

the air-cargo system itself. There are a lot of techniques we're using: threat assessments, random screening, and enhanced capabilities for explosive detection. TSA has established an air-cargo working group to get feedback from stakeholder. The goal here, as with maritime cargo, is to screen 100 percent of air cargo and inspect 100 percent of the high-risk cargo. This summer TSA will deploy an automated known-shipper management program, and we've got additional money in the budget this coming fiscal year to allow us to progress forward on this very important air-cargo security initiative.

Finally, let me turn to chemical security. Again, this is a subject which waxes and wanes in the news cycle but remains for us ever-present as a very, very significant challenge. The fact of the matter is chemical plants and in fact, transportation of chemicals remains a vulnerability because, as we know, terrorists tend to want to exploit our own technology and our own capability against us by making our infrastructure into a weapon to be used against our own people. Clearly, certain categories of chemicals do raise a risk of being exploited by terrorists who want to cause havoc either by creating explosions or by having toxic inhalation affecting significant parts of the population.

The chemical industry itself, of course, has done a lot to increase security, but that may not be enough. In particular, I'm concerned about the problem of free riders. Individual chemical companies or plants that do not want to invest in security because they count on the fact that the industry in general has a good level of investment and they figure they will hide among the weeds and essentially freeload on the security work done by others.

That's not acceptable to the public, and it's not acceptable to those chemical companies which are good corporate citizens. Progress on this has stalled for too long. We do need legislation and congressional action and leadership on this point. I know there's a bill in Congress; we look forward to working with Chairman Collins and Senator Lieberman on their bill and having some back-and-

forth dialogue with them. I think we look forward to working with anybody else who's got a bill.

Tomorrow, I will set forth publicly the basic principles that we believe any congressional bill should contain. The goal here again is to raise the overall level of security but not to strangle the business or burn down the village in order to save it. It is to have flexibility, appropriate risk management, smart use of technology and not heavy handed strangulation or overregulation.

Risk Management the Right Way

I've covered a lot of ground because we have a lot of ground to cover. My basic message is this: Whether something's in the news cycle or out of the news cycle, we are paying attention to these threats 24/7. This department—and in fact the federal government as a whole—and our state and local partners, have done a lot to elevate the general baseline of security in this country. It doesn't mean that the job is over or that we've done it perfectly, but it does mean that we need to recognize that a lot has been done.

At the same time, we need to have a very clear sense of the overall strategy going forward. We are in this business to protect the country for a long period of time; this threat will not go away in a year or five years or 10 years. We have to build an architecture for managing risk that addresses the serious risks, deals with them effectively but does so in a way that doesn't compromise our fundamental values, whether those values are civil liberties or our economic system which provides the engine for prosperity in our country.

This department is committed to risk management in the right way. We will listen to suggestions; we will continue to learn and adapt; we will continue to make progress; and I look forward to working with this institution and others in building a stronger, safer, and prosperous America.

—*The Honorable Michael Chertoff is the U.S. Secretary of Homeland Security.*