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THE STATE OF U.S. HOMELAND SECURITY

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OPENING REMARKS:
SECRETARY MICHAEL CHERTOFF

REMARKS BY SECRETARY OF HOMELAND SECURITY MICHAEL CHERTOFF AT THE BROOKINGS INSTITUTION

SECRETARY CHERTOFF: Strobe, thank you for the introduction. Richard, good to see you again. And I appreciate your turning out to hear me talk about the state of homeland security. And I do so with the vantage point of being on the job for about a year and a quarter now, but also, as Strobe said, having been at the criminal division really at the inception of the modern-age of homeland security, which was the attack on September 11th. But as you know, the department has a broader scope than just terrorism, although terrorism is clearly a top priority.

Obviously, at this particular moment, there's a very vigorous debate about the issue of immigration, and that implicates the activities of my department very, very much. We also are clearly focused on the issue of increasing the protection of our critical infrastructure. We've had a lot of discussion about ports, and I'm going to spend a little bit of time telling you what we're doing in that regard.

And finally, of course, there's Mother Nature. Today is the official launching of hurricane season. It does not mean there's a hurricane on the horizon. Those tend to come a little later in the summer. But I think it's been a date that has focused us on the need to put into effect some of the lessons we learned during the course of the hurricanes last year.

Before I talk about these individual areas, I'd like to stand back and look overall in a strategic way at how we conduct business at the department. Here is the core fact of homeland security. We cannot protect every single person at every moment in every place against every threat. It's not possible, and even if it were possible, it would be prohibitively expensive. What we have to do is manage the risk, and that means we have to evaluate consequence, vulnerability, and threat in order to determine what is the most cost-effective way of maximizing security.

And that means that there are going to be some elements of security that will not necessarily get full coverage. To do otherwise would be to put us in a situation in which we would sacrifice our liberty and sacrifice our prosperity.

Risk management is easy to pay homage to in the abstract, but when actual decisions get made, it tends to rub the people who come out on the short end the wrong way. And our commitment on this issue is twofold: We are always willing to listen to criticism and discussion and facts that are being brought to our attention and to recalibrate. But at the same time, what we have to do is be candid with people about what it is that our constraints are, what our task is, and how we order our priorities. I don't think telling everybody what we're going to do with everybody's issues is a rational or particularly persuasive way of dealing with this very important issue.

Let me give you an example of risk management in action, drawn from today's newspapers. Yesterday we announced $1.7 billion in state homeland security grants. Now, I want you to recognize that this particular set of grants is against the background of a series of grants that we have given out over the past four years. And the first thing we do is we look at the grants cumulatively. What we are trying to do in awarding these grants is to build and invest in building capacity to increase security. It's kind of like a capital program, and like any capital program, whether it's building a new building, or rebuilding your house, you don't invest the same amount of capital every single year. What you want to do is get yourself up to kind of a basic level and then you want to make sure you’re adding as you can, but also raising everybody else's level to make sure we get the total maximum benefit for the most people. That's risk management.

So what we've done is we have put greater flexibility in, but we've put more strict and clear guidelines. We’ve weighed risk, but in addition to simply prioritizing grantees based on risk, we've also looked at what do they want to use the money for; what is the investment justification, particularly those investments which have a high value. Because some communities are operating from a low level of preparedness, those deserve extra weight. A community that has gotten money for investment year after year after year,

and has built up its general level of protection, its investment justification in terms of the marginal value of the additional dollar may be comparatively less.

And in order to try to be disciplined about this process of evaluating risk and also investment justification, what we did this year is not only put into effect a more sophisticated risk formula. But in terms of evaluating investment justification, we brought in peer reviewers from state and local government, obviously not passing on their own applications, to make a general evaluation of the investment justifications for the communities that were presenting proposals for grants. And I think that is the right way to do it.

Obviously, if you read the paper, you know not everybody is satisfied with it. But there's a couple points I'd make. As you look at this kind of issue that arises, because I think it speaks a lot to this question of risk management.

A very simplistic view of our awards with respect to this particular year's urban grants had a headline that said we were cutting aid to New York. That was, however, what I would say is an analysis taken well out of context. If you looked at the total number of awards at all levels, you realize that both New York City and New York state got tremendous amounts of money this year. But beyond that, if you looked cumulatively over the past four years at the urban grants, what you will see is that if you averaged the prior three years of grants to New York City, this year's grant was directly in line with all of those prior years taken on an average.

What had happened was, New York had a very low year, followed by a very high year that counter-balanced it. And people making the comparison only compared it with the high year. I think anybody who does basic statistics knows that's not an effective way to make a real comparison.

The fact of the matter is, and I want to be unambiguous, we have consistently ranked New York as the number one risk locality in the country, and for that reason, over the past four years of just this single one program, without even getting to the other programs, we've awarded more than $500 million to New York. That is more than twice the money given to the next-highest-ranked city, which is Los Angeles.

So when people make comparisons, I think it's important not only to look first of all at the full context, but to understand that part of our obligation is not only to make sure that our highest risk cities are continuing to build on the increasing base of security that we and they have provided to their citizens, but that we also take care to make sure that we're not neglecting those cities that have not had even that initial baseline, so that we can elevate all of the potential targets, always making sure that we are balancing with overall risk in the overall context of the situation.

Now another area where we have to manage risk is border security. And the President spoke again today about the importance of taking a comprehensive approach to immigration. This is a very controversial issue. I think the President well understands

and I well understand there are deep emotions that run on every single side of the discussion, and it touches on some of the most essential cores -- core feelings we have about what it is to be an American. On the one hand, I think all Americans have a fundamental belief that we ought to be able to control our borders and have the law apply and upheld. On the other hand, I think probably almost everybody here is the descendant of an immigrant, and so we do feel that in general people who want to come to the United States to work hard and better their family life are motivated by an impulse that I think we all understand and cherish and respect, because it's the impulse that brought our forefathers here.

The challenge is, how do you square these two, and how do you manage the risk, so that we keep out the people we really don't want in -- the criminals, the drug dealers, and the people who are even potentially terrorists, while upholding the rule of law, but also recognizing economic realities that have a very powerful effect on how we manage our borders.

Well, first, we do have to put the necessary resources at the border itself. And that's why, as the President announced a few weeks ago, we are -- have gone to Congress with a proposal that would ultimately double the number of Border Patrol by the end of 2008 in comparison to what we had when the administration began in 2001. That would get us up to 18,000, and in addition to that, there would be miles of fencing, tactical infrastructure, and beyond that, a 21st Century proposal for an integrated, high-tech, virtual fence, including unmanned aerial vehicles, sensors, infrared technology, which would allow us to bind together and leverage the value of these Border Patrol agents, in terms of maximizing control across the border.

A second part of this is recognizing that a huge element of what makes people cross the border is economic.

You cannot treat the border as an issue that is dealt with simply by the application of a large number of people at the border trying to stop people from coming over. The fact of the matter is people are willing to cross the desert in 120-degree heat with their children, putting their lives at risk to come to take jobs in the United States. And that's a powerful motivator. It's going to be awfully difficult to deter those people from coming across.

So there are two approaches. One is, you've got to deal with the issue of the employer who is luring people in with jobs, and that is more robust interior enforcement to give the employer a real incentive to comply with the law and make sure that they are following the law. But you also have to give people a path to follow the law that is a reasonable path.

Most employers want to stay in business, and if they are not able to satisfy their labor needs with a local labor pool, they are going to feel very strong pressure to bring people in from wherever they can get them. Giving them an ability to get temporary workers under a system that is not in amnesty, but that is regulated, that has built-in security features is the kind of approach that would answer this economic need and that would

also answer the pressure that pushes people to make that trek across the desert. This is kind of basic micro-economics.

So building a comprehensive system is, in my view, and I think in the view of the President, not only appropriate in terms of economics and fairness, but also the absolute necessity if we are truly going to have control of the border. It means more forces at the border, but it also means attacking the economic engine that is motivating so much of the pressure that applies in the area of immigration.

Turning to the area of critical infrastructure, the fact that we all know is that part of the critical mission of this department has to be raising the level of protection against acts of terror. Clearly we want to take the war against terror to the enemy, and every time we strike a blow against leadership of al Qaeda or affiliated terrorist groups overseas, we are increasing our homeland security.

But we have a layered defense system and part of that layer is to, in an intelligent and cost-effective manner, raise the level of protection of the targets in this country. We need to do it in a way that doesn't break the system we're trying to protect or that doesn't so damage the businesses that we're trying to fortify that the businesses themselves collapse. It would in fact be a victory for terror if we so encumbered our system with security that it ceased to function as a prosperous economy and as a free country.

So let me talk about some of the things we are looking to do. In the area of port security, we are looking at, in particular, risk management focused on high-consequence events. Everybody's nightmare scenario is a weapon of mass destruction, radioactive or a nuclear device, coming in through a container, coming in to one of our ports. Now if we believed in absolute security at all costs, we could easily deal with this problem. We would simply stop containers from coming into the ports, or we could take a solution that actually has been suggested by some people, which is a physical inspection of each container. But I want to suggest to you that either of these approaches would have such a destructive effect on the American economy that we would be handing the terrorists a victory on a silver platter.

What we want to do is be intelligent and risk-focused. That means we want to use intelligence-driven analytic tools to target those containers which based on their history and the history of the shipper and the consignee we ought to worry about. We want to continue to deploy radioactive scanning machines, looking to by the end of this year get two-thirds of the containers coming into the country scanned through those machines, and almost 100 percent by next year.

We want to go to the investment of technology for the next generation. We want to work with our overseas partners building on some projects such as the pilot in Hong Kong, which would actually have x-ray machines scanning containers before they get into the queue for being loaded onto ships that come to the U.S. All of these approaches, which are well underway and which Congress has been very supportive of, are ways of

managing risk by focusing on the high danger elements of what comes in without fundamentally impeding the flow of the system.

Likewise in chemical security, as I've indicated previously, the time has come to have a chemical security bill that gives us the tools to have intelligent regulation of the chemical industry, particularly with respect to those high-hazard chemicals. And the approach we've suggested that Congress take, and we are working with Congress on this, is to tier, by risk. Look at the high-risk areas and the high-risk chemicals, set performance standards that don't micro manage how one achieves good performance, but is very clear about the performance that we're going to insist upon, and then builds in incentives and, frankly, sanctions if those performance standards are not met.

And this is an approach, by the way, that I hope to see us deploy across all of the sectors of critical infrastructure. We're starting to do it with our new air cargo rule. I anticipate soon we'll be doing a similar proposal with respect to rail transportation of hazardous materials.

What we need to be doing over the next year is continuing to build on this model of intelligent, cost effective, and risk-based regulation and market-driven incentives to generally raise the level of all of our infrastructure security without fundamentally compromising the way our economy works.

Finally, I have to talk a little bit about preparedness, and that's preparedness to respond not only to the terrorist event, but to respond to the natural hazard.

The President, late last year, or in September of last year, mandated that we work with our state and local partners to conduct a comprehensive review of emergency plans. We did an initial report that was due in February. I think Congress actually put this into law. And our deadline for a final report is this month, and we will meet that deadline.

The fact of the matter is, we've taken a pretty candid look at the state of preparedness, and it's uneven -- good in some places, not so good in others. We are going to be working with our state and local partners to help them improve their preparedness, recognizing that the fundamental principle is that state and local officials are the first responders in all but the most extraordinary circumstances.

Not only is that true, as a matter of the legal authorities that exist in this country, because the fact of the matter is, it would be very difficult for a federal official to order a local evacuation given the legal tools and legal authorities we possess, but also because it's local officials and state officials who know their population, who know their geography, and who are best situated to write the plan that will give their citizens the most safety. The federal government cannot write plans for 50 states and thousands of municipalities. What we can do is help those government agencies write those plans, working with them and with the citizens of various communities.

We've worked, however, also in terms of our own house. We've worked to make sure that we brought FEMA into the 21st century. And we've done it by not necessarily spending a huge amount of money, but by sitting down and doing the very hard work and detailed planning that you need to do to forge a 21st century organization, one that can deliver commodities, tracking where they are on a real-time basis. And we now have that capability, using modern wireless technology so that we don't need to make disaster victims come to us to register, but so that we can reach them out in the field and register them using laptops.

Building the kinds of plans that enable us to work with the Defense Department to bring the kinds of assets to a scene in an emergency that are needed to rescue people when they are in dire straits. These are the kinds of things, frankly, that are long overdue, and although we've got more work to do, we have reached the level we need to reach, at least for this hurricane season, to say that we are much better prepared and ready to go into action if it is necessary that we do so.

Now I know there's -- there are people out there and there are voices out there that say, things would be a lot better if FEMA were pulled out of DHS and resurrected once again as an independent organization that would have this direct line to the President. But I can tell you if you look back historically, FEMA has never been a large organization. And like any other agency, whether it's within DHS or elsewhere, it will always have to be building its budget within the general government process.

What I can tell you is this, though. If you look back on last year, and you look back on this -- and you look forward to this year, FEMA's ability and the federal government's ability to bring assistance and aid to people who need it has been dramatically increased because we have been able to put all of the assets of DHS at the service of FEMA when those assets are required. In building the kinds of capabilities that will help FEMA by giving us an ability to put aircraft up to look at a disaster scene or put radio teams into report on what's going on the ground, it is because we've been able to draw upon the assets of customs and border protection, Coast Guard, immigration and customs enforcement. We can take trained agents and trained Coast Guard officers and enlisted personnel and put them in to help FEMA precisely because we are one department.

If there's any lesson that we've learned whether it was in the intelligence community or in the area of dealing with Homeland Security, it is that stove piping never works. The hard work that was done for planning, for the first time in the last couple of years, could have been done in the last 10 years, but wasn't done, and I suggested what we need to do now is continue to build on the hard work that's been done, complete the planning, continue bringing these 21st century resources in so that we can, in fact, be as prepared as we need to be not only in this year, but in years to come.

A last plea on a personal level, preparedness at the end of the day, no matter how well it's done at the government level, or the at community level, or at the business level requires individual contribution. It is an article of faith among people in emergency management that people ought to be prepared to sustain themselves for 48 or 72 hours until help

comes. It's an article of faith that you ought to have a plan so if a family is separated when an event happens you know where to go. It's an article of faith that when people tell you to evacuate, local officials, you should take that instruction and act upon it.

If able-bodied people don't take care of themselves, then what they're going to do is distract the responders who would otherwise be out in the field helping those who couldn't help themselves either because they were too poor, or they were too sick, or they were too infirm. And therefore, I've kind of made the plea that it is a civic responsibility for the able-bodied to make sure that they have done what they need to do to prepare so that we can turn in the first instance to those who can't help themselves and who have therefore a right to expect government will step in to help them.

Thank you. (Applause.)

QUESTION: I just wonder if any thought has been given to the long-term problem of why there is so much dissatisfaction with the United States, particularly in the Middle East, and whether there's some strategies long-term strategies we could follow to ameliorate that?

SECRETARY CHERTOFF: The answer is yes. First of all, clearly there has to be a long-term strategy for dealing with the tensions that give rise to Islamic jihadism, radical Islamic jihadism in the Middle East.

Part of that, frankly, is bringing the rule of law and brining democracy to the Middle East. I share the view of many people that at the end of the day what motivates people to reach out to terror, apart from people who have psychological disturbances is a sense of frustration with their own lives. And it's not just economic because if you look at the hijackers, Mohamed Atta was the son of a doctor who was very prosperous. He had a group of folks -- of terrorists in Germany who were studying in institutes of higher education. So a strategy of outreach, a strategy of promoting democracy, frankly a strategy in our own country of tolerance and respect for other religions, which I think we have been very good about, those I think are hallmarks are what are the ultimate solution for a durable remedy for the problem of terrorism.

QUESTION: I'm a Middle East business consultant. I'd like to follow that question with a related one. It involves issuance of visas. My question is who is in charge of issuance of visas? And the reason I ask you is because I go out there and I'm constantly bombarded by friends who went to school in America, who have homes in America, whose children are born here, and they wait six months a year for a visa. And when I call the embassy and I say why is such and such a person with a long dossier and file in our possession and a record of coming here many times, the embassies say they don't know who is in charge, or they can't tell us why these decisions are taking so long. Now, understanding a year later maybe -- but four years on, who's in charge and how are you going to fix that system, sir? We can't make friends into enemies or you'll have more terrorists, not less.

SECRETARY CHERTOFF: Well, first of all, Secretary Rice and I, a couple of months ago, actually spoke about this issue -- we clearly need to be more welcoming to people who want to come to this country to work study and travel. The division of labor is that the State Department does the interviewing and has the kind of front end. We do play a role in vetting visas in terms of people coming in. It's not always as efficient a system as it needs to be. And one of the things that Secretary Rice and I have committed to do is, first of all, to try to rationalize some of the very different programs that have grown up over time so we can collapse them into a smaller number and perhaps a more reasonably based approach to the various categories of visa.

Some of it, of course, is driven at least in certain circumstances by congressional caps. And I know there are efforts now in Congress to raise some of the types of visas that are available, which would, of course, also have an effect.

There's no question that we are benefited by promoting travel in this country by people who want to do us -- who wish us well rather than harm. And that's another way to promote good American values overseas.

QUESTION: The former inspector general, Clark Ervin has kind of emerged as a leading critic of DHS. I was wondering, first of all, have you read his book Open Target. Or do you intend to? And how do you respond to his main criticism that DHS is under funded?

SECRETARY CHERTOFF: No, I haven't read it. Will I read it? I'll have to see. It depends on what else I'll have to see.

In terms of under funding, I've never heard anybody say an department is over funded. The fact of the matter -- well, actually some people do say that, but no one in the department has ever said that. (Laughter.) We live in a constrained world. The fact of the matter is there is not a limitless budget, and there are trade-offs that have to be made.

That being said, if you look at Homeland Security and its funding flow over the past several years, it has increased each year. And there has been a good deal of attention paid to giving us the resources that we need.

Our obligation -- and we're moving in the direction of satisfying this -- is to be more precise and more tailored in our planning so that when we get the resources, we deploy them in an effective manner. But this department has had a very strong record of support on the budget front.

QUESTION: There is a worksheet, Mr. Secretary, explaining why New York didn't get more UASI funds this year that went out yesterday. It indicated that Homeland Security evaluated that there were no national monuments or icons in New York City. I'm kind of wondering why the Statue of Liberty, the Brooklyn Bridge -- these places weren't considered national icons; why DHS counted only four, I think, financial institutions in

New York, and whether you're prepared to put more money back to New York in face of the criticism?

SECRETARY CHERTOFF: Before I get to the particular, I want to be very clear about this because I think to say that there was a cut to New York is, frankly, to take out of context what the history of funding has been.

The fact of the matter is that in 2003, New York as an urban area -- just the city; forget the state, which is tons of more money -- got a little under $150 million, or about 25 percent of the total funding. The next year, 2004, it got only $46 million, or about 7 percent of the total funding. That shortfall was made up in 2005, when it went up to $207 million, for, again, 25 percent of the total funding.

If you average those out, it comes out to about 18 percent. That's pretty much dead on what they got this year, and this was a year in which the total amount of money was reduced. So it's only a reduction if you choose to look at the highest year of funding, rather than the average year of funding. And I think that's -- I think it does a little bit of a disservice to what was done here to be that selective about what you use as your benchmark.

The fact of the matter is New York has gotten over half-a-billion dollars during the four years of this program. And that's more than twice as much as the next biggest city. As far as the particular issues, the Brooklyn Bridge and the Empire State Building were counted in different categories. As to why the Statue of Liberty wasn't counted, it happens to actually be a federal enclave, although it's technically within the jurisdiction of the city. I don't know the answer off the top of my head, but I can tell you that it did not affect this decision because as far as the risk calculations concern, New York was number one on risk. The determination that affected the ultimate dollar value was based upon the investment justification and the marginal benefit of that additional investment when you compare it with other cities which had received very little or no money and were looking to start to build some basic capabilities.

Let me end by saying this: I've now been through two grant years, and inevitably what I hear is a city or a state is complaining that another city or a state gets something and they didn't get it, and that means they're not being protected. And I have a fundamental disagreement with that. The fact of the matter is, when we protect a community in Connecticut that happens to be a place that houses a power plant that puts up most of the electricity for New York City, New York is getting protected. When we protect agriculture in Wisconsin that is providing the food that New Yorkers eat, New Yorkers are getting protected. The measure of protection for a community is not driven just by whether that community's politicians control the spending of money.

So, without any question about New York as being far and away the number one target, I think that if you look at the cumulative funding we've taken here, this is an approach that has been fair not only to New York, but to all the other cities that we need to make sure are capable of protecting its own citizens.

QUESTION: Secretary, I went through four grant years, and I can agree that it is a truly thankless job to figure out how to allocate this money. But I would ask, isn't it the case that you have asked the Congress to shift all of the grants into this risk-based category, as opposed to sort of half in risk-based, half in state per capita, and that if you were able to do that, this we alleviate the crunch you're feeling right now on the high-risk urban areas?

SECRETARY CHERTOFF: Well, that's right, because, first of all, the money we've talked about has only been urban money. It's not state money. And in terms of the available money that would come to New York State, for example, we are constrained by the fact that a significant portion of the state grant funds are pre-earmarked based on a state formula that's very rigid. That reduces the pool of state funds that are available. Obviously if we could deliver all the state funds, or most of the state funds on a risk-based allocation, without predicting a specific outcome that might well have an additional impact on New York.

QUESTION: Judge Chertoff, welcome.

SECRETARY CHERTOFF: I probably answered your question already. (Laughter.)

QUESTION: Sort of, but you've explained your rationale for what you say is not a cut of New York 's money, but you have leaders of your own party on Capitol Hill who are now questioning your fitness for the job based on this decision. How are you going to explain it to them? What are you going to tell them when they say, why should you keep this job, you just cut a city that's the number one terror target, their security funding by half this year?

SECRETARY CHERTOFF: Well, let me tell you, if the standard for whether the secretary were to keep his job is whether every single city did better than the last year, you're never going to have a secretary keeping this job. (Laughter.) And if there's one credential you need for the job, it's the willingness to stand up and say, look, we've made a decision; I think it's a decision that's not only defensible but actually an intelligent decision. The fact of the matter is, attacking the secretary personally or threatening the secretary is not a way to drive funding decisions in this department or any other department.

I want to be real clear about this: there was no suggestion about anything we did that New York is not the number one terror target. But I do think it's fair to ask this question: After a city gets $500 million, more than twice as much as the next largest city, is it correct to assume they should continue to get the same amount of money year after year after year after year, with everybody else dividing up what remains? If you go to get money to build a house, you expect to get the full funding for the house every single year, over and over and over again?

The decisions made in each of these cases are based upon specific investment justifications. What are you going to spend the money on? I can tell you by way of

example, when we get applications to spend the money on salary or overtime, that tends to get lower weight from the peer reviewers than when we get a request to build kind of a basic, interoperable communications system.

There are some elements of what New York wants to do that we've heartily endorsed. I've spoken out, for example, and said I think that a plan to have a video system in certain parts of New York City makes a lot of sense, and we'd be happy to fund that. But looking at these issues as if the amount of money you get is solely going to be based on the threat, without regard to whether the marginal value of the dollar, given where we start out from, is better put in New York than in some place that has started really from zero, I think that's an overly simple way to go about doing this.

You know, we face a crossroads on the issue of grant funding, as we do with a lot of things we do in government. Right now we have a BRAC commission, a Base Realignment and Closing commission. That is, in a sense, a defeat for American politics. What it says is, that the process of deciding what military bases should be kept open and closed can't be left to the political process, because that process is going to so transform the result that it will not align with what the actual needs of national defense are.

I would hate to see us get to the point that we are so -- at this department -- so driven by the need to respond to pressure from people, who may honestly be disappointed, that we can't make decisions that are based on our risk finding. We're always willing to revisit assumptions. There are many other grant programs. But I think we need to ask communities to come forward and make their best case. It's not going to be enough for a community to say, we're the number one risk, give us money. They're going to have to show how they're going to spend the money, and how it fits on the plan.

And although I'm running a little longer on my own time, let me pick one other example of what I consider kind of a fallacy in the approach some people take to this. There's a little bit of the quality of, what have you done for me yesterday, about some of the criticism. I saw a newspaper article that talked about how New Orleans had gotten the -- I think it got $8 million or $9 million, it was going to get about $6 million this year -- and the point was made, well, you know, we now know there can be a natural disaster, how can you cut funding under this program for New Orleans from $9 million to $6 million?

What the article omitted was that under a different program, we had put $21 million into New Orleans for a new interoperable radio system. Now I guess if I wanted to be political, I could have said, let's hold that money back, and we'll make it part of a UASI grant, and then New Orleans will look like it got a big rise up. But I don't want to do that. I think we need to take all these programs on their own terms, look cumulatively and holistically at what we're doing, and that's how we make intelligent decisions. And that's what I think the people of the country, including New York, expect.