

# Merging the HSC and NSC: Stronger Together

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At the federal level, homeland security is inherently and fundamentally an interagency undertaking. The quality of interagency relationships and processes is central to the success or failure of federal – and national – homeland security activities. Short of giving a single Cabinet secretary *directive authority* over other Cabinet secretaries during major domestic incidents (which is unlikely given traditional forms of American government) the only way to ensure effective unity of effort at the federal level is to exercise strong leadership from the White House. This kind of leadership is needed not just during an actual catastrophe but also when the government is engaged in the day-to-day activities of working to prevent, protect against, and prepare for such catastrophes. In recent years the White House has not played this role, in large part because of the bifurcation of national security issues into a National Security Council and a Homeland Security Council. One of the most important and most necessary changes the new administration should make is to merge these organizations into a single council with a largely shared professional staff. This newly merged Council should exercise forceful leadership on behalf of the president of the United States in developing homeland security strategy and policy and should closely oversee its implementation.

## Why a Merger is Needed

There are three main reasons that the existing Homeland Security Council (HSC) and its staff have not been particularly effective. The first, and perhaps most important, is structural: by establishing a separate council and associated staff to address homeland issues, the White House artificially bifurcated its approach to national security issues, although the issues themselves frequently have both domestic and international aspects that are interrelated. For example, effectively combating terrorism involves targeting terrorists and their support networks overseas, but also addressing the potential for radicalization of individuals inside the United States. Effectively addressing 21<sup>st</sup> century security challenges requires an integrated approach that considers both sides of a given problem – but such an approach is very difficult to achieve when two different organizations inside the White House are involved. Both council staffs work in the Old Executive Office Building, but they share little more than a mailing address. Each council has a different organizational structure, each staff reports to a different adviser to the president, and each has its own executive secretariat, with separate systems for convening meetings and designating lead directorates on specific issues. The two council staffs don't even work on the same e-mail system: while the NSC staff does most of its work on the classified e-mail system, the HSC staff works mostly on the “low side,” or the unclassified network. Some coordination between the two staffs does take place, but it occurs largely through the initiative of individual staff members, who must overcome the hurdles presented by the bifurcated structure.

A second major reason for the ineffectiveness of the HSC on many issues is organizational: it is relatively weak, particularly compared to the NSC. A host of dry, technical personnel and budget issues have contributed significantly to this problem.

Unlike the NSC and its staff, the HSC and its staff do not constitute a separate organization inside the Executive Office of the President; as a result, HSC personnel numbers count against the overall personnel ceiling for White House staff and so there is pressure to minimize the size of the HSC organization. While the NSC has more than 240 staff members, the HSC on average has only forty-five.<sup>1</sup> Moreover, as a consequence of HSC's administrative status within the Office of the President, the council does not have its own budget, which places a tight salary cap on the staff. Although HSC staff members have significant responsibility and work extremely long hours, even the highest paid among them earn less than senior GS-15 civil servants elsewhere in government. This salary gap has added to the difficulty of recruiting the best and brightest to the HSC organization – a task that was already challenging, because the HSC is seen as having less stature than the NSC. As a result, many more HSC than NSC staffers have backgrounds in political campaigns rather than in national and homeland security issues, and frequently they are less experienced overall than their NSC peers.

Finally, the HSC has not been particularly effective in its efforts either to lead the interagency in developing core strategy and guidance on homeland security issues (such as developing an interagency deliberate planning process) or in overseeing implementation of policies once they are developed (such as the range of documents and processes called for in Homeland Security Presidential Directive 8 on National Preparedness that was signed out in 2004). This lack of success can be partly attributed to the HSC's relatively small and inexperienced staff, but it is also associated with the explicit preference shown by the Bush Administration for “the lead agency approach,” which focuses the NSC and HSC staffs primarily on coordination rather than development of strategy and policy.<sup>2</sup> Historically, some presidents have structured the NSC to take a greater leadership role in driving foreign and national security policy; others have used the NSC primarily as a coordinating body.<sup>3</sup> However, as security challenges become increasingly complex, and as extensive capabilities must be integrated from across the entire federal government, the lead agency model clearly will prove inadequate in many cases. During the Bush Administration, the Department of Homeland Security has served as the lead agency for most major homeland security initiatives, but in the absence of firm backing from the White House and an HSC with the power to quash bureaucratic disagreements, DHS has typically expended a great deal of its efforts on intramural struggles within the executive branch.<sup>4</sup>

### **What a Merged Council Would Look Like**

Merging the two councils is the first step the new administration can take toward creating significantly more unity of effort in government efforts to prevent, prepare for, and respond to a catastrophe. A newly unified NSC and staff should be empowered to lead the interagency in formulating homeland security policy and overseeing its implementation on behalf of the president of the United States. To effect this merger, President Obama will need to ask Congress to amend the Homeland Security Act of 2002 by eliminating sections 901 through 906 of the law, which essentially establish the Homeland Security Council as a distinct organization.<sup>5</sup> Unifying the Homeland Security Council and National Security Council organizations would also require amending the National Security Act of 1947 to make the secretary of homeland security and attorney general permanent members of the NSC. The current practice of inviting other Cabinet

heads to NSC meetings as appropriate to the specific substantive issues under consideration should continue.

The unified National Security Council would be led by the national security adviser (NSA) to the president, as is the case today, but the NSA would have two deputies – a deputy for international affairs and a deputy for domestic affairs. The national security adviser already holds one of the most grueling jobs in Washington, bearing the responsibility for a vast array of issues. Merging the two councils and their staffs would clearly add to this burden, but that disadvantage is more than outweighed by the benefits of addressing security issues holistically at the White House level. Assigning all security issues to a single national security adviser will ensure that the NSA has sufficient authority to resolve conflicts between Cabinet heads, particularly during times of crisis. Moreover, the two deputies would help lessen the challenge for the NSA of dealing with such a broad span of duties. These deputies would also need to be of sufficient stature to work effectively with top government officials, up to and including the level of Cabinet secretaries. During the Bush administration there have been as many as five positions labeled “deputy NSA” at one time; limiting their number to two would give the office more importance, bringing its holders much closer to being true seconds-in-command to the NSA. Moreover, should the international and domestic aspects of a problem seem to give rise to conflicting solutions or to require trade-offs, a single national security adviser with authority over the entire spectrum of issues will be positioned to weigh all elements and make a balanced recommendation to the president. Under the current model, the president has no single adviser whose job it is to weigh the competing domestic and international aspects of a problem and render an impartial judgment – overcoming the disagreements of Cabinet members, if necessary.

Under the merged council construct, with a single NSA and two deputy NSAs, much of the NSC staff would be shared and would report to both deputies. Some staffers might report only to one deputy, depending on their responsibilities. While President Obama should merge the two councils and their staffs, care should be taken to ensure that the “new” NSC organization complements its traditional national security expertise with senior staff who fully understand and possess considerable experience in catastrophe prevention, critical infrastructure protection, preparedness, response, and recovery issues. A merged council that is staffed only with traditional national security experts will not be effective at developing homeland security policy and guidance and would largely defeat the purpose of the merger.

Not only should the merged council include significant staff with expertise in homeland security disciplines, the council also should include staff that provide state and local government perspectives to ensure greater integration of these issues at the federal level. The National Security Education Program codified in Executive Order 13434 provides a mechanism to bring individuals with these backgrounds on to the merged council staff. Through the National Security Professional Development Program, senior state and local officials could join the council staff for a year to serve a detail assignment at the NSC. Under this type of program, senior people serving in the counterterrorism division of the New York City Police Department could spend a year at the White House, working in the merged council. This type of a rotational approach would also create opportunities for professionals at the federal level to serve in key positions in state and local governments, enabling them to use those experiences to

inform their work when they return to the federal government. Although achieving these kinds of opportunities presents a host of bureaucratic challenges, their achievement would be a major step toward creating a truly “joint” homeland security workforce with vertical and horizontal integration that would enhance national preparedness.

In addition to integrating state and local perspectives at the staff level, there are other means of infusing these perspectives into policy-making at the White House level. The next president could reinstate the Homeland Security Advisory Council established to provide advice and counsel to the Executive Office of the President. Re-establishing this council would be another way to craft sensible homeland security policies and create greater buy-in for these policies outside the Beltway. To avoid charges of drawing only on the “usual suspects” at the state and local level for input, the next president should allow organizations like the National Governors Association (NGA), the U.S. Conference of Mayors, and the National Emergency Management Association (NEMA) to choose some of the members of the advisory council. Creating new opportunities for state and local representatives to provide input into policy development at the federal level geared toward implementing a national integrated homeland security system would not only help to increase the feeling of ownership of new policies, but would also generate better understanding at the federal level of how homeland security needs vary by state and region.

### **What a Merged Council Would Do**

Whatever the specific organization chosen by President Obama, to generate greater unity of effort the new unified National Security Council must play a much more prominent role in developing strategy and policy, and in overseeing the implementation of that policy, than either the NSC or HSC has done under the current administration. As integrated approaches to address future security challenges are developed, the roles of all relevant Cabinet agencies will not be equal. Some strategies may require that departments take responsibilities that are outside their traditional comfort zones; some resources may have to be shifted from one department to another. To ensure that clear policies are developed, difficult decisions are made, and turf battles are decisively resolved, a robust and unified NSC must act as honest broker and be empowered to carry out presidential decisions once they are made.

Some have argued that a merger is not particularly necessary, because the existence of separate Homeland Security and National Security Councils has not led to any major policy failures. The existence of two separate councils may not have caused any major policy failures, but it has caused the executive branch to miss important opportunities to develop more effective homeland security policy. For example, if the National Response Framework outlines how the federal government will operate with its partners “to the right of the boom,” there is no analogue to how the federal government will operate with its partners “to the left of the boom” – before a catastrophe takes place. There are many reasons the executive branch does not yet have a National Prevention Framework, but in part it is because developing a prevention framework would have required staffs from the NSC and HSC – who come from different professional disciplines and cultures – to work together closely, something they are not used to doing. Merging these staffs into a single organization would bring them together and begin building a corporate culture of

cross-fertilization and integration during policy development, which is sorely needed in the broader homeland security enterprise

Just as important as effective NSC leadership during the front-end phase policy development is attentive NSC oversight of policy implementation. Such oversight does not imply an operational role for the council and its staff; the pitfalls of an operational NSC were amply demonstrated by the activities of Lieutenant Colonel Oliver North and others on the NSC staff during the Reagan administration. But in light of the relative autonomy of the Cabinet agencies, and the frequency of hard-fought battles over policies and resources, the only way to guarantee effective implementation is for the NSC staff to closely monitor the activities of Cabinet agencies. The current HSC organization does not have the staff, expertise, or stature to perform such monitoring; the current NSC has the necessary assets but lacks the power (which must be granted by the president) to execute this oversight role. As a result, turf battles are fought and re-fought, policy initiatives languish, congressional reporting deadlines are missed, and bureaucratic logrolling is common.

### **When a Merger Should Happen**

Although considerable progress has been made since the September 11 attacks in 2001, the country is still not fully prepared to deal with a domestic catastrophe. What ultimately matters to the American public is not how far we have come, but how far away we still are from being prepared for the next catastrophe. Homeland security received scant attention during the 2008 presidential campaign, but the task of readying the United States to face the threats of the post-September 11 era is an enormous one and poses a fundamental challenge for the new president. A merged NSC-HSC would go a long way towards enabling the federal government to do its part to better prepare the United States to face future challenges. Merging the HSC and the NSC would send a clear signal that homeland security issues will now be a fundamental part of President Obama's mainstream national security policy and will be a top priority for the new administration.

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<sup>1</sup> Christine Wormuth and Anne Witkowsky, *Managing the Next Domestic Catastrophe* (Washington, DC: CSIS Press, 2008), 17.

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<sup>2</sup> See David Ignatius, “Bush’s Clark Kent,” *Washington Post*, February 11, 2005, A25; Colonel David J. Clement, USMCR, *Improving the Efficiency of the Interagency* (Carlisle, PA: U.S. Army War College, 2006), 17; Bob Woodward, *Bush at War* (New York: Simon & Schuster, 2002); Thomas E. Ricks, *Fiasco: The American Military Adventure in Iraq* (New York: Penguin Books, 2006); James Mann, *Rise of the Vulcans: The History of Bush’s War Cabinet* (New York: Penguin Books, 2004).

<sup>3</sup> For example, in the Eisenhower and Nixon administrations the NSC clearly played a lead role in formulating foreign policy. The Kennedy administration’s NSC was much smaller, but its staff was dogged in ensuring that the federal departments implemented the president’s policies at the time. In contrast, in the Reagan administration the NSC organization largely shed its policy-making functions and adopted much more of a coordinating role. See The White House, “History of the National Security Council 1947–1997,” <http://www.whitehouse.gov/nsc/history.html>.

<sup>4</sup> David J. Rothkopf, *Running the World* (New York: Public Affairs, 2005), 435; Stephen Flynn, *America the Vulnerable: How Our Government Is Failing to Protect Us from Terrorism* (New York: HarperCollins, 2004), 141–43.

<sup>5</sup> Public Law 107-296, *Homeland Security Act of 2002*, November 25, 2002, §901 –§906.