

WebMemo



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Stopping the Chaos: A Proposal for Reorganization of Congressional Oversight of the Department of Homeland Security

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It has been seven years since the Department of Homeland Security (DHS) was created, and yet Congress has still not reformed oversight of homeland security. The lack of congressional action has become something of a joke, even catching the attention of institutions like National Public Radio that would normally dismiss oversight of a department as an “inside the Beltway” issue.¹

It is time, and past time, to recognize that congressional parochialism and inaction have become a drag on American security.

Addicted to Oversight. Today, DHS is subject to oversight by more than 100 different congressional committees and subcommittees.² This remains in contrast to the 36 committees and subcommittees with oversight over the Department of Defense—which has a budget 10 times greater than DHS and millions more employees.³

The current situation, to be fair, is partly a product of how DHS was created—pieced together from 22 separate agencies. Rather than consolidate congressional oversight of all these agencies at the same time—a move that would have caused tremendous political anguish in Congress—congressional leadership chose to leave oversight of various sub-activities of DHS with each of the original committees.

This archaic system, however, continues to prevail despite a stronger, more unified, and more permanent DHS lessening, if not altogether eliminating, the need for individualized jurisdiction.

Congress, however, remains addicted to this system, with individual Members simply unwilling to say farewell to their slice of security oversight. As a result, DHS, as one department, must answer to more than 100 committees and subcommittees ranging from Agriculture to Finance to Energy and Commerce—all of which are ones that the average American would have a difficult time understanding as being responsible for homeland security. In fact, as the department has become a more unified body over the past seven years, oversight has done the opposite. The number of committees and subcommittees with oversight has only grown from 86 to 108 today.

Conflicting Messages. This is not to say that oversight, or even robust oversight, over DHS is the wrong approach. Strong homeland security oversight is both proper and necessary. Furthermore, the oversight problem is more than one of workload for the department, despite the fact that the workload

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of responding to more than 100 committee and subcommittees has become at times overwhelming. This debilitating proliferation of congressional review has significant adverse effects on national security: It frustrates the ability of Congress to provide guidance on how the homeland security enterprise should operate while draining precious departmental resources.

At times the messages coming out of Congress have seemed to conflict or are drowned out altogether. To cite but one example, the recently proposed legislation to revise America's approach to biological threats had to go through eight different committees in the House of Representatives alone.⁴ Further, with so many congressional voices dictating to DHS, there is little cost to the department in ignoring the messages that it dislikes or the policies it wishes not to implement.

Multiple policymakers, congressionally appointed commissions, and institutions have all called for reform of the congressional process. These include both the chairman and ranking members of the House Homeland Security Committee and groups as diverse as the 9/11 Commission, The Heritage Foundation, the Center for Strategic and International Studies, and the Commission on the Prevention of Attacks Using Weapons of Mass Destruction.⁵

A Proposal. It has become apparent that no partial solution will work to effectively solve the issues of chaotic oversight. While it might be possible to pare a few minor committees and subcommittees from the list of those with jurisdiction over DHS, there is little to be gained by cutting the number of subcommittees by, say 25 percent, so that only 80 are now involved—that would do nothing more than return DHS to where it was three years ago in terms of oversight.

Accordingly, a simpler solution would be to consolidate DHS oversight into six *and only six* full committees—three each in the House of Representatives and the Senate. On the House side, the three committees with jurisdiction over DHS should be the Homeland Security Committee, the Permanent Select Committee on Intelligence, and the Appropriations Committee. The Senate should, likewise, have three parallel committees.

Given the volume of work that would come with such reorganization, it is further recommended that, on the Senate side, the current committee (Homeland Security and Governmental Affairs) be split in two and hive off its homeland security affairs responsibilities to a separate, newly created committee. The virtue of this proposal is that it would precisely mirror how Congress oversees the Depart-

1. NPR staff, "Who Oversees Homeland Security? Um, Who Doesn't?," NPR, July 20, 2010, at <http://www.npr.org/templates/story/story.php?storyId=128642876> (September 27, 2010).
2. *Ibid.*
3. CSIS-BENS Task Force on Congressional Oversight of the Department of Homeland Security, "Untangling the Web: Congressional Oversight and the Department of Homeland Security," December 10, 2004, at http://csis.org/files/media/csisevents/041210_dhs_tf_whitepaper.pdf (September 27, 2010).
4. Library of Congress THOMAS, "Bill Summary and Status 111th Congress (2009-2010) H.R. 5057 Committees," Last Major Action: 06/18/2010, at <http://thomas.loc.gov/cgi-bin/bdquery/z?d111:HR05057:@@C> (September 27, 2010).
5. Chris Strohm, "GOP Lawmakers Say Congress Sapping DHS' Energy," Government Executive, May 30, 2007, at <http://www.govexec.com/dailyfed/0507/053007tdpm1.htm> (October 19, 2010); Chairman Bennie G. Thompson, "Viewpoints on Homeland Security: A Discussion with the 9/11 Commissioners," opening statement before the House Homeland Security Committee, U.S. House of Representatives, May 19, 2010, at <http://homeland.house.gov/SiteDocuments/20100519102107-27976.pdf> (October 19, 2010); National Commission on Terrorist Attacks Upon the United States, *The 9/11 Commission Report*, (New York: W. W. Norton and Company, 2004), p. 421, at http://govinfo.library.unt.edu/911report/911Report_Ch13.pdf (September 27, 2010); David Heyman and James Jay Carafano, "Homeland Security 3.0: Building a National Enterprise to Keep America Safe, Free, and Prosperous," Heritage Foundation *Special Report* No. 23, September 18, 2008, at <http://www.heritage.org/Research/Reports/2008/09/Homeland-Security-30-Building-a-National-Enterprise-to-Keep-America-Safe-Free-and-Prosperous>; CSIS-BENS Task Force, "Untangling the Web"; Bob Graham and Jim Talent, *World At Risk: The Report of the Commission on the Prevention of WMD Proliferation and Terrorism*, (New York, Vintage Books, 2008), p. 89, at <http://documents.scribd.com/docs/15bq1nr19aerfu0yu9qd.pdf> (September 27, 2010).

Proposed Reorganization of DHS Oversight: Six Committees

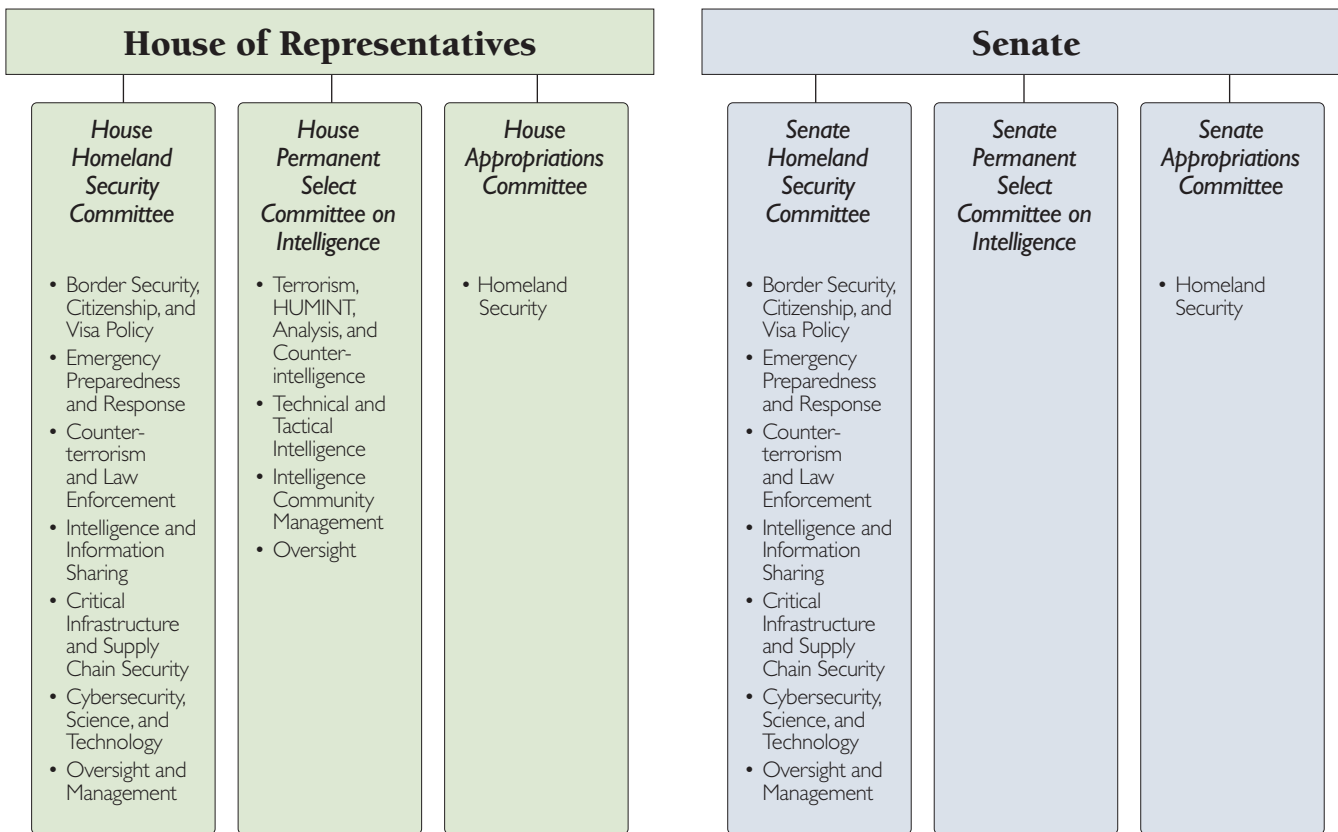


Chart 1 • WM 3046 heritage.org

ment of Defense—the only institution in the executive branch that is in any way comparable to DHS.⁶

The two newly created homeland security committees should each have seven subcommittees, dividing their responsibilities along functional lines relating to existing DHS activities. While any number of ways could be proposed to slice these functions, this paper suggests, notionally, the creation of the following subcommittees:

- Border Security, Citizenship, and Visa Policy;
- Emergency Preparedness and Response;
- Counterterrorism and Law Enforcement;
- Intelligence and Information Sharing;

- Critical Infrastructure and Supply Chain Security;
- Cybersecurity, Science, and Technology; and
- Oversight and Management.

That would provide a total of 14 subcommittees within the two committees. Each of the newly formed subcommittees would be populated by the chairman and ranking member of the comparable legacy subcommittees. If one adds the two appropriations subcommittees and the four subcommittees in the House intelligence committee, the plan immediately reduces the number of oversight subcommittees to 20.

Streamlining Homeland Security. The benefits of this plan should be obvious. The savings in

6. CSIS-BENS Task Force, “Untangling the Web.”

resources and the avoidance of duplicative briefings will be tremendous. Likewise, though legislation will still have to go through sequential referrals from time to time, there can be little doubt that this proposal would pave the way toward a more streamlined legislative process with concomitant benefits to American security.

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