

# WebMemo



Published by The Heritage Foundation

No. 3246  
May 10, 2011

## After bin Laden: Don't Alter Homeland Security Priorities

*Matt A. Mayer and Jena Baker McNeill*

Even with Osama bin Laden's death and the approach of the 10th anniversary of 9/11, America's homeland security priorities remain unchanged. Its national progress should have been greater. Unfortunately, Washington squandered far too much time and money because of failed and cumbersome federal oversight, the federalization of homeland security, the distribution of funds via pork-barrel politics, and continued interagency turf battles.

Here are four key priorities for improving America's security.

**1. Congressional Oversight Must Be Streamlined.** The 9/11 Commission recommended that Congress consolidate oversight of homeland security. Countless security experts, government officials (both current and former), and even Members of Congress agree that the oversight process is a mess. With 108 committees, subcommittees, and commissions having oversight, the system creates a massive workload for the Department of Homeland Security (DHS), and conflicting messages from Congress often impede policy implementation.

Despite these concerns, little has been done to remedy the problem. Members of Congress do not want to cede their jurisdiction over security matters, leaving oversight reform at a standstill. This lack of leadership also bleeds into the issue of a DHS authorization bill. In fact, DHS has never had an authorization bill despite attempts by Members to push one through the House and Senate. Yet such a bill is necessary to set DHS's structure and priorities.

**2. Federalism Should Guide the Domestic Homeland Security Enterprise.** From the moment the 9/11 attack occurred, the response out of Washington centered on federal entities. States and localities were viewed as junior partners in this national enterprise. The reality, however, is that states and localities possess the bulk of resources (people, time, and money), experience, and geographic positioning to make the greatest impact.

The federalization of disasters continues to increase with each Administration. Since 1992, the yearly average of Federal Emergency Management Agency (FEMA) disaster declarations has tripled from 43 under President George H. W. Bush to 89 under President Bill Clinton to 130 under President George W. Bush. In his first two years, President Barack Obama issued 216 declarations, with 81 Major Disaster Declarations in 2010—the highest in one year in FEMA history. So far this year, President Obama has issued 79 FEMA declarations in less than five months. All of President Obama's declarations have been done without the occurrence of a hurricane or other major disaster.

**3. Funding Should Be Directed to Build Key Capabilities in High-Risk Jurisdictions.** Since

This paper, in its entirety, can be found at:  
<http://report.heritage.org/wm3246>

Produced by the Douglas and Sarah Allison  
Center for Foreign Policy Studies

Published by The Heritage Foundation  
214 Massachusetts Avenue, NE  
Washington, DC 20002-4999  
(202) 546-4400 • [heritage.org](http://heritage.org)

Nothing written here is to be construed as necessarily reflecting the views of The Heritage Foundation or as an attempt to aid or hinder the passage of any bill before Congress.

2003, DHS has spent roughly \$40 billion for homeland security grants to states and localities. Much of this funding went to places that possess little to no risk. Tragically, despite all of that money, no one can say with any degree of certainty what capabilities we possess, where those capabilities are located, and what capability gaps remain. From just 30 high-risk urban areas in 2003 to 63 high-risk urban areas today, pork-barrel politics has driven the distribution of homeland security funding for far too long.

**4. Interagency Squabbles Must End.** Although the greatest amount of friction exists between DHS and the Department of Justice/Federal Bureau of Investigation, too much tension still remains between DHS, the Department of Defense, and the Department of Health and Human Services. It is quite natural for each of these entities to move to protect their missions and the programs developed in conjunction with those missions. That said, the interagency process designed to work through the conflicts and obtain consensus on actions is far too slow and prone to pettiness.

**Making the System Work.** With this inflection point, Congress can reassert itself and ensure that taxpayer funds are used wisely to build a national homeland security enterprise that will keep the nation safe. To do this, Congress should:

- **Fix oversight issues.** Getting homeland security right relies heavily on Congress's ability to exercise its oversight power in an effective manner. The current structure simply does not provide adequate American security. Congressional leadership should fix this problem immediately by consolidating oversight into the two standing homeland security committees (separating Senate Governmental Affairs from Homeland Security), the appropriations committees, and the intelligence committees.
- **Modify the Stafford Act to curb the federalization of natural disasters.** The Stafford Act simply does not contain strict enough limits on what can qualify for a federal "disaster" declaration. Congress should establish clear requirements that limit the types of situations in which declarations can be issued, eliminating some types of disasters entirely from FEMA's portfolio. Furthermore, Congress should limit the cost-share

provision for all FEMA declarations to no more than 25 percent of the costs.

- **Transform the grant process.** Congress should reform the homeland security grant structure. This should include limiting the number of Urban Areas Security Initiative–eligible cities to the 35 highest-risk areas and moving toward the use of cooperative agreements instead of grants. With cooperative agreements, the federal government and the states and localities can sit down as true and equal partners and negotiate capability outcomes at the beginning, including covering programmatic and financial oversight requirements, and then direct funds to achieve those desired capability outcomes without the need for yearly applications.
- **Get Alignment Across the Different Agencies.** Congress and the executive branch should untangle the legacy issues that were created when DHS was launched and agencies with no rivals suddenly found themselves competing with DHS for resources and talent. The reality is that DHS does not possess the subject matter expertise or the time to develop it and so should rely more heavily upon other agencies when matters outside of DHS's limited capabilities arise.

**Smarter Security.** Bin Laden is dead. His death represents a good marker to ascertain what the nation has accomplished so far and what remains to be done. In locations across the globe, many men are plotting how they might become the next bin Laden by attacking America and causing great death and destruction. America must be prepared for that attack.

The U.S. needs more effective oversight, less federal-centric action, smarter spending, and less friction among the entities involved in securing the homeland. The time to act is now.

—Matt A. Mayer is a Visiting Fellow at The Heritage Foundation and President of the Buckeye Institute for Public Policy Solutions in Columbus, Ohio. He has served as Counselor to the Deputy Secretary and Acting Executive Director for the Office of Grants and Training in the U.S. Department of Homeland Security. Jena Baker McNeill is Senior Policy Analyst for Homeland Security in the Douglas and Sarah Allison Center for Foreign Policy Studies, a division of the Kathryn and Shelby Cullom Davis Institute for International Studies, at The Heritage Foundation.