

ISSUE BRIEF

No. 3722 | SEPTEMBER 10, 2012

Politics Over Security: Homeland Security Congressional Oversight In Dire Need of Reform

Jessica Zuckerman

Eleven years have passed since the tragedy of September 11, 2001. Since then, the U.S. has made great strides in protecting the nation and countering the continued threat of terrorism. Immediately following the attacks, Congress assembled 22 separate agencies—spanning from the Department of Defense (DOD) to the Department of Agriculture—to create the cabinet-level Department of Homeland Security (DHS) to lead these efforts. Yet, rather than consolidate congressional oversight simultaneously, Congress chose to leave oversight of the various DHS components with their original committees.

Though the 9/11 Commission and countless other parties have called for a reorganization of oversight of DHS over the past decade, prestige and power have kept Congress from answering those calls. Power politics

cannot continue to trump security. The need for serious changes in congressional oversight of DHS is long overdue.

9/11 Commission Recommendations Go

Unaddressed. Issuing their final report in July 2004, the National Commission on Terrorist Attacks Upon the United States, better known as the 9/11 Commission, made 41 important recommendations on steps that should be taken to enhance U.S. homeland security efforts. While most of these recommendations have since been implemented, Congress has so far ignored the Commission's warning on congressional oversight: "Congressional oversight for intelligence—and counterterrorism—is now dysfunctional... Congress should create a single principal point of oversight and review for homeland security."¹ That was over eight years ago.

Since then, Congress has maintained its byzantine oversight system of DHS. As a result, DHS reports to 108 committees and subcommittees—up from 86 in 2003. Comparatively, DOD reports to only 36 committees and subcommittees despite its budget equaling 10 times that of DHS.² Many of these 108 committees, like Small Businesses, Financial Services,

and Aging, are not readily sensible as homeland security overseers. Yet, not only does this system belie common sense, it actually harms DHS's efforts to better protect the nation.

For example, the archaic oversight system sends conflicting messages from Congress to DHS. Homeland security legislation must often survive multiple different committees, each one perhaps responding differently. Not only does this many messages leave DHS without a strong grasp of the will of Congress, but the cacophony may be easily drowned out or entirely ignored. Similarly, DHS must also divert crucial resources to answer the varied committees' requests. Between 2009 and 2010, for example, DHS conducted over 3,900 briefings and testified before Congress more than 285 times. The cost of such oversight to the Department is estimated in the tens of millions of dollars, with thousands of lost work hours that DHS could have spent executing its mission.³ Certainly, vigorous oversight over DHS is proper and necessary, but duplicative, onerous, and superfluous layers of oversight only harm U.S. security.

In recent years, the 9/11 Commission has been joined by many others in its call to simplify

This paper, in its entirety, can be found at
<http://report.heritage.org/ib3722>

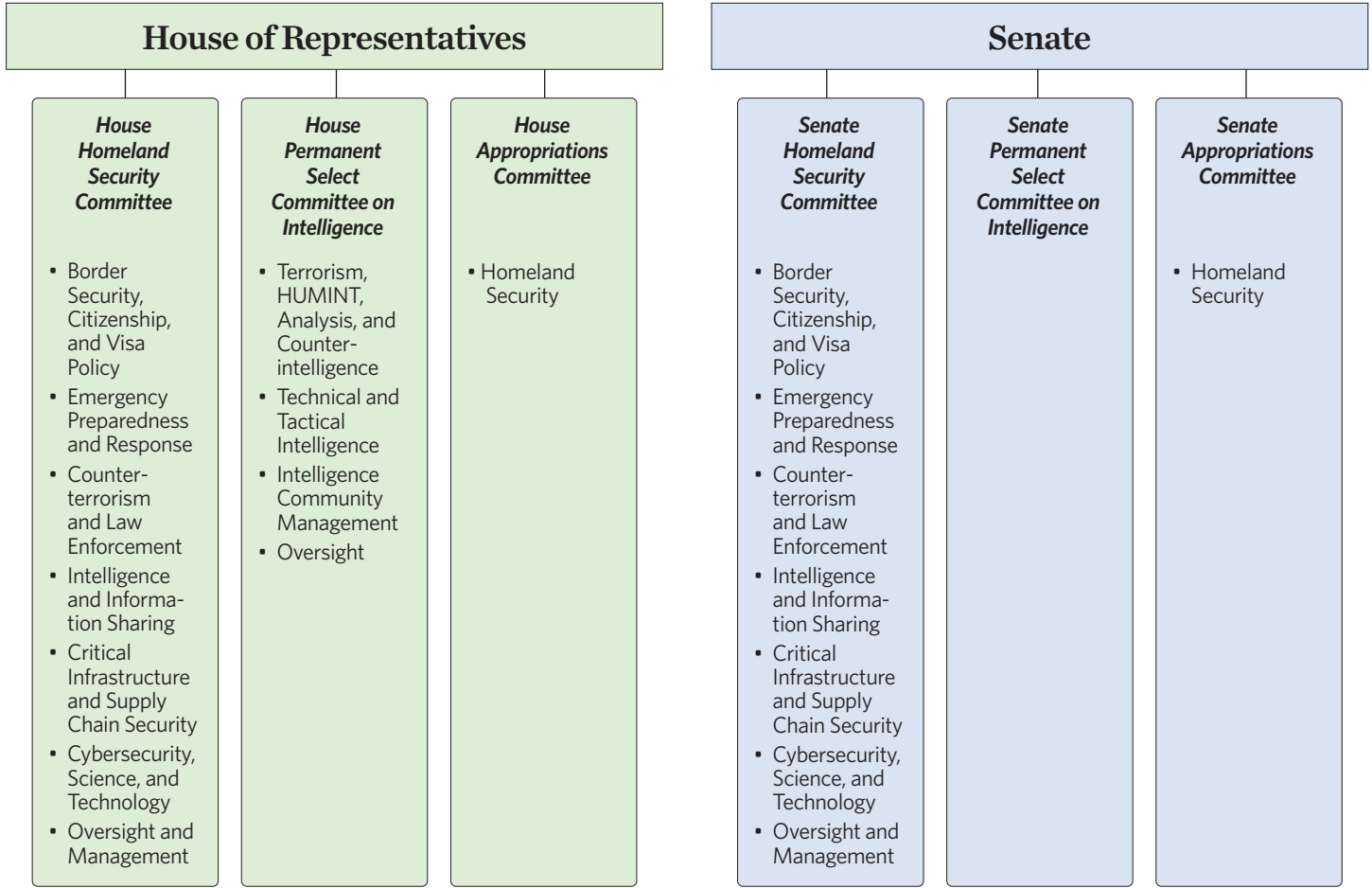
Produced by the Douglas and Sarah Allison Center
for Foreign Policy Studies

The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
(202) 546-4400 | 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.

CHART 1

Proposed Reorganization of DHS Oversight: Six Committees



IB 3722 heritage.org

and streamline congressional oversight of DHS. These have included Representatives Peter King (R-NY) and Bennie Thompson (D-MS), the chairman and ranking member of

the House Committee on Homeland Security, respectively, and groups as varied as The Bipartisan Policy Center, The Heritage Foundation, and the Center for Strategic and

International Studies. Similar calls have also been made by former homeland security officials such as the first Secretary of Homeland Security Tom Ridge and Homeland

1. National Commission on Terrorist Attacks Upon the United States, *The 9/11 Commission Report*, July 22, 2004, pp. 420-421, <http://www.9-11commission.gov/report/911Report.pdf> (accessed September 5, 2012).

2. James Jay Carafano, Jena Baker McNeill, and Paul Rosenzweig, "Stopping the Chaos: A Proposal for Reorganization of Congressional Oversight of the Department of Homeland Security," Heritage Foundation *Issue Brief* No. 3046, November 4, 2010, <http://www.heritage.org/research/reports/2010/11/stopping-the-chaos-a-proposal-for-reorganization-of-congressional-oversight-of-dhs> (accessed September 5, 2012).

3. National Security Preparedness Group, "Tenth Anniversary Report Card: The Status of the 9/11 Commission Recommendations," The Bipartisan Policy Center, September 2011, pp.16-17, <http://bipartisanpolicy.org/library/report/tenth-anniversary-report-card-status-911-commission-recommendations> (accessed September 5, 2012).

Security Advisor to President Bush, Frances Fargos Townsend.⁴

Congress Can Do Better. With so many committees steadfastly grasping their pieces of the homeland security enterprise, no amount of trimming around the edges will solve the problem of outdated, onerous DHS oversight. This problem requires a complete overhaul. One successful model for such reform is the oversight structure of the Department of Defense, the only executive branch organization with a similar function and mission. Accordingly, oversight of DHS should be pared down to exactly six committees, three in the Senate and three in the House. Under this structure, in each chamber, the Homeland Security Committee, the Permanent Select Committee on Intelligence, and the Appropriations Committee would have oversight over the Department.

To accommodate the increased responsibility these committees would bear, the current Senate Homeland Security and Governmental Affairs Committee should split into two separate committees, with one specifically for homeland security. Seven subcommittees should be created within

both the newly created Senate and House Homeland Security Committees, divided among functional lines:

- 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.

The result would be 14 subcommittees led by the chairman and ranking member of an analogous subcommittee in the current system. Additionally, the House Permanent Select Committee on Intelligence would possess four subcommittees (see Figure 1) and the Senate and House Appropriations Committees

would each have a subcommittee focused exclusively on homeland security. This would bring the total number of committees and subcommittees with oversight of DHS to 26, a vast improvement over the current 108.

The Heritage Foundation first proposed this plan nearly two years ago. Though Congress failed to act then, opportunity remains.

Security Before Politics. Over the past decade, numerous organizations and individuals have cited the folly of Congress's sprawling web of oversight over DHS and implored Congress to act. Though consolidation of oversight has bipartisan and widespread support in the policy realm, many in Congress still resist these efforts, placing power, prestige, and politics above security. On the 11th anniversary of 9/11, the nation should not have to wait for another attack to shock Congress into action.

—*Jessica Zuckerman is a Research Associate 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.*

4. Ibid.; Representative Peter T. King (R-NY) and Representative Bennie G. Thompson (D-MS), letter to Speaker John Boehner (R-OH), January 24, 2012, <http://chsdemocrats.house.gov/SiteDocuments/DHSObama.pdf> (accessed September 7, 2012); Carafano, Baker McNeill, and Rosenzweig, "Oversight of the Department of Homeland Security," p. 1; <http://www.heritage.org/research/reports/2010/11/stopping-the-chaos-a-proposal-for-reorganization-of-congressional-oversight-of-dhs> Keith Beiry Golick, "Former National Security Adviser Calls for Streamlined DHS Oversight," *Federal News Radio*, August 3, 2012, <http://www.federalnewsradio.com/index.php?nid=851&sid=2976060> (accessed September 4, 2012); 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, http://csis.org/files/media/csis/events/041210_dhs_tf_whitepaper.pdf (accessed September 4, 2012); and 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, <http://documents.scribd.com/docs/15bq1nr19aerfu0yu9qd.pdf> (accessed September 5, 2012).