



One Hundred Tenth Congress
U.S. House of Representatives
Committee on Homeland Security
Washington, DC 20515

November 12, 2008

The Honorable Nancy Pelosi
Speaker of the House
H-232 Capitol
Washington, DC 20515

Dear Madam Speaker:

As you prepare to convene the 111th Congress, we urge you to immediately begin the process to amend Rule X to streamline Congressional oversight of homeland security policy. Specifically, the Congress must consolidate jurisdiction over the Department of Homeland Security (Department or DHS) in the Committee on Homeland Security (Committee) and provide the Committee a designated seat on the House Permanent Select Committee on Intelligence.

As you know, in 2004 the National Commission on Terrorist Attacks Upon the United States, known as the 9/11 Commission, recommended that Congress “create a single, principal point of oversight and review for homeland security.” In early 2005, the 109th Congress under Republican leadership took the initial steps and made significant progress in consolidating oversight jurisdiction through the establishment of the Committee on Homeland Security as a standing committee in the House of Representatives and the expansion of jurisdiction for the newly renamed Committee on Homeland Security and Governmental Affairs in the United States Senate.

At that time, Members stated that while this was an important first step, more consolidation would be necessary, and practice has shown that to be the case. Congress had an excellent opportunity to further consolidate the Committee’s oversight at the beginning of the 110th Congress, but failed to do so. Although the Congress considered and passed H.R. 1, the “Implementing Recommendations of the 9/11 Commission Act of 2007,” Congress again failed to include what the 9/11 Commission identified to be “among the most difficult and important” of all its recommendations – consolidation of jurisdiction over the Department of Homeland Security.

In September 2007, Homeland Security Secretary Michael Chertoff informed Members that officials at the Department of Homeland Security were reporting to **86** committees and

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subcommittees in the House and the U.S. Senate. That same month, the former Chairman and Vice Chairman of the 9/11 Commission, former New Jersey Governor Thomas Kean and former Congressman Lee Hamilton, published an op-ed in the *Washington Post* stating that "Congressional oversight of homeland security and intelligence must be robust and effective. It is not." They described how this situation results in "a major drain on senior management and a source of contradictory guidance."

Over the past two years, the DHS Secretary, Deputy Secretary, and other senior officials have testified that this extensive oversight provides conflicting guidance for the Department's programs and unnecessarily diverts key officials and staff from fulfilling the Department's vital missions.

The spider web of oversight also hamstring Congress' legislative role. One glaring example is reflected in House consideration of the DHS Authorization bill in the Spring of 2007 when numerous provisions were stripped on the floor because of jurisdictional disputes. Some of those provisions would have: authorized the Secret Service and its functions; improved the security of the Student and Exchange Visitor Program; strengthened enforcement of maritime alien smuggling; authorized the establishment of an animal and disease research facility; strengthened lobbying and ethics standards for DHS employees; and, ironically, one that simply expressed the Sense of Congress that it should consolidate oversight jurisdiction over homeland security.

Unfortunately, this situation has only worsened. According to the Department's statistics, as of August 2008, DHS officials were reporting to **108** Congressional committees and subcommittees. Of these, 65 are in the House; 41 are in the Senate; and 2 are non-committee Congressional organizations. In the 110th Congress thus far, DHS officials participated in 4922 briefings and testified in 377 hearings. These statistics do not reflect the thousands of DHS employee hours spent preparing for hearings, responding to thousands of Questions for the Record, filling document requests, and replying to email and telephone inquiries.

During this past year, a number of leading organizations have provided their expert opinions and called on Congress to consolidate homeland security jurisdiction. In January 2008, the Report released by the Administration Transition Task Force of the Homeland Security Advisory Council included a recommendation for Congress to "implement the 9/11 Commission recommendation to reduce the number of Congressional oversight committees and subcommittees from its current unwieldy eighty six." In March 2008, the National Homeland Security Consortium issued its White Paper calling for better coordination among legislative committees. In June 2008, a panel of the National Academy of Public Administration issued a report entitled, "Addressing the 2009 Presidential Transition at the Department of Homeland

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Security,” which urged Congressional leaders to “take additional steps to consolidate oversight in the key authorizing and appropriations committees using the model that followed the creation of the DoD in 1947.” In July 2008, the leadership of the Governors Homeland Security Advisors Council wrote to you and other Congressional leaders “to urge Congress to adopt the recommendation of the 9/11 Commission to ‘unify and strengthen Congressional oversight of intelligence and homeland security.’” In September 2008, the Center for International and Strategic Studies and the Heritage Foundation issued a joint report entitled, “Homeland Security 3.0,” that identified consolidation of jurisdiction as one of the “critical first tasks” for the new Congress and Administration. Also that month, the Homeland Security Advisory Council identified Congressional oversight as one of the “top ten challenges” facing the next Secretary of Homeland Security and “a dangerous obstacle to the Department’s efforts to achieve its mission.” The Advisory Council recommended that “[t]he next Secretary should continue to pursue the recommendation of the 9/11 Commission for Congress to reduce its homeland security oversight processes.”

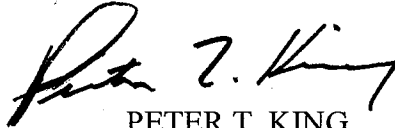
To further strengthen Congressional oversight in the homeland security arena, we also urge you to amend Rule X, clause 11(a)(1), to designate a seat for the Committee on Homeland Security on the House Permanent Select Committee on Intelligence. The current Rule requires the House Permanent Select Committee on Intelligence to include at least one Member from the Committees on Appropriations, Armed Services, Foreign Affairs, and Judiciary. This Rule, however, has not been updated to reflect either the Committee on Homeland Security’s position as a standing committee with jurisdiction over certain intelligence matters or the Department’s increased role within the Intelligence Community. A change in this Rule to include a seat for the Committee on Homeland Security would improve coordination with the House Permanent Select Committee on Intelligence, ensure that homeland security interests are represented on the panel, and strengthen Congressional oversight in this area.

The convening of the 111th Congress will mark the next opportunity for the Congressional Leadership to consolidate jurisdiction over the Department of Homeland Security. It is critical that the Leadership begin now to redraft Rule X committee jurisdiction in the House of Representatives to implement the 9/11 Commission recommendation to ensure that the committee structure no longer impedes the Department’s vital work. It is also critical to amend Rule X to designate a seat for the Committee on Homeland Security on the House Permanent Select Committee on Intelligence.

We stand ready to assist you in this overarching priority for Congress and the security of our Nation. Thank you for your time and consideration of this important matter.

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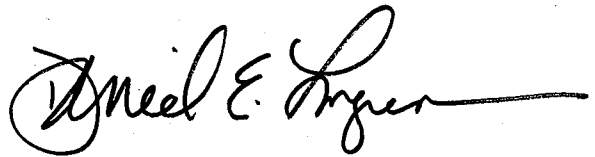
Sincerely,



PETER T. KING
Ranking Member



MARK E. SOUDER
Ranking Member
Subcommittee on Border, Maritime,
and Global Counterterrorism



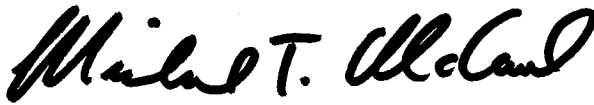
DANIEL E. LUNGREN
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DAVID G. REICHERT
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MICHAEL T. McCAUL
Ranking Member
Subcommittee on Emerging Threats,
Cybersecurity, and Science & Technology



CHARLES W. DENT
Ranking Member
Subcommittee on Emergency Communications,
Preparedness, and Response

cc: The Honorable John A. Boehner
Republican Leader