

RECOMMENDATIONS OF THE SELECT COMMITTEE
ON HOMELAND SECURITY ON CHANGES TO THE RULES
OF THE HOUSE OF REPRESENTATIVES
WITH RESPECT TO HOMELAND SECURITY ISSUES



SELECT COMMITTEE ON
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THE NEED FOR A PERMANENT STANDING COMMITTEE ON HOMELAND SECURITY

The 9/11 terrorists exploited longstanding policy, structural, and programmatic gaps in America’s homeland security caused by the separation of foreign from domestic intelligence, the division of “national security” and “law enforcement” information and activities, and the stove-piped and uncoordinated nature of our multi-agency border and transportation security systems. Since then, Congress and the President have collaborated in a fundamental re-focusing of executive branch agencies to close those gaps, particularly by creating the Department of Homeland Security (DHS), but also through a wide variety of other initiatives, such as the Terrorist Threat Integration Center (TTIC), the Terrorist Screening Center (TSC), and the proposed National Intelligence Director (NID) and National Counterterrorism Center (NCTC).

Despite this significant Executive Branch reorganization, Congressional structures

remain almost the same as they were before the 9/11 attacks. Scores of committees and subcommittees of the Congress have some claim to jurisdiction over various elements of the Department of Homeland Security (DHS), with six standing committees claiming some jurisdiction over critical border security functions of the Department. This creates chaos for the Department. Since January 2004, senior officials from the Department have had to testify at more than 160 Congressional hearings – an average of 20 each month.

Creating a permanent standing Committee on Homeland Security, commencing in the 109th Congress, is necessary if the House of Representatives is effectively to meet its legislative and oversight responsibilities with respect to homeland security programs and activities, particularly those of DHS. The current diffused and unfocused congressional jurisdiction over the Department of Homeland Security, and homeland security in general, not only imposes extraordinary burdens on the Department, but makes it far more difficult for the Congress to guide the Department’s activities

in a consistent and focused way that promotes integration and eliminates programmatic redundancies, and advances implementation of a coherent national homeland security strategy. Current legislative “silos” foster – and, if left unchanged, will continue to foster – fragmentation within DHS as it struggles to build a new common culture focused squarely on the homeland security mission.

For these reasons, not only the 9/II Commission, but virtually every other commission and outside expert has recognized that effective and efficient legislation and oversight with respect to homeland security requires congressional reorganization that vests in a single standing committee in each chamber jurisdiction that parallels the homeland security mission of preventing, preparing for, and responding to acts of terrorism in the United States. A select committee, while appropriate in certain situations, would not be conducive to fostering the clear lines of accountability and responsibility that are necessary when dealing with the variety and cross-cutting nature of homeland security programs and activities situated largely in a single Department.

The success of this endeavor requires that the new standing committee have legislative

and oversight jurisdiction broad enough to ensure that it can take a holistic approach toward homeland security issues, and that the unnecessarily heavy burden the Department of Homeland Security now bears in interacting with a vast array of committees and subcommittees in both houses of the Congress is drastically reduced.

In carrying out this consolidation, it is important to craft the right balance between the jurisdiction of the new standing Committee on Homeland Security and that of existing committees. The Homeland Security Act of 2002 offers a congressionally-created road map to jurisdictional reform that focuses on the structure, organization, capabilities, and mission of the Department itself. The House must reorganize the committee structure so that the new homeland security mission is provided sustained and consistent attention.

RECOMMENDATIONS ON CHANGES TO RULE X
WITH RESPECT TO HOMELAND SECURITY

Pursuant to House Resolution 5, the Select Committee on Homeland Security makes the following recommendations for changes to Rule X regarding the reorganization of jurisdiction within the House with respect to homeland security matters:

RULE X

Organization of Committees

COMMITTEES AND THEIR LEGISLATIVE JURISDICTIONS

- I. There shall be in the House the following standing committees, each of which shall have the jurisdiction and related functions assigned by this clause and clauses 2, 3, and 4. All bills, resolutions, and other matters relating to subjects within the jurisdiction of the standing committees listed in this clause shall be referred to those committees, in accordance with clause 2 of rule XII, as follows:
 - (a) **Committee on Agriculture.** ...
[no changes]
 - (b) **Committee on Appropriations.** ...
[no changes]
 - (c) **Committee on Armed Services.** ...
[no changes]
 - (d) **Committee on the Budget.** ...
[no changes]

(e) **Committee on Education and the Workforce. ...**

[no changes]

(f) **Committee on Energy and Commerce. ...**

Add at end: "In the case of each of the foregoing, the committee's jurisdiction shall not include responsibilities of the Department of Homeland Security."

(g) **Committee on Financial Services. ...**

Add at end: "In the case of each of the foregoing, the committee's jurisdiction shall not include responsibilities of the Department of Homeland Security."

(h) **Committee on Government Reform. ...**

[no changes]

(i) **Committee on House Administration. ...**

[no changes]

(j) **Committee on International Relations. ...**

Add at end: "In the case of each of the foregoing, the committee's jurisdiction shall not include responsibilities of the Department of Homeland Security."

(k) **Committee on the Judiciary. ...**

(8) Immigration and naturalization (except for Department of Homeland Security responsibility for security of United States borders and ports of entry, including the Department's responsibilities for visas and other forms of permission to enter the United States, and immigration enforcement).

(18) Subversive activities affecting the internal security of the United States (except for responsibilities of the Department of Homeland Security).

(l) **Committee on Resources. ...**

[no changes]

(m) **Committee on Rules. ...**

[no changes]

(n) **Committee on Science. ...**

[no changes]

(o) **Committee on Small Business. ...**

[no changes]

(p) **Committee on Standards of Official Conduct. ...**

[No changes]

(q) **Committee on Transportation and Infrastructure.**

(1) Non-homeland security missions of the Coast Guard, including lifesaving service, lighthouses, lightships, ocean derelicts, and the Coast Guard Academy.

(2) Federal management of natural disasters.

(18) Related transportation regulatory agencies (except for responsibilities of the Department of Homeland Security).

(20) Transportation, including railroads, water transportation, transportation safety (except automobile safety), transportation infrastructure, transportation labor, and railroad retirement and unemployment (except revenue measures related thereto); in each case exclusive of the responsibilities of the Department of Homeland Security.

(22) Civil aviation, including safety and commercial impact of security measures.

(r) **Committee on Veterans' Affairs.** ...

[no changes]

(s) **Committee on Ways and Means.** ...

(I) Customs revenue functions, including with respect to collection districts and ports of entry and delivery. ...

GENERAL OVERSIGHT RESPONSIBILITIES

[no changes]

SPECIAL OVERSIGHT FUNCTIONS...

[no changes]

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PERMANENT SELECT COMMITTEE ON INTELLIGENCE

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II. (a)(I) There is established a Permanent Select Committee on Intelligence (hereafter in this clause referred to as the "select committee"). The select committee shall be composed of not more than 18 Members, Delegates, or the Resident Commissioner, of whom not more than 10 may be from the same party. The select committee shall include at least one Member, Delegate, or the Resident Commissioner from each of the following committees:

- (A) the Committee on Appropriations;
- (B) the Committee on Armed Services;
- (C) the Committee on Homeland Security;
- (D) the Committee on International Relations; and
- (E) the Committee on the Judiciary. ...

COMMITTEE ON HOMELAND SECURITY

12. (a)(1) There is hereby established a permanent standing Committee on Homeland Security (hereafter in this clause referred to as the “committee”), which shall be composed of not more than 29 Members, Delegates, or the Resident Commissioner, of whom not more than 16 may be from the same party.
 - (2) The Speaker and the Minority Leader shall be ex officio members of the committee but shall have no vote in the committee and may not be counted for purposes of determining a quorum thereof.
 - (3) The Speaker and Minority Leader each may designate a member of his leadership staff to assist him in his capacity as ex officio member, with the same access to committee meetings, hearings, briefings, and materials as employees of the committee and subject to the same security clearance and confidentiality requirements as employees of the committee under applicable rules of the House.
- (b) There shall be referred to the committee proposed legislation, messages, petitions, memorials, and other matters related to –
 - (1) **Homeland security generally.**
 - (2) **The Department of Homeland Security (except with respect to Federal management of natural disasters, the non-homeland security missions of the Coast Guard, and immigration and naturalization matters unrelated to homeland security).**
 - (3) **The integration, analysis, and sharing of homeland security information related to the risk of terrorism within the United States.**
 - (4) **The dissemination of terrorism threat warnings, advisories, and other homeland security-related communications to State and local governments, the private sector, and the public.**
 - (5) **Department of Homeland Security responsibility for research and development in support of homeland security, including technological applications of such research.**

- (6) Department of Homeland Security responsibility for security of United States borders and ports of entry (unrelated to customs revenue functions), including the Department's responsibilities related to visas and other forms of permission to enter the United States.**
 - (7) Enforcement of Federal immigration laws (except for responsibilities of the Department of Justice).**
 - (8) Security of United States air, land, and maritime transportation systems.**
 - (9) Customs functions, other than customs revenue functions.**
 - (10) Department of Homeland Security responsibility for Federal, state, and local level preparation to respond to acts of terrorism.**
- (c) In addition to the general oversight responsibilities described in clause 2, the committee shall review, study, and coordinate on a continuing basis laws, programs, and Government activities related to all aspects of homeland security.
 - (d) The committee shall have exclusive authorizing and primary oversight jurisdiction with respect to the Department of Homeland Security's responsibilities and activities related to the prevention of, preparation for, and response to acts of terrorism within the United States. The committee also shall have jurisdiction over the other responsibilities and activities of the Department of Homeland Security, except as specified in subsection (b) (2).
 - (e) Subject to the Rules of the House, funds may not be appropriated for a fiscal year, with the exception of a bill or joint resolution continuing appropriations, or an amendment thereto, or a conference report thereon, to, or for use of, the Department of Homeland Security to prevent, prepare for, or respond to acts of terrorism in the United States, unless the funds shall previously have been authorized by a bill or joint resolution passed by the House during the same or preceding fiscal year to carry out such activity for such fiscal year.
 - (f) No referrals of legislation, executive communication, or any other action taken in the 108th Congress with regard to the Select Committee on Homeland Security or any other committee of the House shall be considered to be a precedent for referrals of any homeland security-related measures in the current Congress.