



SELECT COMMITTEE ON HOMELAND SECURITY CHAIRMAN CHRISTOPHER COX

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Q & A about Homeland Security Committee Permanency

The following are some questions and answers pertaining to the need to create a permanent standing Homeland Security Committee in the U.S. House of Representatives:

Why did the Select Committee on Homeland Security recently recommend a permanent Homeland Security Committee to the House Rules Committee?

Answer: In January 2003, the House passed a resolution establishing the Select Committee, which directed it to “conduct a thorough and complete study of the operations and implementation of the rules of the House, including Rule X, with respect to the issue of homeland security. The select committee shall submit its recommendations regarding any changes in the rules of the House to the Committee on Rules not later than September 30, 2004.”

What, in simple terms, did the Select Committee on Homeland Security recommend?

Answer: The Select Committee, in its September 30, 2004 report to the Rules Committee, recommended the establishment of a permanent Standing Committee on Homeland Security with jurisdiction over the Department of Homeland Security and its core counterterrorism mission, as well as the ability to look holistically across the Federal government at our Nation’s efforts to promote homeland security.

Why did the Select Committee recommend a *standing* committee, instead of a *permanent select* committee?

Answer: The committee accepted in full the recommendation of the 9/11 Commission that the House establish a permanent standing Committee on Homeland Security, comparable to other standing committees with oversight, authorization, and legislative jurisdiction over Federal agencies. The Permanent Select Committee on Intelligence, which is distinguished by the fact that the Speaker of the House appoints its members, adopted this different model because it works routinely in a classified environment with our country’s most sensitive intelligence. This unique situation would not apply to the Homeland Security Committee.

Wouldn't creating a permanent standing committee add to the congressional bureaucracy?

Answer: *Do it right, or not at all.* Doing it right means creating a permanent standing Committee on Homeland Security that has broad legislative and oversight jurisdiction over homeland security matters, in general, and the Department of Homeland Security, in particular. If the House consolidates jurisdiction over homeland security matters in a single committee, it will actually *reduce* congressional bureaucracy – which is exactly what the Republican leadership wanted to do on taking control of the House in 1994.

Was this a recommendation of the Chairman and Ranking Member or of the whole committee?

Answer: This is a committee recommendation, endorsed by a majority of both the Republican and Democratic members of the committee.

What basic principles guided the recommendations on jurisdiction?

Answer: Four principles guided deliberations: (1) the Homeland Security Committee's jurisdiction should flow from the Homeland Security Act of 2002 that established the Department; (2) committee jurisdiction should be based primarily on DHS' explicit counterterrorism mission to prevent, protect, and respond; (3) the committee's jurisdiction should not extend to certain non-counterterrorist functions of agencies inside the Department; and (4) the select committee would prefer that there be no follow-on homeland security committee rather than one with weak jurisdiction that only adds to the number of committees to which DHS would report.

Why should there be a permanent Committee on Homeland Security in the House?

Answer: The House does its legislative and oversight business through committees. The Department of Homeland Security is the third largest department in the Government and "homeland security" covers a variety of issues not previously recognized in the rule assigning jurisdiction to the various House committees – for example, the risk terrorism poses to the nation's critical infrastructure. Neither the threat of terrorism, nor the Department of Homeland Security is going away. Unless the House creates a permanent homeland security committee, it cannot hope to deal effectively in the future with the Department or homeland security issues, and the Department will continue to be unduly burdened, subjected to inconsistent congressional guidance and uneven oversight.

Should a new Homeland Security Committee have jurisdiction over the Coast Guard?

Answer: No, except that the Committee on Homeland Security would have a jurisdictional concern over the entire organization and structure of DHS, and the Homeland Security Act brought the Coast Guard into DHS. But the Homeland Security Committee's recommendations on jurisdiction follow the Homeland Security Act in distinguishing the Coast Guard's homeland security missions – *e.g.*, the security of ports, waterways, and coastlines – over which the new Homeland Security Committee *would* have jurisdiction – from the Coast Guard's *non*-homeland security functions – *e.g.*, marine safety and aids to navigation – over which the Committee on Transportation and Infrastructure would retain its present jurisdiction.

Would the new Committee on Homeland Security have jurisdiction over FEMA?

Answer: FEMA is a DHS element that would certainly play a role in the U.S. Government's response to any terrorist attack. To that extent, yes, the Homeland Security Committee would share jurisdiction over it. But FEMA is also the Federal Government's response agency for disasters of *all* kinds – most notably, those caused naturally. The permanent Homeland Security Committee would not claim jurisdiction over FEMA's role in responding to natural disasters. That would remain the province of the Committee on Transportation and Infrastructure.

Does the Department of Homeland Security favor creation of a permanent Committee on Homeland Security?

Answer: Secretary Ridge has testified that a consolidation of congressional jurisdiction over the Department would be a very good thing from the Department's standpoint:

“As we continue to evolve into a more agile agency, we look forward to continuing our close working relationship with Congress. We appreciate and value the mechanism for congressional oversight that has been laid out in the Constitution. However, we believe the relationship would be significantly enhanced, substantially improved ... if there was an effort within Congress to reduce the number of committees and subcommittees that have oversight over this department.”

*Hearing, Select Committee on Homeland Security,
September 14, 2004.*

When will the decision be made on whether there will be a permanent House Committee on Homeland Security?

Answer: There is no set timetable, but it cannot be later than January 2005, which is when the House will adopt its rules for the 109th Congress.

Did the 9/11 Commission address the question whether there should be a permanent Homeland Security Committee?

Answer: The 9/11 Commission report noted that DHS officials must now appear before 88 congressional committees and subcommittees and recommended that:

“Congress should create a single, principal point of oversight and review for homeland security. Congressional leaders are best able to judge what committee should have jurisdiction over the department and its duties. But we believe that Congress does have the obligation to choose one in the House and one in the Senate, and that this committee should be a permanent standing committee with a nonpartisan staff.” (*9/11 Commission Report* at p. 421.)

Have other experts weighed in on the question whether there should be a permanent Committee on Homeland Security?

Answer: Yes. They include former Speakers of the House Gingrich and Foley, both of whom support a permanent committee. In addition to the 9/11 Commission, the Gilmore Commission, the Council on Foreign Relations, the Heritage Foundation, and the Markle Foundation have explicitly endorsed a permanent Committee on Homeland Security