



COMMITTEE ON HOMELAND SECURITY

Prepared Remarks to Rules Committee Proposed Rule X Changes for Committee on Homeland Security Jurisdiction

Chairman Bennie G. Thompson (D-MS)

October 1, 2020

Sixteen years ago, the bipartisan 9/11 Commission recommended that “Congress should create a single, principal point of oversight and review for homeland security. There should be one permanent standing committee for homeland security in each chamber.”

At the time, the Commission acknowledged that their recommendation to reform congressional oversight was “the most difficult to realize” but was among “the most important” of its recommendations.

When the 109th Congress convened on Jan. 4, 2005, the Committee on Homeland Security became the 20th standing committee of the House and the first new one since 1974. At the time, the Committee’s black letter jurisdictional statement reflected the reluctance of other Committees to relinquish jurisdiction to this new Committee.

The structure of CHS’ jurisdictional statement is unlike any other authorizing committee. It does not include broad subject matter authority like, for instance, the Armed Service Committee has over “common defense generally.” Instead, it utilizes a novel structure where it mostly limits CHS’ black letter jurisdiction to six narrowly-drawn activities with DHS.

Over the years, the inadequacy of this jurisdictional statement has been criticized in independent reports by a host of groups including the Bipartisan Policy Center, the Heritage Foundation, the Brookings Institution, George Washington University’s Homeland Security Policy Institute, and the Center for Strategic and International Studies.

In 2011, the Bipartisan Policy Center described jurisdiction over DHS as being “carved up to accommodate antiquated committee structures” and in 2012, the Heritage Foundation labeled it as downright “byzantine.”

Over the past 15 years, under both Republican and Democratic Leadership, that statement has remained unchanged.

In April 2013, the Aspen Institute and Annenberg Foundation issued a task force report that called for streamlining and consolidating Congressional oversight over the Department.

The task force, which included the co- chairs of the 9/11 Commission and former DHS officials from the Bush and Obama Administrations, concluded that “Fragmented jurisdiction impedes DHS’ ability to deal with three major vulnerabilities: the threats posed by small aircraft and boats; cybersecurity; and biological weapons.”

It recommended that DHS “should have an oversight structure that resembles the one governing other critical departments, such as Defense or Justice” and that “Committees claiming jurisdiction over DHS should have overlapping membership.”

And, just this past August, the Atlantic Council, in its “Future of DHS Project,” recommended reform, explaining that “more than 90 committees and subcommittees have jurisdiction over all or part of DHS.” and that “[t]he best window of opportunity for this will be during the 90-day window between the November 3 election and the start of the 117th Congress on January 4, 2021.”

I could not agree more. There’s no question that the moment is right for reforming CHS’ jurisdictional statement in the 117th Congress.

Next year marks the 20th anniversary of the 9/11 attacks—the catastrophic event that drove the creation of the Department of Homeland Security, and in turn, my Committee.

Further, fifteen years have passed in which there’s been more than enough evidence to support the conclusion that our initial and current jurisdictional statement is inadequate and undermines CHS’ ability to fully execute its critical role at DHS’ authorizer.

Finally, we are in a moment where public trust in the Department is at an all-time low—given its role in the President’s cruel immigration agenda and, more recently, on the streets with protestors— and calls for reform are have grown more and more urgent.

DHS does not need dismantling, it needs reforming. But for that to happen, the Committee on Homeland Security must have adequate legislative authority to produce and bring to the floor a DHS reform package.

I would note that my predecessor as chairman secured a memorandum of agreement with other relevant committees to advance a DHS authorization bill. Unfortunately, efforts to secure a similar commitment this Congress from my fellow Democratic chairmen were unsuccessful.

I have been on the Committee since its earliest days and am proud of the work we have been able to accomplish despite our jurisdictional limitations.

However, the Committee’s woefully inadequate jurisdiction causes many functions of DHS – a wide reaching agency with collaborative missions in many fields – to fall under the jurisdiction of far too many competing congressional committees.

The resulting web of referrals has bogged down important legislation to shape the future of the Department, and to reign in bad policy decisions and the leadership of various administrations.

For example, legislation that directs the Secretary of Homeland Security to take action is referred primarily to the Homeland Security Committee a mere 16% of the time. For comparison, 62% of legislation directing the Secretary of Transportation is referred to the Transportation Committee.

This lack of consolidated jurisdiction has left DHS without strong direction – and we are seeing how it contributes to chaos under the Trump administration.

In the absence of focused leadership from Congress – including consistent reauthorization of the Department – Secretaries have been able to carry out wrong, ineffective, and dangerous policies.

I am proposing – as Chairs on both sides of the aisle have in the past - that Congress reorganize the Committee’s jurisdiction to bring it in line with the goal of the 9/11 Commission’s recommendations, and to give the Department a true authorizing Committee with the authority to advance reform legislation and put it on a positive path.

I recognize the challenge that presents and remember the difficulty in simply creating the Committee in the first place. However, it is the right thing to do and the time to do has come.