

**Statement of Congressman Jim Turner
Select Committee on Homeland Security
Rules Subcommittee on Technology and the House
June 16, 2004**

Thank you, Chairman Linder, Ranking Member McGovern, and my colleagues on the Subcommittee. I appreciate the opportunity to appear at this hearing on the appropriate Committee structure to effectively consider legislation and oversee the Department of Homeland Security.

As you know, this topic has been the subject of multiple hearings of the Subcommittee on Rules of the Select Committee on Homeland Security. Witnesses at those hearings, including past House leaders, Executive Branch officials, and parliamentary and academic experts have uniformly testified that the current House structure must be changed for the sake of enhanced homeland security.

I have said previously and will repeat again today: If you take homeland security seriously, you must reach the conclusion that there needs to be one Committee in the House of Representatives with primary oversight and legislative jurisdiction over the functions of the Department of Homeland Security.

I reach this conclusion as someone that has worked within the bounds of House Rule Ten during this Congress, and observed the difficulties that Congress has experienced in effectively overseeing the Department. I would add that this arrangement has made it equally difficult for the Department to work with Congress. This is not a partisan comment; it is my goal, as with the Chairman and every Member of the Select Committee, to do all I can to help the Department of Homeland Security succeed in its mission to prevent, prepare for, and respond to terrorist attack.

As you know, I will not be returning to this House in the next Congress, so my views are based solely on my belief that creating a single, strong Committee is the best way for this House to protect the American people.

There are a number of reasons I have reached this conclusion.

First, we need to do whatever we can in the Congress to help the Department of Homeland Security be successful. Right now, we have dozens of full committees and scores of subcommittees overseeing the Department. We call senior Department officials to duplicative hearings and push the Department in multiple, sometimes conflicting policy directions. Congress is making the Department's already substantial challenges even more difficult.

Secretary Ridge agrees. At a hearing before the Select Committee he said, "I think it goes without saying that a streamlined process of oversight and accountability, in my judgment, would do both the executive branch and the legislative branch a world of good."

The fact is, senior Department officials are spending so much time preparing for hearings, participating in hearings, and responding to the aftermath of hearings that it is affecting their critical duties.

Designating one focal authorizing Committee for the Department's activities will solve this problem. Where appropriate, joint hearings at the subcommittee or full committee level can be used to make sure that all aspects of an issue are accounted for. Our experience this year has shown that this is a workable solution.

My second reason for advocating for a Homeland Security Committee is that I do not believe effective oversight or legislation for the Department can be accomplished with multiple Committees having responsibility for discrete sections of the Department.

Without a Homeland Security Committee, who would look at the tradeoffs that every Department must make when developing a budget? Who would look at the cross-cutting issues that affect the Department at large rather than individual departmental

components – issues such as developing a comprehensive threat and vulnerability assessment? Who would focus on the serious and numerous management and operational challenges facing the Department? The answer is, frankly, no one.

In addition, much of the Congressional work surrounding homeland security isn't resident in any existing standing Committee. For example, no other Committee has the jurisdiction to write an authorization for the Department of Homeland Security's budget. This is a very important task, especially for a new Department.

In fact, the conference report on the Fiscal Year 2005 budget resolution assigns to the Select Committee responsibility for recommending how \$150 million of the Department of Homeland Security section's budget might be re-allocated. This assignment recognized that the Select Committee was the sole body in the House equipped to make such recommendations.

In preparing the rules for the 109th Congress, the Rules Committee will no doubt hear arguments against the creation of a full homeland security committee from the Chairmen and Ranking Members of other committees. I would like to respond to the three general arguments that were made before the Select Committee's Rules Subcommittee. The first was that there are already too many Committees in the House. The second was that the existing Committees could effectively absorb the homeland security jurisdiction without further change. The third was that a single committee was needed, but that one of the existing committees should be named for that job.

The question of whether the House has too many committees is really not the point. Congress and the President made a decision to create a Department of Homeland Security. Having created a massive new agency with critical responsibilities, it is now incumbent on Congress to organize itself in a way that makes sense in light of the organization of the Executive Branch.

As former Speaker Gingrich testified, “this is the only potential standing committee which really has the defensive obligations that could involve millions of lives... And that’s why this is an unusual case. I don’t think you’re going to see me come here and testify very often for new standing committees. But this is a very unusual moment in our history.”

The second suggestion – that we should not create a Homeland Security Committee because so much expertise resides in the current standing committees – also misses the mark. In fact, it is contrary to the logic of the Homeland Security Act. Even though the Attorney General had tremendous expertise in immigration, and the Treasury Department had tremendous experience with Customs, and the Transportation Department had tremendous knowledge of aviation security – these functions were placed in the Department of Homeland Security. For Congress to approve this reorganization, and the philosophy behind it, but fail to reorganize itself to deal effectively with the new reality, would be, to put it bluntly, the height of hypocrisy.

Does this mean that committees with years of experience and expertise in areas such as bioterrorism or intelligence should be stripped of any influence over these subjects? No. There are many ways to have shared jurisdiction over issues where more than one committee has something to contribute. The Speaker has broad authority to make multiple referrals or allow for sequential referrals when the circumstances warrant. Jurisdictional arrangements can also be constructed to account for how the House should handle the non-homeland security responsibilities of the new Department. Indeed, I believe it would be wise for the current standing committees to retain their jurisdiction over all of these non-security functions.

Finally, I would like to deal head on with the idea that homeland security could be handled through a subcommittee on the Government Reform, or any other, Committee. I served on the Government Reform Committee so I am familiar with the tremendous work it does on oversight and issues that affect government operations across the board. But I see no reason why we should consolidate jurisdiction over homeland security in the

Government Reform Committee any more than we should provide it jurisdiction over health care, highway construction, or education.

In holding 18 full committee hearings and an additional 35 subcommittee hearings, the Select Committee on Homeland Security has not been able to scratch the surface of what is needed to be done. Although I may have wanted to move more aggressively at times, there is no way that any existing Committee could effectively handle the entire homeland security portfolio while maintaining its current responsibilities.

I also believe that if we create a strong Committee on Homeland Security in the House, the Senate will have no choice but to follow suit. This is exactly what happened with respect to the Appropriations Committee. The House took the right step of creating a separate appropriations subcommittee for the Department of Homeland Security. The Senate soon did the same thing.

As for what the Committee on Homeland Security should look like: Most importantly, and in accordance with previous testimony to this Subcommittee from outside experts, the Committee should have substantial legislative and oversight authority. It should have oversight responsibilities with respect to all homeland security activities of the federal government, whether within the Department of Homeland Security or not. It should also have primary legislative jurisdiction over all homeland security activities in the Department of Homeland Security, and sequential referrals over homeland security operations in other departments.

I thank the Subcommittee for the opportunity to testify, and thank you for your attention to this critical issue.