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Homeland Security Authorization Key to DHS Performance, Oversight

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Congress's homeland security committees deserve praise for their recent action to improve port and chemical plant security, to boost border security, and to reform the Federal Emergency Management Agency. Broad homeland security policy issues, however, could be better addressed in a biennial homeland security authorization bill rather than in patchwork legislation. A biennial bill would allow the authorization committees to exercise much-needed oversight of the Department of Homeland Security (DHS), to address the many homeland security issues that have not been covered in individual pieces of legislation, and to avoid reactive stand-alone legislation inevitably proposed in response to the latest threat and directed at ever-changing security concerns. A responsible authorization bill cycle would begin every two years in conjunction with each new Congress.

Structural Roadblocks

The House and Senate jurisdictional structures are roadblocks to passing comprehensive policy bills that reach every corner of the Department of Homeland Security. House oversight of homeland security is shared among seven panels, including the Judiciary Committee, the Transportation Committee, and the Energy Committee.

Meanwhile, the Senate's jurisdictional structure is completely different, with one committee undertaking nearly two House committees' work. The Senate's Homeland Security and Governmental Affairs Committee (HSGAC), essentially combining the work of the House Homeland Security Com-

mittee and the House Government Reform Committee, maintains broad jurisdiction and vast responsibilities that include examining the efficiency and effectiveness of the entire U.S. government. The HSGAC also oversees executive branch reorganizations, the federal civil service, the U.S. Postal Service, the municipal affairs of the District of Columbia, and U.S. nuclear export policy. In addition, the HSGAC, which would be the authorizing committee, does not have jurisdiction over fundamental DHS components, such as, the Coast Guard, the Transportation Security Administration (TSA), the U.S. Citizenship and Immigration Service, and the immigration functions of the Customs and Border Protection.

Thus a major hindrance to passing an authorization bill is the Senate's jurisdictional structure. Any successful bill will have to stay within the HSGAC's jurisdiction—leaving out matters related to the TSA and the Coast Guard, for example.

The Essentials

Congress should address the majority of homeland security policy issues that do fall within the relevant committees' jurisdictions in an authorization

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bill. DHS needs a comprehensive policy roadmap for the 110th Congress beginning in January that addresses issues overlooked in the several security-related bills passed this year in separate legislation. In particular, four reforms should be included in any homeland security authorization bill:

Create an Under Secretary for Policy within DHS. Congressional policy guidance should begin by elevating the Assistant Secretary of Homeland Security for Policy to the rank of Under Secretary. When working within and across federal agencies, stature matters. This senior position would empower the Under Secretary and the Under Secretary's office more to consolidate strategies, plans, and procedures from the vast spectrum of departments and entities that make up DHS.

Formalize professional training and education in homeland security. A homeland security authorization bill should include professional homeland security education accreditation requirements for DHS career employees and federal counterterrorism personnel. This would strengthen the management of DHS by providing an enduring base of professional and institutional knowledge for the current and future civilian leaders of the department. Managers and civil servants in critical security positions should be accredited by a board of professionals in accordance with general procedures established by Congress.

Reform the homeland security grant programs to better achieve national priorities. Congress must continue to refine homeland security grant allocations in order to meet national priorities. Many state and local governments still use the majority of federal grant dollars for equipment acquisition rather than for improving preparedness or interoperability. Homeland security grant programs, from the Urban Area Security Initiative to Assistance to Firefighters, should do more to encourage preparedness, in addition to equipment procurement. A good example is DHS's requirement that regions applying for urban grants create plans for preparedness and show proof of cooperation among local, state, and federal officials, as well as private sector leaders.

Enact comprehensive border security and immigration reform. An authorization bill must include comprehensive border security and immigration reform that builds on the Secure Fence Act of 2006. Effective reform legislation should encourage an expanded use of the 287 (g) provision in the 1996 Immigration and National Act that enables the use of state and local law enforcement assets to enforce federal immigration law. Immigration bills under consideration in this Congress lack appropriate 287 (g) program expansion and adequate funding. (See James Jay Carafano, Ph.D., "Build on Section 287(g) of the Immigration and Nationality Act to Boost State and Local Immigration Enforcement," Heritage Foundation *WebMemo* No. 1212, September 14, 2006.)

An authorization bill could also provide a strategy for securing the border that would change the bulk of northward migration from illegal to legal by quickly disrupting current migration patterns and encouraging legal migration. This includes measures for land, sea, air, and interior enforcement; rapid response deployment; the assistance of private contractors; the enhancement of state and local law enforcement roles; the deployment of National Guard and other volunteer and state defense forces; and human capital improvements in border patrol recruiting efforts.

Set the Pace

Today, the Department of Homeland Security haphazardly works its way through piecemeal legislation offered by Congress. Instead, Congress should offer a clear roadmap to DHS through a biennial homeland security authorization bill. A strong authorization bill would take care of unfinished homeland security business, as well as set the pace for the next two years.

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