

Statement on Congressional Oversight
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Terrorist Attacks on the United States
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- I am pleased this afternoon to join Reps. Shays and Maloney and members of the families of 9/11 – Mary Fetchet, Carrie Lemack, and Abe Scott. They have been tireless supporters of the Commission and its recommendations. We owe them a debt of gratitude for their efforts.
- The Congress acted promptly on many recommendations by the 9/11 Commission, especially those involving restructuring of the Executive branch. The work of the Congress in reforming its own institutions is unfinished.
- Reform in the Congress takes place through rule changes in both Houses. Those rule changes take place at the start of a new Congress. The first order of business for the 109th Congress should be to reform its own Committee structures to meet the national security challenges of a new era.
- The Congress has now created a powerful Director of National Intelligence. It has created a National Counterterrorism Center. It has provided new authorities to the Executive branch, including more intrusive transportation and border inspection measures.
 - There will be many questions and ambiguities as new institutions are created. Congress will need to provide guidance as these new powers are exercised.
 - Now more than ever Congress needs powerful, effective oversight Committees to serve as partners with, and watchdogs of, the Executive branch.
- The Congress cannot play its proper role under the Constitution to be a partner and a critic, and to provide a check and balance on the actions of the Executive, if its oversight committees are weak.

- Congress needs to be an effective partner of the Executive branch in carrying out the counterterrorism policies of the United States. To be an effective partner, the Congress needs to have the capability to carry out robust oversight.
- Strong oversight by the Congress protects our liberties and makes our policies better. Our freedom and safety depend on getting this balance right.

So what do we believe the Congress should do?

First, we believe there need to be permanent, standing Committees in the House and Senate for both Intelligence and Homeland Security.

They need to be powerful Committees, with sufficient and capable staff, strong investigative powers, and exclusive jurisdiction. They should not have to share jurisdiction or be subject to sequential referral over key elements in their jurisdiction.

- The Intelligence Committees should have sole jurisdiction over the National Intelligence Program.
- The Homeland Security Committees should have sole jurisdiction over all counterterrorism elements of the Department of Homeland Security.
- There should be clear lines of accountability, both by the Executive to the Congress, and by congressional oversight committees to the public. The public needs to know which committees have responsibility for oversight.

Second, there should be Appropriations subcommittees that clearly track the jurisdiction as the Authorizing Committees. We accept that the Congress will not create a single Intelligence Committee with both authorization and appropriation powers, as the Commission originally recommended.

- From our point of view, the next best solution is to create Intelligence and Homeland Security Committees, with appropriations subcommittees with matching jurisdiction.

- Under this plan – as outlined by Representatives Shays and Maloney – two Committees in the House would have a voice over intelligence matters and homeland security respectively.
- This would be a satisfactory arrangement, providing sufficient oversight by strong committees – and avoiding the overlap and weakness of the current Committee structure. We support a similar arrangement in the Senate.

We should not place our confidence in congressional oversight structures for national security that were designed at the beginning of the Cold War. The Nation needs to reform *all* its national security institutions to meet the new threats of the 21st century.

We recognize, finally, that institutional reform – dealing with jurisdiction, power, and personalities – is always difficult. As I can testify from my own personal experience, reforming the jurisdiction of congressional committees is a formidable challenge. Yet we are also confident that the leaders in Congress will respond to calls for reform when the national security demands it.

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