

dedicated millions of dollars on increased security, preparedness, and emergency response costs since September 11. Cities and counties have upgraded security at key public facilities, enhanced information technology and communications systems, and improved local bioterrorism response capabilities.

Congress approved the Fiscal Year 2002 Emergency Supplemental Appropriations bill this week, which includes \$151 million in grants to first responders. In providing this federal assistance, I requested consideration of local input regarding the application of federal first responder grants. In response, the bill requires state strategic plans for terrorism response to fully consult local governments. While this provides a good first step in integrating our local governments, we must keep the application of resources for first responders a top legislative priority.

In order to successfully secure our communities and provide effective emergency response, it is critical that local governments are integrally involved in the National Council of First Responders, and in any regional strategic planning for terrorism response. Most importantly, local governments must be given the opportunity to directly access available resources. The task at hand is too critical to allow funding and other assistance to be swallowed up by bureaucracy, or hijacked to mask deficits. Local governments are in the best position to understand what the first responders in their community need and must remain integrally involved in determining the allocation of resources.

I strongly support H.R. 5005 and commend the various committees of jurisdiction that deliberatively and expeditiously contributed to the creation of the new Department of Homeland Security. I also applaud the leadership of the Select Committee on Homeland Security, without which we may not have had the opportunity to enact this historic legislation.

Mrs. CHRISTENSEN. Mr. Chairman, I rise as a staunch supporter of homeland defense, but in strong opposition to H.R. 5005, the Homeland Defense Bill.

This bill is seriously flawed in many areas, and several of its measures would undermine civil liberties and deny work protections, while protecting contractors who could supply flawed, even deadly products.

Overall, the bill as currently constructed, would in my opinion put us more at risk than we are now, or was in September 10, 2001.

While the leadership sought input from the relevant committees in writing the bill, in the end that process turned out to be no more than a sham. As they have done time and time again, the regular order, processes that have served this body and our country well for over 200 years have been cast aside. That sets a dangerous precedent, and does nothing to ensure expert input into a very complex bill and agency.

I am particularly concerned about the rush to create headlines by having the bill ready on September 11th of this year. There can be no other reason.

This is a massive undertaking, and reorganization. It needs to be well thought out, and planned. Personally, I do not feel that the merging of the different agencies is at all necessary, and jeopardizes the other important functions of many of them.

We should look at the difficulties encountered with a much smaller project—the cre-

ation of the Transporting Security Agency, and take counsel on what happens when we rush headlong into something, without proper forethought and expert input.

Our homeland Defense is too important to give it such short shrift in our deliberations. As we have done time and time again since September 11th, we are throwing everything at the problem, hoping that something will stick and be effective. That is no way to lead.

Because caution, due diligence, and respect for process has already been called for by many on my side of the aisle, I know that this plea will also fall on deaf ears, but nevertheless, I am asking the leadership of this body, to stop this rush to meet an unnecessary and unwise deadline. The people of this country don't want a sound bite or photo-op, they want real leadership from us, and they want real homeland security.

Mr. BORSKI. Mr. Chairman, I would like to take this opportunity during debate on H.R. 5005 to apprise my colleagues of a Coast Guard issue that, if not properly addressed, will have serious consequences on our ability to defend our homeland. As the Coast Guard is to be transferred to the Department of Homeland Defense under this Act, the subject is most relevant to today's debate.

The Coast Guard recently launched a new mission known as HITRON. A combination of ships, boats and helicopters pursue drug runners in fast boats. Following a competition in 2000, the Coast Guard leased 8 MH-68A helicopters as a part of a new mission to dramatically improve the nation's ability to interdict drug traffickers. The helicopters fleet became fully operational this winter and has had a 100 percent interdiction success rate with 13 chases, 13 busts and a seizure of cocaine and marijuana valued at nearly \$2.4 billion. Thus the mission is proven, the effectiveness of the helicopter is proven and HITRON has been made permanent by the Commandant.

On April 26, Congressman Howard Coble and I led 39 Members of Congress in a request to the Appropriations Committee to provide the Coast Guard with plus-up funding of \$60 million the purpose of purchasing 8 MH-68A helicopters currently under short-term lease to the Coast Guard, plus 4 additional helicopters. We believe buying the helicopters would be a better investment than a continuation of leasing arrangements. Leasing is an expensive alternative to purchase.

Mr. Coble and I kept the Coast Guard Commandant and staff informed of our every step while we worked with the appropriations and authorization processes. On May 7, I met with representatives of the Commandant led by Admiral Harvey Johnson. Admiral Johnson informed me that while the helicopter was performing well; the Coast Guard did not want to make a purchase at this time. The reason is the Coast Guard was evaluating the option of deploying a "multi-mission" aircraft which would have drug interdiction capability as a part of the Deep Water modernization program. The USCG was awaiting a recommendation from the newly selected Integrated Coast Guard Systems group (ICGS), which is led by Lockheed and Northrop Grumman.

Congressman Coble and I responded to the Coast Guard that we understood the interest in a multi capability aircraft, and did not want to foreclose the Coast Guard option through a congressional mandate to purchase the exist-

ing MH-68A fleet. However, a very serious problem remains. The lease on the existing HITRON fleet expires this January 2003. It will be five years before new multipurpose helicopters are introduced. I am extremely worried that there could be an interruption in this program. Mr. Coble and I called on the Coast Guard to extend the lease of eight or more MH-68A helicopters for five years or until a permanent Deepwater multipurpose helicopter is fully operational and in the Coast Guard DeepWater inventory. An independent, but identical request for a five year lease extension was made by Congressman Bob Filner on June 28.

Last week, on July 17, the ICGS group presented its findings to the Coast Guard. It recommended a USCG-Industry team evaluate the trade offs between a single mission and multi-mission helicopter for drug interdiction. ICGS selected the Bell/Agusta Aerospace Company's AB-139 as the multi-mission aircraft. Consistent with the request made by Mr. Coble, Mr. Filner and myself, ICGS recommended an extension of the MH-68A lease for up to five years.

Mr. Chairman, Mr. Speaker, I urge the Coast Guard to adopt the recommendation of the ICGS to extend the MH-68A lease up to 5-years to get us from here to there. I also support specific funding to provide more protection for the crews of these helicopters. I hope my colleagues will join my efforts to ensure that there is no interruption in this vital homeland security program, and to secure the resources necessary to add further protection for our brave pilots and crew who have already done so much.

Mr. PAUL. Mr. Chairman, the move to create a federal Department of Homeland Security was initiated in response to the terrorist attacks of September 11 and subsequent revelations regarding bureaucratic bungling and ineptness related to those attacks. Leaving aside other policy initiatives that may be more successful in reducing the threat of future terror attacks, I believe the President was well-intentioned in suggesting that a streamlining of functions might be helpful.

Mr. Speaker, as many commentators have pointed out, the creation of this new department represents the largest reorganization of federal agencies since the creation of the Department of Defense in 1947. Unfortunately, the process by which we are creating this new department bears little resemblance to the process by which the Defense Department was created. Congress began hearings on the proposed department of defense in 1945—two years before President Truman signed legislation creating the new Department into law! Despite the lengthy deliberative process through which Congress created the new department, turf battles and logistical problems continued to bedeviled the military establishment, requiring several corrective pieces of legislation. In fact, Mr. Speaker, the Goldwater-Nicholas Department of Defense Reorganization Act of 1986 (PL 99-433) was passed to deal with problems stemming from the 1947 law! The experience with the Department of Defense certainly suggests the importance of a more deliberative process in the creation of this new agency.

This current proposed legislation suggest that merging 22 government agencies and departments—compromising nearly 200,000 federal employees—into one department will address our current vulnerabilities. I do not see

how this can be the case. If we are presently under terrorist threat, it seems to me that turning 22 agencies upside down, sparking scores of turf wars and creating massive logistical and technological headaches—does anyone really believe that even simple things like computer and telephone networks will be up and running in the short term?—is hardly the way to maintain the readiness and focus necessary to defend the United States. What about vulnerabilities while Americans wait for this massive new bureaucracy to begin functioning as a whole even to the levels at which its component parts were functioning before this legislation was taken up? Is this a risk we can afford to take? Also, isn't it a bit ironic that in the name of "homeland security" we seem to be consolidating everything except the government agencies most critical to the defense of the United States: the multitude of intelligence agencies that make up the Intelligence Community?

Mr. Speaker, I come from a Coastal District in Texas. The Coast Guard and its mission are important to us. The chairman of the committee of jurisdiction over the Coast Guard has expressed strong reservations about the plan to move the Coast Guard into the new department. Recently my district was hit by the flooding in Texas, and we relied upon the Federal Emergency Management Agency (FEMA) to again provide certain services. Additionally, as a district close to our border, much of the casework performed in my district offices relates to requests made to the Immigration and Naturalization Service.

There has been a difference of opinion between committees of jurisdiction and the administration in regard to all these functions. In fact, the President's proposal was amended in no fewer than a half dozen of the dozen committees to which it was originally referred.

My coastal district also relies heavily on shipping. Our ports are essential for international trade and commerce. Last year, over one million tons of goods was moved through just one of the Ports in my district! However, questions remain about how the mission of the Customs Service will be changed by this new department. These are significant issues to my constituents, and may well affect their very livelihoods. For me to vote for this bill would amount to giving my personal assurance that the creation of this new department will not adversely impact the fashion in which the Coast Guard and Customs Service provide the services which my constituents have come to rely upon. Based on the expedited process we have followed with this legislation, I do not believe I can give such an assurance.

We have also received a Congressional Budget Office (CBO) cost estimate suggesting that it will cost no less than \$3 billion just to implement this new department. That is \$3 billion dollars that could be spent to capture those responsible for the attacks of September 11 or to provide tax-relief to the families of the victims of that attack. It is three billion dollars that could perhaps be better spent protecting against future attacks, or even simply to meet the fiscal needs of our government. Since those attacks this Congress has gone on a massive spending spree. Spending three billion additional dollars now, simply to rearrange offices and command structures, is not a wise move. In fact, Congress is actually jeopardizing the security of millions of Americans by raiding the social security trust fund to rear-

range deck chairs and give big spenders yet another department on which to lavish pork-barrel spending. The way the costs of this department have skyrocketed before the Department is even open for business leads me to fear that this will become yet another justification for Congress to raid the social security trust fund in order to finance pork-barrel spending. This is especially true in light of the fact that so many questions remain regarding the ultimate effect of these structural changes. Moreover, this legislation will give the Executive Branch the authority to spend money appropriated by Congress in ways Congress has not authorized. This clearly erodes Constitutionally-mandated Congressional prerogatives relative to control of federal spending.

Recently the House passed a bill allowing for the arming of pilots. This was necessary because the Transportation Security Administration (TSA) simply ignored legislation we had passed previously. TSA is, of course, a key component of this new department. Do we really want to grant authority over appropriations to a Department containing an agency that has so brazenly ignored the will of Congress as recently as has the TSA?

In fact, there has been a constant refusal of the bureaucracy to recognize that one of the best ways to enhance security is to legalize the second amendment and allow private property owners to defend their property. Instead, the security services are federalized.

The airlines are bailed out and given guaranteed insurance against all threats. We have made the airline industry a public utility that get to keep its profits and pass on its losses to the taxpayers, like Amtrak and the post office. Instead of more ownership responsibility, we get more government controls. I am reluctant, to say the least, to give any new powers to bureaucrats who refuse to recognize the vital role free citizens exercising their second amendment rights play in homeland security.

Mr. Speaker, government reorganizations, though generally seen as benign, can have a deleterious affect not just on the functioning of government but on our safety and liberty as well. The concentration and centralization of authority that may result from today's efforts should give us all reason for pause. But the current process does not allow for pause. Indeed, it militates toward rushing decisions without regard to consequence. Furthermore, this particular reorganization, in an attempt to provide broad leeway for the new department, undermines our Congressional oversight function. Abrogating our Constitutionally-mandated responsibilities so hastily now also means that future administrations will find it much easier to abuse the powers of this new department to violate constitutional liberties.

Perhaps a streamlined, reconfigured federal government with a more clearly defined and limited mission focused on protecting citizens and their freedoms could result from this reorganization, but right now it seems far more likely that the opposite will occur. That is why I must oppose creation of this new department.

Until we deal with the substance of the problem—serious issues of American foreign policy about which I have spoken out for years, and important concerns with our immigration policy in light of the current environment—attempts such as we undertake today at improved homeland security will amount to, more or less, rearranging deck chairs—or per-

haps more accurately office chairs in various bureaucracies. Until we are prepared to have serious and frank discussions of policy this body will not improve the security of American citizens and their property. I stand ready to have that debate, but unfortunately this bill does nothing to begin the debate and nothing substantive to protect us. At best it will provide an illusion of security, and at worst these unanswered questions will be resolved by the realization that entities such as the Customs Service, Coast Guard and INS will be less effective, less efficient, more intrusive and mired in more bureaucratic red tape. Therefore, we should not pass this bill today.

Mr. EVANS. Mr. Chairman, I rise in support of legislation creating the Department of Homeland Security.

We will never forget the tragic events of September 11th. That day truly ushered in a new era when we, as a nation, can never take for granted the security of our borders or terrorist threats.

If anything, the tragedies that unfolded on that day demonstrated that we have much work to do to guarantee the safety of average Americans. There were too many warning signs that should have been acted on by our government. It is clear that there are many gaping holes between numerous agencies in responding to terrorist threats and that those same agencies have not cooperated properly in analyzing and working to eliminate these threats.

The legislation before us today addressed areas such as border security, immigration enforcement, and infrastructure preparedness, that must be immediately reorganized to better deal with these threats. This reorganization will better facilitate communication and intelligence sharing between many of these agencies that are on the front line of fighting and preventing terrorist acts. The reorganization will also prepare our communities to address weaknesses in physical cyber-security.

Despite the strengths of the legislation, I do have serious reservations about some provisions that needlessly restrict the rights of Americans and would not contribute to the goals of a more secure homeland. For example, provisions in this legislation unnecessarily abridge civil service protections for the 170,000 federal employees being transferred to the Department of Homeland Security. We should not view civil service protections as a hindrance to fighting terrorism, nor should the cover of anti-terrorism be used to roll back these protections.

This legislation would allow employees transferred to the new department to have their salaries arbitrarily reduced, as well as deny thousands of federal servants due process in merit board proceedings. Many Americans are making sacrifices to fight terrorism, but to ask federal employees to forfeit these basic job protections is callous and unnecessary. There are some in this body that would like to eliminate all civil service protections, but using the cover of terrorism is offensive.

The bill also has a blanket waiver for contractors who produce anti-terrorist devices and products from civil product liability. Contractors who even exhibit fraud or willful misconduct in manufacturing could not be brought to justice under the act. This would even apply to the very servicemen and women who would use this equipment. I believe this is unconscionable and should not be allowed to stand.