Thank you, TONY, so much for being our friend, for being our colleague, and for being a real and genuine person who always cares more about others than yourself.

RECESS

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 3 o'clock and 34 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1900

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SWEENEY) at 7 p.m.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 25, 2002.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I am transmitting herewith a letter received on July 25, 2002, from the Honorable Virgil H. Goode, Jr., requesting that, effective August 1, 2002, his party designation be changed to Republican on all publications and databases of the House of Representatives.

With best wishes, I am.

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

COMMUNICATION FROM THE HON. DAVID E. BONIOR, MEMBER OF CONGRESS

The Speaker pro tempore laid before the House the following communication from the Honorable DAVID E. BONIOR, Member of Congress:

WASHINGTON, DC,
July 25, 2002.

Hon. DENNIS J. HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a civil subpoena for documents and testimony issued by the United States District Court for the District of Columbia.

After consulting with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

DAVID E. BONIOR,
Member of Congress.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5005, HOMELAND SECURITY ACT OF 2002

Ms. PRYCE of Ohio, from the Committee on Rules, submitted a privileged report (Rept. No. 107–615) on the resolution (H. Res. 502) providing for consideration of the bill (H.R. 5005) to establish the Department of Homeland Security, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PROVIDING FOR CONSIDERATION OF H.R. 5005, HOMELAND SECURITY ACT OF 2002

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 502 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 502

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5005) to establish the Department of Homeland Security, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed 90 minutes equally divided and controlled by the chairman and ranking minority member of the Select Committee on Homeland Security. After general debate the bill shall be considered for amendment under the five-minute rule.

SEC. 2. (a) It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Select Committee on Homeland Security now printed in this bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived.

(b) No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution and amendments en bloc described in section 3 of this resolution.

(c) Except as specified in section 4 of this resolution, each amendment printed in the report of the Committee on Rules may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

(d) All points of order against amendments printed in the report of the Committee on Rules or amendments en bloc described in section 3 of this resolution are waived.

SEC. 3. It shall be in order at any time for the chairman of the Select Committee on Homeland Security or his designee to offer amendments en bloc consisting of amendments printed in the report of the Committee on Rules not earlier disposed of or germane modifications of any such amendment. Amendments en bloc offered pursuant to this section shall be considered as read (except that modifications shall be reported), shall be debatable for 20 minutes equally divided and controlled by the chairman and ranking minority member of the Select Committee on Homeland Security or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. For the purpose of inclusion in such amendments en bloc, an amendment printed in the form of a motion to strike may be modified to the form of a germane perfecting amendment to the text originally proposed to be stricken. The original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc.

SEC. 4. The Chairman of the Committee of the Whole may recognize for consideration of any amendment printed in the report of the Committee on Rules out of the order printed, but not sooner than one hour after the chairman of the Select Committee on Homeland Security or his designee announces from the floor a request to that effect.

SEC. 5. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The question is, Will the House now consider House Resolution 502.

The question was taken; and (two-thirds of those having voted in favor thereof) the House agreed to consider House Resolution 502.

The SPEAKER pro tempore. The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), the ranking member of the Committee on Rules and a member of the Select Committee on Homeland Security, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 502 is a structured rule providing for the consideration of H.R. 5005, the Homeland Security Act. The rule provides 90 minutes of general debate, equally divided and controlled between the chairman and ranking minority member of the Select Committee on Homeland Security. It provides an amendment in the nature of a substitute recommended by the Select Committee on Homeland Security now printed in the bill be considered as an original bill for the purpose of amendment.

The rule also makes in order only those amendments printed in the Committee on Rules report accompanying the resolution. Each amendment may be offered only in the order printed, may be offered only by a Member designated in the report, shall be debatable only for the time specified, equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment or demand for

division of the question, except as specified in section 4.

The rule waives all points of order against consideration of the bill and waives all points of order against such amendments. The rule provides the select committee chairman or his designee en bloc authority. Finally, the rule provides one motion to recommit, with or without instructions.

Mr. Speaker, America has awakened to a new era in global affairs. As President Bush has noted, we are today a nation at risk to a new and changing threat. We can no longer hold on to the belief that between our shores we are free from the violence of the world. On September 11, we learned all too well and at all too high a price that a stark new reality confronts us as a Nation. We should not doubt that our freedom, our liberty, our very way of life are under attack.

Today we take bold and necessary steps to reshape our Government to reflect the sad new reality. The process we will use to take these steps is a fair and equitable one, and I would like to take a moment to clarify for my colleagues that while this is a structured rule, this rule reflects the negotiated recommendations of the House leadership, both Republican and Democrat, and will allow for a spirited debate on issues focused on homeland security and creation of the Department of Homeland Security.

It is jointly recommended by the Speaker of the House and the minority leader and their wisdom ensures that all opinions will be considered and all issues pertaining to homeland security are aired because, Mr. Speaker, the victims of terror do not care about political differences. This nonpartisan process for consideration of H.R. 5005 illustrates that the security of our homeland simply cannot and must not be a partisan issue. Of course, this does not mean that difficult decisions have not been made during the process of crafting legislation, and it does not mean that more difficult decisions have yet to be made here tonight and tomorrow. I had the great honor to serve on the House Select Committee on Homeland Security, which just last week considered and marked up the underlying legislation. Under the fair and steady leadership of the gentleman from Texas (Mr. ARMEY), Chairman and leader, the Select Committee heard from some of the Nation's most selfless, accomplished, and dedicated public servants. We also considered the expert recommendations made by the 12 committees of jurisdiction in the House and incorporated the vast majority of their recommendations. The Select Committee process was fair, open, and inclusive. We continue that practice today with this rule, which was crafted through joint effort by the majority and the minority.

The world we live in today is a very different place than it was in 1947 when the last major reorganization of our Government took place. At that time, as noted by President Truman, the world was a place ''in which strength on the part of peace-loving nations was still the greatest deterrent to aggression.'' Today our military might, while still vital to our national defense, is no longer sufficient in and of itself to deter aggression and to ensure our national security.

The perpetrators of terrorism have recognized that our greatest strength, the open society in which we live, also makes us vulnerable to their attacks. They are shadowy and agile, and they target us like predators without distinction between military target and ordinary citizen. The war against terror is fought not just on battlefields abroad but in our very own cities and towns. We must be able to respond at home in a strong, informed, coordinated and agile way.

The creation of a new Cabinet-level Department is only one part of our national response, but it is a very essential part. The new Department will consolidate vital preparedness, intelligence analysis, law enforcement, and emergency response functions that are currently dangerously dispersed among numerous Federal departments and agencies.

And while no price is too high to ensure the long-term security of our Nation, this Department will be created in a way that eliminates redundancies and inefficiencies so that costs are minimized.

Specifically, this bill takes steps to protect our borders through inclusion of the Coast Guard, the Customs Service, and several important functions of the Immigration and Naturalization Service and the Animal Plant Health Inspection Service. The bill ensures that the new Department will engage and coordinate with State and local first responders by including FEMA and the Secret Service. The bill promotes world-class research and development in the public and private sectors. And importantly, the bill preserves our essential freedoms and liberties while ensuring that the Department is open and accountable to Congress and the American people.

This legislation ensures that the new Department will have all the tools it needs to successfully protect and defend America in the near future and as the threat continues to evolve. An essential tool in the new Department's arsenal will be its flexible and motivated work force that can respond swiftly to this shifting threat.

The legislation maintains all the basic Federal employment protections, including protections for whistleblowers and the right to collectively bargain, while allowing additional agility in key selected areas so that the new Department can attract and retain the best and brightest and move personnel when national security requires. The success of the new Department will be inexorably linked to the abilities, motivation and hard work of its employees, and this bill respects and protects their rights.

President Truman described the period following World War II as ''an age when unforeseen attack could come with unprecedented speed.'' Fifty-five years later that description applies equally well. Once again, Congress must heed the call of our President and take up an historic task.

Thus far the Government has shown immense resolve and dedication, going to extraordinary lengths to respond to the terrorist threat. We are safer than we were on September 10, but as the Government's efforts reach the limits of their own bureaucracies, we have to rethink that structure so that our Nation can be even stronger, smarter, and better prepared.

I urge all my colleagues to take the measure of the task very seriously. In no uncertain terms, our work will protect the American people. I hope that we will have an open, honest, and productive discussion. While we may disagree on the minutia, at the end of the day, Mr. Speaker, we must not let the safety and security of the American people be a casualty of this debate.

□ 1915

I urge all my colleagues to support this fair rule and the underlying bill, and I will now I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, creating the Department of Homeland Security is a bipartisan idea and it remains a bipartisan priority, but building a big new 170,000 person Federal bureaucracy is a difficult project. After all, our goal is not just moving boxes around inside the government. It is to increase the security of the American people in the real world. To succeed, Democrats have reached out to work with the administration. Indeed, the entire House of Representatives has worked overtime to make sure we could get this bill to the President's desk by September 11.

On a bipartisan basis, Members have recommended a number of important, good faith changes to the administration's original proposal. Republican leaders on the Select Committee on Homeland Security unfortunately rejected many of these bipartisan improvements, and they snuck in several ideological and partisan side issues, controversial riders that, in some cases, actually threaten the effectiveness of the Department of Homeland Security.

That is why I, along with so many others, have argued from the beginning that the entire House needed the opportunity to vote on these controversies on the floor. While this rule is not as open as I would have liked, it does allow Members to address the most critical issues. Several Democratic amendments would add to the underlying bill to increase the effectiveness of new departments.

The Waxman amendment, for instance, would strengthen the White House Office of Homeland Security. According to the General Accounting Office, creating the new department will

take five to 10 years, and even after it is completed, much of the work to prevent terrorist attacks would be done in other agencies like the CIA and the FBI. The Waxman amendment would ensure that the White House Homeland Security advisor has the authority and the clout to coordinate all of these different governmental agencies to increase the security of the American people.

Additionally, the gentleman from New Jersey (Mr. MENENDEZ) has an important amendment to ensure the new department shares information with State and local first responders, the people on the front lines of homeland defense, our local police and fire.

Other amendments address the controversial provisions in the underlying bill. For instance, this bill would undercut the Freedom of Information Act. And it would harm whistleblower protections. That means that if an employee wanted to alert the public to wrongdoing in the Department, the way Coleen Rowley blew the whistle on failures in the FBI investigation on Zacarias Moussaoui, he or she might be subject to retaliation from supervisors. That is not just wrong, it is bad for effectiveness of the Department of Homeland Security.

Fortunately, the gentlewoman from Illinois (Ms. SCHAKOWSKY), the gentleman from Ohio (Mr. KUCINICH) and the gentlewoman from Hawaii (Mrs. MINK) have an amendment to fix this problem and I urge its support.

Additionally, this bill contains language that actually turns back the clock on important civil service protections that may be crucial to the ideology of some on the other side of the aisle. But it will harm the effectiveness of the new department.

Mr. Speaker, the civil service system protects Americans against a spoils system that would allow politicians to reward their friends and supporters with important government jobs. It is crucial that the Department of Homeland Security be staffed by professionals, not by cronies of whichever party happens to hold the White House.

The gentleman from California (Mr. WAXMAN) and I have an amendment to restore the Committee on Government Reform's bipartisan agreement to preserve current civil service protections for the new department. And the gentlewoman from Maryland (Mrs. MORELLA) has an amendment to ensure employees retain their collective bargaining rights unless their responsibilities change. Both of these amendments will protect existing workplace rights while preserving the national security flexibility the President needs.

So unless you want to unnecessarily weaken the current civil service system, I urge you to support them and to oppose the two amendments that the gentleman from Ohio (Mr. PORTMAN) has offered on the other side of this issue. Additionally, Republican leaders have, hidden in this bill, a provision that protects companies that sell harmful products to the public. This language, which was not requested by the President, goes well beyond current law and gives companies a get-out-of-jail free card, no matter how malicious, wanton or reckless their conduct may have been. Fortunately, the gentleman from Texas (Mr. TURNER) has an amendment to ensure companies have legal protection to invest in security technology, but without leaving the public helpless against every scam artist who claims to have a security-related product. It deserves our support.

Also, the rule make in order an amendment by the gentleman from Minnesota (Mr. OBERSTAR) that would maintain the December 31, 2002 deadline for airline baggage screening. This is a controversial issue that was added to the underlying bill by the Select Committee and was not requested by the President and it deserves full consideration on the House floor.

Mr. Speaker, I must note with disappointment, however, that Republican leaders are blocking a common sense corporate responsibility amendment by the gentlewoman from Connecticut (Ms. DELAURO), the gentleman from Texas (Mr. DOGGETT), the gentleman from Massachusetts (Mr. NEAL), the gentlewoman from New York (Mrs. MALONEY) and the gentleman from Texas (Mr. TURNER). Their amendment would make corporate tax dodgers ineligible for government contracts at the new department because if a corporation will not pay its own taxes, then it does not deserve to be paid with other people's taxes, but Republican leaders insist on protecting this loophole.

In the interest of time, I will leave it to others to discuss the other important amendments. I do want to mention a couple of additional ongoing issues surrounding the bill, however. First, we must ensure that America's immigration adjudication functions, like family reunification and adoption, operate effective, efficiently and fairly regardless of which Homeland Security Department structure becomes law, we must continue to welcome these law abiding immigrants who helped build America even as we focus on protecting ourselves here at home.

Second, Congress must honestly address the question of how much it will cost taxpayers to create this new department. The nonpartisan Congressional Budget Office put the price tag at $4.5 billion and the bipartisan leaders of Senate Budget Committee have warned that it could add significantly to future spending. Nevertheless, Republican leaders in the House cling to the fiction that they can create a 170,000 person Federal bureaucracy without spending any additional money. It is no small irony that the same Republicans who often campaign against the government now want to create a bigger Federal bureaucracy but refuse to pay for it.

Mr. Speaker, let us be honest with the American people. Our national security is not cheap and neither is homeland security. Cooking the books will only drag us deeper into debt and hurt the credibility of the new department we are creating. Make no mistake, Mr. Speaker, creating the Department of Homeland Security is a bipartisan priority, so I urge my Republican colleagues to join us in cleaning up this bill so that we can pass it with the overwhelming bipartisan majority of needs.

Mr. Speaker, I would like to take a moment to repeat something I have said on several occasions in another context. The creation of this new department is something that I personally feel very strongly about. On September 11 the plane that crashed into the Pentagon struck the office of my wife's boss. My wife is an Army officer. Fortunately, she was not in his office on that day. Her office is several miles from the Pentagon. But two people who work for my wife and her boss were killed on September 11; and I want to make sure that nothing like that can ever happen again in this country.

This country deserves the strongest possible protection against terrorist attacks. And I hope that on a bipartisan basis we will rise to the occasion and create a strong, effective new department in the next two days.

Mr. Speaker, I reserve the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from the great State of Florida (Mr. DIAZ-BALART) and fellow member of the Committee on Rules.

Mr. DIAZ-BALART. Mr. Speaker, I rise today to speak on this fair and balanced rule that has been crafted to facilitate that historic act.

For weeks now the House has been working its will through committee after committee markup. The House further worked its will by agreeing to the creation of a Select Committee on Homeland Security to review the recommendations of all the committees of jurisdiction. And now the Committee on Rules has been given the task to preserve the efforts that have been made to keep this a fair and open process, and that is exactly what we have done.

The terrorists and dictators of the world who seek the demise of the United States thought that September 11 would change America, but Americans have not changed. This Nation is full of true heros. Brave men and women who love freedom and will not tolerate those who wish to destroy the freedoms we hold dear. But there has been a change the terrorists did not expect. We are reorganizing. Just as this country has done after previous disasters, we are meeting the challenges before us.

This Act reforms our response to threats at home just as we reformed the military following World War II to meet threats abroad. I am very pleased to see that a strong intelligence analysis component is included in the underlying bill so that the information

generated by the intelligence community will best serve our national security. Additionally, given the enormous flow of goods and services that we see coming through our community in South Florida, I have long been a proponent of strengthening the resources of Customs agents to support the enormous task they are entrusted with. I am pleased to see the steps taken to strengthen this role, and I will continue to work to ensure that all of our Nation's airports and ports of entry have the resources to keep America safe.

Mr. Speaker, we are meeting the challenge. I urge strong support for the rule and the underlying bill.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, I rise in opposition to the rule and in opposition to the underlying bill.

We do not need another Federal department. Real homeland security means economic security for our workers and our families here at home. It means good jobs. It means pensions they can depend on and it means health benefits that are there for all.

It is really interesting that the administration has put this glossy report together on this new department, which would be the third largest bureaucracy in the government of the United States, over 170,000 people, and how do we know how many billions of dollars and still counting.

Basically, this is political cover over an operational problem. We know that the CIA and the FBI did not do their job completely. We knew Osama bin Laden was the number one enemy. We did not know where he was.

Right after 9–11, what did the FBI and the CIA do? They start advertising in The Washington Post for people who could speak Arabic and Pashtun because we were not properly staffed inside the departments and agencies that should have been functioning. So now we will create another department. Does that mean they will have people who can translate? Will we have people who can do the job? Will they get the computers so they can communicate?

The FBI and CIA are not in the Homeland Security Agency where we have the problem. They are not even part of the solution. What we will get from a new department, when we most need coordination in this country at every level, we will get chaos.

I bet the people here on the floor of today have never been about setting up a new Federal department. We set up the Department of Energy. Are we energy self-sufficient today? No, we are not. We set up the Department of Education. Are our kids reading scores going up? No, they are not.

So now at a time when we need really refined targeted efforts across this world to deal with the problem that we have not faced before, we are setting up the Department, and will it have the staffing that is necessary. Just on one agency that they will try to roll in here APHIS, the Animal, Plant Health Inspection Service from the U.S. Department of Agriculture. The problem is we do not have enough inspectors at the border. Are you going to give us more money for inspectors or are you just going to ship the box over to another department?

The problem is not a new department. The problem is making the agencies that exist function. I am proud of the people in New York City.

□ 1930

We could have had 50,000 die. We had 3,000 dead. They did their job. We saved 47,000 lives in this country. Our local law enforcement people, they need training at the local level. They do not need a new Federal Department to do that. They need training moneys to go down to the locality. We do not need to cut the law enforcement budget, what this administration is doing in terms of cops on the beat.

In terms of FEMA, I do not want to put FEMA in this Department. FEMA works. It took us 10 years to fix FEMA up. So why do we want to stick it in this big agency of 170,000 people and we cannot even get direct communication to the top? We fought World War II, we did not need this Department. We defeated the Communists and the Soviet Union. We did not need this Department to do it. We fought the Persian Gulf War. Why do we need this now?

This is political cover for operational problems the administration does not want to solve. Vote against the rule and the bill.

Ms. PRYCE of Ohio. Mr. Speaker, I am very pleased to yield 3 minutes to the distinguished gentleman from Texas (Mr. THORNBERRY), who has worked so hard on this issue over the years before it became something that the Nation was riveted upon.

(Mr. THORNBERRY asked and was given permission to revise and extend his remarks.)

Mr. THORNBERRY. Mr. Speaker, I thank the gentlewoman for yielding me the time and for her considerable contributions as a member of the select committee, as a member of leadership and as a member of the Committee on Rules.

Mr. Speaker, I rise in support of this rule. We will have a number of issues to go through, a number of amendments. I hope my colleagues can remember that what we are trying to do is create an integrated Department of Homeland Security to make us safer. This is no place for political agendas. This is no place for conspiracy theories. This is no place to be pointing fingers of blame. This is a place to work on a bipartisan basis to make this country safer. That is the only reason to create this Department and that must be its goal.

Mr. Speaker, this is an unusual procedure. It seems to be coming rapidly; but in fact, a lot of work has gone into getting this proposal together, and I want to take just a second to acknowledge some of the people who have made this possible, starting with the bipartisan Hart-Rudman Commission, cochaired by Senators Hart and Rudman, including our former colleagues Speaker Gingrich and Lee Hamilton, who took 3 years to look over the next 25 years at the security threats we face and said number one is homeland security and what we ought to do is create a new Department of Homeland Security. We are doing that.

Secondly, I want to thank my staff who has spent many, many hours on this, particularly Kim Kotlar, who has spent probably more hours working on this issue than any other person inside or outside Congress.

I also want to thank the sponsors of the proposal, the gentlewoman from California (Ms. HARMAN), the gentlewoman from California (Mrs. TAUSCHER), and the gentleman from Nevada (Mr. GIBBONS), who worked on a nonpartisan basis and a bicameral basis, along with Senator LIEBERMAN and his colleagues, to get this proposal here; and it is an example of where we have come together, many of us in the Congress, to make us safer.

Other colleagues have worked on this: the gentleman from Connecticut (Mr. SHAYS), the gentleman from Ohio (Mr. PORTMAN), the gentleman from Georgia (Mr. CHAMBLISS), and of course, the gentleman from Ohio (Mr. PORTMAN) in a variety of capacities has been invaluable.

I think we all ought to thank the Select Committee on Homeland Security under the gentleman from Texas' (Mr. ARMEY) leadership for the work that they have done; but, Mr. Speaker, I also want to thank the President of the United States because he could have tinkered around the edges and just offered a few token changes, but he took on a tough job. He said we want to do this right and that is leadership. That is the kind of leadership we expect from a President, and it is the kind of leadership we are going to have from this House over the next 2 days if we are going to develop this Department with the tools it needs to keep us safer.

I think we can do it, but I think it is going to be a challenge, and I hope that as a body we are up to it.

Mr. Speaker, I rise in support of the rule. A number of amendments will be made in order as the Speaker promised. As we go through them one-by-one, it will be important for us to remember that we must have a coherent, integrated department that works. I urge our colleagues to keep the bigger objectives foremost in our minds and considerations.

At the beginning of the debate on this bill, however, I think that it is important for me to acknowledge some of the people who brought us to this day—who, in addition to the Rules Committee, have helped prepare this proposal before us.

My colleagues have been very generous about me introducing a bill to create a Department of Homeland Security in March 2001. But, of course, I simply borrowed the idea from the Commission on National Security/

21st Century, more commonly known as the Hart-Rudman Commission. Under the leadership of its chairmen, Senators Hart and Rudman, and with the diligent work of an outstanding group of preeminent Americans as commissioners, including our former colleagues Lee Hamilton and Speaker Gingrich, who initially created the Commission, this Commission took three years to study American's national security challenges of the next 25 years. Aided by a first-rate staff that was directed by General Chuck Boyd, they concluded that our most important challenge has homeland security and unanimously recommended that Congress create a new department out of the dozens of existing agencies with some homeland security mission. It was their vision, courage, and persistence in pushing the idea which earns them the first accolades.

Going somewhat in chronological order, I want to thank my staff and especially Kim Kotlar. I suspect they thought that I was ''tilting at windmills'' when I told them a year and a half ago that I wanted to introduce a bill to create a new Department of Homeland Security. But, they swallowed their doubts and in the subsequent months have put many hours into brining that idea to reality. Ms. Kotlar, a retired Naval intelligence officer, has probably done more work on this proposal than any other person. This Congress and our entire Nation join me in owing her an enormous debt of gratitude.

Next, I want to thank the primary sponsors of the proposal in the House, Ms. HARMAN, Ms. TAUSCHER and Mr. GIBBONS. My already considerable respect for each of them has only grown during the past several months that we have worked together on this measure. I am especially grateful to my two colleagues from California that during all of the hours they refused to succumb to the temptations of partisanship. This has truly been a non-partisan cause. They have kept true to that higher calling of serving our Nation. And to them and to all of the cosponsors of H.R. 1185 and H.R. 4660, I am grateful.

I must point out that a number of our other colleagues have worked on organizational reform to fight the war on terror and have made invaluable contributions to this effort, among them are Mr. SHAYS, Mr. WATTS, and Mr. CHAMBLISS. And, of course, this effort has not only been non-partisan, it has been bicameral. I want to acknowledge and thank Senator LIEBERMAN, who has also worked on this idea for months, and his colleagues, Senators SPECTER and GRAHAM.

We should all thank and commend the Speaker for recognizing the daunting challenge before us and establishing the unique procedures to consider this bill. We should also thank Leader GEPHARDT for helping give us the sense of urgency with which we must act.

The Select Committee, under Leader ARMEY's direction, has done an outstanding job, improving the President's proposal and my original proposal in a number of important ways. I want to especially thank Mr. ARMEY and Mr. PORTMAN for their outstanding efforts to do this right and to do it fairly with a chance for all to have input.

Finally, Mr. Speaker, I want to thank and commend the President of the United States and Governor Tom Ridge. They recognized the problems we face with dozens of different agencies having homeland security responsibility. They did not try to tinker around the edges or take a poll to see what was politically possible to do. Their approach was to try to do it right—that's leadership.

And now it is up to the House to follow the President's example of leadership. I trust that we will not be found wanting.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, I thank the gentleman for yielding me the time.

Never again. Never again will the United States be caught unawares and lay herself open to terrorist attack. That is certainly a principle that every Member of this House and Senate should take to mind as we move to plug the holes in our security.

Since last fall, I have supported the concept of a Cabinet-level status for the Director of Homeland Security so that he or she can get the funds, can compel the cooperation and coordination necessary among the Federal agencies, but now we are rushing through a bill to create the largest Federal bureaucracy in 50 years. Is that the proper response and answer, 170,000 employees who will ultimately some day be merged together into one joint building that will be built somewhere in the Washington, D.C., area? How will it work in the interim? Big question.

It does not deal with the two agencies most culpable and most problematic in the attacks, the FBI and the CIA, the failures of intelligence, the failures that were so much in the headlines before this Department was proposed by the White House that they changed their position.

Now it will plug the leaks that made us aware of the failings of the CIA and FBI by repealing whistleblower protections and FOIA efforts for this agency. It is going to take other effective agencies like the Coast Guard, who are doing a tremendous job with not enough resources, protecting this country and our coastline and also providing life saving and other services and merge them in. Will the Coast Guard still be able to function in that place?

This last week we heard of the failings of the Transportation Security Administration created by Congress to defend our traveling public and all modes of transportation last fall. The President fired his appointee, John Magaw, belatedly; but he did recognize his failings and fired him. They are behind schedule, over budget, and they are failing to put in place many critical aviation security measures and have even failed to begin to deal with other issues, port security and the like. They have a new head who I think is tremendous, the former commandant of the Coast Guard. He may do well, but let us give him some time there to bring it together and bring proposals to Congress.

The reaction in this bill to the failings of the Transportation Security Administration under Mr. Magaw is to waive the deadlines to provide critical explosives detection technology. Most Americans are amazed today that their baggage is not screened and the things that go in the hold of the planes are not screened. We set a deadline of the first of next year. Under this bill, there will not be a hard deadline. It will be delayed a minimum of 1 year. That means we can expect it will be 2 or more years before we can be sure there is not a bomb on the plane we are on board of. I think explosives are a bigger threat than a takeover of an airliner.

It will also waive contractor liability. Those people who failed to screen passengers adequately will be waived of liability.

If we want to commemorate the tragedy of September 11, we can do it better. We can do it by creating something that will work and defend America against real threats.

Ms. PRYCE of Ohio. Mr. Speaker, I am very pleased to yield 3 minutes to the distinguished gentleman from the great State of Ohio (Mr. PORTMAN), a member of the Select Committee on Homeland Security and someone who has devoted countless hours to this cause.

Mr. PORTMAN. Mr. Speaker, I thank the gentlewoman from Ohio (Ms. PRYCE) for not just her work on the rule, which I think is a good and fair and open rule, but also her work on the Select Committee on Homeland Security and adding so much to the effort to put together a Department that really will work.

Today, we are working on a rule that will consider what I think will be one of the most important pieces of legislation this House will consider in this generation. Our votes on the floor over the next day or day and a half will determine the performance of the largest single reorganization of government in our history. That is a daunting enough task and a huge consolidation challenge; but even more important is what this is all about, the mission of this reorganization, and that is to protect our families from the shadowy threat of terror.

We have all talked about some of our personal reflections on this. All of us as Members of Congress have had our constituents affected by the terrorist attack of September 11. In my hometown of Cincinnati, we had the misfortune of having a number of people who were in New York City on that fateful day. One was a young man who grew up down the street from me, and his funeral took place at a church a few houses down from my own home. There I met his young wife and his young kids; and as I have gone through this process, I keep thinking back on them. Never, never can we let our defenses down and let this happen again.

We cannot make ourselves immune from terrorism; but we can make our country safer, and we as Members of Congress have as our most fundamental responsibility to protect our

shores and to protect the citizens of the United States; and this is what this effort is all about. This is to take this Federal effort to protect this country and streamline it and consolidate it and make sense so that indeed we can do our best as Members of Congress to respond to this threat.

It is not a partisan issue. It is not an issue that should divide us as Democrats or Republicans. It should bring us together as Americans to do our best.

I am encouraged by this rule. I want to commend the gentleman from Illinois (Mr. HASTERT), and I want to commend the gentleman from Missouri (Mr. GEPHARDT) for putting together a fair rule, 12 amendments on each side. I also want to commend the gentleman from Texas (Mr. ARMEY) because in the process of getting this bill to the floor he has led the Select Committee on Homeland Security with great distinction. It has been an open and fair process.

I also want to thank the standing committees because they all gave input to the Select Committee on Homeland Security. They did it in an expeditious way but also a thoughtful way.

What we ended up with, the underlying bill on the floor before us today that this rule will govern, is a good piece of legislation because it does create the kind of Department we need, and what kind of Department is that? One that has the flexibility and the agility to respond to this enormous consolidation challenge, 22 different agencies and personnel systems, but also the enormously difficult challenge of responding to the actual and deadly threat of terrorism.

I would urge, Mr. Speaker, as we go through this process that we retain those flexibilities, the flexibility to manage, the flexibility to budget, the flexibility on personnel, so that indeed we can as Members of Congress say that we have done our best, our very best to be sure that the Federal Government in every way possible is responding to the threat of terrorism and that we have the most efficient and effective way to do so.

The rule that creates this Department deserves our strong support, and I urge it on both sides of the aisle.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I think the record shows that I have tried to be extremely cooperative with the White House and everyone else involved in dealing with the aftermath of September 11. Within a week after we were hit, I helped, along with the gentleman from Florida (Mr. YOUNG), push a $40 billion supplemental through this place to give the President virtually all the money he needed to deal with the problem.

I appreciate the fact that the committee has corrected a number of problems with the original draft. I think that was very useful, but I am afraid that what we are about to do will actually in the end weaken our ability to respond to terrorist attacks.

This bill will still do nothing about the central problem of the FBI and its relationship with other intelligence agencies. This bill will create an additional lack of focus by the new Department that we are about to create; and I would point out that it is, in fact, parading around under false pretenses. It is called a new Department of Homeland Security, but in fact, at this point, there are 133 agencies and offices that have some responsibilities with respect to homeland security. This bill takes 22 of them, containing 170,000 employees, lumps them into one Department and says it is a Department of Homeland Security.

My question is, Who is going to coordinate the 111 offices and agencies left out? In my view, that is the central question which is not being answered by the legislation; and until it is, we are likely to, what the GAO told the committee, we are likely to have 3 to 5 years of absolute chaos.

It also does not do something about the principal problem that we still face. After September 11, I talked to every intelligence agency in this town. We discovered literally thousands of pages of documents lying on floors, sitting on file cabinets, sitting on people's desks of raw data, raw intercepts, not looked at by anybody. We need new translators. We need a reshaping of the FBI. That is not happening in this bill; and until it does, we are going to be making a significant mistake.

Ms. PRYCE of Ohio. Mr. Speaker, I am pleased to yield 3 minutes to my distinguished colleague, the gentleman from Georgia (Mr. LINDER), a valued member of the Committee on Rules.

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Mr. LINDER. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I rise in support of both the rule and the underlying legislation, H.R. 5005. This is a fair rule that will allow the House to work its will on the Homeland Security bill.

First and foremost, Mr. Speaker, I think we should all say thank you to our distinguished majority leader, the gentleman from Texas (Mr. ARMEY), and the Select Committee he headed. They have done a first-rate job under very difficult circumstances, and for that the people of this Nation owe them a debt of gratitude.

For 200 years, we have been the most open, casual, and free Nation in the history of the world. We had the most powerful military in the world and our economic strength was challenged by no other. Our people enjoyed civil freedoms and liberties of which other citizens could only dream. I daresay we took it for granted that we are Americans. September 11 changed that forever. Because of that day we feel and are vulnerable. Because of that day, we feel helpless.

In 1777, John Jay, America's first Chief Justice of the Supreme Court, and a vigorous defender of the Constitution, wrote, ''Among the many objects to which a wise and free people find it necessary to direct their attention, that of providing for their safety seems to be the first.'' Today, we have the opportunity to make things right. The Homeland Security Act of 2002 provides us with a chance to uphold what the Founders considered to be the Federal Government's highest responsibility, to protect the people of this country.

We will have a whole new list of heroes to look forward to. They will be first responders, firefighters, police officers, State troopers, and EMTs. They will be on the front lines here. All of us have in our memories seared images of heroism. Whether it was the doughboys at Vimy Ridge, or the Marines putting up the flag over Iwo Jima, or the boys at Pointe du Hoc climbing that treacherous cliff at Normandy under withering machine gun fire, only to take Europe and free it in 11 months.

I have a new image of that heroism. It is the image of 50,000 people scrambling in utter fear out of burning buildings for their safety, and another group of Americans in firefighter uniforms running into those buildings to save them. Those are the ones that this homeland security bill will start to look toward to get support for.

We must remember that no one department has been clearly entrusted with the security of this country. All will be involved. As such, I stand with the President and his efforts to create a new Department of Homeland Security. I support this bipartisan measure. I urge my colleagues to do the same to ensure that our Nation is prepared, and that the freedoms and liberties we hold dear are never threatened again.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. HASTINGS), a member of the Committee on Rules.

Mr. HASTINGS of Florida. Mr. Speaker, I thank the ranking member, the gentleman from Texas (Mr. FROST), for yielding me this time.

Mr. Speaker, I rise in lukewarm support of this rule. Even though over 100 amendments were submitted to the Committee on Rules, only 26, barely one-fourth of them, will be considered under this rule. I find this disturbing in light of the fact that a great many of the recommendations submitted by our subject matter experts were not included in the chairman's substitute.

I am speaking about the subject matter experts on the Committees on Government Reform, International Relations, Appropriations, Armed Services, Energy and Commerce, Financial Services, the Judiciary, Science, Transportation and Infrastructure, and Ways and Means.

Now, I am proud of the fact that there was an opportunity to come together on this matter and to make it bipartisan. But an open rule would have ensured that the knowledge of these persons and their expertise were given due consideration by this body.

Some of the topics we will not be debating because of this rule include an amendment prohibiting the Department from entering into contracts with companies who incorporate outside the United States to avoid paying taxes; an amendment urging States to cooperatively develop uniform standards for State driver's licenses; and, finally, one of my amendments, which would have stricken language that grants the Secretary the unprecedented authority to prohibit the Inspector General from investigating fraud and abuse within the Department.

The rationale for this authority is that such investigations might compromise our national security. The Inspector General Act of 1978 applies to every major department in the executive branch, including the CIA and the military departments. To date, no one from these departments and agencies has come forward saying that the autonomy of the Inspector General constitutes a threat to national security. It is ludicrous to me that the Secretary of the new Department would be exempt from laws that all other Secretaries and directors must comply with.

Regrettably, under this rule, we will not have the opportunity to debate these matters. It should be obvious, when looking at the number and diversity of the amendments submitted, that this bill, as written, quite frankly, is not ready for prime time. If ever there was legislation that demanded an open rule, this is it. There is no stronger evidence of that than the fact that the chairman of the Select Committee himself has submitted three en bloc amendments to his own amendment.

Mr. Speaker, in closing, let me say that this is the most important legislation of the 107th Congress to date. We are reorganizing the Federal Government and creating a new Department. We have never, to my recollection, undertaken such a daunting piece of legislation hampered by the restrictions this rule places on us.

The American people are counting on us to create a Department that will do three things: Prevent terrorist attacks, reduce our vulnerability, and minimize the damage from attacks that do occur. It is not good for our constituents or our colleagues on the committees of jurisdiction to limit the number of amendments made in order.

Ms. PRYCE of Ohio. Mr. Speaker, I am very pleased to yield 2 minutes to the distinguished gentleman from Pennsylvania (Mr. GEKAS), the chairman of the Subcommittee on Immigration, Border Security, and Claims of the Committee on the Judiciary to testify on the Hastert-Gephardt rule.

Mr. GEKAS. Mr. Speaker, I thank the gentlewoman for yielding me this time.

As everyone knows, the Judiciary has, for almost 2 years now, been working on the expected division of labor in the Immigration and Naturalization Service. On the one hand, we want to streamline the enforcement part of Immigration and Naturalization Service while, at the same time, giving due attention to the process, naturalization and immigrant services, on the other side.

I am happy to report that the rule that we are considering now would allow debate, eventually, on the plan of the Select Committee on Homeland Security to take the enforcement border security portions of the Immigration and Naturalization Service and make it a part of the new Cabinet level of Homeland Security, while leaving in the Justice Department those functions to which we have alluded as being immigrant services, naturalization, process, et cetera.

This, in one fell swoop, accomplishes the bifurcation purpose with which we started this term's deliberations on the structure of Immigration and Naturalization Service. So we are in a position, even though the Attorney General and the director of the INS have on their own shifted the boxes around in the Justice Department between enforcement and process, and even though the Committee on the Judiciary has moved on its own to bifurcate the two segments of INS, we now are in a position to sanctify the whole process by incorporating that same bifurcation in the Department of Homeland Security.

I am pleased, then, Mr. Speaker, to support the rule and the underlying bill.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. HARMAN).

(Ms. HARMAN asked and was given permission to revise and extend her remarks.)

Ms. HARMAN. Mr. Speaker, I thank the gentleman for yielding me this time, and I commend him for his excellent service on the Select Committee.

Mr. Speaker, today we address a critical piece of the strategy to protect our homeland. Paraphrasing Dwight Eisenhower, ''The right organization does not guarantee success, but the wrong organization guarantees failure.'' I would add that no organization, no organizing principle, guarantees chaos, a waste of scarce resources, and, ultimately, continued vulnerability.

The strategy is to prevent another 9–11, to shore up vulnerable infrastructure, and make certain we can respond, if necessary, with maximum effectiveness. We do this by giving the dedicated, capable people in the field the tools and structure to do the job.

A note on the history of this proposal. Last October, shortly after 9–11, the gentleman from Nevada (Mr. GIBBONS) and I, with numerous bipartisan cosponsors, introduced legislation to create a statutory office in the White House to coordinate and oversee homeland security. We felt the executive order establishing Governor Ridge's office was inadequate to coordinate more than 120 agencies and departments with some jurisdiction over homeland security.

Events have proved us right. Our colleagues, the gentleman from Texas (Mr. THORNBERRY) and the gentlewoman from California (Mrs. TAUSCHER) took a different approach, recommending the creation of a homeland security department of the sort recommended by the Hart-Rudman Commission in March 2001.

This May, the four of us and a bipartisan group from the other body melded our approaches. We proposed a Department of Homeland Security smaller than the one envisioned in H.R. 5005, and a strong White House counterterrorism coordinating office. Then, in June, the President unveiled his approach, that, in the version reported by the Select Committee, places all or part of 22 Federal agencies in a new Department of Homeland Security.

The bill also creates a Homeland Security Council in the White House, modeled after the National Security Council, to coordinate homeland security efforts across the Federal Government. The administration's proposal is a variation of our earlier bill, and I am pleased to be an original cosponsor.

Looking forward, rather than just describing more of what is in the bill, I would note several improvements in the base bill and in the manager's amendment and several amendments to be adopted and supported by the manager.

First, the establishment of a statutory Homeland Security Council in the White House. Second, the creation of a point of entry for thousands of companies with cutting-edge homeland security technologies, which must be deployed if our homeland is to be safe. Third, an amendment that passed the House 422 to 2 that requires the sharing of critical and reliable threat information across the Federal Government and down to State and local first responders. And, fourth, a sense of Congress underscoring the priority to fund trauma care and burn care with already appropriated bioterrorism money.

Mr. Speaker, as a mother of four, I know that perfection is not an option. The bill is not perfect. But it is very good, and I urge support of this fair rule and adoption of H.R. 5005.

Ms. PRYCE of Ohio. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Pennsylvania (Mr. WELDON), a member of the Committee on Armed Services.

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I thank our colleagues on both sides of the aisle for putting together this piece of legislation. I fully support it and support the rule which is before us.

I will have some comments about some of the amendments, but I wanted to stand up and set the stage as far as I am concerned for the legislation.

I have been in this body for eight terms, Mr. Speaker, and during those

eight terms, my number one priority has been to focus on emergency response locally. I have been to every disaster the country has had in the last 16 years: Loma Prieta, Northridge, Hurricane Andrew, Hugo, the Murrah Building bombing in Oklahoma City, the World Trade Center in 1993, and I was at Ground Zero on September 13. I went there to try to get lessons that we could learn from the needs that we have to respond to both natural and manmade incidents of disaster. Those needs are, in fact, addressed by this bill, except perhaps in one case.

The number one overriding need is coordination of intelligence. Five years ago we proposed in our defense bill the creation of a national data fusion center. Unfortunately, while this agency calls for one focus on coordinated intelligence, it does not give the teeth necessary to force the FBI and the CIA to become totally involved, and it is going to require additional work. But intelligence is in fact an overriding priority for us to detect emerging threats.

The second, and perhaps most important, priority for our first responders is communication. We have no integrated system of communication for our first responders nationwide. Local fire and police cannot talk to each other. That is unacceptable. This legislation deals with that issue in a real way.

The third major priority is support for the first responder. Mr. Speaker, the first responder on every disaster in this country, be it natural or manmade, will not be the National Guard, will not be the FEMA bureaucrat, will not be the Marine Corps Seabird team. The first responder in every case will be someone from the 32,000 fire, EMS, and law enforcement departments who will be there when that terrorism act occurs or when that disaster occurs.

And as we develop this legislation, I would ask our colleagues to keep in mind that that should be our underlying principle; that we empower the first responder. They know what to do. They have been handling chemical plant fires and other disasters for years. Our job must be to empower them with the support they need.

I thank our colleagues and urge support for this rule and for this legislation.

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Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, we all want America to be more secure. The American people are entitled to it. We need to eliminate fear and insecurity in our post-September 11 Nation, but this bill will not accomplish a more effective defense of our Nation because there has been no analysis, no risk assessment, no sense of the actual causes of insecurity, no justification for sweeping changes in 153 different agencies.

Nothing in this bill will accomplish security superior to what those 153 agencies can now accomplish through strong leadership. Furthermore, it has been 16 hours since this House passed an amendment to the intelligence authorization bill which will establish a national independent commission to investigate September 11. We will have a new Department with 170,000 employees to respond to 9–11, and yet the commission that will analyze 9–11 has not even begun its work. That is quite a feat.

Meanwhile, 170,000 new people in this Department, no idea of how the organization will integrate, 10 years for the Department to be up and running, in the meantime, I predict the reorganization itself will represent a threat to the security of our Nation because it will induce paralysis and administrative breakdown.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. BLUNT), the deputy whip.

Mr. BLUNT. Mr. Speaker, I thank the gentlewoman for yielding me this time, and for her work on the Select Committee, along with all other Members who served on the committee, and certainly the majority leader who led the committee, which allowed all of the other committees to make recommendations.

This rule, a rule brought to the Committee on Rules by the Democratic leader, the gentleman from Missouri (Mr. GEPHARDT), the gentleman from Illinois (Speaker HASTERT), let all of those issues be discussed again on the floor. This has been a speedy but thorough process led by our Speaker, high cooperation from the minority leader, and certainly the committee itself led by the majority leader to get this bill to the floor.

I just heard a suggestion that somehow this would confuse administrative lines of control and decisionmaking. I think just the opposite. The whole idea of a homeland security agency is to do away with that confusion. At a time when people need to respond, they need to know who makes the decision to respond. When there are people on the ground, they need to know the exact chain of command.

We do not need people from six agencies all trying to respond in the same time in the least effective way. We need the Federal Government responding at the same time in the most effective way. This agency ensures that. We will have debate on the future of FEMA. FEMA should be part of a homeland security agency. Whether it is a natural disaster or a terrorist-created disaster, much of the response would be the same. We would hope that FEMA would get its practice responding to natural disasters, but it will get that experience and that ability to respond so if we do have a terrorist disaster, we have an agency that is well prepared to respond to disasters. FEMA needs to be in this agency. The rule allows a vote on that very question.

We need to have great flexibility with personnel so that Federal personnel is used where, when and how it is needed, and those decisions can be made in the way that least impacts the disaster, and best responds to solving that disaster. The deadlines that have been created for airports, we get a chance in this rule to discuss that, but deadlines that cannot possibly be met need to be viewed in a way that allows us to responsibly do our job.

Many Members after September 11 thought that we needed to think long and hard before we decided to create a new agency like this. Well, we have thought long. We have thought hard. The President has set the mark by saying we need this agency so we can respond in an appropriate way, we can plan in an appropriate way, and the decisions are made in a way that people know who makes that decision.

Mr. Speaker, that is why I urge the support of this rule, support of the bill, and we need to get on with this business and get this job done so we can begin to organize the Federal Government in a way that best meets the challenges we face.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE asked and was given permission to revise and extend her remarks, and include extraneous material.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, a few days after the tragedy of September 11, a day that none of us will ever forget where we were, and those of us in the United States Congress had a firsthand view of the billowing smoke from the Pentagon, we knew that we had to turn a page in America's history and begin to look at life differently.

In the course of doing that, I drafted legislation that my colleagues joined me in to help prioritize the Federal relief and support for those children who had lost one parent or two parents in that tragedy on September 11. I remember meeting the Calderon family, two babies who had lost their mother.

And so I come to the floor today to discuss this rule in the context that there cannot be or should not be a place for conspiracy theories or politics, as was said by one of the Members on this floor, but I truly believe that we can and should have been able to do better.

This bill was marked up. The framework came to us from the White House very expeditiously by the committees of jurisdiction, but in the mark of the Select Committee, and I thank the chairman, the gentleman from Texas (Mr. ARMEY), the ranking member, the gentlewoman from California (Ms. PELOSI), and the members of the Select Committee, in addition to the gentleman from Texas (Mr. FROST), came a bill of 200-plus pages. I believe it warrants the deliberate study that would make this a better bill.

This bill does not have whistleblower protection. I believe it could have better communications. Even though it

deals with first responders, I believe it could do better.

From the expertise of the Subcommittee on Immigration, I am disappointed that this body saw fit not to allow at least minimally a debate on how the immigration department should be structured. Interestingly enough, the amendment that I offered to establish a division 5 is the exact same format that the other body passed today out of the Committee on Government Reform. It includes a division of immigration affairs, and it includes enforcement and immigration services as one, not to put the immigration services in the Department of Justice, making it a stepchild with no funding because the other body recognizes that the two are intertwined, and they must be able to speak together.

Mr. Speaker, suppose a person is applying for asylum and goes to the Department of Justice and Immigration Services, but his brother is caught by the Border Patrol in the Department of Homeland Security and they give that person another decision, this is not the way to run a government or to secure America.

Interestingly enough, a division that would have comported with the format that the President presented the divisions and the way that they structured the immigration services is not done by this bill.

My amendment would have had the children being addressed by the Department of Justice.

Finally, here we are dealing with homeland security, and we have NASA, an amendment that was passed by the Committee on Science to help NASA collaborate with technologies and research with this new Department, an amendment that was rejected by this Committee on Rules and this rule.

I do not know how we can consider this a bipartisan process if we leave a whole body of research that NASA has out of the ability to help us secure our homeland. I am very glad to see that some component of an amendment I had dealing with minorities and small businesses has been included, but still we have a problem with the kinds of benefits for civil service employees and an amendment dealing with avoiding kickbacks, whistleblower protection, protection of minorities and small businesses, and the prohibition of contracting with individuals who have been convicted of contract-related felonies has not been included.

Mr. Speaker, we could and can do better. I ask Members to vote against this rule because we can do better for the American people.

I am disturbed at the lack of deliberation and due process characterized by the rule put forth by the Rules Committee. I prepared six amendments to be considered for H.R. 5005 only that would have added to solving some of the difficulties of this large department. This process should not be a narrow process but rather an inclusive process to strike at the heart of terrorism.

AMENDMENT TO H.R. 5005, THE DEPARTMENT OF HOMELAND SECURITY CREATING A FIFTH DIVISION OF IMMIGRATION AFFAIRS

This amendment creates a fifth division to the Department of Homeland (DHS) consistent with the President's Proposal and the bill reported by the Senate Governmental Affairs Committee to the full Senate, and has the best chance of becoming law. It is imperative, as this House confirmed in H.R. 3231, that immigration services and enforcement stay in tact. Services and enforcement are clearly intertwined because it is vital that they talk with each other. It is important for there to be consistent decisions made on immigration issues. For example, the asylum seeker may present his case to the immigration service division in DOJ and get a different ruling by his brother who may have been picked up by Border Patrol and received a decision for DHS.

This is bad policy and does not help those aliens seeking to follow the law. We can balance the services and the security needs and provide an effective revenue stream to fund these divisions. If DOJ services are separated from enforcement they will be treated like a stepchild without any support.

The Jackson-Lee Proposal would create a fifth division within the Department of Homeland Security titled the Division of Immigration Affairs. This division could house three subdivisions titled; (1) Border Security; (2) Immigration Services and (3) Visa processing. My amendment envisions having the entire INS (a) pulled from the Administration's Border and Transportation Security division; (b) placed in its own division headed by an Undersecretary for Immigration Affairs; and (c) restructured as envisioned by H.R. 3231, the House INS restructuring bill.

My amendment is consistent with the Hyde-Berman amendment, which passed during Judiciary committee markup and is endorsed by the Select Committee, is the preferred alternative and consistent with the Administration's proposal. This proposal allows the administration of visa issuance function to be carried out by State Department employees with the oversight and regulatory guidance of the DHS.

My amendment also includes the Lofgren-Jackson-Lee amendment language, which will allow the Administration for Children and Families (ACF) within the Department of Health and Human Services to be the lead agency with responsibility for unaccompanied alien children.

AMENDMENT TO H.R. 5005, THE DEPARTMENT OF HOMELAND SECURITY TREATMENT OF MINORS DETAINED BY THE DEPARTMENT OF HOMELAND SECURITY

Another amendment I wanted to offer concerned the treatment of Minors by DHS. Minors may, for myriad reasons, come within the custody of the DHS. This Amendment would simply ensure that minors in custody of the DHS, whether they be aliens or minors from the United States, are provided access to independent counsel within 24 hours and the DHS endeavors to make contact with a parent or guardian within 48 hours. The amendment further requires that the DHS take affirmative action towards assisting the minor in contacting the minor's parent or guardian.

Legal permanent resident and U.S. minors may come into the custody of the Department of Homeland Security for many reasons. For example, if the Coast Guard takes a vessel into custody with children on it, these minors may end up in the custody of the DHS. These minors should guaranteed minimal procedural protections. My amendment simply made this explicit.

CONGRESSWOMAN SHEILA JACKSON-LEE NASA AMENDMENT TO H.R. 5005

I also wanted to offer a NASA Amendment. The Secretary of Homeland Security should not re-invent the wheel. If expertise and resources have already been developed at taxpayer expense, and exist in federal agencies, they should be put at the disposal of the Secretary.

NASA is a leader in satellite and information security. NASA has developed hardware and software that would help make us less vulnerable to cyber-attacks, that could cost billions of dollars and risk many lives by compromising our infrastructure.

My amendment would simply have NASA create an office which would catalog resources available at NASA that might be used in the fight against terrorism, and make them available to the Secretary of Homeland Security through reimbursable consultation or contracts.

This common sense amendment could save millions of dollars by reducing redundancy, and could expedite the process of getting our nation prepared for the challenges ahead.

It would be tragic if an attack occurred, while the technology to prevent that attack were readily available at NASA.

OTHER TRANSACTION AUTHORITY LIMITATION AMENDMENT TO H.R. 5005 OFFERED BY SHEILA JACKSON-LEE

The bill as it stands gives ''other transaction authority'' to the Secretary. This authority allows the Secretary to bypass many good government provisions that regulate the use of independent contractors.

This authority may be necessary in order to streamline research and development, and pilot projects deemed essential for homeland security. However, some of the regulations on federal contracting, reflect decades of accumulated wisdom, and would be absurd to discard.

My amendment would NOT block the Secretary's use of ''other transaction authority.'' It would simply preserve a few common sense aspects of federal procurement law.

It would stop people who were convicted of contract-related felonies from getting more contracts.

It would protect the abilities of small and minority-owned businesses to get contracts.

It would block the kickbacks that plague the contracting industry.

It would block the use of taxpayer dollars going to contractors from being used to lobby the federal government for more contracts.

And it protects workers who blow the whistle on fraud and abuse at contracting companies.

If while consolidating different agencies into the Department of Homeland Security, we start removing the good government provisions that have made those agencies work well in the past—we run the very real risk of making the Department much less than the sum of its parts. The American people deserve better.

AMENDMENT PROVIDING SPECIAL ASSISTANT TO THE SECRETARY OF HOMELAND SECURITY TO PROMOTE THE USE OF SMALL AND DISADVANTAGED BUSINESS

My next amendment provides for a Special Assistant to the Secretary of Homeland Security to promote the use of women and small business concerns owned and controlled by socially and economically disadvantaged individuals. The present legislation does not address the issue of small business.

My goal is to provide a holistic approach to small businesses. Not just covering the employees but encouraging the creation of small business. Small businesses are losing an increasing number of federal contracts to bigger business, according to recent data compiled by the Small Business Administration. Overall federal contracting dollars fell from $202 billion in 1995 to about $190 billion in 1997, a 5.9 percent decrease. But small businesses saw a 6.8 percent decline in federal contracts.

Business in cities all over the nation are suffering cuts in 8(a) contracts. In the Phoenix area, $30 million in contracts were awarded to minority and women-owned firms through the SBA's 8(a) program in 1995. That number dropped to $19 million in 1997. Similar firms in the Baltimore area saw contracting dollars plummet from $250 million in 1995 to $172 million in 1997.

More than one-half of minority women-owned firms (59%) are in the service sector, which also had the greatest growth (33 percent between 1997 and 2002). Other industries with the greatest growth were transportation/communications/public utilities (21%) and agriculture (7%).

The 10 states with the greatest number of minority women-owned firms in 2002 are 1) California; 2) New York; 3) Texas; 4) Florida; 5) Illinois; 6) Georgia; 7) Maryland; 8) New Jersey; 9) Virginia; and 10) North Carolina.

Despite growth, the impact of the economy on minority-business development resulted in difficulty for entrepreneurs hoping to raise capital, something the MBDA is contending with, says Langston. According to a 1999 report by the BLACK ENTERPRISE Board of Economists, of the $4.2 billion invested through Small Business Investment Companies (SBICs), $4.09 billion went to majority firms and other $128 million went to minority firms. By appointing a Special Assistant small business will have a voice in the Department.

CIVIL SERVICE PROTECTIONS

I would also like to express my strong objection to the denial of basic civil service protections for the thousands of federal workers who would be transferred to the proposed department for homeland security.

Quite frankly, I believe that the current proposal would allow for arbitrary and unfair treatment of federal employees under the guise of increasing ''flexibility.'' I find it hard to understand why federal employees whose responsibilities are the same today as they were on September 11th, when they responded with courage and dedication, could lose civil service protections just because the government's organization chart may change. How can the American public feel that their homeland is secure if the federal employees of the new department do not even feel that their jobs are secure? Moreover, I would argue that civil service protections are an invaluable resource that allow federal employees, like the FBI's Coleen Rowley, to bring bureaucratic failures to light. Stripping workers of their collective bargaining rights and whistleblower protections would compromise the very structures that help to ensure we meet the desired goal of reducing our vulnerability to terrorism.

I cannot overstate my adamant support for maintaining civil service protections in the new department. These protections should not be altered or revoked merely because federal employees suddenly find themselves working under the umbrella of a different department. I urge you to guarantee that, as this important piece of legislation makes its way through this committee, current civil service protections are not limited in any way. This issue is fundamental to my support for the creation of a new department.

CONCLUSION

The final outrage of this process rests in the fact that this bill gives unbridled attention to the needs of special interest concerns over the needs of the people. This bill give corporations that contract with the DHS undue protection from lawsuits for faulty and dangerous products. In this time of corporate irresponsibility, Congress should be doing everything to encourage the best behavior of corporate contractors, not giving them product liability protection.

The creation of the DHS is a chief priority of the Administration and Congress has been asked to act in a very short time. The integration of functions across many different agencies is a difficult task and the time we have spent on this important task is insufficient. I fear that we will revisit this matter many times in the future.

In closing, I would add that the Judiciary Committee has unique expertise in the oversight of Justice Department functions that will be integrated into the DHS. This expertise should be preserved in order to assure that those functions integrated from the DOJ remain effective within the DHS.

Thank you Mr. Speaker.

Mr. FROST. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this has been a very long process. We had a lengthy markup in the committee lasting approximately 10 hours. We have had a lengthy hearing before the Committee on Rules. We have had negotiations on a bipartisan basis over the rule. This is not a perfect rule, but it does preserve the minority's right to offer most of the amendments that we sought. We would have preferred that we would have been given the opportunity to offer the DeLauro amendment.

This is a very serious matter. It is in the interest of our country that our citizens be safe, and it is in the interest of the country that this House operate on a bipartisan basis. I believe we have been given that opportunity by the majority tonight. And while this is not a perfect rule, I urge the adoption of the rule so we can proceed to the consideration of the bill on the floor this evening and tomorrow, and so we can complete this very important piece of legislation before we adjourn for our August recess.

Mr. Speaker, I yield back the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have heard the beginning of what I believe will be a very broad and worthwhile debate on how best to secure our beloved country. There is universal recognition among my colleagues that our Nation is a different place than it was just 10 months ago, and our government must reflect that new reality.

While the steps that we take today are a simple reorganization of existing governmental functions, we should not doubt that our work will directly serve the freedom, the liberty and the way of life of all American people.

I urge Members to take measure of the task that we have before us, support this fair and open rule and the underlying bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. ARMEY), the chairman of the Select Committee on Homeland Security, who led us through this process with great decorum and statesmanship.

Mr. ARMEY. Mr. Speaker, I thank the gentlewoman for yielding me this time. I thank the gentleman from Texas for his participation in this debate, and thank the Committee on Rules for bringing this rule to the floor.

Mr. Speaker, when the President of the United States called us, the bicameral, bipartisan leadership of the Congress of the United States, to the White House on June 6 of this year and laid before us a plan to create a department of homeland defense for the American people, we all instantaneously recognized this as a large and daunting task.

When the House minority leader, the gentleman from Missouri (Mr. GEPHARDT), publicly suggested that we should not only undertake this daunting task but should complete it by September 11, we all realized that, too, would be even more daunting, but the President of the United States jumped right up and saluted that date. So we developed among ourselves in this body and the other body a resolve to do everything we could to make that date. I do not know whether we will make it or not, but I know we will make a good effort.

The President of the United States sent to us a good proposal, a proposal that has served as a useful template for the legislative processes of this Congress, of this House. But with respect to that template, that proposition, the Speaker of the House made, I thought, the most generous and inclusive decisions regarding how we should proceed.

The Speaker of the House recognized that there were 12 standing committees of this body that would have appropriate and necessary jurisdiction with respect to this legislation, should it be developed, and he saw to it that each of these 12 standing committees worked their will on the legislation.

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If we take the membership of the Committee on Ways and Means, the Committee on Appropriations, Committee on the Judiciary, Committee on Agriculture, the Committee on International Relations, the Committee on Government Reform, the Committee on Transportation and Infrastructure, Committee on Financial Services, Permanent Select Committee on Intelligence, House Committee on Armed Services, and Committee on Commerce, and Committee on Energy and

Science, we would probably have at least two thirds of the Members of this body having served on a committee that exercised jurisdiction over this bill. I cannot imagine any piece of legislation produced in this body in my 18 years that had so large a percentage of the body's hands on the legislative process. What could be more inclusive than that?

But that inclusivity was not, in itself, enough to satisfy the Speaker's desire that this be an open, inviting, and inclusive process. He then arranged that these 12 different select committees would report their work to a select committee comprised of Members of the leadership of both the Republican and Democrat party. And we digested the work of these 12 different committees after we had had hearings that included virtually every member of the cabinet that had anything to do with this, each of the chairmen and ranking members of each of these committees, and we had a very special hearing that included a group that I like to call the bipartisan innovators in the body that had presented themselves to this task long before it was conceived by the President, the gentleman from Texas (Mr. THORNBERRY), the gentlewoman from California (Ms. HARMAN), and the gentlewoman from California (Mrs. TAUSCHER) and of course the gentleman from Nevada (Mr. GIBBONS) whose work was invaluable to us as we proceeded.

The Speaker, when he set up this process and invited us to go to work, agreed that there would be a rule that would govern our proceedings, that would be a product of the joint recommendation of himself and the minority leader. And at the conclusion of our event, 102 amendments were offered for consideration to the Committee on Rules. The Speaker and the minority leader have spent the last 48 hours digesting these, structuring these, negotiating, and have given us this rule that defines the content of 27 opportunities to amend this legislation and the structure of the rule.

Mr. Speaker, I can think of no time ever in my time as a Member of this body when we considered anything whatsoever under procedures, jurisdictions, participations that were broader and more bipartisan and more inviting and more inclusive than this. In the close of business this day and the next, we will produce a bill for the Department of Homeland Defense, and it will be a bill that will have had, in terms of participation in the writing of chapter and verse, the participation of virtually every Member of this Congress.

May I say on behalf of the body, Mr. Speaker, thank you, thank you for understanding, Mr. Speaker, how serious this business is, how important it is to the Nation, and thank you for making it possible for each and every one of us on both sides of the aisle to know that we were respected, included, and participated in this process. No Speaker ever in the history of the House showed a greater respect for the House Members than our Speaker, Mr. HASTERT, and if I may again say on behalf of all of us, Mr. Speaker, thank you for being the fine man you are.

You are, Mr. Speaker, a fine servant to freedom, and that is the kind of governance we should have in this House. I ask that we vote this amendment out of respect to the generosity and inclusiveness of the Speaker who made it possible.

Mrs. MALONEY of New York. Mr. Speaker, I rise today disappointed that the Rules Committee would not allow an amendment that would have provided the new Department of Homeland Security with the tools that are necessary to appropriately respond to a terrorist attack or another Homeland Security Emergency.

The amendment that I speak of is one that I offered in the Committee on Government Reform, where it passed by a unanimous vote.

Government Reform is the Committee that had primary jurisdiction in the creation of this new department, yet much of its wonderful bipartisan work was unexplainably rejected by the Majority, was not allowed in today's Bill and is not even being allowed a chance to be debated on the floor today.

Obviously, prevention needs to be our and the Department of Homeland Security's number-one priority, and we must do everything possible to prevent all future attacks.

However, there are two major priorities for homeland security—not only preventing terrorism, but also responding to the impacts of terrorism should it occur again.

With this reorganization, we seem to have only focused on the first.

If a fail-safe system cannot be created, then why are we being blocked today from taking the lessons learned from the worst terrorist attack in American history and using the research of GAO, CRS and the NY Federal Reserve to create an improved system of response?

Experience is often the best teacher and very regrettably, New York learned much on 9/11.

The bipartisan amendment that I introduced recognized the need to improve the nation's response should we have another attack.

My amendment does exactly that.

It gives the Secretary the authority to respond quickly following a homeland security event and eliminates much of the redtape New York experienced after 9/11.

These are things that when they need to be done, they need to be done quickly. If they are not done quickly then the challenges to the affected areas significantly increase.

I must stress that all of these options are at the discretion of the Secretary.

I cannot imagine why the Majority would not allow the opportunity to give the Department of Homeland Security the ability to respond and provide aid to schools, hospitals and local governments that may need it.

We know from September 11th that there's a great deal of room for improvement in response and recovery operations.

While the hearts of Washington were 100% behind New York's recovery, the system was not adequately prepared to get the job done.

The series of complications and delays in federal relief efforts for New York City show a real need for expanded authority and flexibility in disaster recovery operations.

I think we can all agree that delivering immediate aid, to the right people, at the right time, is and will always be our top priority.

It's painful to think that thousands of people, in any of our districts, could once again be left without assistance because of outdated rules and inconsistent procedures.

Sadly, America experienced a major disaster we can learn from, showing in some cases what works, and in many cases, how not to respond.

My amendment learns from the past and prepares for the future.

Enclosed are materials on my amendment. Although my amendment was not included, I do support the rule and underlying bill.

Ms. PRYCE of Ohio. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3763) ''An Act to protect investors by improving the accuracy and reliability of corporate disclosures made pursuant to the securities laws, and for other purposes.''.

The message also announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 5121. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2003, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 5121) ''An Act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2003, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. DURBIN, Mr. JOHNSON, Mr. REED, Mr. BYRD, Mr. BENNETT, Mr. STEVENS, and Mr. COCHRAN, to be the conferees on the part of the Senate.

LEGISLATIVE PROGRAM

(Mr. ARMEY asked and was given permission to address the House for 1 minute.)

Mr. ARMEY. Mr. Speaker, it is my intention, my hope, that we can make progress on this legislation this evening such that would enable us to complete this work this week. It would turn out, I would think at this point, that it would be very difficult for us to anticipate completing our week's work in time to make planes to return to our districts tomorrow or tomorrow evening, but we could, I think, if we are prepared to work late tomorrow,