

Shadegg Sullivan  
 Shaw Sununu  
 Sherman Tancredo  
 Sherwood Tanner  
 Shimkus Tauscher  
 Shows Tauzin  
 Shuster Taylor (MS)  
 Simmons Terry  
 Simpson Thomas  
 Skeen Thompson (CA)  
 Skelton Thompson (MS)  
 Slaughter Thornberry  
 Smith (MI) Thune  
 Smith (NJ) Thurman  
 Smith (TX) Tiahrt  
 Smith (WA) Tiberi  
 Snyder Tierney  
 Solis Toomey  
 Souder Towns  
 Spratt Turner  
 Stark Udall (CO)  
 Stearns Udall (NM)  
 Stenholm Upton  
 Strickland Velazquez  
 Stump Visclosky  
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 Watkins (OK)  
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 Weiner  
 Weldon (FL)  
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 Weller  
 Wexler  
 Whitfield  
 Wicker  
 Wilson (NM)  
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 Young (AK)  
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Brady (PA)  
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 Davis (CA)  
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 Dicks  
 Dingell  
 Doggett  
 Dooley  
 Doyle  
 Ehrlich  
 Engel  
 Eshoo  
 Etheridge  
 Evans  
 Farr  
 Fattah  
 Finer  
 Ford  
 Frank  
 Frost  
 Gephardt  
 Gilman  
 Gonzalez  
 Gordon  
 Green (TX)  
 Hall (OH)  
 Hall (TX)  
 Harman  
 Hastings (FL)  
 Hill  
 Hinchey  
 Hinojosa  
 Hoefel  
 Holden  
 Holt  
 Honda  
 Hooley  
 Horn  
 Hoyer  
 Inslee  
 Israel

Jackson (IL)  
 Jackson-Lee  
 (TX)  
 Jefferson  
 John  
 Johnson, E. B.  
 Jones (OH)  
 Kanjorski  
 Kaptur  
 Kennedy (RI)  
 Kildee  
 Kilpatrick  
 Kind (WI)  
 Kleczka  
 Kucinich  
 LaFalce  
 Lampson  
 Langevin  
 Lantos  
 Larsen (WA)  
 Larson (CT)  
 Lee  
 Levin  
 Lipinski  
 Lofgren  
 Lowey  
 Lucas (KY)  
 Luther  
 Lynch  
 Maloney (CT)  
 Maloney (NY)  
 Markey  
 Mascara  
 Matheson  
 Matsui  
 McCarthy (MO)  
 McCarthy (NY)  
 McCollum  
 McDermott  
 McGovern  
 McIntyre  
 McKinney  
 McNulty  
 Meehan  
 Meeke (FL)  
 Meeks (NY)  
 Menendez  
 Millender-  
 McDonald  
 Miller, George  
 Mink  
 Mollohan  
 Moran (VA)  
 Morella  
 Murtha  
 Nadler  
 Napolitano  
 Neal  
 Oberstar  
 Obey  
 Oliver  
 Ortiz  
 Owens

Paul  
 Pence  
 Peterson (MN)  
 Peterson (PA)  
 Petri  
 Pickering  
 Pitts  
 Platts  
 Pombo  
 Portman  
 Pryce (OH)  
 Radanovich  
 Ramstad  
 Regula  
 Rehberg  
 Reynolds  
 Riley  
 Rogers (KY)  
 Rogers (MI)  
 Rohrabacher  
 Ros-Lehtinen  
 Royce  
 Ryan (WI)  
 Ryun (KS)  
 Saxton  
 Schaffer  
 Schrock  
 Sensenbrenner  
 Sessions  
 Shadegg  
 Shaw  
 Sherwood  
 Shimkus  
 Shuster  
 Simmons  
 Simpson

NAYS—2

Flake Paul

Army Gutierrez  
 Baker Hilliard  
 Bishop Kleczka  
 Blagojevich Lewis (GA)  
 Blunt Linder  
 Collins McHugh  
 Conyers Napolitano  
 Cooksey Norwood  
 Deal Putnam

□ 1327

Mr. PAUL changed his vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:  
 Mrs. NAPOLITANO. Mr. Speaker, on rollcall No. 237, had I been present, I would have voted "yea."

Ms. SCHAKOWSKY. Mr. Speaker, on rollcall No. 237, I was unavoidably detained. Had I been present, I would have voted "yea."

MOTION TO INSTRUCT CONFEREES ON H.R. 3295, HELP AMERICA VOTE ACT OF 2001

The SPEAKER pro tempore (Mr. SUNUNU). The pending business is the question of agreeing to the motion to instruct conferees on H.R. 3295 offered by the gentleman from Florida (Mr. HASTINGS) on which the yeas and nays are ordered.

The Clerk will designate the motion. The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Florida (Mr. HASTINGS).

This will be a 5-minute vote. The vote was taken by electronic device, and there were—yeas 206, nays 210, not voting 19, as follows:

[Roll No. 238]  
 YEAS—206

Abercrombie Baldwin  
 Ackerman Barrett  
 Allen Becerra  
 Andrews Bentsen  
 Baca Berkeley  
 Baird Berman  
 Baldacci Berry

Aderholt Coble  
 Akin Collins  
 Arney Combest  
 Bachus Cox  
 Baker Crane  
 Ballenger Crenshaw  
 Barr Cubin  
 Bartlett Culberson  
 Barton Cunningham  
 Bass Davis, Jo Ann  
 Bereuter Davis, Tom  
 Biggert DeLay  
 Bilirakis DeMint  
 Blunt Diaz-Balart  
 Boehlert Doolittle  
 Boehner Dreier  
 Bonilla Duncan  
 Bono Dunn  
 Boozman Ehlers  
 Brady (TX) Emerson  
 Brown (SC) English  
 Bryant Everett  
 Burr Ferguson  
 Burton Flake  
 Callahan Fletcher  
 Calvert Foley  
 Camp Forbes  
 Cannon Fossella  
 Allen Frelinghuysen  
 Andrews Gallego  
 Baca Ganske  
 Baird Castle  
 Baldacci Chabot  
 Chambliss

NAYS—210

Gillmor  
 Goode  
 Goodlatte  
 Goss  
 Graham  
 Granger  
 Graves  
 Green (WI)  
 Greenwood  
 Grucci  
 Gutknecht  
 Hansen  
 Hart  
 Hastert  
 Hastings (WA)  
 Hayes  
 Hayworth  
 Hefley  
 Heger  
 Hilleary  
 Hobson  
 Hoekstra  
 Hostettler  
 Houghton  
 Hulshof  
 Hunter  
 Hyde  
 Isakson  
 Issa  
 Istook  
 Jenkins  
 Johnson (CT)  
 Johnson (IL)  
 Johnson, Sam

NOT VOTING—19

Barcia Hilliard  
 Blagojevich Lewis (GA)  
 Conyers Linder  
 Cooksey McHugh  
 Deal Moore  
 Edwards Norwood  
 Gutierrez Putnam

□ 1340

Mr. FERGUSON changed his vote from "yea" to "nay."

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:  
 Mr. MOORE. Mr. Speaker, today I voted for the Motion to Instruct Conferees on H.R. 3295, the Help America Vote Act; however the voting machine apparently did not register my vote. Please let the RECORD reflect that I intended to vote "aye" on House Vote 238.

ESTABLISHING THE SELECT COMMITTEE ON HOMELAND SECURITY

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 449 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 449

Resolved, That there is hereby established a Select Committee on Homeland Security.

SEC. 2. COMPOSITION.—The select committee shall be composed of nine Members appointed by the Speaker, of whom four shall be appointed on the recommendation of the Minority Leader. The Speaker shall designate one member as chairman.

SEC. 3. JURISDICTION.—The select committee may develop recommendations and report to the House on such matters that relate to the establishment of a department of homeland security as may be referred to it by the Speaker and on recommendations submitted to it under section 6.

SEC. 4. PROCEDURE.—(a) Except as provided in paragraphs (1) and (2), rule XI shall apply to the select committee to the extent not inconsistent with this resolution.

(1) Clause 1(b) and clause 2(m)(1)(B) of rule XI shall not apply to the select committee.

(2) The select committee is not required to adopt written rules to implement the provisions of clause 4 of rule XI.

(b) Clause 10(b) of rule X shall not apply to the select committee.

SEC. 5. FUNDING.—To enable the select committee to carry out the purposes of this resolution, the select committee may utilize the services of staff of the House.

SEC. 6. REPORTING.—(a) Each standing or permanent select committee to which the Speaker refers to a bill introduced by the Majority Leader or his designee (by request) that proposes to establish a department of homeland security may submit its recommendations on the bill only to the select committee. Such recommendations may be submitted not later than a time designated by the Speaker.

(b) The select committee shall consider the recommendations submitted to it on a bill described in subsection (a) and shall report to the House its recommendations on such bill.

SEC. 7. DISSOLUTION.—(a) The select committee shall cease to exist after final disposition of a bill described in section 6(a), including final disposition of any veto message on such bill.

(b) Upon the dissolution of the select committee, this resolution shall not be construed to alter the jurisdiction of any standing committee.

SEC. 8. DISPOSITION OF RECORDS.—Upon dissolution of the select committee, the records of the select committee shall become the records of any committee designated by the Speaker.

□ 1345

The SPEAKER pro tempore (Mr. SUNUNU). The gentleman from California (Mr. DREIER) is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

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

Mr. DREIER. Mr. Speaker, the resolution allows us to move decisively in a bipartisan manner to establish an empowered Department of Homeland Security. I want to express my appreciation to the gentleman from Texas (Mr. FROST) and my colleagues on the Committee on Rules for helping us proceed in a bipartisan manner in dealing with this issue.

Mr. Speaker, the President's proposed legislation to create this new Cabinet-level agency represents a call to arms for each of us. It is the battle cry of a Nation determined to preserve its hard-won and fundamental belief that its people have an inherent right to freedom.

Today, we take the first important step in answering that call by readying our government to confront a faceless enemy, an enemy attempting to pene-

trate our borders, threaten our towns and cities and, overall, to rob families and communities of the sense of security that they enjoyed before the attacks of September 11. This is an unprecedented category of war on the home front, and it requires a new approach to securing our Nation.

Mr. Speaker, this resolution is about protecting American lives, not protecting the turf of those here in the Congress. I take very seriously our institutional responsibility to protect the integrity of the congressional oversight process and the ability of committees to exercise their will on matters within their jurisdiction. This resolution facilitates our ability to fulfill those responsibilities without compromising our ultimate and most critical objective of keeping Americans safe from terrorism. Mr. Speaker, as we know, terrorism is an ever-present enemy.

This resolution ensures that we are moving forward with a sense of deliberative urgency, permitting the House to condense the legislative process in a way that will foster a thoughtful and carefully crafted legislative product. In so doing, it establishes a process for considering the President's initiative similar to one that was used a quarter of a century ago by Speaker Tom O'Neill in addressing the energy crisis.

The resolution provides a clearinghouse for ideas, an ad hoc body with the expertise to resolve jurisdictional disputes, and the authority to compile a final package. Instead of potentially lengthy struggles on overlapping jurisdictional issues, the select committee will operate as a type of conference committee for all relevant committees of jurisdiction. Every committee is ensured to have a voice in the process.

Mr. Speaker, with very few exceptions, regular order will be applied to the select committee, meaning it will have to comply with all rules of the House. The select committee is limited in its scope, authorized only to consider legislation creating a Homeland Security Department, and will dissolve once that duty has been completed. The membership will be a small group comprised of elected leaders from both sides of the aisle.

In the President's transmittal message to Congress accompanying the homeland security initiative, he referenced President Truman's previous reorganization of our military forces under the new Department of Defense as an analogy to today's homeland security initiative.

What is also somewhat similar is the philosophy laid out earlier by the first Hoover Commission established in 1947 to study the organization of the executive branch and to come up with recommendations for its reorganization. The commission noted in its report on the general management of the executive branch that "we must reorganize the executive branch to give simplicity and structure, the unity of purpose, and the clear line of executive authority originally intended."

Mr. Speaker, one of the commission's underlying principles was that policy-making and standards-setting should be centralized by the President, central management agencies and department Secretaries, rather than controlled at the individual agency level where bureau and subdivision fiefdoms had evolved to create a mass of policy and functional confusion.

While there was no direct or pending security threat at the time, it is appropriate to compare the philosophy of the Hoover Commission to the motivations of the homeland security initiative. The President notes a number of similar themes in his message: "Our Nation needs a unified homeland security structure;" "transforming the current confusing patchwork of government activities into a single department whose primary mission is to secure our homeland;" the Department "would have a clear and efficient organizational structure . . ." And finally, "history also teaches us that critical security challenges require clear lines of responsibility and the unified effort of the U.S. Government."

Mr. Speaker, it demonstrates that America is the great Nation that it is because we have been able to look inward at the appropriate times and unify to transform to and adapt our government to changed circumstances.

We have an opportunity to implement a framework that will produce effective and functional changes to the organization of our Federal Government's national security infrastructure. That is why it is absolutely essential that we work together, both here in the House and with the other body, to proceed as expeditiously as possible.

Mr. Speaker, even more important, we must do it the right way, in order to guarantee that our end product is the best solution for addressing our Nation's security needs.

Right now, agencies charged with protecting our borders, enforcing our laws and keeping Americans safe are grouped with those responsible for overseeing the Nation's finances and maintaining the Federal highway system. For instance, the Customs Service plays an important role in protecting America's borders, in the air, on land and at sea, and it has its own intelligence component. Yet, it is housed under the Treasury Department where the primary mission is to manage the government's money and promote stable economies both here and abroad.

Another well-known example is the overlapping roles of the Immigration and Naturalization Service and the State Department when it comes to regulating permanent and temporary immigration to the United States. While the INS has overall responsibility for immigration matters, the State Department is in charge of issuing visas to foreign nationals coming to the United States. The homeland security initiative moves both the INS and the State Department's control

over visa issuance to the new Secretary.

Mr. Speaker, the U.S. Coast Guard is the principal Federal law enforcement agency with jurisdiction in both U.S. waters and on the high seas. It is also prepared to function as a specialized service within the U.S. Navy, and it has command responsibilities for the U.S. maritime defense zones. Yet it reports to the Secretary of Transportation, whose primary mission is to oversee the formulation of national transportation policy.

Without a doubt, securing our homeland is going to require more than the creation of a new agency. Yet there is no question that we must establish an entity that is singly devoted to that purpose, with no distractions and no conflicting objectives.

Rather than the multitude of agencies and bureaus that currently hold homeland security authority, the President's plan charges one agency with responsibility for securing our borders, accessing and analyzing intelligence information, working with local and State governments to manage Federal emergency response activities, and developing chemical, biological and radiological and nuclear countermeasures.

Mr. Speaker, this presidential initiative represents bipartisanship at its best. As we address the security needs of our homeland, passage of this resolution is a bold and important step toward that end.

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

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

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

Mr. FROST. Mr. Speaker, in the aftermath of September 11, the people of this Nation have pulled together to meet the first great challenge of the 21st century.

Across the globe in Afghanistan, the men and women of the United States Armed Forces prove their courage and skill on the battlefield once again, and here in Washington, Democrats and Republicans put aside partisanship to support the war on terrorism.

Still, Mr. Speaker, much remains to be done, especially in the area of homeland security. For months, Democrats and a few Republicans have argued that homeland security must become a Cabinet-level priority. I myself am a cosponsor of a House bill to do just that. So there was bipartisan support for the President's decision a few weeks ago to reverse his prior opposition to a new Department of Homeland Security.

By itself, reorganizing the Federal Government will not ensure Americans' safety, but it is an important first step, and the short 35-page bill submitted by the administration yesterday provides a useful starting point, even as it raises a lot of important questions.

How will it improve the effectiveness and efficiency of the Government's intelligence operations? How will it change the relationship between individual Americans and the Federal agencies, FEMA and the Coast Guard, for instance, that now provide them with crucial services?

Additionally, Mr. Speaker, we must work through important questions about the nature of the agency itself. We must ensure that Americans' fundamental values, rights and liberties are not sacrificed on the altar of this new governmental structure. That includes the employment rights of the public servants who will work in this department and devote their lives to protecting their fellow citizens.

We must honestly address the question of how much it will cost taxpayers to set up and operate this new Federal department. America's national security is not cheap and neither is its homeland security. Just yesterday, for instance, the Republican staff director of the Senate Budget Committee pointed out that additional costs seem likely.

Mr. Speaker, the Congress must answer these and other questions to ensure that creating a new Department of Homeland Security accomplishes more than just moving Federal employees around Washington but actually makes Americans safer in this new war against terrorism.

That is why it is so important that we follow regular order and draw upon the tremendous experience and expertise in the standing committees of jurisdiction. Many of our Members have literally decades of experience with these matters. Simply put, they know what works and what does not work in the real world.

Mr. Speaker, Democratic Leader GEPHARDT was right to set September 11 of this year as the deadline to create the new Department of Homeland Security. That deadline is less than 3 months from today, but is a full year from the infamous day when terrorists made clear America's new homeland security needs.

Make no mistake, Mr. Speaker, we can meet that goal, but it will require the type of bipartisanship we saw immediately after September 11. Fortunately, the Speaker seems to understand that, and so today the House is taking an initial step down the long road toward the real and substantive cooperation necessary to create an effective Department of Homeland Security.

Of course, sticking to the path of bipartisanship will require determination at all stages in the process, in the initial work of the standing committees, as the select committee itself reconciles their approaches, and as the Committee on Rules sends that product to the House floor.

Indeed, the end of the process will be as important as the beginning. So I urge the Speaker to commit to bringing the final bill to the House floor

under an open rule. That way we can ensure that the will of the entire House is reflected in what we pass.

Mr. Speaker, we all understand how absolutely critical it is that partisan politics play no part in our deliberations. This is no time for any political party's agenda. It is time to prove that we are worthy of this monumental task to protect our Nation and its citizens, and to reassure them that their government is part of the solution, not part of the problem.

Democrats are eager to get to work reorganizing on this critical task. So I urge the adoption of this resolution.

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

□ 1400

Mr. DREIER. Mr. Speaker, I am happy to yield 1 minute to my friend, the gentleman from Irving, Texas (Mr. ARMEY), the distinguished majority leader, for the purpose of a colloquy.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding me this time, and this resolution simply authorizes the Speaker to appoint a Select Committee on Homeland Security consisting of five House Republican Members and four House Democrat Members.

The purpose of the select committee, which will have hearing authority and the same markup and reporting authority as standing committees, is to review the various recommendations from the standing committees of jurisdiction and report to the House one comprehensive bill that will create the Department of Homeland Security.

This resolution carries an authorization for the select committee to utilize the services and resources of the staff of the House of Representatives and shall cease to exist after final disposition of the bill, including final disposition of any veto message on such a bill.

The precedent for such a select committee is clear, and thanks to the bipartisan support I have received from the gentleman from Missouri (Mr. GEPHARDT), the Democrat minority leader, I am confident that we can meet the President's deadline for enactment of this session.

With respect to timing, tomorrow I will introduce the bill sent up by the President and that will be referred to the select committee. Standing committees with a legitimate jurisdictional claim will receive an additional referral, with the understanding that they will provide recommendations to the select committee no later than July 12, 2002.

Finally, it is the Speaker's goal to schedule this legislation for floor consideration in the House the week of July 21, 2001. At that time, it is the Speaker's intention that he and the Democratic Leader propose to the Committee on Rules a resolution governing the consideration of the select committee's product and jointly recommending that it be adopted.

Ms. PELOSI. Mr. Speaker, will the gentleman yield?

Mr. ARMEY. I yield to the gentlewoman from California.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding. I would like to join the majority leader in support of this effort. The fight against terrorism is our most urgent national security priority, and the creation of a Department of Homeland Security is a big step in the war against terrorism. However, it will take a great deal of our effort beyond just the formation of this department to protect our Nation.

Let me thank the gentleman and the Republican leadership for the bipartisan manner in which this process has developed so far. We believe that bipartisanship should continue throughout this process, during the committee markups, within the select committee that we are creating, and during the floor consideration of our final work product.

Many of our Members have developed proposals along these lines. It is our intention to do everything we can to make this department an effective tool in the war against terrorism. It is also imperative that the 170,000 workers who will be affected by this transition continue to receive all of the rights they now enjoy as employees of the Federal Government. Agencies that do a highly-effective job for the American people, such as the Coast Guard and FEMA, must be empowered so that they can continue to do their crucial work and that work beyond homeland security.

Mr. Speaker, I would like to ask a few clarifying questions of the majority leader. First, the rule governing consideration of this legislation will be jointly recommended by the Speaker and the Democratic leader and then brought to the Committee on Rules. The rule will preserve minority rights protected by the House and will be a fair process; is this correct?

Mr. ARMEY. Reclaiming my time, Mr. Speaker, I thank the gentlewoman; and let me say, yes, and I will restate that it is the Speaker's intention that he and Democrat Leader GEPHARDT propose to the Committee on Rules a resolution governing the consideration of the select committee's product and jointly recommend that it be adopted.

Ms. PELOSI. I thank the majority leader, and if he will continue to yield for a second question:

Nothing in this process will restrict the traditional rights of the minority or the rights of the committee in being named as conferees for the final product; is that correct?

Mr. ARMEY. Again reclaiming my time, I thank the gentlewoman for her question, and I will advise the gentlewoman that under House rules the Speaker will retain all of his prerogatives under this resolution with respect to the naming of conferees.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding and once again express my appreciation for the bipartisan cooperation we have had here today.

Mr. ARMEY. Mr. Speaker, I too would like to thank the gentlewoman for the spirit of cooperation we have already enjoyed working together on this very important matter before the American people, and I thank the gentleman from California for yielding me this time.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the distinguished ranking member of the Committee on Rules, the gentleman from Texas (Mr. FROST), for yielding me this time.

Mr. Speaker, I may be in a small minority in this House, but I just heard the majority leader say that this was to be done on the recommendations of all the standing committees, with reference to this consolidation, effective by July 12. We are going to adjourn next Friday, presumably, on June 28. We are going to come back on July 9 or 10 from our July 4 break. As I compute it, therefore, that leaves about 9 legislative days to consider the consolidation of agencies which have under their aegis almost \$39 billion in expenses and have over 160,000 Federal employees.

I have great reservations about what I perceive to be a rush to judgment on this issue. Do I believe we need to organize well to confront those who would undermine our country? I do. Do I believe that reinventing and reassessing the operations of the government on a periodic basis are necessary? I do. Do I believe, however, that in the face of threats, that we ought to do something that we might not otherwise have done? The answer to that is an emphatic no.

Now, I may well support this effort, but I think it is a serious effort. The gentleman from Ohio (Mr. PORTMAN) is seated here. He participated in a major effort, not to redeploy one of our largest departments, the Internal Revenue Service, but to reorganize it internally and to make it run better. He and I had some disagreements on that, but ultimately we all supported that effort and he did great work. But he will tell my colleagues that that one department, substantially less than 160,000 people, with no cross-jurisdictions because it was one department, was a complicated effort that needed time to effect.

I would hope that everybody in this body would take this responsibility very seriously and give it the time necessary to effect an end that in a year from now or 10 years from now we will be able to look back on and say we did our work well, we did it thoughtfully, we did it carefully, and we did it well.

Mr. Speaker, let me also observe that I have great concerns about the general waiver that is accorded to the Secretary of the Department in this legislation with reference to protections of Federal employees incorporated in law, in other words, not rule or regulation, but passed by this Congress, signed by a President of the United States, to ensure that our Federal employees have

the kinds of protections and benefits that we believe were necessary not only to recruit and retain those Federal employees but to treat them fairly within our system.

The legislation, as I understand it, that has been proposed by the President gives to the Secretary the power to waive those. I do not think that we ought to do that, and I hope that we do not do it. I will be focused on that as we move along in consideration of this legislation.

Mr. Speaker, I thank the gentleman for giving me this time to express some caution as we approach this weighty and difficult task.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume to just say very briefly, in response to the gentleman's statement, that I believe in my opening statement I made it very clear that while we want to do this in an expeditious manner, we want to make sure that it is done right. We have certain constraints with which we have to deal if we are going to successfully meet the September 11 goal that was first set forth by the minority leader. And in light of that, the July 12 deadline, then our goal of trying to begin reconciling differences as we head towards the August break are dates that have been put forth.

But I do believe that first and foremost, as I said, we must do this correctly. So in that light, I do agree with my colleague.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I thank the gentleman for his comments because I think we agree on that issue. The important issue will be that we do this right, and to that extent I agree with my friend.

Mr. DREIER. Mr. Speaker, I yield 3 minutes to my friend, the gentleman from California (Mr. ROHRBACHER), who has long been a hard fighter on behalf of our homeland security and other national security questions.

Mr. ROHRBACHER. Mr. Speaker, I rise in strong support of H. Res. 449. Yes, it will permit us to do the job right because we are committed to doing this job well, but it will also permit us to set the task of doing this job expeditiously, as the gentleman from California (Mr. DREIER) noted.

Why should it be done expeditiously? Because we are at war. Let us not forget what this is all about. Three thousand of our citizens were slaughtered by a hostile foreign enemy. We are at war. Our military is in action in Afghanistan, in the Philippines, and perhaps in the near future in Iraq. Our intelligence agencies have been mobilized. That is what one expects in war.

But as in past wars, especially in this new type of war, what the defense of the homeland is about is about winning that war. It is part of the strategy of victory. And to accomplish the security of our homeland and the safety of

our people, we need a restructuring and we need to do it in an expeditious fashion. That is what this effort is all about. But it is more than just redrawing the lines on a flow chart. We must also have a change in attitude, a new sense of vigilance that comes with the creation of a new Department of Homeland Security.

I am personally pleased to see, for example, that the INS will reorient their job toward protecting our borders and protecting the security of the United States of America in dealing with the illegal alien problem. Our homeland is in jeopardy, and a restructuring is absolutely necessary; and we have begun today with this effort to provide the restructuring that will be necessary to legal procedures. George Bush is providing the aggressive leadership on the executive end. We are providing this restructuring on the legislative side, and we are working under the aggressive leadership of our President in this wartime situation. And what is necessary for victory is a unity, not just between the executive and legislative branch, but also between the political parties; and that is what this effort is about today. It is a bipartisan effort. It is a team effort. We are proposing a select committee to expedite the creation of a Homeland Security Department.

So let the terrorists of the world know we will pursue them overseas and we will protect our homeland and we will win this war against this evil that threatens our people, our homeland, and the world.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. MENENDEZ).

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

Mr. MENENDEZ. Mr. Speaker, I thank the distinguished ranking member on the Committee on Rules for yielding time.

Protecting the American people is our first obligation, and I know that we as Democrats are committed to working with all of our colleagues here in the House to protect our families, our cities, and our way of life from the enemies of freedom. In this work, maybe the most important work of our generation, there are no Democrats, no Republicans, only patriots. Following September 11, I assumed the chairmanship of the Democratic task force on homeland security, which introduced two comprehensive bills that addressed the threat of bioterrorism and future terrorist attacks on our Nation. We successfully united the entire Democratic caucus behind our legislation, and we are proud to see that major provisions of that legislation has in essence been enacted into law. Now as we pursue the select committee and its proposed work along with the committees of jurisdiction, we Democrats have, I believe, certain principles that will seek to guide us. We strongly embrace and support the reform and reor-

ganization of departments and agencies with responsibilities for homeland defense, but we seek a continuing and thorough review of the events and factors that led to the tragic and unfortunate deaths of September 11.

□ 1415

Such reform and reorganization, coupled with a comprehensive threat assessment and strategy to address threats to the American homeland, is the best way to improve the safety and security of the American people. We are glad that the President has come to agree with Democrats that the head of Federal homeland security efforts must have the requisite statutory and budgetary authority to effectively and efficiently protect America from terrorism.

But we also believe as we protect and defend our country, we must protect and defend the Constitution, the Bill of Rights, and our civil liberties which collectively is the rock upon which we have built our life as a society. We also believe when the hometown is secure, the homeland is secure. So as we consolidate the Federal Government's homeland security functions, we need to ensure that the hometown is secure.

The democratic principles of getting more money out of Washington and into our communities for police, fire, emergency management and public health will be a guiding principle as we try to succeed in this reorganization.

Finally, the select committee is a continuation of our efforts to address the challenges ahead. Yes, we need to do it expeditiously on behalf of the American people, but we need to do it well. 170,000 employees, \$39 billion in the budget, these are very significant items, which is why we seek to have the White House submit an amended budgetary process in order to make sure that we do this in an open and fiscally responsible manner.

Those are some of our challenges. They are legitimate public policy issues. These are trying times; but as a united Congress, and with the support of the American people, we can rise to that occasion, we can make our homeland secure, and we can do it in a way in which the American people will be proud.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. PORTMAN.)

Mr. PORTMAN. Mr. Speaker, I rise in strong support of the resolution before us today. I was delighted to hear the gentleman from New Jersey (Mr. MENENDEZ) talk about some of the principles that the gentleman feels strongly about, that he identified as principles on his side of the aisle. They are principles that I think both sides of the aisle support: Focusing on first responders, focusing on the rights of American citizens, focusing on doing this in an expeditious manner, and doing it right.

For me, this reminds me a lot of where we were right after September 11

when there was a certain urgency, and in the House and Senate we came together across party lines and did the right thing for the American people. I see that again with regard to this proposal to create a new Department of Homeland Security, and I am very supportive of the Speaker's resolution today to create a select committee that helps us get to that process, chaired by the majority leader.

I believe the need for this department is very clear. There are over 100 government agencies now responsible for homeland security. In a sense, everyone is in charge; so no one is in charge. One of our tasks is to align authority with responsibility. By doing that, we can ensure some accountability so that someone is in charge and someone is accountable to ensure that we are doing all we can to protect the homeland.

It is a complicated and important task. I think again united in a bipartisan way, there is no reason we cannot get it done. As I see the reaction in the House and Senate, and yesterday when the President brought his proposal forward and Tom Ridge presented it, I see that kind of unified response that will help us get this done.

I am pleased the Speaker has set up a process that will allow all the authorizing committees to have input into the process. After all, that is where the expertise resides, and it will be those committees that will provide that expertise and put together recommendations as to how to reorganize these departments and agencies.

We need to be sure that the creation of the Department of Homeland Security is not oversold. This will not make us immune from terrorism. What it will do is it will maximize our ability to protect our citizens. After all, that is the fundamental responsibility of the Federal Government, to protect our country and citizens.

Congress is not generally known for getting things done quickly. There is a joke that it takes us 30 days to make instant coffee around here. But as we have demonstrated after the tragic events of September 11, when we work in a bipartisan fashion to get things done, we can. We are called on today to do that again. This resolution will help us do it.

Mr. Speaker, let us roll up our sleeves and get to work to reorganize the Federal Government to best protect our country and our citizens.

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 gentleman for yielding me this time.

Mr. Speaker, I rise today in support of H. Res. 449, a resolution which calls for the establishment of a temporary Select Committee on Homeland Security. The committee will review the recommendations of standing House committees and create a comprehensive bill for House floor consideration.

The President's goal and the ranking member's goal, the minority leader's goal is to sign this bill into law on September 11, 2002.

This is a goal, Mr. Speaker, that I believe is attainable, but difficult to do. There are an estimated 33 subcommittees that can legitimately claim jurisdiction over the President's proposal to establish a Cabinet-level department. Under H. Res. 449, the select committee will be composed of only nine members. My concern is that a nine-member select committee is too small to incorporate the expertise that will be required to consolidate the recommendations of the standing committees.

These nine members will be required to have expertise in areas as far ranging and diverse as government reform, intelligence, transportation, agriculture, and chemical and biological warfare, just to name a few. This is an awesome task for nine mere mortals.

Mr. Speaker, I believe that the President's initiative to create a new department which consolidates national security missions is long overdue. The concept is not a new one. Actually a plethora of legislation, including a proposal which I introduced, H.R. 3078, has been brought forward. My bill would have established the National Office for Combating Terrorism. It includes an initiative to develop policies and goals for the prevention of and response to terrorism and for the consolidation of local, State and Federal programs.

I am pleased to see that the administration is incorporating some of our ideas into a comprehensive plan to streamline the workings of the executive branch, and let us have on notice that it took the administration quite some time to come to this view.

I share the concerns of the President and the rest of the Nation. We need to consolidate our efforts to ensure that we are prepared for terrorist threats or attacks. However, we must balance this priority with caution and common sense. We must not lull our Nation into a false sense of security by implying that we have fixed a problem that indeed we have not.

The threat of another terrorist attack is foremost in our minds, and in our rush to protect ourselves, the President has requested that we complete this legislation as quickly as possible. Including weekends and holidays, September 11, 2002, is 82 days away. Even if we remained in session for our scheduled August recess, I believe that this time frame is hard to achieve. It will take nine members more than a few weeks to design a Department of Homeland Security capable of reducing America's vulnerability to terrorism and preventing future attacks against the United States.

Mr. Speaker, I have a word of caution for my esteemed colleagues: If we do not take the time to do it right, we will have to make the time to do it over.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentleman from Geor-

gia (Mr. CHAMBLISS), a member of the Permanent Select Committee on Intelligence.

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

Mr. CHAMBLISS. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in support of this resolution today. I am one of those who has resisted and been opposed to the legislation that has been filed in this House to this point in time, attempting to create and legislate the Office of Homeland Security. The reason I have resisted is as a member of the intelligence community, and one who has worked closely with Governor Ridge and his staff, I felt like the Governor, who has done a superb job as the Director of Homeland Security, needed to have the flexibility given to him by the executive order coming out of the White House to walk through the minefields and find out where the potholes are in homeland security. And once he has done that, let us come back and craft legislation. As the gentleman from Maryland (Mr. HOYER) stated, we can then know we are doing it right.

Well, the time has now come to do that. I applaud our President for making a bold decision to create a new Cabinet-level position and to restructure government, to meet this long-term issue of homeland security, and in order to ensure that we win this war on terrorism, it is now necessary that this office be created.

This resolution is the first step towards doing it right. I applaud the leadership for their bold initiative to structure this committee the way it is. I think in order to get the job done, that is the way the committee should be structured. Every committee is going to have the ability to exercise their jurisdiction over their particular turf. Again, that is the way it should be done to do it right. This is the right way to do it. I support this legislation, and I urge its adoption today.

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

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Texas (Mr. FROST) particularly for the gentleman's wisdom in the immediate hours after September 11, to help organize for the Democratic caucus the Homeland Security Task Force. Many Members gathered within 24 hours outside of the Capitol to be able to discuss the immediacy of responding to the crisis and the tragedy of September 11.

I would also like to add my appreciation for the gentleman from New Jersey (Mr. MENENDEZ) who served as the chair of that task force, as I served as the vice chair on one of the law enforcement subcommittees. This was an effort to recognize the importance of congressional oversight and involvement in addressing these questions. So

it is without a doubt that I support the Department of Homeland Security that has been offered by the President in his legislative initiative presented to this Congress just yesterday.

As I begin to review it, I believe it is a very effective first look at how that department will be created. But, Mr. Speaker, I am a believer in the tenets of the Founding Fathers and the basis of the People's House. The design of this House of Representatives is that to be reflective of the people of the United States of America. They want us to be responsible for the decisions made to govern this Nation. Our Constitution clearly designates three branches of government: Judiciary, executive and legislative.

I believe the House of Representatives has an imperative duty in accordance with the words of Madison and the rest of our Founding Fathers to do our job. That means that those who represent the people of the United States should be engaged in the oversight and the design of this department.

It is very clear that there are a number of committees who have jurisdiction, and I would offer to say in light of the backdrop of the tragedy, not one of us is claiming turf. There is no argument of turf. There is a question of jurisdiction and oversight.

My concern about this particular legislative direction is a select committee of nine individuals who will not have the encompassing experience to address the totality of the issue. I believe it is important for the committees of jurisdiction to be able to do their job, and let me give an example. The Committee on the Judiciary shortly after September 11 was called to the task to pass the Patriot Act. And although it may have changed on the floor of the House, we did it expeditiously and with consensus. Whether one agrees or disagrees with that legislative initiative, it is now in place.

□ 1430

We were then called to do the restructuring of the INS, now named the Barbara Jordan Immigration and Naturalization Reform Act. That was done expeditiously and voted on the floor of this House by a vote of 405-9. It disturbs me that we have legislation now that precludes the input, if you will, in a more effective manner from the members of the committees of jurisdiction. Not that there is not some value to the culling of the work to be done by the House in a select committee.

I worked for a select committee, the Select Committee on Assassinations that investigated the assassinations of President Kennedy and as well Martin Luther King. Select committees can be effective. Mickey Leland, my predecessor, encouraged the Select Committee on Hunger. But this is too important an issue to narrowly focus the decision-making around a body of just nine.

I would ask my colleagues to consider the expertise needed in this particular legislative initiative. I would

also welcome any further explanations as to how the committees of jurisdiction will provide their insight, their expertise. As I look at the creation of the department, at least as proposed by the President, the Department of Border Safety and Transportation, this begs the question of how you will organize the Border Patrol agents whom I just visited with in El Paso, Texas, around this particular concept. The expertise of the committees of jurisdiction are needed. We can do this together. We can do this timely. But do not shut us out. Do not shut the expertise of the Members of Congress out and realize that we do have the responsibility of oversight to make this a better piece of legislation.

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

This is a very important proposal before us today, and it is in fact a bipartisan proposal; and I think it speaks well of this institution that we can work on a bipartisan basis on something this important. I also am pleased that the leadership on both sides has now agreed that once the select committee has acted that the matter then will be brought to the Rules Committee and that the Rules Committee will then handle this in the normal way, adopting a rule for consideration on the floor. I would hope that when we do that, that we would adopt an open rule so that the key issues can be joined on the floor.

This is a very important decision that we will be making. There are many people in the House who have some very good ideas. I hope they will be given the opportunity to offer those on the floor during consideration of this important piece of legislation.

I would point out to the House that in the late 1970s when the Department of Education was created, that was considered on this floor under an open rule procedure. Everyone had the opportunity to offer their ideas, votes were held and we ultimately adopted the legislation creating the new department. Certainly that is an appropriate model for the decisions that we will be making later this year. I urge adoption of this resolution.

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

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

Mr. Speaker, on September 11 this Nation and the world faced one of the most extraordinary challenges in our Nation's history. It was a tragedy that caused tremendous loss of life and suffering all over the world. People from 80 nations were in the World Trade Center when we saw the attack that took place.

In the days and weeks and months that have followed September 11, it has been very gratifying to see a silver lining in that dark cloud of September 11. That silver lining has been the sense of solidarity among the American people, and that has been represented very well here in the United States Con-

gress, the greatest deliberative body known to man. We saw President Bush act swiftly following September 11 by asking our former colleague, Governor Tom Ridge, to lead the effort to deal with homeland security. We have now taken that next step to begin today to put into place an effort which will establish a Department of Homeland Security. As the President has said, it is not designed to expand the reaches of the Federal Government. Instead it is designed to take these multifarious agencies which fall under the rubric of a wide range of entities and bring them together, consolidate them, so that in fact there will be a level of accountability, accountability so that in fact our homeland security will be more effectively addressed.

In 1854, Henry David Thoreau said, "For a thousand hackings at the branches of evil, it is worth nothing to one strike at the root."

Mr. Speaker, we have seen our great President, the Vice President, the Secretary of Defense, our national security adviser, the Secretary of State and others focus on that root of evil, the al Qaeda and other terrorist organizations around the world. What we are doing here with the Department of Homeland Security is we are focusing on these branches that still need to be addressed because we are working diligently to get at the root, but at the same time we still face a threat here in the United States. I believe that the vote which we are going to take momentarily will be the first step towards dealing with this very important issue of establishing a Federal Department of Homeland Security. I urge my colleagues to support it.

Mr. CASTLE. Mr. Speaker, I want to thank you and the leadership for working quickly to address the legislative requirements needed to begin the process to take up legislation regarding the creation of a new Department of Homeland Security. I praise the White House for its swift delivery of the proposed legislation and now it is the House of Representative's turn to move forward on this monumental proposal by drafting and overseeing the legislation that will make this all a reality.

I am pleased that the leadership has made the needed provisions to take up the President's proposal in a way that will lessen the prospect of jurisdictional gridlock and perhaps the untimely implementation of the new Department of Homeland Security. H. Res. 449 will allow for a temporary House Select Committee on Homeland Security to receive and review individual recommendations of current House standing committees to create a new Department of Homeland Security, and for consolidating these proposals into a comprehensive bill for House consideration.

This is a great first step, and I look forward to working with the leadership and the White House to move the legislation through Congress and to implement the President's historic proposal. However, we must unite to ultimately form a permanent standing committee in Congress with an adjoining appropriations subcommittee to oversee our domestic security. This is a permanent Department and we need a permanent committee to oversee it.

Mr. DREIER. 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.

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#### APPOINTMENT OF MEMBERS TO SELECT COMMITTEE ON HOMELAND SECURITY

The SPEAKER pro tempore (Mr. BONILLA). Without objection, and pursuant to section 2 of House Resolution 449, 107th Congress, the Chair announces the Speaker's appointment of the following Members of the House to the Select Committee on Homeland Security:

Mr. ARMEY, Chairman,  
Mr. DELAY,  
Mr. WATTS of Oklahoma,  
Ms. PRYCE of Ohio,  
Mr. PORTMAN,  
Ms. PELOSI,  
Mr. FROST,  
Mr. MENENDEZ,  
Ms. DELAURO.  
There was no objection.

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#### MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the House by Ms. Wanda Evans, one of his secretaries.

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#### PERIODIC REPORT ON NATIONAL EMERGENCY WITH RESPECT TO RISK OF NUCLEAR PROLIFERATION IN RUSSIAN FEDERATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107-228)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

*To the Congress of the United States:*

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report prepared by my Administration on the national emergency with respect to the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the territory of the Russian Federation that was declared in Executive order 13159 of June 21, 2000.

GEORGE W. BUSH.  
THE WHITE HOUSE, June 18, 2002.