

cuts simply known as Operation Offset. It contained many good ideas, and it seems to have engendered, Mr. Speaker, an important debate here in Washington, DC, and all around the country.

It seems that Members of Congress know and the American people know that raising taxes or raising the national debt is no way for this national government to respond to the extraordinary costs of Katrina. We must ensure that a catastrophe of nature does not become a catastrophe of debt for our children and grandchildren through introducing tough budget cuts like Operation Offset.

□ 1030

CALLING FOR EXTENSION OF MILC PROGRAM

(Mr. OBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBEY. Mr. Speaker, last year in the conference on the disaster supplemental, Senate conferees passed a provision extending the MILC program for 2 years, and the gentleman from Pennsylvania (Mr. SHERWOOD) and I had lined up enough votes on the House side to accept that amendment. To prevent that from happening, the Republican chairman of the conference gavled the meeting to a close, and we never met again on the subject. Despite the fact that the President had said in my hometown on that same day that he favored the extension of the MILC program, when my office called the White House asking him to intervene in order to get that conference reopened so that the MILC program could be extended, the White House declined.

That program is now scheduled to expire at the end of this week. If that happens, we will have lost an important safety net for Wisconsin's dairy farmers. I urge the House agriculture authorizing committee to immediately report out to this floor an action extending the MILC program so that we do not lose that vital program, and I urge the Republican leadership of the House to see to it that the committee does just that.

CALLING FOR INDEPENDENT COMMISSION REGARDING HURRICANE KATRINA

(Ms. BERKLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BERKLEY. Mr. Speaker, I watched the testimony of former FEMA Director Michael Brown yesterday. By any measure, it was a shameful and disgraceful performance. More disgraceful is the revelation that after being appointed to a position for which he was completely unqualified, after doing a horrific disservice to his fellow citizens in Louisiana and Mississippi,

after embarrassing our country in the eyes of the world, he is still on the payroll of FEMA.

But after hearing Michael Brown's hearing yesterday, the need for an independent commission is even more glaringly obvious. The American people are demanding it. And why are they demanding it? Because we have seen that the Department of Homeland Security is fundamentally flawed. It is not working, and we need to know why and we need to know what to do to fix it. Just the scale of the disaster alone, it is important to never repeat that again in our country. The amount of money alone justifies that we do an independent investigation. \$200 billion of our taxpayers' money is going down South, and we have no idea what it is being used for or how it is being spent. And the issue of cronyism needs to be explored. Eighty percent of the contracts for Katrina and Rita are nonbid contracts for no reason. Let us not be shamed as we were to the 9/11 Commission. Let us make this independent commission a reality now.

FINDING A WAY TO PAY FOR HURRICANE DAMAGE

(Mr. BISHOP of New York asked and was given permission to address the House for 1 minute.)

Mr. BISHOP of New York. Mr. Speaker, yesterday the chairman of the Council of Economic Advisers, Ben Bernanke said: "Every effort needs to be made to try and offset the cost of Katrina and Rita by reductions in other government programs." He suggested following through with eliminating or severely cutting 154 health care, education, and infrastructure priorities as proposed in the President's budget in order to meet his goal of cutting the deficit in half in 5 years.

What would these cuts entail? A \$4.3 billion cut from the Education Department's budget and \$2 billion from the Health and Human Services budget, just to name a few.

But what did Mr. Bernanke not suggest might help this President reach his deficit reduction goals? Any hint of rolling back tax cuts for the wealthiest Americans who earn over \$400,000 or scaling back the estate tax cut which has no impact on 98 percent of American families?

Mr. Speaker, it is imperative that we find ways to pay for the hurricane damage, but we cannot afford to hold sacred the tax cuts for the wealthiest Americans at the expense of the values, priorities, or needs of middle-class Americans. They deserve better.

MOTION TO GO TO CONFERENCE ON H.R. 2360, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2006

Mr. ROGERS of Kentucky. Mr. Speaker, pursuant to clause 1 of rule XXII, and by direction of the Committee on Appropriations, I move to

take from the Speaker's table the bill (H.R. 2360) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. SHAW). The question is on the motion offered by the gentleman from Kentucky (Mr. ROGERS).

The motion was agreed to.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT OFFERED BY MR. SABO

Mr. SABO. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

MOTION TO INSTRUCT HOUSE CONFEREES H.R. 2360, FY2006 HOMELAND SECURITY APPROPRIATIONS BILL OFFERED BY MR. SABO

Mr. Sabo moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 2360, be instructed to insist on the headings and appropriation accounts in Title III of the House-passed bill.

The SPEAKER pro tempore. Under rule XXII, the gentleman from Minnesota (Mr. SABO) and the gentleman from Kentucky (Mr. ROGERS) each will control 30 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. SABO).

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

Mr. Speaker, Hurricane Katrina shined a bright spotlight on troubling gaps in our Nation's homeland security. We all saw what it means to be unprepared: people die and suffer needlessly.

Americans are patiently waiting for competence and accountability from the Congress and the President. Our capacity to deal with catastrophe may actually have gotten worse since the Department of Homeland Security was created in 2003. The people demand that we fix what is broken.

Last week, Secretary Chertoff told me about his vision for improving national preparedness and response. What he said scares the living daylights out of me. In the Department's sixth reorganization plan in 2½ years, the Secretary proposes to sever the last ties between Federal disaster preparedness and response. He unveiled this proposal in July, before Katrina; and he is still determined to implement it on October 1.

With all due respect, the Secretary is dead wrong about what is most needed at the Federal level to coordinate and lead local, State, and Federal agencies in preparing for and responding to a major disaster, whether it is natural or man-made. If we have learned one thing in the past month, it should be that disaster preparedness and response must go hand in hand. Not long ago, FEMA did that well. The agency was robust, proactive and proved how good planning and coordination are critical to effective response. Congress should demand a pause before Secretary Chertoff implements more organizational changes that will further

weaken FEMA. It is the first step toward fixing our broken emergency management system.

This motion to instruct would do just that. It directs conferees to insist that the preparedness title of the conference agreement be in the same form as the House bill. The effect is to put a hold on the Secretary's reorganization plan for preparedness. Let me add that it lets other parts of his reorganization proceed. If he wants to take the air marshals from ICE and put them back in TSA where they were originally, fine. But this puts a hold on his preparedness plans.

The House should take this stand. Otherwise, DHS will simply shuffle organizational boxes again instead of tackling head-on the problems that Hurricane Katrina laid bare. At the very least, we should take time to think through the Department's preparedness plans in light of Katrina. We need to analyze what went wrong so we know how to fix things before the next catastrophe. It should be clear to everyone that we have not yet learned those hard lessons.

I see two keys to addressing the problems that Hurricane Katrina exposed: first, we need a unified, Federal "all-hazards" emergency management agency. It must have the stature, the resources and the clout to lead, coordinate, and demand the very best of local and State governments and other Federal agencies in planning for and responding to major disasters. Equally important, the President needs to appoint and empower well-qualified and respected emergency management professionals to lead this agency. There is no substitute for competent and accountable leadership.

Mr. Speaker, before FEMA was merged with DHS, it was a robust and experienced FEMA. We can rebuild it. We still have the blueprints. If you want to take us another step in weakening FEMA, vote "no" on this motion to instruct. If you think we should maybe take some time to think, then vote "yes," because it is the right thing to do.

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

Mr. ROGERS of Kentucky. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think the real question here is, if you are happy with the way the planning went to prepare for Katrina, vote for this motion to instruct conferees. But if you think that we can plan better for disasters in this country, including hurricanes like Katrina, then reject this motion and allow the Department, the government to bring together all of the agencies that might be involved in planning for a disaster into the same room. Not just FEMA. Bring the Coast Guard, bring the military, bring the border patrol, bring the Secret Service.

Bring all of the agencies that deal with disasters or have a part of that into the same place, the same direc-

torate, if you will, in the Department of Homeland Security so that we can properly plan and bring the resources to bear of the government in a timely way, at the outset, by properly preparing. FEMA is a FEMA-centric organization. It stays within its boundary and does a good job basically in responding, but not planning, not preparedness.

The gentleman from Minnesota says early on in his statement, Katrina shined a bright spotlight on troubling gaps in our ability to deal with catastrophes. I could not agree more. That is why I think we need to allow the government to create a directorate for preparedness that is the broadest in its scope it can be, encompassing all of the agencies of the government, not just FEMA.

The gentleman from Minnesota also said in his opening remarks, people demand that we fix what is broken. I agree with that as well. Ironically, however, his motion to instruct conferees would prevent our capability of being able to fix what is broken. To fix what is broken, which is preparedness, we need to be able to build a much broader-scoped organization, looking just at preparedness for these disasters. A single preparedness directorate will be able to work not just with the Federal agencies but State and local governments as well to build a comprehensive preparedness strategy, focused not just on terrorist activities but certainly an all-hazards strategy.

Consolidating all preparedness functions will assist the Department in successfully deploying this strategy throughout all levels of government where it is needed the most.

The responsibility for preparedness exists in various agencies and levels of the government outside of FEMA. For example, the Coast Guard is not a part of FEMA. Do you want to prevent the Coast Guard from being able to help plan for rescuing people in case of a flood or disaster like Katrina?

□ 1045

I do not want to exclude the Coast Guard from that process. Do Members want to exclude the military and the National Guard from that process? This motion would keep things just as it is. I am not happy with things just as they are. Hurricane Katrina proved that it is not getting the job done.

Do Members want to exclude the Corps of Engineers? They are not a part of the FEMA, they are part of the Army. Do Members want to prevent the Coast Guard, the National Guard, the military and all other agencies from helping plan to prepare for these disasters? I want them included, not excluded. Creating a directorate in the Department whose sole focus is preparedness will bring together all of these agencies and build a preparedness capability in DHS that does not currently exist.

Also, keep in mind that FEMA will continue to be responsible for their

portion of preparedness planning within this much-larger construct. They will continue to administer the Emergency Management Institute, which serves as the national focal point for the development and delivery of emergency management training and enhances the capabilities of Federal, State and local governments in order to minimize the impact of disasters. They will still be involved, deeply, in preparedness planning. But I think we need to add these other agencies into the mix so we know from the outset, from the git-go who is going to do what, when, where and why. What is wrong with that?

The bottom line is that this reorganization will allow for better coordination among the various preparedness components within the much larger Department of Homeland Security and encourage learning and building off of each other. If FEMA were to be solely responsible for preparedness, the result will be a FEMA-centric approach, just within the small world of FEMA. DHS must develop a broader, all-hazards focus when it comes to preparedness, one that includes natural disasters and terrorist incidents.

We know that somewhere in response to Hurricane Katrina, the system broke. To vote for this motion will perpetuate the status quo. If Members like things just as they are, then vote for the Sabo motion. But if Members want a much broader context of preparing for these disasters with all of the agencies of the government that could be involved in disaster relief and planning, if Members want all of them involved, then reject this motion and let the Department reorganize the preparedness part of getting ready for these terrible storms using all of the assets of the government, not just a small part.

I urge Members to reject this motion and to allow the conferees to go about the business of conferring with the other body and bringing back a bill responsibly to this body.

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

Mr. SABO. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I would hope that Congress would not repeat the mistakes that it has already made with respect to the Department of Homeland Security and FEMA. We all remember what happened after 9/11. The Congress, in knee-jerk fashion, passed the proposal to create a new Department of Homeland Security, a gargantuan agency. Up until that time there were 133 agencies that had something to do with homeland security.

So what happened is that the Congress and the White House, in its infinite wisdom, took 22 of those 133 agencies, lumped them together in a huge bureaucracy. They did not include the FBI, they did not include the CIA, the two agencies most connected with dealing with terrorism. They took 22 agencies, lumped them together in a huge

bureaucracy, set up many layers of bureaucracy within that organization, and dumped FEMA into that organization.

Up until that time, FEMA had been one of the stars of the previous administration under James Lee Witt when, for a change, that agency had been professionalized and depoliticized. But now what has happened is that since FEMA has been buried in homeland security, we have seen six separate reorganization plans for the Department of Homeland Security. We have had a number of directors, and now we have Mr. Chertoff sending us a letter raising two points that I find almost laughable.

In his letter opposing this motion, Mr. Chertoff says that his proposal was formed after intensive consultations with preparedness professionals. The problem is we do not know who those professionals were and what they recommended because it all happened behind closed doors. It was an inside job. People who thought they knew better than anybody else got together with a proposed plan. I think that plan needs to have some critiquing from the outside, from professional people, before it goes into effect.

Secondly, Mr. Chertoff says in his letter, "No structural changes were made to FEMA prior to Hurricane Katrina." Does he not consider dumping FEMA into a huge bureaucracy where there are many layers that you have to go through before you can reach the President's phone, does he not think that is a major reorganization? Does he not think that taking away the grant program from FEMA is a major reorganization? He may not think so; I think they are.

What I would simply suggest is that instead of, in a knee-jerk fashion, approving the reorganization plans of the gang that has demonstrated they cannot shoot straight, instead what we ought to do is get Chertoff down here in hearings before the committee. We ought to have Chertoff testify about his view about what happened, why we had the failures, what happened within FEMA, what are the faults within the agency, and let us have a detailed discussion of the problem. I would submit while I am sure this subcommittee can do a reasonable job of that, I think the country would feel far better off if we had an independent commission looking at the entire problem.

The distinguished subcommittee chairman says if Members like the status quo, then vote for the Sabo motion. Quite the contrary. The purpose of the Sabo motion is to make certain that the people who are the status quo on this issue have somebody else looking over their shoulders before they make yet another unaccountable decision. This is too important to leave to the people who screwed it up the first time.

Before we buy any more reorganizations on this level, we ought to bring those people down here, talk to them nose to nose. Mr. Brown was the Presi-

dent's appointment to FEMA. Mr. Brown testified yesterday that he inherited a robust organization when he was appointed FEMA director and that the Department of Homeland Security had stripped the agency of authority, positions, and dollars.

We ought to bring them both down here, facing each other face to face, so they can have it out on the outside—not behind closed doors, but on the outside so we can get to the bottom of what the problem is. For Congress to just, in a knee-jerk fashion, pass whatever reorganization program the Homeland Security director sends down to us is patently irresponsible. It is once again neglecting our oversight duties. The problem is we do not pay the price when a mistake is made, the public does, and the best way to avoid that is to pass the Sabo motion.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. LATHAM), a very hard-working member of the subcommittee.

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

Mr. Speaker, let me just say, if Members like the response to Hurricane Katrina and Rita, they are going to love this motion to instruct.

The plan that is being proposed was thought of long before the hurricanes struck. It is a plan that recognizes exactly the problems that we have seen in our response to the hurricanes: The fact that there is not a coordinated plan, a preparation in place to respond to these types of disasters, whether they be man-made or natural disasters. This plan was thought out, and again, I want to emphasize before this disaster struck, and it recognizes the problems that we have in the bureaucracy.

I think we should also remember that this is a motion to instruct conferees on the Committee on Appropriations, and Members are totally avoiding the authorizing committee of jurisdiction. There will be hearings. The Secretary will be brought before the committee to discuss this plan, to finally air out the differences.

The gentleman is quite right in that sometimes we move in haste around here, such as to respond to 9/11. There is a big debate about FEMA being in Homeland Security. That was one of the recommendations of the 9/11 Commission, to basically dilute FEMA by putting it in an agency like that. That is why we have a committee of jurisdiction, the authorizers. This is not the way to do business around here. To just have a somewhat knee-jerk reaction to make a political point is not what we should be doing in this Congress.

We need to represent the people. We need to represent the idea that we have to be prepared. We have seen by these disasters that what the Secretary is proposing is exactly right, that we need to have coordination between different agencies in this government to

prepare. FEMA is an agency to respond to disasters. To have an agency to prepare that can actually talk to everyone involved in the preparation or should be involved is right.

I also want to make a point that currently the Secretary has jurisdiction to make these changes, or has the authority under current law. So no matter what this motion to instruct says, the Secretary can go forward. But this idea of trying to make some kind of a political point and beating up on someone who is trying to put forth a plan to prepare this Nation for man-made or natural disasters is simply wrong.

Mr. Speaker, I would again simply say if Members liked the response we had to these natural disasters, they will love this motion to instruct.

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

Mr. Speaker, let me quickly respond to my friend from Iowa. FEMA, we have spent the last year dismantling FEMA. What was FEMA? FEMA was not an operational agency, it was a coordinating agency. I do not understand all of this talk I am hearing today.

It was working with State and local communities and making plans. It was to work with a wide variety of Federal agencies that go way beyond those that are included in the Department of Homeland Security. It existed with cabinet-level status. If the director of FEMA called a department head and they knew that the director of FEMA had the President's ear, they listened.

Today I do not know that. Somebody that is three levels down in a new department that is floundering, is not working, calls some other agency and there is a slow response, surprise.

Mr. Speaker, we had a system, we should have built on it. Instead, we destroyed it. We are saying okay, let us have Congress look at it a little bit. Mr. Chertoff is going to implement this on October 1.

□ 1100

There have been hearings in Congress, three. Four questions on FEMA; one on preparedness. And that was it. That is Congress' involvement in looking at the major restructuring of this program. Any outside witnesses? No.

It is about time we do our work. Before we let somebody who has not done anything in his new office except draw a plan for restructuring have unbridled authority to do it, let us have Congress do some work.

Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding me this time and for a very impassioned statement. Rarely have I seen my colleague so intense on something as he has been here, which shows the depth of his conviction and the seriousness of this issue.

Mr. Speaker, 20 years ago there was another reorganization plan for FEMA proposed by the Reagan administration. It would have drastically altered

the way FEMA conducts its business. It would have dramatically reduced the Federal share of covering the cost of disaster assistance. It elicited an outpouring of anger and animosity from local preparedness agencies and from Members of Congress.

I chaired the investigations and Oversight Subcommittee of our Committee on Public Works and Transportation at the time. My colleague from Pennsylvania, Bill Clinger, the ranking Republican, and I launched a series of hearings on those proposals. Principal among the opponents of the plan was another Republican Member from Pennsylvania, Tom Ridge, who vigorously opposed the administration's plan. Together, we developed legislation to correct the administration's proposal, reshape FEMA, and insert in its mission preparedness.

That has been a constant. That has been a fundamental role of FEMA. And as the gentleman from Minnesota said, to coordinate, we envisioned that 20 years ago.

This is the national response plan developed in December of 2004. In its mission statement by then-Congressman Tom Ridge, the mission states: "The approach is unique and far reaching. It eliminates critical seams, ties together a complete spectrum of incident management activities to include the prevention of, preparedness for, response to, and recovery from terrorism, natural disasters, and other major emergencies." This is the Secretary, who, as a Member of Congress, understood the important role of FEMA in coordinating, in preparing for, responding to disasters.

The motion of the gentleman from Minnesota would require FEMA and the Department to link disaster preparedness and response. The Chertoff plan would sever what is a vital link between disaster preparedness and response. It would move disaster preparedness out of FEMA. It would strip FEMA of that responsibility and leave it only with the ability to respond.

That is not what local agencies want. That is not what they need in the gulf States, out on the west coast when there is an earthquake, in the Midwest when there are tornadoes. I will not say blizzards because we do pretty well handling blizzards in the upper Midwest. But to cut this critical linkage between preparedness and response is madness, in my view, from having had a very long experience, well over 20 years, looking over this critical agency, which I said, when we created the Department of Homeland Security, do not put FEMA in it.

All they need is a link to Homeland Security to be a part of the team in response to whatever, weapons of mass destruction or other terrorist actions; but leave FEMA in its role to provide funding for predisaster mitigation, for preparedness, for coordination, and for response to disasters. That is its role, and that is the role that would be restored, protected, enhanced by the motion of the gentleman from Minnesota.

We saw that tragedy of failure to coordinate, failure to prepare. The lessons of September 11 simply were not learned and applied in advance of Hurricane Katrina. On September 11 we knew that there were failures of communication between fire and police, among police units, among fire departments; and it was a recommendation of the September 11 Commission that FEMA reorganize itself and fix those problems of communication so that we have an interoperability of communication systems among all the responders. We take this plan that Secretary Chertoff is going to go forward with and we will disintegrate that recommendation for interoperability, coordination, and preparedness and effective response.

When I opposed the inclusion of FEMA in the Department of Homeland Security, I said imagine the situation the Department of Homeland Security has created. The floodwaters are rising up to the eaves of our house, we are sitting on the rooftop with a cell phone and a white handkerchief calling for FEMA's help, and we get an answer that they are out looking for terrorists. How many people have the Members seen sitting on the rooftops of their homes in the tragedy of Katrina?

I said that in July, 2002. I said it on this floor on July 25, 2002. Do not put FEMA in this Department. Do not emasculate this agency. Five hundred people have been transferred out of this agency, \$250 million cut from its budget; and the result was evident on our screens, television screens, all across America. Do not make that mistake again. Support the motion of the gentleman from Minnesota.

Mr. Speaker, I rise in support of the motion to instruct conferees to H.R. 2360, the Department of Homeland Security Appropriations bill, to stop DHS from implementing one element of its pending reorganization plan because it will further weaken Federal Emergency Management Agency preparedness programs.

The Administration's proposal is the sixth reorganization of DHS in two and a half years. This summer, as part of his new reorganization plan of the Department of Homeland Security (DHS), Secretary Chertoff proposed a new Preparedness Directorate—further stripping FEMA of duties and resources and severing the critical linkage between disaster preparedness and response.

This plan was proposed by Secretary Chertoff before Hurricane Katrina struck and yet, in light of all of the problems, questions, and concerns with FEMA's and DHS' preparation for and response to Hurricane Katrina, the Administration seems determined to go forward with the plan, disregarding any lesson that can be learned from the Katrina response.

In his request, Secretary Chertoff ignores FEMA's critical "all-hazards" approach to preparedness and response. He states: "... Federal preparedness efforts need to be targeted toward addressing gaps in our terrorism and homeland security capabilities."

I have long believed that Federal preparedness must also address the critical gaps in our natural disaster preparedness capabilities. Hurricane Katrina tragically illustrated those critical gaps.

Since the creation of the DHS, FEMA has been systematically weakened, programs and personnel transferred from one Directorate to another. This new plan would take away two more preparedness programs from FEMA—shifting them to the new Preparedness Directorate.

It is critical that disaster preparedness and response be linked. Secretary Chertoff's plan calls for severing the vital link between disaster preparedness and response—moving disaster preparedness out of FEMA and leaving FEMA with only disaster response.

This would be a mistake. The first responder community has told us that disaster preparedness and response go hand-in-hand. By joint planning and training, we best learn how to respond in a real crisis. Our response in a disaster is based on all of the preparedness that has been done in advance.

Finally, this is not the time to be further weakening FEMA—we must take the time to learn from the mistakes of the response to Katrina.

I urge my colleagues to support the motion to instruct conferees.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, the proposal to create within the Department a directorate dealing just with preparedness and bringing into that agency all of the other agencies of the government, Federal, State, and local, to help plan so that we will not have another Katrina episode makes altogether good sense. This was not developed overnight, the idea. In fact, it has been studied by the Secretary and the Department for many months.

I want to quote briefly from a letter that I received just this morning from the Department, from Secretary Chertoff, which says as follows: "Our proposal was formed after intensive consultations with preparedness professionals, first responders, law enforcement officials, the former leadership of" the Department, "and State and local stakeholders." All of these people were involved in the construction of this idea of creating a massive government-wide directorate for preparedness planning.

"Our objective is to create a stronger capability to do preparedness planning across the full spectrum of all hazards, both natural disasters and terrorist attacks."

Continuing to read: "Critically, no structural changes were made to FEMA prior to Hurricane Katrina." Katrina was under the old scheme. "Going forward, our plan will significantly strengthen the planning and preparedness actions of FEMA and the entire Department by ensuring that a dedicated team will focus on these actions on a full-time, urgent basis. Our preparedness directorate," the Secretary says, "will integrate and leverage the capabilities of FEMA with those of Coast Guard; TSA," Transportation Security Administration; the customs agents, both on the border and internal, "and Secret Service," among others.

"FEMA is and should be a surge organization." We have forgotten that.

FEMA develops with the surges of the moment. "When incidents occur, every asset of the organization and its entire leadership team surges into the incident. "Our proposal," the Secretary says, "for a preparedness organization supports FEMA's capacity to surge while maintaining a systematic planning and exercise regime in support of FEMA's mission and that of other DHS components. The directorate will aggressively support FEMA's training and exercising needs."

Continuing to read from the Secretary's letter: "It aligns our grant-making programs and our crucial training and exercising work in support of the Department's all-hazards mission. The directorate will include increased focus on issues broader than FEMA, including infrastructure protection, cybersecurity, and a new chief medical officer." Those are not considered today in the present FEMA. We have got to take a look at the broader picture. So those are the comments of the Secretary.

Now, who supports the Secretary in bringing a broader perspective to preparedness planning? Groups like the International Association of Fire Chiefs. If there is a first responder organization that typifies what they do, it is the fire departments and the fire chiefs, the people who know best about preparing for disasters. They say this is a critical change that is necessary, and I am quoting from their letter to that effect: "This preparedness directorate must be a new function and must be separate and distinct from operational functions, although it must coordinate with those operational functions."

Quoting further from the International Association of Fire Chiefs: "Currently, the U.S. Fire Administration is located within the Emergency Preparedness and Response directorate. Unfortunately, the preparedness functions of the USFA are diminished because EP&R is frequently focused on the operational response to disasters." That makes sense.

They go on to say: "It is critical that fire chiefs or other senior fire service leaders be included in this directorate, along with other State, local, and tribal first responders, so that they may provide essential perspective in the creation of policy for DHS and not only in the review or enactment of policy." This puts the fire chiefs in the middle of the planning process, not at the other end. They are not being told what to do. They are being asked what to do with this proposal.

If Members vote for the Sabo motion, they are saying to the fire chiefs, We do not care about you. We will tell you what to do. We do not want you to tell us how we should do it before we do it.

We want to bring them into the planning process, not tell them what to do at the end of the process.

In bringing about this directorate, the Department of the Secretary over months went out and talked to all

sorts of people and organizations. I will give some examples, and I have got three pages here of the listing of some of the people they have talked to.

Lee Baca, the Sheriff of L.A. County; Matt Bettenhausen, director of the California Office of Homeland Security; Roger Vanderpool, director, Arizona Department of Public Safety; Art Faulkner, liaison for assistant director for Emergency Preparedness and Response, Alabama Department of Homeland Security; Jim Timmony, police chief, City of Miami; Mike Sherberger, director of the Office of Homeland Security, Georgia; Illinois, Jonathan Schachter, City of Chicago; Art Cleaves, director of Maine Emergency Management; John Cohen, Massachusetts Homeland Security;

□ 1115

Also Colonel Tom Robbins, Massachusetts State Police; Sid Casperson, the Director of the New Jersey Office of Counterterrorism; Jim McMahon, Director of New York State Office of Homeland Security; Brian Beatty, Secretary of Public Safety in North Carolina; Doug Friez in North Dakota; Ken Morckel, Director of Public Safety for Ohio; people from Pennsylvania, Texas and Virginia; the Federal Order of Police; the International Associations of Chiefs of Police; and I could go on.

So, here is a list, a brief list, of some of the people contacted by the Department as they came up with this idea to consolidate preparedness planning in a single place, encompassing all of the agencies of the Federal, State and local governments, people like the fire chiefs and chiefs of police.

From the Major Cities Chiefs Association, a letter saying "law enforcement across the Nation supports the President's position that the best way to prepare for a terrorist attack is to stop it from happening. We feel that the Department should unify the components that share this common mission. At present, the Prevention and Protection Grants plans and intelligence are each in separate agencies. Long overdue, the Nation would be well served by DHS directorate committed solely to protecting the American people. For the first time, the chiefs of police say, "local law enforcement could work with a single DHS directorate focused on our common goal to protect the American people from another terrorist attack."

Chiefs of police, fire chiefs, first responders, State and local directors of homeland security all say the same thing: We have got to consolidate and bring in one place the preparedness planning practice within Homeland.

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

Mr. Speaker, it amazes me that Secretary Chertoff thinks there has been no structural change to FEMA. I think everyone in the world knows there has been a structural change to FEMA. It was an independent, free-standing agency; now it is a weak part of a weak

department. Where are the records of all these people that the Secretary has talked to? Maybe Congress, before we approve some fundamental restructuring, should hear from one, two, three, maybe five outside witnesses, maybe from some who ran FEMA when it was a good functioning agency even.

There has been no outside testimony that I know of. There was not in our committee. There was not in the authorizing committee that I know of. Maybe there was someplace. But let us have some people come and testify to us so we can ask questions. That has not happened.

Mr. Speaker, I yield 4 minutes to my friend, the gentleman from North Carolina (Mr. PRICE).

(Mr. PRICE of North Carolina asked and was given permission to revise and extend his remarks.)

Mr. PRICE of North Carolina. Mr. Speaker, I rise today in favor of the motion to instruct conferees to reject Secretary Chertoff's plan to further weaken and gut FEMA.

I and many of my colleagues have been raising these concerns about the systematic deconstruction of FEMA and about reduced funding for our first responders for many years now. Current and former FEMA officials told me months ago that FEMA had become a hollowed-out agency and that it was one major disaster short of collapse. Unfortunately, Katrina was the disaster that substantiated that claim.

We should not be satisfied in laying the blame solely on the former FEMA director. Two years ago, FEMA put out a warning that two-thirds of our fire departments operate with staffing levels that do not meet the minimum safe levels required by OSHA and the National Fire Protection Association. What was the administration's response to that? It proposed zeroing out the SAFER hiring program for firefighters and proposed massive cuts to fire equipment grants. FEMA officials had publicly called these grants one of the "best bangs for the buck the taxpayer gets."

Overall, we are providing less funding for our first responders now through FEMA and the Department of Justice than we did prior to 9/11. When I asked Secretary Ridge 2 years ago why this administration was cutting funding for police and other first responders, his response was that supporting local law enforcement was not the Federal Government's responsibility, no matter that they were the linchpin in all of the Department of Homeland Security's planning.

Time and again, we have also warned of the dangers of moving away from an "all-hazards" approach to preparedness and response, to a terrorism-only approach.

FEMA used to be one of the leanest and most effective agencies in the Federal Government. But then its cabinet level position was taken away by the Bush administration. It was buried under tons of homeland security bureaucracy. Its top posts were stripped

of experts and filled with campaign workers and friends of people in power. Some of its best programs were taken away and stuffed into other offices in Homeland Security.

As former Director Mike Brown testified yesterday, FEMA was deprioritized in Homeland Security and lost its political power, access and funding. Its failure after Katrina was the result of a series of decisions to underfund key agency functions, to cut key personnel, and to de-emphasize preparation for natural disasters. That failure had dire consequences.

I am not saying this to play the political blame game. I am saying it because we have to understand that this was the consequence of years of neglect of FEMA and of our first responders by this administration and this Congress. We need to understand this so we do not repeat these same mistakes.

Instead of learning from the mistakes of FEMA, the Department of Homeland Security appears intent on plowing ahead with plans to further bury FEMA in the departmental bureaucracy and now to strip it of its planning and preparedness responsibility. Republican leaders of this House seem inclined to go along with that. But our vote today will show whether politics and partisanship will trump sound policy.

Mr. Speaker, we exist as an institution to do more than just stay in power. We ought to do what is right for the American people. Further dismantling and burying FEMA is wrong. Further cutting funding and support for our first responders is wrong.

When we make decisions that are based on a refusal to admit a mistake, rather than a determination to learn from our mistakes, Americans suffer and we lose some of our greatness. So I ask my colleagues to support this motion to instruct.

Things are bad enough. Let us not make them worse.

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

Mr. SABO. Mr. Speaker, I yield 1½ minutes to the gentleman from Florida (Mr. HASTINGS), the ranking member of the Committee on Rules.

Mr. HASTINGS of Florida. Mr. Speaker, the gentleman from Minnesota (Mr. SABO) began this discussion by saying we need smart, experienced and independent people to take a hard look at the problems Katrina exposed and identify solutions before we move organizational boxes again. I cannot agree more. This motion to instruct is timely, and I urge Members to support it.

The truth of the matter is, what Congress needs to do is what we were taught as children, and that is to count to 10 and take a deep breath when there is a problem.

Listen, we are not playing pin the tail on the elephant or the donkey. We are dealing with tragic consequences of our fellow Americans. Before shuffling

boxes, we need a clear, unambiguous plan for disaster preparedness, not something prepared in a back room.

We are 4 years out from 9/11, and obviously are woefully unprepared for disaster. The majority is going forward with a 5-month, \$500,000 investigation into what went wrong in Katrina, and that should complement an independent investigation into what went right and what went wrong.

How do we do what the gentleman from Kentucky (Mr. ROGERS) says? How do you integrate the military, how do you integrate the faith-based institutions, how do you integrate the volunteers? Where is the national registry for physicians?

We have not settled the issues from last year's storms and we continue to use the term "Katrina," but there was an Ophelia and there is a Rita, and America's problems are continuing. Pass this motion to instruct.

Mr. SABO. I yield 1½ 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 am on the authorizing committee of the Committee on Homeland Security of this Congress, but I am also someone who has just recently returned from the area of Rita, and I hope that our vernacular will now be Hurricane Katrina and Hurricane Rita.

Mr. Speaker, I rise to support this motion to instruct. I respect my colleagues on the other side of the aisle and I would hope that we would break the firewall of partisanship and establish a bipartisan but a forward-thinking mode to deal with the haplessness and helplessness of Americans.

Many Americans will face tragedy in their life, either by fire, volcano, earthquake, inland flooding or what we experienced, the devastation of Hurricane Katrina and Hurricane Rita. So the question is not to accept what Secretary Chertoff has offered, a man who may be in many ways qualified, but himself having no experience in understanding how to address the devastation of an ongoing hurricane.

The reason I know this is because I was on the ground yesterday in the damaged areas, listening to local officials, hearing their pain, crying out for the simplest of items. "Where are my generators? Where is my ice? Where is my water? Where are the airplanes to take my evacuees who are bedridden and nursing home patients out of this region?" And the only answer they had was deadening silence, or the silence of generators sitting in buildings because there was no one to give a single order.

That is what is the problem, there is no one in charge, and moving boxes, Secretary Chertoff, is not the answer.

Support this motion to instruct, so that we can address the lives that are lost and those who are surviving in Hurricane Katrina and Hurricane Rita. We are sick and tired of being sick and tired of being ignored.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GUTKNECHT). The Chair would admonish Members to address their remarks to the Chair, and not to others in the second person.

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

Mr. Speaker, on this motion, there is lots of rhetoric here, but we are simply saying, let us take the time to think. Shortly after the flood with Katrina, somebody asked me what I thought we should do. I said we should do something unusual in this place, take the time to think before we jump to a conclusion.

Here we have plans by an agency developed some time ago that we really have not looked at in Congress. Maybe everything that the Secretary says is true. Maybe I am wrong and he is right; we should not have an enhanced FEMA, we should have a weakened FEMA. But let us look at it before we rush to say to do it.

I do not think you can separate preparedness from people with the responsibility to carry it through. Henry Ford once said he did not want a "planned society," but he wanted a "planning society." The two are very fundamentally different. One is that you have a process of thinking what you are going to do, and I think ultimately it has to be tied in to those folks who were involved in implementing whatever plans you are developing, which are constantly evolving.

Here we come with somebody who, it may look good to a lawyer who likes a good, concise brief, but has not been involved in the day-to-day responding to emergencies.

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The people I hear him talk to who respond to emergencies tell me that it is just a very fundamental mistake to separate preparedness from the people who implement those preparedness plans.

So, Mr. Speaker, if you want us to take a pause, think before we act, to think before we let the Department act, vote "yes" on the Sabo motion if we think there is a better chance we might do it right in the end.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, when Secretary Chertoff became the Secretary of the new Department, he declared sort of a moratorium; and he went off with his staff, and they began to discuss and think and plan about how to improve the Department's capability to respond and prevent attacks either by nature or by man; homeland security.

And one of the biggest things they found was that in the different Departments of the government, there were agencies that had something to do with responding to an emergency and being prepared for that, but separate and apart from each other.

For example, the Coast Guard had their own preparedness group that

plans what they should do in an emergency. Of course, States have their own plans, as they should. And local officials, mayors and the like, have their own plans for response and preparedness. The military has obviously planned for disasters. They have been prepared. And, of course, the National Guard, the same way. The Corps of Engineers have their own unit that deals with preparedness for disasters, and we could go on. All across this government there are agencies within all of these, or many of these Departments that are preparing for disasters.

The Secretary said we need an agency within Homeland Security where all of these groups can come together under one roof and participate and plan as one unit, not just the agencies of the Federal Government, but States and localities as well. He went out, his people went out and they talked to hundreds, literally hundreds of directors of State homeland security groups, of fire chiefs and police and the first responders all over the country, and there came back from all of those people the unanimous idea: we need a single place where we can all go, and know to go, both to plan and to inquire.

So that now, in this plan that the Secretary has, the police and the firemen and the State emergency directors, as well as the Federal agencies, all of them from the Coast Guard to the Secret Service, all can come together in one place and do nothing but planning. They are not concerned about doing the operational part of responding to an emergency, that is FEMA and the various agencies. But for the planning purposes, they want to be together.

So the Secretary says, okay, that is the way it shall be. And in his reorganization plan, he agreed with all of the police chiefs and the fire chiefs, the State planning directors, the emergency planners in each State, the homeland security people in the States, and mayors, he agreed with them and gave them what they wanted: a single place.

Let us not have another Katrina. Let us work together so that we each know what we are supposed to do in the event that a disaster occurs.

So I urge my colleagues to reject this motion to instruct conferees. Let these experts do their work. I am no expert on how to respond to a fire or a disaster. The gentleman from Minnesota (Mr. SABO) may know more than I, but I doubt he is an expert either. We have experts who do nothing but this. Let us put the experts in charge, and let them tell us what we need to do, and let us then follow along and do what has to be done to save lives.

The bottom line: if you are happy with the way FEMA planned for Katrina, vote Sabo. If you think we can improve and we can do better in planning for the next disaster, reject Sabo. Vote "no."

The SPEAKER pro tempore (Mr. GUTKNECHT). Without objection, the

previous question is ordered on the motion to instruct.

There was no objection.

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

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. SABO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without an amendment a bill of the House of the following title:

H.R. 2132. An act to extend the waiver authority of the Secretary of Education with respect to student financial assistance during a war or other military operation or national emergency.

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

S. 37. An act to extend the special postage stamp for breast cancer research for 2 years.

PROVIDING FOR CONSIDERATION OF H.R. 3402, DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT, FISCAL YEARS 2006 THROUGH 2009

Mr. GINGREY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 462 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 462

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. 3402) to authorize appropriations for the Department of Justice for fiscal years 2006 through 2009, 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 one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. 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 Committee on the Judiciary now printed in the 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. Notwithstanding clause 11 of rule XVIII, 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. Each such amendment 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. All points of order against such amendments are waived. 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 gentleman from Georgia (Mr. GINGREY) is recognized for 1 hour.

Mr. GINGREY. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), 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, House Resolution 462 is a structured rule. It provides 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. It waives all points of order against consideration of the bill and provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary and now printed in the bill shall be considered as an original bill for the purpose of amendment.

This rule waives all points of order against the amendment in the nature of a substitute recommended by the Committee on the Judiciary. It makes in order only those amendments printed in the Committee on Rules report accompanying the resolution, and it provides that the amendments printed in the report may be considered only in the order printed in the report and 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 a division of the question in the House or in the Committee of the Whole.

It waives all points of order against the amendments printed in the report, and provides for one motion to recommit, with or without instructions.

Mr. Speaker, I rise today to speak on behalf of House Resolution 462 and the underlying bill, H.R. 3402, the Department of Justice Appropriations Authorization Act for Fiscal Years 2006 to 2009.