

## **Rep. Henry A. Waxman**

November 13, 2002

### **The Homeland Security Act of 2002**

I agree we need homeland security legislation. It is clear that federal departments are not working together as they should to protect our nation.

Unfortunately, the bill we are considering today has serious flaws. In fact, I think it may well cause more problems than it solves.

I want to show two charts to this body.

Here is how our homeland security agencies are organized today. (*See Chart 1.*)

And here is how they will be organized after the new Department is created. (*See Chart 2.*)

We are getting more bureaucracy. And we are doing so at a tremendous cost to the taxpayer. According to CBO, just creating and managing the new Department will cost \$4.5 billion. And this doesn't include any additional spending to make our nation more secure from terrorist attacks.

This bill gives the new Department a vast array of responsibilities that have nothing to do with homeland security, such as administering the national flood insurance program and cleaning up oil spills. This bloats the size of the bureaucracy and dilutes the Department's counterterrorism mission.

At the same time, the bill has no effective mechanism to coordinate the activities of the new Department with those of the FBI, the CIA, and the other agencies that continue to have major homeland security functions.

I opposed this bill when it was before the House in July. I had hoped that it would be improved by a deliberative process before it was brought back for final passage.

But instead, we were given a massive new bill this morning that is being rushed through the House with no opportunity for deliberation and amendment. We don't even know the full implications of what we are doing.

Here's one of the hidden provisions that we found buried in this massive bill today. Section 304 severely restricts the ability of persons killed or injured by the smallpox vaccine to receive any form of compensation. In fact, even if you don't take the vaccine, but are disfigured or blinded because of your contact with someone who did, your ability to receive compensation is severely curtailed.

Vaccine manufacturers, on the other hand, get virtual immunity from liability.

Another new provision reverses the policy adopted overwhelmingly by the House that prohibited the new Department from contracting with expatriate companies that have fled the United States to avoid paying their taxes.

Moreover, the most egregious special interest provisions from the House bill remain in this legislation:

- The bill gives immunity to companies that make faulty bomb detectors, gas masks, or other homeland security products – even if they engage in intentional wrongdoing.
- The bill also allows large campaign contributors to lobby the new Department for special favors in absolute secret – with no disclosure under the Freedom of Information Act.

While the fine print of the bill contains loopholes and special immunities for corporate America, federal workers take it on the chin. Their right to engage in collective bargaining is eliminated. They are no longer guaranteed the right to appeal grievances to the Merit System

Protection Board.

I don't know what we're thinking. This new Department won't work without dedicated federal workers, yet this bill treats them like second-class citizens.

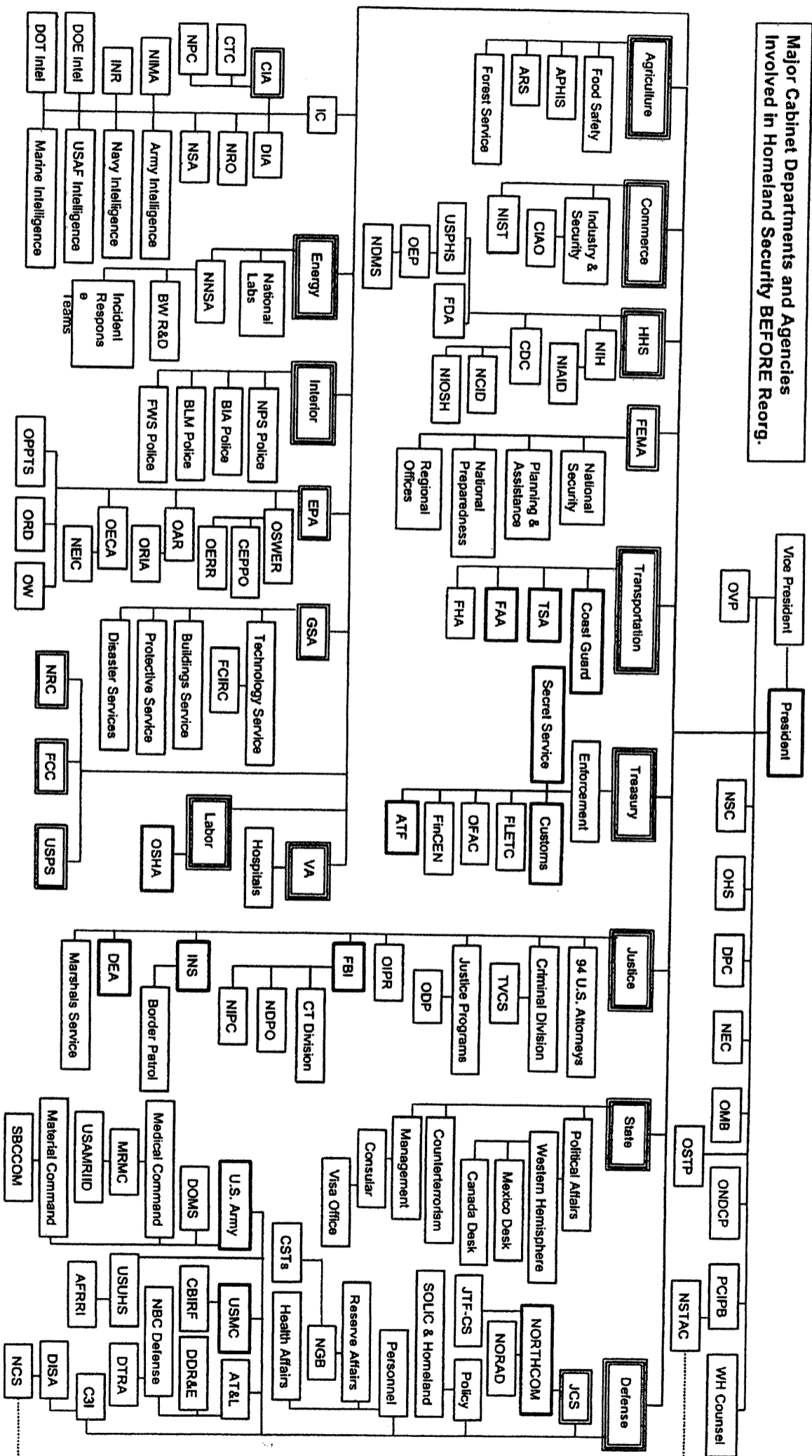
And this bill also rebuffs the families of the victims of September 11. All they asked for was an independent commission to examine September 11. But although this commission won overwhelming bipartisan support in the Senate, it's dropped from this bill.

There is an old adage that those who do not remember the past are condemned to repeat it. But that's what we are doing. The Department of Energy was created 25 years ago, and it is still dysfunctional. The Department of Transportation was created 35 years ago, but it still has major structural problems. And it took nearly 40 years for the reorganization of the Department of Defense to work.

When we consider a bill like this, there is a temptation to ignore the defects and just vote for it. Voting against this bill could be politically damaging sometime in the future. But some things are more important than politics.

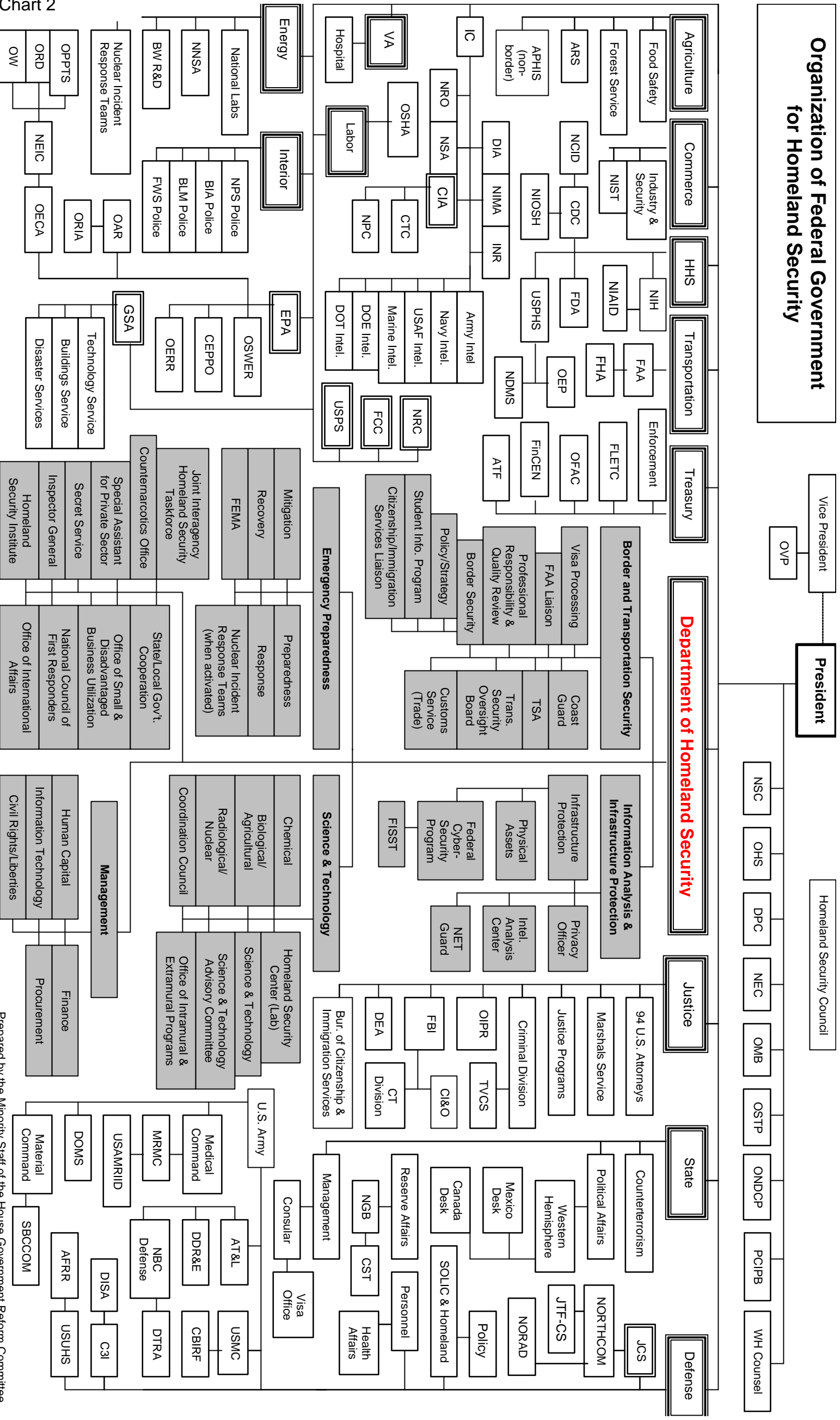
Genuinely enhancing our national security is more important than politics. And getting this bill right is more important than politics. Mr. Chairman, we should come back next year and make sure we create this new Department in the best way possible.

Major Cabinet Departments and Agencies Involved in Homeland Security BEFORE Reorg.



# Organization of Federal Government for Homeland Security

Chart 2



Prepared by the Minority Staff of the House Government Reform Committee