

Homeland Security Hits Congress Meat Grinder

by Carl Osgood

Pundits on Capitol Hill are fond of saying that making law is like making sausage. Nowhere has this idea been more on display recently than when the House of Representatives began work on President George Bush's proposed Department of Homeland Security. By July 12, all of the standing committees of the House with jurisdiction over affected agencies had submitted their recommendations to the House Select Committee on Homeland Security, chaired by Majority Leader Dick Armey (R-Tex.), who convened his first hearing on July 11. The recommendations varied from minor tweaking to withholding entire agencies from the new department. The task of Armey's committee will be to review these sometimes contradictory recommendations and mark up a bill. Whether he can craft a bill that can command broad support in the House remains to be seen.

The profound underlying danger of the scheme was identified by Lyndon H. LaRouche, Jr., in his article "The Northern Command: Crossing the Rubicon" (*EIR*, May 24). The proposed formation of a U.S. Army Northern Command, in violation of U.S. *posse comitatus* doctrine, with the related creation of a Homeland Security Department, signify a preparation by corrupt elements of the government to create a Caesarian military dictatorship under conditions of global economic breakdown, he wrote.

Confusion Over Jurisdiction

One recurring theme in the Congressional debate is that many of the agencies involved, such as the Coast Guard, Federal Emergency Management Agency, Immigration and Naturalization Service, and Secret Service, have core missions that are not limited to homeland security. FEMA's primary mission has been, historically, natural disaster response and mitigation. The Coast Guard's missions include maritime and waterway safety, search and rescue, maintenance of aids to navigation, drug interdiction, and maritime security. In addition to enforcing immigration laws, the INS provides services to immigrants and nonresident aliens. Besides protection of the President, the Secret Service investigates counterfeiting as part of the Treasury Department. What happens to these other missions, if these agencies are transferred to a department whose primary responsibility is security against terrorist threats?

Uncertain answers to these questions drove much of the committee debate. The House Judiciary and Transportation and Infrastructure Committees dissented from the Bush pro-

posal to the greatest degree. The Judiciary Committee voted to maintain FEMA as an independent agency, and to eliminate the consequence management function of the proposed department. The committee also voted to move the Secret Service to the Department of Justice rather than to the new department, arguing that "crime prevention and law enforcement are central to the mission of the Secret Service." The committee recommended keeping the services portion of the INS under the Justice Department, while moving its enforcement function to the new department, while acknowledging that this could cause coordination problems. The Judiciary Committee added a deputy inspector general for civil rights and a privacy officer to enforce compliance with privacy laws.

The Transportation Committee agreed with Judiciary that FEMA should remain independent, and said that the Coast Guard should remain under the Department of Transportation. Committee Chairman Don Young (R-Ak.) said that the legislation "states that the primary mission is to prevent and respond to terrorist attacks. It is very likely that all other important missions of the Coast Guard and FEMA will become secondary to the effort to combat terrorism." The Transportation Committee amendment requires that the Coast Guard "continue to devote an adequate amount of resources to core Coast Guard missions." The amendment also closes what Young saw as a loophole. The Bush proposal includes broad authority to transfer funds among the agencies to be shifted to Homeland Security. Young feared, and the committee agreed, that this might be used to bypass the Congress.

The Appropriations Committee worried that the legislation proposes "unprecedented authority to help finance operations of the new department, many of which are contrary to existing law and practices." Committee Chairman Bill Young (R-Fla.) complained that the transfer provisions in the bill are "overly broad" and "if enacted, they would substantially erode Congress's constitutional stewardship of the taxpayer's dollars." Also causing concern is the Congressional Budget Office's projection that the reorganization would cost \$3 billion over and above operations of the agencies between 2003 and 2007.

A split within the House GOP caucus emerged on July 11, when the House Government Reform and Oversight Committee voted to keep FEMA, the Coast Guard, the INS, and the Secret Service in the new department. Committee Chairman Dan Burton (R-Ind.) said, "The decision to retain all four of these entities is critical to the core mission and overall success of this new department. . . . Winning the war against terrorism depends largely on the inclusion of these essential units as part of the streamlined approach to protect America's borders." Another area of controversy involves visas. Bush's plan leaves that function within the State Department, but gives the new department policy control over visa issuance. Three committees tried but failed to remove that function entirely to the new department, but as one of the supporters of that move is International Relations Committee Chairman Henry Hyde (R-Ill.), that battle may not be over.