

COBURN AMENDMENT 294

Ensuring appropriate and necessary congressional oversight and reauthorization of the “Improving America's Security by Implementing Unfinished Recommendations of the 9/11 Commission Act of 2007” (S.4) by inserting a sunset date of 5 years (December 31, 2012) so that every dollar authorized for homeland security goes to the most critical threats, and the nation’s most critical vulnerabilities.

The Problem

Congress not thoroughly vetted or deliberated the drafting and consideration of a bill on a topic that is critical to this nation’s security. As drafted, the bill’s implementation authorities *never* expire.

Although provisions of this bill concern many Republicans, Democrats, and relevant interest groups, that is not the cause for this amendment. A sunset is far more likely to lead to reauthorization and reform than to repeal.

Homeland security priorities and status are likely to be vastly different in five years. If Congress does its job well, many of the areas of preparedness, such as interoperability and regularity of tests and simulations will be covered by 2012. Without a sunset that forces reauthorization, Congress will not be required – or have the incentive – to revisit homeland security and perform active oversight, thereby allowing funding to flow five and ten years from now the exact same way it flows today to all the same priorities and programs with no thought for the changing needs of tomorrow.

Good government is what the American people expect and deserve. The sunset amendment is simple – good government at work – it will cause Congress to do its job of oversight, review, and analysis.

What the sunset amendment does

Coburn 294 would cause the activities in the “Improving America's Security by Implementing Unfinished Recommendations of the 9/11 Commission Act of 2007” (S.4) to cease effect in five years, by December 31, 2012. The language is similar to the PATRIOT Act sunset section.

Why support this amendment

Reason #1: Sunsets are just commonsense policy – they provide a method of reviewing and strengthening legislation and help to keep Homeland security solutions relevant and effective in adjusting to new threats.

Reason #2: Congress has gone through this debate before with the PATRIOT Act.

- One of the more contentious “sunset” debates that took place here in Congress was the debate over the PATRIOT Act, which passed Congress with overwhelming support following the devastating terrorist attacks of 9/11.
- Just as it was good policy to sunset the PATRIOT Act, it is good policy to sunset every other major bill Congress passes that creates new government powers or programs so that Congress can come back and review the unknowns and have another look with the benefit of experience.
- Comments made by Senator Joe Lieberman on the PATRIOT Act in 2003, and Senate Majority Leader, Senator Harry Reid, in 2005:

“The best thing we did with the PATRIOT Act was to sunset it, was to say ...that it needs to be reauthorized or it'll go out of existence. And we're going to look back and see what happened with the PATRIOT Act.” –*Senator Joe Lieberman, November 4, 2003,*

“But we are currently considering renewal of those provisions that were considered so expansive and so vulnerable to abuse that Congress wisely decided to subject them to four-year sunsets. The authors of the Act wanted Congress to reassess these authorities in a more deliberative manner with the benefit of experience. Now, more than four years later, we are presented with an opportunity to get it right.” –*Senator Harry Reid, December 16, 2005, Statement of Senator Harry Reid on Reauthorization of the USA PATRIOT Act*

Reason #3: Sunsets make good policy sense – the nation’s homeland security picture is constantly changing – Congress isn’t smart enough to know today what the needs and priorities will be five years from now.

- Homeland security solutions must stay relevant and effective to address new and changing threats. As expected, this will cause budget priorities change, as they should. New ideas should be encouraged and timely reviews of previously passed legislation should be mandatory to assure continued efficacy.

Reason #4: Sunsets make fiscal sense – there is a tremendous financial burden in fighting the war on terror; this is a financial burden that will become unsustainable if Congress simply continues to “throw money at the problem.”

- America is in a time of national crisis with the federal government’s high rate of domestic spending – the Congressional Budget Office (CBO) estimates an FY2007 deficit of \$357 billion.
- According to the Congressional Research Service, the federal outlay for Homeland Security increased to \$69 billion last year – up from approximately \$39 billion in 2005. This represents a jump from 15th to 8th place in the ranking of largest government spending increased in agencies (Department of Defense moved from fourth place to third at \$499 billion in 2006).
- There is no CBO score on S.4: The House version of this bill has been scored by the Congressional Budget Office at \$21 billion dollars to implement over the next 5 years – and CBO does not yet have an estimate of how much the Senate version or the combined version of this bill might cost.

Reason #5: Political considerations should not enter into the discussion – the 9/11 Commission Report explicitly stated that Congress should not use grant programs as a “pork barrel” resource.

- “[Homeland security assistance] should supplement state and local resources based on the risks or vulnerabilities that merit additional support. Congress should not use this money as a pork barrel . . . This issue is too important for politics as usual to prevail.” –Page 396 of the 9/11 Commission Report

Reason #6: Congressional prerogative of oversight and review – given that Congress has held minimal hearings and deliberations on this bill prior to markup and floor debate, a sunset allows the Congress the ability to do oversight after the fact and get another bite at the apple in 5 years.